

TOWNSHIP OF NUTLEY, NEW JERSEY

BOARD OF COMMISSIONERS

ORIGINAL

PUBLIC MEETING

) TRANSCRIPT OF

) PROCEEDINGS:

August 5, 2014

7:00 p.m.

RECEIVED
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TOWNSHIP OF NUTLEY

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

1 P R O C E E D I N G S

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

4 MADAM CLERK: Mr. Mayor, are we ready?

5 MAYOR PETRACCO: We're ready.

6 MADAM CLERK: Tuesday, August 5th, 2014 --
7 pursuant to the requirements of the Open Public Meeting Law,
8 chapter 231 Public Laws 1975, notice of this meeting was
9 published in the December 12th, 2013 issues of the Nutley
10 Sun, the Star Ledger, and the Herald News. A copy of this
11 notice has been posted on the Nutley town hall bulletin
12 board and a copy is on file in the municipal clerk's office.

13 Commissioner Rogers?

14 COMMISSIONER ROGERS: Here.

15 MADAM CLERK: Commissioner Tucci?

16 COMMISSIONER TUCCI: Here.

17 MADAM CLERK: Commissioner Evans?

18 COMMISSIONER EVANS: Here.

19 MADAM CLERK: Commissioner Scarpelli?

20 COMMISSIONER SCARPELLI: Here.

21 MADAM CLERK: Mayor Petracco?

22 MAYOR PETRACCO: Here.

23 How is everybody this evening?

24 UNIDENTIFIED SPEAKER: Very good, Mayor.

25 MAYOR PETRACCO: I guess no one takes vacations

1 any more, huh? We're all here.

2 UNIDENTIFIED SPEAKER: Staycation.

3 MAYOR PETRACCO: We're all hard workers.

4 MADAM CLERK: Mayor, before you start, the meeting
5 agenda for executive session 2011 -- I listed it as August.

6 One of the meetings and it's listed as August 6th, 2011.

7 It's actually August 16th, 2011, and that's the minutes that
8 you just reviewed.

9 MAYOR PETRACCO: Okay.

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

14 MAYOR PETRACCO: So I have to correct that?

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

17 MAYOR PETRACCO: Oh, fine.

18 MADAM CLERK: I just (indiscernible).

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

21 MADAM CLERK: Thank you, Mayor.

22 MAYOR PETRACCO: And you make so very few. Was it
23 2011 you made your last one?

24 MADAM CLERK: Yeah.

25 MAYOR PETRACCO: Okay. I guess we'll go around

1 the -- I guess we will start off with ordinance public
2 hearings.

3 Commissioner Evans?

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

12 MAYOR PETRACCO: Uh-huh.

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

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

19 MAYOR PETRACCO: All right.

20 COMMISSIONER EVANS: So you want to do it?

21 UNIDENTIFIED SPEAKER: It happens sometimes.

22 COMMISSIONER EVANS: Yeah. I'm on vacation.
23 Let's do (indiscernible). Hold on a second.

24 Oh, this is actually an important one. It's a
25 change in our zone that actually addresses a couple of

1 things. It's regarding outdoor skating and so, being able
2 to put up the canopy and outdoor skating without windows and
3 doors.

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

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

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

16 MAYOR PETRACCO: Okay.

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

19 UNIDENTIFIED SPEAKER: That's 3293, right?

20 COMMISSIONER EVANS: That's 3293.

21 UNIDENTIFIED SPEAKER: Okay.

22 COMMISSIONER EVANS: I also have -- we actually --
23 I've got final changes tonight regarding the bond ordinance
24 introduction. I'd like a continuance of this meeting for
25 pose of allowing bond counsel to prepare the

1 ordinance so that, later this week, we can introduce this
2 and do a telephone introduction for that, but as a
3 continuance to this meeting just so we can get this thing
4 started. It's a little bit late, and we need to establish
5 this.

6 MAYOR PETRACCO: Okay.

7 COMMISSIONER EVANS: So I have that request for
8 that.

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

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

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

22 COMMISSIONER EVANS: That's right.

23 UNIDENTIFIED SPEAKER: I think the mayor --

24 UNIDENTIFIED SPEAKER: So --

25 COMMISSIONER EVANS: (Indiscernible) the

1 (indiscernible) grant program (sic). It mitigated our
2 (indiscernible).

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

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

7 UNIDENTIFIED SPEAKER: Yes, (indiscernible).

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

10 UNIDENTIFIED SPEAKER: Good.

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

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

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

25 COMMISSIONER EVANS: I think we're eligible.

1 Yeah, I read the word eligible.

2 UNIDENTIFIED SPEAKER: Yeah.

3 UNIDENTIFIED SPEAKER: Yeah, I saw eligible --

4 COMMISSIONER EVANS: And then, --

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

7 COMMISSIONER EVANS: And it says --

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

10 UNIDENTIFIED SPEAKER: Yeah.

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

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

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

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

25 MAYOR PETRACCO: I know we have.

1 UNIDENTIFIED SPEAKER: -- purchase them, and then,
2 the grant became available, and it was like this is great.

3 MAYOR PETRACCO: Right.

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

6 MAYOR PETRACCO: Welcome to government.

7 UNIDENTIFIED SPEAKER: You have to deal with it.

8 COMMISSIONER EVANS: Yeah. So --

9 MAYOR PETRACCO: Okay.

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

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

22 We don't have a lot of citizen interaction with
23 it. And so, Monmouth University did a study, which is the
24 third slide in, to sort of rank where the municipalities
25 were. And so, out of the 566 municipalities, Nutley ranked

1 323, and the top 10 were Middletown, Franklin Lakes, West
2 Windsor, Clifton Township and so on down the line. And the
3 criteria was how relevant was the content, is it easy to
4 use, and do the citizens actually use it.

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

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

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

19 UNIDENTIFIED SPEAKER: That's compelling.

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

22 Two, there is a provider out there, elowgov (ph)
23 who does municipal websites and has done some great work.
24 Today it costs about \$24,000 a year for our website. The
25 cost to upgrade our website, first year costs, is about

1 \$21,000. And then, carrying costs going forward is \$1,500.
2 So there's roughly a \$22,000 savings on an annual basis, and
3 we actually get, you know, a system that is more upgraded.

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

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

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

20 MAYOR PETRACCO: Uh-huh.

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

1 useable.

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

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

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

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

17 MAYOR PETRACCO: Okay.

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

21 COMMISSIONER EVANS: Yeah, this year.

22 UNIDENTIFIED SPEAKER: Okay.

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

1 UNIDENTIFIED SPEAKER: Okay.

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

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

19 So, if you're a business, this is the information
20 you need. So I get a lot of, you know, from business owners
21 that say I have to come down to the code office to ask this
22 question. It takes me away from my business. But, if we
23 had a site that said here's businesses and here's code stuff
24 and it was right there -- if you're a landlord, here's your
25 landlord site. You just clicked, and it's all you need

1 about (indiscernible)a That would make things a lot more
2 easier (indiscernible)a

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

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

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

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

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

16 COMMISSIONER EVANS: Yeah.

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

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

21 UNIDENTIFIED SPEAKER: Right.

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

25 UNIDENTIFIED SPEAKER: Right.

1 COMMISSIONER EVANS: As a product (sic). The
2 other things that they were doing they weren't interested
3 in.

4 UNIDENTIFIED SPEAKER: Right.

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

11 UNIDENTIFIED SPEAKER: Right.

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

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

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

23 Joe, is it Milton Avenue?

24 COMMISSIONER SCARPELLI: Yeah.

25 MAYOR PETRACCO: So he got denied, and he was very

1 disappointed that there is no preliminary meeting where you
2 don't have to go spend the money on the plans, you know,
3 hire an attorney, all that stuff if it's going to be, you
4 know, where you could go bounce it off someone or go to, you
5 know, a pre-meeting where you could say hey, this is what
6 I'm looking to do, you know, before I go spend all my money,
7 you know, what kind of chance do I have? And, you know, I
8 didn't have the answer for him.

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

12 UNIDENTIFIED SPEAKER: We do that all the time.

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

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

25 The variable as to whether or not the board is

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

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

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

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

18 MAYOR PETRACCO: Yeah.

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

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

24 UNIDENTIFIED SPEAKER: I think everybody that's
25 going for a variance should realize that they're actually

1 looking for --

2 COMMISSIONER EVANS: An exception.

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

9 MAYOR PETRACCO: Very good (sic).

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

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

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

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

25 MAYOR PETRACCO: Well, --

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

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

11 UNIDENTIFIED SPEAKER: You're denied.

12 COMMISSIONER EVANS: You have to show them
13 something.

14 UNIDENTIFIED SPEAKER: Right.

15 COMMISSIONER EVANS: And they go through that.

16 MAYOR PETRACCO: The letter of denial?

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

22 UNIDENTIFIED SPEAKER: Yeah, yeah, we --

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

25 MAYOR PETRACCO: I actually told him to give you a

1 call.

2 COMMISSIONER EVANS: Yeah, I'd be happy.

3 MAYOR PETRACCO: Yeah.

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

6 MAYOR PETRACCO: Yeah. Okay. Good.

7 Okay. Why don't we get through our agenda then?
8 With that being said, we are on Commissioner Scarpelli.

9 You have an ordinance hearing?

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

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

16 MAYOR PETRACCO: Sure.

17 COMMISSIONER SCARPELLI: And then, I have two more
18 resolutions, which are kind of related to that. They're
19 amendments to resolutions that we passed previous. We had
20 section one. (Indiscernible) section two, and that was just
21 the way we broke it down when we went to plan the projects.
22 So we're doing section two first. So I think that was the
23 confusion that we put section one in our original resolution
24 was, in actuality, section two, if that makes any sense.

25 MAYOR PETRACCO: Thank you.

1 Okay. We'll move on to Commissioner Tucci for
2 your resolution.

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

5 MAYOR PETRACCO: Go ahead.

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

15 MAYOR PETRACCO: So what are they looking to do?

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

18 MAYOR PETRACCO: What are we at now?

19 COMMISSIONER SCARPELLI: We're at nothing. There
20 is no -- this actually came out of a joint meeting between
21 the planning board and the zoning board. There is no
22 density, and it's merely (sic) controlled by bulk (sic)
23 usage, the parking setbacks and the like. And they were
24 looking for some guidance on that because there are no real
25 density units. And, like I said, I think we --

1 UNIDENTIFIED SPEAKER: Can we kind of factor (sic)
2 into the density based upon the other factors?

3 COMMISSIONER SCARPELLI: Correct.

4 MAYOR PETRACCO: Well, --

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

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

12 COMMISSIONER SCARPELLI: There are other towns
13 that the planning board looked at, and the numbers vary.
14 The numbers vary. So we can look at that also. I think we
15 should look at all that information before we make a
16 decision. But I think it's something we have to study and
17 look at and have, you know, direction from our code office.

18 I think we need to have direction from the
19 planner, and I think we also need direction from, you know,
20 maybe a couple of developers to know what's economically
21 feasible. Because we don't want to discourage -- especially
22 (indiscernible). We don't want to discourage investing. So
23 I think we have to come up with the right number. But, if
24 they're looking for guidance, we should try to give them
25 guidance.

1 UNIDENTIFIED SPEAKER: Yeah, I'd be interested to
2 know what the rationale was to how they got to that 32. I'm
3 sure there is one, because I know they're a very thoughtful
4 board. I'm very familiar with what they do, but I'd like to
5 know what that process was.

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

9 MAYOR PETRACCO: I think that's a good idea.
10 Okay. Commissioner Tucci, will you read your
11 resolutions?

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

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

23 MAYOR PETRACCO: Okay.

24 COMMISSIONER TUCCI: This time we have, hopefully,
25 a solution. We contacted the bird doctor. We

1 (indiscernible), and I want to get into some of the details
2 so we can -- it sounds funny, but we have to --

3 UNIDENTIFIED SPEAKER: The birds.

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

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

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

17 UNIDENTIFIED SPEAKER: The geese doctor?

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

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

24 MAYOR PETRACCO: By De Muro Park.

25 COMMISSIONER EVANS: Yeah. Well, he wasn't

1 actually (indiscernible) And they were ready.

2 UNIDENTIFIED SPEAKER: We're not quite there.

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

5 UNIDENTIFIED SPEAKER: Oh, man.

6 COMMISSIONER EVANS: I have --

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

9 COMMISSIONER EVANS: Yeah.

10 UNIDENTIFIED SPEAKER: Yeah.

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

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

25 We continue to do our grass cutting in town where

1 we need to for property maintenance, and I have a change
2 order regarding Brancato Landscaping to adjust the grass-
3 cutting attempt (sic)e

4 Four (sic) is unnecessary.

5 I do have a resolution for authorizing the
6 contract for Hatch Mott MacDonald regarding the Roche matter
7 and the tort claim notice (indiscernible) tonight as well as
8 two simple refunds for overpayment of property taxes.

9 MAYOR PETRACCO: Okay.

10 I have an appointment of a Nutley Volunteer Fire
11 Department. I have authorizing inclusion, and that's the
12 County Urban County Community Development Program for the
13 year 2015/2017, which I know Kathy wants to speak on. I
14 have an authorizing a raffle license, authorized person-to-
15 person, place-to-place liquor transfer, and authorize the
16 zoning board of adjustment escrows refund to 216 Bloomfield
17 Avenue for \$1,000.

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

20 MSe REMPUSHESKI: Mayor and commissioners, I just
21 wanted to give you an update on CDBG. I know that in
22 December we prioritized our grant applications. And, as a
23 result of those grant applications for 2014, we are going to
24 receive \$160,908 to resurface Hancock's Avenue from Morris
25 Place to Union. So it's going to be pretty long.

1 We're also going to receive \$16,000 to do a candy
2 cop-accessible walkway in parks and rec. So that should be
3 -- the mayor just signed the contracts for that tonight. So
4 we should be able to go out to bid some time in, I would
5 say, September on that.

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

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

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

23 And, if we choose not to be part of it, we can't
24 apply for these grants. So we've been doing this since
25 1970. Every three years we read this resolution.

1 UNIDENTIFIED SPEAKER: (Indiscernible) over that
2 blocks?

3 MS. REMPUSHESKI: Yes.

4 UNIDENTIFIED SPEAKER: Some of the blocks have
5 changed.

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

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

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

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

24 MS. REMPUSHESKI: It's income eligibility.

25 UNIDENTIFIED SPEAKER: It's the median income?

1 MS. REMPUSHESKI: No, Nutley is a rich town,
2 basically. So the homes that -- the communities that their
3 census -- every ten years when they do the census, it's
4 based on income. So, the lower the income, the more
5 eligibility we have. So what they do is they pick the
6 blocks.

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

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

15 UNIDENTIFIED SPEAKER: Excuse me. We'd like to
16 know when the meeting is going to start. The letter said
17 7:00, and it's almost 8:00.

18 MAYOR PETRACCO: Well, that --

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

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

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

25 MAYOR PETRACCO: Thank you.

1 UNIDENTIFIED SPEAKER: Included in there are a
2 closure (sic) of Calico Lane (indiscernible)a

3 UNIDENTIFIED SPEAKER: (Indiscernible.)

4 MS. REMPUSHESKI: Right. (Indiscernible.)

5 UNIDENTIFIED SPEAKER: Kathy, do you have the
6 issue of the map showing us where the eligible areas are?

7 MS. REMPUSHESKI: Yes, I'll forward that out on
8 Thursday. I just received it.

9 UNIDENTIFIED SPEAKER: Where is that border, you
10 know? I know in the past that there was a park there and we
11 were able to include --

12 UNIDENTIFIED SPEAKER: Sam?

13 MAYOR PETRACCO: What?

14 Sam?

15 UNIDENTIFIED SPEAKER: (Indiscernible?)

16 MS. REMPUSHESKI: If it's public, you still can.

17 UNIDENTIFIED SPEAKER: Right.

18 MS. REMPUSHESKI: Anything that you want to do to
19 the parks that's an ABA include a --

20 UNIDENTIFIED SPEAKER: Well, not just ABA. I'm
21 talking area-wide (indiscernible).

22 MS. REMPUSHESKI: The area-wide --

23 UNIDENTIFIED SPEAKER: I'm looking to expand the
24 eligibility a little bit.

25 MS. REMPUSHESKI: They have no measurement button.

1 I mean, it would have to be in a specific low-income area.

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

4 MS. REMPUSHESKI: Yeah. We --

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

11 MS. REMPUSHESKI: What would you want to do to it?
12 That's the --

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

15 MS. REMPUSHESKI: Yeah.

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

18 MS. REMPUSHESKI: Okay.

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

21 COMMISSIONER EVANS: It's really an interesting
22 idea.

23 UNIDENTIFIED SPEAKER: Well, we did it before --

24 COMMISSIONER EVANS: Yeah.

25 UNIDENTIFIED SPEAKER: -- in the past. And, in

1 another life, I was the director of that program. So --

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

3 UNIDENTIFIED SPEAKER: -- I know there's been a
4 lot of changes since I was there.

5 MS. REMPUSHESKI: Yeah.

6 UNIDENTIFIED SPEAKER: But --

7 COMMISSIONER EVANS: Interesting.

8 MS. REMPUSHESKI: What they're really doing now is
9 anything -- any public building that we want to do work on
10 we can do anything that's ABA that hasn't been done before.

11 UNIDENTIFIED SPEAKER: Right.

12 MR. REMPUSHESKI: So, if you already have an ABA
13 bathroom, you can't redo it. If you had one that's not ABA,
14 you can upgrade it. Same with elevators and such.

15 UNIDENTIFIED SPEAKER: Uh-huh.

16 MS. REMPUSHESKI: And all the public parks -- if
17 you needed ABA bathrooms, we could apply for that.

18 UNIDENTIFIED SPEAKER: Well, if the public parks
19 serves and is contiguous with an eligible area, it serves
20 that area.

21 MS. REMPUSHESKI: Right.

22 UNIDENTIFIED SPEAKER: So they should expand that
23 so we could even make improvements (indiscernible)a

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

25 UNIDENTIFIED SPEAKER: That's why I'd like to see

1 where the eligible areas are.

