TOWNSHIP OF NUTLEY, NEW JERSEY

BOARD OF COMMISSIONERS

PUBLIC MEETING

TRANSCRIPT OF

PROCEEDINGS:

ORIGINAl

September 16, 2014

BEFORE:

Mayor Petracco
Commissioner Thomas J. Evans
Commissioner Steven Rogers
Commissioner Joseph P. Scarpelli
Commissioner Mauro G. Tucci
Township Clerk

Job No. VTNJ - 1936738
PROCEEDINGS

MAYOR PETRACCO: Everyone please stand for the
flag salute.

(Pledge of Allegiance)

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

MADAM CLERK: Tuesday, September 16th, 2014.

Pursuant to the requirements of the Open Public Meeting Law,
Chapter 231, Public Laws 1975, notice of this meeting was
published in the December 12, 2013 issues of the Nutley sun,
the Star Ledger and the Herald News. A copy of this notice
has been posted on the Nutley Town Hall bulletin board and a
copy is on file in the Municipal Clerk's Office.

Commissioner Rogers?
COMMISSIONER ROGERS: Here.

MADAM CLERK: Commissioner Tucci?
COMMISSIONER TUCCI: Here.

MADAM CLERK: Commissioner Evans?
COMMISSIONER EVANS: Here.

MADAM CLERK: Commissioner Scarpelli?
COMMISSIONER SCARPELLI: Here.

MADAM CLERK:

Mayor Petracco?

MAYOR PETRACCO: Here.

MADAM CLERK: All present, Mayor.
MAYOR PETRACCO: Thank you, Madam Clerk.
I see we have Minutes.

MADAM CLERK: Yes, Mayor, we have several Minutes this evening.
I have meeting minutes for meeting held August 5th and the continued meeting of August 8th for 2014.
I have Executive Session meeting minutes from meetings held June 10th, July 15th, August 5th and August 19th, 2014.

I need a motion, please.

COMMISSIONER TUCCI: Move it.

COMMISSIONER EVANS: Second.

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

Commissioner Rogers?

COMMISSIONER ROGERS: "Aye".

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: "Aye".

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: "Aye".

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: "Aye".

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: "Aye".
MADAM CLERK: That's all for minutes this evening, Mayor.

MAYOR PETRACCO: Communications, I see none. Reports -- we'll move on to the bills.

MADAM CLERK: Yes, Mayor.

Bill is Tuesday, September 16th, 2014. Public Affairs, $73,977.28; Revenue and Finance, $2,925,846.78; Public Safety, $67,457.04; Public Works, $22,015.47; Parks and Public Property, $43,918.69; Payroll as of September 12th, 2014, $772,802.08 for a grand total bill list of $3,906,017.34.

And that's all for bills this evening, Mayor.

COMMISSIONER EVANS: Move the bills.

COMMISSIONER TUCCI: Second.

MADAM CLERK: Moved by Commissioner Evans, seconded by Commissioner Tucci.

Commissioner Rogers?

COMMISSIONER ROGERS: "Aye".

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: "Aye".

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: "Aye".

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: "Aye".

MADAM CLERK: Mayor Petracco?
MAYOR PETRACCO: "Aye".

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

MAYOR PETRACCO: Thank you. We're going to take one item out of order, if we may, before we go on to our public hearing. Commissioner Evans.

COMMISSIONER EVANS: Mayor, with your permission, I'd like to read a resolution?

MAYOR PETRACCO: That'll be fine. Thank you.

COMMISSIONER EVANS: This Resolution is on behalf of the Mayor and the Board of Commissioners which I will read as follows. Evelyn, this relates to you.

WHEREAS, Evelyn Rosario was appointed Municipal Clerk of the Township of Nutley on September 7th, 2004; and

WHEREAS, Evelyn Rosario embraced her duties and responsibilities with honor and grace, attaining tenure in 2009; and

WHEREAS, Evelyn Rosario has earned the respect of the Board of Commissioners as well as other boards and departments of the Township and current and former and her following municipal employees;

WHEREAS, Evelyn Rosario is a member of the Essex County Clerk's Association and has served in multiple leadership roles within the association; and
WHEREAS, Evelyn Rosario has set a standard for which all future municipal clerks should emulate; and
WHEREAS, Evelyn Rosario, after ten years of service to the Township of Nutley has made a decision to pursue other opportunities.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey that Evelyn Rosario is recognized for her years of dedicated service and the Mayor and Board of Commissioners further extend their sincere best wishes for her future success.

AND BE IT FURTHER RESOLVED that the gratitude of this community is hereby extended to Evelyn Rosario for her ten years of service to the Township of Nutley. So move.

COMMISSIONER TUCCI: Second

MAYOR PETRACCO: Mauro, if I can. The whole Board is going to second this Resolution on behalf of our Madam Clerk.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: “Aye”.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: “Aye”.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Evelyn, thank you for everything. “Aye”.
MADAM CLERK: Thank you, Commissioner.

Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Yeah, before I say, "aye"

I just want to say it's been a pleasure working with you the past five and a half years and on behalf of the Department of Public Works, we wish you the best of luck in your future.

MADAM CLERK: Thank you, Commissioner.

COMMISSIONER SCARPELLI: "Aye".

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: Madam Clerk, I've never asked you to face me and I'm used to seeing you from behind but if you could just (laughter), excuse me guys, I'd just like to say, you know, Evelyn, when I came here, I was really, really not from a governmental family or politician family or anything like that and your help from day one was extraordinary. I don't think I could ever get a better clerk or a better friend or a better work partner than I've had. So I wish you the best. I know it's a healthy and a good opportunity for you to leave us but I have to say if I talk any more, I think the tears are going to start flowing. So, I'll say on the mic, I love you very much and I wish you the best.

(Appause)

MADAM CLERK: Thank you, Mayor. Thank you everyone.
(Applause)

MADAM CLERK: Thank you.

(Applause)

MAYOR PETRACCO: Before we --

MADAM CLERK: Thank you very much, Commissioners.

It's been a pleasure to serve this Board and to serve this community. I will truly miss everyone and thank you, again.

MAYOR PETRACCO: Madam Clerk, we just want to give Commissioner Tucci an opportunity to say something.

COMMISSIONER TUCCI: We change the protocol around here every now and again. I thought we were going to vote first and then make our comments but -- Joe jumped the gun again. These young guys, you've got to watch them.

Evelyn, you know, and we've had this conversation, when you first came to this Township, I was not necessarily a supporter only because I had no clue what the process was. I didn't know you. I didn't know what your background was, what your experience was but as we began to work together, and not just you and I, but you and the Parks Department, all right, you have the respect and the admiration of not only myself, but each and every person in our department. You are a phenomenal clerk.

You are a wonderful person. You're a major loss for this Township. You have large shoes that need to be filled. The way you conduct yourself with class and dignity
is unparalleled. I want to wish you all the best from the
top bottom of my heart. I wish you weren't leaving but if you
must, I know you're going to succeed. I know you're going
to do well and you know you always have a home here in
Nutley. God bless you.

MADAM CLERK: Thank you, Commissioner, that means
a lot to me. Thank you.

MAYOR PETRACCO: And Commissioner Rogers.

(Applause)

COMMISSIONER ROGERS: You've served with honor and
distinction. I really can't add more to what commissioner
Tucci said but I wish you and pray all of God's blessings
upon you and your family. Thank you very much.

MADAM CLERK: Thank you, Commissioner, that means
a lot to me as well.

COMMISSIONER ROGERS: Can we at this time all take
a photo, Commissioner?

MAYOR PETRACCO: Absolutely.

COMMISSIONER EVANS: By the way, I only have to
say thank you because just being polite. You guys changed
the rules so, Evelyn, it's been a wonderful ride for 10
years. I go back to when we started interviewing and we sat
outside on a park bench --

MADAM CLERK: Uh-huh.
COMMISSIONER EVANS: -- and talked about the opportunity for you in Nutley to grow and that's why in this Resolution, you know, I specifically chose the words with honor and grace. So we wish you well. We know that you will continue to serve the Clerk's Association and you'll serve as a municipal clerk and continue to carry out those duties.

Thank you for everything you've done for us and thank you for being here as we transition to the future. Thank you.

MADAM CLERK: Thank you, Commissioner, that means a lot to me as well. Thank you.

(Applause)

MAYOR PETRACCO: If there is anyone that would like to leave before we get started with our business portion of the meeting, feel free.

That's a first. Okay. Commissioner Scarpelli.

COMMISSIONER SCARPELLI: I --

MAYOR PETRACCO: You lose one? Okay, we'll just take a little break. A television time out.

UNKNOWN SPEAKER: A commercial.

MADAM CLERK: Are we ready, Mayor? Are we --

MAYOR PETRACCO: We're -- Commissioner Scarpelli had a emergency run to the bathroom so --

MADAM CLERK: Okay.
UNKNOWN SPEAKER: While he's waiting, I'll share something with you. How's that, Mayor.

MAYOR PETRACCO: See, for those of you in the back, it's not just the old guys.

(Laughter)

UNKNOWN SPEAKER: Those of you who have problems with glasses, in other words, you ever buy reading glasses and you're breaking them, and the little pads are falling off, et cetera, well, I used to have that problem up until two days ago. So I'm in Barnes & Noble and I see this little box and you open the box and it has this and it has this and it has this. You know, now I was wearing these like these and I said, it's a little tough on the temples and then I realized it has this. So if you have a problem with these glasses breaking all the time, pick these up at Barnes & Noble. Okay? Or any store. I don't have stock in Barnes & Noble so --

(Laughter)

UNKNOWN SPEAKER: Pretty good, huh? Little box.

MAYOR PETRACCO: That is also a first here tonight.

While we do have a minute, I did want to talk to my assistant today, San Crella (ph) about something that I'm planning in the near future. What I wanted to do with the Township, I've seen this somewhere, is where they have a
contest, a photo contest of the best pictures around town, so they have one for the children. There's a couple categories. There's one for children, photography. And there's one for adults and there's also a category for senior citizens. So I will put another task to Ms. Crella and if any of the other departments would like to join us, what we want to do is have a contest on the best photos of Nutley and they'll be three categories; a children's, I guess our age group, whatever that is, and a senior citizen one, adult senior citizen. And maybe at our tree ceremony we could present the winners. Okay?

So I think if any of the other departments would like to join in and they could be historic pictures. They could be pictures from now or, you know, whatever we can get.

Okay. So, enough said. We will now move on to the business portion of the meeting.

This evening, I have a public hearing on -- which is for our chief of the police department. It's Ordinance No. 3297. It's an ordinance to fix the salaries of certain officers and employees of the Township of Nutley, County of Essex, State of New Jersey, effective January 1st for each of the years 2013, 14, 15 and 16. All right.

