

TOWNSHIP OF NUTLEY, NEW JERSEY

BOARD OF COMMISSIONERS

ORIGINAL

PUBLIC MEETING

TRANSCRIPT OF

PROCEEDINGS:

October 7, 2014

7:00 p.m.

BEFORE:

Commissioner Steven L. Rogers

Commissioner Mauro Tucci

Commissioner Thomas J. Evans

Commissioner Joseph Scarpelli

Mayor Alphonse Petracco

ALSO PRESENT:

Alan Genitempo, Township Counsel

Eleni Pettas, Township Clerk

Job No. NJ1946907

Transcribed by: Nicole Yawn

P R O C E E D I N G S

1  
2 MADAM CLERK: The board of commissioners public  
3 meeting Tuesday, October 7th, 2010 (sic). The time is now  
4 7:08.

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

12 Commissioner Rogers?

13 COMMISSIONER ROGERS: Here.

14 MADAM CLERK: Commissioner Tucci?

15 Commissioner Tucci?

16 COMMISSIONER TUCCI: Here.

17 MADAM CLERK: Commissioner Evans?

18 COMMISSIONER EVANS: Here.

19 MADAM CLERK: Commissioner Scarpelli?

20 MR. SCARPELLI: Here. And welcome, Madam Clerk.

21 MADAM CLERK: Thank you.

22 Mayor Petracco?

23 MAYOR PETRACCO: Here.

24 MADAM CLERK: All present, Mayor.

25 MAYOR PETRACCO: Okay. Guess we'll do the

1 communication thing reports (indiscernible).

2 I know I have an ordinance introduction tonight.  
3 My ordinance -- I'm sorry. Public hearing. Excuse me.

4 My ordinance is regarding the table of  
5 organization in the police department, ordinance number  
6 3298.

7 Am I speaking clear enough, Sharon?

8 And we'll move onto resolutions.

9 Commissioner Rogers?

10 COMMISSIONER ROGERS: Yes, Mayor, I have one for  
11 breast cancer awareness and another resolution giving the  
12 township attorney authority to negotiate a five-year  
13 contract with Future Sanitation. That's it.

14 MAYOR PETRACCO: Commissioner Tucci?

15 COMMISSIONER TUCCI: Okay. Let's see. What do I  
16 have this evening? I have a resolution celebrating the  
17 Columbus Day and Italian Heritage Month and congratulating  
18 the 2014 grand marshal and all of the award recipients. I  
19 have a request for qualifications for an arborist, a New  
20 Jersey licensed certified tree expert, and I have a  
21 resolution declaring October 18th, 2014 as Third Half Club  
22 of Nutley Day, which I'd like to take out of order so they  
23 don't have to hang around.

24 MAYOR PETRACCO: Absolutely.

25 COMMISSIONER TUCCI: Thank you.

1           MAYOR PETRACCO: Commissioner Evans?

2           COMMISSIONER EVANS: I have resolutions for  
3 overpayments of taxes, which I always have. It wouldn't be  
4 right if we didn't have a meeting with something like that  
5 on it.

6           There was a traffic investigation for Washington  
7 Avenue.

8           Joe, this was on mine. You can talk more about  
9 this than I can. But basically, it was -- and Jack Barry's  
10 (ph) here to approve this, and we had another (sic) thing  
11 (sic), which is basically looking at the pavement markings  
12 to make sure they conform to current standards. So they do  
13 an audit of that.

14           I have a shared services agreement that we all  
15 have been working on for a while, but this establishes a  
16 single fiber optic network between the schools, the library,  
17 the squad (sic), the municipal buildings. It eliminates  
18 dual access so that -- and eliminates T-1 policing (sic)  
19 lines costs for that. So we complete the installation.

20           The school board is picking up their share of this  
21 agreement, which is \$75,000, payable over a 10-year period  
22 and an annual maintenance cost of \$3,600 of the total  
23 maintenance cost of 12,000. So overall, it's between the  
24 school and the municipality of about \$75,000 a year in  
25 leasing costs and other maintenance costs. And it's a fiber

1 optic system. So we get benefits from that.

2 And this goes back to the Little Angels Daycare on  
3 Washington Avenue, but I have one which unfortunately it was  
4 a technical matter that had to be investigated thoroughly.  
5 But the bottom line is the property tax bills, when they  
6 were set with the county, were actually taxed to the wrong  
7 property. And, as a result, we have been sending a regular  
8 bill to the Little Angles on Washington Avenue for years,  
9 and they've obviously been complaining.

10 But we finally have it resolved. And, by statute,  
11 we're allowed to correct this because it's actually clear  
12 that it was an error and that they're not liable for the  
13 taxes. This resolution cancels the outstanding tax, based  
14 on an erroneous assessment for block 6700, lot 2.

15 MAYOR PETRACCO: Which is Little Angels?

16 COMMISSIONER EVANS: Yes, across the street from  
17 (indiscernible).

18 MAYOR PETRACCO: So were they paying too much?

19 COMMISSIONER EVANS: No, they paid their fair  
20 share. They just didn't pay the piece that they thought  
21 they shouldn't pay. So there was basically a tax arrearage  
22 and a tax plus interest. And, each year, we wind up in a  
23 tax debt (sic). So we pulled it through the investigation.  
24 We've now resolved the investigation, and it's clear that it  
25 was an error. At the time, the property was subdivided and

1 (indiscernible).

2 MAYOR PETRACCO: Okay.

3 COMMISSIONER EVANS: The tax itself, what's left  
4 the actual tax, which was about \$3,600, is (indiscernible).

5 MAYOR PETRACCO: So did they think they were  
6 paying too much, not enough, or --

7 COMMISSIONER EVANS: If they followed the bill  
8 that they were getting, they thought they were paying too  
9 much. The actual tax they paid was their fair share.

10 MAYOR PETRACCO: So they are not obligated to any  
11 -- okay.

12 COMMISSIONER EVANS: Yeah, they're not entitled to  
13 a refund because, again, they just never paid it, the  
14 disputed amount.

15 MAYOR PETRACCO: So they owe the money?

16 COMMISSIONER EVANS: We had a view that they owed  
17 the money. They had a view that they didn't owe the money.  
18 We've resolved it (indiscernible), but they (indiscernible).  
19 And --

20 MAYOR PETRACCO: I understand.

21 COMMISSIONER EVANS: -- the other person is  
22 (indiscernible).

23 MAYOR PETRACCO: Okay. Okay. Thank you.

24 COMMISSIONER EVANS: That's fine. I just have one  
25 other thing is that we have -- tonight we have a best

1 practices worksheet. It's our annual best practice schedule  
2 we have to file every year. We do have to comment on it on  
3 the record.

4 My, you know, only real comment on this is the  
5 questions change every year, but we were fortunate again  
6 that we were able to answer enough of the questions to  
7 guarantee that we get 100 percent of our state owe (sic).  
8 If you're below the bar, you can -- you're subject to risk  
9 on your state owe (sic).

10 The only thing I ask is that we did circulate the  
11 prior. There's a couple of questions that, if you note,  
12 they're answered no. And they're basically thoughtful  
13 questions of things that we might want to consider as we go  
14 forward.

15 For example, one of them is resolving our health  
16 care policy with regard to payments in lieu of taking health  
17 care. In light of, you know, what's going on in New Jersey,  
18 (indiscernible) that we're going to work on is while we have  
19 an accepted practice for fund balance, which is 75 percent  
20 of the fund balance is applied to tax relief. 25 percent  
21 will be managed (sic) of tax (indiscernible) during the  
22 year.

23 You don't have that documented as actually the  
24 formal policy. So, while we do it, it's not written down,  
25 because the standard policy -- it's not required to under

1 statute. It's not that we're missing anything. It's just  
2 under this checklist, as a best practice, they would suggest  
3 that it should be written down. So we're going to consider  
4 that. So there might be some --

5 UNIDENTIFIED SPEAKER: Excuse me. Could we go  
6 back to the health benefits:

7 COMMISSIONER EVANS: Yeah.

8 UNIDENTIFIED SPEAKER: One that you said we  
9 answered no to. We do for people to opt out. Is that what  
10 they're speaking about? Because we do make a payment for  
11 folks that want to opt out.

12 COMMISSIONER EVANS: Yes, the question is should  
13 we be making a payment.

14 UNIDENTIFIED SPEAKER: Should we?

15 COMMISSIONER EVANS: Yeah.

16 UNIDENTIFIED SPEAKER: The answer is --

17 COMMISSIONER EVANS: No.

18 (Pause)

19 UNIDENTIFIED SPEAKER: Yes, we should. Yes, we  
20 have.

21 COMMISSIONER EVANS: Yeah.

22 UNIDENTIFIED SPEAKER: And, if we're smart, we'll  
23 continue to do that.

24 COMMISSIONER EVANS: Right. And so, it says has  
25 your municipality --

1 UNIDENTIFIED SPEAKER: Which number is that? I'm  
2 sorry.

3 COMMISSIONER EVANS: Thirty-nine.

4 UNIDENTIFIED SPEAKER: Okay.

5 COMMISSIONER EVANS: Just the way the question is  
6 written, --

7 UNIDENTIFIED SPEAKER: Right.

8 COMMISSIONER EVANS: -- it's a no. And it's just  
9 we have -- because it suggested do we -- have we done that.  
10 And, when they're answering is it written, something it  
11 formalizes a formal investigation of review. And so, to my  
12 knowledge, we don't -- we haven't formalized that.

13 It's just like my end on the fund balance. I do  
14 it every year, but I have to --

15 UNIDENTIFIED SPEAKER: Right.

16 COMMISSIONER EVANS: -- put a piece of paper  
17 together and document it.

18 UNIDENTIFIED SPEAKER: But we never did, because  
19 the state has their policy. We just deferred to the state  
20 rule.

21 COMMISSIONER EVANS: And they have their policy on  
22 fund balance, too.

23 UNIDENTIFIED SPEAKER: So -- but they want one  
24 from us also?

25 COMMISSIONER EVANS: Because this is called the

1 best practices checklist.

2 UNIDENTIFIED SPEAKER: Right.

3 COMMISSIONER EVANS: So the idea is, while it's  
4 not required by statute and while they don't do it, they're  
5 suggesting that we do research (sic). So we had many  
6 debates on --

7 UNIDENTIFIED SPEAKER: Oh, okay. Well, I'm sure  
8 we can do that, but --

9 COMMISSIONER EVANS: We can talk more, but I know  
10 we called the state to ask those questions, and we basically  
11 just said fine, we'll accept this because our aid isn't in  
12 jeopardy.

13 UNIDENTIFIED SPEAKER: Right.

14 COMMISSIONER EVANS: Because, if it was on the  
15 line, then we would have argued more, but just --

16 UNIDENTIFIED SPEAKER: All right.

17 COMMISSIONER EVANS: But it's really good  
18 (indiscernible). Just I asked. So, you know, take a look.  
19 But, for the record, when we go outside, I'm simply going to  
20 recognize that we've completed it and that we all have  
21 looked at it and that we are pleased that we actually comply  
22 with the requirements to get 100 percent of the aid.

23 UNIDENTIFIED SPEAKER: Because we need it.

24 COMMISSIONER EVANS: We do.

25 MAYOR PETRACCO: Commissioner Scarpelli?

1           COMMISSIONER SCARPELLI: I have three resolutions  
2 settling water discrepancies. The first one is due to an  
3 equipment that was not compatible. The second is due to  
4 downloading problems with the software and our equipment  
5 that downloads. And the third was due to an over-excavate  
6 that we did in order to get them to put a new meter in. So  
7 those are the three adjustments in the water bill.

8           MAYOR PETRACCO: Okay.

9           COMMISSIONER SCARPELLI: And that's all I have.

10          MAYOR PETRACCO: I have a few, five resolutions.  
11 Somebody pulled a raffle license for -- I guess it's the  
12 Elks. I have an authorized expansion with liquor permits  
13 for Old Canal Inn. I have a liquor license renewal. I have  
14 an award of a fair and open contract for GTBM, Inc. And  
15 that's threee-ticketing program.

16          UNIDENTIFIED SPEAKER: Is that the same one we  
17 have now?

18          MAYOR PETRACCO: Yes, I believe it is.

19          MADAM CLERK: Yes.

20          MAYOR PETRACCO: Yep? Okay.

21                 And we also have a person-to-person liquor  
22 transfer application withdrawn from Southside Grill, which  
23 is the top of Midtown Bar & Grill, consumption liquor  
24 license.

25                 I'm a little confused about this one.

1 MADAM CLERK: Which one? The last one?

2 MAYOR PETRACCO: Yeah. Is it a person-to-person  
3 liquor license transfer application withdrawn?

4 MADAM CLERK: A withdrawal. He withdrew his  
5 application. So we just have to (indiscernible).

6 MAYOR PETRACCO: Okay. So, just for clarity,  
7 Midtown is staying at Midtown?

8 MADAM CLERK: Yes.

9 MAYOR PETRACCO: Okay. So we just have to read a  
10 resolution because it was withdrawn? Do you put an  
11 application to move it?

