TOWNSHIP OF NUTLEY, NEW JERSEY

BOARD OF COMMISSIONERS

ORIGINAL

PUBLIC MEETING

TRANSCRIPT OF

PROCEEDINGS:

August 5, 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. NJ1913676

Transcribed by: Nicole Yawn
PROCEEDINGS

(Due to poor audio quality, there are indiscernibles.)

MADAM CLERK: Mr. Mayor, are we ready?

MAYOR PETRACCO: We're ready.

MADAM CLERK: Tuesday, August 5th, 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: Here.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Here.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPPELLI: Here.

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: Here.

How is everybody this evening?

UNIDENTIFIED SPEAKER: Very good, Mayor.

MAYOR PETRACCO: I guess no one takes vacations
any more, huh? We're all here.

UNIDENTIFIED SPEAKER: Staycation.

MAYOR PETRACCO: We're all hard workers.

MADAM CLERK: Mayor, before you start, the meeting agenda for executive session 2011 -- I listed it as August. One of the meetings and it's listed as August 6th, 2011. It's actually August 16th, 2011, and that's the minutes that you just reviewed.

MAYOR PETRACCO: Okay.

MADAM CLERK: For August 16th, 2011. And also, Mayor, you have a liquor license transfer under your resolution. The actual date is August 6th. That'll be the effective date (indiscernible).

MAYOR PETRACCO: So I have to correct that?

MADAM CLERK: Right. I just corrected it on your resolution.

MAYOR PETRACCO: Oh, fine.

MADAM CLERK: I just (indiscernible).

MAYOR PETRACCO: That's fine. We're all entitled to make a mistake now and then.

MADAM CLERK: Thank you, Mayor.

MAYOR PETRACCO: And you make so very few. Was it 2011 you made your last one?

MADAM CLERK: Yeah.

MAYOR PETRACCO: Okay. I guess we'll go around
the -- I guess we will start off with ordinance public
hearings.

Commissioner Evans?

COMMISSIONER EVANS: Well, I've got a couple of
things tonight. I do have a public hearing regarding the
tax collector fees where we're increasing those fees. We
haven't increased them in a while, and some of these are
where we get multiple requests for copies of deeds and
information. And so, after we notice for the town, we
basically give the mortgage companies and other
(indiscernible) businesses --

MAYOR PETRACCO: Uh-huh.

COMMISSIONER EVANS: -- two attempts. And then,
after that, they charge them. So we're going to do the same
thing. (Indiscernible) consistent with the (indiscernible).
So I have that tonight.

I've got another one here tonight, but it
completely escapes me (indiscernible).

MAYOR PETRACCO: All right.

COMMISSIONER EVANS: So you want to do it?

UNIDENTIFIED SPEAKER: It happens sometimes.

COMMISSIONER EVANS: Yeah. I'm on vacation.

Let's do (indiscernible). Hold on a second.

Oh, this is actually an important one. It's a
change in our zone that actually addresses a couple of
things. It's regarding outdoor skating and so, being able to put up the canopy and outdoor skating without windows and doors.

It's got air conditioning and heating-type structures. It'll allow for that, which is the modification of a chapter seven of the zoning code as well as it changes the border limitations for swimming pools and use of filters from eight feet to four feet.

MAYOR PETRACCO: So it actually shrinks it, the requirement?

COMMISSIONER EVANS: It shrinks it. Yeah, it's actually more beneficial for our people, especially since everything I've seen is that that equipment has become much quieter over the years. There was a noise element associated with that (indiscernible).

MAYOR PETRACCO: Okay.

COMMISSIONER EVANS: I'm sorry. I have (indiscernible).

UNIDENTIFIED SPEAKER: That's 3293, right?

COMMISSIONER EVANS: That's 3293.

UNIDENTIFIED SPEAKER: Okay.

COMMISSIONER EVANS: I also have -- we actually -- I've got final changes tonight regarding the bond ordinance introduction. I'd like a continuance of this meeting for pose of allowing bond counsel to prepare the
ordinance so that, later this week, we can introduce this and do a telephone introduction for that, but as a continuance to this meeting just so we can get this thing started. It's a little bit late, and we need to establish this.

MAYOR PETRACCO: Okay.

COMMISSIONER EVANS: So I have that request for that.

The other is just we did have a public hearing on ordinance 3290 that's not on the agenda for tonight. That was originally a grant monies received from the state, which was going to allow us to purchase emergency generators. The state did a review and notified us that we actually were granted that money in error and we're actually not eligible for it. So that ordinance was pulled, and it's (indiscernible) introduction (indiscernible) because we don't have the grant money.

MAYOR PETRACCO: And that was that money that we thought we were getting on a grant for --

UNIDENTIFIED SPEAKER: It was a 500,000 plus that they gave us that --

COMMISSIONER EVANS: That's right.

UNIDENTIFIED SPEAKER: I think the mayor --

UNIDENTIFIED SPEAKER: So --

COMMISSIONER EVANS: (Indiscernible) the
(indiscernible) grant program (sic). It mitigated our
(indiscernible).

UNIDENTIFIED SPEAKER: That was for generators
here, across the street.

MAYOR PETRACCO: So, I mean, has anyone -- if not,
I'll do it. But has anybody followed up on --

UNIDENTIFIED SPEAKER: Yes, (indiscernible).

UNIDENTIFIED SPEAKER: I also had a conversation
with Sue Scamone (ph) about this.

UNIDENTIFIED SPEAKER: Good.

UNIDENTIFIED SPEAKER: So we found out that we
weren't getting it because we had already spent $28,000 in
preparation. So we had to be paying an electrical engineer
to get everything in order so we could go (indiscernible)
and actually purchase the generators. They could go in. So
she was following up, and apparently, we weren't the only
ones that there was like scoring (sic) error on.

COMMISSIONER EVANS: Okay. Now, we have a
supplemental program which is for lifeline (sic) life safety
energy resilience program, which says -- and under that,
we're eligible for $75,000. So --

UNIDENTIFIED SPEAKER: It was unclear whether or
not they were automatically giving us the $75,000 or we were
eligible.

COMMISSIONER EVANS: I think we're eligible.
Yeah, I read the word eligible.

UNIDENTIFIED SPEAKER: Yeah.

UNIDENTIFIED SPEAKER: Yeah, I saw eligible --

COMMISSIONER EVANS: And then, --

UNIDENTIFIED SPEAKER: But I read it a couple of times, and it was a little misleading.

COMMISSIONER EVANS: And it says --

UNIDENTIFIED SPEAKER: In the paper, it was a little misleading.

UNIDENTIFIED SPEAKER: Yeah.

COMMISSIONER EVANS: Right, it said Nutley meets the minimum requirements and is eligible to receive. So they've got it. There's we've got to -- there's an application somewhere. So it's not automatic. But --

UNIDENTIFIED SPEAKER: All right. I'll follow-up with Sue on that.

MAYOR PETRACCO: I tell you I just think that's really an important issue, because those generators, as we found out during Sandy and these hurricanes that have been rolling through -- and now, tonight, we have another one off the coast. So they're just missing us, and I think it's something that we really should --

UNIDENTIFIED SPEAKER: Well, we have started the ball (sic) to actually --

MAYOR PETRACCO: I know we have.
UNIDENTIFIED SPEAKER: -- purchase them, and then, the grant became available, and it was like this is great.

MAYOR PETRACCO: Right.

UNIDENTIFIED SPEAKER: But it was like now you see it, now you don't.

MAYOR PETRACCO: Welcome to government.

UNIDENTIFIED SPEAKER: You have to deal with it.

COMMISSIONER EVANS: Yeah. So --

MAYOR PETRACCO: Okay.

COMMISSIONER EVANS: So, with that, I also gave you a presentation deck (sic) tonight, which is the one that says Nutley and then a gray (sic) one that I wanted to highlight for you. And what's contained in this data is something I think all departments should be involved with, but it's revisiting our website and stepping back to look at what we can do to upgrade our website.

And, in this deck, it goes through some of the realities of where we are today. And, when we built it, it was really a good program, state-of-the-art about eight years ago. It's not as much state-of-the-art today. It's cumbersome to use.

We don't have a lot of citizen interaction with it. And so, Monmouth University did a study, which is the third slide in, to sort of rank where the municipalities were. And so, out of the 566 municipalities, Nutley ranked
323, and the top 10 were Middletown, Franklin Lakes, West Windsor, Clifton Township and so on down the line. And the criteria was how relevant was the content, is it easy to use, and do the citizens actually use it.

And so, we didn't do too, too bad on content and ease of use. Not ideal. But, in the area of citizen interaction, it was like 5 percent versus the number 1 town with 21 percent. So there is -- in this deck, you walk through how we want to set that up in terms of having a system that is easy to navigate.

Today all we think about is one click, and one click and you should get there. We should identify our user group to get clarity. So businesses, residents, new business. The town has a virtual welcoming center on this site. So we did a lot of work to walk through there.

So I wanted to make sure you all saw this tonight. At the end of the day, something that is very compelling is gov-i is no longer in this business, and --

UNIDENTIFIED SPEAKER: That's compelling.

COMMISSIONER EVANS: Right? Right? That's a starting point.

Two, there is a provider out there, elowgov (ph) who does municipal websites and has done some great work. Today it costs about $24,000 a year for our website. The cost to upgrade our website, first year costs, is about...
$21,000. And then, carrying costs going forward is $1,500. So there's roughly a $22,000 savings on an annual basis, and we actually get, you know, a system that is more upgraded.

So we have a lot on the agenda tonight, and I would actually do more to present this, but I wanted you to understand it. My ask is for you guys to look at it. What I'd like is a representative from each of your departments to be part of the discussion on this, just what you're thinking and then, you know, evaluate elowgov and have them -- they have a process that takes 12 weeks to go through. It includes citizen interaction, departmental interaction about how to really --

MAYOR PETRACCO: What makes that possible, compared to what we have now to what this will bring? Why would more citizens come to the website?

COMMISSIONER EVANS: Well, that's a good question, and we would ask them to answer that question as they go through this. So there's a slide in the back. It says proposed approach.

MAYOR PETRACCO: Uh-huh.

COMMISSIONER EVANS: It basically goes through a week-by-week view of what they would do over a 12-week period, but it includes departmental feedback, citizen feedback, even small business feedback. And the idea is to ask those questions and find out how do we make this more
useable.

But what we've seen in other towns, from what we saw, is one click, the idea of just hitting one button and you get the information you need, right, is really, really important. So, you know, one click and you're -- you know, you click on recreation, and you get everything on recreation.

If you want to know about garbage, you click on -- as a resident, you (indiscernible) resident.

MAYOR PETRACCO: So it's not link-driven?

COMMISSIONER EVANS: It's not link-driven. It's all one click, immediate access. And the underlying architecture of the technology is very different today that allows that. We're not going to (indiscernible) technology architecture is much more user-friendly today. So we just have the ability to leverage that.

MAYOR PETRACCO: Okay.

UNIDENTIFIED SPEAKER: I just have a couple questions. Igov is not in business anymore. Was our contract up or --

COMMISSIONER EVANS: Yeah, this year.

UNIDENTIFIED SPEAKER: Okay.

COMMISSIONER EVANS: What they're doing is they're not adding to the -- they're just maintaining it because we need (sic) it.
UNIDENTIFIED SPEAKER: Okay.

COMMISSIONER EVANS: And they have other towns that are the same thing. When we first started this, we said hey, we want to redesign our web page, we want to upgrade it. They were basically telling me what products they had available to use. They weren't (indiscernible) municipalities and actually design websites. So we can brand this. We brand it to Nutley. And also, so when you think about people who are on the Internet every day. They're going to get a brand new look at what Nutley is.

Right?

If you're thinking about moving here, you have a welcoming center. If you're new here, there's a welcoming center. It still has the idea of -- and it's not necessarily -- by one click, it doesn't mean click on this department and you get this information. So, if you're a resident, this is the information you need as a resident. So the department is neutral, right, to it.

So, if you're a business, this is the information you need. So I get a lot of, you know, from business owners that say I have to come down to the code office to ask this question. It takes me away from my business. But, if we had a site that said here's businesses and here's code stuff and it was right there -- if you're a landlord, here's your landlord site. You just clicked, and it's all you need.
about (indiscernible) That would make things a lot more
easier (indiscernible) 

All you have to do is step back and do this. And
what's most compelling about all those benefits is, by
redesigning it, it's cheaper. So we get all of that at a
much reduced cost, and that's compelling.

So take a hard look at it, and I'm happy to answer
questions to follow-up.

UNIDENTIFIED SPEAKER: Do you want a
representative from each department?

COMMISSIONER EVANS: Yeah, to be part of the
community (sic) to do that. And it's the town
(indiscernible)

UNIDENTIFIED SPEAKER: Is gov-i getting out of the
business?

COMMISSIONER EVANS: Yeah.

UNIDENTIFIED SPEAKER: So they're just shutting
that business down? Because that was sold already.

COMMISSIONER EVANS: Yeah, that was sold to a
company in Chicago.

UNIDENTIFIED SPEAKER: Right.

COMMISSIONER EVANS: And they're just maintaining
it, but the company that bought it, really bought it, was
for the C-3 (ph) emergency response.

UNIDENTIFIED SPEAKER: Right.
COMMISSIONER EVANS: As a product (sic). The other things that they were doing they weren't interested in.

UNIDENTIFIED SPEAKER: Right.

COMMISSIONER EVANS: So, for the -- they said we have no new customers, but the existing customer we'll maintain and keep those for a while. But they're now moving away from that. And, before they -- by the end of next year, it would be a crisis (sic) for them, because they (indiscernible).

UNIDENTIFIED SPEAKER: Right.

COMMISSIONER EVANS: We're just going to get (indiscernible), and I think it's great.

MAYOR PETRACCO: Just before we move on -- and I know we should read our agenda first, but, while it's fresh on my mind, just a little -- for everyone's information.

Nick Oriema (ph) came to see me. He's a fireman. He lives in Nutley. He went before, I believe it was, the zoning board for approval. He wanted to change a one-family home into a two-family home. His son, who served in the armed forces and him and all that stuff -- I think it was somewhere around Milton Avenue.

Joe, is it Milton Avenue?

COMMISSIONER SCARPELLI: Yeah.

MAYOR PETRACCO: So he got denied, and he was very
disappointed that there is no preliminary meeting where you
don't have to go spend the money on the plans, you know,
hire an attorney, all that stuff if it's going to be, you
know, where you could go bounce it off someone or go to, you
know, a pre-meeting where you could say hey, this is what
I'm looking to do, you know, before I go spend all my money,
you know, what kind of chance do I have? And, you know, I
didn't have the answer for him.

You know, I would say that, you know, if I was
going to do something in town, I would go run it by the code
officials, see, you know, what their insight was.

UNIDENTIFIED SPEAKER: We do that all the time.

MAYOR PETRACCO: There was two-family homes in
that area. So I guess he was disappointed. He didn't want
to come to the meeting. You know? He doesn't want to be,
you know, confrontational. But he said that, you know, it
will discouraging a lot of the homeowners from doing
something on their house, you know, when there's got to be
an investment made before you get an answer.

COMMISSIONER EVANS: Yeah, so I'll follow-up with
this, but frequently, people sit down with their plans and
ideas with Pat and Nate (sic) to go over what they're
planning and what they're trying to do. And many times they
help them, you know, figure the plan.

The variable as to whether or not the board is
going to actually approve it or not, but they go through
that help process. For larger applications with more
complex, they do actually have sit-down technical review
meetings. Right? And that with the experts that come in,
that applicant, and they do that review prior to going
before the board or even before the final letter is issued.
So we can expand that.

Generally, those meetings are at the cost of the
applicant. So, you know, obviously (indiscernible) -- if
they brought somebody to -- I mean, like a planner or an
architect or someone to that meeting, that would be
(indiscernible).

MAYOR PETRACCO: Well, I think that was his point.
Before he went to get the planner, the architect, all that
stuff, --

COMMISSIONER EVANS: Yeah. Normally, they do that
every time.

MAYOR PETRACCO: Yeah.

COMMISSIONER EVANS: So I will follow-up on what
happened.

MAYOR PETRACCO: Or maybe there's a way we can
post that somewhere. This way, you know -- I mean, I don't
know how to do it, Tom, but --

UNIDENTIFIED SPEAKER: I think everybody that's
going for a variance should realize that they're actually
COMMISSIONER EVANS: An exception.

UNIDENTIFIED SPEAKER: -- an exception to what the law. I mean, you know, that's the -- and to -- I think it's hard for anyone to tell how the zoning board's going to react. I think part of this (indiscernible) because I also had this conversation -- was that, when he went before the zoning (indiscernible) it was (indiscernible).

MAYOR PETRACCO: Very good (sic).

UNIDENTIFIED SPEAKER: He said. So I don't know, you know, what I did wrong or what was objectionable, you know, in my request for a variance. He said, but if there was a way that I could have had some kind of discussion, he said, I was hoping to change it. He said, and the house that he purchased, from what I understand -- I haven't seen it -- needs considerable repairs for this to definitely be an improvement.

COMMISSIONER EVANS: Yeah. But that's at the board of adjustment or the planning board stage. That's where that interaction would be. So I think it would be good to follow-up with Diana.

MAYOR PETRACCO: I'm going to do that tomorrow.

UNIDENTIFIED SPEAKER: Maybe there's a notice that we have to give out when people are going for a variance.

MAYOR PETRACCO: Well, --
UNIDENTIFIED SPEAKER: That, you know, before you actually go for the variance, maybe you should have a discussion with Pat and Dave and whoever else, someone in the code (sic) office so they can get a feel for, you know, what the zoning board of adjustments is going to be looking at and what they normally agree to and what they (indiscernible).

COMMISSIONER EVANS: Before, they had to get a letter from (indiscernible) office saying you're denied, you need to go for a --

UNIDENTIFIED SPEAKER: You're denied.

COMMISSIONER EVANS: You have to show them something.

UNIDENTIFIED SPEAKER: Right.

COMMISSIONER EVANS: And they go through that.

MAYOR PETRACCO: The letter of denial?

COMMISSIONER EVANS: Right. So they go through that discussion as a matter of course simply because you have to get a letter of denial. So, at some point, that discussion something happened there, and I don't know what that conversation was.

UNIDENTIFIED SPEAKER: Yeah, yeah, we --

COMMISSIONER EVANS: That's normal. That goes on every day.

MAYOR PETRACCO: I actually told him to give you a
COMMISSIONER EVANS: Yeah, I'd be happy.

MAYOR PETRACCO: Yeah.

COMMISSIONER EVANS: If you have his number, I'll call him myself. I'll be happy to call.


Okay. Why don't we get through our agenda then?

With that being said, we are on Commissioner Scarpelli.

You have an ordinance hearing?

COMMISSIONER SCARPELLI: Yeah, as a public hearing to appropriate $237,000 for grant money from Department of Transportation for Park Avenue section two, which is from Washington Avenue to Union Avenue.

You want me to go through my resolutions, too, Mayor?

MAYOR PETRACCO: Sure.

COMMISSIONER SCARPELLI: And then, I have two more resolutions, which are kind of related to that. They're amendments to resolutions that we passed previous. We had section one. (Indiscernible) section two, and that was just the way we broke it down when we went to plan the projects.

So we're doing section two first. So I think that was the confusion that we put section one in our original resolution was, in actuality, section two, if that makes any sense.

MAYOR PETRACCO: Thank you.
Okay. We'll move on to Commissioner Tucci for your resolution.

COMMISSIONER SCARPELLI: Oh, one more thing, Mayor. Sorry about that.

MAYOR PETRACCO: Go ahead.

COMMISSIONER SCARPELLI: I passed out an email that we received from Mr. Kozyra from the planning board and it was just something that was brought to our attention in March, and I'm going to put together some visuals for us of Franklin Avenue so we can see what the current densities are so we can look at that over the next month or so and come to some conclusion on if we want to make any changes to the density for residential in the B3, B3A zone, which is Franklin Avenue. So it's --

MAYOR PETRACCO: So what are they looking to do?

COMMISSIONER SCARPELLI: Well, they suggested 32 units per acre. I don't know if that's the right number.

MAYOR PETRACCO: What are we at now?

COMMISSIONER SCARPELLI: We're at nothing. There is no -- this actually came out of a joint meeting between the planning board and the zoning board. There is no density, and it's merely (sic) controlled by bulk (sic) usage, the parking setbacks and the like. And they were looking for some guidance on that because there are no real density units. And, like I said, I think we --
UNIDENTIFIED SPEAKER: Can we kind of factor (sic) into the density based upon the other factors?

COMMISSIONER SCARPELLI: Correct.

MAYOR PETRACCO: Well, --

COMMISSIONER SCARPELLI: And I think a lot of it is parking, and I don't think anyone envisioned that we were going to lift buildings and park underneath them when the ordinances were written. So I think that's part of it. That's my opinion.

COMMISSIONER EVANS: Do we know other towns (indiscernible)?

COMMISSIONER SCARPELLI: There are other towns that the planning board looked at, and the numbers vary. The numbers vary. So we can look at that also. I think we should look at all that information before we make a decision. But I think it's something we have to study and look at and have, you know, direction from our code office. I think we need to have direction from the planner, and I think we also need direction from, you know, maybe a couple of developers to know what's economically feasible. Because we don't want to discourage -- especially (indiscernible). We don't want to discourage investing. So I think we have to come up with the right number. But, if they're looking for guidance, we should try to give them guidance.
UNIDENTIFIED SPEAKER: Yeah, I'd be interested to know what the rationale was to how they got to that 32. I'm sure there is one, because I know they're a very thoughtful board. I'm very familiar with what they do, but I'd like to know what that process was.

COMMISSIONER SCARPELLI: We could even have Mr. McGovern come in and talk about that also. That'd be great.

MAYOR PETRACCO: I think that's a good idea.

Okay. Commissioner Tucci, will you read your resolutions?

COMMISSIONER TUCCI: Yes, I have a resolution authorizing a bid advertisement for the removal of the asphalt rink on Park Avenue (indiscernible) repurpose of the rink with artificial turf (indiscernible) between the hockey program and other programs we have. And my second resolution was for the purchase of video equipment for the broadcasting of commission meetings. (Indiscernible)

At some point, maybe we'll get to the public portion, Mayor. I also have an update that I'd like to give folks (indiscernible) started of the problem, has, in fact, returned (indiscernible)

MAYOR PETRACCO: Okay.

COMMISSIONER TUCCI: This time we have, hopefully, a solution. We contacted the bird doctor. We
(indiscernible), and I want to get into some of the details so we can -- it sounds funny, but we have to --

UNIDENTIFIED SPEAKER: The birds.

COMMISSIONER TUCCI: The birds -- they are an absolute nuisance, and those people have got to (indiscernible).

MAYOR PETRACCO: I was reading something online about a geese problem somewhere in New Jersey, and they actually -- the township actually -- I don't know. Did you read it? And they actually euthanized them. You know?

COMMISSIONER TUCCI: That's one of the alternatives. We're not quite here. If this method works (indiscernible), they also have a similar application with the same material that will deter the geese from nesting and roosting in the park, and we're willing to appropriate that money in 2014. Both parks were both (indiscernible), and --

UNIDENTIFIED SPEAKER: The geese doctor?

UNIDENTIFIED SPEAKER: It's the same doctor. I guess the bird doctor covers it all, too. It's a wide net they cast.

COMMISSIONER EVANS: It's like (indiscernible) I think I still have a picture from many years ago of Nutley Police standing underneath a tree with shotguns.

MAYOR PETRACCO: By De Muro Park.

COMMISSIONER EVANS: Yeah. Well, he wasn't
actually (indiscernible)\textsuperscript{a} And they were ready.

UNIDENTIFIED SPEAKER: We're not quite there.