Right here. We did have a minor change to the language. I'll read it into the record.
Section 2, to the extent not set forth herein longevity, holiday pay and stipend shall be added to all basic salaries consistent with the provisions of the Township of Nutley Collective Bargaining Agreement, PBA Local 33A January 1st, 2013 through December 31st, 2016 of which the chief is not a member but entitled to.

Before we vote on this, I did do a little homework about these salaries. Our chief's base salary will be $147,750. I did conduct a little survey before we came up with this number. Clifton is -- and these are again our chiefs' salaries. Clifton is at $190,000. It's actually $190,433. Bloomfield is at 184,000, Bellville is at 180,000 and Lyndhurst, New Jersey is at 190,000 plus. Wayne also is over the $200,000 mark. They're at $219,000.

Is there anyone here this evening that would like to comment on ordinance No. 3297?

Seeing no one and with -- well, I guess I should open this up.

UNKNOWN SPEAKER: Just one question, Mayor. Does those number you quoted, are those base salary numbers?

MAYOR PETRACCO: These are all in.

UNKNOWN SPEAKER: All in. All right.

MAYOR PETRACCO: So with that number will be for our current chief, our all in number is still subsequently
low compared to our neighboring towns. It'll be about 165,000 all in.

UNKNOWN SPEAKER: Thank you.

MAYOR PETRACCO: Madam Clerk, did I have to make a motion to open the public hearing?

MADAM CLERK: You need to -- a motion to close the public hearing, Mayor.

MAYOR PETRACCO: Oh, okay. We need a motion to close the public hearing.

COMMISSIONER TUCCI: Move it.

COMMISSIONER ROGERS: Second.

MADAM CLERK: Motion by Commissioner Tucci, seconded by Commissioner Rogers.

Commissioner Rogers?

COMMISSIONER ROGERS: "Aye".

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: "Aye" and I believe it's a bargain.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: "Aye".

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: "Aye".

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: I vote "aye" and just for an aside note, I'd just like to say that our chief has been in
the position, I think, it's almost about a year, actually
coming up on a year. I have to say sometimes in life it's
not where you start but it's where you end up. I am very
proud and pleased to announce that Chief Shromala (ph), as I
call him Tommy, has done a wonderful job this past year. I
couldn't be more proud of him and pleased. He's available
24/7 no matter where he is, he picks up my phone calls. If
he has to come back to the town, sometimes he even beats me
back to the scene which is very unbelievably because he
lives in Fairfield as we know so I want to say, Tom, that
you're doing a great job. I'm very proud of you and pleased
with your performance and I look forward to the next few
years together.

(Applause)

MAYOR PETRACCO: Okay. Thank you.

Commissioner Rogers, resolutions.

MADAM CLERK: Mayor, we need a motion to move the
-- to adopt.

COMMISSIONER TUCCI: Move it.

COMMISSIONER ROGERS: Second.

MADAM CLERK: A motion by Commissioner Tucci,
seconded by Commissioner Rogers.

Commissioner Rogers?

COMMISSIONER ROGERS: “Aye”. 
MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: "Aye".

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: "Aye".

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: "Aye".

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: "Aye". Thank you.

Okay, Commissioner Rogers.

COMMISSIONER ROGERS: Resolution No. 213-14.

BE IT RESOLVED that the Board of Commissioners of
the Township of Nutley, County of Essex, State of New
Jersey, approve the renewal of the Shared Services agreement
for the school physician services with the Township of
Nutley, provided by Dr. Mary Ann Alessio, for the 2014-2014
school year. So move.

COMMISSIONER SCARPELLI: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: "Aye".

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: "Aye".

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: "Aye".

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: "Aye".
MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: "Aye".

COMMISSIONER ROGERS: Resolution 223-14.

WHEREAS, N.J.S.A 40A:4-87 provides that the director of the Division of Local Government Services may approve the insertion of any special item in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount.

Section 1: NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2014 in the sum of $7,000.00, which item is now available as a revenue from the shared Services Agreement with the Nutley Board of Education for Public Health and Physicians pursuant to the provisions of statute;

Section 2: BE IT RESOLVED that a like sum of 47,000.00 be and the same is hereby appropriated under the caption of General Appropriations, Operations Excluded from 5% CAPS, Shared Service Agreement the Nutley Board of
Education for Public Health and Physician Services with the
Health Department, other expenses, $7,000.00;

BE IT FURTHER RESOLVED that the Township Clerk
forward two certified copies of this resolution to the
director of Local Government Services.

So move.

COMMISSIONER SCARPELLI: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: “Aye”.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: “Aye”.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: “Aye”.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: “Aye”.

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: "Aye".

COMMISSIONER ROGERS: Resolution 225-14.

WHEREAS, Request for Proposals for Solid Waste,
Bulk Waste, Vegetative Waste, Leaves and Grass were opened
on Wednesday, September 10, 2014; and

WHEREAS, only one bid was received by the
municipality, said bid substantially exceeds the cost
estimate for the services; and
WHEREAS, this is the second rejected bid for the
collection of Solid Waste, Bulk Waste, Vegetative Waste,
Leaves and Grass; and

WHEREAS, N.J.S.A. 40A:11-13.2(a) permits the
rejection of all proposals under such circumstances;

NOW THEREFORE, BE IT RESOLVED, by the Board of
commissioners of the Township of Nutley that the bids for
Solid Waste, Bulk Waste, Vegetative Waste, Leaves and Grass,
as advertised, received and opened are hereby rejected.

So move.

COMMISSIONER SCARPELLI: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: "Aye".

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: "Aye".

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: "Aye".

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: "Aye".

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: "Aye".

MAYOR PETRACCO: Is that all you have tonight,

Commissioner Rogers?

COMMISSIONER ROGERS: That's it, Mayor. Thank
you.
MAYOR PETRACCO: Thank you. Commissioner Tucci.

COMMISSIONER TUCCI: Yes.

WHEREAS, sealed bids were received for Tree Pruning Services on August 6th, 2014 in the Township of Nutley; and

WHEREAS, Downes Tree Service Co., 65 Royal Avenue, Hawthorne, New Jersey was the low bidder; and

WHEREAS, funds are available from accounts 4-01-512-200 and account 5-01-512-200 for a total not to exceed $30,000.00 and have been certified by the Chief Financial Officer, said certification being attached to this resolution;

NOW THEREFORE, BE IT RESOLVED, by the Board of Commissioners, Township of Nutley, County of Essex, State of New Jersey, that a contract for Tree pruning be awarded to Downes Tree Service.

I move the resolution.

COMMISSIONER EVANS: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: "Aye".

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: "Aye".

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: "Aye".

MADAM CLERK: Commissioner Scarpelli?
COMMISSIONER SCARPELLI: "Aye".

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: "Aye".

COMMISSIONER TUCCI: WHEREAS, sealed bids were received for Tree Removal Services on August 6th, 2014 in the Township of Nutley; and

WHEREAS, Downes Tree Service, 65 Royal Avenue, Hawthorne, New Jersey was the low bidder; and

WHEREAS, funds are available from accounts 4-01-512-200 and account 5-01-512-200 for a total not to exceed $30,000.00 and have been certified by the Chief Financial Officer, said certification being attached to this resolution.

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, State of New of New Jersey, that a contract for Tree Removal be awarded to Downes Tree Services Co., Inc.

Before I move this, I just want to give a brief explanation. The amounts listed on the original resolutions were a bit higher. We reduced them because we, in fact, at one point, had 85 trees that needed to come down. We have since gotten that number down to about 25 or 30 with our own forces and with the help of the Public Works Department, who I want to publically thank, and we've also caught up
substantially on our tree pruning which is allowing us to
save about $45,000.00.

I move the resolution.

MAYOR PETRACCO: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: "Aye".

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: "Aye".

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: "Aye".

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: "Aye".

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: "Aye".

COMMISSIONER TUCCI: WHEREAS, sealed bids were
received for Monsignor Owens Park Improvements on September
10, 2014 in the Township of Nutley; and

WHEREAS, Applied Landscaping Technologies, Inc.,
395 Palisade Avenue, Garfield, New Jersey was the low bidder
at $153,512.00; and

WHEREAS, funds are available from Capital
ordinance No. 3284 in the amount of $122,019.71, and Capital
ordinance No. 3242D in the amount of 31,492.29, and have
been certified by the Chief Financial Officer, said
certification being attached to this resolution.
NOW THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey that a contract for Monsignor Owens Park Improvements be awarded to Applied Landscaping Technologies. This money will be charged to these accounts. This will be reimbursed by the Essex County Open Space Trust Fund. This is a grant.

I move the resolution.

MAYOR PETRACCO: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: "Aye".

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: "Aye".

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: "Aye".

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: "Aye".

MADAM CLERk: Mayor Petracco?

MAYOR PETRACCO: "Aye".

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

MAYOR PETRACCO: Thank you. Commissioner Evans.

COMMISSIONER EVANS: Thank you.

WHEREAS, N.J.S.A. 40:48-214 allows a municipality to cut brush, hedges and other plant life from lands under the direction of the code enforcement officer; and
WHEREAS, David Berry, Zoning Officer, has certified that said unpaid 2013 and prior charges are subject to tax sale; and

The Township enacted Chapter 520, entitled Property maintenance, which provides that amounts charged to cut brush, hedges and other plant life by the municipality shall become a lien on such said lands.

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners in the -- of the Township of Nutley in the County of Essex that this Resolution be transmitted to the tax collector and the said unpaid charges for 2013 and prior are hereby certified as unpaid and subject to the tax sale.

The list contained in here of roughly -- approximately 20 properties provides individual amounts, lots and blocks for each of these properties.

So moved.

COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: "Aye".

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: "Aye".

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: "Aye".

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: "Aye".

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: "Aye".

COMMISSIONER EVANS: BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, in the County of Essex, State of New Jersey, that the Treasurer be and she is hereby authorized to refund overpayment of property taxes in the amount of $1,848.43 for Block 300, Lot 54. So moved.

COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: "Aye".

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: "Aye".

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: "Aye".

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: "Aye".

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: "Aye".

COMMISSIONER EVANS: BE IT RESOLVED by the Board of Commissioners in the County of Essex, State of New Jersey, that the Treasurer be and she is hereby authorized to refund overpayments of tax charges in the amount of $33,212.51 for the following accounts:

Block 7704-17 $2,155.40
Block 9504-13 $3,054
7200 Lot 3 Code C0322 $4,909.06 for 2013
$6,960.87 for 2012
$6,641.25 for 2011
$6,339.89 for 2010 and
$3,205.50 for 2009.

So move.

COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: “Aye”.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: “Aye”.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: “Aye”.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: “Aye”.

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: "Aye”.

COMMISSIONER EVANS: BE IT RESOLVED by the Board
of Commissioners of the Township of Nutley, County of Essex,
State of New Jersey, that the Municipal Clerk be and she is
hereby authorized and directed to advertise for a request
for qualification to redesign and support the Township's
municipal website.