12 Okay. That's all I have this evening. And we  
13 need a short, very short, very short --

14 UNIDENTIFIED SPEAKER: Before we discuss this, --

15 MAYOR PETRACCO: -- executive session.

16 UNIDENTIFIED SPEAKER: -- potential litigation.  
17 Can I tag-team on that?

18 UNIDENTIFIED SPEAKER: Okay.

19 UNIDENTIFIED SPEAKER: Well, if we're going to in,  
20 we might as well cover that couple (sic) contract  
21 (indiscernible).

22 MADAM CLERK: (Indiscernible.)

23 UNIDENTIFIED SPEAKER: Really quick.

24 MAYOR PETRACCO: So litigation on contracts.

25 UNIDENTIFIED SPEAKER: There goes -- they're very

1 short.

2 UNIDENTIFIED SPEAKER: There goes the very short.

3 Just for the record, let it reflect that it's not --

4 UNIDENTIFIED SPEAKER: It's not your fault.

5 UNIDENTIFIED SPEAKER: This extended closed

6 session will not be --

7 UNIDENTIFIED SPEAKER: It's not your --

8 UNIDENTIFIED SPEAKER: -- our fault.

9 (Pause)

10 MAYOR PETRACCO: Go ahead.

11 UNIDENTIFIED SPEAKER: Is the esteemed township

12 attorney piling on?

13 MAYOR PETRACCO: Do you need a motion?

14 Motion to move into executive for litigation and

15 contract matters.

16 UNIDENTIFIED SPEAKER: Second.

17 MADAM CLERK: Commissioner Rogers?

18 COMMISSIONER ROGERS: Aye.

19 MADAM CLERK: Commissioner Tucci?

20 COMMISSIONER TUCCI: Aye.

21 MADAM CLERK: Commissioner Evans?

22 COMMISSIONER EVANS: Aye.

23 MADAM CLERK: Commissioner Scarpelli?

24 COMMISSIONER SCARPELLI: Aye.

25 MADAM CLERK: Mayor Petracco?

1 MAYOR PETRACCO: Aye.

2 MADAM CLERK: Okay.

3 WHEREAS, the board of commissioners of the  
4 township of Nutley in the county of Essex in the state of  
5 New Jersey decides to proceed to closed executive session.

6 NOW, THEREFORE, BE IT RESOLVED by the board of  
7 commissioners of the township of Nutley that the township  
8 commissioners shall now move into closed executive session  
9 to discuss litigation contracts.

10 Is that the whole?

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

17 Time is now (indiscernible)e

18 UNIDENTIFIED SPEAKER: And personnel. Add  
19 personnel to that, too.

20 MADAM CLERK: And personnel.

21 UNIDENTIFIED SPEAKER: Yes. That's another short.  
22 That's like one --

23 UNIDENTIFIED SPEAKER: See you guys around 8:30.

24 (Laughter)

25 MAYOR PETRACCO: No later than a quarter to 9:00.

1 UNIDENTIFIED SPEAKER: I won't be out there. I  
2 won't. I'm so sorry. No, I won't.

3 MAYOR PETRACCO: We'll be short.

4 UNIDENTIFIED SPEAKER: Mayor, can we deal with him  
5 real quickly and then let him go out so we can --

6 MAYOR PETRACCO: Yeah, I think we should have a  
7 little pact (sic) here, too.

8 COMMISSIONER EVANS: Are you going to take that  
9 thing out, too?

10 MAYOR PETRACCO: By like 7:35, we should be out  
11 there.

12 Alan, by 7:35 -- guys, let's try to be out there.  
13 No later.

14 Is that still recording right now?

15 UNIDENTIFIED SPEAKER: They're not recording, no.

16 MAYOR PETRACCO: So I'm a little confused about  
17 these minutes, if I may. I don't know what you guys --  
18 Alan, will you help me? Because obviously, I wasn't here in

19 --

20 (Audio gap from 7:20:48 to 7:55:51)

21 UNIDENTIFIED SPEAKER: Please, rise for the  
22 pledge.

23 (Pledge of Allegiance)

24 MAYOR PETRACCO: Okay. Now, let's see.

25 Madam Clerk?

1 MADAM CLERK: Yes, Mayor.

2 Board of commissioners public meeting Tuesday,  
3 October 7, 2014.

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

11 Commissioner Rogers?

12 COMMISSIONER ROGERS: Here.

13 MADAM CLERK: Commissioner Tucci?

14 Commissioner Tucci?

15 COMMISSIONER TUCCI: Here.

16 MADAM CLERK: Commissioner Evans?

17 COMMISSIONER EVANS: Here.

18 MADAM CLERK: Commissioner Scarpelli?

19 MR. SCARPELLI: Here.

20 MADAM CLERK: Mayor Petracco?

21 MAYOR PETRACCO: Here.

22 MADAM CLERK: All present, Mayor.

23 MAYOR PETRACCO: Thank you.

24 We are going to take a couple things out of order.

25 Before we do that tonight, I just want us to give a warm

1 welcome to our new clerk.

2 We wish you the absolute best.

3 Eleni Pettas is our new town clerk.

4 Hope you're here a very, very long time. And, if  
5 you need any of our help, we're always here to help.

6 MADAM CLERK: Thank you.

7 MAYOR PETRACCO: Thank you.

8 Let's give her a round of applause, a real  
9 welcome, Nutley.

10 (Applause)

11 MADAM CLERK: Thank you.

12 MAYOR PETRACCO: You are very welcome.

13 Okay. Now, we are going to take a resolution out  
14 of order where I believe Commissioner Tucci's going first.

15 COMMISSIONER TUCCI: Yes.

16 And I'd like to apologize to everyone for our  
17 extensive closed session, but there were just some things  
18 that we needed to deal with.

19 Having said that, WHEREAS, the Third Half Club of  
20 Nutley will celebrate its 75th anniversary of service to the  
21 youth of our community on Saturday, October 18th, 2014,  
22 adopting the motto dedicated to the youth of Nutley; and

23 WHEREAS, the Third Half Club of Nutley was formed  
24 by a group of Nutley citizens in 1939 to raise funds needed  
25 to send the Nutley High School football team to Florida to

1 play for the national high school football championship; and

2 WHEREAS, the Nutley High School football team of  
3 1939 defeated Suwanee High School with a final score of 14  
4 to 0; and

5 WHEREAS, for the past 75 years, the objective of  
6 the Third Half Club of Nutley is to bring together socially  
7 and fraternally the men and women who are graduates of  
8 Nutley High School, parents of students attending Nutley  
9 schools, and all sports-minded citizens; and

10 WHEREAS, the objectives are also to provide an  
11 incentive for participation in athletic events; help, aid,  
12 and assist worthy students; pay tribute to students for  
13 their participation in the field of athletics and associated  
14 activities;

15 NOW, THEREFORE, BE IT RESOLVED by the board of  
16 commissioners of the township of Nutley, county of Essex,  
17 New Jersey that we hereby recognize and congratulate the  
18 Third Half Club of Nutley on its 75th anniversary and their  
19 dedicated services to the township of Nutley and its  
20 residents and hereby declare Saturday, October 18th, 2014 as  
21 Third Half Club of Nutley Day.

22 I proudly move the resolution.

23 COMMISSIONER EVANS: Second.

24 MADAM CLERK: Commissioner Rogers?

25 COMMISSIONER ROGERS: You've brought much pride

1 and honor to this community. Thank you very much.

2 Aye.

3 MADAM CLERK: Commissioner Tucci?

4 COMMISSIONER TUCCI: Aye.

5 MADAM CLERK: Commissioner Evans?

6 COMMISSIONER EVANS: Wonderful organization. I

7 love what you guys do. You focus on our youth.

8 Absolutely, aye.

9 MADAM CLERK: Commissioner Scarpelli?

10 COMMISSIONER SCARPELLI: Congratulations on 75.

11 Hope for 75 more.

12 Yes.

13 MADAM CLERK: Mayor Petracco?

14 MAYOR PETRACCO: And I echo everybody's  
15 statements. I can remember in the 1970s standing on a stage  
16 at the Nutley Elks with Steven Serro (ph) over there with  
17 the Elks and the Third Half Club. And it's great to still  
18 have you guys around. Best of luck. Congratulations.

19 I vote aye.

20 (Applause)

21 UNIDENTIFIED SPEAKER: Commissioner, please?

22 UNIDENTIFIED SPEAKER: (Indiscernible.)

23 (Pause)

24 MAYOR PETRACCO: Thanks, Sam (sic)e

25 UNIDENTIFIED SPEAKER: Right.

1           MAYOR PETRACCO: Thank you so much.

2           (Applause)

3           MAYOR PETRACCO: Want a picture?

4           Sam, can we get a picture for Mr. White?

5           (Pause)

6           MAYOR PETRACCO: Okay.

7           Commissioner Rogers, I understand you have a  
8 resolution, too?

9           COMMISSIONER ROGERS: Yes.

10          Ladies and gentlemen, what makes Nutley one of the  
11 greatest towns in this state, if not the country, are the  
12 volunteers, and we just saw a resolution by Commissioner  
13 Tucci honoring these volunteers. Well, there are another  
14 group of volunteers here who have worked tirelessly over the  
15 years to heighten the awareness of breast cancer.

16          They work very hard. I could tell you this. The  
17 women that call our office, the women who take advantage of  
18 the women's health clinics, those who have somewhat  
19 troubling news we are able to refer to thriving survivors.  
20 And this group of women, who are here tonight, brings these  
21 individuals under their wings. They bring them comfort.  
22 They bring them love. They bring them the support that they  
23 would get nowhere else.

24          So it's in the spirit of what they do that I  
25 introduce this resolution. But, before I do, I would like

1 to have them stand and us give you our thanks.

2 (Applause)

3 MAYOR PETRACCO: So why don't you guys come right  
4 up front? Why don't you guys all come to the podium? All  
5 of yous.

6 COMMISSIONER ROGERS: Yeah, everyone in thriving  
7 survivors, as the mayor said, come up front.

8 MAYOR PETRACCO: He's going to read the resolution  
9 now.

10 COMMISSIONER ROGERS: I'm going to read the  
11 resolution. And look, this resolution is on behalf of this  
12 entire board of commissioners. These four gentlemen up here  
13 really, truly have put their hearts all -- and the spirit  
14 into a lot of things we do in town. And this is one of the  
15 organizations we certainly do.

16 WHEREAS, in 2014, an estimated 232,670 new cases  
17 of invasive breast cancer and 62,570 cases of non-invasive  
18 breast cancer are expected to be diagnosed in women in the  
19 United States; and

20 WHEREAS, in 2014, approximately 40,000 women will  
21 lose their lives as a result of the breast cancer; and

22 WHEREAS, breast cancer is the second leading cause  
23 of cancer death for women in the United States after lung  
24 cancer; and

25 WHEREAS, recent strides in early detection,

1 including the use of mammography and prompt treatment, have  
2 significantly reduced the suffering and deaths caused by  
3 this disease; and

4 WHEREAS, the Department of Public Affairs -- and I  
5 want to add the Nutley Board of Commissioners -- will  
6 continue to work with the Nutley Thriving Survivors, a non-  
7 profit corporation, to develop programs to increase  
8 awareness of the symptoms of breast cancer and to support  
9 those women and men who may be diagnosed with this disease;

10 NOW, THEREFORE, BE IT RESOLVED that the board of  
11 commissioners of the township of Nutley, county of Essex,  
12 state of New Jersey declare October as breast cancer  
13 awareness month.

14 BE IT FURTHER RESOLVED that we urge all women and  
15 their families in the township of Nutley to seek assistance  
16 in obtaining the facts and information about breast cancer,  
17 mammography, and available support groups for victims and to  
18 participate in the program scheduled this year for residents  
19 of the township and breast cancer survivors.

20 BE IT FURTHER RESOLVED that residents are  
21 encouraged to join the Thriving Survivors and celebrate the  
22 lives of Nutley women who have been affected by breast  
23 cancer by attending the 12th Annual Nutley Thriving  
24 Survivors brunch on Sunday, October 26th, 2014 at 11:00.

25 So move.

1 COMMISSIONER EVANS: Second.

2 MADAM CLERK: Commissioner Rogers?

3 COMMISSIONER ROGERS: Aye.

4 MADAM CLERK: Commissioner Tucci?

5 COMMISSIONER TUCCI: Aye.

6 MADAM CLERK: Commissioner Evans?

7 COMMISSIONER EVANS: Aye.

8 MADAM CLERK: Commissioner Scarpelli?

9 COMMISSIONER SCARPELLI: Aye.

10 MADAM CLERK: Mayor Petracco?

11 MAYOR PETRACCO: Mike off. There we go.

12 Just a quick comment before I vote as well. You  
13 know, I go to a lot of mayors' conferences and things like  
14 that. And a lot of times, I'm in South Jersey or, you know,  
15 all over the state.