MAYOR PETRACCO: Commissioner Evans, would you care to read your resolution?

UNIDENTIFIED SPEAKER: Oh, man.

COMMISSIONER EVANS: I have --

UNIDENTIFIED SPEAKER: Do you have the friends of animals with you tonight?

COMMISSIONER EVANS: Yeah.

UNIDENTIFIED SPEAKER: Yeah.

COMMISSIONER EVANS: I have several resolutions. One is a long resolution that the bond counsel has asked us to do. We had to put it on the record. And actually, it's part of the SEC program. When we have bonds outstanding, the buyers of your bonds need to go through certain procedures that they have to file for compliance purposes.

So, in assisting the SEC to carry out that responsibility for the bondholders, municipalities basically have to engage in a review of that at the cost of $1,000. I have to put the resolution in the books authorizing the review, and then, I have the resolution, which actually is hiring a professional service provider at $1,000 to do the review. So it's not a big thing, other than that the words in the resolution suggest that (indiscernible) is.

We continue to do our grass cutting in town where
we need to for property maintenance, and I have a change
order regarding Brancato Landscaping to adjust the grass-
cutting attempt (sic)\text{e}\n
\text{Four (sic) is unnecessary.}\n
I do have a resolution for authorizing the
contract for Hatch Mott MacDonald regarding the Roche matter
and the tort claim notice (indiscernible) tonight as well as
two simple refunds for overpayment of property taxes.

\text{MAYOR PETRACCO: Okay.}\n
I have an appointment of a Nutley Volunteer Fire
Department. I have authorizing inclusion, and that's the
County Urban County Community Development Program for the
year 2015/2017, which I know Kathy wants to speak on. I
have an authorizing a raffle license, authorized person-to-
person, place-to-place liquor transfer, and authorize the
zoning board of adjustment escrows refund to 216 Bloomfield
Avenue for $1,000.

At this time, Kathy, do you want to tell us what
you're doing?

\text{MSR REMPUSHESKI: Mayor and commissioners, I just}
\text{wanted to give you an update on CDBG. I know that in}
\text{December we prioritized our grant applications. And, as a}
\text{result of those grant applications for 2014, we are going to}
\text{receive $160,908 to resurface Hancock's Avenue from Morris}
\text{Place to Union. So it's going to be pretty long.}
We're also going to receive $16,000 to do a candy cop-accessible walkway in parks and rec. So that should be -- the mayor just signed the contracts for that tonight. So we should be able to go out to bid some time in, I would say, September on that.

On top of that, by Nutley being the great town that we are, we are the number one town in Essex County for CDBG. There was some reprogramming money that was out there. So I jumped on it. And only Nutley and Belleville got some. The rest went to Newark and East Orange.

But I got another $194,000 to do a shovel-ready project, which was Conover, which we applied for in our 2014 application. So the engineering was done. So, if you read it in today's paper, you'll see that they advertised for it. So it should come together at the same time so it could go out to bid at once and then ultimately, save a little bit of money.

And, in regard to the resolution that the mayor will read tonight, it's just a basic housekeeping issue. We do it every three years. And it says that Nutley wants to be part of the CDBG program. And, if we don't want to be part of it, we have to let them know.

And, if we choose not to be part of it, we can't apply for these grants. So we've been doing this since 1970. Every three years we read this resolution.
UNIDENTIFIED SPEAKER: (Indiscernible) over that blocks?

MS. REMPUSHESKI: Yes.

UNIDENTIFIED SPEAKER: Some of the blocks have changed.

MS. REMPUSHESKI: And, from 2010, they kept telling us that the census blocks are going to change. And they kept saying Nutley may lose all our eligibility. And, for the past four years, we were basing all of our applications on the old census block.

Well, the new one just came out, and we really didn't do too bad. We can still do -- because of the senior building -- it's all based on low income. So the senior building still gets us part of this area right around here by town hall. We lost the area to the left, and we've already paved all those roads, Wheeland (ph) and Calico (ph) and down in Edgar and Maple and down in that area.

But we've now picked up from River Road and up to -- from the Nutley/Belleville border to Park Avenue from River Road to Washington. So what we lost we already did. So we gained a little bit more.

UNIDENTIFIED SPEAKER: What makes us lose on that (sic)? What's eligible?

MS. REMPUSHESKI: It's income eligibility.

UNIDENTIFIED SPEAKER: It's the median income?
MS. REMPUSHERSKI: No, Nutley is a rich town, basically. So the homes that -- the communities that their census -- every ten years when they do the census, it's based on income. So, the lower the income, the more eligibility we have. So what they do is they pick the blocks.

So our senior building's over here because you have to have a certain income to get into them, which is considered low income. It gives us a little bit of power around here.

UNIDENTIFIED SPEAKER: Some of the census blocks all depends on, you know, what else is included, right? Because this area overall includes the apartments and Chestnut Street, also includes --

UNIDENTIFIED SPEAKER: Excuse me. We'd like to know when the meeting is going to start. The letter said 7:00, and it's almost 8:00.

MAYOR PETRACCO: Well, that --

UNIDENTIFIED SPEAKER: Ma'am, that's the public hearing.

MAYOR PETRACCO: Yeah, we'll be out in a few minutes.

UNIDENTIFIED SPEAKER: That's what you said before. Just a reminder it's a quarter to 8:00.

MAYOR PETRACCO: Thank you.
UNIDENTIFIED SPEAKER: Included in there are a
closure (sic) of Calico Lane (indiscernible).
UNIDENTIFIED SPEAKER: (Indiscernible.)
MS. REMPUSHESKI: Right. (Indiscernible.)
UNIDENTIFIED SPEAKER: Kathy, do you have the
issue of the map showing us where the eligible areas are?
MS. REMPUSHESKI: Yes, I'll forward that out on
Thursday. I just received it.
UNIDENTIFIED SPEAKER: Where is that border, you
know? I know in the past that there was a park there and we
were able to include --
UNIDENTIFIED SPEAKER: Sam?
MAYOR PETRACCO: What?
Sam?
UNIDENTIFIED SPEAKER: (Indiscernible?)
MS. REMPUSHESKI: If it's public, you still can.
UNIDENTIFIED SPEAKER: Right.
MS. REMPUSHESKI: Anything that you want to do to
the parks that's an ABA include a --
UNIDENTIFIED SPEAKER: Well, not just ABA. I'm
talking area-wide (indiscernible).
MS. REMPUSHESKI: The area-wide --
UNIDENTIFIED SPEAKER: I'm looking to expand the
eligibility a little bit.
MS. REMPUSHESKI: They have no measurement button.
I mean, it would have to be in a specific low-income area.

UNIDENTIFIED SPEAKER: I know. That's my question.

MS. REMPUSHESKI: Yeah. We --

UNIDENTIFIED SPEAKER: Let's say, like, by the senior citizens, you know. We take in this area here. If it's adjacent to a park, can we extend the area to include the park, even though there are no houses or people in the park? But the park serves that population and those eligible census tracks (sic).

MS. REMPUSHESKI: What would you want to do to it?

That's the --

UNIDENTIFIED SPEAKER: Well, I don't know. It depends.

MS. REMPUSHESKI: Yeah.

UNIDENTIFIED SPEAKER: I have a lot to do in a lot of parks.

MS. REMPUSHESKI: Okay.

UNIDENTIFIED SPEAKER: But I need to know, you know, which ones are eligible, which ones --

COMMISSIONER EVANS: It's really an interesting idea.

UNIDENTIFIED SPEAKER: Well, we did it before --

COMMISSIONER EVANS: Yeah.

UNIDENTIFIED SPEAKER: -- in the past. And, in
another life, I was the director of that program. So --

MS. REMPUSHESKI: Well, I'll certainly ask.

UNIDENTIFIED SPEAKER: -- I know there's been a

lot of changes since I was there.

MS. REMPUSHESKI: Yeah.

UNIDENTIFIED SPEAKER: But --

COMMISSIONER EVANS: Interesting.

MS. REMPUSHESKI: What they're really doing now is

anything -- any public building that we want to do work on

we can do anything that's ABA that hasn't been done before.

UNIDENTIFIED SPEAKER: Right.

MR. REMPUSHESKI: So, if you already have an ABA

bathroom, you can't redo it. If you had one that's not ABA,

you can upgrade it. Same with elevators and such.

UNIDENTIFIED SPEAKER: Uh-huh.

MS. REMPUSHESKI: And all the public parks -- if

you needed ABA bathrooms, we could apply for that.

UNIDENTIFIED SPEAKER: Well, if the public parks

serves and is contiguous with an eligible area, it serves

that area.

MS. REMPUSHESKI: Right.

UNIDENTIFIED SPEAKER: So they should expand that

so we could even make improvements (indiscernible)â

MS. REMPUSHESKI: I'll ask. Sure, absolutely.

UNIDENTIFIED SPEAKER: That's why I'd like to see
where the eligible areas are.

MS. REMPUSHESKI: Yeah.

UNIDENTIFIED SPEAKER: We'll talk about it.

MS. REMPUSHESKI: And, if I can get it, I will.

UNIDENTIFIED SPEAKER: I believe you.

MS. REMPUSHESKI: You can bet on that.

UNIDENTIFIED SPEAKER: She does a great job advocating for us.

MAYOR PETRACCO: Okay. I think that is everything now.

Could we do this executive session after this? Is that --

MADAM CLERK: Uh-huh, yeah, because the --

MAYOR PETRACCO: What is our advertising -- you know what? And I want to clarify that, too, Evelyn. What is our public meeting? It starts at 7:00? So we --

MADAM CLERK: 7:00 p.m.

MAYOR PETRACCO: Okay. And then, I mean, because what could we do not to bring people here to wait for us to have to hit the floor? I mean, is there something that we could --

MADAM CLERK: If you're going to meet here, you've got to notice the time.

MAYOR PETRACCO: Right.

MADAM CLERK: You cannot not have (indiscernible).
UNIDENTIFIED SPEAKER: This is a public meeting also.

MADAM CLERK: Public meeting, yeah.

UNIDENTIFIED SPEAKER: Right.

MADAM CLERK: They could be here present in this room.

MAYOR PETRACCO: Okay. Okay.

UNIDENTIFIED SPEAKER: And the conference meeting starts at 7:00, and the regular meeting starts thereafter.

UNIDENTIFIED SPEAKER: Well, I just have one issue. If we're going to approve some executive session minutes, I had a couple of questions that I don't know I need an answer to. So do we want to hold that until after the executive session and then vote on that piece?

MADAM CLERK: Yeah.

UNIDENTIFIED SPEAKER: Can we do that? Let's do that. Okay?

MADAM CLERK: Uh-huh.

UNIDENTIFIED SPEAKER: Just go back (indiscernible). Right?

MADAM CLERK: Uh-huh, yeah.

UNIDENTIFIED SPEAKER: All right. So we're not going to do the minutes until after the --

MADAM CLERK: Right, I'll leave that at the end.

UNIDENTIFIED SPEAKER: -- full session. Okay.
MADAM CLERK: Until the executive and then go back out.

MAYOR PETRACCO: Okay.

MADAM CLERK: Mayor, just give me --

MAYOR PETRACCO: Alan, I'd rather --

MADAM CLERK: Could we do it after?

UNIDENTIFIED SPEAKER: After we vote? Because I

(Recess)

(Reconvened from recess)

MAYOR PETRACCO: Okay.

(Pause)

UNIDENTIFIED SPEAKER: You're welcome to stand for the flag salute.

(Pledge of Allegiance)

UNIDENTIFIED SPEAKER: Thank you.

(Pause)

MAYOR PETRACCO: Madam Clerk?

MADAM CLERK: Yes, Mayor. Tuesday, August 5th, 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: Here.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Here.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Here.

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: Here.

MADAM CLERK: All present, Mayor.

MAYOR PETRACCO: Thank you.

Okay. Tonight we have a public hearing,

Madam Clerk?

MADAM CLERK: Yes, Mayor, we have a public hearing scheduled this evening concerning a person-to-person and place-to-place liquor license transfer for Cowan's Craft Limited Liability Company trading as Cowan's at the location of 227-229 Centre Street, Nutley, New Jersey, liquor license number 0716-33-024-005.

Mayor, I need a motion to open the public hearing.

UNIDENTIFIED SPEAKER: Move it.

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.

Is there anyone this evening that would like to comment on our public hearing of this liquor license transfer?

Please, you could come up. Please state your name and address for the record. Thank you.

MS. QUATTROPANI: Marie Quattropani, 22 Ideal Court.

Good evening, Mayor and commissioners. We the residents of Ideal Court would like some of our concerns put to rest. Our street over the years has been used as a public parking lot for shoppers, bar patrons, and public transportation commuters. We are unable to park our own cars on the street because of the overflow of non-residents parking their cars.

Sometimes cars are even left parked overnight or for days at a time. People already speed up and down our
street using it as a quick turnaround street, making it very unsafe for the residents and for the children playing outside.

   We would like to know if this bar is going to stay the same as it is, or is it going to include a restaurant that will require its patrons to use our street as a parking lot. Our street is a quiet one, and we would like to keep it that way. It should be kept clear for the residents and for patrons who are only parking for a short time as they run in somewhere. It should not be used for non-residents who park their cars there for hours at a time.

   We would appreciate that you would take our feelings and comments into consideration. Our street is a quiet one. We have a problem. We've had a problem with the gym, and I was up here before addressing that when it was here.

   There's noise. They swear. The parking is horrible, that you can't park your cars, but there's garbage put there. There's noise at 2:00 in the morning, 1:00 in the morning, and it shouldn't be. We are a residential street.

   You want to park on Centre Street. That's commercial. Fine. We don't have any objection to that. But hearing the noise at all hours and not being able to, you know, park or do what we want. And, you know, we can't
the garbage or the street cleaner. You can't get up.
You can't get down.

Snow plowing -- we know that was an issue, because
people are parked there and that don't belong on the street,
because we pull our cars in when we have to. And that's
what I would like to address for us. Okay?

MAYOR PETRACCO: Thank you.

MS. QUATTROPANI: Thank you.

MAYOR PETRACCO: Thank you.

Is there anyone else this evening?

Hi. Just please state your name and address.

MS. VOGT: Good evening. My name's Christine
Vogt, and I live at 6 Ideal Court. My home is directly
behind the establishment.

The past two years have been very difficult. I
suffer from M.S., which is my own personal problem, but most
people require a certain amount of sleep in order to
maintain proper health. It's been difficult because of the
noise level from the Nutley Pub on a regular basis.

It's not just weekend noise level. It's been
sometimes Wednesday, sometimes Thursday, sometimes Friday.
They have karaoke night. They have bands. It's been
phenomenal. It's not been regular. We can't tell what
nights it's going to be.

There have been evenings when my china in my front
china closet has been rattling. There have been evenings when we can't hear our own stereo system in our home over the noise from the back.

I understand that establishments need to have entertainment, and I understand that old buildings are not built to accommodate the modern sound of today. But I do also understand that buildings could be retrofitted for these entertainments.

I have been told that the new establishment is to be a different type of venue. However, it seems to me that craft beer in a restaurant would be well-served to have music and entertainment. That's fine.

I would just like to bring this to the attention that maybe there could be some acoustical construction or that the township could be made aware that these things don't need to go on 'til 2:30, 3:00 in the morning and that the type of clientele that this establishment could be going after could be monitored and that they be aware of what type of clientele is coming into the neighborhood. But what do you want to bring into Nutley. Thank you.

MAYOR PETRACCO: Thank you.

Is there anyone else this evening that would like to comment?

COMMISSIONER TUCCI: Mayor, could I ask a question?
MAYOR PETRACCO: Sure.

COMMISSIONER TUCCI: I guess I'll direct this to our town attorney.

Mr. Genitempo, can we condition an approval based upon silencing installation or silencing baffles being installed in an establishment?

MR. GENITEMPO: I don't know. This is not like a planning board board of adjustment where you can condition an approval. This is really nothing related to that. There's no experts (indiscernible) chance for them to produce experts. So I don't think that that's an appropriate condition.

Now, there are -- you can ask the applicant questions about how they may intend to deal with that. That may affect how you vote on the transfer, but I don't know that we can make it --

COMMISSIONER TUCCI: Well, let me ask you this then.

My last question, Mayor. I don't want to prolong this.

If we were to defer action on this pending an answer and refer this back, all right, to the zoning board or the planning board, whatever the appropriate board is, all right, to see if they have that authority to do that, --

MR. GENITEMPO: Yeah, but they don't have the
authority to hear this application. This is before the board because it's --

UNIDENTIFIED SPEAKER: Oh, no, no, no, I know they don't have the authority to hear the application. But, if we don't move the application, if we were to defer it, all right, and ask the question of the appropriate board, we could then come back and take the action that we feel is right based upon what that answer is.

MR. GENITEMPO: Yeah, but I don't think you can ask the zoning board for an advisory opinion on how to make something soundproof or how to approve this liquor license transfer. This is solely within the jurisdiction of the commissioners.

UNIDENTIFIED SPEAKER: Well, I'm not asking them how to do it. I'm asking them whether or not it can be conditioned. That's my question. And I don't know what the answer is. That's why I'm asking you.

MR. GENITEMPO: I don't have the answer to that. I don't think the board of adjustment or planning board can in any way give us the conditions. So I think we can -- you can explore whatever you'd like to explore with the applicant here and see what they intend to do, if anything and then vote based on that.

But I don't see how we can involve the planning board and the board of adjustment. Really, it would be like
an advisory opinion from them, because there's nothing before them. This application is not before them.

UNIDENTIFIED SPEAKER: Right. But, based upon the comments that we were hearing at this public hearing, I mean, would that predicate us asking that question and give us any basis to ask that question?

MR. GENITEMPO: I don't think so. I don't think the planning board or zoning board should have any say in this matter. You can make -- you can defer, if you'd like, to get answers from the applicant perhaps, but I don't believe there's any reason to defer it to talk to the zoning board or planning board.

They don't have any special knowledge. They rely on expert opinion when they deal with those things at their hearings. I know you know that, Commissioner. I'm not suggesting you don't.

So, unless there's expert opinion that you want to gather from someone, but I don't think it would be the board. That's my point. I don't think they would have special --

UNIDENTIFIED SPEAKER: Well, in order to raise the question, doesn't it have to be part of the record, the established record before whichever board it went before?

MR. GENITEMPO: No, it's here. It doesn't go before anything else.
MR. GENITEMPO: It's a liquor license transfer.

No, no.

MR. GENITEMPO: There's been no applications to the boards, no.

UNIDENTIFIED SPEAKER: All right.

MR. GENITEMPO: I'm sorry.

MR. EVANS: Simply at the step of transferring a license. How they use the license (indiscernible) whatever the premises are -- that, I think, starts with the code office and what are the conditions of the code office. And, if that requires then a variance or some other (indiscernible) approval, then the other boards get involved. I'm thinking about it --

MR. GENITEMPO: Right. They're not asking for a change of hours of use or any change of use of the property, which would then invoke perhaps the zoning board --

UNIDENTIFIED SPEAKER: Right.

MR. GENITEMPO: -- to rule on it. And then, you might have conditions like sound and things of that nature.

UNIDENTIFIED SPEAKER: Right. But, if we needed advice, could we, in fact, refer it to the code office or wherever the appropriate office is to gather that information? Because I don't think -- I mean, in all the
years that I'm sitting here -- and I've been sitting here since 2000, and I know you shortly thereafter -- I don't think we've ever had a situation presented to us close to what this one is.

MR. GENITEMPO: Well, I think we should hear the entirety of the commentary, including the applicant to see where (indiscernible)

UNIDENTIFIED SPEAKER: I totally agree with that. But, based upon what I'm hearing, it was just something that popped into my mind, and I was curious as to whether or not we could ask those questions and get that advice. Because obviously, we're not expert in this field.

MAYOR PETRACCO: Well, the only thing I'd like to add to the conversation, too, Commissioner and Counsel, is that -- and one of the questions I have for these people are if there -- has there been noise complaints filed with the Nutley Police Department and what kind of enforcement -- do you want to come back up and comment on that?

Just please state your name again.

MS. VOGT: My name's Christine Vogt, 6 Ideal Court. In mid-May of 2012, it started sometime in 2012. I think there was a change of ownership sometime. I don't know when. I was not feeling well. I was having exacerbations with my M.S., and I was not being nice to my husband, and I was not getting sleep, and he was not getting
sleep. It was tense.

Then finally, I convinced him to call the police. He did not call 911. He called another police number. And he did not want to make a complaint to the police because, being right behind, we didn't want retribution from the people at the pub. We just wanted to alert the township that this was an issue.

He asked the policeman, whoever answered the phone, to just drive by and meet him out front to make note of what we were experiencing. And the police said yes, that would be no problem. This was at about 1:00, 1:30. You can ask him. In the morning.

He went outside and waited for the officer. After 2:00, 2:30 in the morning, the officer had not shown up. Well, I called the number, and I asked if the officer was going to show up.

I cannot remember the exact wording, but the fellow who answered the phone pretty much told me that the Nutley Police were to be used for real emergencies and that they were well-aware of the Nutley Pub and that the matter had been addressed and it had been taken care of. In the meantime, I was lying in bed wide awake listening to the caterwauling and the yelling and the music, and the matter had not been taken care of.

MAYOR PETRACCO: So was that the only time you
called, in May?

MS. VOGT: Yes, he told me if I wanted to make a complaint, I could come down during the weekday in the daytime and make a complaint. My neighbors -- I was furious. I talked to my neighbors on the street the next day, and they said oh, don't bother. Nothing's going to happen. I knew --

MAYOR PETRACCO: Well, you know, let me just interrupt you for one second. First of all, I'm the director of public safety. So, if there was ever a police officer that went to your home and said that we're here for real emergencies and take an approach that we're bothering you, please just call my office, and just take -- you know, just get that badge number, and I'll take care of that.

Because I have to tell you, as a whole, our Nutley Police Department -- we really pride ourselves on doing a good job and going out there for the residents. If there's something that we have to do to go to a bar and ask them to calm down that night, we will.

And another thing, don't ever feel that you can't make a complaint because of retribution. Because, as long as I'm sitting up here, nobody's going to come attack you, or there is not going to be any kind of retribution.

You have a home on that street, and you're entitled to peace and quiet, too. Granted, there's a bar
that abuts your property, but we all need to get along, and we need to be conscious of our neighbors as well.

MS. VOGT: Well, please understand. I was not doing well, health-wise. I ended up on a steroid treatment.

MAYOR PETRACCO: I understand.

MS. VOGT: And that was the first time in my whole M.S. experience that I ended up -- I mean, I was having issues with other stuff. Part of that problem was bottles in the yard and cigarette butts. And I always keep worrying that, with mulch in the back, we were going to have a fire anyway. I'm neurotic. But I don't want to make an issue.

The reason I'm here tonight is that there is a change in ownership. The cow is out of the barn. This has been a pub for many, many years, and there's not been a problem.

It's going to be a pub for many, many years. I do not want the problem to continue, and I'm just bringing up that there has been a problem, and I'm hoping that we can move forward and resolve some issues so that we can move forward without any future problems.

MAYOR PETRACCO: I can appreciate that.

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

Hi. How are you?

MS. GILL: I'm Angela Gill (ph) 10 Ideal Court.
I'm right next to Chris.

MAYOR PETRACCO: Just speak into the mike, please.

MS. GILL: All right. I'm right next to Chris, and well, we have the same complaints. You know, the loud music. I know now they're changing over to new ownership. We really hope that it's not going to be the same. Okay? Because before, it was not good at all. And, as far as the police officers, what she's saying -- it is true.

I do not have a badge number, but even myself -- my children and my husband had a birthday party for me. And anyway, the cops were called, and I had to send home everybody at 10:30, even my nephew that was playing music. And now, we call them, and at the bar, you know, they say they're aware of it, and, like she said, they say to save the calls for a real emergency. But, when you can't sleep at night, okay, and you hear the throbbing and, you know, you're tossing and turning, you want to have it resolved.