2 MS. REMPUSHESKI: Yeah.

3 UNIDENTIFIED SPEAKER: We'll talk about it.

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

5 UNIDENTIFIED SPEAKER: I believe you.

6 MS. REMPUSHESKI: You can bet on that.

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

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

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

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

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

17 MADAM CLERK: 7:00 p.m.

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

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

24 MAYOR PETRACCO: Right.

25 MADAM CLERK: You cannot not have (indiscernible).

1 UNIDENTIFIED SPEAKER: This is a public meeting
2 also.

3 MADAM CLERK: Public meeting, yeah.

4 UNIDENTIFIED SPEAKER: Right.

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

7 MAYOR PETRACCO: Okay. Okay.

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

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

15 MADAM CLERK: Yeah.

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

18 MADAM CLERK: Uh-huh.

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

21 MADAM CLERK: Uh-huh, yeah.

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

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

25 UNIDENTIFIED SPEAKER: -- full session. Okay.

1 MADAM CLERK: Until the executive and then go back
2 out.

3 MAYOR PETRACCO: Okay.

4 MADAM CLERK: Mayor, just give me --

5 MAYOR PETRACCO: Alan, I'd rather --

6 MADAM CLERK: Could we do it after?

7 UNIDENTIFIED SPEAKER: After we vote? Because I

8 --

9 (Recess)

10 (Reconvened from recess)

11 MAYOR PETRACCO: Okay.

12 (Pause)

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

15 (Pledge of Allegiance)

16 UNIDENTIFIED SPEAKER: Thank you.

17 (Pause)

18 MAYOR PETRACCO: Madam Clerk?

19 MADAM CLERK: Yes, Mayor. Tuesday, August 5th,
20 2014 -- pursuant to the requirements of the Open Public
21 Meeting Law, chapter 231 Public Laws 1975, notice of this
22 meeting was published in the December 12th, 2013 issues of
23 the Nutley Sun, the Star Ledger, and the Herald News. A
24 copy of this notice has been posted on the Nutley town hall
25 bulletin board and a copy is on file in the municipal

1 clerk's office.

2 Commissioner Rogers?

3 COMMISSIONER ROGERS: Here.

4 MADAM CLERK: Commissioner Tucci?

5 COMMISSIONER TUCCI: Here.

6 MADAM CLERK: Commissioner Evans?

7 COMMISSIONER EVANS: Here.

8 MADAM CLERK: Commissioner Scarpelli?

9 COMMISSIONER SCARPELLI: Here.

10 MADAM CLERK: Mayor Petracco?

11 MAYOR PETRACCO: Here.

12 MADAM CLERK: All present, Mayor.

13 MAYOR PETRACCO: Thank you.

14 Okay. Tonight we have a public hearing,

15 Madam Clerk?

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

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

23 UNIDENTIFIED SPEAKER: Move it.

24 UNIDENTIFIED SPEAKER: Second.

25 MADAM CLERK: Commissioner Rogers?

1 COMMISSIONER ROGERS: Aye.

2 MADAM CLERK: Commissioner Tucci?

3 COMMISSIONER TUCCI: Aye.

4 MADAM CLERK: Commissioner Evans?

5 COMMISSIONER EVANS: Aye.

6 MADAM CLERK: Commissioner Scarpelli?

7 COMMISSIONER SCARPELLI: Aye.

8 MADAM CLERK: Mayor Petracco?

9 MAYOR PETRACCO: Aye.

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

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

15 MS. QUATTROPANI: Marie Quattropani, 22 Ideal
16 Court.

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

24 Sometimes cars are even left parked overnight or
25 for days at a time. People already speed up and down our

1 street using it as a quick turnaround street, making it very
2 unsafe for the residents and for the children playing
3 outside.

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

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

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

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

1 -- the garbage or the street cleaner. You can't get up.
2 You can't get down.

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

7 MAYOR PETRACCO: Thank you.

8 MS. QUATTROPANI: Thank you.

9 MAYOR PETRACCO: Thank you.

10 Is there anyone else this evening?

11 Hi. Just please state your name and address.

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

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

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

25 There have been evenings when my china in my front

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

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

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

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

21 MAYOR PETRACCO: Thank you.

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

24 COMMISSIONER TUCCI: Mayor, could I ask a
25 question?

1 MAYOR PETRACCO: Sure.

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

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

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

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

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

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

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

25 MR. GENITEMPO: Yeah, but they don't have the

1 authority to hear this application. This is before the
2 board because it's --

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

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

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

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

24 But I don't see how we can involve the planning
25 board and the board of adjustment. Really, it would be like

1 an advisory opinion from them, because there's nothing
2 before them. This application is not before them.

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

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

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

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

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

24 MR. GENITEMPO: No, it's here. It doesn't go
25 before anything else.

1 UNIDENTIFIED SPEAKER: Oh, so it never went there?

2 MR. GENITEMPO: It's a liquor license transfer.

3 No, no.

4 UNIDENTIFIED SPEAKER: Okay.

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

7 UNIDENTIFIED SPEAKER: All right.

8 MR. GENITEMPO: I'm sorry.

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

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

19 UNIDENTIFIED SPEAKER: Right.

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

22 UNIDENTIFIED SPEAKER: Right. But, if we needed
23 advice, could we, in fact, refer it to the code office or
24 wherever the appropriate office is to gather that
25 information? Because I don't think -- I mean, in all the

1 years that I'm sitting here -- and I've been sitting here
2 since 2000, and I know you shortly thereafter -- I don't
3 think we've ever had a situation presented to us close to
4 what this one is.

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

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

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

19 Just please state your name again.

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

1 sleep. It was tense.

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

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

13 He went outside and waited for the officer. After
14 2:00, 2:30 in the morning, the officer had not shown up.
15 Well, I called the number, and I asked if the officer was
16 going to show up.

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

25 MAYOR PETRACCO: So was that the only time you

1 called, in May?

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

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

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

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

24 You have a home on that street, and you're
25 entitled to peace and quiet, too. Granted, there's a bar

1 that abuts your property, but we all need to get along, and
2 we need to be conscious of our neighbors as well.

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

5 MAYOR PETRACCO: I understand.

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

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

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

21 MAYOR PETRACCO: I can appreciate that.

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

24 Hi. How are you?

25 MS. GILL: I'm Angela Gill (ph)@ 10 Ideal Court.

1 I'm right next to Chris.

2 MAYOR PETRACCO: Just speak into the mike, please.

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

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

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

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

1 what we want as homeowners and taxpayers.

2 MAYOR PETRACCO: Thank you.

3 MR. VOGT: My name's Christopher Vogt. I live at
4 6 Ideal Court. I first want to identify -- I think I can
5 identify myself as an interested party, and I can get
6 records of what the disposition of what is discussed here.
7 Is that a --

8 MAYOR PETRACCO: Sure.

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

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

21 I'm okay with them having things go on to the
22 ordinances that are already written. I'm asking that the
23 ordinance that currently exists, as I understand it, is
24 that, after 10:00, a certain amount, level of disturbance
25 that's somewhat subjective -- and I'm suggesting we could

1 put some teeth to that and identify the amount of decibels
2 of sound or some way to do that -- but at least we could
3 have an officer come out and listen to the situation and
4 make a subjective judgment to say you know what? This is
5 disturbing, and that would take care of that.

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

14 MAYOR PETRACCO: Thank you.

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

17 Do we hear from the applicant?

18 UNIDENTIFIED SPEAKER: Yeah.

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

24 MAYOR PETRACCO: Please.

25 MR. WILLIAMS: So is it accurate there are no

1 other comments from the public?

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

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

13 This is a very positive change for this
14 establishment. We are asking the municipality to allow us
15 to expand into what was formerly a pizzeria, which is the
16 227 address.

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

23 I actually brought a proposed menu with me
24 tonight, if you'd like to see it. But we want to have good
25 neighbors. We want these people to come in and feel

1 comfortable coming to the establishment. We're not going to
2 have D.J.s. We're not going to have live bands. We will
3 have some piped in music. But certainly, we will comply
4 with all the noise regulations of both the town and the
5 state.

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

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

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

23 As stated, there has been a pub there for over 60,
24 maybe 70 years. We hope this one will be one that attracts
25 the people that live behind us as a complement to the

1 neighborhood. Obviously, we are subject to Nutley's
2 regulations. And, if we violate them, we can be sanctioned.
3 But we don't anticipate any problem along that line.

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

6 Tom and Dean, will you stand up?

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

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

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

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

24 You've got people coming into an establishment.
25 They're getting drunk. They're leaving. They're throwing

1 bottles in people's yards. They're urinating on the
2 sidewalk. They're parking all over the place.

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

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

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

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

23 Obviously, if they drive three towns over and
24 urinate on somebody's lawn, we couldn't control that, but we
25 will have people at the door that will make sure that nobody

1 leaves with bottles. I mean, that's just unacceptable
2 management if you have people leaving your restaurant of
3 this quality with bottles in their pocket.

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

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

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

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

25 MR. WILLIAMS: We'll pick them up.

1 COMMISSIONER ROGERS: You'll take care of it?

2 MR. WILLIAMS: If you can show that we sold that
3 beer -- now, here is the problem, because I deal with this
4 in various municipalities. Kids 21, 22 go out and they buy
5 2 6-packs of beer, drink it in their car, and throw it on
6 somebody's lawn. The next day, they call me and say it came
7 from the Nutley Pub. Well, a lot of times it's very easy.
8 We don't even sell that type of beer.

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

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

18 MR. WILLIAMS: It happens.

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

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

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

25 MR. WILLIAMS: Yes, we'll pick it up.

1 COMMISSIONER ROGERS: We can get -- if we could
2 get an assurance from your owners -- and I think it's good.
3 You know, we want to promote businesses.

4 MR. WILLIAMS: Oh, yeah.

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

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

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

24 MR. WILLIAMS: Identify yourself.

25 MR. MARKOLIS: Tom Markolis, one of the owners.

1 With the craft beer, we're mostly focusing on draft beer, to
2 answer the question. There may be some bottles, but it
3 would be more of a large bottle format, similar to wine
4 where somebody would share it at a table.

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

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

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

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

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

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

1 with this town.

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

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

16 MAYOR PETRACCO: No D.J.s?

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

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

23 MR. MARKOLIS: Absolutely, yes, that's what we're
24 aiming for. We're trying to create a situation where you
25 can step inside of the restaurant and kind of escape and be

1 transported to a different time and enjoy yourself and then,
2 you know, be on your way. But we really don't want to
3 disturb the peace.

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

8 COMMISSIONER SCARPELLI: Mayor?

9 MAYOR PETRACCO: Yes, Commissioner?

10 COMMISSIONER SCARPELLI: You're Tom, right?

11 MR. MARKOLIS: Yes.

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

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

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

1 COMMISSIONER EVANS: Mayor?

2 COMMISSIONER ROGERS: I wish you the best.

3 MAYOR PETRACCO: Commissioner?

4 COMMISSIONER EVANS: I just have a few things.

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

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

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

22 And you have an opportunity to treat your business
23 as a change there as something that will change the
24 community environment, right, and actually cultivate a
25 different clientele. Obviously, the nature of your changes

1 here will require construction permits. It'll go through
2 the code office. I'm not sure whether or not you've
3 submitted plans, whether or not a variance is required at
4 this point in time or not, right, to go through that.

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

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

19 MAYOR PETRACCO: Commissioner Tucci?

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

25 I mean, you talk about it. If folks are, you

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

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

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

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

23 MR. WILLIAMS: I can just tell you that we will
24 address every noise complaint. We don't think there's going
25 to be a complaint, because we're not going to play the music

1 the way the other people did. So, if we have a low volume,
2 there's no need to upgrade this facility.

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

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

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

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

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

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

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

25 MR. WILLIAMS: At least.

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

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

12 COMMISSIONER EVANS: Appreciate that.

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

16 COMMISSIONER EVANS: Uh-huh.

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

18 MAYOR PETRACCO: I agree. And, you know, the only
19 thing I'd like to add to the conversation -- I'm going to
20 give you your turn in one second -- is that, you know, we do
21 own businesses up here. I've owned the business in Nutley a
22 long time, and this is what you don't want. You don't want
23 you guys on one side of the room and them on the other.

24 I'm in a very residential area, my business. You
25 know, and whenever a problem comes up, I'm sure to address

1 it, because you know obviously, you're going to want their
2 business. So I think that, if you do get with them, you
3 know, and they could share some of your concerns as well.

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

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

15 Did you have something to add, ma'am?

16 MS. QUATTROPANI: (Off-mike.)

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

18 MS. QUATTROPANI: All right.

19 MAYOR PETRACCO: I'm sorry.

20 MS. QUATTROPANI: Just one question.

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

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

24 MAYOR PETRACCO: Name and address first.

25 MADAM CLERK: Your name and address?

1 MS. QUATTROPANI: Marie Quattropani.

2 MAYOR PETRACCO: All right.

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

5 MAYOR PETRACCO: Yes.

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

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

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

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

21 MS. QUATTROPANI: We have nothing against the
22 business.

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

25 MAYOR PETRACCO: Okay.

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

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

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

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

17 MAYOR PETRACCO: Yes.

18 MS. LANDRY: Do we use that?

19 MAYOR PETRACCO: Yes.

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

24 MAYOR PETRACCO: Yes.

25 MS. LANDRY: Okay, good.

1 So now, you all hold him to that. Okay?

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

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

5 MAYOR PETRACCO: Right.

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

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

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

24 MAYOR PETRACCO: Thank you.

25 Okay. Anyone else this evening that would like to

1 comment on this?

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

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

5 MAYOR PETRACCO: 18 Ideal Court for the record.

6 Go ahead, ma'am.

7 MS. HILL: I've lived on Ideal Court for 58 years.

8 I know the tavern's been there a long time, and we didn't
9 run into the problems we're running into today. Last
10 Thursday night, I happened to wake up about 1:30 to noise
11 out in front of the house with cars. There must have been
12 about 15 cars out there, and they were yelling and hollering
13 at each other and blowing the horn and racing up the street,
14 turning around at the cul-de-sac, and racing down.

15 Now, there is no parking on Passaic Avenue from
16 Centre Street to Florence Street on either side. Centre
17 Street I've seen blocked off a few months ago with cones
18 that I don't think were put there by the town so motorcycles
19 could park there. You know what it sounds like at 1:30,
20 2:00 in the morning to hear beer bottles hitting the
21 dumpster and motorcycles revving up and racing down Centre
22 Street? That would wake anyone up.

23 So I'm wondering where these cars are going to
24 park. There's a bus stop on part of Centre Street, and
25 there's a store on the corner, and it says no parking. So

1 they make Ideal Court their parking lot. What can be done
2 about it? Is there a noise ordinance in this town? I don't
3 think so, because I hear lawn mowers starting up at 7:00 in
4 the morning.

5 COMMISSIONER ROGERS: Mayor, if I might?

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

10 MS. HILL: How about lawn mowers --

11 COMMISSIONER ROGERS: -- yes.

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

13 COMMISSIONER ROGERS: I'm sorry?

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

16 MAYOR PETRACCO: If that's the case, I don't know
17 the exact time. I actually, for some reason, think it's
18 9:00.

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

24 MS. HILL: I thought at one time there was a noise
25 level that couldn't start before 8:00 in the morning.

1 MAYOR PETRACCO: Could be possible. We'll have to
2 check the ordinance for you.

3 MS. HILL: Yeah, check back.

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

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

10 MAYOR PETRACCO: Oh, I will. Trust me.

11 MS. HILL: Okay. Oh, yeah.

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

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

18 If the place has no parking issues, it may close.
19 If it has an abundance of parking issues, it's overly
20 successful. I don't know how to address it.

21 But we'll have to play it as it goes along. We
22 certainly will encourage anybody that comes into the
23 restaurant to be respectful of any place that they park.
24 People live, we know, adjacent to the facility. There is
25 parking in the area.

1 This is a business zone. It's zoned for the use
2 that it is, and, other than people violating the law, we'll
3 do everything we can to make sure that our patrons are
4 compliant.

5 MAYOR PETRACCO: Okay.

6 Thank you.

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

9 Seeing no one, we need a motion to close.

10 Did you have anything else you wanted to add?

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

18 We've addressed the concerns of our neighbors.
19 We'd ask you -- I'd also like to comment tonight. I believe
20 you're getting two great people, people that were born and
21 raised in this town, that have family in town. They don't
22 want to hear complaints. And I would ask you to approve it
23 and, later on in the evening, adopt the resolution formally.
24 Thank you for your time tonight, and I thank everybody for
25 coming out.

1 MAYOR PETRACCO: Thank you for coming.

2 COMMISSIONER TUCCI: Move that we close the public
3 hearing.

4 MAYOR PETRACCO: Second.

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

7 Commissioner Rogers?

8 COMMISSIONER ROGERS: Vote on this transfer?

9 UNIDENTIFIED SPEAKER: Closing the hearing.

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

11 COMMISSIONER ROGERS: Oh, to close the hearing.

12 MADAM CLERK: Was that an aye, Commissioner?

13 COMMISSIONER ROGERS: Yes, it was.

14 MADAM CLERK: Thank you.

15 Commissioner Tucci?

16 COMMISSIONER TUCCI: Aye.

17 MADAM CLERK: Commissioner Evans?

18 COMMISSIONER EVANS: Aye.

19 MADAM CLERK: Commissioner Scarpelli?

20 COMMISSIONER SCARPELLI: Aye.

21 MADAM CLERK: Mayor Petracco?

22 MAYOR PETRACCO: Aye.

23 MADAM CLERK: Okay. The public hearing is
24 officially closed concerning the person-to-person, place-to-
25 place transfer for Cowan's Craft Limited Liability Company

1 trading as Cowan's, liquor license number 0716-33-024e005.

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

5 MAYOR PETRACCO: Thank you so much for coming.

6 MR. WILLIAMS: Thank you.

7 MAYOR PETRACCO: Okay.

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

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

12 (Pause)

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

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

17 MADAM CLERK: Uh-huh.

18 MAYOR PETRACCO: If I could find it.

19 UNIDENTIFIED SPEAKER: Vote on it now. I will.

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

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

24 (Pause)

25 MR. WILLIAMS: Would it be possible to get the --

1 one of the neighbors asked for the copy of the menu. Does
2 anybody want to surrender theirs?