16 And I have to tell you I'm with like 20 different  
17 mayors. And every time I go to these conferences, as soon  
18 as I say, you know, I'm the mayor of Nutley, all of them say  
19 the same thing every time. "Mayor, what a great town you  
20 guys have."

21 And I have to say it's not because of us,  
22 obviously, although we like to think that at times. But  
23 it's because of the people who live here. It's because of  
24 the organizations that are here in town. It's about the  
25 community spirit and what we stand for.

1           And, just like, you know, we praised (sic) the  
2 Third Half Club tonight, also the Thriving Survivors. I see  
3 what you guys do. It's unbelievable the commitment that  
4 everyone has, the love, the passion for it. And you are the  
5 reason why the township of Nutley shines. So I'd just like  
6 to say that.

7           And I'd like to vote aye as well.

8           UNIDENTIFIED SPEAKER: Photo op. time. I never  
9 give one up.

10          UNIDENTIFIED SPEAKER: Yep.

11          MS. FLEITELL: Anyone who is in any leadership  
12 position knows that you can only be as good a leader as the  
13 people that work with you. And I've been the president of  
14 this organization for 12 years, but nothing, nothing gets  
15 done without these ladies that are standing with me. They  
16 get everything done.

17          And the Department of Public Affairs -- they help  
18 me get everything done. So I'm just the figurehead. I'll  
19 take phone calls anytime of any day, but they do the running  
20 around. And that's really important. I think people need  
21 to know that.

22          And I want to say one other thing. One of our  
23 major thrusts is to celebrate, to celebrate that we're  
24 thriving and surviving. Because, once you are diagnosed,  
25 you don't know that you're going to survive. And, even

1 those of us who are, we don't know how many days we're going  
2 to have to survive. So we want to celebrate every day. And  
3 that's what we're about.

4 We're not about raising large amounts of money for  
5 a lot of large cancer organizations. There are other  
6 organizations that can do that for the research, for a damn  
7 cure. We're about raising money to celebrate our lives.

8 And I thank all of you for all of your support,  
9 and I thank all of the commissioners for recognizing the  
10 work that all of these ladies do. Thank you so much for  
11 allowing us to be who we are.

12 (Applause)

13 (Pause)

14 MAYOR PETRACCO: Commissioner Rogers, did you have  
15 one more, or is that it?

16 COMMISSIONER ROGERS: That's it until the -- is  
17 that right, Mauro?

18 UNIDENTIFIED SPEAKER: Commissioner, we have the  
19 resolution on the garbage fund.

20 COMMISSIONER ROGERS: Oh, yeah. Oh, yeah.

21 MAYOR PETRACCO: Oh, excuse me. Yes.

22 Sir, did you have something to say at the mike?

23 UNIDENTIFIED SPEAKER: Oh, no.

24 MAYOR PETRACCO: You sure? Thank you.

25 Okay.

1           Yeah, you want to introduce him?

2           COMMISSIONER ROGERS: I have a resolution on the  
3 township garbage contract. But, before I do that, I have a  
4 statement to make, and I'm going to ask my colleagues to  
5 join me in the statement. Then we're going to have a couple  
6 of people explain some of the things that we were going to  
7 be doing with the garbage pickups in the future.

8           First of all, as the EEP and the EEP regulations  
9 over the years have changed, they've changed with regard to  
10 regulations in reference to our environment and sanitation  
11 pickup. The costs of picking up garbage has gradually  
12 increased. This is a reality not unique to Nutley. It's a  
13 reality that every local government in this state, if not  
14 across the country, must face.

15           However, I'm pleased to say that we are in the  
16 process now of negotiating a garbage contract that will  
17 enable us to maintain the high level of service we now  
18 enjoy. And, at the same time -- and this is very, very  
19 important -- at the same time control costs.

20           This board of commissioners is very cognizant of  
21 the fact that people are concerned about their taxes. We  
22 know that. But I've never -- at least in quite a long time  
23 -- seen a more hard-working group of individuals looking out  
24 for the benefit of the taxpayers of this community.

25           Where we are today with the garbage contract --

1 and you're going to hear about that very soon. It took a  
2 lot of hard work on the part of all of my colleagues on this  
3 dais.

4 I personally want to thank Commissioner Scarpelli.  
5 He has been very critical -- he has been very good in  
6 providing critical input in relations and issues related to  
7 vegetation and recycling. That is very important in this  
8 day and age, so important that it has resulted in cost  
9 increase. But, because of his work and what he's brought to  
10 the table, his expertise, we've been able to really cut  
11 costs.

12 I can't thank Commissioner Evans enough. The guy  
13 knows his numbers. He was so instrumental in helping us  
14 keep costs down.

15 And then, there's Commissioner Tucci and  
16 Mayor Petracco. You know, it's a real good feeling as one  
17 commissioner to be able to go to each of your individual  
18 colleagues and to ask their opinions and their advice.  
19 "What do you think? Should we go down this road? Should we  
20 go down that road"?

21 Their corporate knowledge over the years has been  
22 a tremendous help in putting together a package here that'll  
23 be beneficial to the taxpayers of this township. This was  
24 truly a team effort on behalf of the taxpayers of this  
25 community. Make no mistake about that. A team effort on

1       behalf of the taxpayers of this community.

2               They even went so far as to build a framework for  
3       a new contract that developed a shared service with the  
4       Nutley School District. And our consultant and our town  
5       attorney will be able to share with you momentarily on just  
6       exactly what we were able to save the school district.

7               I also want to thank the town attorney, Mr. Alan  
8       Genitempo. A lot of night telephone calls. A lot of  
9       morning meetings. A lot of stress. Because where we were  
10      and where we are now is a wide gap, again, all for the  
11      benefit of the taxpayers.

12              And tonight, you're going to hear from Mr. Wayne  
13      DeFeo. Mr. DeFeo was brought to me by the town attorney.  
14      We knew we needed an expert.

15              We knew we needed someone who knows this business  
16      in and out, because, frankly, no commissioner knows  
17      everything. No one commissioner knows the rules and the  
18      regulations and the things that go on in putting together a  
19      contract that would be beneficial to their community. So  
20      again, this was a team effort.

21              And now, I'd like to introduce Mr. Wayne DeFeo,  
22      the consultant we brought onboard and then ask our town  
23      attorney and my colleagues here to say a few words.

24              MR. DEFEO: Mr. Mayor, Commissioners, I'd like to  
25      present to you a summary of the negotiations that have taken

1 place today.

2           MAYOR PETRACCO: Can you just state your name and

3 --

4           MR. DEFEO: My name is Wayne DeFeo with DeFeo  
5 Associates, 15 Washington Valley Road, Warren, New Jersey.

6           MAYOR PETRACCO: Thank you.

7           MR. DEFEO: My pleasure.

8           First, let me point out this is -- as the  
9 commissioner has pointed out, it's been a long road. And  
10 tonight before you is the conceptual framework of a contract  
11 that will run until October 31st, 2019. The contract  
12 presented to you tonight will have a five-year fixed rate  
13 for solid waste collection services. No increases over the  
14 next five years.

15           The contract will allow for much of the same  
16 service that you have now, but also importantly, will  
17 include the collection of the schools at no additional  
18 charge. You know that the school system's best price would  
19 have been over \$34,000 a year. That number, hopefully, will  
20 be saved by the taxpayers.

21           The contract works out to include some additional  
22 services, some additional equipment, and it does make one  
23 major change in your town, which I think will work to your  
24 benefit. It eliminates garbage collection on Saturdays. It  
25 will consolidate your town into two zones from three. But,

1 because of that, you won't have solid waste trucks running  
2 around town on Saturday morning. Something to be said for  
3 that, if you're tired.

4 But, of course, most importantly perhaps, from a  
5 taxpayer's perspective, is the cost. As I said, number one,  
6 you'll have a fixed five-year contract of a collection of  
7 solid waste. To break it down into terms that I like to use  
8 whenever I am doing such a presentation, it effectively  
9 equates to a charge of \$1 per household per collection  
10 cycle.

11 Every time a truck comes to your house, it's  
12 costing you, the taxpayer, about \$1. I defy you to find,  
13 pretty much, even a cup of coffee for less than that in this  
14 town or anywhere else. That alone makes this an awfully  
15 good service.

16 I would also point out to you, as I have pointed  
17 out in the beginning of these negotiations, Nutley, in my  
18 experience -- and I have worked on solid waste contracts  
19 throughout the state of New Jersey, and I have worked in  
20 this industry for more than 20 years -- provides an ultra-  
21 high -- I guess I would call it a platinum level of service  
22 to its residents.

23 To have people come to your home so frequently to  
24 collect so much material -- you essentially offer unlimited  
25 material collections -- twice a week is a dying service, a

1 service many towns are doing away with. That you've been  
2 able to maintain that is something to your credit and to  
3 your attorney's credit.

4 In brief, you will receive once-a-week bulk (sic)  
5 collection, receive school collection. You'll receive a new  
6 piece of equipment at your Department of Public Works yard,  
7 and you will receive all of these things on a fixed contract  
8 for collection for five years. That's something, I think,  
9 you can be very happy with.

10 As far as vegetative waste, that is something  
11 that's been negotiated at a charge, essentially, during the  
12 roughly eight months that vegetative waste is generated --  
13 you don't generate much in the winter months -- of about 38  
14 cents per collection cycle per household. Also, I think, a  
15 remarkably inexpensive service.

16 Many towns do not even provide vegetative waste  
17 collection in the auger (sic). By the way, in some towns,  
18 they tell you, "You keep it," which is something for you to  
19 consider as a great service to your residents.

20 So, in brief, you have a solid waste collection  
21 system that will provide a five-year fixed contract for the  
22 collection. And concurrently, which has nothing to do with  
23 this contract, but just so happened good news sometimes  
24 comes together, which is the nice thing occasionally. As  
25 you know, Essex County has negotiated a lower contract on

1 your disposal rate. So you will save additional money next  
2 year for every ton of solid waste that is disposed of.

3 You have two things working in your favor going  
4 forward. And, if you have any questions, I'll be happy to  
5 answer them.

6 UNIDENTIFIED SPEAKER: Mr. Town Attorney?

7 MR. GENIEMPO: Yeah, I'd like to just add that,  
8 instead of a three-zone pickup, we'll be going to two zones.  
9 So you'll be either on a Monday/Thursday schedule or a  
10 Tuesday/Friday. All bulk waste will be picked up on  
11 Wednesdays, along with the vegetative waste, leaves, grass  
12 clippings, and, of course, vegetative material. And this  
13 will be done in a way that will make it easier for everyone  
14 to remember.

15 And Commissioner Scarpelli will talk about  
16 recycling, and those days, again, will stay the same.  
17 They're not going to change.

18 In terms of the white goods are the same pickup in  
19 terms of in the past. You call the township, and that'll be  
20 taken care of. The important thing to note is that we will  
21 be saving money on the tipping fees in addition to the ones  
22 that Wayne told us about, because we're removing vegetative  
23 waste from the regular garbage collection, which is at about  
24 \$90 a ton.

25 That will come out of the garbage, and we should

1 save money on our overall tonnage. So there's maybe a very  
2 significant savings there. We won't know until we go  
3 through a year's cycle.

4 I want to thank the board of ed., because they've  
5 been very cooperative in working with us in getting their  
6 bids out and understanding the savings. The board of ed.  
7 currently pays about \$45,000 a year, and we're going to be  
8 able to save that almost that total amount right off the top  
9 for the next five years, which is almost a quarter of a  
10 million dollars. It's a significant savings.

11 An example of another shared service agreement  
12 that I've had the pleasure to be part of since I've been  
13 doing this job. Over the last several months, I think  
14 they're probably the fourth or fifth one that we've had with  
15 the board of ed., and all of them have resulted in  
16 significant savings.

17 So I want to thank Wayne. I think having Wayne  
18 onboard has been extremely valuable to us. He has been able  
19 to redo our entire bidding package, which was, unfortunately  
20 for us, in error.

21 Not anybody's fault, but had not been brought up  
22 to speed in terms of current regulations. And I hope to  
23 have a contract for the commissioners to review and execute  
24 hopefully at our next meeting with the final of the terms  
25 that we're working on. Thank you.

1           COMMISSIONER ROGERSE And, before my colleagues  
2 weigh in, I just want to emphasize that this will not go  
3 into effect probably around November. I just want to make  
4 sure that clarity on Saturday pickups. I don't want people  
5 to think we're eliminating Saturday immediately.