And parking on the street is true. It's a mess. And also, sometimes -- I did not call. But, you know, once in a blue moon, there's even, you know, illegal stuff being done in front of the houses. I've asked a few of the people to move their cars and leave.

But we just want to make sure that our street stays the way it is, safe, quiet. And we respect whoever's going to have the business and that they respect us. That's
what we want as homeowners and taxpayers.

MAYOR PETRACCO: Thank you.

MR. VOGT: My name is Christopher Vogt. I live at 6 Ideal Court. I first want to identify -- I think I can identify myself as an interested party, and I can get records of what the disposition of what is discussed here. Is that a --

MAYOR PETRACCO: Sure.

MR. VOGT: I'd like to identify myself as an interested party, and any records, the disposition of how you deal with each of these objections that were raised I'd like to be formally -- have that formally sent to me. And I'd be happy to come up and find out what else I have to do for that to happen.

I want to laser focus in on the real issue here. There's a precedence for a lot of sound coming out of this establishment. I don't want to try and tell the new owners how to manage the sound or whether they make it or not. I just want to make sure that it's contained in a reasonable fashion.

I'm okay with them having things go on to the ordinances that are already written. I'm asking that the ordinance that currently exists, as I understand it, is that, after 10:00, a certain amount, level of disturbance that's somewhat subjective -- and I'm suggesting we could
put some teeth to that and identify the amount of decibels of sound or some way to do that -- but at least we could have an officer come out and listen to the situation and make a subjective judgment to say you know what? This is disturbing, and that would take care of that.

There's a precedence for that not being followed through, and I am asking that that be a focus from now on. I've met the owners, the new owners, and I think -- I really believe that they'll work to not have a disturbance. But, if there is a disturbance raised, I would like someone to come out, objectively identify if there was a problem, and then follow through with the ordinances that already exist.

Thank you.

MAYOR PETRACCO: Thank you.

Is there anyone else this evening that would like to comment?

Do we hear from the applicant?

UNIDENTIFIED SPEAKER: Yeah.

MR. WILLIAMS: Good evening. Robert C. Williams (ph), appearing on behalf of Cowan's Craft Limited Liability Company. If there are no other objections, I would like to respond to the comments that were made, also introduce you to my clients.

MAYOR PETRACCO: Please.

MR. WILLIAMS: So is it accurate there are no
other comments from the public?

First of all, I share their concerns. My clients share their concerns. We've done a little research. We've actually had the landlord go over onto Ideal Street and see if he could obtain some of the information prior to coming here tonight regarding why there were objections filed.

The general tone of the objection seems to be that the residents adjacent to the property experienced excessive noise. It's our understanding that a lot of that came from karaoke nights that were held at the establishment over the last few years. I want this board to know, I want our neighbors to know we are not going to have karaoke nights.

This is a very positive change for this establishment. We are asking the municipality to allow us to expand into what was formerly a pizzeria, which is the 227 address.

We are going to upgrade the food that will be available in the facility. This will be more of a restaurant. The Nutley Pub side will stay the same, but we're going to add some tables. We're going to have a kitchen and a dining room in the side which was formerly the pizzeria.

I actually brought a proposed menu with me tonight, if you'd like to see it. But we want to have good neighbors. We want these people to come in and feel
comfortable coming to the establishment. We're not going to have D.J.'s. We're not going to have live bands. We will have some piped in music. But certainly, we will comply with all the noise regulations of both the town and the state.

If anybody has a noise complaint, we would like them to call us so that we can be informed that the -- for some reason, the noise is permeating through. But we don't anticipate that, because we don't anticipate having that kind of clientele that would want that type of music played while they're dining.

One of the other complaints was that, late in the evening, the current operation would take their garbage out and dump it late at night in the back yard and then cause bottles to crash. We are not going to do that. All our garbage will be contained in the basement, recycled according to state law and municipal law, and placed out in the front. So you won't hear that noise.

So a lot of the things that people are concerned with I think we can address. We want to address for making a substantial investment in your community. We anticipate having significant upgrades to the facility itself.

As stated, there has been a pub there for over 60, maybe 70 years. We hope this one will be one that attracts the people that live behind us as a complement to the
neighborhood. Obviously, we are subject to Nutley's regulations. And, if we violate them, we can be sanctioned. But we don't anticipate any problem along that line.

I'd like to introduce my two members of Cowan's Craft.

Tom and Dean, will you stand up?

This is Tom and Dean Markolis. They're both 50 percent owners of Cowan's Craft. They have experience in craft beer. We hope to bring somewhat of a unique establishment to this community.

And I don't know how much further you'd like me to go into the operation itself, but I do have menus, if you'd like to see them. We're going to have Colby burgers. We're going to have various specials weekly. And we think this will be a significant upgrade to the existing and traditional Nutley Pub operation.

And we'll answer any questions that you feel are deemed appropriate.

COMMISSIONER ROGERS: I have a couple of questions. What's going through my mind is this. I was on the police department here for 38 years and dealt with a lot of issues that we're talking about tonight. How do you control human behavior? All right?

You've got people coming into an establishment. They're getting drunk. They're leaving. They're throwing
bottles in people's yards. They're urinating on the 
sidewalk. They're parking all over the place.

I'm concerned about how are you going to control
that, and I think the answer is you can't. I don't think
you really could.

Now, I like Commissioner Tucci's idea about
deferring this, and we probably can't. But my question is
will the owners take sole responsibility of any disruption
of the quality of life in that neighborhood if, in fact,
property is damaged as a result of people being intoxicated.

If there's any liabilities that the residents are
going to incur, will they take sole responsibility? Because
what you're telling me is good. I like the idea that you're
taking some measures to curb this. But you can't control
human behavior. So how are we going to conquer that? How
are we going to solve that problem?

MR. WILLIAMS: Well, first of all, under the New
Jersey Administrative Code, a licensee in any community, not
just Nutley, is responsible not to allow people to
overindulge. You cannot serve intoxicated patrons on your
premises. You are responsible for the acts of your patrons
upon leaving the establishment, to a certain degree.

Obviously, if they drive three towns over and
urinate on somebody's lawn, we couldn't control that, but we
will have people at the door that will make sure that nobody
leaves with bottles. I mean, that's just unacceptable management if you have people leaving your restaurant of this quality with bottles in their pocket.

I represent several hundred licensees throughout the state, restaurants all over New Jersey. That is not a problem in a quality operation, and we think this will be that. So I don't see any issue with people taking bottles out.

We will have adequate bathroom facilities. Obviously, we're intending to appeal to an older crowd. We don't think this will be the 18, 21, 25 crowd because of the pricing and so forth.

But, you know, there is an exceptional problem associated with men when they leave. If they have to relieve themselves, they do. I've heard complaints about that. But they should do so with discretion if they have a bladder problem. But we're going to have facilities at the restaurant that should accommodate everyone. So, you know, I don't see that as a real problem.

COMMISSIONER ROGERS: All right. So, if residents wake up in the morning, they see bottles in their yard or they see some sort of violation of their quality of life, are you sharing with me tonight that they could come to you or your clients?

MR. WILLIAMS: We'll pick them up.
COMMISSIONER ROGERS: You'll take care of it?

MR. WILLIAMS: If you can show that we sold that beer -- now, here is the problem, because I deal with this in various municipalities. Kids 21, 22 go out and they buy 2 6-packs of beer, drink it in their car, and throw it on somebody's lawn. The next day, they call me and say it came from the Nutley Pub. Well, a lot of times it's very easy. We don't even sell that type of beer.

But sometimes, there is a commonality in the beer itself. But generally, why would you take a beer out of your pocket into somebody's -- and throw it on somebody's front lawn? You're paying 5 or $6 for the beer to drink it in the restaurant. If you want to drink it outside the restaurant, take it, go to a liquor store, and pay a dollar (sic) fine.

COMMISSIONER ROGERS: Look, that happens. Look, that happens all the time.

MR. WILLIAMS: It happens.

COMMISSIONER ROGERS: People walk out of bars. They start throwing garbage all over the place.

MR. WILLIAMS: We don't consider ourselves a bar. We qualify under the New Jersey Code as a restaurant.

COMMISSIONER ROGERS: Okay. Fine. But my question to you is this. Okay?

MR. WILLIAMS: Yes, we'll pick it up.
COMMISSIONER ROGERS: We can get -- if we could get an assurance from your owners -- and I think it's good. You know, we want to promote businesses.

MR. WILLIAMS: Oh, yeah.

COMMISSIONER ROGERS: What you're saying is you're going to run a nice operation. Okay? If we could get -- if I could, not we -- because I don't know what I'm going to do with this right now. If the residents in that area can get an assurance from your owners that they will do the best they could to ensure that their quality of life is not going to be negatively impacted by any of the things they said tonight, I would be happy with that. I don't know if they're going to be happy with that. I want to hear from them. But I would be happy for that.

MR. WILLIAMS: I can only tell you that, if somebody experiences what you're saying, somebody's throwing bottles on their front lawn, they should contact us so we can go over and pick it up. And especially if it's something that we've sold.

MAYOR PETRACCO: Well, are you guys going to sell craft -- I'm over here. Are you going to sell craft beer? Is that your main business? So are you guys going to do any thing with bottles? I mean, because crafts are --

MR. WILLIAMS: Identify yourself.

MR. MARKOLIS: Tom Markolis, one of the owners.
With the craft beer, we're mostly focusing on draft beer, to answer the question. There may be some bottles, but it would be more of a large bottle format, similar to wine where somebody would share it at a table.

So something like grabbing it in your pocket and bringing it outside would be, you know, hard to, you know, hide, especially if you have wait staff there as well noticing well, there was this bottle on the table, and we only carry a few bottles, if that. You know, I don't see bottles leaving the property to be an issue, but again, if it is, we'll take care of it, absolutely.

MAYOR PETRACCO: Can you just give us -- is it okay if they speak to us?

Can you just tell us about what you want to do there, what you're looking to attain?

MR. MARKOLIS: Yes, certainly. If you'd like, we could pass around some sample menus as well.

Basically, what we're trying to do is turn this into a restaurant, more of a family style establishment. Just a little background on ourselves.

Both of our parents are from Nutley. They graduated Nutley High. We have family that still live in town. Our grandmother's right around the corner. Our potential landlord is a good friend of our father's that lives above the establishment. So we have a lot of history
with this town.

We grew up. We played in the parks over here. So we want a good reputation. You know, we don't want to tarnish our family's name. We want to make the town happy. We want to make the town a better place. This is our second home. So that's first off.

With the restaurant itself, currently there's no food, which I think is a big hindrance, that, you know, dealing with liquor and all that. Bringing the food in, a lot of tables, changing the ambiance would really go a long way, I think, to changing the clientele and removing some of these problems, particularly with the noise complaints that the residents currently have. We're not looking to do any sort of karaoke nights, none of these dart leagues, no loud music.

MAYOR PETRACCO: No D.J.s?

MR. MARKOLIS: No D.J.s. We might have ATV. That would be more for a special event. Our concept is more of an escape. So we're creating this art deco kind of property.

MAYOR PETRACCO: You're more of a dining experience than --

MR. MARKOLIS: Absolutely, yes, that's what we're aiming for. We're trying to create a situation where you can step inside of the restaurant and kind of escape and be
transported to a different time and enjoy yourself and then, you know, be on your way. But we really don't want to disturb the peace.

Like I said, our landlord will be living above us. We have family right down the street. We have a history with this town. So we really -- it's the last thing we want to do is upset the neighbors.

COMMISSIONER SCARPELLI: Mayor?

MAYOR PETRACCO: Yes, Commissioner?

COMMISSIONER SCARPELLI: You're Tom, right?

MR. MARKOLIS: Yes.

COMMISSIONER SCARPELLI: Listen. You look like two fine young men. You come from a fine family. Do yourselves a favor. Set up a meeting with the neighbors. Address all their complaints, and make yourself good neighbors.

I mean, you want to succeed here. You've got a big investment, I'm sure, in this business. You know, do yourselves a favor. Make friends with the neighbors. Take care of their complaints. All right?

COMMISSIONER ROGERS: It looks like, you know, based on how I'm reading this, you are putting a lot of work into this. I think Commissioner Scarpelli's right. That'd be a good idea. I'm impressed by what I'm reading here. So I think that's a good idea. Okay?
COMMISSIONER EVANS: Mayor?

COMMISSIONER ROGERS: I wish you the best.

MAYOR PETRACCO: Commissioner?

COMMISSIONER EVANS: I just have a few things.

One is, from what I can see from the plan you're drawing up and the redesign of that building, you know, one, it'd be a welcome change. Right? I think you're willing to invest in the area and change the dynamic. So, on that aspect of it, I wish you a lot of luck with that and welcome your business to the township.

I think some of the issues that were raised is that the owners of the establishment were inconsiderate of their neighbors. And, in Nutley, there are things that are just sort of common.

And, being born and raised here and gone to our schools, you know that the nature of our business district is it runs right up against our residential district. So having something and having a bounds where you can recognize that there's a business opportunity that makes sense for your business because it also makes sense for the residents that are around you.

And you have an opportunity to treat your business as a change there as something that will change the community environment, right, and actually cultivate a different clientele. Obviously, the nature of your changes
here will require construction permits. It'll go through
the code office. I'm not sure whether or not you've
submitted plans, whether or not a variance is required at
this point in time or not, right, to go through that.

I encourage you, as Commissioner Scarpelli said,
is to set up a time and meet with your new neighbors. Share
the new plans. Right? The overarching concern that they
have as well, aside from noise, is the volume of parking,
right, that will occur on their streets. So, if you are
successful, it's only going to increase the volume of cars
in the area.

So figuring out a way and how you want to address
that in a way that's fair to the residential community and
saying maybe there's the vacant gas station that's down the
block that has parking space, maybe making an arrangement
with -- just on the other side of this street as a way where
you could lease space to park cars. That would be
advantageous. So I encourage you to consider those options.

MAYOR PETRACCO: Commissioner Tucci?

COMMISSIONER TUCCI: Yeah, just one last question,
because noise did come up. Would you be willing, as part of
your renovation of the building, to take some measures to
soundproof it much better than what it already is? I think
that would allay the fears of a lot of your neighbors.

I mean, you talk about it. If folks are, you
know, throwing anything around on lawns, that you'll be more than willing to pick them up. The way I'm hearing this is you would characterize this business as a restaurant with a bar, not a bar with a dining area. All right? And I think the neighbors would welcome something like that.

But, if there are measures that you could take to make the building a bit more soundproof -- because I know it's an older building, all right, to allay some of those fears and have a conversation and maybe ongoing conversation with the neighbors. I think that would be a step in a positive direction. All right?

I don't want you folks to get the idea that Nutley and this board of commissioners are anti-business, because we're not. Many of us have our own businesses, and we know what a lot of the challenges are. All right? But we also know that we have to peacefully coexist with our neighbors. And we need to be good neighbors to each other.

So, if you would be willing to take some of those steps and convey what those steps could be to the neighbors, I think that would go a long way. And, at least from my perspective, it would allay some of the fears that I have on behalf of the people that live on Ideal Court.

MR. WILLIAMS: I can just tell you that we will address every noise complaint. We don't think there's going to be a complaint, because we're not going to play the music
the way the other people did. So, if we have a low volume,
there's no need to upgrade this facility.

If, for some reason, we're incorrect, we will
certainly address it. But we don't think that's going to be
a problem.

You don't have a noise problem here because
there's very little noise coming out of here. We're going
to have soft background music being played, you know, for
the benefit of our patrons. But there would be no different
type of soundproofing tiles or so forth that would have to
be put in for this type of operation.

If we're wrong and the people complain that
they're hearing this noise, we will certainly address it. We
don't want them running down here and complaining to you or
the police department.

COMMISSIONER EVANS: Just to expand on that, just
one real quick thing.

Given the amount of renovations you're proposing
to make, you're going to be opening up quite a few of the
walls to make those renovations, or no?

MR. WILLIAMS: No, no, it's more cosmetic.

COMMISSIONER EVANS: More cosmetic? So part of
this and I think the issue is is that building probably is
what? At least 80 years old?

MR. WILLIAMS: At least.
COMMISSIONER EVANS: At least. So I'm not sure they had invented insulation back then. All right? So that's why I think the concern is is that the structure itself, given its age, isn't necessarily a containment vehicle for sound.

MR. WILLIAMS: We will address it. I just want to let you know that we have already met with your building department, shown them the potential plans. We met with your zoning department. There's no other variances required. The only thing we have to do is get our permits for demolition and upgrade. So --

COMMISSIONER EVANS: Appreciate that.

MR. WILLIAMS: But, you know, I just want to make this clear. We share their concerns. We want them to be happy, because they can be our patrons.

COMMISSIONER EVANS: Uh-huh.

MR. WILLIAMS: So we have a common goal here.

MAYOR PETRACCO: I agree. And, you know, the only thing I'd like to add to the conversation -- I'm going to give you your turn in one second -- is that, you know, we do own businesses up here. I've owned the business in Nutley a long time, and this is what you don't want. You don't want you guys on one side of the room and them on the other. I'm in a very residential area, my business. You know, and whenever a problem comes up, I'm sure to address
it, because you know obviously, you're going to want their business. So I think that, if you do get with them, you know, and they could share some of your concerns as well.

But I just wanted to add one thing to the conversation is that -- and I want to let the people on the right also know that, if we do get complaints, I will be glad to give you guys my office telephone number. And hopefully, it doesn't come to this.

But we will be watching it, and I just want to give them a little peace of mind. And hopefully, you guys open up. It's something different than they thought, and, you know, we'll all get along. But I just wanted to give the people, you know, the insight to say that, you know, we will do our job as well.

Did you have something to add, ma'am?

MS. QUATTROPANI: (Off-mike.)

MAYOR PETRACCO: You've got to come to the mike.

MS. QUATTROPANI: All right.

MAYOR PETRACCO: I'm sorry.

MS. QUATTROPANI: Just one question.

MAYOR PETRACCO: State your name and address one more time.

MS. QUATTROPANI: The garbage -- now, --

MAYOR PETRACCO: Name and address first.

MADAM CLERK: Your name and address?
MS. QUATTROPANI: Marie Quattropani.

MAYOR PETRACCO: All right.

MS. QUATTROPANI: 22 Ideal Court. Now we have a garbage issue.

MAYOR PETRACCO: Yes.

MS. QUATTROPANI: Okay? Bad enough now I'm chasing a groundhog. I mean, we take pride in our houses, and we have that. You're going to have garbage now. Okay? Now it's going to attract groundhogs, the skunks, the this and that, the rats. We don't want that. We don't want the smell. We don't want it. So how could we --

MAYOR PETRACCO: Well, I'm sure that they'll have garbage disposals there.

I mean, are you guys planning on getting a container?

MR. WILLIAMS: The garbage will be contained in the basement and brought out twice a week. We'll have our own pest control and so forth. So she should not experience any issues that she had in the past where the people put the garbage out in the back.

MS. QUATTROPANI: We have nothing against the business.

MR. WILLIAMS: We don't want rodent problems, either. We're running a restaurant.

MAYOR PETRACCO: Okay.
Is there anyone else this evening that would like
to comment on this?

MS. LANDRY: Pennie Landry, 135 Lakeside Drive,
Nutley. You, I applaud you for being here. I mean, I
really do and for speaking out for your rights as
homeowners.

For you, as entrepreneurs, I applaud you for
wanting to come and take an eyesore, make it a cool, hip
place, which is sorely lacking in this town where younger,
older people can go and, like you said, escape. We don't
have a lot of entrepreneurial (off-mike).

To you, what I would like to say is one of the
issues that came up was cars and parking and cars being
there overnight. I have never seen a tow truck in Nutley.
Do we have the capacity to tow cars when they are parked
illegally?

MAYOR PETRACCO: Yes.

MS. LANDRY: Do we use that?

MAYOR PETRACCO: Yes.

MS. LANDRY: Okay. So would you be willing to
commit to, as you've asked them to be willing to pick up
their garbage and the bottles in the yard, to towing the
cars that are illegally parked for these people, Mayor?

MAYOR PETRACCO: Yes.

MS. LANDRY: Okay, good.
So now, you all hold him to that. Okay?

MAYOR PETRACCO: But you know what, Ms. Landry?

MS. LANDRY: Wait. And in the current (sic) issue about the sound, --

MAYOR PETRACCO: Right.

MS. LANDRY: Okay? I don't know who we could ask, but we have a lot of new building going on right now in this town, and it is next to residential. So does anyone know if the building code of our town has within it something which identifies the proper insulation or whatever that stuff is called, as it relates to commercial buildings, which are next to so much of the residential that we currently have?

Because I know we spent a lot of time changing zoning and things like that. Maybe we need to start changing for new building and for renovations, updating our building code to reflect some of these issues with sound for existing renovations and for new renovations.

So I would like -- I guess that'd be you, Mr. Evans, because you are the building department. Or who? To look and make sure that the issue of sound for new building and for renovations, as it relates to buildings next to residential, that it is updated because it probably hasn't been in 100 years. Thank you.

MAYOR PETRACCO: Thank you.

Okay. Anyone else this evening that would like to
comment on this?

Ma'am, please come forward. Please state your name and address for the record.

MS. HILL: Alice Hill. I live at 18 Ideal Court.

MAYOR PETRACCO: 18 Ideal Court for the record.

Go ahead, ma'am.

MS. HILL: I've lived on Ideal Court for 58 years. I know the tavern's been there a long time, and we didn't run into the problems we're running into today. Last Thursday night, I happened to wake up about 1:30 to noise out in front of the house with cars. There must have been about 15 cars out there, and they were yelling and hollering at each other and blowing the horn and racing up the street, turning around at the cul-de-sac, and racing down.

Now, there is no parking on Passaic Avenue from Centre Street to Florence Street on either side. Centre Street I've seen blocked off a few months ago with cones that I don't think were put there by the town so motorcycles could park there. You know what it sounds like at 1:30, 2:00 in the morning to hear beer bottles hitting the dumpster and motorcycles revving up and racing down Centre Street? That would wake anyone up.

So I'm wondering where these cars are going to park. There's a bus stop on part of Centre Street, and there's a store on the corner, and it says no parking. So
they make Ideal Court their parking lot. What can be done about it? Is there a noise ordinance in this town? I don't think so, because I hear lawn mowers starting up at 7:00 in the morning.

COMMISSIONER ROGERS: Mayor, if I might?

Yes, ma'am, there is, in fact, a noise ordinance, and it's enforced by the public affairs department, and there is a certain decibel level that folks cannot exceed. So the short answer to your question is --

MS. HILL: How about lawn mowers --

COMMISSIONER ROGERS: -- yes.

MS. HILL: -- starting at 7:00 in the morning?

COMMISSIONER ROGERS: I'm sorry?

MS. HILL: How about the lawn mowers starting up at 6:30 and 7:00 in the morning?

MAYOR PETRACCO: If that's the case, I don't know the exact time. I actually, for some reason, think it's 9:00.

COMMISSIONER ROGERS: There are times that are also in that ordinance. I haven't read it in a while, but I know there are times that people can start work and times people have to stop work and how much noise they can actually make.

MS. HILL: I thought at one time there was a noise level that couldn't start before 8:00 in the morning.
MAYOR PETRACCO: Could be possible. We'll have to check the ordinance for you.

MS. HILL: Yeah, check back.

MAYOR PETRACCO: But I just want to say to you also is that, if you have an issue, even if it's a lawn mower -- if you have a problem with noise, parking, or anything else that you have, please call the Nutley Police Department. We will come out and address it.

MS. HILL: Oh, they're going to hear it.