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

4 (Pause)

5 COMMISSIONER EVANS: Colby beef burgers for 12
6 bucks.

7 (Pause)

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

10 WHEREAS, an application has been filed for a
11 person-to-person and place-to-place transfer of plenary
12 retail consumption license number ~~0816~~⁰⁷¹⁶-33-024-005,
13 heretofore issued to Nutley Pub Associates, LLC T/A Nutley
14 Pub Associates for premises heretofore located at 227-229
15 Centre Street, Nutley, New Jersey 07110; and

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

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

25 WHEREAS, the applicant has disclosed and the

1 issuing authority reviewed the source of all funds used in
2 the purchase of the license and the licensed business and
3 all additional financing obtained in connection with the
4 licensed business;

5 NOW, THEREFORE, BE IT RESOLVED, that the township
6 of Nutley government body does hereby approve, effective
7 August 12th, 2014, the transfer of the aforesaid plenary
8 retail consumption license to Cowan's Craft Limited
9 Liability Company T/A Cowan's 27-229 Centre Street, Nutley,
10 New Jersey 07~~1~~10 and does hereby direct the municipal clerk
11 to endorse the license certificate to the new ownership and
12 new location as follows. This license, subject to all its
13 terms and conditions, is hereby transferred to Cowan's Craft
14 Limited Liability Company T/A Cowan's, 227-229 Centre
15 Street, Nutley, New Jersey 07~~1~~10, effective August 6th,
16 2014.

17 I move the resolution.

18 COMMISSIONER TUCCI: Second.

19 MADAM CLERK: Mayor, just for the record, it's
20 effective Wednesday, August 6th, 2014. There was a change
21 at the last minute. So it's August 6th, 20~~1~~4. And that was
22 moved by Mayor Petraccoe That was seconded -- was that
23 Commissioner Tucci?

24 COMMISSIONER TUCCI: Correct.

25 MADAM CLERK: Commissioner Rogers?

1 COMMISSIONER ROGERS: Is it on the vote for the
2 transfer?

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

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

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

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

22 Aye.

23 MADAM CLERK: Thank you, Commissioner.

24 Commissioner Tucci?

25 COMMISSIONER TUCCI: Gentlemen, good luck to you.

1 I wish you all the best, and I will absolutely patronize
2 your restaurant.

3 I vote yes.

4 MADAM CLERK: Thank you, Commissioner.

5 Commissioner Evans?

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

8 Yes.

9 MADAM CLERK: Commissioner, is that a yes?

10 COMMISSIONER EVANS: Yes.

11 MADAM CLERK: Thank you.

12 Commissioner Scarpelli?

13 COMMISSIONER SCARPELLI: Dean and Tom, best of
14 luck.

15 Yes.

16 MADAM CLERK: Mayor Petracco?

17 MAYOR PETRACCO: Good luck, guys.

18 Aye.

19 MADAM CLERK: Thank you.

20 MAYOR PETRACCO: Okay. Thank you.

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

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

25 MADAM CLERK: (Off-mike.)

1 MAYOR PETRACCO: And then, we're going to be back
2 on the floor?

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

5 WHEREAS, the board of commissioners of the
6 township of Nutley in the county of Essex, state of New
7 Jersey desire to proceed to closed executive session; and

8 NOW, THEREFORE, BE IT RESOLVED by the board of
9 commissioners of the township of Nutley that the township
10 commissioners shall now move into executive session to
11 discuss -- counsel, what are we discussing in executive?

12 MR. GENITEMPO: Personnel and contract.

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

15 MR. GENITEMPO: Yes, ma'am.

16 MADAM CLERK: Thank you.

17 BE IT FURTHER --

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

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

22 MAYOR PETRACCO: Yeah, what would you say?

23 MR. GENITEMPO: 10 to 15 minutes, maximum.

24 MAYOR PETRACCO: Okay.

25 We apologize in advance.

1 UNIDENTIFIED SPEAKER: What about potential
2 litigation?

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

5 Thank you.

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

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

9 MADAM CLERK: Okay.

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

16 I need a motion, please.

17 COMMISSIONER SCARPELLI: Moved.

18 COMMISSIONER ROGERS: Second.

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

21 Commissioner Rogers?

22 COMMISSIONER ROGERS: Aye.

23 MADAM CLERK: Commissioner Tucci?

24 COMMISSIONER TUCCI: Aye.

25 MADAM CLERK: Commissioner Evans?

1 Commissioner Evans?

2 COMMISSIONER EVANS: Aye.

3 MADAM CLERK: Commissioner Scarpelli?

4 COMMISSIONER SCARPELLI: Aye.

5 MADAM CLERK: Mayor Petracco?

6 MAYOR PETRACCO: Aye.

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

9 (Recess)

10 (Reconvened from recess)

11 MAYOR PETRACCO: Madam Clerk?

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

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

16 Here is one returning.

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

19 (Pause)

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

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

24 COMMISSIONER SCARPELLI: Move it.

25 COMMISSIONER EVANS: Second.

1 MADAM CLERK: Okay. That was
2 Commissioner Scarpelli moved it, seconded by
3 Commissioner Evans.

4 MAYOR PETRACCO: Uh-huh.

5 MADAM CLERK: Commissioner Rogers?

6 COMMISSIONER ROGERS: Aye.

7 MADAM CLERK: Commissioner Tucci?

8 COMMISSIONER TUCCI: Aye.

9 MADAM CLERK: Commissioner Evans?

10 COMMISSIONER EVANS: Aye.

11 MADAM CLERK: Commissioner Scarpelli?

12 COMMISSIONER SCARPELLI: Aye.

13 MADAM CLERK: Mayor Petracco?

14 MAYOR PETRACCO: Aye.

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

18 MAYOR PETRACCO: Okay. Thank you, Madam Clerk.

19 First, I'd like to apologize, everybody, for
20 waiting for us out here.

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

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

24 MAYOR PETRACCO: Take your time. I have all
25 night.

1 MADAM CLERK: Okay. Mayor, I have meeting minutes
2 for regular meetings held June 10th and June 17th, 2014. I
3 need a motion, please.

4 COMMISSIONER TUCCI: Move it.

5 COMMISSIONER ROGERS: Second.

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

8 Commissioner Rogers?

9 COMMISSIONER ROGERS: Aye.

10 MADAM CLERK: Commissioner Tucci?

11 COMMISSIONER TUCCI: Aye.

12 MADAM CLERK: Commissioner Evans?

13 COMMISSIONER EVANS: Aye.

14 MADAM CLERK: Commissioner Scarpelli?

15 COMMISSIONER SCARPELLI: Aye.

16 MADAM CLERK: Mayor Petracco?

17 MAYOR PETRACCO: Aye.

18 MADAM CLERK: Mayor, I have executive session
19 meeting minutes for years 2014 and 2011; 2014 for meetings
20 held February 4th, 2014, February 18th, 2014, March 4th,
21 2014; March 18th, 2014, April 15th, 2014; May 6th and
22 May 20th, 2014. Executive session for the year 2011
23 February 1st, April 7th, August 16th, October 4th,
24 October 18th, December 6th, and December 20th, 2011.

25 COMMISSIONER TUCCI: Move it.

1 COMMISSIONER ROGERS: Second.

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

4 Commissioner Rogers?

5 COMMISSIONER ROGERS: Aye.

6 MADAM CLERK: Commissioner Tucci?

7 COMMISSIONER TUCCI: Aye.

8 MADAM CLERK: Commissioner Evans?

9 COMMISSIONER EVANS: Aye.

10 MADAM CLERK: Commissioner Scarpelli?

11 COMMISSIONER SCARPELLI: Aye.

12 MADAM CLERK: Mayor Petracco?

13 MAYOR PETRACCO: Aye.

14 MADAM CLERK: That's all this evening for minutes,
15 Mayor. Thank you.

16 MAYOR PETRACCO: Okay. Communications and
17 correspondence?

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

24 I need a motion, please.

25 COMMISSIONER TUCCI: Move it.

1 MAYOR PETRACCO: Second.

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

4 Commissioner Rogers?

5 COMMISSIONER ROGERS: Aye.

6 MADAM CLERK: Commissioner Tucci?

7 COMMISSIONER TUCCI: Aye.

8 MADAM CLERK: Commissioner Evans?

9 COMMISSIONER EVANS: Aye.

10 MADAM CLERK: Commissioner Scarpelli?

11 COMMISSIONER SCARPELLI: Aye.

12 MADAM CLERK: Mayor Petracco?

13 MAYOR PETRACCO: Aye.

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

18 I need a motion, please.

19 COMMISSIONER TUCCI: Move it.

20 COMMISSIONER EVANS: Second.

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

23 Commissioner Rogers?

24 COMMISSIONER ROGERS: Aye.

25 MADAM CLERK: Commissioner Tucci?

1 COMMISSIONER TUCCI: Aye.

2 MADAM CLERK: Commissioner Evans?

3 COMMISSIONER EVANS: Aye.

4 MADAM CLERK: Commissioner Scarpelli?

5 COMMISSIONER SCARPELLI: Aye.

6 MADAM CLERK: Mayor Petracco?

7 MAYOR PETRACCO: Aye.

8 MADAM CLERK: That's all for communications this
9 evening, Mayor.

10 MAYOR PETRACCO: Reports?

11 Commissioner Tucci?

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

14 MAYOR PETRACCO: Thank you.

15 Okay.

16 UNIDENTIFIED SPEAKER: Bills.

17 MAYOR PETRACCO: Move on to bills. Thank you.

18 MADAM CLERK: Yes, Mayor. Bill list, August 5th,
19 2014 -- Public Affairs, \$78,590.73; Revenue and Finance,
20 \$7,144,092.16; Public Safety, \$503,197.30; Public Works,
21 \$170,294.56; Parks and Public Property, \$698,324.79.

22 Payroll --

23 UNIDENTIFIED SPEAKER: What was that?

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

25 Payroll as of July 18th, 2014, \$789,438.32. Payroll as of

1 August 1st, \$836.800.10, for a grand total bill list of
2 \$10,220,827.96. And that's all for bills this evening,
3 Mayor.

4 COMMISSIONER EVANS: Move the bills.

5 COMMISSIONER TUCCI: Second.

6 MADAM CLERK: Okay. Moved by Commissioner Evans,
7 seconded by Commissioner Tucci.

8 Commissioner Rogers?

9 COMMISSIONER ROGERS: Aye.

10 MADAM CLERK: Commissioner Tucci?

11 COMMISSIONER TUCCI: Aye.

12 MADAM CLERK: Commissioner Evans?

13 COMMISSIONER EVANS: Aye.

14 MADAM CLERK: Commissioner Scarpelli?

15 COMMISSIONER SCARPELLI: Aye.

16 MADAM CLERK: Mayor Petracco?

17 MAYOR PETRACCO: Aye.

18 MADAM CLERK: Thank you, Mayor.

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

21 Commissioner Evans?

22 COMMISSIONER EVANS: Thank you.

23 I have two things. Ordinance number 3290 was
24 supposed to have a public hearing tonight. It was regarding
25 the hazard mitigation energy grant program for generators

1 that we would have purchased for the town. We were notified
2 by the state that, upon their reevaluation of the program,
3 Nutley was not eligible to receive the grant. So therefore,
4 they rescinded the grant, and therefore, ordinance number
5 3290 has been pulled from the agenda for this evening.

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

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

17 Seeing no one --

18 UNIDENTIFIED SPEAKER: Move to close the public
19 hearing.

20 UNIDENTIFIED SPEAKER: Second.

21 MADAM CLERK: Commissioner Rogers?

22 COMMISSIONER ROGERS: Aye.

23 MADAM CLERK: Commissioner Tucci?

24 COMMISSIONER TUCCI: Aye.

25 MADAM CLERK: Commissioner Evans?

1 COMMISSIONER EVANS: Aye.

2 MADAM CLERK: Commissioner Scarpelli?

3 COMMISSIONER SCARPELLI: Aye.

4 MADAM CLERK: Mayor Petracco?

5 MAYOR PETRACCO: Aye.

6 COMMISSIONER EVANS: Ordinance number 3293 amends
7 chapter 700 of the zoning code.

8 MAYOR PETRACCO: Excuse me one second.

9 MADAM CLERK: I'm sorry.

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

11 MADAM CLERK: We need to move it, Commissioner.

12 COMMISSIONER EVANS: I move the ordinance.

13 COMMISSIONER TUCCI: Second.

14 MADAM CLERK: Okay. Motion to move it by
15 Commissioner Evans, seconded by Commissioner Tucci.

16 Commissioner Rogers?

17 COMMISSIONER ROGERS: Aye.

18 MADAM CLERK: Commissioner Tucci?

19 COMMISSIONER TUCCI: Aye.

20 MADAM CLERK: Commissioner Evans?

21 COMMISSIONER EVANS: Aye.

22 MADAM CLERK: Commissioner Scarpelli?

23 COMMISSIONER SCARPELLI: Aye.

24 MADAM CLERK: Mayor Petracco?

25 MAYOR PETRACCO: Aye.

1 MADAM CLERK: Thank you.

2 COMMISSIONER EVANS: Thank you for that.

3 MAYOR PETRACCO: Go ahead.

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

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

14 Seeing no one, --

15 UNIDENTIFIED SPEAKER: Close the public hearing.

16 UNIDENTIFIED SPEAKER: Second.

17 MADAM CLERK: Commissioner Rogers?

18 COMMISSIONER ROGERS: Aye.

19 MADAM CLERK: Commissioner Tucci?

20 COMMISSIONER TUCCI: Aye.

21 MADAM CLERK: Commissioner Evans?

22 COMMISSIONER EVANS: Aye.

23 MADAM CLERK: Commissioner Scarpelli?

24 COMMISSIONER SCARPELLI: Aye.

25 MADAM CLERK: Mayor Petracco?

1 MAYOR PETRACCO: Aye.

2 COMMISSIONER EVANS: Move the ordinance.

3 UNIDENTIFIED SPEAKER: Second.

4 MADAM CLERK: Commissioner Rogers?

5 COMMISSIONER ROGERS: Aye.

6 MADAM CLERK: Commissioner Tucci?

7 COMMISSIONER TUCCI: I abstain.

8 MADAM CLERK: Commissioner Tucci abstained.

9 Commissioner Evans?

10 COMMISSIONER EVANS: Aye.

11 MADAM CLERK: Commissioner Scarpelli?

12 COMMISSIONER SCARPELLI: Aye.

13 MADAM CLERK: Mayor Petracco?

14 MAYOR PETRACCO: Aye.

15 Okay. Thank you.

16 Commissioner Scarpelli?

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

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

24 Seeing no one, --

25 COMMISSIONER SCARPELLI: Move that we close the

1 public hearing.

2 COMMISSIONER ROGERS: Second.

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

5 Commissioner Rogers?

6 COMMISSIONER ROGERS: Aye.

7 MADAM CLERK: Commissioner Tucci?

8 COMMISSIONER TUCCI: Aye.

9 MADAM CLERK: Commissioner Evans?

10 COMMISSIONER EVANS: Aye.

11 MADAM CLERK: Commissioner Scarpelli?

12 COMMISSIONER SCARPELLI: Aye.

13 MADAM CLERK: Mayor Petracco?

14 MAYOR PETRACCO: Aye.

15 COMMISSIONER SCARPELLI: Move the ordinance.

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

18 COMMISSIONER ROGERS: Yes.

19 MADAM CLERK: Commissioner Rogers?

20 COMMISSIONER ROGERS: Aye.

21 MADAM CLERK: Commissioner Tucci?

22 COMMISSIONER TUCCI: Aye.

23 MADAM CLERK: Commissioner Evans?

24 COMMISSIONER EVANS: Aye.

25 MADAM CLERK: Commissioner Scarpelli?

1 COMMISSIONER SCARPELLI: Aye.

2 MADAM CLERK: Mayor Petracco?

3 MAYOR PETRACCO: Aye.

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

5 Commissioner Tucci?

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

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

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

14 NOW, THEREFORE, BE IT RESOLVED by the board of
15 commissioners of the township of Nutley, county of Essex,
16 state of New Jersey that the township clerk be and she is
17 hereby authorized to advertise for sealed bids for the
18 removal of asphalt rink and installation of artificial turf.
19 Specifications will be available in the purchasing
20 department, township hall, One Kennedy Drive, Nutley, New
21 Jersey. Bids to be received on Tuesday, August 26th, 2014
22 in the commission chambers, third floor, township hall,
23 Kennedy Drive at 3:00 p.m. prevailing time, at which time
24 they will be publicly opened and read.

25 I move the resolution.

1 COMMISSIONER EVANS: Second.

2 MADAM CLERK: Commissioner Rogers?

3 COMMISSIONER ROGERS: Aye.

4 MADAM CLERK: Commissioner Tucci?

5 COMMISSIONER TUCCI: Aye.

6 MADAM CLERK: Commissioner Evans?

7 COMMISSIONER EVANS: Aye.

8 MADAM CLERK: Commissioner Scarpelli?

9 COMMISSIONER SCARPELLI: Aye.

10 MADAM CLERK: Mayor Petracco?

11 MAYOR PETRACCO: Aye.

12 COMMISSIONER TUCCI: WHEREAS, the township of
13 Nutley is desirous of purchasing video equipment for the
14 purpose of broadcasting the Nutley township commission
15 meetings held the first and third Tuesdays of each month;
16 and

17 WHEREAS, the township has received two quotes for
18 the purchase of such equipment, the lowest in the amount of
19 \$16,535 from Media Consultants, 6 Woodland Hills Drive,
20 Sussex, New Jersey; and

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

25 NOW, THEREFORE, BE IT RESOLVED by the board of

1 commissioners of the township of Nutley in the county of
2 Essex, state of New Jersey as follows, that the mayor and
3 township clerk are hereby authorized to enter into a
4 contract with Media Consultants, 6 Woodland Hills Drive,
5 Sussex, New Jersey for the purchase of video equipment an
6 amount not to exceed \$17,000.