BE IT FURTHER RESOLVED that the request for
qualification shall be due on Wednesday, October 15th, 2014
at 3 p.m. addressed to the Municipal Clerk, Town
Nutley, One Kennedy Drive, Nutley New Jersey, at
they will be opened and read. So move.

COMMISSIONER TUCCI: Second.
MADAM CLERK: Commissioner Rogers?
COMMISSIONER ROGERS: “Aye”.
MADAM CLERK: Commissioner Tucci?
COMMISSIONER TUCCI: “Aye”.
MADAM CLERK: Commissioner Evans?
COMMISSIONER EVANS: “Aye”.
MADAM CLERK: Commissioner Scarpelli?
COMMISSIONER SCARPELLI: “Aye”.
MADAM CLERK: Mayor Petracco?
MAYOR PETRACCO: "Aye".
COMMISSIONER EVANS: Resolution 221-14
required tonight and will not be read.

Next Resolution. WHEREAS, all govern
must prepare and submit a corrective action plan
the annual audit process in accordance with OMB
133 and 98-01;

NOW, THEREFORE, BE IT RESOLOVED by the
Commissioners of the Township of Nutley, County
New Jersey, that the attached corrective plan for
year 2013 is hereby approved.
BE IT FURTHER RESOLVED that a copy of this corrective action plan be kept on file in the Township Clerk's Office and one certified copy is to be submitted to the Director of the Division of Local Governmental Services. So move.

COMMISSIONER TUCCI: Second.
MADAM CLERK: Commissioner Rogers?
COMMISSIONER ROGERS: "Aye".
MADAM CLERK: Commissioner Tucci?
COMMISSIONER TUCCI: "Aye".
MADAM CLERK: Commissioner Evans?
COMMISSIONER EVANS: "Aye".
MADAM CLERK: Commissioner Scarpelli?
COMMISSIONER SCARPELLI: "Aye".
MADAM CLERK: Mayor Petracco?
MAYOR PETRACCO: "Aye".
COMMISSIONER EVANS: Thank you, Mayor.
MAYOR PETRACCO: Commissioner Scarpelli, please.
COMMISSIONER SCARPELLI: BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that the Township Clerk is hereby authorized to advertise for sealed bids for 2014 Hancox Avenue and Conover Street improvements in the Township of Nutley, to be received on behalf of the Board of Commissioners in the Commission Chambers, Township Hall, 1
Kennedy Drive, Nutley, New Jersey on Thursday, October 9th, 2014 at 3 p.m. prevailing time, at which time they will be opened and read.

I move the Resolution.

MAHYOR PETRACCO: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: "Aye".

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: "Aye".

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: "Aye".

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: "Aye".

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: "Aye".

COMMISSIONER SCARPELLI: This is a resolution for -- to go out for a grant for the Department of Transportation funding for Park Avenue from Passaic Avenue to Union Avenue.

NOW THEREFORE, BE IT RESOLVED that the Mayor and Commissioners of the Township of Nutley in the County of Essex, State of New Jersey formally approves the grant application for the above-stated project.

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to submit an electronic grant
application identified as MA-2015 Township of Nutley Park Avenue Improvement 00142 to the New Jersey Department of Transportation on behalf of the Township of Nutley.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Nutley and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

I move the resolution.

COMMISSIONER ROGERS: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: "Aye".

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: "Aye".

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: "Aye".

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: "Aye".

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: Commissioner Scarpelli, what part of Park Avenue is this?

COMMISSIONER SCARPELLI: From Union to Park Avenue. We've already just paved --

MAYOR PETRACCO: Oh, Union.
COMMISSIONER SCARPELLI: -- from Washington to Union and this is where --

MAYOR PETRACCO: From union (indiscernible).

COMMISSIONER SCARPELLI: Union to (indiscernible) Park Avenue.


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

MAYOR PETRACCO: Thank you.

WHEREAS, raffle applications have been received from the following organizations; and

Nutley High School Soccer Booster Club, License No. 61-14 Off Premises 50/50 Cash Raffle, November 19, 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, State of New Jersey that the license is approved and the Municipal Clerk is authorized to issue the license.

I move the resolution.

COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: “Aye”.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: “Aye”.

MADAM CLERK: Commissioner Evans?
COMMISSIONER EVANS: "Aye".

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: "Aye".

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: "Aye".

WHEREAS, pursuant to the Fire Service Resource Emergency Deployment Act, N.J.S.A. 52:14E-14 and the regulations promulgated thereunder, including, but not limited to, N.J.A.C. 5:74A-2.2, municipalities in the State of New Jersey shall adopt fire mutual aid plan, collectively, the Fire Mutual Aid Plan; and

WHEREAS, under the Fire Mutual Aid Plan, each municipality or fire district must prepare and adopt a local fire mutual aid plan which sets forth policies and procedures to coordinate the effective utilization of fire service resources where the implementation of the Fire Mutual Aid Plan is determined to be necessary or appropriate; and

WHEREAS, the Fire Mutual Aid Plan must be based upon the planning criteria, objectives, requirements, responsibilities and concepts of operations essential for the implementation of all necessary and appropriate protective or remedial measures to be taken in response to emergency incidents; and
WHEREAS, this agreement has been authorized by the Township Council and recommended for execution by the Township of Nutley and by the Essex County Fire Coordinator, Essex County Fire Chief's Association and Deputy Fire Chief of the Township of Nutley.

NOW, THEREFORE, BE IT RESOLVED by the Board of commissioners in the Township of Nutley, County of Essex, State of New Jersey that in consideration of the mutual promises made hereon, the participating units hereby agree to the Fire Mutual Aid agreement between participating Essex County municipalities.

I move the resolution.

COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: "Aye".

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: "Aye".

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: "Aye".

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: "Aye".

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: "Aye".

BE IS RESOLVED by the Board of Commissioners of the Township of Nutley in the County of Essex, State of New Jersey that in consideration of the mutual promises made hereon, the participating units hereby agree to the Fire Mutual Aid agreement between participating Essex County municipalities.

I move the resolution.

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MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: "Aye".

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: "Aye".

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: "Aye".

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: "Aye".

BE IS RESOLVED by the Board of Commissioners of the Township of Nutley in the County of Essex, State of New Jersey that in consideration of the mutual promises made hereon, the participating units hereby agree to the Fire Mutual Aid agreement between participating Essex County municipalities.

I move the resolution.

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MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: "Aye".

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: "Aye".

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: "Aye".

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: "Aye".

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: "Aye".

BE IS RESOLVED by the Board of Commissioners of the Township of Nutley in the County of Essex, State of New Jersey that in consideration of the mutual promises made hereon, the participating units hereby agree to the Fire Mutual Aid agreement between participating Essex County municipalities.

I move the resolution.

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COMMISSIONER ROGERS: "Aye".

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: "Aye".

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: "Aye".

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: "Aye".

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: "Aye".

BE IS RESOLVED by the Board of Commissioners of the Township of Nutley in the County of Essex, State of New Jersey that in consideration of the mutual promises made hereon, the participating units hereby agree to the Fire Mutual Aid agreement between participating Essex County municipalities.

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MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: "Aye".

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: "Aye".

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: "Aye".

BE IS RESOLVED by the Board of Commissioners of the Township of Nutley in the County of Essex, State of New Jersey that in consideration of the mutual promises made hereon, the participating units hereby agree to the Fire Mutual Aid agreement between participating Essex County municipalities.

I move the resolution.

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MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: "Aye".

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: "Aye".

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: "Aye".

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: "Aye".

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: "Aye".

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MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: "Aye".

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: "Aye".

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: "Aye".

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: "Aye".

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: "Aye".

BE IS RESOLVED by the Board of Commissioners of the Township of Nutley in the County of Essex, State of New Jersey that in consideration of the mutual promises made hereon, the participating units hereby agree to the Fire Mutual Aid agreement between participating Essex County municipalities.
Jersey, that the treasurer be and she is hereby
authorization to refund overpayment of property taxes -- am
I reading your resolution?

MADAM CLERK: (Indiscernible).

COMMISSIONER EVANS: It sounds familiar.

MAYOR PETRACCO: Okay. But -- here's me.

UNKNOWN SPEAKER: Leave him alone. He's on a
roll.

MAYOR PETRACCO: I think, Madam Clerk, played a
trick on me and put my stuff out of order the last meeting.
If you like to re-read them all --

MADAM CLERK: I apologize.

MAYOR PETRACCO: No, that's fine. I believe that
concludes our business portion of the meeting.

(Laughter)

MAYOR PETRACCO: At this time, our meeting will be
open to the public.

Madam Clerk, could you please read our five minute
rule?

MADAM CLERK: Yes, Mayor.

All persons addressing the Board of Commissioners
regarding community concerns should approach the microphone
and provide their name and address for the record.

Unless further time is granted by the Board, each
person shall limit their address to five minutes.
All remarks to the Board and its individual members must be addressed to the Mayor. The Mayor may defer citizen comments to the appropriate member of the Board.

Dialogue between citizens and others addressing the Board shall be allowed unless the Mayor or presiding officer or the majority of the membership of the Board shall determine that the interests of decorum and/or the expeditious conduct of municipal business are being adversely affected by such dialogue.

Name and address for the record, please.

MAYOR PETRACCO: Is there anyone here this evening that would like to address the Board of Commissioners?

Okay. Whoever'd like to go first. Pick.

Please state your name and address for the record and I'd like to thank everyone for waiting. We did have a long executive session.

MR. HEGLE: First name, John. Last name, Hegle (ph). 145 Alexander Avenue, Nutley, New Jersey.

Good evening, Mayor, Commissioners, (indiscernible) attorney, Municipal Clerk, congratulations.

I'm here tonight relevant to a study that was done relevant to the police department. I felt tonight was appropriate because of the chief's pay raise, which I'm in agreement with, and in light of the events that happened in
Newark the last six years, from 2007 to 2013 and what's happening in neighboring Bloomfield now.

It appears that during the January 15th executive session, it was brought to the attention that SOM Protective Consulting, LLC performed an analysis of the police department without first being awarded a contract via a resolution. The Division of Local Government Services basically recommends that doing a resolution in a similar situation should occur in an effort that it should be made to correct the deficiency then.

State public contracts law basically allows that only the governing body can enter into or modify a public contract, no matter what the form of government. Therefore, what was done was basically, at best, inappropriate. Title 40 allows the entire governing body, not just the Mayor, to deal with the matters involving the police department.

Later on February 5th, the Board approved, 2 to 1, the SDM contract not to exceed seventeen five, based on three bids. Commissioners Evans and Scarpelli voted for the contract. Bloomfield Township subsequently hired SDM as well to the tune of 80,000. So I guess you got a real good deal (indiscernible). When you look at what the study was, not such a good deal.