MAYOR PETRACCO: Oh, I will. Trust me.

MS. HILL: Okay. Oh, yeah.

MAYOR PETRACCO: As far as the parking, would you like to answer that? I mean, I think --

MR. WILLIAMS: Obviously, we would encourage that anybody who's not parking properly be ticketed and the cars towed. This is a problem that may or may not happen. You know, I can't project.

If the place has no parking issues, it may close.

If it has an abundance of parking issues, it's overly successful. I don't know how to address it.

But we'll have to play it as it goes along. We certainly will encourage anybody that comes into the restaurant to be respectful of any place that they park.

People live, we know, adjacent to the facility. There is parking in the area.
This is a business zone. It's zoned for the use that it is, and, other than people violating the law, we'll do everything we can to make sure that our patrons are compliant.

MAYOR PETRACCO: Okay.

Thank you.

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

Seeing no one, we need a motion to close.

Did you have anything else you wanted to add?

MR. WILLIAMS: I was just going to ask that you approve the resolution as submitted. It's been advertised according to the law, and it's been deemed complete by your municipal clerk. There has been absolutely no objection by any one of your departments, police, fire, health, building, zoning, recreation. Everybody seemed to be satisfied with the application.

We've addressed the concerns of our neighbors. We'd ask you -- I'd also like to comment tonight. I believe you're getting two great people, people that were born and raised in this town, that have family in town. They don't want to hear complaints. And I would ask you to approve it and, later on in the evening, adopt the resolution formally.

Thank you for your time tonight, and I thank everybody for coming out.
MAYOR PETRACCO: Thank you for coming.

COMMISSIONER TUCCI: Move that we close the public hearing.

MAYOR PETRACCO: Second.

MADAM CLERK: Okay. Motion by Commissioner Tucci, seconded by Mayor Petracco.

Commissioner Rogers?

COMMISSIONER ROGERS: Vote on this transfer?

UNIDENTIFIED SPEAKER: Closing the hearing.

MADAM CLERK: It's to close the public hearing.

COMMISSIONER ROGERS: Oh, to close the hearing.

MADAM CLERK: Was that an aye, Commissioner?

COMMISSIONER ROGERS: Yes, it was.

MADAM CLERK: Thank you.

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: Okay. The public hearing is officially closed concerning the person-to-person, place-to-place transfer for Cowan's Craft Limited Liability Company.
trading as Cowan's, liquor license number 0716-33-0246005.

MR. WILLIAMS: Oh, and on behalf of the applicant, I thank you, and I hope to see you hopefully by around October 1st at the restaurant.

MAYOR PETRACCO: Thank you so much for coming.

MR. WILLIAMS: Thank you.

MAYOR PETRACCO: Okay.

So, Madam Clerk, Evelyn, do you want to read the resolution?

MADAM CLERK: Executive -- oh, you want to take it out of order? We can (off-mike)α

(Pause)

MADAM CLERK: Mayor, will you read the transfer resolution into the record?

MAYOR PETRACCO: The transfer you'd like me to read?

MADAM CLERK: Uh-huh.

MAYOR PETRACCO: If I could find it.

UNIDENTIFIED SPEAKER: Vote on it now. I will.

MAYOR PETRACCO: I thought we were. Yeah, we're going to --

COMMISSIONER EVANS: Don't we have to vote the license to (off-mike) in the resolution?

(Pause)

MR. WILLIAMS: Would it be possible to get the --
one of the neighbors asked for the copy of the menu. Does anybody want to surrender theirs?

MAYOR PETRACCO: I didn't hear what you're saying.

(Pause)

COMMISSIONER EVANS: Colby beef burgers for 12 bucks.

(Pause)

MAYOR PETRACCO: Okay. We're going to read the resolution now to transfer the license.

WHEREAS, an application has been filed for a person-to-person and place-to-place transfer of plenary retail consumption license number 0716-33-024-005, heretofore issued to Nutley Pub Associates, LLC T/A Nutley Pub Associates for premises heretofore located at 227-229 Centre Street, 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 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 government body does hereby approve, effective
August 12th, 2014, the transfer of the aforesaid plenary
retail consumption license to Cowan's Craft Limited
Liability Company T/A Cowan's 27-229 Centre Street, Nutley,
New Jersey 07110 and does hereby direct the municipal clerk
to endorse the license certificate to the new ownership and
new location as follows. This license, subject to all its
terms and conditions, is hereby transferred to Cowan's Craft
Limited Liability Company T/A Cowan's, 227-229 Centre
Street, Nutley, New Jersey 07110, effective August 6th,
2014.

I move the resolution.

COMMISSIONER TUCCI: Second.

MADAM CLERK: Mayor, just for the record, it's
effective Wednesday, August 6th, 2014. There was a change
at the last minute. So it's August 6th, '14. And that was
moved by Mayor Petracco. That was seconded -- was that
Commissioner Tucci?

COMMISSIONER TUCCI: Correct.

MADAM CLERK: Commissioner Rogers?
COMMISSIONER ROGERS: Is it on the vote for the transfer?

MADAM CLERK: Yes, it's to vote on the transfer, Commissioner.

COMMISSIONER ROGERS: You know, I was glad to see the people come out and express their views, but I was really impressed with your presentation. I was impressed over the fact that you kind of seem like you want to go above and beyond and to be good neighbors. You had all the answers to the very serious concerns that the residents have regarding the quality of life.

I like the fact that you're Nutley people. Not that, you know, I would reach to anything that was coming in here not from Nutley, but I think it means a lot when you're people in the community who have been here, who have been raised here, have good families here. You know the community. You know it well. So I wish you the best.

I'm voting yes. I wish you the best, and I really hope you do well. And, like Commissioner Scarpelli said, meet with these fine residents as soon as you could, and I think tonight you really laid a lot to rest.

Aye.

MADAM CLERK: Thank you, Commissioner.

Commissioner Tucci?

COMMISSIONER TUCCI: Gentlemen, good luck to you.
I wish you all the best, and I will absolutely patronize your restaurant.

I vote yes.

MADAM CLERK: Thank you, Commissioner.

Commi ssioner Evans?

COMMISSIONER EVANS: I already saw something I like on the menu. I'll see you soon.

Yes.

MADAM CLERK: Commissioner, is that a yes?

COMMISSIONER EVANS: Yes.

MADAM CLERK: Thank you.

Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Dean and Tom, best of luck.

Yes.

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: Good luck, guys.

Aye.

MADAM CLERK: Thank you.

MAYOR PETRACCO: Okay. Thank you.

You guys, if you'd like to leave, we'll take a little minute so you guys could exit.

At this point, Madam Clerk, are we going into an executive session?

MADAM CLERK: (Off-mike.d)
MAYOR PETRACCO: And then, we're going to be back on the floor?

MADAM CLERK: Yes, Mayor, we're going to go into executive session.

WHEREAS, the board of commissioners of the township of Nutley in the county of Essex, state of New Jersey desire 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 commissioners shall now move into executive session to discuss -- counsel, what are we discussing in executive?

MR. GENITEMPO: Personnel and contract.

MADAM CLERK: Okay. Two items, personnel and contractual matter?

MR. GENITEMPO: Yes, ma'am.

MADAM CLERK: Thank you.

BE IT FURTHER --

MAYOR PETRACCO: Mr. Genitempo, how long do you think we'll be back there, just to give the public some notice?

MR. GENITEMPO: I'm sorry. How long?

MAYOR PETRACCO: Yeah, what would you say?

MR. GENITEMPO: 10 to 15 minutes, maximum.

MAYOR PETRACCO: Okay.

We apologize in advance.
UNIDENTIFIED SPEAKER: What about potential litigation?

MR. GENITEMPO: That may be an issue. Yeah, I'm sorry. Yeah, potential litigation.

Thank you.

MADAM CLERK: Okay. Three items, personnel, contractual matters, and potential litigation?

MR. GENITEMPO: Yes, yes. I forgot the last one.

MADAM CLERK: Okay.

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.

I need a motion, please.

COMMISSIONER SCARPELLI: Moved.

COMMISSIONER ROGERS: Second.

MADAM CLERK: Moved by Commissioner Scarpelli, seconded by Commissioner Rogers.

Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?
Commissioner Evans?

    COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Scarpelli?

    COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Mayor Petracco?

    MAYOR PETRACCO: Aye.

MADAM CLERK: We are now moving to executive session. It is now 8:50 p.m.

    (Recess)

    (Reconvened from recess)

    MAYOR PETRACCO: Madam Clerk?

    Please go back to your seat. No residents allowed up by the bench.

    They're on their way back. They told us we could start without them.

    Here is one returning.

    Evelyn, they had (off-mike). Who's going to read it?

    (Pause)

    MAYOR PETRACCO: Okay. Madam Clerk, whenever you're ready.

    MADAM CLERK: Mayor, it is now 9:47 p.m. I need a motion to officially exit executive session.

    COMMISSIONER SCARPELLI: Move it.

    COMMISSIONER EVANS: Second.
MADAM CLERK: Okay. That was Commissioner Scarpelli moved it, seconded by Commissioner Evans.

MAYOR PETRACCO: Uh-huh.

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: Okay. We are now officially in open session. It is now 9:47 p.m. We can move on to the regular business, as indicated on our agenda.

MAYOR PETRACCO: Okay. Thank you, Madam Clerk. First, I'd like to apologize, everybody, for waiting for us out here.

I guess we'll move on to minutes, Madam Clerk?

MADAM CLERK: Yes, Mayor. I just need one moment, Mayor.

MAYOR PETRACCO: Take your time. I have all night.
MADAM CLERK: Okay. Mayor, I have meeting minutes for regular meetings held June 10th and June 17th, 2014. I need a motion, please.

COMMISSIONER TUCCI: Move it.

COMMISSIONER ROGERS: Second.

MADAM CLERK: Okay. Motioned by Commissioner Tucci, seconded by Commissioner Rogers.

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: Mayor, I have executive session meeting minutes for years 2014 and 2011; 2014 for meetings held February 4th, 2014; February 18th, 2014; March 4th, 2014; March 18th, 2014; April 15th, 2014; May 6th and May 20th, 2014. Executive session for the year 2011 February 1st, April 7th, August 16th, October 4th, October 18th, December 6th, and December 20th, 2011.

COMMISSIONER TUCCI: Move it.
COMMISSIONER ROGERS: Second.

MADAM CLERK: Okay. Moved by Commissioner Tucci, seconded by Commissioner Rogers.

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 this evening for minutes, Mayor. Thank you.

MAYOR PETRACCO: Okay. Communications and correspondence?

MADAM CLERK: Yes, Mayor, I have two items of communication this evening. The first item is from the Veteran of Foreign Wars Post 493. They are requesting permission to hold their annual pull tab raffle license from July 10th, 2014 through July 10th, 2015, inclusive of all Sundays.

I need a motion, please.

COMMISSIONER TUCCI: Move it.
MAYOR PETRACCO: Second.

MADAM CLERK: Okay. Moved by Commissioner Tucci, seconded by Mayor Petracco.

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: And the last item I have this evening is from the Nutley Public Library requesting permission to submit a social affair permit for an event to be held on November 15th, 2014.

I need a motion, please.

COMMISSIONER TUCCI: Move it.

COMMISSIONER EVANS: Second.

MADAM CLERK: Okay. Motion by Commissioner Tucci, seconded by Commissioner Evans.

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 communications this evening, Mayor.

MAYOR PETRACCO: Reports?

Commissioner Tucci?

COMMISSIONER TUCCI: Yes, I have a shade tree report for April and May of this year, Mayor.

MAYOR PETRACCO: Thank you.

Okay.

UNIDENTIFIED SPEAKER: Bills.

MAYOR PETRACCO: Move on to bills. Thank you.

MADAM CLERK: Yes, Mayor. Bill list, August 5th, 2014 -- Public Affairs, $78,590.73; Revenue and Finance, $7,144,092.16; Public Safety, $503,197.30; Public Works, $170,294.56; Parks and Public Property, $698,324.79.

Payroll --

UNIDENTIFIED SPEAKER: What was that?

MADAM CLERK: -- page. Oh, my (off-mike)α

Payroll as of July 18th, 2014, $789,438.32. Payroll as of
August 1st, $836.800.10, for a grand total bill list of $10,220,827.96. And that's all for bills this evening, Mayor.

COMMISSIONER EVANS: Move the bills.

COMMISSIONER TUCCI: Second.

MADAM CLERK: Okay. Moved by Commissioner Evans, 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: Thank you, Mayor.

MAYOR PETRACCO: Okay. Okay. I see we have a public hearing.

Commissioner Evans?

COMMISSIONER EVANS: Thank you.

I have two things. Ordinance number 3290 was supposed to have a public hearing tonight. It was regarding the hazard mitigation energy grant program for generators
that we would have purchased for the town. We were notified
by the state that, upon their reevaluation of the program,
Nutley was not eligible to receive the grant. So therefore,
they rescinded the grant, and therefore, ordinance number
3290 has been pulled from the agenda for this evening.

Ordinance number 3291 -- this relates to an
ordinance to codify in the code chapter 320 entitled fees
for the tax collector's office. This is an ordinance that
actually increases the fees for duplicate redemption
certificates, duplicate tax sale certificates, tax lien
calculation requests wherein we have repeated those requests
for the benefit of businesses or residents. And therefore,
after a certain while, we will charge a fee for that
service.

MAYOR PETRACCO: Is there anyone here this evening
that would like to comment on ordinance number 3291?

Seeing no one --

UNIDENTIFIED SPEAKER: Move to close the public
hearing.

UNIDENTIFIED SPEAKER: Second.

MADAM CLERK: Commissioner Rogers?
COMMISIONER ROGERS: Aye.

MADAM CLERK: Commissioner Tucci?
COMMISIONER 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: Ordinance number 3293 amends chapter 700 of the zoning code.

MAYOR PETRACCO: Excuse me one second.

MADAM CLERK: I'm sorry.

UNIDENTIFIED SPEAKER: I'm sorry. Did I forget --

MADAM CLERK: We need to move it, Commissioner.

COMMISSIONER EVANS: I move the ordinance.

COMMISSIONER TUCCI: Second.

MADAM CLERK: Okay. Motion to move it by Commissioner Evans, 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: Thank you.

COMMISSIONER EVANS: Thank you for that.

MAYOR PETRACCO: Go ahead.

COMMISSIONER EVANS: Next ordinance is 3293, which is an amendment of chapter 700 of our zoning code. This ordinance amendment would allow swimming pool pumps, heaters, filtration systems to be at a distance of four feet from the property line versus the current eight feet. It will also amend, for outdoor cafes and sidewalks, their ability to put up a temporary structure without windows or doors, you know, for periods of time throughout the year.

MAYOR PETRACCO: Is there anyone here this evening that would like to comment on ordinance number 3293?

Seeing no one, --

UNIDENTIFIED SPEAKER: 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.

COMMISSIONER EVANS: Move the ordinance.

UNIDENTIFIED SPEAKER: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: I abstain.

MADAM CLERK: Commissioner Tucci abstained.

Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: Aye.

Okay. Thank you.

Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Yes. 3292, which is appropriating 237,000 for the reconstruction of Park Avenue section 2, which is from Washington Avenue to Union Avenue, and it's for monies received from a grant from the New Jersey Department of Transportation.

MAYOR PETRACCO: Is there anyone here this evening that would like to comment on ordinance number 3292?

Seeing no one, --

COMMISSIONER SCARPELLI: Move that we close the
public hearing.

COMMISSIONER ROGERS: Second.

MADAM CLERK: Motion to close the public hearing by Commissioner Scarpelli, seconded by Commissioner Rogers.

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.

MADAM CLERK: Motion to move by Commissioner Scarpelli, seconded by Commissioner Rogers.

COMMISSIONER ROGERS: Yes.

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.

Thank you. I'll move on with the resolutions.

Commissioner Tucci?

COMMISSIONER TUCCI: Yes. WHEREAS, the parks department has determined that the Roadway Hockey Rink on Park Avenue is under-utilized; and

WHEREAS, the repurposing of the rink would serve a greater number of Nutley residents; and

WHEREAS, it has been determined that an artificial turf rink would lead to greater utilization by Nutley United Soccer, Recreation Soccer, and potentially other uses;

NOW, THEREFORE, 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 the removal of asphalt rink and installation of artificial turf. Specifications will be available in the purchasing department, township hall, One Kennedy Drive, Nutley, New Jersey. Bids to be received on Tuesday, August 26th, 2014 in the commission chambers, third floor, township hall, Kennedy Drive at 3:00 p.m. prevailing time, at which time they will be publicly opened and read.

I move the resolution.
WHEREAS, the township of Nutley is desirous of purchasing video equipment for the purpose of broadcasting the Nutley township commission meetings held the first and third Tuesdays of each month; and

WHEREAS, the township has received two quotes for the purchase of such equipment, the lowest in the amount of $16,535 from Media Consultants, 6 Woodland Hills Drive, Sussex, New Jersey; and

WHEREAS, funds are available from capital ordinance number 3242A and has been certified by the chief financial officer and said certification is attached to this resolution;

NOW, THEREFORE, BE IT RESOLVED by the board of
commissioners of the township of Nutley in the county of
Essex, state of New Jersey as follows, that the mayor and
township clerk are hereby authorized to enter into a
contract with Media Consultants, 6 Woodland Hills Drive,
Sussex, New Jersey for the purchase of video equipment an
amount not to exceed $17,000.

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: Thank you.

Commissioner Evans?

COMMISSIONER EVANS: Thank you, Mayor.

WHEREAS, the township of Nutley in the county of
Essex, New Jersey has previously issued its bonds, bond
anticipation notes and/or other debt obligations; and
WHEREAS, in connection with the issuance of
certain bonds and for purposes of assisting underwriters to
comply with rule 15c-12 under the Securities Exchange Act of
1934, the township has covenanted and/or entered into one
more undertakings or agreements to provide continuing
disclosure to the public marketplace; and

WHEREAS, in general, the continuing disclosure
obligations requires the township to file certain financial
information and notice of certain events in specified places
and at specified times; and

WHEREAS, in connection with the sale of certain of
the bonds, the township issued one or more official
statements that, among other things, described the
township's continuing disclosure obligation and whether or
not the township had previously complied with its continuing
disclosure obligation in all material respects; and

WHEREAS, the Division of Enforcement of the U.S.
Securities and Exchange Commission announced its
municipalities continuing disclosure cooperation initiative
to address potentially materially inaccurate descriptions in
official statements of prior compliance with continuing
disclosure obligations.

And the resolution goes on, and, at the approval
of counsel, the following paragraphs are incorporated by
reference until we get to WHEREAS, in light of the
foregoing, which is on page two of the resolution, the
 township is desirous of retaining a professional firm that
specializes in continuing disclosure matters to examine the
township's continuing disclosure obligation and previous
continuing disclosure filings and to report to the township
any noncompliance with its continuing disclosure obligation;
and

WHEREAS, upon receipt of such report from the
continuing disclosure specialist, the township will review
such report with its professionals, including particularly
its bond counsel, its auditor, its general counsel and its
other financial professionals; and

WHEREAS, as a result of such review, it may be
desirable for the township to take advantage of the
initiative by submitting one or more questionnaires to the
enforcement division identifying a statement with respect to
prior compliance with its continuing disclosure obligation
that is potentially materially inaccurate; and

WHEREAS, the township is desirous of authorizing
the submission of one or more questionnaires to the
enforcement division if deemed advisable by the director of
revenue and finance or the chief financial officer after
consultation with the township professionals;

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

Authorization to retain a continuing disclosure specialist -- the township officials are each hereby authorized and directed to retain a firm that specializes in continuing disclosure matters (a) to examine the township's continuing disclosure obligation and previous continuing disclosure filings, (b) to report to the township any noncompliance with its continuing disclosure obligation and (c) to otherwise assist the township and the township professionals with respect to the initiative.

Authorization to submit questionnaire -- the township officials are each hereby authorized, after examining the report of the continuing disclosure specialist and consulting with the township professionals, to take advantage of the initiative by submitting one or more questionnaires to the enforcement division by September 10th, 2014 deadline.

Various incidental actions are hereby authorized to execute and deliver all the documents and instruments and to do all matters and things as may be necessary.

Prior action -- all actions heretofore taken by the township officials and the township professionals relating to the foregoing is hereby ratified, confirmed, adopted, and approved.

Capitalized terms -- All capitalized words and
terms used by not defined in this resolution shall have the
meaning ascribed to such words and terms, respectively, in
this resolution.

The effective date of this resolution is
immediate.

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: WHEREAS, there exists the
need for professional financial disclosure audit services;
and

WHEREAS, the maximum amount of the contract is
$1,000; and

WHEREAS, local public contract law requires that
the resolution authorizing the award of contracts for
professional services without competitive bids and the
contract itself must be available for public inspection.

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

The mayor and township clerk are hereby authorized and directed to execute an agreement with NW Financial Group, LLC, 2 Hudson Place, Hoboken for the services of professional financial audit services for a total amount not to exceed $1,000 in accordance with the proposal dated July 24th, 2014.

This contract is awarded without competitive bidding as a professional service in accordance with N.J.S.A. 40a11-5(1)(a) of the local public contracts law because the contract is for a service performed by persons authorized by law to practice a recognized profession.

Notice of this action shall be printed once in the Nutley Sun, the legal newspaper of the township of Nutley.

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: WHEREAS, the township of Nutley heretofore entered into a contract with Brancato Landscaping Contractors on September 3rd, 2013 in the amount of $10,000 for brush, grass, and weed removal; and

WHEREAS, change order number two has been authorized for the original contract amount to be increased by $7,500.

WHEREAS, the funds are available from capital ordinance 3126 and has been certified by the chief financial officer and said certification is attached to this resolution;

NOW, THEREFORE, BE IT RESOLVED by the board of commissioners in the township of Nutley, the county of Essex, the state of New Jersey, the change order two as attached is a change from the contract previously made by the township of Nutley with Brancato Landscaping for services are hereby authorized and approved.

So move.

COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.
BE IT RESOLVED by the board of commissioners of the township of Nutley in the county of Essex, state of New Jersey that the treasurer be and she is hereby authorized to refund overpayments of water charges for block 4700, lot 4 in the amount of $93.10.

So move.
COMMISSIONER EVANS: BE IT RESOLVED by the board of commissioners of the township of Nutley, county of Essex, state of New Jersey that the treasurer be and she is hereby authorized to refund overpayment of property taxes in the amount of $669.43 for said years due to successful tax court judgments for block 1500, lot 8.

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: And my resolution number 178-14 will be read by Commissioner Scarpelli. Thank you.

MAYOR PETRACCO: Thank you, Commissioner.

Commissioner Scarpelli, please?

COMMISSIONER SCARPELLI: WHEREAS, the township clerk was authorized to advertise for sealed bids for Park Avenue improvement project section two to be received and
WHEREAS, bids for the
opened on Wednesday, July 9th, 2014; and

WHEREAS, resolution 146-14 incorrectly stated the
section of the project as Park Avenue improvement project
section one;

WHEREAS, the corrected project name is Park Avenue
improvement project section two.