7 I move the resolution.

8 COMMISSIONER EVANS: Second.

9 MADAM CLERK: Commissioner Rogers?

10 COMMISSIONER ROGERS: Aye.

11 MADAM CLERK: Commissioner Tucci?

12 COMMISSIONER TUCCI: Aye.

13 MADAM CLERK: Commissioner Evans?

14 COMMISSIONER EVANS: Aye.

15 MADAM CLERK: Commissioner Scarpelli?

16 COMMISSIONER SCARPELLI: Aye.

17 MADAM CLERK: Mayor Petracco?

18 MAYOR PETRACCO: Aye.

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

20 MAYOR PETRACCO: Thank you.

21 Commissioner Evans?

22 COMMISSIONER EVANS: Thank you, Mayor.

23 WHEREAS, the township of Nutley in the county of
24 Essex, New Jersey has previously issued its bonds, bond
25 anticipation notes and/or other debt obligations; and

1 WHEREAS, in connection with the issuance of
2 certain bonds and for purposes of assisting underwriters to
3 comply with rule 15c-12 under the Securities Exchange Act of
4 1934, the township has covenanted and/or entered into one
5 ore more undertakings or agreements to provide continuing
6 disclosure to the public marketplace and

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

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

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

23 And the resolution goes on, and, at the approval
24 of counsel, the following paragraphs are incorporated by
25 reference until we get to WHEREAS, in light of the

1 foregoing, which is on page two of the resolution, the
2 township is desirous of retaining a professional firm that
3 specializes in continuing disclosure matters to examine the
4 township's continuing disclosure obligation and previous
5 continuing disclosure filings and to report to the township
6 any noncompliance with its continuing disclosure obligation;
7 and

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

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

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

24 NOW, THEREFORE, BE IT RESOLVED by the board of
25 commissioners of the township of Nutley in the county of

1 Essex, New Jersey as follows:

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

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

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

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

25 Capitalized terms -- All capitalized words and

1 terms used by not defined in this resolution shall have the
2 meaning ascribed to such words and terms, respectively, in
3 this resolution.

4 The effective date of this resolution is
5 immediate.

6 So move.

7 COMMISSIONER TUCCI: Second.

8 MADAM CLERK: Commissioner Rogers?

9 COMMISSIONER ROGERS: Aye.

10 MADAM CLERK: Commissioner Tucci?

11 COMMISSIONER TUCCI: Aye.

12 MADAM CLERK: Commissioner Evans?

13 COMMISSIONER EVANS: Aye.

14 MADAM CLERK: Commissioner Scarpelli?

15 COMMISSIONER SCARPELLI: Aye.

16 MADAM CLERK: Mayor Petracco?

17 MAYOR PETRACCO: Aye.

18 COMMISSIONER EVANS: WHEREAS, there exists the
19 need for professional financial disclosure audit services;
20 and

21 WHEREAS, the maximum amount of the contract is
22 \$1,000; and

23 WHEREAS, local public contract law requires that
24 the resolution authorizing the award of contracts for
25 professional services without competitive bids and the

1 contract itself must be available for public inspection.

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

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

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

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

18 So move.

19 COMMISSIONER TUCCI: Second.

20 MADAM CLERK: Commissioner Rogers?

21 COMMISSIONER ROGERS: Aye.

22 MADAM CLERK: Commissioner Tucci?

23 COMMISSIONER TUCCI: Aye.

24 MADAM CLERK: Commissioner Evans?

25 COMMISSIONER EVANS: Aye.

1 MADAM CLERK: Commissioner Scarpelli?

2 COMMISSIONER SCARPELLI: Aye.

3 MADAM CLERK: Mayor Petracco?

4 MAYOR PETRACCO: Aye.

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

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

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

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

22 So move.

23 COMMISSIONER TUCCI: Second.

24 MADAM CLERK: Commissioner Rogers?

25 COMMISSIONER ROGERS: Aye.

1 MADAM CLERK: Commissioner Tucci?

2 COMMISSIONER TUCCI: Aye.

3 MADAM CLERK: Commissioner Evans?

4 COMMISSIONER EVANS: Aye.

5 MADAM CLERK: Commissioner Scarpelli?

6 COMMISSIONER SCARPELLI: Aye.

7 MADAM CLERK: Mayor Petracco?

8 MAYOR PETRACCO: Aye.

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

14 So move.

15 COMMISSIONER TUCCI: Second.

16 MADAM CLERK: Commissioner Rogers?

17 COMMISSIONER ROGERS: Aye.

18 MADAM CLERK: Commissioner Tucci?

19 COMMISSIONER TUCCI: Aye.

20 MADAM CLERK: Commissioner Evans?

21 COMMISSIONER EVANS: Aye.

22 MADAM CLERK: Commissioner Scarpelli?

23 COMMISSIONER SCARPELLI: Aye.

24 MADAM CLERK: Mayor Petracco?

25 MAYOR PETRACCO: Aye.

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

7 So move.

8 COMMISSIONER TUCCI: Second.

9 MADAM CLERK: Commissioner Rogers?

10 COMMISSIONER ROGERS: Aye.

11 MADAM CLERK: Commissioner Tucci?

12 COMMISSIONER TUCCI: Aye.

13 MADAM CLERK: Commissioner Evans?

14 COMMISSIONER EVANS: Aye.

15 MADAM CLERK: Commissioner Scarpelli?

16 COMMISSIONER SCARPELLI: Aye.

17 MADAM CLERK: Mayor Petracco?

18 MAYOR PETRACCO: Aye.

19 COMMISSIONER EVANS: And my resolution number 178-
20 14 will be read by Commissioner Scarpelli. Thank you.

21 MAYOR PETRACCO: Thank you, Commissioner.

22 Commissioner Scarpelli, please?

23 COMMISSIONER SCARPELLI: WHEREAS, the township
24 clerk was authorized to advertise for sealed bids for Park
25 Avenue improvement project section two to be received and

1 opened on Wednesday, July 9th, 2014; and

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

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

7 NOW, THEREFORE, BE IT RESOLVED by the board of
8 commissioners, township of Nutley, county of Essex, state of
9 New Jersey that resolution 146-14 be amended with the
10 corrected project name as Park Avenue improvement project
11 section 2 as reflected above.

12 I move the resolution.

13 COMMISSIONER ROGERS: Second.

14 MADAM CLERK: Commissioner Rogers?

15 COMMISSIONER ROGERS: Aye.

16 MADAM CLERK: Commissioner Tucci?

17 COMMISSIONER TUCCI: Aye.

18 MADAM CLERK: Commissioner Evans?

19 COMMISSIONER EVANS: Aye.

20 MADAM CLERK: Commissioner Scarpelli?

21 COMMISSIONER SCARPELLI: Aye.

22 MADAM CLERK: Mayor Petracco?

23 MAYOR PETRACCO: Aye.

24 COMMISSIONER SCARPELLI: WHEREAS, bids for the
25 Park Avenue improvement project section two were received

1 and opened on Wednesday, July 9th, 2014 and

2 WHEREAS, AJM Contractors was the low bidder; and

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

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

8 NOW, THEREFORE, BE IT RESOLVED by the board of
9 commissioners, township of Nutley, county of Essex, state of
10 New Jersey that resolution number 167-14 be amended with the
11 corrected project name as Park Avenue improvement project
12 section 2 as reflected above.

13 I move the resolution.

14 COMMISSIONER ROGERS: Second.

15 MADAM CLERK: Commissioner Rogers?

16 COMMISSIONER ROGERS: Aye.

17 MADAM CLERK: Commissioner Tucci?

18 COMMISSIONER TUCCI: Aye.

19 MADAM CLERK: Commissioner Evans?

20 COMMISSIONER EVANS: Aye.

21 MADAM CLERK: Commissioner Scarpelli?

22 COMMISSIONER SCARPELLI: Aye.

23 MADAM CLERK: Mayor Petracco?

24 MAYOR PETRACCO: Aye.

25 COMMISSIONER SCARPELLI: WHEREAS, the township of

1 Nutley has a need to acquire the services of professional
2 engineers to assist the township with defending itself
3 against a tort claim by Hoffman La Roche and other
4 environmental issues, as a non-fair and open contract
5 pursuant to provisions N.J.S.A. 19:44 A20.4 or 20.5 as
6 appropriate; and

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

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

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

23 WHEREAS, the Hatch Mott MacDonald Professional
24 Engineering Services has completed and submitted a business
25 entity disclosure certificate which certifies that they have

1 not made any reportable contributions to a political or
2 candidate committee in the township of Nutley in the
3 previous one year and that the contract will prohibit them
4 from making any reportable contributions through the term of
5 the contract; and

6 WHEREAS, funds are available from account number
7 4-01-226-299 and have been certified by the chief financial
8 officer, said certification being attached to this
9 resolution.

10 NOW, THEREFORE, BE IT RESOLVED by the board of
11 commissioners of the township of Nutley, county of Essex,
12 state of New Jersey authorizes the mayor to enter into a
13 contract in accordance with N.J.S.A. 19:44 A20.4 or 20.5
14 with Hatch Mott MacDonald Professional Engineering Services
15 for the proposal as stated above.

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

19 I move the resolution.

20 COMMISSIONER ROGERS: Second.

21 MADAM CLERK: Commissioner Rogers?

22 COMMISSIONER ROGERS: Aye.

23 MADAM CLERK: Commissioner Tucci?

24 COMMISSIONER TUCCI: Aye.

25 MADAM CLERK: Commissioner Evans?

1 COMMISSIONER EVANS: I abstain with a potential
2 conflict.

3 MADAM CLERK: Commissioner Evans abstained.

4 COMMISSIONER EVANS: Yes.

5 MADAM CLERK: Commissioner Scarpelli?

6 COMMISSIONER SCARPELLI: Aye.

7 MADAM CLERK: Mayor Petracco?

8 MAYOR PETRACCO: Aye.

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

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

15 And I move the resolution.

16 COMMISSIONER TUCCI: Second.

17 MADAM CLERK: Commissioner Rogers?

18 COMMISSIONER ROGERS: Aye.

19 MADAM CLERK: Commissioner Tucci?

20 COMMISSIONER TUCCI: Aye.

21 MADAM CLERK: Commissioner Evans?

22 COMMISSIONER EVANS: Aye.

23 MADAM CLERK: Commissioner Scarpelli?

24 COMMISSIONER SCARPELLI: Aye.

25 MADAM CLERK: Mayor Petracco?

1 MAYOR PETRACCO: Aye.

2 Okay.

3 Wow, this is really small print, Kathy.

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

8 WHEREAS, the township of Nutley desires to
9 participate in the Essex County urban county for conducting
10 certain community development activities for program years
11 2015 through 2017~~o~~ and

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

16 WHEREAS, the grantee or a unit of general local
17 government that directly or indirectly receives CDBG funds
18 may not sell, trade, or otherwise transfer all or any such
19 portion of such funds to another metropolitan, city, urban
20 county, unit of general local government, or Indian tribe,
21 or insular area that directly or indirectly receives CDBG
22 funds in exchange for other funds, credits, or non-federal
23 considerations, but must use such funds for activities
24 eligible under Title I of the Housing and Community
25 Development Act of 1974, as amended.

o

1 WHEREAS, the current interlocal services agreement
2 contains an automatic renewal clause to expedite the
3 notification of the inclusion process; and

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

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

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

21 BE IT FURTHER RESOLVED that a copy of this
22 resolution be forwarded to the Essex County Division of
23 Housing and Community Development no later than August 6th,
24 2014.

25 I move the resolution.

1 That was the smallest print.

2 COMMISSIONER SCARPELLI: Second.

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

5 Commissioner Rogers?

6 COMMISSIONER ROGERS: (No audible response.)

7 MADAM CLERK: Commissioner Tucci?

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

10 MADAM CLERK: Okay. Commissioner Tucci stepped
11 down from the dais. It's now 10:43 p.m. He is not voting
12 on resolution 184-14.

13 COMMISSIONER EVANS: He is back now.

14 MADAM CLERK: Is he --

15 COMMISSIONER EVANS: Would you like to vote,
16 Commissioner?

17 MADAM CLERK: Commissioner Tucci has returned.

18 Commissioner Tucci, we're voting on resolution
19 184-14 entitled a resolution authorizing inclusion in the
20 Essex County urban county community development program for
21 years 2015-2017.

22 COMMISSIONER TUCCI: Aye.

23 MADAM CLERK: Thank you, Commissioner.

24 Commissioner Evans?

25 COMMISSIONER EVANS: Aye.

1 MADAM CLERK: Commissioner Scarpelli?

2 COMMISSIONER SCARPELLI: Aye.

3 MADAM CLERK: Mayor Petracco?

4 MAYOR PETRACCO: Aye.

5 WHEREAS, raffle applications have been received
6 from the following organizations: VFW post number 493,
7 Stuart E. Edgar, license number 5214, pull tab July 10th,
8 2014 through July 10th, 2015, the Friends of the Phoenix
9 Center Foundation, Inc., license 53-14, off-premise
10 merchandise raffle October 9th, 2014.

11 WHEREAS, the applications have been reviewed and
12 approved by the municipal clerk and the police department.

13 NOW, THEREFORE, BE IT RESOLVED by the board of
14 commissioners, township of Nutley, county of Essex that the
15 licenses are approved and the municipal clerk is authorized
16 to issue the licenses.

17 I move the resolution.

18 COMMISSIONER TUCCI: Second.

19 MADAM CLERK: Commissioner Rogers?

20 COMMISSIONER ROGERS: Aye.

21 MADAM CLERK: Commissioner Tucci?

22 COMMISSIONER TUCCI: Aye.

23 MADAM CLERK: Commissioner Evans?

24 COMMISSIONER EVANS: Aye.

25 MADAM CLERK: Commissioner Scarpelli?

1 COMMISSIONER SCARPELLI: Aye.

2 MADAM CLERK: Mayor Petracco?

3 MAYOR PETRACCO: Aye.

4 WHEREAS, the township of Nutley zoning board
5 received \$1,000 escrow deposit from Mr. Jerome Mascari for
6 property located at 216 Bloomfield Avenue for professional
7 services; and

8 WHEREAS, the zoning board of adjustment has
9 reviewed and determined the remaining escrow balance of
10 \$1,000 is due to Mr. Jerome Mascari; and

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

15 I move the resolution.

16 COMMISSIONER TUCCI: Second.

17 MADAM CLERK: Commissioner Rogers?

18 COMMISSIONER ROGERS: Aye.

19 MADAM CLERK: Commissioner Tucci?

20 COMMISSIONER TUCCI: Aye.

21 MADAM CLERK: Commissioner Evans?

22 COMMISSIONER EVANS: Aye.

23 MADAM CLERK: Commissioner Scarpelli?

24 COMMISSIONER SCARPELLI: Aye.

25 MADAM CLERK: Mayor Petracco?

1 MAYOR PETRACCO: Aye.

2 I believe that concludes our business portion of
3 the meeting.

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

6 Madam Clerk, would you just read that?

7 MADAM CLERK: Yes, Mayor.

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

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

22 Name and address for the record, please?

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

25 Mayor, I have sent a couple of emails to the board

1 members and received no response. So I'd like to address
2 those here tonight, if that's okay with you.

3 MAYOR PETRACCO: Sure.

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

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

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

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

23 So, given that as well as some of the major
24 question marks that we've been dealing with around progress
25 of Roche, that we have held off having that meeting. And

1 the question mark was we spent a lot of time to secure the
2 state aid, recognizing the write-down in the value of the
3 Roche property with respect to reconvening the committee.

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

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

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

13 COMMISSIONER EVANS: (Indiscernible.)

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

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

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

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

22 MS. LANDRY: In --

23 COMMISSIONER EVANS: The committee --

24 MS. LANDRY: The last meeting minutes available
25 are October 2013. It is now August 2014.

1 COMMISSIONER EVANS: Yes.

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

4 COMMISSIONER EVANS: Yes.

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

7 COMMISSIONER EVANS: I didn't say that.

8 MS. LANDRY: Okay. So rephrase it.

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

12 MS. LANDRY: Well, what is the truth?

13 COMMISSIONER EVANS: I just shared it with you.

14 MS. LANDRY: Could you repeat it?

15 COMMISSIONER EVANS: Do I need to repeat it?

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

17 COMMISSIONER EVANS: Simply, they did not meet
18 since October of '13 because, as of that meeting, we had a
19 --

20 MS. LANDRY: Who is we?

21 COMMISSIONER EVANS: The committee members. I had
22 a charge to revise the zoning ordinance for the township,
23 which we did. That zoning ordinance is pending before the
24 planning board, because those changes to the zoning
25 ordinance must be approved by the planning board. But --

1 MS. LANDRY: And it's nine months since the last
2 meeting that we're working on changing the zoning?

3 COMMISSIONER EVANS: Until those --

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

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

7 COMMISSIONER EVANS: I'm giving you the answer.
8 You reserve the right not to like the answer, but the simple
9 fact is that, given the focus on the aid for the township,
10 which was urgent, given the budget, given the actions that
11 were taken to improve the usability of the code, the
12 committee did not meet. They were asked to formulate views
13 as to the things that were important about the town so that,
14 when we met again, we would pick up and share and exchange
15 those ideas.

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

20 COMMISSIONER EVANS: No.

21 MS. LANDRY: And why would that be?

22 COMMISSIONER EVANS: They're not final.

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

1 COMMISSIONER EVANS: They're not available.

2 MS. LANDRY: Thank you.

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

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

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

9 COMMISSIONER EVANS: Not at this time.

10 MS. LANDRY: Thank you.

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

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

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

24 COMMISSIONER EVANS: It goes to the economic
25 development authority to a committee. It's not authority,

1 but the economic development committee has taken up the
2 discussion of how we would address a plan which is long-term
3 in nature to think about Main Street New Jersey and the
4 principles (off-mike)a

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

9 COMMISSIONER EVANS: Correct.

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

19 And I would ask you to strongly reconsider moving
20 some kind of way economic development to somewhere where it
21 can be focused upon and dealt with and where people who are
22 representative and want to be involved in this community in
23 economic development in this community to help with bringing
24 business in. Because our property taxes continue to
25 escalate, and economic development seemingly, since October

1 of 2013, is being put on the back burner by our
2 commissioner. And I would like our other four commissioners
3 to somehow or another see how this can be addressed.