The Nutley Commissioners brought up to table a police organization on November 20th, when they rejected an
ordinance introduced, 3 to 2, for a proposed elimination of
the deputy chief's position and adding two police captains.
In that case, Commissioner Scarpelli and Petracco voted,
yes. It may rear its ugly head in the future.

I did an OPRA request. I have a copy of the study
from SDM. The best I could do -- it's a $12,000, basically
a two-page draft. The first three paragraphs really aren't
worth anything. The fourth paragraph states that Nutley has
one chief who supervises a deputy chief and supervises one
captain.

The proposal was to eliminate the deputy chief
title and replace it with an additional captain. So you've
have two captains.

Later on it states the municipality should then
establish, by ordinance, that in the absence of the chief,
the senior capital should serve in the capacity of the
acting chief. It's really funny because Bloomfield just
made the author or this their police director and he
basically is looking to do the same in Bloomfield. At least
Nutley was smart enough not to fall into what he wanted.

The next paragraph, he's just going to move a
lieutenant into a sergeant's position in professional
standards. He's going to move a sergeant into a
lieutenant's position in records. He's going to move a few
people around in patrol. He, whoever did the study. The
organization plan, if adopted, would, again, would eliminate
the deputy chief's position. I think what they were looking
to do really was in time eliminate the chief's position and
model after what they're doing in Bloomfield and shame on
Bloomfield.

He also wants to put a civilian in charge of the
records. I don't know why you would want to do that but
that's part of it as well.

Apparently, you were billed $9,562.50 for some
work and then you were billed $2,437.50 for the remainder of
this, what's called a study, I guess.

The bids, I did an open public records request
relevant to the bids. The bids were interesting. You have
21 counties in the State of New Jersey, hundreds of
municipal police departments. The bids were submitted by
SDM Protective Consulting Group, LLC, Samuel Anthony DeMayo
(ph). He was the sitting police director for the city of
Newark at the time.

You got another bid submitted by Visual Protection
Security Services/Irvinington Lexington, that was by Willie
Perez. He was a city of Newark police lieutenant. And you
had Perillo (ph) Consulting, LLC and that was Anthony
Perillo, he's a city of Newark deputy police chief. What a
coincidence, all three bids came out of Newark. And I only
say that because my last OPRA request, but I may ask for one more, had to do with the award letter relevant to this.

And the award letter was given to SDM. They bid 12,000. The other two were 15 and 15-5. And they got the award on February 14th, 2013. Valentine's Day. A sweetheart of a deal.

The award or the executive summary that I read from was dated 1/11/2013. So actually the award letter post dated the study. Now, generally, you award the contract to an individual and then the work is done. But, I guess, in this particular case, we do the work and then we award the contract.

I basically come to you because I don't understand why you have three bids out of Newark and you give it to the one guy from Newark, who was the director of the police department. His company. Newark isn't an accredited police department. Nutley is. Newark is under a federal monitor for abuses of authority. Nutley isn't. (Indiscernible) Stromolo (ph) who had an unblemished career, who was sitting on the deputy chief's list, who, as we heard tonight, he's been doing the chief's duties for a year. I find it unconscionable that you -- this Township would even enter into an agreement and then accept as a work product and pay $12,000 for quite frankly this piece of minutia that I just read from.
MAYOR PETRACCO: Well, let me interrupt you one second so I can --

MR. HIGLE: Yes.

MAYOR PETRACCO: -- answer a question at a time.

The report wasn't just two pages and we had, before we went into our executive session, I talked to my assistant about that. At the time, Kevin Harkins was our Township attorney, and unfortunately, I think you know that he did pass away through the-- through this process.

However, I don't know if the full document was ever released and I've talked to counsel about that tonight. So, as far as that being the work that was done for $12,000, that's not --

MR. HIGLE: Well, when I submitted the OPRA request for this study --

MAYOR PETRACCO: Right.

MR. HIGLE: -- this is what I got.

MAYOR PETRACCO: Well, hopefully --

MR. HIGLE: With draft written across it. This is all I go by and I have the two bills, $12,000. In fact, the one bill you received payment and he has dates, he doesn't have times, like he did on the first bill. I would hope that he did the work while he was off duty and not on duty with Newark. I don't know.
Relevant to Harkins, God rest his soul, I feared that he would be brought up because I remember there was an old saying in Newark, blame the dead guy. So, unfortunately, he --

MAYOR PETRACCO: Well, let me just excuse you one second. That is not my comment and that is no blame --

MR. HIGLE: No, that's my --

MAYOR PETRACCO: And -- well, I'm telling you that's disrespectful because that's not blaming the dead guy and I will not tolerate that here tonight.

MR. HIGLE: Commissioner, you --

MAYOR PETRACCO: Kevin Harkins -- it's Mayor.

It's Mayor.

MR. HIGLE: (Indiscernible).

MAYOR PETRACCO: First of all, it's Mayor.

MR. HIGLE: Mayor --

MAYOR PETRACCO: And second of all, Kevin Harkins served this Board with integrity and honor and he was a friend of all of ours and to make a statement like that, I'd have to say, I'm very surprised at you.

MR. HIGLE: I'm going to ask you a question, Mayor.

MAYOR PETRACCO: You could ask me anything you like.

MR. HIGLE: The entrance to your deli --
MAYOR PETRACCO: Right.

MR. HIGLE: -- when we discussed this at another time --

MAYOR PETRACCO: Uh-huh.

MR. HIGLE: -- didn't you tell me that SDM was a result of attorney Harkins.

MAYOR PETRACCO: Kevin Harkins recommended the, sure.

MR. HIGLE: Okay. That's all I'm saying.

MAYOR PETRACCO: Okay. So it's not, blame.

MR. HIGLE: Okay. So we did have that discussion and --

MAYOR PETRACCO: Right.

MR. HIGLE: And you did say that it was Harkins' recommendation. I mean, I have no way to ask him, unfortunately.

MAYOR PETRACCO: Right.

MR. HIGLE: I do have some questions. Number one, why the study? Why was the study necessary? Two, relevant to the bids, how was the request for proposals or the request for qualifications; what was the method used? Were there billboards, posters, flyers, newspaper ads, a friend of a friend? I don't know how you asked for the bids. I mean, you got three out of Newark.
MAYOR PETRACCO: I thought you said one was out of Irvington. All three were out of Newark you say?

MR. HIGLE: All Newark guys. Yeah.

MAYOR PETRACCO: Huh?

MR. HIGLE: They were all Newark guys. The name of the company was entitled something to do with Irvington. I can get it for you if you want. It was Willie Perez's organization. It was Irving Lexington Visual Protection Security Services. That's -- that was the Irvington.

And why does the award letter postdate the study? Basically, it's relevant to the study; why was the study done? Two, how was the --

MAYOR PETRACCO: Let me answer them in order.

MR. HIGLE: Yes.

MAYOR PETRACCO: Why was the study done? Because, at that time, there was a lot of turmoil in my office and with the police department. We were going through changes and I thought that it would be a good idea to get an outside opinion of what was going to come in the future. And, again, those reports are recommendations, as you know. The -- it's not something that we have to do as a municipality or I need to do as the Director of Public Safety. It was an outside voice. We had a past chief here for over 40 years. I was relatively new at the time and I thought that -- to give the taxpayers and the residents of Nutley the best
possible scenario moving forward that a second opinion was needed.

MR. HIGLE: (Indiscernible).

MAYOR PETRACCO: The bid process, I do remember, going through that with Kevin. Again, I think I -- I don't want to say something wrong counsel, but I do remember that being an issue once we did it like that. Again, when we went out to bid, I did ask, you know, the past Township attorney, if he recommended anybody, if he knew anybody in the legal field. He did. And as far as the resolution being adopted after the award, again, Kevin and I -- we talked about that after it was done and probably you're right, it should have been done before the -- the vote should have been taken before we did it.

Kevin said that we've done it in the past like that where there was things that were awarded before the vote. It wasn't a file. I remember him calling up one of the departments in the State to make sure that we were within our means and I believe they said, you know, the proper procedure is to do it that way. We'd rather you do it that way in the future.

MR. HIGLE: Just a hypothetical. Is it possible that you entered into an agreement with SDM and realized that you needed to (inaudible) hypothetically is that a possibility that --
UNKNOWN SPEAKER: Mr. Mayor, I don't think you should be answering hypothetical questions.

MAYOR PETRACCO: Okay. Let's just move on.

MR. HIGLE: Or is it possible that that's what happened?

UNKNOWN SPEAKER: Let's deal with your statement, Mr. Higle. Your questions are obviously pointed, they're obviously having an edge to them. You exceeded your five minute time period. Why don't you let someone else speak?

The Mayor --

MR. HIGLE: Okay.

UNKNOWN SPEAKER: -- can answer your questions at any time.

MR. HIGLE: Okay.

UNKNOWN SPEAKER: I know they've been answered before. We don't address hypothetical questions by the Commissioners.

MR. HIGLE: Thank you. (Indiscernible) Evelyn, good luck to you.

MADAM CLERK: Thank you.

MR. HIGLE: I appreciate your assistance with all the OPRA documents. I wish you luck in Fort (inaudible)

Mayor, Commissioners, thank you for your time.
MAYOR PETRACCO: Thank you for coming. Is there anyone else this evening that would like to address the Board?

MR. O'DRIA: Good evening. Michael O'Dria (ph), 133 High Street.

I did receive your email, Thomas Evans, yesterday and you should have spoken to George Abrizzi (ph). This is my question. Have you and George Abrizzi started lowering the assessments of the 393 homes on Roche contamination list?

UNKNOWN SPEAKER: Roche?

MR. O'DRIA: Roche, Hoffmann LaRoche contamination list. Have you started lowering the assessments of the 393 homes on that contamination list?

UNKNOWN SPEAKER: What do you mean by start lowering?

MR. O'DRIA: Well, my home is contaminated. It has that stigma. If someone wanted to purchase my home, which I'm not selling, they're going to -- when they do the inspection, like anyone -- like any homeowner would do, they would come to Town Hall and they'll say, oh, wow. There's a contamination problem with my home because it's the Hoffmann LaRoche contamination list.

Have you started --
UNKNOWN SPEAKER: Mr. O'Dria, can I ask you a question? Because you make a statement that assume some facts that I don't think are accurate. Because you receive a letter, a State required letter from Hoffmann LaRoche that your property was in a certain -- is in a certain distance of certain --

MR. O'DRIA: A block and a half away.

UNKNOWN SPEAKER: -- that may exist at Roche, does not mean that your property is contaminated. I think you're assuming something that's not really a fact and I'll let the Commissioner obviously address the issue of the tax but your statement, in and of itself, is not accurate. I understand where your concern is. Getting a letter like that is not welcome or comforting but it doesn't necessarily say that your property is contaminated.