NOW, THEREFORE, BE IT RESOLVED by the board of
commissioners, township of Nutley, county of Essex, state of
New Jersey that resolution 146-14 be amended with the
corrected project name as Park Avenue improvement project
section 2 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 the
Park Avenue improvement project section two were received
and opened on Wednesday, July 9th, 2014 and

WHEREAS, AJM Contractors was the low bidder; and

WHEREAS, resolution 167-14 incorrectly stated the
section of the project as Park Avenue improvement project
section 1; and

WHEREAS, the corrected project name is Park Avenue
improvement project section two;

NOW, THEREFORE, BE IT RESOLVED by the board of
commissioners, township of Nutley, county of Essex, state of
New Jersey that resolution number 167-14 be amended with the
corrected project name as Park Avenue improvement project
section 2 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, the township of
Nutley has a need to acquire the services of professional engineers to assist the township with defending itself against a tort claim by Hoffman La Roche and other environmental issues, as a non-fair and open contract pursuant to provisions N.J.S.A. 19:44A20.4 or 20.5 as appropriate; and

WHEREAS, the chief financial officer has determined and certified in writing that the value of the aggregate services provided by the vendor for the year will not exceed $50,000; and

WHEREAS, Hatch Mott MacDonald, 111 Wood Avenue, South Iselin, New Jersey has submitted an acceptable proposal to provide such professional services as required to assist the township attorney in responding to the claim made by Hoffman La Roche and other environmental issues. Such services will be billed monthly based upon actual time and expenses incurred in accordance with their submitted fee schedule.

WHEREAS, Hatch Mott MacDonald services will be coordinated and managed by John Rolak, Jr., P.E., principal of the firm with 35 years experience, and Roy Redmond, LSRP-NJ with 30 years of experience.

WHEREAS, the Hatch Mott MacDonald Professional Engineering Services has completed and submitted a business entity disclosure certificate which certifies that they have
not made any reportable contributions to a political or
candidate committee in the township of Nutley in the
previous one year and that the contract will prohibit them
from making any reportable contributions through the term of
the contract; and

WHEREAS, funds are available from account number
4-01-226-299 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 authorizes the mayor to enter into a
contract in accordance with N.J.S.A. 19:44 A20.4 or 20.5
with Hatch Mott MacDonald Professional Engineering Services
for the proposal as stated above.

BE IT FURTHER RESOLVED that the business
disclosure entity certificate and the determination of value
be placed on file with the resolution.

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: I abstain with a potential conflict.

MADAM CLERK: Commissioner Evans abstained.

COMMISSIONER EVANS: Yes.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: Aye.

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

MAYOR PETRACCO: BE IT RESOLVED by the township of Nutley in the county of Essex, New Jersey that the following be appointed as a member of the Nutley Volunteer Fire Department effective August 15th, 2014: Robert A. Spagnuolo, 39 Hope Street, Nutley, New Jersey.

And 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.

Okay.

Wow, this is really small print, Kathy.

WHEREAS, certain federal funds are potentially available to the county of Essex under Title I of the Housing and Community Development Act of 1974, as amended, and HOME Investment Partnership Act of 1990, as amended; and

WHEREAS, the township of Nutley desires to participate in the Essex County urban county for conducting certain community development activities for program years 2015 through 2017; and

WHEREAS, a letter has been drafted by the mayor to the Essex County Division of Housing and Community Development notifying them of the township's desire to participate in this process; and

WHEREAS, the grantee or a unit of general local government that directly or indirectly receives CDBG funds may not sell, trade, or otherwise transfer all or any such portion of such funds to another metropolitan, city, urban county, unit of general local government, or Indian tribe, or insular area that directly or indirectly receives CDBG funds in exchange for other funds, credits, or non-federal considerations, but must use such funds for activities eligible under Title I of the Housing and Community Development Act of 1974, as amended.
WHEREAS, the current interlocal services agreement contains an automatic renewal clause to expedite the notification of the inclusion process; and

WHEREAS, by June 21st, 2014, municipalities must notify the Essex County Division of Housing and Community Development of its intent to continue as a participant in the urban county entitlement programs noted above; and

WHEREAS, it is in the best interest of the township of Nutley and its residents to participate in said programs.

NOW, THEREFORE, BE IT RESOLVED by the mayor and board of commissioners of the township of Nutley hereby authorizes the mayor to execute the attached cooperation agreement and notifies the Essex County Division of Community Development of its decision to be included as a participant municipality in the urban county entitlement programs being the community development block grant program and home investment partnership act program for the program years 2015, 2016, and 2017, June 1st, 2015, May 30th, 2017; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Essex County Division of Housing and Community Development no later than August 6th, 2014.

I move the resolution.
That was the smallest print.

COMMISSIONER SCARPELLI: Second.

MADAM CLERK: Resolution moved by Mayor Petracco, seconded by Commissioner Scarpelli.

Commissioner Rogers?

COMMISSIONER ROGERS: (No audible response.)

MADAM CLERK: Commissioner Tucci?

COMMISSIONER EVANS: He stepped out of the room for a moment.

MADAM CLERK: Okay. Commissioner Tucci stepped down from the dais. It's now 10:03 p.m. He is not voting on resolution 184-14.

COMMISSIONER EVANS: He is back now.

MADAM CLERK: Is he --

COMMISSIONER EVANS: Would you like to vote, Commissioner?

MADAM CLERK: Commissioner Tucci has returned.

Commissioner Tucci, we're voting on resolution 184-14 entitled a resolution authorizing inclusion in the Essex County urban county community development program for years 2015-2017.

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Thank you, Commissioner.

Commissioner Evans?

COMMISSIONER EVANS: Aye.
MADAM CLERK: Commissioner Scarpelli?
COMMISSIONER SCARPELLI: Aye.
MADAM CLERK: Mayor Petracco?
MAYOR PETRACCO: Aye.

WHEREAS, raffle applications have been received from the following organizations: VFW post number 493, Stuart E. Edgar, license number 5214, pull tab July 10th, 2014 through July 10th, 2015; the Friends of the Phoenix Center Foundation, Inc., license 53-14, off-premise merchandise raffle October 9th, 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 and 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?
WHEREAS, the township of Nutley zoning board received $1,000 escrow deposit from Mr. Jerome Mascari for property located at 216 Bloomfield Avenue for professional services; and

WHEREAS, the zoning board of adjustment has reviewed and determined the remaining escrow balance of $1,000 is due to Mr. Jerome Mascari; and

NOW, THEREFORE, BE IT RESOLVED by the board of commissioners, township of Nutley, county of Essex, state of New Jersey that the above amount is refunded to Mr. Jerome Mascari.

I move the resolution.

COMMISSIONER TUCCI: Second.

COMMISSIONER SCARPELLI: Aye.
MAYOR PETRACCO: Aye.

I believe that concludes our business portion of the meeting.

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

Madam Clerk, would you just read that?

MADAM CLERK: Yes, Mayor.

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?

MS. LANDRY: Pennie Landry, 135 Lakeside Drive, Nutley, New Jersey.

Mayor, I have sent a couple of emails to the board
members and received no response. So I'd like to address
those here tonight, if that's okay with you.

MAYOR PETRACCO: Sure.

MS. LANDRY: The first concerns the Nutley
economic development committee. I OPRA'd (ph) the minutes,
and the last minutes of the Nutley economic development
committee were for October 2013.

I would like to know the current status of the
Nutley economic development committee, its members, and the
reasons why this committee, which is so important to our
township, is seemingly currently non-active. And what are
the plans for revitalizing this very important component of
our township?

COMMISSIONER EVANS: The committee hasn't met yet
this year. The primary purpose for the committee -- after
our last meeting, we were moving to improve and modify the
ordinances of the town, which we've done.

The book of the ordinances are now pending before
the planning board, which I expect them to be approved this
month, which we'll be able to make changes. This is all
related to the administrative cleanup of the chapter 700 of
the zoning code.

So, given that as well as some of the major
question marks that we've been dealing with around progress
of Roche, that we have held off having that meeting. And
the question mark was we spent a lot of time to secure the
state aid, recognizing the write-down in the value of the
Roche property with respect to reconvening the committee.

MS. LANDRY: Okay. So you're saying that the
Nutley economic development committee was involved in
securing state aid for Roche?

COMMISSIONER EVANS: No, I didn't say that. But
they didn't meet because I was in the middle of (off-mike).

MS. LANDRY: Oh, so they couldn't meet because you
couldn't be there for a year? For one year, the Nutley
economic development committee did not meet because you were
busy trying to get state aid?

COMMISSIONER EVANS: (Indiscernible.)

MS. LANDRY: So, for one year -- I want to be
clear.

COMMISSIONER EVANS: What's your point? What's
the intent behind your question (indiscernible)?

MS. LANDRY: The intent is to find out why a
committee could not meet without you there for one year.

COMMISSIONER EVANS: We did meet. They did meet
without me. It's just we have held off --

MS. LANDRY: In --

COMMISSIONER EVANS: The committee --

MS. LANDRY: The last meeting minutes available
are October 2013. It is now August 2014.
COMMISSIONER EVANS: Yes.

MS. LANDRY: So you're saying, for ten months, a
committee --

COMMISSIONER EVANS: Yes.

MS. LANDRY: -- could not meet because you were
not available to meet?

COMMISSIONER EVANS: I didn't say that.

MS. LANDRY: Okay. So rephrase it.

COMMISSIONER EVANS: You're saying that. You're
saying that. I didn't, and I never said that. You're
interpreting that.

MS. LANDRY: Well, what is the truth?

COMMISSIONER EVANS: I just shared it with you.

MS. LANDRY: Could you repeat it?

COMMISSIONER EVANS: Do I need to repeat it?

MS. LANDRY: I'm not clear what you said.

COMMISSIONER EVANS: Simply, they did not meet
since October of '13 because, as of that meeting, we had a
--

MS. LANDRY: Who is we?

COMMISSIONER EVANS: The committee members. I had
a charge to revise the zoning ordinance for the township,
which we did. That zoning ordinance is pending before the
planning board, because those changes to the zoning
ordinance must be approved by the planning board. But --
MS. LANDRY: And it's nine months since the last meeting that we're working on changing the zoning?

COMMISSIONER EVANS: Until those --

MS. LANDRY: But zoning -- the economic --

MAYOR PETRACCO: Please, just please give him an opportunity to answer the question.

COMMISSIONER EVANS: I'm giving you the answer.

You reserve the right not to like the answer, but the simple fact is that, given the focus on the aid for the township, which was urgent, given the budget, given the actions that were taken to improve the usability of the code, the committee did not meet. They were asked to formulate views as to the things that were important about the town so that, when we met again, we would pick up and share and exchange those ideas.

MS. LANDRY: And are those -- I think it was a questionnaire. Are the results of those questionnaires that were given to the economic development committee available to the public?

COMMISSIONER EVANS: No.

MS. LANDRY: And why would that be?

COMMISSIONER EVANS: They're not final.

MS. LANDRY: They're not final? They were given to the committee in October 2013, and they have not completed them; is that accurate?
COMMISSIONER EVANS: They're not available.

MS. LANDRY: Thank you.

When is the next planned meeting of the Nutley economic development committee?

COMMISSIONER EVANS: We're looking to schedule one in September.

MS. LANDRY: Will there be any new committee members on the Nutley economic development committee?

COMMISSIONER EVANS: Not at this time.

MS. LANDRY: Thank you.

All right, Mayor. Second question -- a couple of years ago, Nutley was invited to participate in the Main Street New Jersey economic development program. I contacted Main Street New Jersey and was informed that Nutley is a member. It's pretty difficult to get into, as I understand. However, there has been no participation from Nutley in over a year. I would like to know who is the town representative for Nutley for Main Street New Jersey for the township of Nutley.

COMMISSIONER EVANS: It goes through my office and Jack Barry (ph).

MS. LANDRY: Jack Barry? And who are the Main Street New Jersey committee members?

COMMISSIONER EVANS: It goes to the economic development authority to a committee. It's not authority,
but the economic development committee has taken up the
discussion of how we would address a plan which is long-term
in nature to think about Main Street New Jersey and the
principles (off-mike)\alpha

MS. LANDRY: Okay. So Jack Barry is our
representative? The committee members are the same members
of the Nutley economic development committee, who has not
met since October 2013; is that correct?

COMMISSIONER EVANS: Correct.

MS. LANDRY: I would like to make a request of the
other four of you that I think this issue of economic
development is not being handled effectively by
Commissioner Evans, and I call on the four of you, at some
point, in some way, to become involved in economic
development in our township, either by creating new
committees that do not fall under Commissioner Evans, given
that these two very important programs have lapsed under his
leadership.

And I would ask you to strongly reconsider moving
some kind of way economic development to somewhere where it
can be focused upon and dealt with and where people who are
representative and want to be involved in this community in
economic development in this community to help with bringing
business in. Because our property taxes continue to
escalate, and economic development seemingly, since October
of 2013, is being put on the back burner by our
commissioner. And I would like our other four commissioners
to somehow or another see how this can be addressed.

COMMISSIONER EVANS: Mayor, I'd like to respond.
MS. LANDRY: And that is a formal request.
MAYOR PETRACCO: Sure.
COMMISSIONER EVANS: Okay.

I appreciate your concern. I actually resent the
implications of your statement. The value of what this
commissioned body is doing and why the economic development
committee has not met is directly related to the very
significant implications associated with the Roche
departure.

So, while we're in the process of declaring that
property -- and you can report this on your website or not,
your FaceBook page. I don't really care one way or the
other.

MS. LANDRY: Well, I do care. I'm sorry you don't
care, sir. I do care.

COMMISSIONER EVANS: Not with regard to what's on
your site, I don't care one way or the other.

MS. LANDRY: Well, it's facts, sir, that should be
reported on --

COMMISSIONER EVANS: No, not true.

MS. LANDRY: -- your Nutley, New Jersey --
COMMISSIONER EVANS: It's only partial fact.

MS. LANDRY: Well, tell me what's not fact, sir.

COMMISSIONER EVANS: Well, when you put up on your website that you were going to report back to the group on what happened to the $59,000 for the video, what happened to that site? It hasn't been responded to. I know we responded to you.

MS. LANDRY: No, it was.

COMMISSIONER EVANS: On the site.

MS. LANDRY: It was put up there, sir.

COMMISSIONER EVANS: That's not --

MS. LANDRY: It was put up there because --

COMMISSIONER EVANS: And where's the response?

MS. LANDRY: -- I -- you don't respond. So why should I respond to you?

COMMISSIONER EVANS: Just looking for the response. I don't want a response.

MS. LANDRY: It's there. So obviously, you're looking at it.

COMMISSIONER EVANS: I'll find it.

MS. LANDRY: It's there.

COMMISSIONER EVANS: I did look. I did look. I didn't see it.

MS. LANDRY: You did look? You do look?

COMMISSIONER EVANS: Occasionally.
MS. LANDRY: I know you're there. I know you're there.

COMMISSIONER EVANS: Occasionally. And it's --

MS. LANDRY: And everything that I put there was OPRA'd. So it comes right off that.

COMMISSIONER EVANS: And that's right.

MS. LANDRY: You know what? You know what? It was $23,000 that was put back, not the entire 56, if you read the resolution.

COMMISSIONER EVANS: Right. And you have the information on that, which was computer network upgrades that were utilizing --

MS. LANDRY: Yes, but the resolution was to broadcast meetings. And --

COMMISSIONER EVANS: Not true.

MS. LANDRY: -- I talked to ex-Mayor Scarpelli.

COMMISSIONER EVANS: Not true.

MS. LANDRY: Yes, it was.

COMMISSIONER EVANS: Not true. Not true.

MS. LANDRY: That came right from Evelyn.

COMMISSIONER EVANS: I --

MS. LANDRY: The wording in the resolution was to -- and you know what? I talked to Mr. Scarpelli tonight.

COMMISSIONER EVANS: Go ahead.

MS. LANDRY: He said --
COMMISSIONER ROGERS: Mayor, I'd like to make a point of order.

MAYOR PETRACCO: Sure.

COMMISSIONER ROGERS: This is supposed to be public comment.

MS. LANDRY: Okay. I want to say this is a public comment because --

COMMISSIONER ROGERS: Mr. Mayor, I'm speaking. I would like to have the floor. Thank you.

MAYOR PETRACCO: Please.

COMMISSIONER ROGERS: This is supposed to be public comment, and I'd like to hear public comment and not a debate go on.

MS. LANDRY: Mr. Evans started the debate.

COMMISSIONER ROGERS: I have the floor. We've always had some dignity here. We've always been prideful in the way we conduct these meetings, had good, lively, civil debate.

I wish we can continue to do that, but I'm troubled over the way things seem to be going. I would ask that the mayor enforce the five-minute rule and enforce that this is public comment, not public debate.

MAYOR PETRACCO: Thank you.

MS. LANDRY: I respect that. I would just like to go on record that Mr. Evans started the debate.
Okay, the next thing is Mr. Evans' resolution for 177-14, $17,500 brush, grass, weed removal. It was 10,000, and we added 7,500 to that.

MAYOR PETRACCO: Uh-huh.

MS. LANDRY: Mayor, I would like to know where the brush, grass, and weed removal happens for this $17,500 and why parks and rec. is unable to take care of weed, grass removal. And why do we need an additional $17,500 for that?

COMMISSIONER EVANS: We have a contract in place which allows a landscaper to cut the grass related to properties in town, private properties in town that do not comply with our property maintenance agreement and do not cut their grass. So, when the grass gets high or properties aren't maintained and the residents complain, we go in and we clean them up. And the cost of that is a lien on the property.

So ultimately, the town is reimbursed from that property owner, the bank. At whatever point in time it is sold, we get reimbursed for that. So it's a different service, but it's part of maintaining a standard against our property maintenance code.

MS. LANDRY: Okay. So it's --

UNIDENTIFIED SPEAKER: It should also be noted, Commissioner, that those are mostly abandoned properties, not where residents are living.
COMMISSIONER EVANS: True.

MS. LANDRY: Mostly abandoned properties? So if it's like a neighbor who doesn't cut their grass --

UNIDENTIFIED SPEAKER: Homes in foreclosure, those type of properties.

MS. LANDRY: And so, the banks pay for that?

UNIDENTIFIED SPEAKER: No, we have the work done, and we put a lien on the property. So, when the property is ultimately sold, we're required to be paid.

MS. LANDRY: Okay. So what you're saying -- that $10,000 was not enough? We have more abandoned and foreclosed properties that now costs another $7,500?

UNIDENTIFIED SPEAKER: Apparently.

MS. LANDRY: Apparently? Okay. Thank you. Okay. I just have one other thing, and then, I'll be finished. Okay.

MAYOR PETRACCO: Yeah.

MS. LANDRY: With regards to the broadcasting of the meetings, I'm very excited about that. In the resolution, it states for commission meetings.

Given the cost -- because I did look into broadcast equipment, and I came up with about $1,500. So, given that we are spending 17, is it possible that that equipment could be used to broadcast or to record other things other than commission meetings so that that money has
a broader use for the taxpaying citizens?

UNIDENTIFIED SPEAKER: I can answer that.

MS. LANDRY: Okay.

UNIDENTIFIED SPEAKER: The exact amount is $16,535. And, yes, it is our intention to primarily broadcast commission meetings, but to also broadcast other meetings and other events that are going on in town. And the equipment is designed in such a way that, while there will be permanent mounts located in this chamber, the cameras can actually be removed from here and taken to whatever location we need.

MS. LANDRY: Okay. I just am concerned about the wording of the resolution, because it says commission meetings. So I don't want to have to come back and say, "Hey, can we broadcast this"? And you say, "No, the resolution was only for commission meetings."'

UNIDENTIFIED SPEAKER: Well, no, it's not -- it's worded that way, because the primary use will be the commission meetings.

MS. LANDRY: Because I just --

UNIDENTIFIED SPEAKER: But there will also --

MS. LANDRY: -- take you on your word that we'll use it --

UNIDENTIFIED SPEAKER: Point well-taken.

MS. LANDRY: Okay.
UNIDENTIFIED SPEAKER: Point well-taken.

MS. LANDRY: So, in the future on those resolutions, --

UNIDENTIFIED SPEAKER: Right.

MS. LANDRY: -- let's just kind of --

UNIDENTIFIED SPEAKER: And I'm sure Evelyn will have the record reflect that it will not only be used for commission meetings, but also for other events and other meetings that we decide we want to film.

MS. LANDRY: Okay, thanks. And this is an add-on to that. Clock's ticking.

You guys were discussing -- and Sam and I had a meeting about six months ago -- about the website, which, you know, make it a little more user-friendly. And, as I understand, igov is going out of business, even though we just paid them $24,000. I hope we get a refund on that.

That each department would have input into the new site development or creation; is that correct?

COMMISSIONER EVANS: Correct.

MS. LANDRY: I feel very strongly that we have some taxpayer representation, and I would like to make a formal request to each of you that you invite a homeowner, a citizen to also be part of those meetings and that each department also have a taxpaying Nutley citizen representative in those meetings. Because we are the users,
the end user. We are also the people who pay for it.

So I think that, since we are the end user and the product is being designed for us, that our input would go a long way in may bring people, as Commissioner Evans said, in their social media or whatever, however they're used to communicating and dialoguing and whatever. And so, we want to make sure that that vehicle that we're going to create for the townspeople has their input into what would work for them.

And I would really, really love to volunteer to be on that, because I'd love for my FaceBook page to go away, because it takes a lot of time. And I just want to make sure that, you know, there's some public input. And thank you for your time.

MAYOR PETRACCO: Thank you.

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

MR. ODRIA: This will be quick. Michael Odria, 133 High Street.

My question is this broadcasting -- when do you think it'll be set up by? You have it like September, October?

UNIDENTIFIED SPEAKER: Our goal is to start filming the beginning of September. Once we get the equipment in, now that it's been approved, we can issue a
purchase order. The funds have been certified. So we can actually purchase the equipment. And then, we're going to move post-haste to have everything installed.

We're going to initially start with the sound system that we already have existing in this chamber. And then, hopefully by next year, we're going to improve also the sound capability of what's being said in this chamber without all of the reverberations and the bouncing of sounds off the walls.

MR. ODRIA: I'm sure the -- I mean, it's a good idea that it's finally being done, because the good people of Nutley -- I mean, I notice they don't always come by. But it's nice to know that they could go to Nutley.org and see what is being said and for the sake of transparency.

And, as for the other issue, I noticed Commissioner Rogers mentioned something about this exchange between Pennie Landry and Commissioner Evans, you know, that it's about being -- it's about comments. When it comes to a Nutley town property-taxpaying homeowner, when it comes to a dialogue and discussion between us and our town leaders, the only thing I could say is that it should be allowed, because it's the right thing to do.

If someone is expressing a concern to one of the town leaders, the town leader should be free to address that question. Because, when it comes to dialogue and discussion
between us and our town leaders, there cannot be no compromises.

COMMISSIONER ROGERS: I agree with you. My opinion -- the commissioner answered the question. Okay? He made it very clear that, if people -- in this case, it was Ms. Landry -- didn't like the answer, that's fine.

But my concern is and has always been, no matter what type of dialogue we have, that we make sure that it is -- it protects the integrity of all of us. Okay? Sometimes things get heated. Sometimes people say things that maybe they don't mean to say, whatever the case is. And I'm not saying it happened here tonight, but this is supposed to be an institution where we have civil dialogue, where we can agree to disagree.

And my concern is -- and I'll repeat it again. And look, everyone has First Amendment rights. Look, you have the right, as anybody does, to denigrate any one of us. It's been done. The courts have ruled you have the right to criticize us, to assassinate our character, to destroy our family's character, to post whatever you want on a website.

MR. ODRIA: Supreme Court.

COMMISSIONER ROGERS: To do damage, as much damage as you want. Thank God for America. The Supreme Court ruled that people have the right to do that. Okay?

So no one's denying your First Amendment rights.
It's part of the job. You know, I tell people all the time I've been up against and spoke with people across the table that hate this country when I was overseas. As a police officer, I sat with mafia guys that threatened me.

So, when people come up here --

MR. ODRIA: I hope you put them in jail.

COMMISSIONER ROGERS: Right? Well, some of them I did. But you see, thank God -- you bring up a good point. Thank God you could come up here and not worry about that, because this is America.

But we have to always keep in mind, at least I do, all right, because I don't dictate to people how they should conduct themselves. If people want to do what they feel they have to do to -- even if it comes to a point where they have to destroy somebody's reputation -- and I'm not saying that was done here tonight.