4 COMMISSIONER EVANS: Mayor, I'd like to respond.

5 MS. LANDRY: And that is a formal request.

6 MAYOR PETRACCO: Sure.

7 COMMISSIONER EVANS: Okay.

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

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

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

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

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

24 COMMISSIONER EVANS: No, not true.

25 MS. LANDRY: -- your Nutley, New Jersey --

1 COMMISSIONER EVANS: It's only partial fact.

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

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

8 MS. LANDRY: No, it was.

9 COMMISSIONER EVANS: On the site.

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

11 COMMISSIONER EVANS: That's not --

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

13 COMMISSIONER EVANS: And where's the response?

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

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

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

20 COMMISSIONER EVANS: I'll find it.

21 MS. LANDRY: It's there.

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

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

25 COMMISSIONER EVANS: Occasionally.

1 MS. LANDRY: I know you're there. I know you're
2 there.

3 COMMISSIONER EVANS: Occasionally. And it's --

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

6 COMMISSIONER EVANS: And that's right.

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

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

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

15 COMMISSIONER EVANS: Not true.

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

17 COMMISSIONER EVANS: Not true.

18 MS. LANDRY: Yes, it was.

19 COMMISSIONER EVANS: Not true. Not true.

20 MS. LANDRY: That came right from Evelyn.

21 COMMISSIONER EVANS: I --

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

24 COMMISSIONER EVANS: Go ahead.

25 MS. LANDRY: He said --

1 COMMISSIONER ROGERS: Mayor, I'd like to make a
2 point of order.

3 MAYOR PETRACCO: Sure.

4 COMMISSIONER ROGERS: This is supposed to be
5 public comment.

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

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

10 MAYOR PETRACCO: Please.

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

14 MS. LANDRY: Mr. Evans started the debate.

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

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

23 MAYOR PETRACCO: Thank you.

24 MS. LANDRY: I respect that. I would just like to
25 go on record that Mr. Evans started the debate.

1 Okay, the next thing is Mr. Evans' resolution for
2 177-14, \$17,500 brush, grass, weed removal. It was 10,000,
3 and we added 7,500 to that.

4 MAYOR PETRACCO: Uh-huh.

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

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

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

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

23 UNIDENTIFIED SPEAKER: It should also be noted,
24 Commissioner, that those are mostly abandoned properties,
25 not where residents are living.

1 COMMISSIONER EVANS: True.

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

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

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

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

10 MS. LANDRY: Okay. So what you're saying -- that
11 \$10,000 was not enough? We have more abandoned and
12 foreclosed properties that now costs another \$7,500?

13 UNIDENTIFIED SPEAKER: Apparently.

14 MS. LANDRY: Apparently? Okay. Thank you.

15 Okay. I just have one other thing, and then, I'll
16 be finished. Okay.

17 MAYOR PETRACCO: Yeah.

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

21 Given the cost -- because I did look into
22 broadcast equipment, and I came up with about \$1,500. So,
23 given that we are spending 17, is it possible that that
24 equipment could be used to broadcast or to record other
25 things other than commission meetings so that that money has

1 a broader use for the taxpaying citizens?

2 UNIDENTIFIED SPEAKER: I can answer that.

3 MS. LANDRY: Okay.

4 UNIDENTIFIED SPEAKER: The exact amount is
5 \$16,535. And, yes, it is our intention to primarily
6 broadcast commission meetings, but to also broadcast other
7 meetings and other events that are going on in town. And
8 the equipment is designed in such a way that, while there
9 will be permanent mounts located in this chamber, the
10 cameras can actually be removed from here and taken to
11 whatever location we need.

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

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

20 MS. LANDRY: Because I just --

21 UNIDENTIFIED SPEAKER: But there will also --

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

24 UNIDENTIFIED SPEAKER: Point well-taken.

25 MS. LANDRY: Okay.

1 UNIDENTIFIED SPEAKER: Point well-taken.

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

4 UNIDENTIFIED SPEAKER: Right.

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

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

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

12 You guys were discussing -- and Sam and I had a
13 meeting about six months ago -- about the website, which,
14 you know, make it a little more user-friendly. And, as I
15 understand, igov is going out of business, even though we
16 just paid them \$24,000. I hope we get a refund on that.
17 That each department would have input into the new site
18 development or creation; is that correct?

19 COMMISSIONER EVANS: Correct.

20 MS. LANDRY: I feel very strongly that we have
21 some taxpayer representation, and I would like to make a
22 formal request to each of you that you invite a homeowner, a
23 citizen to also be part of those meetings and that each
24 department also have a taxpaying Nutley citizen
25 representative in those meetings. Because we are the users,

1 the end user. We are also the people who pay for it.

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

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

15 MAYOR PETRACCO: Thank you.

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

18 MR. ODRIA: This will be quick. Michael Odria,
19 133 High Street.

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

23 UNIDENTIFIED SPEAKER: Our goal is to start
24 filming the beginning of September. Once we get the
25 equipment in, now that it's been approved, we can issue a

1 purchase order. The funds have been certified. So we can
2 actually purchase the equipment. And then, we're going to
3 move post-haste to have everything installed.

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

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

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

23 If someone is expressing a concern to one of the
24 town leaders, the town leader should be free to address that
25 question. Because, when it comes to dialogue and discussion

1 between us and our town leaders, there cannot be no
2 compromises.

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

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

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

21 MR. ODRIA: Supreme Court.

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

25 So no one's denying your First Amendment rights.

1 It's part of the job. You know, I tell people all the time
2 I've been up against and spoke with people across the table
3 that hate this country when I was overseas. As a police
4 officer, I sat with mafia guys that threatened me.

5 So, when people come up here --

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

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

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

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

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

22 MR. ODRIA: Uh-huh.

23 COMMISSIONER ROGERS: Now, you may not like my
24 answer to you, but I don't want you to start pointing your
25 finger at me and, you know, saying things that are not

1 focused in on the answer to the question. Okay?

2 MR. ODRIA: I understand.

3 COMMISSIONER ROGERS: So that's my point.

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

9 COMMISSIONER ROGERS: Yes.

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

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

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

18 MR. ODRIA: Uh-huh.

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

23 MR. ODRIA: Uh-huh.

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

1 Okay?

2 MR. ODRIA: Thank you, Commissioner Rogers.

3 Thank you, board.

4 MAYOR PETRACCO: Thank you.

5 MS. LANDRY: Pennie Landry, 135 Lakeside Drive.

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

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

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

17 However, I have a right to defend myself, as all
18 of you do. Mr. Evans came at me with an allegation that
19 what I posted on my website was not true, and I was
20 defending, because everything that is posted there by me and
21 the other people is in response to concerns of the citizens
22 of this township and also a direct appeal for transparency
23 for the information that should be, by law, OPRA and OMA
24 law, readily available on the township website to the
25 citizens of this town.

1 We're getting there. I appreciate it. We have a
2 ways to go. And I thank you for your comment. Good night.

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

5 We are going to not --

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

8 MAYOR PETRACCO: Morning at 11e00.

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

11 UNIDENTIFIED SPEAKER: At 11e00 a.m.

12 MADAM CLERK: At 11:e00 a.m.

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

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

22 Money has, in fact, been appropriated in this
23 year's budget, not only to address the starling issue, but
24 also to address the geese issue. So, in an effort to
25 control the population of birds in the area, we've contacted

1 the bird doctor nationwide to assist us.

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

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

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

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

25 Until now, there have been few options for the

1 control of flocks of birds that invade and contaminate a
2 site, other than killing them. This fogging method will not
3 kill the birds. It will simply cause them to not like
4 coming to this area any more.

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

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

20 Now, once this method is, in fact, successful --
21 and we've been assured that it is successful -- and there
22 are guarantees associated with this, there is a similar
23 procedure using this same methyl anthranilate, all right,
24 whereby we can deter the geese from coming back in the
25 parks. So this is our pilot venture, if you will.

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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.

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

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

Nicole Yawn ^{sl}

Date: August 18, 2014

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TOWNSHIP OF NUTLEY, NEW JERSEY

BOARD OF COMMISSIONERS

ORIGINAL

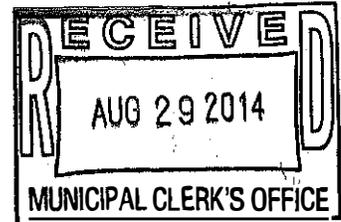
PUBLIC MEETING

)
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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

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P R O C E E D I N G S

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.

1 Gentlemen, if you can speak loudly because I am
2 recording this session so as loudly as you can speak would
3 be appreciated. Thank you.

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

6 MADAM CLERK: Yes, we do.

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

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

17 I move that this Ordinance be passed to a second
18 reading and advertised in the Nutley Sun together with the
19 notice required by law and that further consideration of
20 said Ordinance for final passage by the Board of
21 Commissioners be held at its second reading on September
22 2nd, 2014. So move.

23 COMMISSIONER TUCCI: Second.

24 MADAM CLERK: Okay. That was seconded by
25 Commissioner Tucci.

1 Commissioner Rogers?

2 COMMISSIONER ROGERS: "Aye".

3 MADAM CLERK: Commissioner Tucci?

4 COMMISSIONER TUCCI: "Aye".

5 MADAM CLERK: Commissioner Evans?

6 COMMISSIONER EVANS: "Aye".

7 MADAM CLERK: Commissioner Scarpelli?

8 COMMISSIONER SCARPELLI: "Aye".

9 MADAM CLERK: Mayor Petracco?

10 MAYOR PETRACCO: Tom, I just did hear the amount.

11 COMMISSIONER EVANS: 1,363,500.

12 MAYOR PETRACCO: Okay. "Aye".

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

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

23 I move that this Ordinance be passed to a second
24 reading and advertised in the Nutley Sun together with the
25 notice required by law and that further consideration of

1 said Ordinance for final passage by the Board of
2 Commissioners be held at its second reading on September
3 2nd, 2014. So move.

4 COMMISSIONER TUCCI: Second.

5 MADAM CLERK: Okay. Ordinance seconded by
6 Commissioner Tucci.

7 Commissioner Rogers?

8 COMMISSIONER ROGERS: "Aye"

9 MADAM CLERK: Commissioner Tucci?

10 COMMISSIONER TUCCI: "Aye".

11 MADAM CLERK: Commissioner Evans?

12 COMMISSIONER EVANS: "Aye".

13 MADAM CLERK: Commissioner Scarpelli?

14 COMMISSIONER SCARPELLI: "Aye".

15 MADAM CLERK: Mayor Petracco?

16 MAYOR PETRACCO: "Aye".

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

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

25 I move that this ordinance be passed to a second

1 reading and advertised in the Nutley Sun together with the
2 notice required by law and that further consideration of
3 said Ordinance for final passage by the Board of
4 Commissioners be held at its second reading on September
5 2nd, 2014. So move.

6 COMMISSIONER TUCCI: Second.

7 MADAM CLERK: Ordinance seconded by Commissioner
8 Tucci.

9 Commissioner Rogers?

10 COMMISSIONER ROGERS: "Aye".

11 MADAM CLERK: Commissioner Tucci?

12 COMMISSIONER TUCCI: "Aye".

13 MADAM CLERK: Commissioner Evans?

14 COMMISSIONER EVANS: "Aye".

15 MADAM CLERK: Commissioner Scarpelli?

16 COMMISSIONER SCARPELLI: "Aye".

17 MADAM CLERK: Mayor Petracco?

18 MAYOR PETRACCO: "Aye".

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

22 COMMISSINOER: Okay. I have the one Resolution
23 which is the amendment to the capital budget as a result of
24 the discussions. For the record, I appreciate everything
25 the Commissioners have done in cooperation with maintaining

1 our capital management plan which is allowing us to continue
2 to do the improvements that are necessary. So, all of your
3 support, your willingness to trust the process is just fully
4 recognized and greatly appreciated.

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

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

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

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

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

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

22 MADAM CLERK: Allen is not on the phone.

23 COMMISSIONER EVANS: Okay.

24 MADAM CLERK: Jenna (indiscernible) the phone.

25

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

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

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

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

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

1 Based upon all of that,

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

5 COMMISSIONER TUCCI: Second.

6 MADAM CLERK: Resolution No. 190-14 Capital Budget
7 Amendment moved by Commissioner Evans, seconded by
8 Commissioner Tucci.

9 Commissioner Rogers?

10 COMMISSIONER ROGERS: "Aye".

11 MADAM CLERK: Commissioner Tucci?

12 COMMISSIONER TUCCI: "Aye".

13 MADAM CLERK: Commissioner Evans?

14 COMMISSIONER EVANS: "Aye".

15 MADAM CLERK: Commissioner Scarpelli?

16 COMMISSIONER SCARPELLI: "Aye".

17 MADAM CLERK: Mayor Petracco?

18 MAYOR PETRACCO: "Aye".

19 MADAM CLERK: Resolution 190-14 roll call all
20 "ayese"

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

23 COMMISSIONER EVANS: Motion to adjourn.

24 MADAM CLERK: Motion by Commissioner Evans.

25 COMMISSIONER ROGERS: Second

1 MADAM CLERK: Second by -- I'm sorry.

2 COMMISSIONER ROGERS: Second, Commissioner Rogers.

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

6 Commissioner Rogers?

7 COMMISSIONER ROGERS: "Aye".

8 MADAM CLERK: Commissioner Tucci?

9 COMMISSIONER TUCCI: "Aye".

10 MADAM CLERK: Commissioner Evans?

11 COMMISSIONER EVANS: "Aye".

12 MADAM CLERK: Commissioner Scarpelli?

13 COMMISSIONER SCARPELLI: "Aye".

14 MADAM CLERK: Mayor Petracco?

15 MAYOR PETRACCO: "Aye".

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

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

20 MADAM CLERK: Bye.

21 (Whereupon, the meeting was adjourned.)

22

23

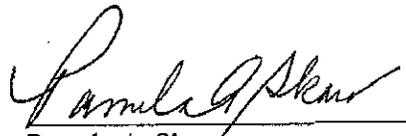
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C E R T I F I C A T I O N

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

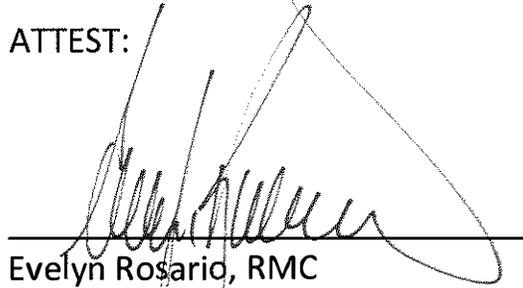


Pamela A. Skaw

Date: August 27, 2014

**Signature Page/Board of Commissioners
Meeting Minutes, August 5, 2014 & Continued Meeting August 8, 2014**

ATTEST:



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

Workshop (K Reimpusheski) August 5, 2014

TOWNSHIP OF NUTLEY



Web Content, Branding and Community Engagement

INDEX

Section 1

- Reality of Today
- Monmouth University Study of Municipal Websites
- Proposed Vision of Tomorrow

Section 2

- Website Architecture
- Technology Enablement

Section 3

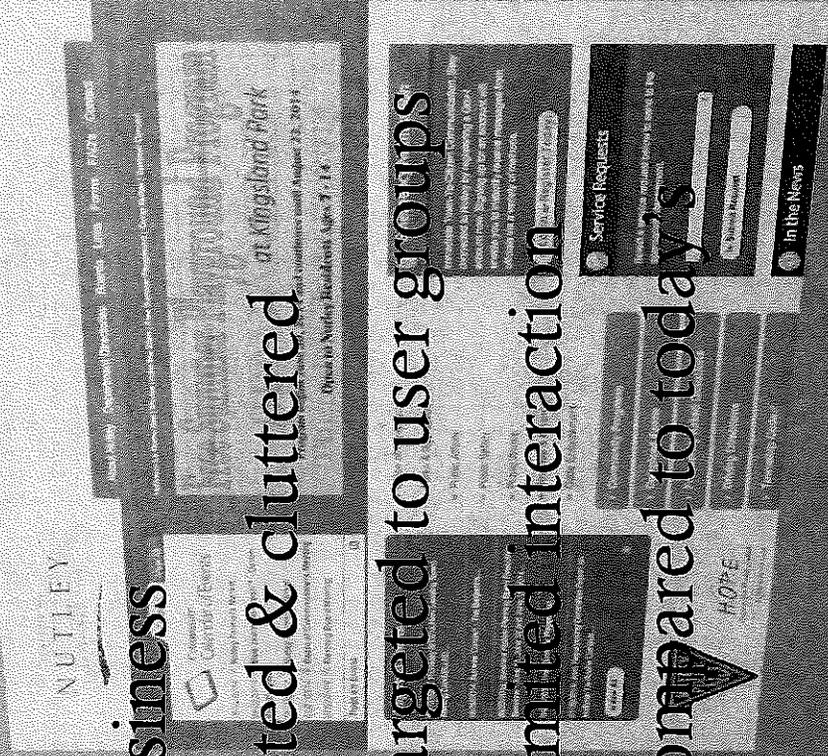
- Proposed Vendor
- Approach & Timeline
- Financial Summary