MR. O'DRIA: Mr. Tucci, excuse me, is your home contaminated? I know you said your home is on that list. Is your home --

COMMISSIONER TUCCI: Excuse me, is my home contaminated?

MR. O'DRIA: Yeah, remember you said that your home is on that contamination list? The Hoffman Roche contamination list.

COMMISSIONER TUCCI: I'm on -- no. I never said that. What I did say was that I'm on the notification list
and at the corner of my block there is, in fact, a test well. But there is no hard evidence that says my home is contaminated.

MR. O'DRIA: But are you on that list?

COMMISSIONER TUCCI: I'm on the notification list for Hoffmann LaRoche, yes.

MR. O'DRIA: Okay. My home, like your home, has a stigma to it now. Now if I want to sell my home --

COMMISSIONER TUCCI: Go ahead.

MR. O'DRIA: -- it's going to be real hard, which I don't want to do. But my home should be reassessed and this goes to my other question. Well, statement, comment.

Well, basically, back to the question because you send me an email. You said you were going to speak to George Abrizzi today, I guess it was, because I got the email last night. So --

COMMISSIONER TUCCI: (Indiscernible) let me answer your question.

MR. O'DRIA: Your -- can I please to him?

COMMISSIONER TUCCI: You asked me a question and then you jumped over here.

MR. O'DRIA: No. But you answered it. You answered my question.

UNKNOWN SPEAKER: Michael.

MR. O'DRIA: (Indiscernible)
UNKNOWN SPEAKER: Michael.

COMMISSIONER TUCCI: Excuse me, you had a follow up question. Number one, I think you're overreacting. Number two, I don't agree with you that there's a stigma attached to my house. And number three, I don't believe my property is contaminated. So you're jumping to conclusions and assumptions that are unfounded at this point.

I can appreciate your concern. We all have concerns about a lot of things, all over the world, not only here in Nutley. But until we have hard facts, let's stay calm and work through the process.

MR. O'DRIA: Okay.

COMMISSIONER TUCCI: All right. We're not looking to create hysteria here.

MR. O'DRIA: Okay.

COMMISSIONER TUCCI: We're looking to resolve a situation, repurpose a site, bring in jobs, bring in tax dollars. All right. And keep this town the way we want it to be.

MR. O'DRIA: Okay.

COMMISSIONER TUCCI: Isn't that our objective? Or do we just want to come here and complain?

MR. O'DRIA: I'm not complaining. I didn't --

COMMISSIONER TUCCI: (Indiscernible).

MR. O'DRIA: I didn't want --
COMMISSIONER TUCCI: Let's base --

MR. O'DRIA: (Indiscernible).

COMMISSIONER TUCCI: -- our comments in fact.

MR. O'DRIA: Okay. But --

COMMISSIONER TUCCI: Let's get our facts straight and talk about that.

MR. O'DRIA: Okay. So let Mr. Evans, Commissioner Evans respond.

COMMISSIONER TUCCI: I will yield to Commissioner Evans.

COMMISSIONER EVANS: You want to repeat your question?

MR. O'DRIA: My question is, have you and George Abrizzi started lowering the assessments of the 393 homes on the Roche -- Hoffmann Laroche contamination list?

COMMISSIONER EVANS: No, sir.

MR. O'DRIA: No. Okay. This goes to the other thing. Yesterday, I come home from a hard day work, which I do normally because I work for a living. And when I come to my home, I get this -- the new invoice for the next four quarters of the taxes, I noticed that my property taxes went up $377.44, like they go up every single year. Since August of 2005, my property taxes now have gone up 289.1 percent.

I said to you on December 3rd, 2013, I mentioned this, you know, when does it stop? I mean, if -- and I
remember saying on that day in December, to you, Mr. Mayor, you know if you want to give wage increases to the town employees, lower my property taxes by eight grand. Do that for me or do it for all of us because, you know, every year --

MAYOR PETRACCO: Michael.

MR. O'DRIA: -- they keep going up.

MAYOR PETRACCO: Michael. Michael. Listen. This is what we have to do here. You have to ask a specific question. You come to the meetings every other week and you're very redundant. Please address your comments to the Commissioner and be specific. You're coming, speaking from a matter of opinion. Please ask Commissioner Evans what questions you have because I think you have about 30 seconds left.

MR. O'DRIA: Well, this is my question. Is this the last time my property taxes are going to go up from now on? Because every year it seems to go up $400 average. When's -- is this the last time it's going to go up or next year it's going to go up another $377 and then after that another 377. It has to stop. I mean, control the spending and control the wages.

COMMISSIONER EVANS: A couple things. One, I -- you're asking me to predict the future and I can't do that. No one can. The budget -- the amount of the -- the amount
of appropriation that is required is based on the cost of
what is required to actually manage the municipality.

Your tax bill is not only based upon what it costs
to manage the municipality but also what it costs to manage
the school as well as the county. There are three
components to that.

There was a letter that accompanied your tax bill.
I don't know if you read it.

MR. O'DRIA: Yeah, I read it.

COMMISSIONER EVANS: Did you turn it over?

MR. O'DRIA: It went to -- it went from --

COMMISSIONER EVANS: Did you turn the bill over?
The letter over just to look at the fact that the municipal
tax levy was lower this year than last year and the school
tax levy was lower this year than last year. However, the
county tax levy was higher. So, overall, the levy, year
over year is lower.

The influence on the rate happens to be related to
a lower assessed value of the Township, specifically, driven
by a lower reassessed value for La Roche property. We were
able to offset the loss in tax, which -- for $2.7 million
which of aid we got this year but in the calculation we did
actually experience an increase in the rate because the
lower assessable base to spread the costs over.
So this governing body has actually lowered taxes, has lowered the levy. The way we allocate and spread that is being influenced at -- today, on the outcome of Roche. So couple of true factors; we don't know what the outcome of Roche is going to be but our expectation and our desire is that it'll be better than what it is right now. We've already -- we lost valuation because of demolitions last year. We've lost -- we will lose valuation because of demolitions that have already occurred this year and the change in the use of the site will directly influence that.

So we're sort of going in this period where we're going to have to deal with the lowering of that assessed value before we know who the new buyer -- owner is, what's going to happen to that property and what the future value of that property will be. Those are unknowns, so I can't predict.

What I will point out is is that the Board of Commissioners works very hard to control the amount of money we spend. In fact, overall salary increases for the Township were one percent as you'd see pointed out in that letter.

So I appreciate your frustration. We all have it. We're working very hard to have the -- to lower the cost of our operations. We -- because of other factors, we have yet to be able to pass that through to the tax rate. I am
hopeful that we will be able to do that in the future once
we have a more predictable base as to what's happening with
Hoffmann La Roche. I'm looking forward to that day.

MR. O'DRIA: All right.

MAYOR PETRACCO: Thank you, Michael. I think --

Madam Clerk, is the time up?

MADAM CLERK: (Inaudible).

MAYOR PETRACCO: Thank you. Is there anyone else
this evening that would like to address to Board of
Commissioners?

Please state your name and address for the record.

MS. LANDRY: Penny Landry (ph), 135 Lakeside
Drive, Nutley, New Jersey.

First, I'd like to say, Evelyn, you may not miss
me but I'm sure going to miss you. Thank you, thank you,
thank you from the bottom of my heart and I wish you the
most wonderful journey. I wish you were staying. I'm going
to miss you.

Mayor --

MAYOR PETRACCO: Yes, ma'am.

MS. LANDRY: I need an update on broadcasting of
the meetings, please, sir.

MAYOR PETRACCO: Commissioner Tucci, would --

COMMISSIONER TUCCI: Yes --

MAYOR PETRACCO: -- you care to --
COMMISSIONER TUCCI: We do, in fact, have an update this evening.

MS. LANDRY: Yes.

COMMISSIONER TUCCI: We have been notified that the equipment is in. We are coordinating the installation. We will be on it first thing tomorrow morning. It either came in late yesterday or early this morning. So I have my folks speaking with the media experts to get that stuff installed so we can begin broadcasting.

MS. LANDRY: So maybe next meeting?

COMMISSIONER TUCCI: Hopefully.

MS. LANDRY: Okay.

COMMISSIONER TUCCI: It depends on their schedule and how quick they can get it in.

MS. LANDRY: Oh, thank you so, so much.

MAYOR PETRACCO: My mother's rooting on that too, Penny.

MS. LANDRY: Oh, yeah. I know a lot of people are rooting on it who are --

MAYOR PETRACCO: As part of that update, the website, as I understand it, does not have the ability to stream video. We have to wait for the website.

COMMISSIONER TUCCI: Not yet. Right.
MAYOR PETRACCO: We gave to wait for the website update and redesign to have the ability to -- the band width basically --

COMMISSIONER TUCCI: Right.

MAYOR PETRACCO: -- do that.

MS. LANDRY: So we'll have the meetings broadcast but we won't be able to put them on the website; is that accurate?

COMMISSIONER TUCCI: Won't be on the website yet but we should be able to broadcast over some of our local access channels.

MS. LANDRY: Could we put them on the Board of Education's website because --

COMMISSIONER TUCCI: That's exactly what we had in mind, yes.

MS. LANDRY: So, will that happen so that at least people have a place to go?

COMMISSIONER TUCCI: Yes. The whole objective here is not only just to buy the equipment and put it up so it looks pretty so that people can actually go to it and see what goes on here, see (indiscernible)e

MS. LANDRY: Well, just as a suggestion because other towns have this, if their website --

COMMISSIONER TUCCI: Uh-huh.
MS. LANDRY: -- does not enable uploading of streaming of video that you can have a You Tube channel.

COMMISSIONER TUCCI: Uh-huh.

MS. LANDRY: Okay. So you could have Township of Nutley You Tube and you just upload it right to there --

COMMISSIONER TUCCI: Right.

MS. LANDRY: -- and it's free and it could happen without having to wait because some way or another we had an RFQ for a website and that resolution was -- went away and then tonight we have a new resolution for a -- can you explain what's going on with the new website, sir?

MAYOR PETRACCO: The original resolution was rescinded because there were technical flaws in the RFQ. We've corrected those and reintroduced the RFQ tonight so that there'll be -- now back -- I think they're back the 15th for request for response.

MS. LANDRY: Okay. So is a copy of that RFQ available?

MAYOR PETRACCO: It'll be available -- it'll be out tomorrow and it's open to the public.

MS. LANDRY: Tomorrow, okay. Good. Thank you. And also --

MAYOR PETRACCO: Evelyn, is that correct; it'll be available -- is there -- realistic. I want to be sure.
MADAM CLERK: Yes. We're going to actually post it on the website tomorrow and we're also going to send it to the newspapers, to the Nutley Sun, so it will be in the Nutley Sun, next Thursday's edition, but we will -- we'll have it posted to the website as well.