It's been done here in the past. I think that's when somebody has to stop, step in, and say, "Look, let's just calm down. Let's take it easy."

Commissioner Evans, in my opinion, answered the question. Okay?

MR. ODRIA: Uh-huh.

COMMISSIONER ROGERS: Now, you may not like my answer to you, but I don't want you to start pointing your finger at me and, you know, saying things that are not
focused in on the answer to the question. Okay?

MR. ODRIA: I understand.

COMMISSIONER ROGERS: So that's my point.

MR. ODRIA: Yeah, it just reminded me of one of my heroes, my true heroes that I try to lead my life by, Ronald Reagan. When 1980 -- it was at the New Hampshire convention, and he actually said I paid for this microphone. That's what it reminded me of.

COMMISSIONER ROGERS: Yes.

MR. ODRIA: Just like right there when I saw that.

UNIDENTIFIED SPEAKER: Well, no one's denying your right.

COMMISSIONER ROGERS: But I don't want you, all right -- we're dealing with facts -- to get the impression that me, of all people, all right, would deny you the right or anyone the right to say anything. You know? I mean, this is America.

MR. ODRIA: Uh-huh.

COMMISSIONER ROGERS: All right? So, like I said, sometimes -- you know, I heard somebody once say we may have the right to do things, but maybe some of the things we say or do are not right.

MR. ODRIA: Uh-huh.

COMMISSIONER ROGERS: Sometimes we just have to step in and say, "All right, let's just chill out a little."
Okay?

MR. ODRIA: Thank you, Commissioner Rogers.

Thank you, board.

MAYOR PETRACCO: Thank you.

MS. LANDRY: Pennie Landry, 135 Lakeside Drive.

Just to end this, Mr. Rogers, I was responding to Mr. Evans' allegation that, on my social media page, I posted things that were not factual. And my response was to his allegation of something that is not true. So I was not responding to his answer.

Did I like his answer? No. Do I accept it? Yes. Do I think it's the right thing for our township? No.

I do not think that allowing economic development and programs that could support us to go by the wayside for over a year is a good thing. And I hope that you don't, either.

However, I have a right to defend myself, as all of you do. Mr. Evans came at me with an allegation that what I posted on my website was not true, and I was defending, because everything that is posted there by me and the other people is in response to concerns of the citizens of this township and also a direct appeal for transparency for the information that should be, by law, OPRA and OMA law, readily available on the township website to the citizens of this town.
We're getting there. I appreciate it. We have a ways to go. And I thank you for your comment. Good night.

MAYOR PETRACCO: Is there anyone else this evening that would like to address the board of commissioners?
We are going to not --

UNIDENTIFIED SPEAKER: I move that we continue the meeting to Friday --

MAYOR PETRACCO: Morning at 11:00.

MADAM CLERK: We're going to continue the meeting to Friday, August 8th.

UNIDENTIFIED SPEAKER: At 11:00 a.m.

MADAM CLERK: At 11:00 a.m.

UNIDENTIFIED SPEAKER: Mayor, if I might, before we close this meeting for this evening?

I just want to give everyone an update, and I have a brief statement that I'd like to read into the record.
This is concerning the starling bird situation in and around De Muro Park, in particular, Wilson Avenue and Margaret Avenue. So just so people know that, you know, we haven't just said we were going to do something and haven't done anything.

Money has, in fact, been appropriated in this year's budget, not only to address the starling issue, but also to address the geese issue. So, in an effort to control the population of birds in the area, we've contacted
the bird doctor nationwide to assist us.

The bird doctor has proposed to remove the birds through a fogging application utilizing a thermal dyna fogger. The material that is utilized in the thermal dyna fogger is methyl anthranilate. Methyl anthranilate aerosols are environmentally responsible. The EPA has classified it as a naturally occurring flavoring, and it has been declared generally regarded as safe by the FDA. And it's also used in grape gum.

Methyl anthranilate methods for bird control is a pain stimulus in the trigeminal nerves, which are found in the throats and mucous membranes of the beaks and eyes. Almost all animals have these nerves. Yet, only birds have a negative response to methyl anthranilate.

Birds feel methyl anthranilate as pain, while mammals, including humans, sense it as a grape scent. Birds inhaling this chemical respond to discomfort immediately with two important results.

One, they evacuate the location without delay, and nuisance birds are cleared from the site any time methyl anthranilate is introduced. And target birds begin to associate the pain to the site. They are trained with multiple applications that the site is painful, and they seek a new location.

Until now, there have been few options for the
control of flocks of birds that invade and contaminate a site, other than killing them. This fogging method will not kill the birds. It will simply cause them to not like coming to this area any more.

There will be approximately five applications of this fogging method. During the fogging procedure, which will be done at night, we are going to encourage everyone to please refrain from using the park or going near the area of the fogging application. Although we have been assured that the process is safe, we want to be over-cautious to avoid any contact with residents or pets.

We're waiting for an exact date as to when this is going to occur, and we will, in fact, put out a blast over our town system, and we will be hand delivering notices to the residents. But we're shooting for the end of this month, so hopefully, somewhere around the week of the 18th or the week after that. If anyone in the meantime has any questions, I would please encourage you to contact Harry Kirk at the parks department for further information.

Now, once this method is, in fact, successful -- and we've been assured that it is successful -- and there are guarantees associated with this, there is a similar procedure using this same methyl anthranilate, all right, whereby we can deter the geese from coming back in the parks. So this is our pilot venture, if you will.
We're going to try it on the starlings.
Hopefully, we're going to be successful. And then, after this, we're going to move into the parks.
Thank you for the time, Mayor.
MAYOR PETRACCO: Thank you.
Okay. Good night?
MADAM CLERK: Okay, Mayor. So, once again, we'll be continuing this meeting to Friday, August 8th at 11:00 a.m.
MR. ODRIA: Good night. Be well.
(Whereupon, these proceedings were concluded)
Board of Commissioner Meeting  
August 5, 2014 (Continued to Friday, August 8, 2014)

At this point in the meeting the Municipal Clerk read the following Executive Session resolution into the record:

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. Personnel
2. Contractual Matters
3. Potential Litigation

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.

Introduced by Commissioner Scarpelli, seconded by Commissioner Rogers. All “Ayes” on a roll call vote.

The Board of Commissioners entered executive session at 8:51 P.M. and exited at 11:22 P.M.
CERTIFICATION

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

Date: August 18, 2014

Nicole Yawn

Veritext/NJ Reporting Company

800-227-8440 973-410-4040
TOWNSHIP OF NUTLEY, NEW JERSEY

BOARD OF COMMISSIONERS

PUBLIC MEETING

TRANSCRIPT OF

PROCEEDINGS:

August 8, 2014

11:10 a.m.

BEFORE:

Mayor Petracco (Via Telephone Conference)
Commissioner Thomas J. Evans
Commissioner Steven Rogers (Via Telephone Conference)
Commissioner Joseph P. Scarpelli (Via Telephone Conference)
Commissioner Mauro G. Tucci (Via Telephone Conference)
Township Clerk

Job No. VTNJ - 1844695

Veritext/NJ Reporting Company

800-227-8440 973-410-4040
PROCEEDINGS

MADAM CLERK: Okay. Gentlemen, it's Friday, August 8, 2014. It is 11:10 a.m. This is a continued meeting of Tuesday, August 5th, 2014. I am going to call the roll.

Commissioner Rogers?

COMMISSIONER ROGERS: Here.

MADAM CLERK: Commissioner Rogers is present via telephone conference.

Commissioner Tucci?

COMMISSIONER Tucci: Here.

MADAM CLERK: Commissioner Tucci is present via telephone conference.

Commissioner Evans?

COMMISSIONER EVANS: Here.

MADAM CLERK: Commissioner Evans is present in person.

Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Here.

MADAM CLERK: Commissioner Scarpelli is present via telephone conference.

Mayor Petracco?

MAYOR PETRACCO: Here.

MADAM CLERK: Mayor Petracco is present via telephone conference.
Gentlemen, if you can speak loudly because I am recording this session so as loudly as you can speak would be appreciated. Thank you.

COMMISSIONER EVANS: Do we have the language for the bond.

MADAM CLERK: Yes, we do.

COMMISSIONER EVANS: Okay. So very quickly, I have three bond ordinances to introduce and a resolution which just relates to the amendment of the capital budget to allow this to proceed.

The first Ordinance for the bond is 3294 which I'll read by title. Bond Ordinance Appropriating $1,363,500 authorizing the issuance of $1,295,325 of bonds or notes of the Township for various improvements or purposes authorized to be undertaken by the Township in the County -- in the Township of Nutley, County of Essex.

I move that this Ordinance be passed to a second reading and advertised in the Nutley Sun together with the notice required by law and that further consideration of said Ordinance for final passage by the Board of Commissioners be held at its second reading on September 2nd, 2014. So move.

COMMISSIONER TUCCHI: Second.

MADAM CLERK: Okay. That was 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: Tom, I just did hear the amount.

COMMISSIONER EVANS: 1,363,500.

MAYOR PETRACCO: Okay. "Aye".

MADAM CLERK: Okay. That was an "aye" for the roll call was "aye" Commissioner Rogers, Commissioner Tucci, Commissioner Evans, Commissioner Scarpelli and Commissioner Petracco, all voted "aye".

COMMISSIONER EVANS: Okay. Next Ordinance is 3295 which is a bond ordinance providing for the reconstruction of various roadways and sidewalks in the Township of Nutley, in the County of Essex, appropriating $990,000 therefor and authorizing the issuance of $940,500 in bond or notes of the Township for financing part of the cost there.

I move that this Ordinance be passed to a second reading and advertised in the Nutley Sun together with the notice required by law and that further consideration of
said Ordinance for final passage by the Board of
Commissioners be held at its second reading on September

COMMISSIONER TUCCI: Second.

MADAM CLERK: Okay. Ordinance 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: All "ayes" on a roll call vote for
Commissioner Rogers, Commissioner Tucci, Commissioner Evans,
Commissioner Scarpelli and Mayor Petracco.

COMMISSIONER EVANS: Bond Ordinance 3296
appropriating $104,500 authorizing the issuance of $99,275
in bonds or notes of the Township for various water utility
improvements or purposes authorized to be undertaken by the
Township of Nutley, in the County of Essex.

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

COMMISSIONER TUCCI: Second.

MADAM CLERK: Ordinance 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: All "ayes" on a roll call vote
Commissioner Rogers, Tucci, Evans, Scarpelli and Mayor
Petracco, all "ayes".

COMMISSIONER: Okay. I have the one Resolution
which is the amendment to the capital budget as a result of
the discussions. For the record, I appreciate everything
the Commissioners have done in cooperation with maintaining
our capital management plan which is allowing us to continue
to do the improvements that are necessary. So, all of your
support, your willingness to trust the process is just fully
recognized and greatly appreciated.

WHEREAS, the local capital budget for 2014 was
approved on the 20th of May, 2014 and

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

NOW, THEREFORE, BE IT RESOLVED, by the Board of
Commissioners of the Township of Nutley, County of Essex,
that the following amendment of the approved capital section
be made.

Let's see. The -- let's see, if there's a -- I
can do this. All right.

So for the year 2013 in Capital Ordinance 1, it's
reducing the purchase of masks, SCBA masks from a hundred
thousand down to -- no, actually, it's no change. I'm
sorry, no change.

Aerial truck is included with no change. The jet
truck is included with no change. Excuse me. I'm reading
it wrong. I apologize. Is Allen on the phone?

MADAM CLERK: Allen is not on the phone.

COMMISSIONER EVANS: Okay.

MADAM CLERK: Jenna (indiscernible) the phone.
COMMISSIONER EVANS: All right. So there's just too many individual line items for me to go through to sort of, you know, characterize this. But what I can say is is that overall we've reduced roads and sidewalks from 1.3 million to 900,000; we have deferred the budget for the aerial truck which was originally budgeted at $180,000 for one year. It will be in the budget for next year. We've deferred the purchase of a garbage truck which was originally in here at $170,000 and it's now deferred until next year.

We've reduced the cost of the jet truck from one -- two fifty down to $210,000.

We've recognized that across the parks areas that we've had modifications to further refine our costs across all of those areas.

We've reduced the roads and sidewalks from 1.3 million down to $900,000.

We've added in $50,000 for the completion of the fiber optic wiring of the network to cover the two remaining fire houses which will complete that for the Township and we've reduced the cost of the salt truck from 180,000 down to -- I'm sorry, 120,000 down to 85,000 which represents the -- substantially all of the adjustments that were made in order to achieve the introduced bond ordinances that we have today.
Based upon all of that,

BE IT FURTHER RESOLVED that two certified copies
of this Resolution be filed forthwith with the Office of the
Director of Local Governmental Services. So move.

COMMISSIONER TUCCI: Second.

MADAM CLERK: Resolution No. 190-14 Capital Budget
Amendment moved by Commissioner Evans, 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: Resolution 190-14 roll call all
"ayes".

There being no further business, gentlemen, I need
a motion to adjourn.

COMMISSIONER EVANS: Motion to adjourn.

MADAM CLERK: Motion by Commissioner Evans.

COMMISSIONER ROGERS: Second
MADAM CLERK: Second by -- I'm sorry.

COMMISSIONER ROGERS: Second, Commissioner Rogers.

MADAM CLERK: Okay. Commissioner -- move to adjourn by Commissioner Evans, seconded by Commissioner Rogers.

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: Meeting adjourned, gentlemen. It is now 11:19 a.m. Thank you very much. Have a great weekend everyone.

(Chorus of thank you, have a great weekend, bye)

MADAM CLERK: Bye.

(Whereupon, the meeting was adjourned.)
CERTIFICATION

I, Pamela A. Skaw, certify that the foregoing transcript is a true and accurate record of the proceeding.

Date: August 27, 2014

Pamela A. Skaw
Signature Page/Board of Commissioners
Meeting Minutes, August 5, 2014 & Continued Meeting August 8, 2014

ATTEST:

[Signature]

Evelyn Rosario, RMC
Municipal Clerk
(Meeting Minutes Approved at the
September 16, 2014 Board of
Commissioners Meeting)

______________________________
Commissioner Steven Rogers

______________________________
Commissioner Mauro G. Tucci

______________________________
Commissioner Thomas J. Evans

______________________________
Commissioner Joseph P. Scarpelli

______________________________
Mayor Alphonse Petracco
WEBSITE TODAY

- Inefficient system, challenging to use
- Technology no longer supported by vendor and is cumbersome
- Current provider exiting business
- Homepage is uninviting, dated & cluttered
- Lacks brand identity, not targeted to user groups
- Community underserved, limited interaction
- Higher annual cost when compared to today’s market
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VISION FOR TOMORROW

- Easy to navigate, one click, Homepage that promotes user interaction
- Ensure that the site represents Nutley well in Social Media Sites
- Ensure that content is relevant and timely
- Supports mobile and video access
- Represents the Brand image of our Township
- Promotes information sharing and access to government services
- Continues Emergency Alert and email Notification System
- Creates a virtual welcome center for new residents and business
- Improved ability to administer access across all departments including library and schools
- Lower Cost
WEBSITE ARCHITECTURE

RESIDENTS
LANDLORDS
BUSINESSES
WELCOME CENTER
GOVERNMENT

USER GROUPS

SERVICE GROUPS

TECHNOLOGY

HOSTING
Offsite D-1 Datacenter
One Click Technology
Supports CMS
Index Search
Robust Database Capabilities

GOVERNMENT
-Local
-County
-State

SCHOOLS
LIBRARY
EMERGENCY NOTICES
COMMUNITY RECREATION BULLETIN BD.
BUSINESS BULLETIN BD.
RESCUE SQUAD
TECHNOLOGY

- Offsite Hosting
- Supports Content Management
- Index Search Capability
- Robust Database Capabilities
PROPOSED VENDOR/PROVIDER

- 17+ Years of Experience
- Strong Portfolio, Solid Reputation
- Proven approach to website design with significant nationwide municipal experience

Technology Platform:
- Supports CMS, Index search, mobile
- Competitive Price, Free Upgrades
- One stop, all-inclusive, Cloud-based Solution

Note: Gov I has exited this business segment as a website development and host
PROPOSED APPROACH

- **Week 1**: Research and Kickoff Meeting
- **Week 2**: Department Feedback → Citizen Feedback → Small Business Feedback
- **Week 3**: Website Rough Draft and Prototypes
- **Weeks 4-10**: Development and Programming → Content Integration → Application Integration
- **Weeks 11-12**: Staff Training → Initial Maintenance → Soft-Launch and Feedback
- **Website Launch**

Committee of BOC designees including School, Library
FINANCIAL BENEFITS

- **GOV I CURRENT COST** - $24,000 PER YEAR
- **EvoGov Cost** - First Year One Time Fee $21,000
  - $1,500 per year annually

Year Two and Later:

- During the development phase we will need to consider a reshaped role for a website administrator, as necessary, to ensure the site is properly maintained and managed

- Annual savings in Year 2 amounts to $22,000
Thank you!

- If not, what additional information do you need before we can proceed?
- Is there a redesign of our website desired from your department to participate in the design?
- If you like what you heard, we ask that you appoint a

OUR ASK
SHADE TREE FOR THE MONTH OF APRIL 2014

CLASS 2 PRUNING
CLASS 4 PRUNING
TAKE DOWN
MISCELLANEOUS

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TOTAL NUMBER OF = 0

TOTAL NUMBER OF MANHOURS: 0

TOTAL SHADE TREE DEPT. MANHOURS FOR THE TIME PERIOD CHOSEN: 0
MISCELLANEOUS:

4/1d/14: Picked up Lumber for Plaques
4/11/14: Picked up Tree Ties and Stakes
4/11/14: Started Memorial Plaques
4/11/14: Looking for Memorial Tree Planting Locations
4/14/14: Looking for Tree Planting Locations around town
4/14/14: Starting Mulching for Memorial Trees at Reinheimer
4/14/14: Finished Memorial Plaques
4/15/14: Kingsland Park: Started Mulching for Memorial Trees
4/15/14: Reinheimer Park: Finished mulching Memorial Trees
4/15/14: Parks Department: Printed Goose Eggs
4/15/14: Garage: Cleaned Out Shade Tree Bin
4/16/14: Removed hangers on wires on Grant Avenue
4/16/14: Mulch Memorial Trees at Kingsland Park
4/16/14: Picked up supplies at Northeastern
4/18/14: Planted Memorial Trees at DeMuro Park (9 in total)
4/22/14: Planted Memorial Trees at Reinheimer Park (9 in total)
4/22/14: Planted Memorial Tree in DeMuro Park
4/23/14: Planted Memorial Trees in Kingsland Park (6 in total)
4/23/14: Planted Earth Day Tree at Yanticaw School
4/24/14: Planted Memorial Tree in Booth Park
4/24/14: Planted Memorial Tree in Kingsland Park
4/24/14: Planted Memorial Tree in Nichols Park
4/24/14: Started to Mulch Trees in Glotzbach Park
4/25/14: Mulched Memorial Trees at Owens, Glotzbach and along Memorial Drive
4/28/14: Planted Memorial Tree in Memorial Park I (2 trees)
4/28/14: Planted Memorial Tree at the Library
4/28/14: Planted Memorial Tree in Louden Park
4/28/14: Planted Memorial Tree in Booth Park
4/29/14: Mulched Memorial Trees in DeMuro Park, the Museum and Mini Park.
4/29/14: Picked up mulch at Terries
4/30/14: Made Memorial Replacement Plques
4/30/14: Picked up garbage at Police Department
4/30/14: Picked up branches at Cottage Place
4/30/14: Picked up a large lead blocking the Street (Corner of Bloomfield Avenue and Howard Place)
SHADE TREE
FOR THE MONTH OF
MAY 2014

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TOTAL NUMBER OF REMOVED HANGER = 1  
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TOTAL NUMBER OF TREE TAKEN DOWN = 1  

TOTAL SHADE TREE DEPT. MANHOURS FOR THE TIME PERIOD CHOSEN: 0
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TOTAL SHADE TREE DEPT. MANHOURS FOR THE TIME PERIOD CHOSEN: 0

7/30/2014
MISCELLANEOUS:

5/1/14: Removed large branch from sidewalk along Whitford Avenue
5/1/14: Set up tables and chairs in Gym for event
5/1/14: Clean up at Memorial I from storm
5/2/14: Removed large branch from Kingsland Park
5/2/14: Removed branches hit by truck on Cleveland Avenue
5/2/14: Removed branches from Whitford Avenue
5/2/14: Set tables and chairs in Gym for event
5/2/14: Loaded trucks with tables and chairs for Memorial Tree Ceremony
5/3/14: Owens Parking Lot: Removed 3 dead trees
5/3/14: Owens Parking Lot: Planted 3 new trees
5/3/14: Memorial Park II: applied topsoil to washed out area
5/3/14: Picked up Mulch
5/6/14: Picked up branches on McKinley Street
5/7/14: Owens Field: Cut grass
5/7/14: Assisted Parks Department at the Memorial I
5/8/14: Planted Memorial Tree in Glotzbach Park
5/8/14: Picked up Mulch
5/8/14: Loaded trucks with trees for Street Planting
5/15/14: Watched films in Room 300 for “Right to Know” Class
5/16/14: Picked up garbage at Little League Fields
5/20/14: Planted Street Trees along Bloomfield Avenue (5)
5/21/14: Mulch trees along Franklin Avenue and Chestnut Street
5/21/14: Mulch trees at Memorial II & III and Rose Garden
5/21/14: Removed branches and hangers on Whitford Avenue and Irving Place
5/21/14: Mulch Memorial Trees at the Library
5/21/14: Assisted PSE&G with the take down of a tree
5/21/14: Removed hangers in a tree at the corner of Cedar and Ridge
5/21/14: Picked up branches at the corner of Denver and Hastings
5/21/14: Loaded trees in trucks for the next day planting
5/22/14: Raised trees around memorial Stones
5/23/14: Assisted in Parks Department
5/27/14: Assisted in Parks Department
5/28/14: Removed Tree in Kingsland Park by Rutgers
5/28/14: Removed branches at Cedar Street
5/28/14: Planted tree at Memorial II
5/28/14: Planted tree at Kingsland Manor
5/29/14: Installed New Memorial Plaques
5/29/14: Removed sidewalks that were uplifted by tree roots on Prospect Street on Stager
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### TOWNSHIP OF NUTLEY

**BILL LIST**

**TUESDAY AUGUST 5, 2014**

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List of payroll submitted for approval by the Board of Commissioners at their regular meeting of AUGUST 5, 2014:

**PAYROLL-REGULAR JULY 18, 2014:**

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**Sub Total** 745,267.68

**PAYROLL-OVERTIME JULY 18, 2014:**

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**Sub Total** 44,170.64

**TOTAL PAYROLL:** 789,438.32

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List of payroll submitted for approval by the Board of Commissioners at their regular meeting of AUGUST 5, 2014:

### PAYROLL-REGULAR AUGUST 1, 2014:

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### PAYROLL-OVERTIME AUGUST 1, 2014:

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### TOTAL PAYROLL:

**836,890.10**

### GRAND TOTAL:

**10,220,827.96**

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

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<td>Employee Disability Ins.</td>
<td>5,136.96</td>
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Ordinance No. 3291
Introduced by Commissioner Evans
Introduced on July 1, 2014
Public Hearing August 5, 2014

Ordinance No. 3291
"AN ORDINANCE TO AMEND AN ORDINANCE CODIFIED IN THE
CODE OF THE TOWNSHIP OF NUTLEY, CHAPTER 320 ENTITLED
FEES."