6           Nothing's going to go into effect until the  
7 contract is signed. And we will notify, to the best of our  
8 ability, every resident in this community. So I'd like to  
9 hear from my colleagues.

10          MAYOR PETRACCO: I'd just like to ask Wayne one  
11 thing to do.

12          Wayne, can you tell us and tell our residents here  
13 and for the record what kind of garbage service Nutley gives  
14 our residents compared to most towns that you represent?

15          MR. DEFEO: As you know, most towns are going  
16 today, you're seeing a real trend for once a week  
17 collection. We're also seeing a very heavy trend for  
18 limited collection. Whereas you allow residents to put out  
19 essentially anything they want in terms of quantity. Many  
20 towns are reducing that to one can or two cans.

21          Some towns have even gone so far as fining  
22 residents if they put a third can out or a second can and  
23 substantial fines, \$100 a can in some cases. That you don't  
24 do any of that is fairly -- is very generous, not fairly.  
25 That you collect any form of vegetative waste, leaves

1 currently. Going forward, a little more.

2 Many towns do that, but many towns are starting to  
3 back off of that and say, "You know what? They're your  
4 leaves. Keep them on your yard. You deal with them." It's  
5 quite a convenience.

6 As far as bulk waste, once a week -- many  
7 communities are moving towards four times a year, and that's  
8 it, where you pay a separate fee for anything you put at the  
9 curb. You don't charge anything extra for any of that. So  
10 it's really quite a significant benefit.

11 MAYOR PETRACCO: Thank you.

12 Anyone else?

13 COMMISSIONER EVANS: Can I just add a point of  
14 clarification on the bulk stuff picked up on the Wednesdays?

15 COMMISSIONER ROGERS: Yes.

16 COMMISSIONER EVANS: If I understand it correctly,  
17 we're still not limiting what people can put out on the  
18 curb. So, whatever you put out.

19 UNIDENTIFIED SPEAKER: That's correct. Other than  
20 the weight limitation that currently exists.

21 COMMISSIONER EVANS: Yeah, which is --

22 UNIDENTIFIED SPEAKER: Per unit, per item.

23 COMMISSIONER EVANS: What is humanly possible for  
24 somebody to pick up.

25 UNIDENTIFIED SPEAKER: Correct.

1 COMMISSIONER EVANS: Thank you.

2 MAYOR PETRACCO: Okay. Mauro?

3 COMMISSIONER TUCCI: If I might, Wayne. So there  
4 would be no reduction in the type of waste that's put out to  
5 be collected? The only change will be moving from the zones  
6 to two zones? So there's a reeducation process that's  
7 involved with that, all right, because we may run into some  
8 instances -- I'm sure Commissioner Scarpelli will address it  
9 -- where refuse will be out with recycling, right?

10 This is an excellent contract. Our previous  
11 contract was very beneficial for Nutley, and I think it's  
12 important to say. Not so beneficial for the collector,  
13 because the collector went bankrupt. That's how bad that  
14 was.

15 So, while there are savings inherent in this  
16 contract because of the way it was constructed and all the  
17 hard work that went into it, there is still an increase that  
18 I'm sure we will mitigate, all right, because of good  
19 planning. All right? But there is an educational curve  
20 that we need to accomplish.

21 And, as you said before, what we experience here  
22 in Nutley is a platinum service. Many communities you can  
23 put out one can. All right? You have to pay in some other  
24 communities per bag or per can. So what we enjoy here is  
25 top-notch service. All right? Which is what our people are

1 accustomed to and something that we're going to continue.  
2 But I think it was an excellent job on everyone's part, and  
3 I just want to congratulate everybody on the fine job.

4 MAYOR PETRACCO: Commissioner Scarpelli?

5 COMMISSIONER SCARPELLI: Yeah, I'd like to thank  
6 Commissioner Rogers and Mr. Genitempo and Mrs DeFeo for all  
7 their hard work, their consulting with the Public Works  
8 Department as we went forward. As Commissioner Tucci said,  
9 this is going to be an educational piece, not only for the  
10 residents, but for ourselves as we move forward.

11 We're going to have recycling and garbage out on  
12 the same days, which is going to be a little challenging.  
13 But I think we'll be able to work through that.

14 We're also going to have education on how much  
15 waste we're generating, on the vegetative side, that we all  
16 know at this point. So you guys have done a great job and  
17 hard work.

18 And one of the things I've been pushing for, which  
19 does get accomplished by going to the two zones, is getting  
20 the solid waste and trash off the avenue on Friday evenings.  
21 Because you drive down Friday night down Franklin Avenue, it  
22 looks like a bomb goes off.

23 So we'll be able to eliminate that eyesore,  
24 especially on Friday night, when our restaurants and other  
25 establishments are trying to do business, and it doesn't

1 look the best that it should look. We'll be able to  
2 eliminate that. So I'd like to thank you all for all your  
3 help.

4 MAYOR PETRACCO: Yep.

5 COMMISSIONER ROGERS: (Indiscernible) any other  
6 questions?

7 COMMISSIONER EVANS: Commissioner Rogers?

8 COMMISSIONER ROGERS: Yeah, I'm ready to --

9 COMMISSIONER EVANS: Hey, Steve, before --

10 COMMISSIONER ROGERS: Yeah.

11 COMMISSIONER EVANS: I had a comment. I just  
12 wanted to pick up on what Commissioner Tucci mentioned. And  
13 we discussed this as a board, but, you know,  
14 Commissioner Rogers really lead the way with this with our  
15 council and our attorney.

16 The important part about it was we basically took  
17 a firm stand. We were willing to reject bids that didn't  
18 make any sense. We were willing to negotiate. We were  
19 willing to realize that we couldn't do this ourselves, and  
20 we went ahead and got some expert help to do that.

21 And, by taking a firm hand, I'm confident that  
22 where we've landed is well within our means of the two  
23 percent cap levy on a levy basis. So we've been able to  
24 manage that.

25 And, you know, thank you for saying some of the

1 stories that are out there for what towns are paying,  
2 because we've been able to land in a very favorable  
3 position.

4 UNIDENTIFIED SPEAKER: And maintain our service.

5 COMMISSIONER EVANS: That's right, yes.

6 COMMISSIONER ROGERS: Okay, Mr. DeFeo, thank you  
7 very much.

8 MR. DEFEO: Thank you.

9 COMMISSIONER ROGERS: And now, Mr. Mayor, I'd like  
10 to introduce the --

11 MAYOR PETRACCO: Yep. We just have to move the  
12 resolution.

13 COMMISSIONER ROGERS: We've got to move the  
14 resolution.

15 MAYOR PETRACCO: Oh, sure.

16 Mr. DeFeo, thank you very much. We appreciate you  
17 coming out. Yep.

18 Okay. Commissioner Rogers is going to read that  
19 resolution now.

20 COMMISSIONER ROGERS: BE IT RESOLVED that the  
21 board of commissioners of the township of Nutley in the  
22 county of Essex in the state of New Jersey gives permission  
23 to the township attorney to negotiate a five-year contract  
24 with Future Sanitation and Recycling.

25 e So moved.

1 COMMISSIONER SCARPELLI: Second.

2 MADAM CLERK: Commissioner Rogers?

3 COMMISSIONER ROGERS: Aye.

4 MADAM CLERK: Commissioner Tucci?

5 COMMISSIONER TUCCI: Aye.

6 MADAM CLERK: Commissioner Evans?

7 COMMISSIONER EVANS: Aye.

8 MADAM CLERK: Commissioner Scarpelli?

9 COMMISSIONER SCARPELLI: Aye.

10 MADAM CLERK: Mayor Petracco?

11 MAYOR PETRACCO: Aye.

12 Okay. I think that's all the stuff that we're  
13 going to take out of order. All right? Now, we're going to  
14 see if we can get back into order.

15 Madam Clerk, I think we have to do the minutes  
16 next.

17 MADAM CLERK: Yes, Mayor. We have several  
18 minutes. We'll start with the executive session minutes for  
19 2005.

20 I need a motion.

21 UNIDENTIFIED SPEAKER: Move it.

22 UNIDENTIFIED SPEAKER: Second.

23 MADAM CLERK: Commissioner Rogers?

24 COMMISSIONER ROGERS: Abstain.

25 MADAM CLERK: Commissioner Tucci?

1           COMMISSIONER TUCCI: I vote yes, except for the  
2 meetings of -- Alan, pay attention -- January 18th,  
3           March 14th, May 3rd, and August 2nd.

4           MADAM CLERK: Commissioner Evans?

5           COMMISSIONER EVANS: Yes, except for the meeting  
6 minutes for July 5th.

7           MADAM CLERK: Commissioner Scarpelli?

8           COMMISSIONER SCARPELLI: I abstain.

9           MADAM CLERK: Mayor Petracco?

10          MAYOR PETRACCO: I vote yes for all of them,  
11 except for -- I have to abstain on --

12          MR. GENITEMPO: Commissioner, you have to abstain  
13 on all of them.

14          MAYOR PETRACCO: Yeah.

15          UNIDENTIFIED SPEAKER: On all of them.

16          MAYOR PETRACCO: Okay. I will abstain.

17          MR. GENITEMPO: Can I just sum up -- Mayor, can I  
18 summarize what we're doing, just so --

19          MAYOR PETRACCO: Yeah, please.

20          MR. GENITEMPO: Sure. Thank you.

21                 This was an area, one of the last duties that she  
22 did was to try to clean up some of the things that had not  
23 been done in the past. And so, she had to summarize and put  
24 together for us other minutes of meetings that had not been  
25 put forward. So this is a summary of all of those.

1           And some of the commissioners were not  
2 commissioners at the time. They cannot vote on those  
3 particular ones. The commissioners that were in elected  
4 office at that time can vote, as long as they are familiar  
5 with the executive session minutes for that -- from that  
6 particular session.

7           Ms. Pettas did a great job of summarizing these  
8 and putting them together and understanding which ones  
9 you're allowed to vote on and which ones you're not. A  
10 simple majority of those not abstaining is enough to carry  
11 approval of the minutes.

12           So, as we just did with 2005, we're going to go  
13 forward with the rest. Just understand which ones you can  
14 vote on and which ones you need to abstain for. Thank you.