MAYOR PETRACCO: You'll be able to download off the website.

MS. LANDRY: Okay. And when will the job opening for Township Clerk? The -- what do you call it, made available to the public?

MAYOR PETRACCO: Commissioner Evans, would you like to field --

COMMISSIONER EVANS: It won't be.

MS. LANDRY: You will not be letting the public know that the Township Clerk is open in the Township of Nutley?

COMMISSIONER EVANS: It's not required under civil service to be posted and we are fortunate in that we have a licensed clerk that's already in town who will fill that -- those responsibilities starting next week.

MS. LANDRY: So we have a new Township Clerk and what is their name?

COMMISSIONER EVANS: Eleni Petis (ph).

MS. LANDRY: And was that passed by resolution?

COMMISSIONER EVANS: No. Not required.
MS. LANDRY: It is not required to be passed by resolution to hire a replacement township clerk?

COMMISSIONER EVANS: Correct.

MS. LANDRY: And who makes that decision?

COMMISSIONER EVANS: The law.

UNKNOWN SPEAKER: I did. In the Walshach (ph) there are certain provisions of the Walshach -- in case law that make the commission form of government different when it comes to appointments of certain positions. I've advised the Commissioners just that.

MS. LANDRY: You've advised them what? I'm sorry.

UNKNOWN SPEAKER: Of just that, of just what their obligations and responsibilities under the Walshach and their -- and whether things have to be voted on or not. I provided that to them.

MS. LANDRY: Okay. So under this form of government in -- you don't have to -- please explain that again. I'm --

UNKNOWN SPEAKER: There are certain positions that must be voted on for appointment and some that do not have to, many of which do not have to. They can be filled without the need for a resolution vote by the Commissioners. It's the way the commission form of government was set up under the Walshach and one that we're enforcing. So under this circumstance, clearly, it was not required and the
Commissioner who runs the department, who has that position in his department, has a right to appoint anyone he chooses to that particular position. Obviously, the person has to be qualified and have the proper licenses (indiscernible) in this situation.

MS. LANDRY: Okay. So Commissioner Evans has the right under the Walshach to appoint anyone he chooses that is qualified to be our township clerk?

UNKNOWN SPEAKER: That is correct.

MS. LANDRY: Okay. Thank you so much. Thank you.

MAYOR PETRACCO: Thank you. Is there anyone here this evening that would like to address the Board of Commissioners?

We do have a young, pretty lady coming to the mic. Please state your name and address for the record.

MS. GREENGROVE: Well, which address do you want me to give?

MAYOR PETRACCO: Well, how many do you have?

MS. GREENGROVE: 3 Kingsland Street. I'm here on behalf of the Kingsland Manor.

MAYOR PETRACCO: And your name? Your name for the record.

MS. GREENGROVE: Dorothy Greengrove (ph).

MAYOR PETRACCO: Thank you.
MS. GREENGROVE: I'm the president. And rather than approach all of the Commissioners individually I would like to just say that what we are planning in the future is on the 19th of October, which is a Sunday afternoon, an Oktoberfest and we'd love to have all of you come.

MAYOR PETRACCO: What's that date, Dottie?

UNKNOWN SPEAKER: That's very nice.

MAYOR PETRACCO: Dottie, what's that date again?

MS. GREENGROVE: Nineteenth.

MAYOR PETRACCO: Of October?

UNKNOWN SPEAKER: Of October.

MS. GREENGROVE: Yes. It happens to be homecoming weekend for the Township also for the high school.

MAYOR PETRACCO: What time is it?

MS. GREENGROVE: One o'clock -- well, you'll have the thing for your next meeting.

MAYOR PETRACCO: Sure.

MS. GREENGROVE: I have to have the approval.

We're planning on from one to eight.

MAYOR PETRACCO: Okay. It sounds very good. We appreciate the invite.

MS. GREENGROVE: We need a celebration around here.

MAYOR PETRACCO: Absolutely. I couldn't agree more with you. Thank you, Ms. Greengrove.
Is there anyone else this evening that would like to address the Board of Commissioners?

Please state your name and address for the record.

MR. O'DRIA: Michael O'Dria, 133 High Street. A simple question. I understand like the policeman's salary is $147,750.00? I'm just thinking about -- does that include his healthcare benefits too?

MAYOR PETRACCO: Of course not.

MR. O'DRIAN: And how much are healthcare benefits for town employees? I don't know.

MAYOR PETRACCO: I'm not sure. Do we have that information?

UNKNOWN SPEAKER: Depending on what his status is, there's several different classifications. There's single members, there's member's spouse, there's member family. I -- we can give you the amounts for the different categories but we're prevented by the HIPAA laws and personnel policies and procedures to disclose exactly what any employee has.

MR. O'DRIA: So it doesn't include healthcare benefits like you said. So it could be anything like $10,000 more --

UNKNOWN SPEAKER: (Inaudible).

MR. O'DRIA: Fifteen thousand dollars more a year.

And do we pay for that, do you -- the citizens, the taxpayers of this town?
MAYOR PETRACCO: Pay for what?

MR. O'DRIA: The healthcare benefits?

UNKNOWN SPEAKER: I'll answer that question. Yes. We pay for a portion of it and there's a portion that a contribution that the employee pays based upon what tier and what level they're at.

MR. O'DRIA: Well, my job I pay 30, my employer pays 70. So what's -- so what is it for a town city employee? What is it?

UNKNOWN SPEAKER: It (indiscernible)...

UNKNOWN SPEAKER 2: Depending on the amount of money that they make and what their status is and what classification they're in.

MAYOR PETRACCO: It's a sliding scale. You can find that information on the State website, the State health benefits website.

MR. O'DRIA: Okay.

MAYOR PETRACCO: And they'll provide you the chart and --

MR. O'DRIA: Yeah, it could be like 30, 40, 50-50.

MAYOR PETRACCO: I think it goes up and down --

UNKNOWN SPEAKER: Or you can OPRA what the percentage is for different categories.

MR. O'DRIA: Okay. Just curious.

UNKNOWN SPEAKER: It's public information.
MR. O'DRIA: Because I was look at that. All right. I didn't know it was not included. Just wanted to know. That's fine.

MAYOR PETRACCO: Thank you. Is there anyone else this evening that would like to address the Board of Commissioners?

MS. LANDRY: Penny Landry, 135 Lakeside. I forgot a quick question.

What is the status of online bill paying? Like our taxes and our water and all of those online (indiscernible).

MAYOR PETRACCO: Commissioner Evans.

COMMISSIONER EVANS: Yeah, I can answer that.

We have completed the contract negotiations with a provider, a merchant provider. We are -- that took longer than any of us had expected especially me. We -- we'll begin working with the recreation accounts and then bring it -- move on to water and then property taxes. So I'm looking at the first part of next year and we'll get into so that May tax bills. Sooner if I can get there. I just want to make sure it's right.

Recognize, though, that there is a convenience fee that is associated with that so that's charged for each transaction so if someone wanted to pay their property taxes using a credit card online, they would incur a convenience
fee, which would be in addition to whatever the property tax amount is.

MS. LANDRY: Okay. That's fine. Who is the service provider?

COMMISSIONER EVANS: FIS is the initials. I don't recall what the initials --

MS. LANDRY: And there was a bid process for that because I don't recall seeing that.

COMMISSIONER EVANS: No, they're not -- there's not a bid process. There are special -- provide a special service that is exempt from that process. But they are known for their work. Our treasury system is called Edmonds (ph) that we use and they work very well with that system.

MS. LANDRY: Okay. So we contracted with somebody to be able to do credit cards but we didn't have to go out for bid on it and they're kind of like the igov (ph) people that went out of business?

COMMISSIONER EVANS: No. No.

MS. LANDRY: Oh, okay. All right. I was just curious. So you're saying next year. We're still going to --

COMMISSIONER EVANS: As soon as I get there. It's just -- I want to make sure that we've got not only the ability to take a credit card payment but that we have the procedures in place to ensure, for example, that that money
can be tracked and applied to the right account, that we can actually reconcile our bank accounts with that type of information flowing through. So there's process elements that are part of that.

MS. LANDRY: So will we have an option to use PayPal as well because most people use PayPal and don't incur that additional cost of an outside company?

COMMISSIONER EVANS: I don't think so but I'd have to get back to you on that. I don't recall off the top of my head.

MS. LANDRY: Would you please look into that and I'll send you an email asking you --

COMMISSIONER EVANS: Please.

MS. LANDRY: -- if we will be able to use PayPal and not incur --

COMMISSIONER EVANS: I will find that out.

MS. LANDRY: -- an additional cost --

COMMISSIONER EVANS: Sure.

MS. LANDRY: -- that this FIS company is apparently going to charge for transaction where with PayPal --

COMMISSIONER EVANS: It's not FIS. It's the credit card companies.

MS. LANDRY: No, I'm saying -- what will FIS be doing?
COMMISSIONER EVANS: They're the merchant service, they provide the software and the process for being able to accept it but the credit cards are not FIS. They are household name credit cards that you would recognize.

MS. LANDRY: Okay. Well, just, you know, if you haven't -- you've already contracted with them so I could get a copy of the contract?

COMMISSIONER EVANS: Where are you with that (indiscernible)?

UNKNOWN SPEAKER: I don't think it's been signed yet. We're waiting for (inaudible).

MS. LANDRY: You're waiting for the signed contract?

UNKNOWN SPEAKER: Negotiating all the --

MS. LANDRY: Okay.

UNKNOWN SPEAKER: -- definitive terms (indiscernible).

MS. LANDRY: I'm just saying, before you do that, I mean, look into PayPal because it might be a more cost effective solution for the municipality and for the taxpaying citizens. Thank you.

MAYOR PETRACCO: Is there anyone else this evening that would like to address the Board of Commissioners?

Seeing no one, move to adjourn.

COMMISSIONER SCARPELLI: Move to adjourn.
MAYOR PETRACCO: Second.

MADAM CLERK: Move to adjourn by Commissioner Scarpelli, seconded by Mayor Petracco.

COMMISSIONER ROGERS: "Aye".

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: "Aye".

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: "Aye".

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: "Aye".

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: "Aye".

MADAM CLERK: It's now 9:35 p.m. The meeting has adjourned.