ARTICLE V
Tax Collector’s Office

320-6 Fees

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

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

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

1. Duplicate tax bills: The Tax Collector shall provide an initial duplicate copy of a tax bill at
no cost to the property owner, $5 for all other initial requests; $25 for each subsequent
copy of a tax bill for the same tax year requested by the same person or organization,
pursuant to N.J.S.A. 54:4-64.

2. Duplicate certificate of redemption: $25; $50 for each subsequent request.

3. Duplicate of certificate of tax sale: $100.

4. Tax Lien Redemption Calculation Requests: In accordance with N.J.S.A. 54:4-54:

   (a) In accordance with N.J.S.A. 54:5-54, the Tax Collector shall provide to any party
etitled to redeem a certificate pursuant to this section (N.J.S.A. 54:5-54) two
calculations of the amount required for redemption within a calendar year at no
cost. For each subsequent calculation requested from the Tax Collector, there
shall be a fee of $50. A request for a redemption calculation shall be made in
writing to the Tax Collector.
(b) In accordance with N.J.S.A. 54:5-97.1, the Tax Collector may charge a lienholder of a tax lien $50 for the calculation of the amount due to redeem the tax lien as required pursuant to N.J.S.A. 54:5-97.1. Any request for a redemption calculation shall specify the date to be used for the calculation, which shall be the date of the notice. Neither the Tax Collector nor the municipality shall be liable for an incorrect calculation. The fee paid to the municipality shall not become part of the lien and shall not be passed on to any party entitled to redeem pursuant to N.J.S.A. 54:5-54.
Ordinance No. 3293
Introduced by Commissioner Evans
Introduced on Tuesday, July 1, 2014
Public Hearing Tuesday, August 5, 2014

Ordinance No. 3293
“AN ORDINANCE TO AMEND AN ORDINANCE CODIFIED IN THE CODE OF THE TOWNSHIP OF NUTLEY, CHAPTER 700, ENTITLED ZONING, PARTICULARLY ARTICLE V, GENERAL REGULATIONS AND ARTICLE VII, USE REGULATIONS”

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

ARTICLE V, GENERAL REGULATIONS

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

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

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

ARTICLE VII, USE REGULATIONS

§ 700-41 Outdoor cafes and sidewalk cafes

F.(5) Layout plan.

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

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

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

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

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

These amendments have been reviewed and approved by the Township of Nutley Planning Board.
Ordinance No. 3292
Introduced by Commissioner Scarpelli
Introduced on July 1, 2014
Public Hearing August 5, 2014

Ordinance No. 3292
"ORDINANCE PROVIDING FOR RECONSTRUCTION OF THE ROADWAY ON PARK AVENUE (SECTION 2), IN THE TOWNSHIP OF NUTLEY, IN THE COUNTY OF ESSEX, NEW JERSEY APPROPRIATING $ 237,000.00 THEREFORE FROM GRANT MONIES RECEIVED FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE COST THEREOF."

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

SECTION 1.

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

SECTION 2.

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

SECTION 3.

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

SECTION 4.

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

SECTION 5.

This ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by law.
BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Commissioner Mauro G. Tucci
Seconded by: Commissioner Thomas J. Evans
Date: August 5, 2014
No. 175-14

WHEREAS, the Parks Department has determined that the roller Hockey Rink on Park Avenue is underutilized and;

WHEREAS, a re-purposing of the rink would serve a greater number of Nutley residents and;

WHEREAS, it has been determined that an artificial turf rink would lead to greater utilization by Nutley United Soccer, Recreation Soccer, and potentially other uses;

NOW THEREFORE 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 Removal of Asphalt Rink and Installation of Artificial Turf.

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

Bids to be received on Tuesday, August 26, 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.

Record of Vote

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<thead>
<tr>
<th>Commissioner Rogers</th>
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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 August 5, 2014.
Resolution

Introduced by: Commissioner Mauro G. Tucci  Date: August 5, 2014
Seconded by: Commissioner Thomas J. Evans  No. 188-14

WHEREAS, the Township of Nutley is desirous of purchasing video equipment for the purpose of broadcasting the Nutley Township Commission Meetings held the 1st and 3rd Tuesday’s of each month and;

WHEREAS, the Township has received three quotes for the purchase of such equipment. The lowest in the amount of $16,535.00 from Media Consultants, 6 Woodland Hills Drive, Sussex, New Jersey 07461 and;

WHEREAS, funds are available from Capital Ordinance # 3242A and has been certified by the Chief Financial Officer and Said Certification is 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 as follows, the Mayor and Township Clerk are hereby authorized to enter into an contract with Media Consultants, 6 Woodland Hills Drive, Sussex, New Jersey 07461 for the purchase of video/audio equipment not to exceed $17,000.00.

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

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BOARDS OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Commissioner Thomas J. Evans  Date: August 5, 2014
Seconded by: Commissioner Mauro G. Tucci  No. 174-14

WHEREAS, there exists the need for Professional Financial Disclosure Audit Services; and

WHEREAS, the maximum amount of the contract is $1000.00; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the award of contracts for “Professional Services” without competitive bids and the contract itself must be available for public inspection.

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 hereby authorized and directed to execute an agreement with NW Financial Group, LLC, 2 Hudson Place, Hoboken, NJ 07030 for the services of for Professional Financial Audit Services for a total amount not to exceed $1,000.00 in accordance with a proposal dated July 24, 2014.

2. This contract is awarded without competitive bidding as a “Professional Service” in accordance with N.J.S.A. 40A:1-5(1)(a) of the Local Public Contracts Law because the contract is for a service performed by a person(s) authorized by law to practice a recognized profession that is regulated by law.

3. Notice of this action shall be printed once in the Nutley Sun, the legal newspaper of the Township of Nutley

I, Evan 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 August 5, 2014

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WHEREAS, the Township of Nutley, in the County of Essex, New Jersey (the "Township") has previously issued its bonds, bond anticipation notes and/or other debt obligations (the "Bonds") and

WHEREAS, in connection with the issuance of certain of the Bonds and for purposes of assisting underwriters to comply with Rule 15c-12 under the Securities Exchange Act of 1934, the Township has covenanted and/or entered into one or more undertakings or agreements to provide continuing disclosure (the "Continuing Disclosure Obligation") to the public marketplace; and

WHEREAS, in general the Continuing Disclosure Obligation requires the Township to file certain financial information and notice of certain events in specified places and at specified times; and

WHEREAS, in connection with the sale of certain of the Bonds, the Township issued one or more official statements that, among other things, described the Township’s Continuing Disclosure Obligation and whether or not the Township had previously complied with its Continuing Disclosure Obligation in all material respects; and

WHEREAS, the Division of Enforcement (the "Enforcement Division") of the U.S. Securities and Exchange Commission (the "SEC") announced its Municipalities Continuing Disclosure Cooperation Initiative (the "Initiative") to address potentially materially inaccurate descriptions in official statements (made innocently, inadvertently or otherwise) of prior compliance with continuing disclosure obligations; and

WHEREAS, pursuant to the terms of the Initiative, the Enforcement Division will recommend "favorable settlement terms" for issuers and underwriters that self-report by 12:00 a.m., eastern standard time, on September 10, 2014, possible materially inaccurate statements in official statements in the last five years relating to prior compliance with continuing disclosure obligations by submitting a specified questionnaire (the "Questionnaire") to the Enforcement Division; and

WHEREAS, the Township has been provided with a copy of the Initiative, a copy of an advisory prepared by bond counsel to the Township describing the Initiative and a copy of the Questionnaire released by the Enforcement Division; and

WHEREAS, if an issuer takes advantage of the Initiative by self-reporting possible materially inaccurate statements and if any of such statements are determined to be materially inaccurate by the Enforcement Division, the Enforcement Division will recommend to the SEC a settlement in which (i) the issuer consents to a cease-and-desist order, (ii) the issuer neither admits nor denies the findings of the SEC and (iii) there is no payment of any civil penalty by the issuer; and

WHEREAS, any such settlement will require the issuer (i) to establish appropriate policies and procedures and training regarding continuing disclosure obligations within 180 days, (ii) comply with existing continuing disclosure undertakings, including updating past delinquent filings within 180 days, (iii) cooperate with any subsequent investigation by the Enforcement Division regarding the false statement(s), including the roles of individuals and/or other parties involved, (iv) disclose in a clear and conspicuous fashion the settlement terms in any final official statement for an offering by the issuer for five years and (v) provide the SEC staff with a compliance certification regarding the applicable undertakings by the issuer in one year; and
WHEREAS, the Initiative cautions that if an issuer does not take advantage of the Initiative by submitting a Questionnaire identifying any possible materially inaccurate statement with respect to prior compliance with a continuing disclosure obligation and the Enforcement Division later determines that such a materially inaccurate statement was made, then the Enforcement Division will likely recommend and seek financial sanctions against the issuer; and

WHEREAS, the New Jersey Division of Local Government Services issued Local Finance Notice 2014-9, dated July 23, 2014 (the “LFN”), which among other things strongly recommends that local government officials proactively take steps to self-identify their own levels of compliance with continuing disclosure obligations in order to determine if it is advisable to participate in the Initiative; and

WHEREAS, the LFN advises that the failure to live up to continuing disclosure requirements, in addition to having potential consequences under federal law, could have consequences for various State of New Jersey matters including, in particular, (i) the denial or deferral of applications made to the Local Finance Board and (ii) decreased scores on future “Best Practices Questionnaires” that could trigger a withholding of a portion of State aid; and

WHEREAS, in light of the foregoing, the Township is desirous of retaining a professional firm that specializes in continuing disclosure matters to examine the Township’s Continuing Disclosure Obligation and previous continuing disclosure filings and to report to the Township any noncompliance with its Continuing Disclosure Obligation; and

WHEREAS, upon receipt of such report from the continuing disclosure specialist, the Township will review such report with its professionals, including particularly its bond counsel, its auditor, its general counsel and its other finance professionals (the “Township Professionals”); and

WHEREAS, as a result of such review, it may be desirable for the Township to take advantage of the Initiative by submitting one or more Questionnaires to the Enforcement Division identifying a statement with respect to prior compliance with its Continuing Disclosure Obligation that is potentially materially inaccurate; and

WHEREAS, the Township is desirous of authorizing the submission of one or more Questionnaires to the Enforcement Division if deemed advisable by the Director of Revenue and Finance or the Township Chief Financial Officer (the “Township Officials”) after consultation with the Township Professionals;

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

1. **Authorization to Retain a Continuing Disclosure Specialist.** The Township Officials are each hereby authorized and directed to retain a firm that specializes in continuing disclosure matters (a) to examine the Township’s Continuing Disclosure Obligation and previous continuing disclosure filings, (b) to report to the Township any noncompliance with its Continuing Disclosure Obligation and (c) to otherwise assist the Township and the Township Professionals with respect to the Initiative, the Questionnaire and the provision of continuing disclosure materials to the public marketplace.

2. **Authorization to Submit Questionnaire.** The Township Officials are each hereby authorized, after examining the report of the continuing disclosure specialist and consulting with the Township Professionals, to take advantage of the Initiative by submitting one or more Questionnaires to the Enforcement Division by the September 10, 2014, deadline established by the Initiative.
3. **Various Incidental Actions.** The Township Officials are hereby authorized to execute and deliver all documents and instruments and to do all matters and things as may be necessary, useful, convenient or desirable in connection with the foregoing.

4. **Prior Action.** All action heretofore taken by the Township Officials and the Township Professionals relating to the foregoing is hereby ratified, confirmed, adopted and approved, including without limitation soliciting and/or engaging a professional firm that specializes in continuing disclosure matters to undertake the continuing disclosure review described in this resolution.

5. **Capitalized Terms.** All capitalized words and terms used by not defined in this resolution shall have the meanings ascribed to such words and terms, respectively, in this resolution.

6. **Effective Date.** This resolution shall take effect immediately.

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**Record of Vote**

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I, [Signature] Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held August 5, 2014.
Board of Commissioners
TOWNSHIP OF NUTLEY, NEW JERSEY
Resolution

Introduced by Commissioner Thomas J. Evans
Commissioner Mauro G. Tucci

Date August 5, 2014
177-14

WHEREAS, the Township of Nutley heretofore entered into a contract with Brancato Landscaping Contractor LLC on September 3, 2013 in the amount of $10,000.00 for brush, grass and weed removal; and

WHEREAS, Change Order #2 has been authorized for the original contract amount to be increased by $7,500.00.

WHEREAS, the funds are available from Capital Ordinance #3126 and has been certified by the Chief Financial Officer and said certification is attached to this resolution;

NOW THEREFORE, BE IT RESOLVED, that the Board of Commissioners in the Township of Nutley, County of Essex, State of New Jersey, that Change Order #2 as attached, is a change from the contract previously made by the Township of Nutley with Brancato Landscaping for services are hereby authorized and approved.

I, __________________________ Township Clerk of the Township of Nutley, Essex County, NJ do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held August 5, 2014.

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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 $669.43 for said years due to successful tax court judgments.

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<tr>
<th>Block &amp; Lot</th>
<th>Address</th>
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<td>1500 8</td>
<td>2 Wilmington Dr.</td>
<td>$669.43 – 2013</td>
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I, [Signature], Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held August 5, 2014.

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BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, in the County of Essex, State of New Jersey, that the Treasurer be and she is hereby authorized to refund overpayments of the water charges in the amount of $93.10.

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<th>Block &amp; Lot</th>
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<td>4700 4</td>
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Resolution

Introduced by: Commissioner Joseph P. Scarpelli  Date: August 5, 2014
Seconded by: Commissioner Steven Rogers  No. 181-14

WHEREAS, the Township Clerk was authorized to advertise for sealed bids for the Park Avenue Improvement Project Section 2 to be received and opened on Wednesday, July 9, 2014; and

WHEREAS, Resolution 146-14 incorrectly stated the section of the project as Park Avenue Improvement Project Section 1; and

WHEREAS, the corrected project name is Park Avenue Improvement Project Section 2;

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that Resolution 146-14 be amended with the corrected project name as Park Avenue Improvement Project Section 2, as reflected above.

[Signature]

L. 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 August 5, 2014.

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<td>Absent/Excused</td>
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</tbody>
</table>
Resolution

Introduced by: Commissioner Joseph P. Scarpelli
Seconded by: Commissioner Steven Rogers
Date: August 5, 2014
No. 182-14

WHEREAS, Bids for the Park Avenue Improvement Project Section 2 were received and opened on Wednesday, July 9, 2014; and
WHEREAS, AJM Contractors, Inc., was the low bidder; and
WHEREAS, Resolution 167-14 incorrectly stated the section of the project as Park Avenue Improvement Project Section 1; and
WHEREAS, the corrected project name is Park Avenue Improvement Project Section 2;

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that Resolution 167-14 be amended with the corrected project name as Park Avenue Improvement Project Section 2, as reflected above.

Record of Vote

<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>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
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</table>

I, 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 August 5, 2014.
WHEREAS, the Township of Nutley has a need to acquire the services of Professional Engineers to assist the Township with defending itself against a Tort Claim made by Hoffman La Roche and other environmental issues, as a Non-Fair and Open Contract pursuant to the provisions of N.J.S.A 19:44 A20.4 or 20.5, as appropriate; and

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the aggregate services provided by the vendor for the year will not exceed $50,000.00; and

WHEREAS, Hatch Mott MacDonald, 111 Wood Avenue South Iselin, New Jersey 08830-4112, has submitted an acceptable proposal to provide such Professional Services as required to assist the Township attorney in responding to the claim made by Hoffman La Roche and other environmental issues. Such services will be billed monthly based upon actual time and expenses incurred in accordance with their submitted fee schedule.

WHEREAS, Hatch Mott MacDonald (HMM) services will be coordinated and managed by John Rolak, Jr., P.E, Principal of the firm with 35 years of experience and Roy Redmond, LSRP-NJ (Licensed Site Remediation Professional) with 30 years of experience.

WHEREAS, Hatch Mott MacDonald, Professional Engineering Services, has completed and submitted a Business Entity Disclosure Certificate which certifies that they have not made any reportable contributions to a political or candidate committee in the Township of Nutley in the previous one year, and that the contract will prohibit them from making any reportable contributions through the term of the contract; and

WHEREAS, funds are available from account #4-01-226-299 and have been certified by the Chief Financial Officer, said certification being attached to this resolution.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey authorizes the Mayor to enter into a contract in accordance with N.J.S.A 19:44 A20.4 or 20.5 with Hatch Mott MacDonald, Professional Engineering Services for the proposal as stated above.

BE IT FURTHER RESOLVED, that the Business Disclosure Entity Certificate and the Determination of Value be placed on file with this resolution.

I, Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held August 5, 2014

<table>
<thead>
<tr>
<th>Record of Vote</th>
<th>Commissioner Rogers</th>
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<th>Commissioner Scarrelli</th>
<th>Mayor Petracco</th>
</tr>
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<tr>
<td>Yes</td>
<td>X</td>
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<tr>
<td>Not Voting</td>
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<td>ABSTAINED</td>
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<td>Absent/Excused</td>
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</tbody>
</table>
BE IT RESOLVED BY THE Township of Nutley in the County of Essex, New Jersey that the following be appointed as a member of the Nutley Volunteer Fire Department effective August 15, 2014

Robert A. Spagnuolo
39 Hope Street
Nutley, New Jersey

I, ________ , Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held August 5, 2014

<table>
<thead>
<tr>
<th>Record of Vote</th>
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<td>Yes</td>
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<td>Absent/Excused</td>
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</tbody>
</table>
A RESOLUTION AUTHORIZING INCLUSION IN THE ESSEX COUNTY URBAN COUNTY COMMUNITY DEVELOPMENT PROGRAM FOR PROGRAM YEARS 2015-2017

WHEREAS, certain Federal funds are potentially available to the County of Essex under Title I of the Housing and Community Development Act of 1974, as amended and HOME Investment Partnership Act of 1990, as amended; and

WHEREAS, the Township of Nutley desires to participate in the Essex County Urban County for conducting certain community development activities for Program Years 2015-2017; and

WHEREAS, a letter has been drafted by the Mayor to the Essex County Division of Housing and Community Development notifying them of the Township’s desire to participate in this process; and

WHEREAS, the Grantee or a unit of general local government that directly or indirectly receives CDBG funds may not sell, trade, or otherwise transfer all or any such portion of such funds to another metropolitan city, urban county, unit of general local government, or Indian tribe, or insular area that directly or indirectly receives CDBG funds in exchange for any other funds, credits or non-Federal considerations, but must use such funds for activities eligible under Title I of the Housing and Community Development Act of 1974, as amended.

WHEREAS, the current Interlocal Services Agreement contains an automatic renewal clause to expedite the notification of the inclusion process; and

WHEREAS, by June 21, 2014 each municipality must notify the Essex County Division of Housing & Community Development of its intent to continue as a participant in the Urban County entitlement programs noted above; and

WHEREAS, it is in the best interest of the Township of Nutley and its residents to participate in said programs.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Commissioners of the Township of Nutley hereby authorizes the Mayor to execute the attached Cooperation Agreement and notifies the Essex County Division of Community Development of its decision to be included as a participant municipality in the Urban County entitlement programs being the Community Development Block Grant Program and HOME Investment Partnership Act Program for the Program Years 2015, 2016 and 2017 (June 1, 2015- May 30, 2017); and

BE IT FURTHER RESOLVED that a copy to this resolution be forwarded to the Essex County Division of Housing & Community Development no later than August 6, 2014.

Record of Vote

<table>
<thead>
<tr>
<th>Commissioner</th>
<th>Yes</th>
<th>No</th>
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<th>Absent/Excused</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rogers</td>
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<td></td>
</tr>
<tr>
<td>Tucci</td>
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<tr>
<td>Evans</td>
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<tr>
<td>Scarpelli</td>
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<tr>
<td>Petracco</td>
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</table>
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>Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Friends of the Phoenix</td>
<td>Off-Premise Merchandise Raffle</td>
<td>53-14</td>
<td>October 9, 2014</td>
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<tr>
<td>Center Foundation Inc.</td>
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</tbody>
</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.

The 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 August 1, 2014.

<table>
<thead>
<tr>
<th>Record of Vote</th>
<th>Commissioner Rogers</th>
<th>Commissioner Tucci</th>
<th>Commissioner Evans</th>
<th>Commissioner Scarpetti</th>
<th>Mayor Petracco</th>
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<tr>
<td>Yes</td>
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Resolution

Introduced by: Mayor Alphonse Petracco
Seconded by: Commissioner Mauro G. Tucci
Date: August 5, 2014
No. 186-14

WHEREAS, an application has been filed for a person-to-person and place-to-place transfer of Plenary Retail Consumption License Number 0716-33-024-005, heretofore issued to Nutley Pub Associates, LLC T/A Nutley Pub Associates for premises heretofore located at 227-229 Centre Street, 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 August 6, 2014 the transfer of the aforesaid Plenary Retail Consumption License to Cowan’s Craft Limited Liability Company T/A Cowan’s, 227-229 Centre Street, Nutley, New Jersey 07110, and does hereby direct the Municipal Clerk to endorse the license certificate to the new ownership and new location as follows: “This license, subject to all its terms and conditions, is hereby transferred to Cowan’s Craft Limited Liability Company T/A Cowan’s, 227-229 Centre Street, Nutley, New Jersey 07110, effective August 6, 2014.”

I, Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held August 5, 2014

<table>
<thead>
<tr>
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</tbody>
</table>
WHEREAS the Township of Nutley Zoning Board received $1,000.00 escrow deposit from Mr. Jerome Mascari, for property located at 216 Bloomfield Avenue for professional services, and

WHEREAS the Zoning Board of Adjustment has reviewed and determined the remaining escrow balance of $1,000.00 is due to Mr. Jerome Mascari, and

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, NJ, that the above amount is refunded to Mr. Jerome Mascari.
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. Personnel
2. Contractual Matters
3. Potential Litigation

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.