15           MAYOR PETRACCO: Okay. Thank you, Counsel.

16           We will now move on to communications and  
17 correspondence.

18           UNIDENTIFIED SPEAKER: Well, we have to deal with  
19 the rest of the years.

20           UNIDENTIFIED SPEAKER: We've got to do the rest of  
21 those years.

22           MAYOR PETRACCO: Like a year at a time.

23           MADAM CLERK: Right.

24           MAYOR PETRACCO: Go ahead. I'm sorry.

25           MADAM CLERK: Executive session minutes for 2007.

1 I need a motion.

2 UNIDENTIFIED SPEAKER: Move it.

3 UNIDENTIFIED SPEAKER: Second.

4 MADAM CLERK: Commissioner Rogers?

5 COMMISSIONER ROGERS: Abstain.

6 MADAM CLERK: Commissioner Tucci?

7 COMMISSIONER TUCCI: I vote yes, with the  
8 exception of the February 7th and August 20th meeting.

9 MADAM CLERK: Commissioner Evans?

10 COMMISSIONER EVANS: Aye.

11 MADAM CLERK: Commissioner Scarpelli?

12 COMMISSIONER SCARPELLI: I abstain.

13 MADAM CLERK: Mayor Petracco?

14 MAYOR PETRACCO: I abstain.

15 MADAM CLERK: Executive session minutes for 2008?

16 I need a motion.

17 UNIDENTIFIED SPEAKER: Motion.

18 UNIDENTIFIED SPEAKER: Second.

19 MADAM CLERK: Commissioner Rogers?

20 COMMISSIONER ROGERS: Abstain.

21 MADAM CLERK: Commissioner Tucci?

22 COMMISSIONER TUCCI: I vote yes, with the  
23 exception of the December 31st executive session meeting.

24 MADAM CLERK: Commissioner Evans?

25 COMMISSIONER EVANS: Yes, except for August 5th.

1 MADAM CLERK: Commissioner Scarpelli?

2 COMMISSIONER SCARPELLI: Yes, except for March 4th  
3 and March 18th.

4 MADAM CLERK: Mayor Petracco?

5 MAYOR PETRACCO: I abstain.

6 MADAM CLERK: Executive session minutes for 2009?  
7 I need a motion.

8 UNIDENTIFIED SPEAKER: Move it.

9 UNIDENTIFIED SPEAKER: Second.

10 MADAM CLERK: Commissioner Rogers?

11 COMMISSIONER ROGERS: Abstain.

12 MADAM CLERK: Commissioner Tucci?

13 COMMISSIONER TUCCI: Yes, with the exception of  
14 January 6th.

15 MADAM CLERK: Commissioner Evans?

16 COMMISSIONER EVANS: Yes, except for May 5th and  
17 October 6th.

18 MADAM CLERK: Commissioner Scarpelli?

19 COMMISSIONER SCARPELLI: Yes.

20 MADAM CLERK: Mayor Petracco?

21 MAYOR PETRACCO: Yes.

22 MADAM CLERK: Executive session minutes for 2010?

23 UNIDENTIFIED SPEAKER: Move it.

24 UNIDENTIFIED SPEAKER: Second.

25 MADAM CLERK: Commissioner Rogers?

1 COMMISSIONER ROGERS: Abstain.

2 MADAM CLERK: Commissioner Tucci?

3 COMMISSIONER TUCCI: Yes, with the exception of  
4 March 16th, June 1st, August 3rd, and November 9th.

5 MADAM CLERK: Commissioner Evans?

6 COMMISSIONER EVANS: Yes, except for June 1st.

7 MADAM CLERK: Commissioner Scarpelli?

8 COMMISSIONER SCARPELLI: Yes, except for June 15th  
9 and December 30th.

10 MADAM CLERK: Mayor Petracco?

11 MAYOR PETRACCO: Yes, except for January 26th,  
12 August 17th, and November 9th.

13 MADAM CLERK: We're going to move to budget  
14 workshop for March 13th, 2008.

15 UNIDENTIFIED SPEAKER: Move it.

16 UNIDENTIFIED SPEAKER: Second.

17 MADAM CLERK: Commissioner Rogers?

18 COMMISSIONER ROGERS: Abstain.

19 MADAM CLERK: Commissioner Tucci?

20 COMMISSIONER TUCCI: Aye.

21 MADAM CLERK: Commissioner Evans?

22 COMMISSIONER EVANS: Aye.

23 MADAM CLERK: Commissioner Scarpelli?

24 COMMISSIONER SCARPELLI: I abstain.

25 MADAM CLERK: Mayor Petracco?

1 MAYOR PETRACCO: I abstain.  
2 MADAM CLERK: Budget workshop march 12th, 2009?  
3 UNIDENTIFIED SPEAKER: Move it.  
4 UNIDENTIFIED SPEAKER: Second.  
5 MADAM CLERK: Commissioner Rogers?  
6 COMMISSIONER ROGERS: Abstain.  
7 MADAM CLERK: Commissioner Tucci?  
8 COMMISSIONER TUCCI: Aye.  
9 MADAM CLERK: Commissioner Evans?  
10 COMMISSIONER EVANS: Aye.  
11 MADAM CLERK: Commissioner Scarpelli?  
12 COMMISSIONER SCARPELLI: Aye.  
13 MADAM CLERK: Mayor Petracco?  
14 MAYOR PETRACCO: Aye.  
15 MADAM CLERK: Special board of ed. and board of  
16 commissioners defeated (sic) budget for April 22nd, 2008?  
17 UNIDENTIFIED SPEAKER: Move it.  
18 UNIDENTIFIED SPEAKER: Second.  
19 MADAM CLERK: Commissioner Rogers?  
20 COMMISSIONER ROGERS: Abstain.  
21 MADAM CLERK: Commissioner Tucci?  
22 COMMISSIONER TUCCI: Aye.  
23 MADAM CLERK: Commissioner Evans?  
24 COMMISSIONER EVANS: Aye.  
25 MADAM CLERK: Commissioner Scarpelli?

1 COMMISSIONER SCARPELLI: I abstain.

2 MADAM CLERK: Mayor Petracco?

3 MAYOR PETRACCO: Abstain.

4 MADAM CLERK: Special board of education and board  
5 of commissioners defeated budget for May 5th, 2008?

6 UNIDENTIFIED SPEAKER: Move it.

7 UNIDENTIFIED SPEAKER: Second.

8 MADAM CLERK: Commissioner Rogers?

9 COMMISSIONER ROGERS: Abstain.

10 MADAM CLERK: Commissioner Tucci?

11 COMMISSIONER TUCCI: Aye.

12 MADAM CLERK: Commissioner Evans?

13 COMMISSIONER EVANS: Aye.

14 MADAM CLERK: Commissioner Scarpelli?

15 COMMISSIONER SCARPELLI: I abstain.

16 MADAM CLERK: Mayor Petracco?

17 MAYOR PETRACCO: Abstain.

18 MADAM CLERK: Special board of ed. and board of  
19 commissioners defeated budget for May 16th, 2008?

20 UNIDENTIFIED SPEAKER: Move it.

21 UNIDENTIFIED SPEAKER: Second.

22 MADAM CLERK: Commissioner Rogers?

23 COMMISSIONER ROGERS: Abstain.

24 MADAM CLERK: Commissioner Tucci?

25 COMMISSIONER TUCCI: Aye.

1 MADAM CLERK: Commissioner Evans?  
2 COMMISSIONER EVANS: Aye.  
3 MADAM CLERK: Commissioner Scarpelli?  
4 COMMISSIONER SCARPELLI: I abstain.  
5 MADAM CLERK: Mayor Petracco?  
6 MAYOR PETRACCO: Abstain.  
7 MADAM CLERK: And now, we move into board of  
8 commissioners meeting for August 19th, 2014.  
9 UNIDENTIFIED SPEAKER: Move it.  
10 UNIDENTIFIED SPEAKER: Second.  
11 MADAM CLERK: Commissioner Rogers?  
12 COMMISSIONER ROGERS: Aye.  
13 MADAM CLERK: Commissioner Tucci?  
14 COMMISSIONER TUCCI: Abstain.  
15 MADAM CLERK: Commissioner Evans?  
16 COMMISSIONER EVANS: Aye.  
17 MADAM CLERK: Commissioner Scarpelli?  
18 COMMISSIONER SCARPELLI: Aye.  
19 MADAM CLERK: Mayor Petracco?  
20 MAYOR PETRACCO: Aye.  
21 MADAM CLERK: Board of commissioners meeting  
22 September 2nd, 2014?  
23 UNIDENTIFIED SPEAKER: Move it.  
24 UNIDENTIFIED SPEAKER: Second.  
25 MADAM CLERK: Commissioner Rogers?

1 COMMISSIONER ROGERS: Aye.

2 MADAM CLERK: Commissioner Tucci?

3 COMMISSIONER TUCCI: Aye.

4 MADAM CLERK: Commissioner Evans?

5 COMMISSIONER EVANS: Aye.

6 MADAM CLERK: Commissioner Scarpelli?

7 COMMISSIONER EVANS: Excuse me. I'm  
8 absent/excused.

9 MADAM CLERK: Absent/excused?

10 Commissioner Scarpelli?

11 COMMISSIONER SCARPELLI: Aye.

12 MADAM CLERK: Mayor Petracco?

13 MAYOR PETRACCO: Aye.

14 MADAM CLERK: That's it for minutes.

15 UNIDENTIFIED SPEAKER: (Indiscernible) you know  
16 how it was for you.

17 UNIDENTIFIED SPEAKER: Aye.

18 MAYOR PETRACCO: Okay, thank you.

19 Now, if we may move forward, we move on to  
20 communications and correspondence.

21 MADAM CLERK: Yes, Mayor, we have two  
22 correspondence this evening. One is an application  
23 submission for a socials affair permit for Sunday,  
24 October 19th, 2014 for Kingsland Manor. They're having a  
25 fundraiser to restore Kingsland Manor.

1 I need a motion.

2 UNIDENTIFIED SPEAKER: Move it.

3 UNIDENTIFIED SPEAKER: Second.

4 MADAM CLERK: Commissioner Rogers?

5 COMMISSIONER ROGERS: Aye.

6 MADAM CLERK: Commissioner Tucci?

7 COMMISSIONER TUCCI: Aye.

8 MADAM CLERK: Commissioner Evans?

9 COMMISSIONER EVANS: Aye.

10 MADAM CLERK: Commissioner Scarpelli?

11 COMMISSIONER SCARPELLI: Aye.

12 MADAM CLERK: Mayor Petracco?

13 MAYOR PETRACCO: Aye.

14 MADAM CLERK: The second is an application

15 submission from Nutley Chamber of Commerce for Santa's

16 arrival. The event is scheduled for November 28th, 2014

17 with a rain date of November 29th, 2014. And they'd like to

18 hold their event at the Nutley Park oval.

19 UNIDENTIFIED SPEAKER: Move it.

20 UNIDENTIFIED SPEAKER: Second.

21 MADAM CLERK: Commissioner Rogers?

22 COMMISSIONER ROGERS: Aye.

23 MADAM CLERK: Commissioner Tucci?

24 COMMISSIONER TUCCI: Aye.

25 MADAM CLERK: Commissioner Evans?

1 COMMISSIONER EVANS: Aye.

2 MADAM CLERK: Commissioner Scarpelli?

3 COMMISSIONER SCARPELLI: Aye.

4 MADAM CLERK: Mayor Petracco?

5 MAYOR PETRACCO: Aye.

6 MADAM CLERK: That's it, Mayor.

7 MAYOR PETRACCO: Thank you.

8 Now, we're going to move to reports.

9 Commissioner Evans?

10 COMMISSIONER EVANS: Yes, I have two reports this  
11 evening for the curb enforcement department for their first  
12 and second quarters of 2014.

13 MAYOR PETRACCO: Thank you.

14 Commissioner Tucci?

15 COMMISSIONER TUCCI: Yes, I have the shade tree  
16 reports for June and July of 2014.

17 MAYOR PETRACCO: Thank you.

18 Now, Madam Clerk, we move on to the bill list.

19 COMMISSIONER EVANS: Oh, excuse --

20 MAYOR PETRACCO: Oh, I'm sorry.

21 Oh, I'm sorry, Tom. Commissioner Evans?

22 COMMISSIONER EVANS: Yes, Mayor, thank you.

23 MAYOR PETRACCO: (Indiscernible.)

24 COMMISSIONER EVANS: We completed our best  
25 practices worksheet for 2014/15 cycle. And I'm pleased to

1 report that, based upon our response rate, we qualify for  
2 100 percent of our aid for 2015. So, for purposes -- there  
3 was no vote required. We're just required to have it on the  
4 record.

5 MAYOR PETRACCO: Thank you, Commissioner.

6 Okay. Now, we will move on to bills.

7 MADAM CLERK: Yes, Mayor. Public Affairs --  
8 \$114,583.83; Revenue and Finance, \$3,223,295.60; Public  
9 Safety, \$109,058.73; Public Works, \$622,610.37; Parks and  
10 Public Property, \$664,145.15. Total payroll -- \$769,728.81,  
11 for a grand total of \$5,503,422.49.

12 UNIDENTIFIED SPEAKER: Move the bills.

13 UNIDENTIFIED SPEAKER: Second.

14 MADAM CLERK: Commissioner Rogers?

15 COMMISSIONER ROGERS: Aye.

16 MADAM CLERK: Commissioner Tucci?

17 COMMISSIONER TUCCI: Aye.

18 MADAM CLERK: Commissioner Evans?

19 COMMISSIONER EVANS: Aye.

20 MADAM CLERK: Commissioner Scarpelli?

21 COMMISSIONER SCARPELLI: Aye.

22 MADAM CLERK: Mayor Petracco?

23 MAYOR PETRACCO: Aye.

24 Okay. We will move on to -- we have a public  
25 hearing for my (sic) events, actually. This is ordinance

1 number 3298. It's an ordinance to amend an ordinance  
2 codified in the Township of Nutley Code Chapter 49 entitled  
3 establishment and organization of the police department.

4 BE IT ENACTED by the board of commissioners of the  
5 township of Nutley that Chapter 49, Section 2 entitled  
6 organization be hereby amended and to entirely to read as  
7 follows. And I'm going to just read part A of this, if I  
8 may.

9 There shall be established within the police  
10 department the following table of organization. A, the  
11 department superior officer complement -- the complement of  
12 superior officers within the police department shall be  
13 determined by the director of public safety up to the  
14 following.

15 We'll have 1 chief of police, 1 deputy chief, 3  
16 police captains, 6 police lieutenants, and police -- 13  
17 police sergeants. And again, just for clarification, I'm  
18 reading the matters that I just want to make sure that it  
19 goes on the record that the ordinance says up to these  
20 numbers.

21 Is there anyone that has any questions?

22 COMMISSIONER EVANS: Thank you. I do. And I ask  
23 my questions from the perspective of, as you well-know,  
24 we've been working very hard on controlling the finances in  
25 the town and making sure we're making affordable decisions.

1           So, with that in mind -- and we've also, by the  
2 way, have, over a period of time, have had a lot of  
3 discussion around, you know, the affordable -- what's  
4 affordable and required as it relates to providing for the  
5 public safety. And we all recognize that the dynamics  
6 around public safety are changing every day, and they  
7 continue to challenge us to move in different directions,  
8 which, for example, introduced special officers as a way,  
9 and more civilian dispatchers to manage our costs.