(Whereupon, the meeting was adjourned.)
CERTIFICATION

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

Pamela A. Skaw

Date: October 7, 2014
Signature Page/Board of Commissioners
Meeting Minutes, September 16, 2014

ATTEST:

Eleni Pettas, RMC
Municipal Clerk
(Meeting Minutes Approved at the
October 21, 2014 Board of
Commissioners Meeting)

Commissioner Steven Rogers

Commissioner Mauro G. Tucci

Commissioner Thomas J. Evans

Commissioner Joseph P. Scarpelli

Mayor Alphonse Petracco
Ordinance No. 3297
Introduced by Mayor Alphonse Petracco
Introduced on Tuesday, August 19, 2014
Public Hearing Tuesday, September 16, 2014

Ordinance No. 3297
AN ORDINANCE TO FIX THE SALARIES OF CERTAIN OFFICERS AND EMPLOYEES
OF THE TOWNSHIP OF NUTLEY, COUNTY OF ESSEX, STATE OF NEW JERSEY,
effective January 1st for each of the years 2013, 2014, 2015, 2016.

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

SECTION 1: The salaries of certain officers and employees, either permanent or temporary, as
the case may be, of the Township of Nutley, herein mentioned, shall be as follows:

POLICE DEPARTMENT

<table>
<thead>
<tr>
<th>TITLE</th>
<th>TOTAL ANNUAL SALARY MINIMUM</th>
<th>TOTAL ANNUAL SALARY MINIMUM</th>
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<td>Chief of Police (1/1/13-10/31/13)</td>
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<tr>
<td>Chief of Police 2016</td>
<td>$158,819.10</td>
<td>$158,819.10</td>
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SECTION 2: To the extent not set forth herein, longevity, holiday pay, and stipends shall be
added to all base salaries consistent with the provisions of the Township of Nutley Collective
Bargaining Agreement, PBA Local 33A, January 1, 2013 through December 31, 2016 of which
the Chief is not a member, but entitled to.

SECTION 3: All ordinances or parts of ordinances inconsistent with the provisions of this
ordinance are hereby repealed and this ordinance shall take effect twenty (20) days after
publication and after final passage.
TOWNSHIP OF NUTLEY

THE BOARD OF COMMISSIONERS

Hereby Issue This Resolution

September 16, 2014

WHEREAS, Evelyn Rosario was appointed Municipal Clerk of the Township of Nutley on September 7, 2004; and

WHEREAS, Evelyn Rosario embraced her duties and responsibilities with honor and grace attaining tenure in 2009; and

WHEREAS, Evelyn Rosario has earned the respect of the Board of Commissioners as well as other Boards and Departments of the Township, current and former, and her fellow municipal employees; and

WHEREAS, Evelyn Rosario is a member of the Essex County Clerk's Association and has served in multiple leadership roles within the Association; and

WHEREAS, Evelyn Rosario has set a standard by which all future Municipal Clerks should emulate; and

WHEREAS, Evelyn Rosario, after 10 years of service to the Township, has made a decision to pursue other opportunities;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that Evelyn Rosario is recognized for her years of dedicated service, and the Mayor and Board of Commissioners further extend their sincere best wishes for her future success; and

BE IT FURTHER RESOLVED that the gratitude of this community be hereby extended to Evelyn Rosario for her 10 years of service to the Township of Nutley.

Introduced by: Commissioner Thomas J. Evans
Introduced on: September 16, 2014

Seconded by:
Mayor Petracco
Commissioner Scarpelli
Commissioner Tucci
Commissioner Rogers

Alphonse Petracco
Mayor

Joseph P. Scarpelli
Commissioner

Thomas J. Evans
Commissioner

Mauro G. Tucci
Commissioner

Steven L. Rogers
Commissioner
BE IT RESOLVED that the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, approve the renewal of the Shared-Services Agreement for the school physician services with the Township of Nutley, provided by Dr. Mary Ann Alessio, for the 2014-2015 school year.
WHEREAS, N.J.S.A. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount;

SECTION 1:
NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2014 in the sum of $7,000.00, which item is now available as a revenue from the Shared Services Agreement with the Nutley Board of Education for Public Health and Physician Services pursuant to the provisions of statute;

SECTION 2:
BE IT FURTHER RESOLVED, that a like sum of $7,000.00 be and same is hereby appropriated under the caption of:

General Appropriations
(A) Operations-Excluded from 5% CAPS
Shared Service Agreement the Nutley Board of Education for Public Health and Physician Services with HEALTH DEPARTMENT
OTHER EXPENSES $7,000.00

BE IT FURTHER RESOLVED, that the Township Clerk forward two (2) certified copies of this resolution to the Director of Local Government Services.

[Signature]

I, [Signature], Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held September 16, 2014

<table>
<thead>
<tr>
<th>Record of Vote</th>
<th>Commissioner Rogers</th>
<th>Commissioner Tucci</th>
<th>Commissioner Evans</th>
<th>Commissioner Scarrelli</th>
<th>Mayor Petracco</th>
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</thead>
<tbody>
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<td>X</td>
<td>X</td>
<td>X</td>
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<td>No</td>
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<td>Absent/Excused</td>
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WHEREAS, Request for Proposals for “Solid Waste, Bulk Waste, Vegetative Waste, Leaves and Grass” were opened on Wednesday, September 10, 2014; and

WHEREAS, only one bid was received by the municipality, said bid substantially exceeds the cost estimate for the services; and

WHEREAS, this is the second rejected bid for the collection of “Solid Waste, Bulk Waste, Vegetative Waste, Leaves and Grass”; and

WHEREAS, N.J.S.A. 40A: 11-13.2 (a) permits the rejection of all proposals under such circumstances;

NOW THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley that the bids for “Solid Waste, Bulk Waste, Vegetative Waste, Leaves and Grass” as advertised, received and opened are hereby rejected.

I, the Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held September 16, 2014.

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<tr>
<td>Yes</td>
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Resolution

Introduced by: Commissioner Mauro G. Tucci  Date: September 16, 2014
Seconded by: Commissioner Thomas J. Evans  No. 214-14

WHEREAS, sealed bids were received for Tree Pruning Service on August 6, 2014 in the Township of Nutley; and
WHEREAS, Downes Tree Service Co., Inc. 65 Royal Ave, Hawthorne, NJ 07056 was the low bidder at:

<table>
<thead>
<tr>
<th>Trunk Diameter</th>
<th>Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>12-16&quot;</td>
<td>$63.00</td>
</tr>
<tr>
<td>17-21&quot;</td>
<td>$115.50</td>
</tr>
<tr>
<td>22-26&quot;</td>
<td>$163.75</td>
</tr>
<tr>
<td>27-31&quot;</td>
<td>$277.00</td>
</tr>
<tr>
<td>32&quot; or greater</td>
<td>$347.00</td>
</tr>
</tbody>
</table>

WHEREAS, funds are available from account # 4-01-512-200, $10,000.00 and account # 5-01-512-200, $20,000.00 for a total not to exceed $30,000.00 and have been certified by the Chief Financial Officer, said certification being attached to this resolution;

NOW THEREFORE, BE IT RESOLVED, but the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that a contract for Tree Pruning be awarded to Downs Tree Service Co., Inc.

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 September 16, 2014.

<table>
<thead>
<tr>
<th>Record of Vote</th>
<th>Commissioner Rogers</th>
<th>Commissioner Tucci</th>
<th>Commissioner Evans</th>
<th>Commissioner Scarpetti</th>
<th>Mayor Petracco</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
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<td>Absent/Excused</td>
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</table>
BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Commissioner Mauro G. Tucci
Seconded by: Mayor Alphonse Petracco
Date: September 16, 2014
No. 215-14

WHEREAS, sealed bids were received for Tree Removal Service on August 6, 2014 in the Township of Nutley; and

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Tree size</th>
<th>Option 1</th>
<th>Option 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>9-15&quot;</td>
<td>$415.00</td>
<td>$315.00</td>
</tr>
<tr>
<td>2</td>
<td>16-23&quot;</td>
<td>$950.00</td>
<td>$750.00</td>
</tr>
<tr>
<td>3</td>
<td>24-35&quot;</td>
<td>$1,950.00</td>
<td>$1,450.00</td>
</tr>
<tr>
<td>4</td>
<td>36&quot; +</td>
<td>$2,350.00</td>
<td>$1,950.00</td>
</tr>
</tbody>
</table>

WHEREAS, Downes Tree Service Co., Inc. 65 Royal Ave, Hawthorne, NJ 07506 was the low bidder at:

WHEREAS, fund are available from account # 4-01-512-200, $15,000.00 and account # 5-01-512-200, $15,000.00 for a total not to exceed $30,000.00 and have been certified by the Chief Financial Officer, said certification being attached to this resolution;

NOW THEREFORE, BE IT RESOLVED, but the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that a contract for Tree Removal be awarded to Downes Tree Service Co., Inc.

I, the Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held September 16, 2014.

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<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>X</td>
<td>X</td>
<td>X</td>
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**BOARD OF COMMISSIONERS**  
**TOWNSHIP OF NUTLEY, NEW JERSEY**

**Resolution**

*Introduced by:* Commissioner Mauro G. Tucci  
*Seconded by:* Mayor Alphonse Petracco

(Date: September 16, 2014  
No. 216-14)

WHEREAS, sealed bids were received for Monsignor Owens Park Improvements on September 10, 2014 in the Township of Nutley; and

WHEREAS, applied Landscaping Technologies Inc., 395 Palisade Avenue, Garfield, NJ 07026, was the low bidder at:

$153,542.00

WHEREAS, funds are available from Capital Ordinance #3284 in the amount of $122,019.71, and Capital ordinance #3242D in the amount of $31,492.29, and have been certified by the Chief Financial Officer, said certification being attached to this resolution.

NOW THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey that a contract for Monsignor Owens Park Improvements be awarded to Applied Landscaping Technologies Inc.

I, Evelyn Rosario, Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held September 16, 2014.

<table>
<thead>
<tr>
<th>Record of Vote</th>
<th>Commissioner Rogers</th>
<th>Commissioner Tucci</th>
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<th>Mayor Petracco</th>
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<tr>
<td>Yes</td>
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Board of Commissioners  
TOWNSHIP OF NUTLEY, NEW JERSEY  

RESOLUTION

INTRODUCED BY  
COMMISIONER THOMAS J. EVANS  

SECONDED BY  
COMMISIONER MAURO G. TUCCI  

DATE  
SEPTEMBER 16, 2014

WHEREAS, N.J.S.A. 40:48-2.14 allows a municipality to cut brush, hedges and other plant life from any lands under the direction of the code enforcement officer; and
WHEREAS, David Berry, Zoning Officer, has certified the said unpaid 2013 and prior charges and are subject to Tax Sale; and
WHEREAS, the Township enacted Chapter 520 entitled Property Maintenance which provides that amounts charged to cut brush, hedges and other plant life by the municipality shall become a lien upon such lands.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners and the Township of Nutley in the County of Essex that this Resolution be transmitted to the Tax Collector and said unpaid charges from 2013 and prior are here certified to be unpaid and subject to tax sale.

CERTIFICATION

I, the Clerk of 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 September 16, 2014.