Section 4

- Our Ask
- Questions and Comments

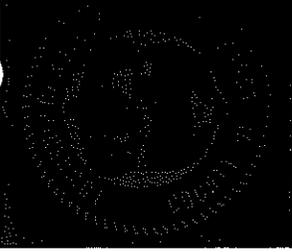
WEBSITE TODAY

- 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



MONMOUTH UNIVERSITY STUDY

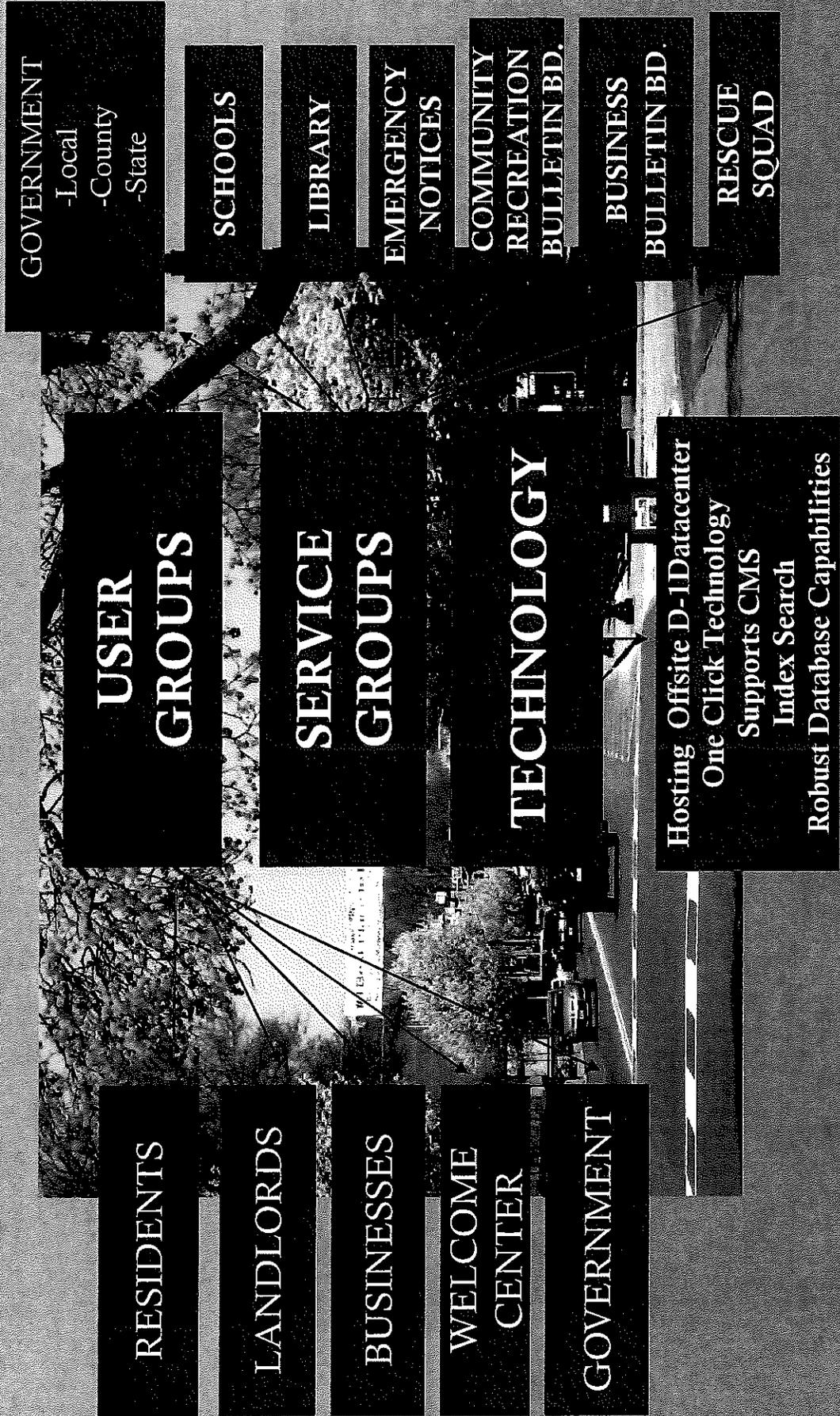
OVER-ALL RANK	COMBINED SCORE	COUNTY	MUNICIPALITY	WEBSITE URL	EASE OF USE SCORE	CON-TENT SCORE	CITIZEN INTER-ACTION
1	172.9	Monmouth	Middletown Township	http://www.middletownnj.org/	53.9	59.5	21.0
2	163.0	Bergen	Franklin Lakes Borough	http://www.franklinlakes.org/	49.5	56.8	19.5
3	161.0	Mercer	West Windsor Township	http://www.westwindsornj.org/	42.5	59.3	20.3
4	160.8	Mercer	Princeton Township	http://www.princetontwp.org/	40.3	60.3	16.5
5	159.8	Mercer	Robbinsville Township	http://www.robbinsville-twp.org/	52.3	53.8	10.5
6	158.8	Morris	Randolph Township	http://www.randolphnj.org/	46.8	56.0	20.3
7	158.0	Middlesex	North Brunswick Township	http://www.northbrunswicknj.gov/	54.0	52.0	15.0
8	156.3	Mercer	Lawrence Township	http://lawrencetwp.com/	49.3	53.5	21.0
9	155.2	Middlesex	Old Bridge Township	http://www.oldbridge.com/	41.2	57.0	17.3
10	154.9	Bergen	Fort Lee Borough	http://www.fortleenj.org/	49.9	52.5	18.0
321	103.1	Essex	Irvington Township	http://www.irvington.net/	36.6	33.3	10.5
322	103.0	Union	Roselle Park Borough	http://www.rosellepark.net/	27.0	38.0	14.3
323	102.9	Essex	Nutley Township	http://www.nutleynj.org/	39.9	31.5	5.3
324	102.8	Hunterdon	Holland Township	http://www.hollandtownship.org/	32.8	35.0	8.3
325	102.7	Hudson	Jersey City	http://www.cityofjerseycity.com/	33.2	34.8	7.5



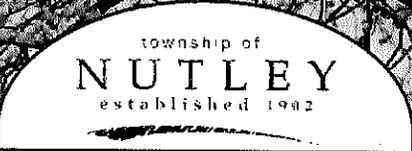
VISION FOR TOMORROW

- **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



TECHNOLOGY



township of
NUTLEY
established 1902

Offsite Hosting

Supports
Content
Management

Index Search
Capability

Robust
Database
Capabilities



Township of Nutley, New Jersey
1 Kennedy Drive, Nutley, NJ 07110 ©2006-2009
Township of Nutley, NJ
All Rights Reserved

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

evo
government websites

Home Services Contact Us 1-800-881-8388 Request a Quote

e-Government Web Design CMS and Apps Pricing Portfolio About Us News Privacy

City of Hudsonville, MI

Portfolio

View our recent website redesign for this Michigan town. The new website features a modern design, improved navigation, and a user-friendly interface. The project was completed in 2015.

CMS Technology

Intuitive CMS with Powerful Features

Our client was looking for a CMS that was easy to use and provided powerful features. We selected a CMS that met all their requirements and provided a seamless user experience.

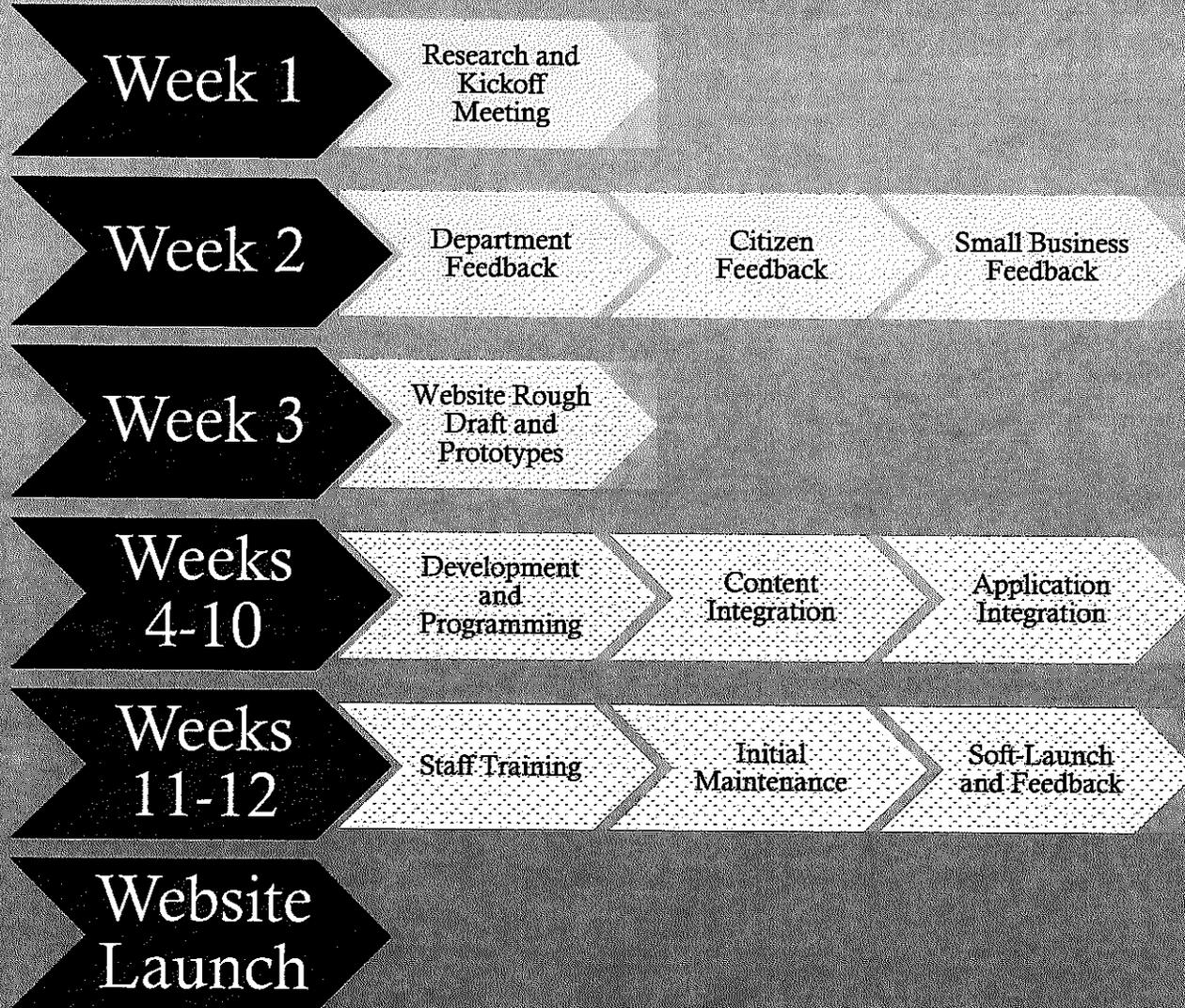
Our Process

How We Build Municipal Websites

Each municipal website design project we do is unique. We work closely with the client to understand their needs and goals. We then develop a custom design and build the website using our proprietary CMS.

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

PROPOSED APPROACH



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

OUR ASK

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

Thank You!!

SHADE TREE
FOR THE MONTH OF
APRIL 2014

CLASS 2 PRUNING	0
CLASS 4 PRUNING	0
TAKEDOWN	0
MISCELLANEOUS	See Attached



TOWNSHIP OF NUTLEY
Department of Parks and Public Property
REPORT 36 SHADE TREE DEPT. ACTIVITY, BY DATE

WORK COMPLETED	DATE WORK COMPLETED	ADDRESS			SPECIES	DIA (INCHES)	SHADE TREE DEPARTMENT MANHOURS
		ZONE	NO	STREET			
TOTAL NUMBER OF		= 0			TOTAL NUMBER OF MANHOURS:		0
TOTAL SHADE TREE DEPT. MANHOURS FOR THE TIME PERIOD CHOSEN:							0

MISCELLANEOUS:

- 4/10/14: 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
- 4/17/14: Unloaded Spring Planting Trees from truck. Loaded trucks for Spring Planting. Cleaned out back garage area.
- 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

CLASS 2 PRUNING	6
CLASS 4 PRUNING	0
TAKEDOWN	1
MISCELLANEOUS	SEE ATTACHED



TOWNSHIP OF NUTLEY
Department of Parks and Public Property
REPORT 36 SHADE TREE DEPT. ACTIVITY, BY DATE

WORK COMPLETED	DATE WORK COMPLETED	ADDRESS		SPECIES	DIA (INCHES)	SHADE TREE DEPARTMENT MANHOURS
		ZONE	NO			
CLASS 2 PRUNING COMPLETED	5/6/2014	2	022	DODD ST	02	JAPANESE TREE LILAC 03 0
	5/6/2014	2	028	DODD ST	01	JAPANESE MAPLE 03 0
	5/6/2014	5	073	ENCLOSURE	01	ZELKOVA 06 0
	5/6/2014	8	023	GLESS AVE	01	GINKGO 01 0
	5/6/2014	1	076	RHODA AVE	01	GINKGO 03 0
	5/29/2014	6	178	WALNUT ST	01	JAPANESE TREE LILAC 03 0
TOTAL NUMBER OF CLASS 2 PRUNING COMPLETED	= 6					TOTAL NUMBER OF MANHOURS: 0
MISCELLANEOUS	5/6/2014	6	142	GRANT AVE	01	RED MAPLE 03 0
TOTAL NUMBER OF MISCELLANEOUS	= 1					TOTAL NUMBER OF MANHOURS: 0
REMOVED HANGER	5/29/2014	4	144	MOUNTAINVIEW AVE	01	LINDEN 06 0
TOTAL NUMBER OF REMOVED HANGER	= 1					TOTAL NUMBER OF MANHOURS: 0
REMOVED STUMP	5/6/2014	8	058	EVERGREEN AVE	02	flowering cherry 03 0
TOTAL NUMBER OF REMOVED STUMP	= 1					TOTAL NUMBER OF MANHOURS: 0
TREE TAKEN DOWN	5/13/2014	6	126	WALNUT ST	01R	CANADIAN RED CHERRY 03 0
TOTAL NUMBER OF TREE TAKEN DOWN	= 1					TOTAL NUMBER OF MANHOURS: 0

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

TOWNSHIP OF NUTLEY
 Department of Parks and Public Property
REPORT 36 SHADE TREE DEPT. ACTIVITY, BY DATE

WORK COMPLETED	DATE WORK COMPLETED	ADDRESS			SPECIES	DIA (INCHES)	SHADE TREE DEPARTMENT MANHOURS
		ZONE	NO	STREET			
TOTAL NUMBER OF		= 0			TOTAL NUMBER OF MANHOURS:		0
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:s 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

TOWNSHIP OF NUTLEY							
BILL LIST							
TUESDAY AUGUST 5, 2014							
P.O.	VENDOR	PUBLIC AFFAIRS	REVENUE & FINANCE	PUBLIC SAFETY	PUBLIC WORKS	PARKS& PUBLIC PROPERTY	TOTALS
14-02126	GOV DELIVERY, INC	3,000.00	3,000.00	6,000.00	3,000.00	3,000.00	18,000.00
14-02365	ATLANTIC,TOMORROW	703.97	1,659.14	730.42	315.16	520.46	3,929.15
14-02185	GRAINGER	51.84					51.84
14-02177	BERGEN REFRIGERATION	267.50					267.50
14-01529	DELGEN PRESS	60.00					60.00
14-02373	TREASURY STAT OF NJ	1,075.00					1,075.00
14-02290	CABLEVISION	16.51					16.51
14-02308	TREASURY STAT OF NJ	5.00					5.00
14-00651	POLAND SPRING	34.60					34.60
14-02369	NUTLEY PARK SHOPRITE	94.37					94.37
14-01463	POSITIVE PROMOTION	740.63					740.63
14-02487	FUTURE SANITATION	72,000.00					72,000.00
14-02500	TIRE MANAGEMENT	155.00					155.00
14-02454	AT & T MOBILITY	386.31					386.31
14-02260	COUNTY OF ESSEX NJ		4,896,870.40				4,896,870.40
14-02335	TREASURER OF SCHOOL MONEY		2,100,000.00				2,100,000.00
14-02344	PAYROLL AGENCY ACCT		158.79				158.79
14-02226	PAYROLL AGENCY ACCT		33,240.36				33,240.36
14-02437	PAYROLL AGENCY ACCT		34,750.33				34,750.33
14-02458	PAYROLL AGENCY ACCT		119.14				119.14
14-02333	POSTMASTER,NEWARK NJ		4,000.00				4,000.00
14-01871	NJCTBA		435.00				435.00
14-02348	STATE OFNJ EMPLOYER ACCT.		853.49				853.49
14-01700	PIRO,ZINNA CIFELLI,PARIS		5,979.56				5,979.56
14-02331	ZIPP & TANNENBAUM		5,655.10				5,655.10
14-02330	GARIPPA,LOTZ & GIANNUARIO		10,096.99				10,096.99

TOWNSHIP OF NUTLEY							
BILL LIST							
TUESDAY AUGUST 5, 2014							
P.O.	VENDOR	PUBLIC AFFAIRS	REVENUE & FINANCE	PUBLIC SAFETY	PUBLIC WORKS	PARKS& PUBLIC PROPERTY	TOTALS
14-01691	CDW, GOVERNMENT		18.37				18.37
14-02343	DIV OF MOTOR VEHICLE OF NJ		60.00				60.00
14-01844	RUTGERS UNIVERSITY		1,084.00				1,084.00
14-02357	VERTIEXT REPORTING		1,032.35				1,032.35
14-02072	GRAND HOTEL		738.00				738.00
14-02407	ISAAC MORADI		11,308.35				11,308.35
14-00319	HENDRICKS APPRAISAL		500.00				500.00
14-02272	G.NEIL CO		475.93				475.93
14-02304	EDMUNDS & ASSOC		3,201.40				3,201.40
14-02352	NJ DEPT OF ALBOR		12,271.34				12,271.34
14-01895	PIRO, ZINNA, CIFELLI, PARIS		2,402.40				2,402.40
14-02444	USBANK CUST FOR PRO CAPITAL		3,161.70				3,161.70
14-02259	THE STAR-LEDGER		122.96				122.96
14-02254	THE STAR-LEDGER		315.52				315.52
14-02159	CANDORIS TECH		3,801.47				3,801.47
14-02261	W.B. MASON		198.83				198.83
14-01694	W.B. MASON		207.41				207.41
14-02144	W.B. MASON		468.60				468.60
14-02168	W.B. MASON		44.82				44.82
14-02162	W.B. MASON		173.66				173.66
14-02176	WEST GROUP		114.00				114.00
14-02397	PASHMAN STEIN		1,000.00				1,000.00
14-02312	VERIZON WIRELESS		48.01	1,009.34			1,057.35
14-02450	AT & T MOBILITY		150.24				150.24
14-02451	AT & T MOBILITY		312.60				312.60
14-02460	RICCIPLANNING		495.00				495.00