10           Just to your point on up to and under the  
11 clarification of that, is it the intention now to, you know,  
12 populate this ordinance to the full capacity? So it says 1  
13 chief, 1 deputy chief, 3 captains, 6 lieutenancies, 13  
14 sergeants. I know we're not at that level today, but, you  
15 know, just for helping my understanding, --

16           MAYOR PETRACCO: Sure.

17           COMMISSIONER EVANS: -- how will you be able to  
18 manage the cost?

19           MAYOR PETRACCO: Well, number one, to answer the  
20 first part of the question, as far as the population of the  
21 ordinance and the up to, I have been working very  
22 diligently, as you know, with the chief of police, our  
23 Chief Strumolo, to go over what is exactly needed, what do  
24 we need to uphold the safety, and how do we do it  
25 affordably. So we are still in the talking stages of

1 exactly how this is going to work out.

2 It is a work in progress. It just gives us the  
3 flexibility as far as to be able to manage through it, make  
4 changes as needed, and consult with the chief and myself  
5 and, you know, again, always keeping the taxpayers at mind.

6 COMMISSIONER EVANS: Thank you, Mayor. You know,  
7 and thank you for sharing the fact that the chief of police  
8 has been involved with these discussions. In the past, we  
9 had questions from the board as to the extent of the  
10 involvement of the senior officers of the police department  
11 who are the skilled professionals. So thank you for  
12 actually including that as an important step in evaluating  
13 that.

14 MAYOR PETRACCO: Thank you.

15 COMMISSIONER EVANS: That pleases me quite a bit.  
16 As it relates, though, to, for example, the deputy chief's  
17 role, it's currently vacant. Is there any intention to fill  
18 that particular spot at this time?

19 MAYOR PETRACCO: At this time, no.

20 COMMISSIONER EVANS: And the last one was I think  
21 it's important -- and this ordinance focuses in on the  
22 superior officer organization. But, as we continue to  
23 address the question of public safety and the comment of  
24 boots on the street, just for my own, you know, edification,  
25 are you planning -- are you addressing that, and how is that

1 being considered?

2           MAYOR PETRACCO: I am addressing that all the  
3 time. What we are working on in the police department --  
4 actually, today, I'm very pleased to say that we have 60 --  
5 a complement of 64 police officers. We have 59 here at one  
6 point, which, you know, really lowered our complement.

7           And the things that we're seeing in the police  
8 department are things -- you know, the new crimes, the new  
9 trends are identity theft, a lot of Internet crime, scams  
10 even through public service that people are calling our  
11 seniors up and saying that they haven't paid their public  
12 service bills. And, you know, go to Walgreen's and go pay  
13 your money.

14           And, you know, unfortunately, a couple of our  
15 seniors have done that. Actually, they almost got me to do  
16 it. They're so convincing.

17           We're seeing a lot of overseas things where we've  
18 contacted the FBI, actually, and tried to address it that  
19 way. Which there's no easy -- it's really becoming a full-  
20 time job and a very full-time problem with all the things  
21 that are going on through the Internet and through, you  
22 know, scams.

23           To answer your question about the boots on the  
24 ground, that's a close position that I take all the time.  
25 What we've had historically in the police department is a

1 revolving door. And there's been a couple things that went  
2 on with the contract, the police contract for the union this  
3 time that we were able to get in there to benefit the  
4 township, to free up some money.

5 Any of these promotions that are made today now  
6 they do not just jump to top pay. There's three layers to  
7 it. There's three steps that until they get to that top  
8 pay.

9 So, if there's about a 12 percent raise and  
10 difference in pay from a sergeant to a lieutenant and so  
11 forth and so on, where yesteryear, it was noted that it was  
12 -- they went right up to the 12 percent. Now that we were  
13 able to negotiate that into the contract, now it takes them  
14 a few years to get to that percentage. So there's things  
15 that we've been able to do.

16 Also, as you know, Commissioner, there's been  
17 things done on the state level as far as, you know, the  
18 contributions, you know, that the police are making into  
19 their pensions and for their health benefits. So there's  
20 been a lot of changes, especially for the new hires.

21 As far as the boots on the ground, with our  
22 revolving door, historically what I've seen the last six,  
23 seven years that I'm there is that, when people retire at  
24 top pay, which let's say is about \$100,000 per officer and  
25 then, you add the benefits and the pension and all that

1 stuff into it, what we were able to do is replace them at a  
2 much lower figure and about \$30,000. So what I've been  
3 trying to manage the last few years is to let more of them  
4 in and even that it's the police officers, there's more  
5 steps in the guide now.

6 So it takes them longer to get to top pay. So I'm  
7 very conscious of the numbers on the ground.

8 And also, I would just like to say that today  
9 we're at 64. I would really like to see the magic number be  
10 68 police officers, you know, a complement in Nutley,  
11 because of what we see in our surrounding towns. But again,  
12 you know, the chief and I will sit down. We'll consult, and  
13 we'll see what that budget looks like and what that plan  
14 looks like in order to do it.

15 COMMISSIONER EVANS: Thank you, Mayor. I raised  
16 my point on the basis is I know that over the last few  
17 years, you have reduced manpower and to meet budget crunch,  
18 for those reasons. And the table of organization actually  
19 was higher than what it is right now.

20 MAYOR PETRACCO: Right.

21 COMMISSIONER EVANS: We've been managing our way  
22 through that. So the reason why I was asking my question  
23 was to ask that there be a continued focus on evaluating  
24 what are the resource needs that we need to have in terms of  
25 having boots on the street that will ensure the safety of

1 the town.

2           You've been very good at looking at all the angles  
3 on how to manage costs. So looking at natural churn in the  
4 department, elongating the steps, which takes it longer to  
5 rise up, making sure there's a proper degree of separation  
6 between each interval. Right?

7           I know you mentioned raise, but I think it's  
8 interval, not a raise. We're bound by a much lower number.

9           MAYOR PETRACCO: Sure. Okay.

10           COMMISSIONER EVANS: So just the factors and all  
11 those things, I think, set up a management approach that  
12 helps us manage costs. And it's time, I think, we also  
13 continue to look at what do we need to do, given the  
14 environment we're in to ensure that our borders are safe.  
15 Thank you.

16           MAYOR PETRACCO: Thank you.

17           And just one other thing I'd like to say just to  
18 everyone that's here, too. Probably the best thing or one  
19 of the best things I've done since I'm in office is the  
20 accreditation. Our Nutley Police Department is accredited.  
21 When we did it a few years ago, we were probably one of very  
22 few that was doing it at the time.

23           And what accreditation is -- it's -- we have an  
24 outside agency, mainly retired state police, that came into  
25 our organization, and they go over all our policies and our

1 procedures. And also, Commissioner Tucci might be able to  
2 help me with this one. When you're accredited, you are also  
3 saving on your insurance, if Commissioner --

4 COMMISSIONER TUCCI: That's correct, Mayor. When  
5 the public safety department first went through the  
6 accreditation, as the mayor said, they enlisted the help of  
7 retired state police officers and other experts in the  
8 field.

9 They're one of a very few departments in the state  
10 that are, in fact, accredited, and the savings that we  
11 realized just on that public safety portion is -- and I  
12 don't have the exact number in front of me, but I believe  
13 it's between five and ten percent of what that segment would  
14 be. So it not only saves us money, but it also keeps our  
15 offices and our department on the cutting edge.

16 And, while we're always cognizant of tax dollars  
17 and how we spend those dollars and we only spend what we  
18 absolutely need to, I think public safety is the one area  
19 where we really need to take good, hard looks at, all right,  
20 and on a continuing basis. And I know the mayor's done  
21 this. I know it's a work in progress.

22 Because, if our community is not safe and our  
23 people do not feel safe, I can run 140,000 programs in the  
24 parks department -- but, if people don't feel safe to live  
25 here, they're not going to stay here. And with everything

1 that's going on around us, I think our department does an  
2 excellent job.

3 I'd like to commend you, our new chief. And,  
4 quite frankly, I was one of the folks who was not in favor  
5 of the reorganization initially, because I didn't have  
6 enough information and I felt the department was in flux.  
7 But, since then, with the mayor bringing on the new chief,  
8 who's young, who's smart, who's aggressive and proactive, I  
9 have all the confidence in the world that we will continue  
10 to be one of the best departments in the state.

11 And I want to congratulate you on that. This  
12 organization -- this is your organization, all right, that  
13 you've come up with in conjunction with your police  
14 professionals and your staff. And I'll defer to your  
15 expertise and the chief's expertise and support this.

16 MAYOR PETRACCO: Thank you, Commissioner.

17 UNIDENTIFIED SPEAKER: I have one question. It's  
18 probably for Mr. Genitempo.

19 By not filling these positions, do we open  
20 ourselves to any liability of being -- like, I know we could  
21 always be sued. But, by not filling them, that the  
22 promotional exam comes up, somebody takes the exam and feels  
23 they're entitled to a position?

24 MR. GENIEMPO: Well, I think the saving language  
25 in the ordinance is where it says up to the following, not

1 mandating that the positions be filled. So, although  
2 someone could bring an argument in that way, I think we  
3 would have strong support with the language that we have in  
4 the ordinance. I feel more comfortable with that language  
5 being in the ordinance.

6 UNIDENTIFIED SPEAKER: And the only thing I have  
7 to say is kind of dovetailing on what Commissioner Tucci and  
8 what Commissioner Evans said is, you know, you're working  
9 with the chief of police, who, I think, we have all  
10 confidence in him. We have confidence in your ability to  
11 manage the budget. It's not exactly the way I would have  
12 done it, but we all have different styles, and I support  
13 you, Mayor.

14 MAYOR PETRACCO: Thank you so much, Commissioner.  
15 Commissioner Rogers?

16 Okay. At this point, I need a motion to open the  
17 public hearing.

18 UNIDENTIFIED SPEAKER: Move it.

19 UNIDENTIFIED SPEAKER: Second.

20 MADAM CLERK: Commissioner Rogers?

21 COMMISSIONER ROGERS: Aye.

22 MADAM CLERK: Commissioner Tucci?

23 COMMISSIONER TUCCI: Aye.

24 MADAM CLERK: Commissioner Evans?

25 COMMISSIONER EVANS: Aye.

1 MADAM CLERK: Commissioner Scarpelli?

2 COMMISSIONER SCARPELLI: Aye.

3 MADAM CLERK: Mayor Petracco?

4 MAYOR PETRACCO: Aye.

5 Is there anyone here this evening that would like  
6 to comment on ordinance number 3298?

7 Please come to the mike.

8 Good evening. State your name and address for the  
9 record.

10 MS. LANDRY: Penny Landry, 135 Lakeside Drive,  
11 Nutley, New Jersey. I first want to say that I feel totally  
12 safe here in Nutley. And I've had the opportunity to meet  
13 several of our force, and I think they're wonderful.  
14 They're very nice people, and I feel totally, totally safe.

15 I was doing some numbers, and I'd done a little  
16 research just before coming here and talking to some people.  
17 If we have a force of 64 and 24 of those are chief of  
18 police, deputy chief, police captains, lieutenants, and  
19 sergeants, if you subtract 24 from 64, you get 40.

20 If you take 13 police sergeants, okay, which we  
21 have, and divide it by 29 policemen, okay, that would be  
22 anybody who was under lieutenant, correct? That gives you  
23 13 sergeants of a ratio of sergeant to cop of 2.2.

24 The optimum span of control -- and maybe,  
25 Mr. Rogers, you can confirm this or not, is one sergeant to

1 six police officers. And yet, this reorganization puts us  
2 at 1 to 2.2. So, from the standpoint of having a top-heavy  
3 department, it appears that the span of control of 2.2  
4 sergeants to officers is way over the optimum span of  
5 control that's used in most police departments.

6 So, Mayor, respectfully, --

7 MAYOR PETRACCO: Sure.

8 MS. LANDRY: -- could you explain why our span of  
9 control --

10 MAYOR PETRACCO: Well, I --

11 MS. LANDRY: -- needs to be much higher?

12 MAYOR PETRACCO: -- didn't follow the math, but  
13 I'll take your word on it. But how I would answer you is  
14 this, Penny. I actually have a little written statement  
15 from the chief that I prepared today. But, just so you  
16 know, too, a sergeant's position is a very entry-level  
17 position as far as supervising his control is concerned.

18 Really, a superior officer starts at a lieutenant,  
19 captain, deputy chief, and then a chief's position. So a  
20 sergeant's position is an entry-level. It's the first line  
21 of supervision. Most of those guys are always on the  
22 streets in (indiscernible) and all that stuff.

23 But just I want to back up on one thing. The  
24 accreditation, because it's really important to me. I hear  
25 an echo through my -- okay.

1           At any rate, the accreditation is really important  
2 to me, because right now, what we're doing is we're getting  
3 ready to be accredited again. You know, with everybody  
4 having cell phones, video cameras, tape recorders or police  
5 wearing tape recorders on their vests, so forth and so on, a  
6 lot of this has become where you have a lot of litigation.  
7 Okay?