<table>
<thead>
<tr>
<th>Address</th>
<th>Block</th>
<th>Lot</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>138 Bloomfield Ave</td>
<td>8500</td>
<td>25</td>
<td>$ 426.90</td>
</tr>
<tr>
<td>144 Bloomfield Ave</td>
<td>8900</td>
<td>27</td>
<td>$ 550.00</td>
</tr>
<tr>
<td>480 Bloomfield Ave</td>
<td>4801</td>
<td>44</td>
<td>$ 240.00</td>
</tr>
<tr>
<td>729 Bloomfield Ave</td>
<td>2304</td>
<td>27</td>
<td>$ 307.50</td>
</tr>
<tr>
<td>78 Brookdale Ave</td>
<td>2304</td>
<td>5</td>
<td>$ 1,323.96</td>
</tr>
<tr>
<td>438 Centre St</td>
<td>5902</td>
<td>29</td>
<td>$ 3,257.25</td>
</tr>
<tr>
<td>501 Centre St</td>
<td>7801</td>
<td>6</td>
<td>$ 65.45</td>
</tr>
<tr>
<td>14 Essex St</td>
<td>9101</td>
<td>11</td>
<td>$ 146.04</td>
</tr>
<tr>
<td>24 Evelyn Place</td>
<td>6401</td>
<td>23</td>
<td>$ 780.00</td>
</tr>
<tr>
<td>382 Franklin Ave</td>
<td>4400</td>
<td>4</td>
<td>$ 2,373.45</td>
</tr>
<tr>
<td>13 Glendale St</td>
<td>502</td>
<td>13</td>
<td>$ 62.32</td>
</tr>
<tr>
<td>47 High St</td>
<td>3001</td>
<td>13</td>
<td>$ 1,828.65</td>
</tr>
<tr>
<td>61 High St</td>
<td>3001</td>
<td>10</td>
<td>$ 1,036.20</td>
</tr>
<tr>
<td>188 Hillside Ave</td>
<td>3100</td>
<td>10</td>
<td>$ 1,519.68</td>
</tr>
<tr>
<td>49 Kingsland St</td>
<td>301</td>
<td>19</td>
<td>$ 736.80</td>
</tr>
<tr>
<td>14 Moore Place</td>
<td>9201</td>
<td>11</td>
<td>$ 789.80</td>
</tr>
<tr>
<td>109 Mountainview Ave</td>
<td>4701</td>
<td>4</td>
<td>$ 4,233.83</td>
</tr>
<tr>
<td>284 Passaic Ave</td>
<td>6500</td>
<td>19</td>
<td>$ 693.00</td>
</tr>
<tr>
<td>286 Prospect St</td>
<td>5900</td>
<td>39</td>
<td>$ 523.20</td>
</tr>
<tr>
<td>123 Raymond Ave</td>
<td>5304</td>
<td>15</td>
<td>$ 707.00</td>
</tr>
<tr>
<td>125 Raymond Ave</td>
<td>5304</td>
<td>14</td>
<td>$ 714.00</td>
</tr>
<tr>
<td>65 Wharton Ave</td>
<td>600</td>
<td>4</td>
<td>$ 677.00</td>
</tr>
<tr>
<td>191 Whitford Ave</td>
<td>3404</td>
<td>9</td>
<td>$ 487.75</td>
</tr>
</tbody>
</table>

I certify the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: September 16, 2014

Evelyn Turcato

<table>
<thead>
<tr>
<th>RECORD OF VOTE</th>
<th>COMMISSIONER ROGERS</th>
<th>COMMISSIONER TUCCI</th>
<th>COMMISSIONER EVANS</th>
<th>COMMISSIONER SCARPELLI</th>
<th>MAYOR PETRACCO</th>
</tr>
</thead>
<tbody>
<tr>
<td>YES</td>
<td>X</td>
<td>X</td>
<td>X</td>
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</table>
BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, in the County of Essex, State of New Jersey, that the Treasurer be and she is hereby authorized to refund overpayment of the property taxes in the amount of $1,848.13 for said years due to successful tax court judgments.

<table>
<thead>
<tr>
<th>Block &amp; Lot</th>
<th>Address</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>300 - 54</td>
<td>11 Cathedral Ave.</td>
<td>$1,848.13</td>
</tr>
</tbody>
</table>

I, the Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held September 16, 2014.

<table>
<thead>
<tr>
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<tr>
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<tr>
<td>Absent/Excused</td>
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</tbody>
</table>
BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, in the County of Essex, State of New Jersey, that the Treasurer be and she is hereby authorized to refund overpayments of the tax charges in the amount of $33,212.51 for the following accounts.

<table>
<thead>
<tr>
<th>Block &amp; Lot</th>
<th>Address</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>7704-17</td>
<td>320 Harrison St.</td>
<td>$2,155.40</td>
</tr>
<tr>
<td>9504-13</td>
<td>35 Washington Ave.</td>
<td>$3,000.54</td>
</tr>
<tr>
<td>7200-3- C0322</td>
<td>108-110 Passaic Ave.</td>
<td>$4,909.06</td>
</tr>
<tr>
<td>7200-3- C0322</td>
<td>108-110 Passaic Ave.</td>
<td>$6,960.87</td>
</tr>
<tr>
<td>7200-3- C0322</td>
<td>108-110 Passaic Ave.</td>
<td>$6,641.25</td>
</tr>
<tr>
<td>7200-3- C0322</td>
<td>108-110 Passaic Ave.</td>
<td>$6,339.89</td>
</tr>
<tr>
<td>7200-3- C0322</td>
<td>108-110 Passaic Ave.</td>
<td>$3,205.50</td>
</tr>
</tbody>
</table>

I, Edy Rosario, Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held September 16, 2014.

<table>
<thead>
<tr>
<th>Record of Vote</th>
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<th>Commissioner Tucci</th>
<th>Commissioner Evans</th>
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<tbody>
<tr>
<td>Yes</td>
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BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, State Of New Jersey, that the Municipal Clerk be and is hereby authorized and directed to advertise for a Request for Qualifications (RFQ's) to Redesign and Support the Township of Nutley's Municipal Website.

BE IT FURTHER RESOLVED, that the Request for Qualifications (RFQ's) shall be due on Wednesday, October 15, 2014 at 3:00 P.M. addressed to the Municipal Clerk, Nutley Township Hall, One Kennedy Drive, Nutley, NJ 07110.
RESOLUTION
NO. 221-14
NOT USED
WHEREAS, all local government units must prepare and submit a Corrective Action Plan as part of the annual audit process in accordance with OMB A-133 and 98-01;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey, that the attached Corrective Action Plan for the audit year 2013 is hereby approved.

BE IT FURTHER RESOLVED that a copy of this Corrective Action Plan is to be kept on file in the Township Clerk’s Office and one certified copy is to be submitted to Director of the Division of Local Government Services.

Respectfully submitted,

Evelyn Rosario, Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held September 16, 2014.

Record of Vote

<table>
<thead>
<tr>
<th>Commissioner</th>
<th>Rogers</th>
<th>Tucci</th>
<th>Evans</th>
<th>Scarpelli</th>
<th>Petracco</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>X</td>
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</table>
BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that the Township Clerk is hereby authorized to advertise for sealed bids for the 2014 Hancox Avenue and Conover Avenue Improvements, in the Township of Nutley, to be received on behalf of the Board of Commissioners, in the Commission Chambers, Township Hall, 1 Kennedy Drive, Nutley, NJ, 07110, on Thursday, October 9, 2014 at 3:00pm prevailing time, at which time they will be opened and read.

Record of Vote

<table>
<thead>
<tr>
<th>Commissioner</th>
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<th>Commissioner</th>
<th>Commissioner</th>
<th>Mayor</th>
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<tbody>
<tr>
<td>Rogers</td>
<td>Tucci</td>
<td>Evans</td>
<td>Scarrelli</td>
<td>Petracco</td>
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I, Evelyn Gosario, 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 September 16, 2014.
BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Commissioner Joseph P. Scarpelli

Seconded by: Commissioner Steven Rogers

Date: September 16, 2014

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Park Avenue Improvement Project (Passaic Avenue to Union Avenue).

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Commissioners of the Township of Nutley, in the County of Essex, State of New Jersey formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2015 Township of Nutley Park Avenue Improvement -00142 to the New Jersey Department of Transportation on behalf of the Township of Nutley.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Nutley and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Certified as a true copy of the Resolution adopted by the Board of Commissioners
On this day of 16th day of October, 2014

ATTEST and AFFIX SEAL

Clerk
Evelyn Rosario

Mayor
Alphonse Petracco

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 September 16, 2014

Record of Vote

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<th>Commissioner Scarpelli</th>
<th>Mayor Petracco</th>
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<tbody>
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BOARD OF COMMISSIONERS

TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Mayor Alphonse Petracco
Secended by: Commissioner Mauro G. Tucci

Date: September 16, 2014
No. 211-14

WHEREAS, raffle applications have been received from the following organizations; and

| Nutley High School Soccer | License No. 61-14 | November 19, 2014 |
| Booster Club             | Off-Premise 50/50 Cash Raffle |

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, State of New Jersey that the license is approved and the Municipal Clerk is authorized to issue the license.

Record of Vote

<table>
<thead>
<tr>
<th>Commissioner Rogers</th>
<th>Commissioner Tucci</th>
<th>Commissioner Evans</th>
<th>Commissioner Scarpelli</th>
<th>Mayor Petracco</th>
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foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held September 16, 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 September 16, 2014.

Evelyn Nuapio
WHEREAS, pursuant to the Fire Service Resource Emergency Deployment Act, N.J.S.A. 52:14E-14 and the regulations promulgated thereunder, including but not limited to N.J.A.C. 5:75A-2.2, municipalities in the State of New Jersey shall adopt a fire mutual aid plan (collectively, the “Fire Mutual Aid Plan”); and

WHEREAS, under the Fire Mutual Aid Plan, each municipality or fire district must prepare and adopt a local fire mutual aid plan which sets forth policies and procedures to coordinate the effective utilization of fire service resources where the implementation of the Fire Mutual Aid Plan is determined to be necessary or appropriate; and

WHEREAS, the Fire Mutual Aid Plan must be based upon the planning criteria, objectives, requirements, responsibilities and concepts of operation essential for the implementation of all necessary and appropriate protective or remedial measures to be taken in response to emergency incidents; and

WHEREAS, this agreement has been authorized by the members of the Township Council and recommended for execution by the Township of Nutley and by the Essex County Fire Coordinator, Essex County Fire Chiefs Association and the Deputy Fire Chief of Township of Nutley;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners in the Township of Nutley, County of Essex, State of New Jersey that in consideration of the mutual promises made herein, the Participating Units hereby agree to the Fire Mutual Aid agreement between participating Essex County municipalities.

I, Evelyn Rosato, 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 September 16, 2014.

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<th>Record of Vote</th>
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