TOWNSHIP OF NUTLEY							
BILL LIST							
TUESDAY AUGUST 5, 2014							
P.O.	VENDOR	PUBLIC AFFAIRS	REVENUE & FINANCE	PUBLIC SAFETY	PUBLIC WORKS	PARKS & PUBLIC PROPERTY	TOTALS
14-00319	HENDRICKS APPRAISAL		250.00				250.00
14-02276	W.B. MASON		349.90				349.90
14-02382	RUTGERS UNIVERSITY		235.00				235.00
14-02132	MGL FORMS SYSTEMS		1,722.00				1,722.00
14-00108	RICHARD RENN		1,010.00				1,010.00
14-02274	NUTLEY PUBLIC LIBRARY			397,980.00			397,980.00
14-02221	P & A AUTO PARTS			191.30			191.30
14-02064	WEST GROUP			407.50			407.50
14-01780	GEN-EL IND			375.49			375.49
14-01770	TERRITORIAL SUPPLIES			50.70			50.70
14-02154	LAW SOFT			12,700.00			12,700.00
14-02188	JMAC SERVICES			1,370.00			1,370.00
14-02293	CABLEVISION			36.38			36.38
14-02296	CABLEVISION			59.95			59.95
14-02337	TURNOUT FIRE SAFETY			343.97			343.97
14-02337	TURNOUT FIRE SAFETY			387.96			387.96
14-02339	TURNOUT FIRE SAFETY			288.97			288.97
14-02340	TURNOUT FIRE SAFETY			625.00			625.00
14-02341	TURNOUT FIRE SAFETY			587.76			587.76
14-02342	TURNOUT FIRE SAFETY			278.97			278.97
14-02436	TURNOUT FIRE SAFETY			37.01			37.01
14-02435	TURNOUT FIRE SAFETY			882.00			882.00
14-02434	TURNOUT FIRE SAFETY			262.95			262.95
14-02433	TURNOUT FIRE SAFETY			584.01			584.01
14-02432	TURNOUT FIRE SAFETY			343.97			343.97
14-00573	NO.JERSEY MEDIA GROUP			25.57			25.57

TOWNSHIP OF NUTLEY							
BILL LIST							
TUESDAY AUGUST 5, 2014							
P.O.	VENDOR	PUBLIC AFFAIRS	REVENUE & FINANCE	PUBLIC SAFETY	PUBLIC WORKS	PARKS & PUBLIC PROPERTY	TOTALS
14-00999	NJ LAW JOURNAL			359.88			359.88
14-00571	NO.JERSEY MEDIA GROUP			67.20			67.20
14-01371	CORPORATE TRAINING GROUP			247.50			247.50
14-01814	JPM ENTERPRISES ASSOC.			8,625.00			8,625.00
14-00097	NICOLETTE TOWING			48.00			48.00
14-02442	MICHAEL PADILLA			161.89			161.89
14-02356	THOMAS STRUMOLO			215.83			215.83
14-02298	MOBILE TECH			1,038.00			1,038.00
14-02201	BATTERIES & BULBS			53.98			53.98
14-02383	WILLIAM CASSIDY			940.43			940.43
14-02386	DELGEN PRESS			5,079.00			5,079.00
14-02310	MILITARY TRANSPORT ASSOC.			575.00			575.00
14-02350	NATIONAL TERMINAL			5,079.09			5,079.09
14-02351	NATIONAL FUEL OIL			7,246.75			7,246.75
14-02447	VERIZON			110.24			110.24
14-02475	NJ DIV. MOTOR VEHICLE			120.00			120.00
14-02443	NATIONAL FUEL OIL			11,345.60			11,345.60
14-02084	INTERPORT CONTAINER			75.00			75.00
14-00406	XEROX CORP			34.95			34.95
14-00354	INHALATION THERAPY			141.25			141.25
14-02020	ACTION INTERPRETING			281.25			281.25
13-02267	INLAND PRODUCTS			169.05			169.05
14-02353	MOBILE TECH			1,410.00			1,410.00
14-02058	SAFARILAND			350.00			350.00
13-04594	E.COAST MERGENCY LIGHTING			24,522.00			24,522.00
14-02173	GRAINGER			40.80			40.80

TOWNSHIP OF NUTLEY							
BILL LIST							
TUESDAY AUGUST 5, 2014							
P.O.	VENDOR	PUBLIC AFFAIRS	REVENUE & FINANCE	PUBLIC SAFETY	PUBLIC WORKS	PARKS & PUBLIC PROPERTY	TOTALS
14-01842	E.COAST MERGENCY LIGHTING			774.12			774.12
14-02150	W.B. MASON			237.68			237.68
14-02217	HEWLETT PACKARD			2,521.82			2,521.82
14-02164	DELGEN PRESS			165.00			165.00
14-02059	W.B. MASON			80.61			80.61
14-02060	W.B. MASON			766.38			766.38
14-01679	KUSTOM SIGNALS			15.73			15.73
14-02299	JACKSON HIRSH			60.09			60.09
14-02216	DAVID WEBER OIL			431.20			431.20
14-02355	LIFELINE TRAINING			278.00			278.00
14-02218	WHTTECH			1,260.00			1,260.00
14-02354	W.B. MASON			190.55			190.55
14-02301	W.B. MASON			70.20			70.20
14-00653	POLAND SPRING			141.16			141.16
14-02469	CABLEVISION			51.71			51.71
14-02449	AT & T MOBILITY			25.50			25.50
14-02455	AT & T MOBILITY			64.67			64.67
14-02456	AT & T MOBILITY			1,977.92			1,977.92
14-00653	POLAND SPRING			163.07			163.07
14-02378	HOME DEPOT			24.98			24.98
14-01988	MGL FORMS				150.00		150.00
14-01998	JESCO INC				384.45		384.45
14-02110	AMERICAN HOSE				322.23		322.23
14-02075	AMERICAN HOSE				163.00		163.00
14-02011	TERRE CO				313.54		313.54
14-00292	US MUNICIPAL SUPPLY				25.00		25.00

TOWNSHIP OF NUTLEY							
BILL LIST							
TUESDAY AUGUST 5, 2014							
P.O.	VENDOR	PUBLIC AFFAIRS	REVENUE & FINANCE	PUBLIC SAFETY	PUBLIC WORKS	PARKS & PUBLIC PROPERTY	TOTALS
13-04633	VAN DINES				4,845.00		4,845.00
14-01987	JENSON & MITCHELL				870.16		870.16
14-02214	COLANERI BROTHERS				31.95		31.95
14-02161	ROUTE 23 AUTO MALL				400.48		400.48
14-02313	PSE & G				20,109.57		20,109.57
14-02302	PASSAIC VALLEY WATER COMM				57,653.67		57,653.67
14-00040	BLOOMFIELD MASONRY				180.17		180.17
14-02292	CABLEVISION				17.56		17.56
14-00061	VIOLA BROTHERS				318.27		318.27
14-00057	STONE IND				91.73		91.73
14-00052	NORTHEAST AUTO				12.44		12.44
14-00055	ROBERTS & SON				54.20		54.20
14-00072	VITAL COMM.				153.00		153.00
14-00037	AGL WELDING				59.47		59.47
14-00066	GRAINGER				117.78		117.78
14-00066	GRAINGER				145.92		145.92
14-00066	GRAINGER				15.45		15.45
14-01744	PETER ANDOLINO				172.25		172.25
14-00070	P & A AUTO				32.40		32.40
14-02065	POLLARD WATER				349.24		349.24
14-01564	T.M. FITZGERALD				2,380.00		2,380.00
14-02280	DURABLE RECYCLING				2,923.56		2,923.56
14-02278	MOBILE TECH				60.00		60.00
14-02005	W.E. TIMMERMAN				4,085.92		4,085.92
14-02212	CAMPBELL FOUNDRY				509.00		509.00
14-00071	JOSEPH RICCARDI PAINTS				9.00		9.00

TOWNSHIP OF NUTLEY							
BILL LIST							
TUESDAY AUGUST 5, 2014							
P.O.	VENDOR	PUBLIC AFFAIRS	REVENUE & FINANCE	PUBLIC SAFETY	PUBLIC WORKS	PARKS & PUBLIC PROPERTY	TOTALS
14-00050	NEWARK ASPHALT				631.27		631.27
14-00069	ONE CALL CONCEPTS				143.04		143.04
14-00045	DELUXE INTERNATIONAL TRUCK				391.49		391.49
14-00043	COUNTY CONCRETE				472.50		472.50
14-00052	NORTHEAST AUTO				88.89		88.89
14-00056	ROUTE 23 AUTO MALL				110.82		110.82
14-00058	SUPERIOR DISTRIBUTOR				101.04		101.04
14-02466	GERARD BARROS				100.00		100.00
14-02485	TREASURER STATE OF NJ				790.00		790.00
14-00059	TILCON NJ				306.47		306.47
14-00045	DELUXE INTERNATIONAL TRUCK				115.73		115.73
14-00048	INTERSTATE BATTERY				154.95		154.95
14-00057	STONE IND				336.56		336.56
14-00061	VIOLA BROTHERS				34.72		34.72
14-00064	ATHENIA MASON				36.25		36.25
14-00045	DELUXE INTERNATIONAL TRUCK				22.03		22.03
14-00654	POLAND SPRING				140.84		140.84
14-00065	BELL RIDGE PLUMBING				62.72		62.72
14-02467	PASSAIC VALLEY WATER COMM				1,537.00		1,537.00
14-02408	HARVEY WECHTER				100.00		100.00
14-00044	COLONIAL CONCRETE				536.00		536.00
14-00046	DURABLE RECYCLING				790.56		790.56
14-02371	PETER ANDOLINO				220.70		220.70
14-02211	POLLARD WATER				65.37		65.37
14-02320	TERRE CO				105.00		105.00
14-02327	NBC AUTO PARTS				594.80		594.80

TOWNSHIP OF NUTLEY							
BILL LIST							
TUESDAY AUGUST 5, 2014							
P.O.	VENDOR	PUBLIC AFFAIRS	REVENUE & FINANCE	PUBLIC SAFETY	PUBLIC WORKS	PARKS & PUBLIC PROPERTY	TOTALS
14-02275	DATA CENTER TECH				2,200.00		2,200.00
14-02181	STONE IND				256.37		256.37
14-02013	WORK N GEAR				114.75		114.75
14-02361	NBC AUTO PARTS				889.00		889.00
14-02316	STEWART BUSINESS				1,275.34		1,275.34
14-02231	ROUTE 23 AUTO MALL				490.76		490.76
14-02193	BIO SHINE				504.34		504.34
14-02321	TANIS & SONS				1,357.00		1,357.00
14-02027	AJM CONTRACTORS				37,459.28		37,459.28
14-02027	AJM CONTRACTORS				9,954.90		9,954.90
14-00299	PENNONI ASSOCIATES				2,250.00		2,250.00
14-00299	PENNONI ASSOCIATES				270.00		270.00
14-00299	PENNONI ASSOCIATES				990.00		990.00
14-00299	PENNONI ASSOCIATES				1,772.50		1,772.50
14-00299	PENNONI ASSOCIATES				2,250.00		2,250.00
14-02409	NJSHBP					372,407.87	372,407.87
14-02410	NJSHBP					176,664.00	176,664.00
14-02413	ANTHONY MONACO					629.40	629.40
14-02412	DELTA DENTAL PLAN OF NJ					13,345.42	13,345.42
14-02411	DELTA DENTAL PLAN OF NJ					13,015.64	13,015.64
14-02429	JOHN BEARD					1,258.80	1,258.80
14-00018	P & A AUTO					100.36	100.36
14-02428	RICHARD HULBERT					1,258.80	1,258.80
14-02427	ROBERT SCHARZE					1,258.80	1,258.80
14-02426	BARBARA CIASCO					629.40	629.40
14-02425	FRANK FOCESATO					629.40	629.40

TOWNSHIP OF NUTLEY							
BILL LIST							
TUESDAY AUGUST 5, 2014							
P.O.	VENDOR	PUBLIC AFFAIRS	REVENUE & FINANCE	PUBLIC SAFETY	PUBLIC WORKS	PARKS & PUBLIC PROPERTY	TOTALS
14-00006	AGL WELDING					136.66	136.66
14-00664	ABADEL PEST CONTTROL					125.00	125.00
14-00027	BELL RIDGE PLUMBING					737.32	737.32
14-00099	ARROW ELEVATOR					425.00	425.00
14-00013	HOOVER TRUCK CENTER					49.54	49.54
14-00026	ABLE PAINT					183.27	183.27
14-00008	ATHENIA MASON					294.25	294.25
14-00024	COMPLETE SAW SERVICE					146.05	146.05
14-00028	CONTEMPORARY GLASS					11.65	11.65
14-00015	NORTHEAST AUTO					395.01	395.01
14-02295	CABLEVISION					164.80	164.80
14-00294	CABLEVISION					8.78	8.78
14-00352	CABLEVISION LIGHTPATH					3,020.92	3,020.92
14-00032	VIOLA BROTHERS					497.28	497.28
14-00010	BRADLEY TIRE					162.16	162.16
14-02306	GRANT SUPPLIES					489.05	489.05
14-02142	C & C TIRE					392.00	392.00
14-02347	MULTI PACKAGING SYS					765.00	765.00
14-00024	COMPLETE SAW SERVICE					138.50	138.50
14-00021	SUPERIOR DISTRIBUTOS					45.00	45.00
14-00316	SPS					1,507.64	1,507.64
14-02285	RELIABLE WOOD					560.00	560.00
14-02288	SAL ELECTRIC CO					5,821.00	5,821.00
14-02286	SAL ELECTRIC CO					2,125.00	2,125.00
14-02190	ADVANCED MECHANICAL					645.00	645.00
14-02180	ADVANCED MECHANICAL					878.00	878.00

TOWNSHIP OF NUTLEY							
BILL LIST							
TUESDAY AUGUST 5, 2014							
P.O.	VENDOR	PUBLIC AFFAIRS	REVENUE & FINANCE	PUBLIC SAFETY	PUBLIC WORKS	PARKS & PUBLIC PROPERTY	TOTALS
14-02184	ARTISTIC FENCE					82.88	82.88
14-01081	FOSTER AND CO.					165.57	165.57
14-02284	CONFIRE FIRE PROTECTION					283.70	283.70
14-01662	S & D SALES					4,780.00	4,780.00
14-02282	MOBILE TECH					60.00	60.00
14-02318	LOMBARDY OVERHEAD DOORS					378.00	378.00
14-02307	MAGIC TOUCH CONSTRUCTION					571.50	571.50
14-02283	MAGIC TOUCH CONSTRUCTION					675.41	675.41
14-02287	MAGIC TOUCH CONSTRUCTION					1,896.52	1,896.52
14-02323	THE SHADE TREE DEPT					7,631.25	7,631.25
14-02140	HOME DEPOT					1,047.00	1,047.00
14-00030	GRANT SUPPLIES					41.72	41.72
14-00025	DUJETS CORP					102.74	102.74
14-00010	BRADLEY TIRE					126.66	126.66
14-00664	ABADEL PEST CONTTROL					125.00	125.00
14-00018	P & A AUTO					56.14	56.14
14-00020	STORR TRACTOR					109.52	109.52
14-01248	STORR TRACTOR					26,108.20	26,108.20
14-02172	FRANK'S TRUCK					524.13	524.13
14-02119	ANDY MATT					1,045.00	1,045.00
14-02054	THERMO KING EAST					188.34	188.34
14-02076	RELIABLE WOOD					3,520.00	3,520.00
14-02264	PSE & G					623.73	623.73
14-02314	PSE & G					1,377.26	1,377.26
14-02385	PSE & G					12.20	12.20
14-02384	PSE & G					4.26	4.26

TOWNSHIP OF NUTLEY							
BILL LIST							
TUESDAY AUGUST 5, 2014							
P.O.	VENDOR	PUBLIC AFFAIRS	REVENUE & FINANCE	PUBLIC SAFETY	PUBLIC WORKS	PARKS & PUBLIC PROPERTY	TOTALS
14-02305	PSE & G					1,341.98	1,341.98
14-02311	PSE & G					17,552.99	17,552.99
14-02315	PSE & G					4,375.39	4,375.39
14-02391	EDWARD & ALBA AVERSA					100.00	100.00
14-02482	WILLIAM LOPA					629.40	629.40
14-02483	FLAGSHIP DENTAL PLAN					543.39	543.39
14-02453	PAY PAL, INC					30.00	30.00
14-02424	TARA DUBLANCIA					30.00	30.00
14-02423	LAURA PEREIRA					125.00	125.00
14-02422	KRISTEN AMBROSI					40.00	40.00
14-02421	SHADAE HARGRAVE					310.00	310.00
14-02420	LAUREN VAZQUEZ					25.00	25.00
14-02419	GINA BARTLEY					50.00	50.00
14-02418	DEENA NATALE					25.00	25.00
14-02417	DEENA NATALE					125.00	125.00
14-02416	KAN HSIAO					155.00	155.00
14-02415	SYDNEY PANNELLA					25.70	25.70
14-02414	SAMANTHA HADDOCK					25.70	25.70
14-02431	RUDGA ATTYAH					155.00	155.00
14-02430	PRAJAKTA SHAH					155.00	155.00
14-02402	JOSEPH FISCHER					295.00	295.00
14-02404	MONZO FAMILY KONA ICE					255.00	255.00
14-02405	FUNPLEX					3,178.70	3,178.70
14-02367	NUTLEY SHOP RITE					547.45	547.45
14-01954	DOT DESIGNING					975.80	975.80
14-02158	HOME DEPOT					158.00	158.00

BILL LIST

8/5/2014

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

PAYROLL-REGULAR JULY 18, 2014:

Department of Public Affairs	17,419.16
Department of Revenue & Finance	63,360.95
Department of Public Safety	447,287.63
Department of Public Works	62,105.72
Department of Parks & Public Properties	76,591.49
Department of Recreation Commission	14,543.32
Water Operations	40,780.48
Due To From General Capital	2,661.73
600 Series	7,121.02
POLICE OUTSIDE DUTIES	12,376.27
C.E.H.A.	1,019.91

Sub Total 745,267.68

PAYROLL-OVERTIME JULY 18, 2014:

Department of Public Affairs	0.00
Department of Revenue & Finance	380.66
Department of Public Safety	25,451.01
Department of Public Works	6,076.81
Department of Parks & Public Properties	2,745.36
Water Operations	9,516.80
600 Series	0.00

Sub Total 44,170.64

TOTAL PAYROLL: 789,438.32

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

Federal Withholding Tax	96,520.95
Social Security	24,286.00
N.J. State Tax	28,838.47
Medicare	11,305.68
Wage Execution	4,057.70
Deferred Compensation	24,809.83
Employee Disability Ins.	5,154.10

BILL LIST

8/5/2014

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

PAYROLL-REGULAR AUGUST 1, 2014:

Department of Public Affairs	17,007.28
Department of Revenue & Finance	62,676.65
Department of Public Safety	427,193.95
Department of Public Works	63,161.72
Department of Parks & Public Properties	78,498.89
Department of Recreation Commission	31,466.98
Water Operations	45,558.30
Due To From General Capital	3,623.27
600 Series	7,121.02
POLICE OUTSIDE DUTIES	14,988.98
C.E.H.A.	517.40
ACC-U-VAC	51,837.84
ZONING	300.00
Sub Total	803,952.28

PAYROLL-OVERTIME AUGUST 1, 2014:

Department of Public Affairs	0.00
Department of Revenue & Finance	583.40
Department of Public Safety	14,612.01
Department of Public Works	4,543.29
Department of Parks & Public Properties	4,803.92
Water Operations	8,395.20
600 Series	0.00
Sub Total	32,937.82

TOTAL PAYROLL: 836,890.10

GRAND TOTAL: 10,220,827.96

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

Federal Withholding Tax	109,455.47
Social Security	25,119.74
N.J. State Tax	28,480.12
Medicare	12,008.89
Wage Execution	4,057.50
Deferred Compensation	21,336.83
Employee Disability Ins.	5,136.96

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

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

ARTICLE V
Tax Collector’s Office

320-6 Fees

A. Imposition of service charge; tender of future payments

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

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

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

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

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

Ordinance No. 3293

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

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

ARTICLE V, GENERAL REGULATIONS

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

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

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

ARTICLE VII, USE REGULATIONS

§ 700-41 Outdoor cafes and sidewalk cafes

F.(5) Layout plan.