8           When we go to court now with a police matter, the  
9 first question out of the judge's mouth is, "Are you  
10 accredited"? And, if not, why not? So, with the  
11 accreditation, it takes a lot more manpower and a lot more  
12 supervision to be able to obtain that.

13           It's not an easy process. It's painstaking. Just  
14 for an example, where evidence used to be logged into a book  
15 -- so let's say they captured a bat that was involved in a  
16 fight. They would take that bat, log it in. It would get  
17 thrown into an evidence room, and that would be the end of  
18 it.

19           Now, there's a whole criteria it has to meet.  
20 There's all kinds of compliance. Right now, we are going  
21 through our compliance accreditation. We have three guys  
22 around-the-clock doing our evidence room right now,  
23 including lieutenants, a captain overseeing it with that  
24 stuff.

25           So my feeling is, to answer your question, I don't

1 think we're top-heavy at all. I think that what we are is  
2 we're a very safe community. I will not spare expense to  
3 keep us that, and I really believe that my public safety  
4 budget overall has been stellar.

5 I've controlled costs over the years. And again,  
6 you know, it's easy for somebody to come up here and  
7 pinpoint one part, one piece of the budget. But, with my  
8 overall budget, I'll continue to be responsible with it.

9 MS. LANDRY: So, to clarify the accreditation, so  
10 you're saying that our 13 police sergeants, 6 lieutenants, 3  
11 captains, chief, and chief of police -- they're all  
12 accredited?

13 MAYOR PETRACCO: Our whole police department is.

14 MS. LANDRY: The entire? So, if they're all  
15 accredited, it seems to me they would need less supervision  
16 than --

17 MAYOR PETRACCO: Well, that's not true. Let me  
18 tell you why.

19 MS. LANDRY: Because what I want to understand is  
20 that a sergeant supervises a policeman; is that accurate?

21 MAYOR PETRACCO: Yes.

22 MS. LANDRY: Okay, thanks. That's all I wanted to  
23 clarify.

24 And the other part of it is I'm not known to ask  
25 why questions, however, I'm going to ask you a why question.

1 The minutes from the closed session of the board of  
2 commissioners on May 20th stated that you said you would  
3 like to eliminate the deputy police chief position from the  
4 table of organization and have three captains and eliminate  
5 the deputy chief position. Why did you change your mind  
6 from that reorganization statement, which you made May 20th  
7 in closed session, to the resolution that we're looking at  
8 today, which includes three captains and a deputy police  
9 chief?

10 MAYOR PETRACCO: So what it includes is this. It  
11 includes up to three captains, up to one deputy chief, up to  
12 one chief, and so forth and so on. So what I've been doing  
13 -- and, at that time, I did say that. And, at this time, we  
14 have a brand new chief in there who's doing a great job, and  
15 I'm consulting with him.

16 Right now, there is no one in the deputy chief's  
17 position. I don't have ambition to fill that position right  
18 now, but leaving it in the ordinance. And the chief asked  
19 me to do that.

20 It gives us the flexibility. So let me say this.  
21 It gives us the flexibility to come back to it and say okay,  
22 if we decide to put a deputy chief in, which I don't think  
23 I'll be doing any time soon, then maybe I tweak the captains  
24 back down.

25 MS. LANDRY: But why do you need the resolution

1 now? Why not do it at the time at which you need to add  
2 these positions?

3 MAYOR PETRACCO: Say that again.

4 MS. LANDRY: Why the need for reorganization right  
5 now when you could leave the organizational structure as it  
6 is because you're not planning on --

7 MAYOR PETRACCO: Because -- no, I can't leave it  
8 the way it is, because --

9 MS. LANDRY: Because why?

10 MAYOR PETRACCO: Right now, we only have one  
11 captain on our current table of organization. That's why  
12 we're --

13 MS. LANDRY: But you're planning on hiring two?

14 MAYOR PETRACCO: Well, we're not hiring them. We  
15 promote within.

16 MS. LANDRY: Promoting two lieutenants to captain?

17 MAYOR PETRACCO: What I'm going to do -- I don't  
18 want to get -- I'm not saying exactly what I'm going to do  
19 tonight.

20 MS. LANDRY: Okay.

21 MAYOR PETRACCO: What I'm saying to you is that  
22 the ordinance reads up to those amounts, and I'm going to  
23 have the flexibility to be able to do and tweak it, take a  
24 look at my budget, and see what best represents the  
25 taxpayers of Nutley, money-wise, tax-wise, and also take a

1 look at what represents the safety of our children, our  
2 middle-aged and our seniors.

3 MS. LANDRY: Okay. Thank you.

4 MAYOR PETRACCO: Thank you so much.

5 Is there anyone else this evening that would like  
6 to comment on ordinance number 3298?

7 Seeing no one, I need a motion.

8 UNIDENTIFIED SPEAKER: Close the public hearing.

9 UNIDENTIFIED SPEAKER: Second.

10 MADAM CLERK: Commissioner Rogers?

11 COMMISSIONER ROGERS: Abstain.

12 MADAM CLERK: Commissioner Tucci?

13 COMMISSIONER TUCCI: Aye.

14 MADAM CLERK: Commissioner Evans?

15 COMMISSIONER EVANS: Aye.

16 MADAM CLERK: Commissioner Scarpelli?

17 COMMISSIONER SCARPELLI: Aye.

18 MADAM CLERK: Mayor Petracco?

19 MAYOR PETRACCO: Aye.

20 Thank you.

21 Okay. Okay. We will move on to resolutions.

22 Commissioner Rogers?

23 COMMISSIONER ROGERS: No, you've got to move  
24 yours.

25 UNIDENTIFIED SPEAKER: We've got to move yours.

1           MAYOR PETRACCO: OH, jees. I'm sorry. I need to  
2 move the ordinance. So many movements.

3           MADAM CLERK: I'm sorry.

4           I need a motion to move the ordinance, right?

5           UNIDENTIFIED SPEAKER: Yes.

6           MADAM CLERK: I need a motion to move the  
7 ordinance.

8           MAYOR PETRACCO: I'm moving it. Yep.

9           UNIDENTIFIED SPEAKER: Second.

10          MAYOR PETRACCO: We need a second.

11          MADAM CLERK: Thank you.

12          Commissioner Rogers?

13          COMMISSIONER ROGERS: Aye.

14          MADAM CLERK: Commissioner Tucci?

15          COMMISSIONER TUCCI: Aye.

16          MADAM CLERK: Commissioner Evans?

17          COMMISSIONER ROGERS: Correction. Abstention.

18          MADAM CLERK: Okay. Commissioner Rogers abstains.

19          Commissioner Tucci, you said aye?

20          COMMISSIONER TUCCI: I said aye, yes.

21          MADAM CLERK: Commissioner Evans?

22          COMMISSIONER EVANS: Aye.

23          MADAM CLERK: Commissioner Scarpelli?

24          COMMISSIONER SCARPELLI: Aye.

25          MADAM CLERK: Mayor Petracco?

1           MAYOR PETRACCO: Aye.

2           Thank you. Okay. Now, we'll move on to  
3 resolutions.

4           Commissioner Rogers?

5           COMMISSIONER ROGERS: I did mine.

6           MAYOR PETRACCO: You're done?

7           Commissioner Tucci?

8           COMMISSIONER TUCCI: Yes.

9           WHEREAS, on Sunday, October 12th, 2014~~e~~ the  
10 Nutley-Belleville Columbus Day and Italian Heritage Month  
11 Parade Committee -- whew, that's a long one -- will  
12 celebrate its 32nd annual Columbus Day Parade festivities  
13 commemorating Columbus' historic voyage to the new world;  
14 and

15           WHEREAS, the parade committee has a long history  
16 of commemorating Columbus Day each year in the township of  
17 Nutley, which is looked forward to and enjoyed by both  
18 spectators and participants alike; and

19           WHEREAS, the Nutley-Belleville Columbus Day and  
20 Italian Heritage Month Parade Committee celebrated its  
21 annual honoree dinner on Thursday, September 25th, 2014 at  
22 Nanina's in the Park; and

23           WHEREAS, as this year's grand marshal is  
24 Reverend Monsignor Joseph Granato; and

25           WHEREAS, Reverend Monsignor Granato is joined by

1 the Italian heritage award recipient, Dr. Michael Credico;  
2 Belleville woman of the year, Marie Kimble; Belleville man  
3 of the year, Pasquale DiPalma; Nutley woman of the year,  
4 Mary Ryder; Nutley man of the year, John Gizzo, 2014  
5 Renaissance man, Michael Grillo; 2014 Italian business  
6 leader, Gerard Tucci, along with the 2014 Belleville  
7 signorinas, Nicole Galioto from Belleville and Kristen  
8 Palermo from Nutley as this year's dignitaries;

9           NOW, THEREFORE, BE IT RESOLVED that the board of  
10 commissioners of the township of Nutley in the county of  
11 Essex join with the citizens of Nutley to salute and  
12 congratulate Grand Marshal Reverend Monsignor Joseph  
13 Granato, Italian heritage award recipient, Dr. Michael  
14 Credico; Belleville woman of the year, Marie Kimble; Nutley  
15 man of the year, Pasquale DiPalma; Nutley woman of the year,  
16 Mary Ryder; Nutley man of the year, John Grizzo; 2014  
17 Renaissance man, Michael Grillo; 2014 Italian business  
18 leader, Gerard Tucci; and bela signorinas, Nicole Galioto  
19 and Kristen Palermo as they are honored here tonight.

20           I move the resolution.

21           COMMISSIONER EVANS: Second.

22           MADAM CLERK: Commissioner Rogers?

23           COMMISSIONER ROGERS: Aye.

24           MADAM CLERK: Commissioner Tucci?

25           COMMISSIONER TUCCI: Aye.

1 MADAM CLERK: Commissioner Evans?

2 COMMISSIONER EVANS: Aye.

3 MADAM CLERK: Commissioner Scarpelli?

4 COMMISSIONER SCARPELLI: Aye.

5 MADAM CLERK: Mayor Petracco?

6 MAYOR PETRACCO: Aye.

7 COMMISSIONER TUCCI: WHEREAS, the department of  
8 parks and public property has the need to acquire  
9 specialized professional services for a New Jersey licensed  
10 certified tree expert for forestry services throughout the  
11 township of Nutley; and

12 WHEREAS, the municipal clerk is hereby authorized  
13 and directed to advertise for an RFQ for township forester;

14 NOW, THEREFORE, BE IT RESOLVED that the request  
15 for qualifications shall be due on Tuesday, October 28th,  
16 2014 at 3:00 p.m. addressed to the municipal clerk, Nutley  
17 Township Hall, 1 Kennedy Drive, Nutley, New Jersey.

18 I move the resolution.

19 COMMISSIONER EVANS: Second.

20 MADAM CLERK: Commissioner Rogers?

21 COMMISSIONER ROGERS: Aye.

22 MADAM CLERK: Commissioner Tucci?

23 COMMISSIONER TUCCI: Aye.

24 MADAM CLERK: Commissioner Evans?

25 COMMISSIONER EVANS: Aye.

1 MADAM CLERK: Commissioner Scarpelli?

2 COMMISSIONER SCARPELLI: Aye.

3 MADAM CLERK: Mayor Petracco?

4 MAYOR PETRACCO: Aye.

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

6 MAYOR PETRACCO: Commissioner Evans?

7 COMMISSIONER EVANS: Thank you.

8 BE IT RESOLVED by the board of commissioners of  
9 the township of Nutley in the county of Essex, state of New  
10 Jersey the treasurer be and she is hereby authorized to  
11 refund overpayments of tax charges in the amount of  
12 \$3,288.84 for block 9105-21.

13 So move.

14 COMMISSIONER TUCCI: Seconde

15 MADAM CLERK: Commissioner Rogers?

16 COMMISSIONER ROGERS: Aye.

17 MADAM CLERK: Commissioner Tucci?

18 COMMISSIONER TUCCI: Aye.

19 MADAM CLERK: Commissioner Evans?

20 COMMISSIONER EVANS: Aye.

21 MADAM CLERK: Commissioner Scarpelli?

22 COMMISSIONER SCARPELLI: Aye.

23 MADAM CLERK: Mayor Petracco?

24 MAYOR PETRACCO: Aye.

25 COMMISSIONER EVANS: WHEREAS, the New Jersey

1 Department of Transportation recently completed a traffic  
2 investigation on Route 7 in the township of Nutley; and

3 WHEREAS, the DOT investigation revealed the  
4 current center line pavement markings on Route 7 meet and  
5 conform to current design standards; and

6 WHEREAS, DOT will update existing records to  
7 reflect no-passing zone conditions along Route 7;

8 NOW, THEREFORE, BE IT RESOLVED by the board of  
9 commissions in the county of Essex, state of New Jersey that  
10 it supports the use of a no-passing zone on Route 7 in the  
11 township of Nutley as recommended by the New Jersey  
12 Department of Transportation.