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<tr>
<td>Yes</td>
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</table>

I, Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held August 5, 2014.
BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution
Continued Meeting of Tuesday, August 5, 2014

Introduced by: Commissioner Thomas J. Evans
Seconded by: Commissioner Mauro G. Tucci (Via Telephone Conference)

Date: August 8, 2014
No. 190-14

CAPITAL BUDGET AMENDMENT

WHEREAS, the local capital budget for the year 2014 was approved on the 20th day May, 2014; and

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

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

FROM
CAPITAL BUDGET (CURRENT YEAR ACTION)

PLANNED FUNDING SERVICES FOR

CURRENT YEAR-2014

<table>
<thead>
<tr>
<th>Project</th>
<th>Estimated Total Cost</th>
<th>Capital Improvement Fund</th>
<th>Debt Authorization</th>
</tr>
</thead>
<tbody>
<tr>
<td>Purchase of SCBA Masks-Phase II</td>
<td>$100,000.00</td>
<td>$5,000.00</td>
<td>$95,000.00</td>
</tr>
<tr>
<td>Purchase of Aerial Ladder Truck-Phase II</td>
<td>180,000.00</td>
<td>9,000.00</td>
<td>171,000.00</td>
</tr>
<tr>
<td>Purchase of Jet Truck</td>
<td>250,000.00</td>
<td>12,500.00</td>
<td>237,500.00</td>
</tr>
<tr>
<td>Purchase of Garbage Truck</td>
<td>170,000.00</td>
<td>8,500.00</td>
<td>161,500.00</td>
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<tr>
<td>Purchase of Saltier Truck</td>
<td>120,000.00</td>
<td>6,000.00</td>
<td>114,000.00</td>
</tr>
<tr>
<td>Purchase of Storage Containers</td>
<td>30,000.00</td>
<td>1,500.00</td>
<td>28,500.00</td>
</tr>
<tr>
<td>Purchase of Pumps for Bloomfield Ave. Pumping Station</td>
<td>30,000.00</td>
<td>1,500.00</td>
<td>28,500.00</td>
</tr>
<tr>
<td>Parks &amp; Playgrounds Equipment &amp; Improve.</td>
<td>250,000.00</td>
<td>12,500.00</td>
<td>237,500.00</td>
</tr>
<tr>
<td>Building Renovations &amp; Equipment</td>
<td>400,000.00</td>
<td>20,000.00</td>
<td>380,000.00</td>
</tr>
<tr>
<td>Vehicles Purchase &amp; Equipment</td>
<td>50,000.00</td>
<td>2,500.00</td>
<td>47,500.00</td>
</tr>
<tr>
<td>Roads &amp; Sidewalks</td>
<td>1,300,000.00</td>
<td>65,000.00</td>
<td>1,235,000.00</td>
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</table>

6-YEAR CAPITAL PROGRAM 2014-2019
Anticipated Project Schedule and Funding Requirements

<table>
<thead>
<tr>
<th>Project</th>
<th>Estimated Total Cost</th>
<th>Estimated Completion Time</th>
<th>Funding Amounts Per Year</th>
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<tbody>
<tr>
<td>Purchase of SCBA Masks-Phase II</td>
<td>$100,000.00</td>
<td>1 Year</td>
<td>$100,000.00</td>
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<tr>
<td>Purchase of Aerial Ladder Truck-Phase II</td>
<td>180,000.00</td>
<td>1 Year</td>
<td>180,000.00</td>
</tr>
<tr>
<td>Purchase of Jet Truck</td>
<td>250,000.00</td>
<td>1 Year</td>
<td>250,000.00</td>
</tr>
<tr>
<td>Purchase of Garbage Truck</td>
<td>170,000.00</td>
<td>1 Year</td>
<td>170,000.00</td>
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<tr>
<td>Purchase of Saltier Truck</td>
<td>120,000.00</td>
<td>1 Year</td>
<td>120,000.00</td>
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<tr>
<td>Purchase of Storage Containers</td>
<td>30,000.00</td>
<td>1 Year</td>
<td>30,000.00</td>
</tr>
<tr>
<td>Purchase of Pumps for Bloomfield Ave. Pumping Station</td>
<td>30,000.00</td>
<td>1 Year</td>
<td>30,000.00</td>
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<tr>
<td>Parks &amp; Playgrounds Equipment &amp; Improve.</td>
<td>250,000.00</td>
<td>1 Year</td>
<td>250,000.00</td>
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<tr>
<td>Building Renovations &amp; Equipment</td>
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<td>400,000.00</td>
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<tr>
<td>Vehicles Purchase &amp; Equipment</td>
<td>50,000.00</td>
<td>1 Year</td>
<td>50,000.00</td>
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<tr>
<td>Roads &amp; Sidewalks</td>
<td>1,300,000.00</td>
<td>1 Year</td>
<td>1,300,000.00</td>
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</table>
YEAR CAPITAL PROGRAM 2014-2019
SUMMARY OF ANTICIPATED FUNDING SOURCES AND AMOUNTS

<table>
<thead>
<tr>
<th>Project</th>
<th>Estimated Total Cost</th>
<th>Capital Improvement Fund</th>
<th>Debt Authorization</th>
</tr>
</thead>
<tbody>
<tr>
<td>Purchase of SCBA Masks-Phase II</td>
<td>$50,000.00</td>
<td>$2,500.00</td>
<td>$47,500.00</td>
</tr>
<tr>
<td>Purchase of Jet Truck</td>
<td>$210,000.00</td>
<td>$10,500.00</td>
<td>$199,500.00</td>
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<tr>
<td>Purchase of Salter Truck</td>
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<td>Purchase of Storage Containers</td>
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<td>Purchase of Pumps for Bloomfield Ave. Pumping Station</td>
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<td>$19,000.00</td>
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<tr>
<td>Parks &amp; Playgrounds Equipment &amp; Improve.</td>
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<td>$11,750.00</td>
<td>$223,250.00</td>
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<td>Building Renovations &amp; Equipment</td>
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<td>$45,000.00</td>
<td>$855,000.00</td>
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</table>

BE IT FURTHER RESOLVED, that two certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services.

APPROVED ________________________________

[Signature]

Director, Division of Local Government Serv.

I, [Signature], Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a continued meeting August 8, 2014 (Continued Meeting of Tuesday, August 5, 2014)

<table>
<thead>
<tr>
<th>Record of Vote</th>
<th>Commissioner Rogers</th>
<th>Commissioner Tucci</th>
<th>Commissioner Evans</th>
<th>Commissioner Scarrelli</th>
<th>Mayor Petracco</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>Via Telephone Conference X</td>
<td>Via Telephone Conference X</td>
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<td>Via Telephone Conference X</td>
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<tr>
<td>Not Voting</td>
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</tr>
<tr>
<td>Absent/Excused</td>
<td></td>
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</tbody>
</table>
NOTICE OF PENDING BOND ORDINANCE AND SUMMARY

Bond Ordinance No. 3294

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the governing body of the Township of Nutley, in the County of Essex, New Jersey, on August 8, 2014. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at the Municipal Building, One Kennedy Drive, 3rd Floor Commission Chambers in said Township on September 2, 2014 at 7:00 o'clock P.M. During the week prior to and up to and including the date of such meeting copies of the full ordinance will be available at no cost and during regular business hours at the Clerk's office in said Municipal Building, One Kennedy Drive, Nutley, NJ 07110 for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title: Bond ordinance appropriating $1,363,500, and authorizing the issuance of $1,295,325 bonds or notes of the Township, for various improvements or purposes authorized to be undertaken by the Township of Nutley, in the County of Essex, New Jersey

Purpose(s):
- Acquisition by purchase of new and additional equipment, including tactical vests and equipment for use by the Police Department of the Township. Acquisition by purchase of new and additional equipment, including license plate readers for use by the Police Department of the Township. Acquisition by purchase of new and additional equipment, including weapons for use by the Police Department of the Township. Acquisition by purchase of new and additional equipment, including self-contained breathing apparatus for use by the Fire Departments of the Township. Improvement of municipally-owned properties and facilities in and by the Township, by the installation of fiber optic lines. Acquisition by purchase of new and additional vehicular equipment, including one (1) jet truck for use by the Department of Public Works of the Township. Acquisition by purchase of new and additional vehicular equipment, including one (1) salter truck for use by the Department of Public Works of the Township. Acquisition by purchase and installation, as necessary, of new and additional equipment, including pumps for use at the Bloomfield Avenue Pumping Station. Improvement of municipal parks and playgrounds in and by the Township. Improvement of municipally owned buildings in and by the Township by the renovation thereof. Acquisition by purchase and the planting of trees at various locations in and by the Township. Acquisition by purchase of new and additional vehicular equipment for use by the Parks Department of the Township. Acquisition by purchase of new and additional equipment, including a trash compactor for use by the Parks Department of the Township. Acquisition by purchase of new and additional equipment, including a pharmacy refrigerator for use by the Health Department of the Township.

Appropriation: $1,363,500
Bonds/Notes Authorized: $1,295,325
Grants (if any) Appropriated: $0
Section 20 Costs: $123,500
Useful Life: 12.07 years

/s/ Evelyn Rosario
Township Clerk

This Notice is published pursuant to N.J.S.A. 40A:2-
BOND ORDINANCE APPROPRIATING $1,363,500, AND
AUTHORIZING THE ISSUANCE OF $1,295,325 BONDS OR
NOTES OF THE TOWNSHIP, FOR VARIOUS
IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE
UNDERTAKEN BY THE TOWNSHIP OF NUTLEY, IN THE
COUNTY OF ESSEX, NEW JERSEY.

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

Section 1. The several improvements described in Section 3 of this bond
ordinance are hereby respectively authorized as general improvements to be made or acquired by
the Township of Nutley, New Jersey. For the said several improvements or purposes stated in said
Section 3, there are hereby appropriated the respective sums of money therein stated as the
appropriations made for said improvements or purposes, said sum being inclusive of all
appropriations heretofore made therefor and amounting in the aggregate to $1,363,500 including
the aggregate sum of $68,175 as the several down payments for said improvements or purposes
required by law and more particularly described in said Section 3 and now available therefor by
virtue of provision in a previously adopted budget or budgets of the Township for down payment
or for capital improvement purposes.

Section 2. For the financing of said improvements or purposes and to meet the
part of said $1,363,500 appropriations not provided for by application hereunder of said down
payments, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of $1,295,325 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in a principal amount not exceeding $1,295,325 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

Section 3. The improvements hereby authorized and the several purposes for the financing of which said obligations are to be issued, the appropriation made for and estimated cost of each such purpose, and the estimated maximum amount of bonds or notes to be issued for each such purpose, are respectively as follows:

<table>
<thead>
<tr>
<th>IMPROVEMENT OR PURPOSE</th>
<th>APPROPRIATION AND ESTIMATED COST</th>
<th>ESTIMATED MAXIMUM AMOUNT OF BONDS AND NOTES</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Acquisition by purchase of new and additional equipment, including tactical vests</td>
<td>$33,000</td>
<td>$31,000</td>
</tr>
<tr>
<td>and equipment for use by the Police Department of the Township, together with for all</td>
<td></td>
<td></td>
</tr>
<tr>
<td>appurtenances, attachments and accessories necessary therefor or incidental thereto,</td>
<td></td>
<td></td>
</tr>
<tr>
<td>all as shown on and in accordance with the specifications therefor on file or to be</td>
<td></td>
<td></td>
</tr>
<tr>
<td>filed in the office of the Township Clerk and hereby approved</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(b) Acquisition by purchase of new and additional equipment, including license plate</td>
<td>27,500</td>
<td>26,000</td>
</tr>
<tr>
<td>readers for use by the Police Department of the Township, together with for all</td>
<td></td>
<td></td>
</tr>
<tr>
<td>appurtenances, attachments and accessories necessary therefor or incidental thereto,</td>
<td></td>
<td></td>
</tr>
<tr>
<td>all as shown on and in accordance with the specifications therefor on file or to be</td>
<td></td>
<td></td>
</tr>
<tr>
<td>filed in the office of the Township Clerk and hereby approved</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(c) Acquisition by purchase of new and additional equipment, including weapons for use</td>
<td>71,500</td>
<td>68,000</td>
</tr>
<tr>
<td>by the Police Department of the Township, together with for all appurtenances,</td>
<td></td>
<td></td>
</tr>
<tr>
<td>attachments and accessories necessary therefor or incidental thereto, all as shown on</td>
<td></td>
<td></td>
</tr>
<tr>
<td>and in accordance with the specifications therefor on file or to be filed in the</td>
<td></td>
<td></td>
</tr>
<tr>
<td>office of the Township Clerk and hereby approved</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
(d) Acquisition by purchase of new and additional equipment, including self-contained breathing apparatus for use by the Fire Departments of the Township, together with all equipment, attachments and accessories necessary therefor or incidental thereto, all as shown on and in accordance with the specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved

(e) Improvement of municipally-owned properties and facilities in and by the Township, by the installation of fiber optic lines, together with all the aforesaid all equipment, structures, site work, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved

(f) Acquisition by purchase of new and additional vehicular equipment, including one (1) jet truck for use by the Department of Public Works of the Township, together with all attachments, appurtenances and equipment necessary therefor or incidental thereto, all as shown on and in accordance with the specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved

(g) Acquisition by purchase of new and additional vehicular equipment, including one (1) salt truck for use by the Department of Public Works of the Township, together with all accessories necessary therefor or incidental thereto, all as shown on and in accordance with the specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved

(h) Acquisition by purchase of new and additional equipment, including storage containers for use by the Department of Public Works of the Township, together with all appurtenances, attachments and accessories necessary therefor or incidental thereto, all as shown on and in accordance with the specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved

(i) Acquisition by purchase and installation, as necessary, of new and additional equipment, including pumps for use at the Bloomfield Avenue Pumping Station, together with all appurtenances, attachments and accessories necessary therefor or incidental thereto, all as shown on and in accordance with the specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>55,000</td>
<td>52,000</td>
</tr>
<tr>
<td>229,000</td>
<td>218,000</td>
</tr>
<tr>
<td>93,000</td>
<td>88,500</td>
</tr>
<tr>
<td>16,500</td>
<td>15,500</td>
</tr>
<tr>
<td>22,000</td>
<td>20,500</td>
</tr>
</tbody>
</table>
(j) Improvement of municipal parks and playgrounds in and by the Township, together with all structures, equipment, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount 1</th>
<th>Amount 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>258,500</td>
<td>246,000</td>
<td></td>
</tr>
</tbody>
</table>

(k) Improvement of municipally owned buildings in and by the Township by the renovation thereof, together with all equipment, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount 1</th>
<th>Amount 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>420,000</td>
<td>400,000</td>
<td></td>
</tr>
</tbody>
</table>

(l) Acquisition by purchase and the planting of trees at various locations in and by the Township, together with all landscaping, equipment, site work, work and materials necessary therefor or incidental thereto

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount 1</th>
<th>Amount 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>5,500</td>
<td>5,000</td>
<td></td>
</tr>
</tbody>
</table>

(m) Acquisition by purchase of new and additional vehicular equipment for use by the Parks Department of the Township, together with all attachments, appurtenances and equipment necessary therefor or incidental thereto, all as shown on and in accordance with the specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount 1</th>
<th>Amount 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>49,500</td>
<td>47,325</td>
<td></td>
</tr>
</tbody>
</table>

(n) Acquisition by purchase of new and additional equipment, including a trash compactor for use by the Parks Department of the Township, together with all appurtenances, attachments and accessories necessary therefor or incidental thereto, all as shown on and in accordance with the specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount 1</th>
<th>Amount 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>22,000</td>
<td>20,500</td>
<td></td>
</tr>
</tbody>
</table>

(o) Acquisition by purchase of new and additional equipment, including a pharmacy refrigerator for use by the Health Department of the Township, together with all equipment, attachments and accessories necessary therefor or incidental thereto, all as shown on and in accordance with the specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount 1</th>
<th>Amount 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>5,500</td>
<td>5,000</td>
<td></td>
</tr>
</tbody>
</table>

**Totals**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount 1</th>
<th>Amount 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>$1,363,500</td>
<td>$1,295,325</td>
<td></td>
</tr>
</tbody>
</table>

-4-
The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the said down payment for said purpose.

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

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

(b) The average period of usefulness of said purposes within the limitations of said Local Bond Law and taking into consideration the respective amounts of the said obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 12.07 years.

(c) The supplemental debt statement required by said Local Bond Law has been duly made and filed in the office of the Township Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Township as defined in said Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by $1,295,325, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) Amounts not exceeding $123,500 in the aggregate for interest on said obligations, costs of issuing said obligations, engineering costs and other items of expense listed
in and permitted under Section 40A:2-20 of said Local Bond Law may be included as part of the
 costs of said improvements and are included in the foregoing estimate thereof.

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

Section 6. The full faith and credit of the Township are hereby pledged to the
punctual payment of the principal of and interest on the said obligations authorized by this bond
ordinance. Said obligations shall be direct, unlimited obligations of the Township, and the
Township shall be obligated to levy ad valorem taxes upon all the taxable property within the
Township for the payment of said obligations and interest thereon without limitation of rate or
amount.
Section 7. The capital budget or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Township Clerk and are available for public inspection.

Section 8. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.
NOTICE OF PENDING BOND ORDINANCE AND SUMMARY

Bond Ordinance No. 3295

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the governing body of the Township of Nutley, in the County of Essex, New Jersey, on August 8, 2014. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at the Municipal Building, One Kennedy Drive, in said Township on September 2, 2014 at 7:00 o’clock P.M. During the week prior to and up to and including the date of such meeting copies of the full ordinance will be available at no cost and during regular business hours at the Clerk’s office in said Municipal Building, One Kennedy Drive, Nutley, NJ 07110 for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title: Bond ordinance providing for the reconstruction of various roadways and sidewalks in the Township of Nutley, in the County of Essex, New Jersey, appropriating $990,000 therefor and authorizing the issuance of $940,500 bonds or notes of the Township for financing part of the cost thereof.

Purpose(s): The reconstruction and resurfacing of various roads and sidewalks in and by the Township, together with all milling, paving, curbing, guide rails, reflectors, dividers, drainage facilities, sanitary sewer facilities, signage, structures, equipment, site work, work and materials necessary therefor or incidental thereto.

Appropriation: $990,000
Bonds/Notes Authorized: $940,500
Grants (if any) Appropriated: $0
Section 20 Costs: $90,000
Useful Life: 10 years

/s/ Evelyn Rosario
Township Clerk

This Notice is published pursuant to N.J.S.A. 40A:2-17.
Bond Ordinance No. 3295
Introduced by Commissioner Evans
Introduced on: Friday August 8, 2014 (Continued Meeting of Tuesday, August 5, 2014)
Public Hearing: Tuesday, September 2, 2014

**Bond Ordinance No. 3295**

BOND ORDINANCE PROVIDING FOR THE RECONSTRUCTION OF VARIOUS ROADWAYS AND SIDEWALKS IN THE TOWNSHIP OF NUTLEY, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING $990,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF $940,500 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING PART OF THE COST THEREOF.

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

Section 1. The improvement described in Section 3 of this bond ordinance is hereby authorized as a general improvement to be made or acquired by the Township of Nutley, New Jersey. For the said improvement or purpose stated in said Section 3, there is hereby appropriated the sum of $990,000, said sum being inclusive of all appropriations heretofore made therefor and including the sum of $49,500 as the down payment for said improvement or purpose required by law and now available therefor by virtue of provision in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes.

Section 2. For the financing of said improvement or purpose and to meet the part of said $990,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of $940,500 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance
of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the Township in a principal amount not exceeding $940,500 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

Section 3. (a) The improvement hereby authorized and purpose for the financing of which said obligations are to be issued is the reconstruction and resurfacing of various roads and sidewalks in and by the Township so as to provide roadway pavements at least equal in useful life or durability to a roadway pavement of Class B construction (as such term is used or referred to in section 40A:2-22 of said Local Bond Law), together with all milling, paving, curbing, guide rails, reflectors, dividers, drainage facilities, sanitary sewer facilities, signage, structures, equipment, site work, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved.

(b) The estimated maximum amount of bonds or notes to be issued for said purpose is $940,500.

(c) The estimated cost of said purpose is $990,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor being the amount of the said $49,500 down payment for said purpose.

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

(a) The said purpose described in Section 3 of this bond ordinance is not a current expense and is a property or improvement which the Township may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.
(b) The period of usefulness of said purpose within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is ten (10) years.

(c) The supplemental debt statement required by said Local Bond Law has been duly made and filed in the office of the Township Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Township as defined in said Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by $940,500, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding $90,000 for interest on said obligations, costs of issuing said obligations and other items of expense listed in and permitted under section 40A:2-20 of said Local Bond Law may be included as part of the cost of said improvement and is included in the foregoing estimate thereof.

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

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

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

Section 8. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.
NOTICE OF PENDING BOND ORDINANCE AND SUMMARY

Bond Ordinance No. 3296

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the governing body of the Township of Nutley, in the County of Essex, New Jersey, on August 8, 2014. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at the Municipal Building, One Kennedy Drive in said Township on September 2, 2014 at 7:00 o’clock P.M. During the week prior to and up to and including the date of such meeting copies of the full ordinance will be available at no cost and during regular business hours at the Clerk’s office in said Municipal Building, One Kennedy Drive, Nutley, NJ 07110 for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title: Bond ordinance appropriating $104,500, and authorizing the issuance of $99,275 bonds or notes of the Township, for various water utility improvements or purposes authorized to be undertaken by the Township of Nutley, in the County of Essex, New Jersey

Purpose(s): Acquisition by purchase of new and additional vehicular equipment for use by the water utility of the Township, including one (1) dump truck. Acquisition by purchase of new and additional equipment, for use by the water utility of the Township, including fire hydrants.

Appropriation: $104,500
Bonds/Notes Authorized: $99,275
Grants (if any) Appropriated: $0
Section 20 Costs: $9,500
Useful Life: 6.04 years

/s/ Evelyn Rosario
Township Clerk

This Notice is published pursuant to N.J.S.A. 40A:2-17.
Bond Ordinance No. 3296
Introduced by Commissioner Evans
Introduced on: Friday August 8, 2014 (Continued Meeting of Tuesday, August 5, 2014)
Public Hearing: Tuesday, September 2, 2014

Bond Ordinance No. 3296

BOND ORDINANCE APPROPRIATING $104,500, AND AUTHORIZING THE ISSUANCE OF $99,275 BONDS OR NOTES OF THE TOWNSHIP, FOR VARIOUS WATER UTILITY IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE TOWNSHIP OF NUTLEY, IN THE COUNTY OF ESSEX, NEW JERSEY.

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

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized as general improvements to be made or acquired by the Township of Nutley, New Jersey. For the said several improvements or purposes stated in said Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriations made for said improvements or purposes, said sum being inclusive of all appropriations heretofore made therefor and amounting in the aggregate to $104,500 including the aggregate sum of $5,225 as the several down payments for said improvements or purposes required by law and more particularly described in said Section 3 and now available therefor by virtue of provision in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes.
Section 2. For the financing of said improvements or purposes and to meet the part of said $104,500 appropriations not provided for by application hereunder of said down payments, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of $99,275 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in a principal amount not exceeding $99,275 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

Section 3. The improvements hereby authorized and the several purposes for the financing of which said obligations are to be issued, the appropriation made for and estimated cost of each such purpose, and the estimated maximum amount of bonds or notes to be issued for each such purpose, are respectively as follows:

<table>
<thead>
<tr>
<th>IMPROVEMENT OR PURPOSE</th>
<th>APPROPRIATION AND ESTIMATED COST</th>
<th>ESTIMATED MAXIMUM AMOUNT OF BONDS AND NOTES</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Acquisition by purchase of new and additional vehicular equipment for use by the water utility of the Township, including one (1) dump truck, together with all accessories necessary therefor or incidental thereto, all as shown on and in accordance with the specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved</td>
<td>$93,500</td>
<td>$88,875</td>
</tr>
<tr>
<td>(b) Acquisition by purchase of new and additional equipment, for use by the water utility of the Township, including fire hydrants, together with all equipment, attachments and accessories necessary therefor or incidental thereto, all as shown on and in accordance with the specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved</td>
<td>$11,000</td>
<td>$10,400</td>
</tr>
<tr>
<td>Totals</td>
<td>$104,500</td>
<td>$99,275</td>
</tr>
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The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the said down payment for said purpose.

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

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

(b) The average period of usefulness of said purposes within the limitations of said Local Bond Law and taking into consideration the respective amounts of the said obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 6.04 years.

(c) The supplemental debt statement required by said Local Bond Law has been duly made and filed in the office of the Township Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Township as defined in said Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by $99,275, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) Amounts not exceeding $9,500 in the aggregate for interest on said obligations, costs of issuing said obligations, engineering costs and other items of expense listed
in and permitted under Section 40A:2-20 of said Local Bond Law may be included as part of the costs of said improvements and are included in the foregoing estimate thereof.

(e) This bond ordinance authorized obligations of the Township solely for purposes described in paragraph (h) of section 40A:2-7 of said Local Bond Law, and the said obligations authorized by this bond ordinance are to issued for a purpose which is self-liquidating within the meaning and limitations of section 40A:2-45 of said Local Bond Law and are deductible, pursuant to paragraph of (c) of section 40A:2-44 of said Local Bond Law, from the gross debt of the Township.

Section 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer, provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the Chief Financial Officer’s signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. §40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the dates of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body of the Township at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.
Section 6. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Township, and, unless paid from revenues of the water supply and distribution system of the Township, the Township shall be obligated to levy ad valorem taxes upon all the taxable property within the Township for the payment of said obligations and interest thereon without limitation of rate or amount.

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

This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.