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

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

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

STATEMENT

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

Prior to 2011 outdoor cafes and sidewalk cafe operations were permitted from April 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 *Date:* August 5, 2014
Seconded by: Commissioner Thomas J. Evans *No.* 175-14

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

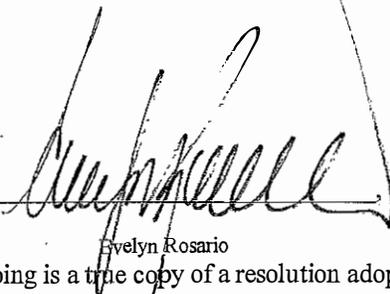
WHEREAS, a re-purposing of the rink would serve a greater number of Nutley residents and;

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.

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

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

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Commissioner Mauro G. Tucci *Date:* August 5, 2014

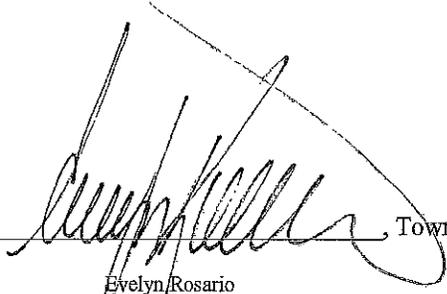
Seconded by: Commissioner Thomas J. Evans *No.* 188-14

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 August 5, 2014

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

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Commissioner Thomas J. Evans *Date:* August 5, 2014

Seconded by: Commissioner Mauro G. Tucci *No.* 174-14

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

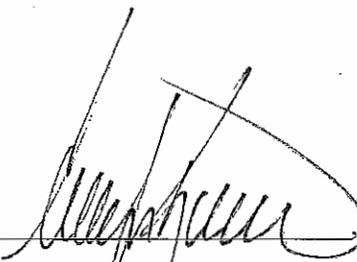
WHEREAS, the maximum amount of the contract is **\$1000.00**; and

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. 40a11-5(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,  Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that

the Evelyn Rosario foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held August 5, 2014

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

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Commissioner Thomas J. Evans *Date:* August 5, 2014
Seconded by: Commissioner Mauro G. Tucci *No.* 176-14

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

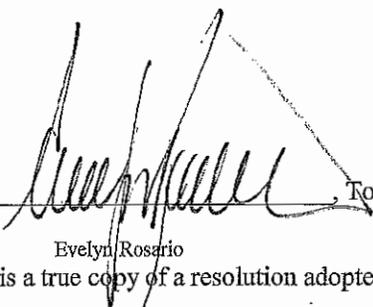
WHEREAS, the Township is desirous of authorizing the submission of one or more Questionnaires to the Enforcement Division if deemed advisable by the Director of Revenue and Finance or the Township Chief Financial Officer (the "Township Officials") after consultation with the Township Professionals;

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.

Resolution No. 176-14/Page 3

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.

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

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

Board of Commissioners

TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

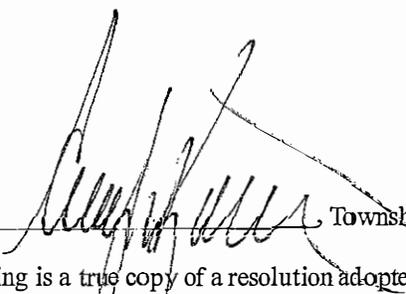
Introduced by Commissioner Thomas J. Evans Date August 5, 2014
Commissioner Mauro G. Tucci 177-14
Seconded by _____ No. _____

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.

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

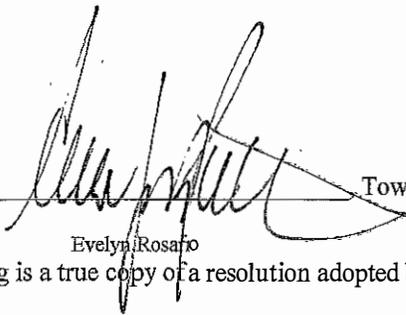
BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Commissioner Thomas J. Evans *Date:* August 5, 2014
Seconded by: Commissioner Mauro Tucci *No.* 180-14

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

Block & Lot	Address	Amount
4700 4	73 Beech St.	\$ 93.10

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

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

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

Resolution

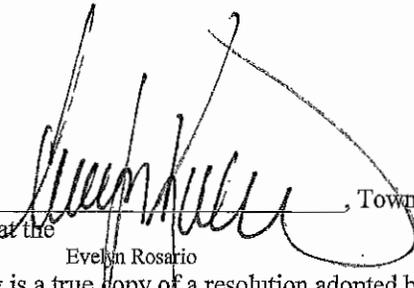
Introduced by: Commissioner Joseph P. Scarpelli *Date:* August 5, 2014
Seconded by: Commissioner Steven Rogers *No.* 181-14

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.

I,  Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the

Evelyn Rosario
 foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held August 5, 2014

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

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

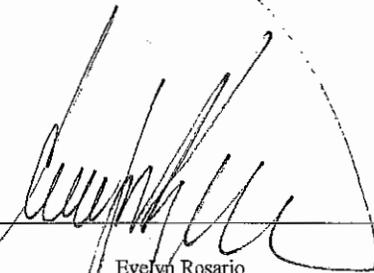
Resolution

Introduced by: Commissioner Joseph P. Scarpelli Date: August 5, 2014

Seconded by: Commissioner Steven Rogers 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.

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

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

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Commissioner Joseph P. Scarpelli *Date:* August 5, 2014
Seconded by: Commissioner Steven Rogers *No.* 178-14

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.

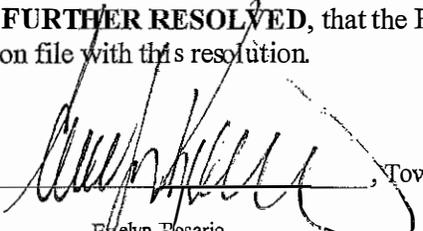
WHEREAS, Hatch Mott MacDonald (HMM) services will be coordinated and managed by John Rolak, Jr., P.E, Principal of the firm with 35 years of experience and Roy Redmond, LSRP-NJ (Licensed Site Remediation Professional) with 30 years of experience.

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

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

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

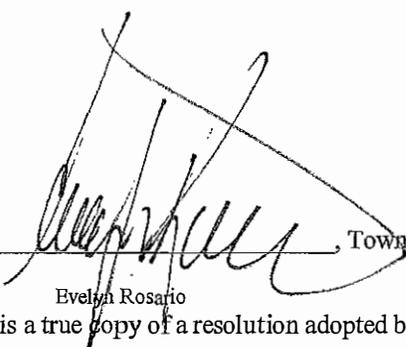
Resolution

Introduced by: Mayor Alphonse Petracco *Date:* August 5, 2014

Seconded by: Commissioner Mauro G. Tucci *No.* 183-14

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
Evelyn Rosario
foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting August 5, 2014
held

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

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Mayor Alphonse Petracco *Date:* August 5, 2014

Seconded by: Commissioner Joseph P. Scarpelli *No.* 184-14

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.

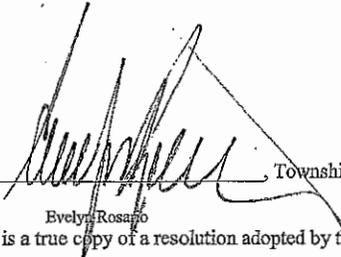
WHEREAS, the current Interlocal Services Agreement contains an automatic renewal clause to expedite the notification of the inclusion process; and

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.

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

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

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

Resolution

Introduced by: Mayor Alphonse Petracco *Date:* August 5, 2014

Seconded by: Commissioner Mauro G. Tucci *No.* 185-14

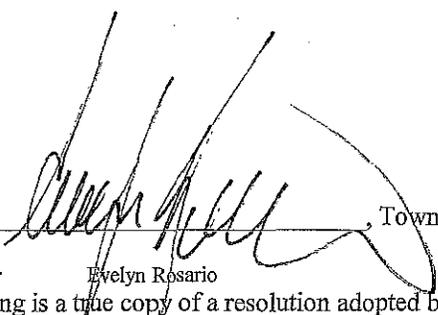
WHEREAS, raffle applications have been received from the following organizations; and

VFW Post # 493 Stuart E. Edgar	License No. 52-14 PULL TAB	July 10, 2014 through July10, 2015
The Friends of the Phoenix Center Foundation Inc.	License No. 53-14 Off-Premise Merchandise Raffle	October 9, 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 of the Township of Nutley, County of Essex, that the licenses are approved and the Municipal Clerk is authorized to issue the licenses.

. . .

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

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

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Mayor Alphonse Petracco Date: August 5, 2014
 Seconded by: Commissioner Mauro G. Tucci 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

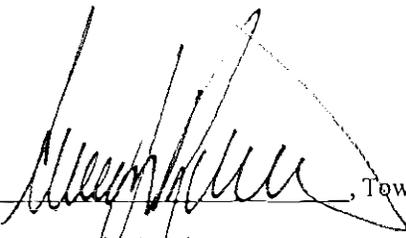
WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

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

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

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

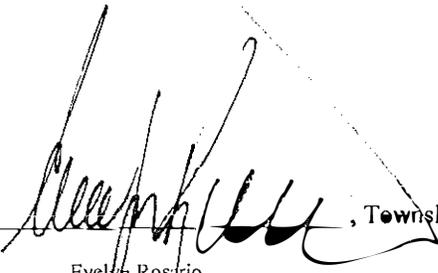
Introduced by: Mayor Alphonse Petracco *Date:* August 5, 2014

Seconded by: Commissioner Mauro G. Tucci *No.* 187-14

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.

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

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

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Commissioner Joseph P. Scarpelli *Date:* August 5, 2014

Seconded by: Commissioner Steven Rogers *No.* 189-14

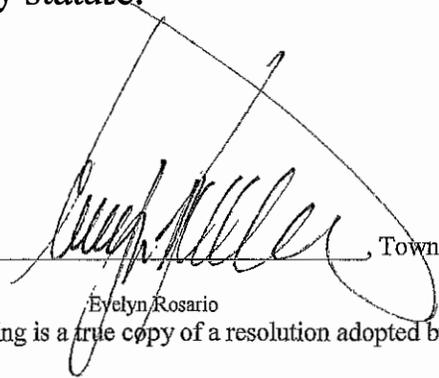
WHEREAS, the Board of Commissioners of the Township of Nutley, in the County of Essex, and State of New Jersey desires to proceed to closed executive session; and

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

1. 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.

...

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

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

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Continued Meeting of Tuesday, August 5, 2014

Introduced by: Commissioner Thomas J. Evans Date: August 8, 2014

Seconded by: Commissioner Mauro G. Tucci (Via Telephone Conference) 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

Project	Estimated	Capital	Debt
	Total Cost	Improvement Fund	Authorization
Purchase of SCBA Masks-Phase II	\$100,000.00	\$ 5,000.00	\$ 95,000.00
Purchase of Aerial Ladder Truck-Phase II	180,000.00	9,000.00	171,000.00
Purchase of Jet Truck	250,000.00	12,500.00	237,500.00
Purchase of Garbage Truck	170,000.00	8,500.00	161,500.00
Purchase of Salter Truck	120,000.00	6,000.00	114,000.00
Purchase of Storage Containers	30,000.00	1,500.00	28,500.00
Purchase of Pumps for Bloomfield Ave. Pumping Station	30,000.00	1,500.00	28,500.00
Parks & Playgrounds Equipment & Improve.	250,000.00	12,500.00	237,500.00
Building Renovations & Equipment	400,000.00	20,000.00	380,000.00
Vehicles Purchase & Equipment	50,000.00	2,500.00	47,500.00
Roads & Sidewalks	1,300,000.00	65,000.00	1,235,000.00

6-YEAR CAPITAL PROGRAM 2014-2019
Anticipated Project Schedule and Funding Requirements

Project	Estimated	Estimated	Funding Amounts
	Total Cost	Completion	Per Year
		Time	Budget Year 2014
Purchase of SCBA Masks-Phase II	\$100,000.00	1 Year	\$100,000.00
Purchase of Aerial Ladder Truck-Phase II	180,000.00	1 Year	180,000.00
Purchase of Jet Truck	250,000.00	1 Year	250,000.00
Purchase of Garbage Truck	170,000.00	1 Year	170,000.00
Purchase of Salter Truck	120,000.00	1 Year	120,000.00
Purchase of Storage Containers	30,000.00	1 Year	30,000.00
Purchase of Pumps for Bloomfield Ave. Pumping Station	30,000.00	1 Year	30,000.00
Parks & Playgrounds Equipment & Improve.	250,000.00	1 Year	250,000.00
Building Renovations & Equipment	400,000.00	1 Year	400,000.00
Vehicles Purchase & Equipment	50,000.00	1 Year	50,000.00
Roads & Sidewalks	1,300,000.00	1 Year	1,300,000.00

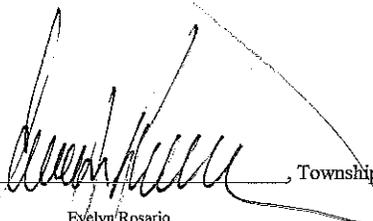
**YEAR CAPITAL PROGRAM 2014-2019
SUMMARY OF ANTICIPATED FUNDING SOURCES AND AMOUNTS**

	Estimated	Capital	Debt
Project	Total Cost	Improvement Fund	Authorization
Purchase of SCBA Masks-Phase II	\$50,000.00	\$ 2,500.00	\$ 47,500.00
Purchase of Jet Truck	210,000.00	10,500.00	199,500.00
Purchase of Salter Truck	85,000.00	4,250.00	80,750.00
Purchase of Storage Containers	15,000.00	750.00	14,250.00
Purchase of Pumps for Bloomfield Ave. Pumping Station	20,000.00	1,000.00	19,000.00
Parks & Playgrounds Equipment & Improve.	235,000.00	11,750.00	223,250.00
Building Renovations & Equipment	380,000.00	19,000.00	361,000.00
Vehicles Purchase & Equipment	45,000.00	2,250.00	42,750.00
Purchase of Pharmacy Refrigerator	5,000.00	250.00	4,750.00
Fiber Optic Project-Phase II	50,000.00	2,500.00	47,500.00
Roads & Sidewalks	900,000.00	45,000.00	855,000.00

BE IT FURTHER RESOLVED, that two certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services.

APPROVED _____

Director, Division of Local Government Serv.

I,  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)

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

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 of new and additional equipment, including storage containers 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

Bond Ordinance No. 3294
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. 3294

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:

<u>IMPROVEMENT OR PURPOSE</u>	<u>APPROPRIATION AND ESTIMATED COST</u>	<u>ESTIMATED MAXIMUM AMOUNT OF BONDS AND NOTES</u>
(a) Acquisition by purchase of new and additional equipment, including tactical vests and equipment for use by the Police Department of the Township, together with for 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	\$ 33,000	\$ 31,000
(b) Acquisition by purchase of new and additional equipment, including license plate readers for use by the Police Department of the Township, together with for 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	27,500	26,000
(c) Acquisition by purchase of new and additional equipment, including weapons for use by the Police Department of the Township, together with for 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	71,500	68,000

(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	55,000	52,000
(e) Improvement of municipally-owned properties and facilities in and by the Township, by the installation of fiber optic lines, together with for 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	55,000	52,000
(f) Acquisition by purchase of new and additional vehicular equipment, including one (i) 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	229,000	218,000
(g) 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, 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	93,000	88,500
(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 for 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	16,500	15,500
(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 for 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	22,000	20,500

(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	258,500	246,000
(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	420,000	400,000
(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	5,500	5,000
(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	49,500	47,325
(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	22,000	20,500
(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	<u>5,500</u>	<u>5,000</u>
Totals	\$1,363,500	\$1,295,325

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:

<u>IMPROVEMENT OR PURPOSE</u>	<u>APPROPRIATION AND ESTIMATED COST</u>	<u>ESTIMATED MAXIMUM AMOUNT OF BONDS AND NOTES</u>
(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	\$93,500	\$88,875
(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	<u>11,000</u>	<u>10,400</u>
Totals	\$104,500	\$99,275

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.