13 BE IT FURTHER RESOLVED that a certified copy of  
14 this resolution shall be forwarded to the Department of  
15 Transportation, as requested.

16 So move.

17 COMMISSIONER TUCCI: Second.

18 MADAM CLERK: Commissioner Rogers?

19 COMMISSIONER ROGERS: Aye.

20 MADAM CLERK: Commissioner Tucci?

21 COMMISSIONER TUCCI: Aye.

22 MADAM CLERK: Commissioner Evans?

23 COMMISSIONER EVANS: Aye.

24 MADAM CLERK: Commissioner Scarpelli?

25 COMMISSIONER SCARPELLI: Aye.

1 MADAM CLERK: Mayor Petracco?

2 MAYOR PETRACCO: Aye.

3 COMMISSIONER EVANS: WHEREAS, N.J.S.A. 54:4-54  
4 allows the governing body of a municipality to cancel an  
5 erroneous assessment;

6 WHEREAS, the township tax council conducted an  
7 extensive review of the records and determined that the  
8 taxes for the property were inadvertently charged to the  
9 property; and

10 NOW, THEREFORE, BE IT RESOVLED by the board of  
11 commissioners of the township of Nutley, county of Essex,  
12 state of New Jersey that the taxes billed from this  
13 assessment be removed from the property commonly known as  
14 block 6700, lot 2, 176 Washington Avenue.

15 So move.

16 COMMISSIONER TUCCI: Second.

17 MADAM CLERK: Commissioner Rogers?

18 COMMISSIONER ROGERS: Aye.

19 MADAM CLERK: Commissioner Tucci?

20 COMMISSIONER TUCCI: Aye.

21 MADAM CLERK: Commissioner Evans?

22 COMMISSIONER EVANS: Aye.

23 MADAM CLERK: Commissioner Scarpelli?

24 COMMISSIONER SCARPELLI: Aye.

25 MADAM CLERK: Mayor Petracco?

1           MAYOR PETRACCO: Aye.

2           COMMISSIONER EVANS: WHEREAS, the Uniformed Shared  
3 Services and Consolidation Act, N.J.S.A. 40A:65 authorizes  
4 public entities to enter into a contract with each other to  
5 subcontract any service which one of the parties to the  
6 agreement is empowered to render within its own  
7 jurisdiction; and

8           WHEREAS, both the township and the board of  
9 education have agreed to share a single fiber optic network  
10 previously installed by the township and they desire to  
11 enter into a contract for the use of said network,  
12 recognizing the benefits of improved quality and reduced  
13 costs; and

14           WHEREAS, the township and the board of education  
15 are both authorized to procure telecommunications equipment  
16 and services using the New Jersey Cooperative Purchasing  
17 Program in keeping with N.J.S.A. 18A:18A-10 and N.J.A.C.  
18 5:34-7; and

19           WHEREAS, both the township and the board of  
20 education have agreed to terms and conditions that are  
21 satisfactory to both parties, including network maintenance  
22 and access for future for upgrades such as public WiFi.; and

23           WHEREAS, the board of education will reimburse the  
24 township \$75,000 payable over a 10-year period beginning  
25 December 1, 2015 for their proportional share of the fiber

1 optic network installation costs plus \$3,600 or 30 percent,  
2 whichever is greater, of the annual cost for the network  
3 maintenance.

4 NOW, THEREFORE, BE IT RESOLVED by the board of  
5 commissioners that the mayor is hereby authorized to enter  
6 into a shared services contract with the board of education  
7 consistent with N.J.S.A. 40A:65-1 in order to derive the  
8 benefits therein of establishing a shared fiber optic  
9 network.

10 This shared services agreement will allow us to  
11 eliminate the leasing costs for T-1 lines, both for the  
12 township and for the school board. It will also give us a  
13 single network access.

14 The Internet providers would go from two to one.  
15 The projected annual savings for that is \$75,000 a year.  
16 The fiber optic cable itself has a life that's at least 25  
17 years. So the savings to the township over the long-term is  
18 significant.

19 So move.

20 COMMISSIONER TUCCI: Second.

21 MADAM CLERK: Commissioner Rogers?

22 COMMISSIONER ROGERS: Aye.

23 MADAM CLERK: Commissioner Tucci?

24 COMMISSIONER TUCCI: Aye.

25 MADAM CLERK: Commissioner Evans?

1 COMMISSIONER EVANS: Aye.

2 MADAM CLERK: Commissioner Scarpelli?

3 COMMISSIONER SCARPELLI: Aye.

4 MADAM CLERK: Mayor Petracco?

5 MAYOR PETRACCO: Aye.

6 COMMISSIONER EVANS: Thank you, Mayor.

7 MAYOR PETRACCO: Thank you.

8 Commissioner Scarpelli?

9 COMMISSIONER SCARPELLI: WHEREAS, a discrepancy  
10 has arisen with respect to water consumption and billing at  
11 113 Raymond Avenue, Nutley, New Jersey, account number 5233-  
12 0; and

13 WHEREAS, due to incompatible equipment installed  
14 at the premises, an accurate reading was not obtained; and

15 WHEREAS, such discrepancy placed the property in  
16 the 2013 tax sale for delinquent charges.

17 WHEREAS, the township and owner at 113 Raymond  
18 Avenue have investigated this matter and resolved the  
19 discrepancy as set forth herein;

20 NOW, THEREFORE, BE IT RESOLVED by the board of  
21 commissioners of the township of Nutley, county of Essex as  
22 follows. The township treasurer is hereby authorized to  
23 cancel water charges in the amount of \$276 and any interest  
24 accrued to date and the property owner shall pay to the  
25 township and the township shall accept a settlement of

1 \$96.43 plus \$15.00 tax sale advertisement fee for the  
2 billings in dispute.

3 I move the resolution.

4 COMMISSIONER ROGERS: Second.

5 MADAM CLERK: Commissioner Rogers?

6 COMMISSIONER ROGERS: Aye.

7 MADAM CLERK: Commissioner Tucci?

8 COMMISSIONER TUCCI: Aye.

9 MADAM CLERK: Commissioner Evans?

10 COMMISSIONER EVANS: Aye.

11 MADAM CLERK: Commissioner Scarpelli?

12 COMMISSIONER SCARPELLI: Aye.

13 MADAM CLERK: Mayor Petracco?

14 MAYOR PETRACCO: Aye.

15 COMMISSIONER SCARPELLI: WHEREAS, a discrepancy  
16 has arisen with respect to water consumption and billing at  
17 167 Mountainview Avenue in Nutley, New Jersey, account  
18 number 5089-0; and

19 WHEREAS, due to a meter reading data import error,  
20 an accurate reading was not obtained; and

21 WHEREAS, such discrepancy placed the property in  
22 the 2013 tax sale for delinquent charges.

23 WHEREAS, the township and owner at 167  
24 Mountainview Avenue have investigated this matter and  
25 resolved the discrepancy as set forth herein;

1           NOW, THEREFORE, BE IT RESOLVED by the board of  
2 commissioners of the township of Nutley, county of Essex as  
3 follows. Township treasurer is hereby authorized to cancel  
4 water charges in the amount of \$1,283.22 and any interest  
5 accrued year-to-date, and the property owner shall pay to  
6 the township and the township shall accept a settlement of  
7 \$839.65 plus \$15 tax sale advertisement fee for the billings  
8 in dispute, for a total of \$854.65.

9           Move the resolution.

10          COMMISSIONER ROGERS: Second.

11          MADAM CLERK: Commissioner Rogers?

12          COMMISSIONER ROGERS: Aye.

13          MADAM CLERK: Commissioner Tucci?

14          COMMISSIONER TUCCI: Aye.

15          MADAM CLERK: Commissioner Evans?

16          COMMISSIONER EVANS: Aye.

17          MADAM CLERK: Commissioner Scarpelli?

18          COMMISSIONER SCARPELLI: Aye.

19          MADAM CLERK: Mayor Petracco?

20          MAYOR PETRACCO: Aye.

21          COMMISSIONER SCARPELLI: WHEREAS, a discrepancy  
22 has arisen with respect to water consumption and billing at  
23 215 Park Avenue, Nutley, New Jersey, account number 6530-0;  
24 and

25          WHEREAS, due to being unable to access the

1 property, an accurate reading was not obtained, resulting in  
2 an estimated water consumption for this account; and

3 WHEREAS, the owner received a new water meter on  
4 October 3rd, 2014 and the actual read on the old meter was  
5 substantially lower than previously estimated.

6 WHEREAS, such discrepancy placed the property in  
7 the 2013 tax sale for delinquent charges.

8 WHEREAS, the township and owner at 215 Park Avenue  
9 have investigated this matter and resolved the discrepancy  
10 as set forth herein;

11 NOW, THEREFORE, BE IT RESOLVED by the board of  
12 commissioners of the township of Nutley, county of Essex as  
13 follows. The township treasurer is hereby authorized to  
14 cancel water charges in the amount of \$1,227.05 and the  
15 property owner shall pay to the township and the township  
16 shall accept the settlement of \$167.25 plus interest year-  
17 to-date and the \$15 tax sale advertisement fee for the  
18 billings in dispute.

19 I move the resolution.

20 COMMISSIONER ROGERS: Second.

21 MADAM CLERK: Commissioner Rogers?

22 COMMISSIONER ROGERS: Aye.

23 MADAM CLERK: Commissioner Tucci?

24 COMMISSIONER TUCCI: Aye.

25 MADAM CLERK: Commissioner Evans?

1 COMMISSIONER EVANS: Aye.

2 MADAM CLERK: Commissioner Scarpelli?

3 COMMISSIONER SCARPELLI: Aye.

4 MADAM CLERK: Mayor Petracco?

5 MAYOR PETRACCO: Aye.

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

7 MAYOR PETRACCO: Thank you.

8 WHEREAS, raffle applications have been received  
9 from the following organizations and BPOE number 1290 Nutley  
10 Lodge, license number 62-14, on-premise merchandise raffle,  
11 November 7th, 2014; Washington School PTO, license number  
12 63-14, on-premise tricky tray, November 21st, 2014;  
13 Washington School PTO, license number 64-14, on-premise  
14 50/50 cash raffle, November 21st, 2014; Rotary Club of  
15 Nutley, license number 65-14, on-premise merchandise raffle,  
16 December 6th, 2014e

17 WHEREAS, the applications have been reviewed and  
18 approved by the municipal clerk and the police department.

19 NOW, THEREFORE, BE IT RESOLVED by the board of  
20 commissioners of the township of Nutley, county of Essex,  
21 state of New Jersey that the aforementioned licenses are  
22 approved, and the municipal clerk is authorized to issue the  
23 licenses.

24 I move the resolution.

25 COMMISSIONER TUCCI: Second.

1 MADAM CLERK: Commissioner Rogers?

2 COMMISSIONER ROGERS: Aye.

3 MADAM CLERK: Commissioner Tucci?

4 COMMISSIONER TUCCI: Aye.

5 MADAM CLERK: Commissioner Evans?

6 COMMISSIONER EVANS: Aye.

7 MADAM CLERK: Commissioner Scarpelli?

8 COMMISSIONER SCARPELLI: Aye.

9 MADAM CLERK: Mayor Petracco?

10 MAYOR PETRACCO: Aye.

11 WHEREAS, the application has been filed for a  
12 place-to-place transfer expansion of premises of plenary  
13 retail consumption license number 0716-33-022-002, Conca  
14 Brothers Management 4, LLC, T/A the Old Canal Inn, 2 East  
15 Passaic Avenue, Nutley, New Jersey 07110 for purposes of  
16 expanding the premises under license wherein the sale,  
17 service, and storage of alcoholic beverages are authorized;

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

22 WHEREAS, no café shall open for business prior to  
23 7:00 a.m., nor remain open for business after 11:00 p.m.  
24 and all persons occupying the café are to vacate the café no  
25 later than 11:30 p.m.;

1           NOW, THEREFORE, BE IT RESOLVED by the board of  
2 commissioners -- excuse me. NOW, THEREFORE, BE IT RESOLVED  
3 that the township of Nutley Board of Commissioners does  
4 hereby approve effective Friday, October 10th, 2014 the  
5 expansion of the aforesaid plenary retail consumption  
6 license number 0716-33-022-002 located at 2 East Passaic  
7 Avenue, Nutley, New Jersey to place under license the area  
8 delineated in the application form and the sketch of the  
9 licensed premises attached thereto.

10           I just had one question before we move this  
11 resolution.

12           Madam Clerk, maybe you could help me.

13           MADAM CLERK: Yes.

14           MAYOR PETRACCO: I'm just reading this is an  
15 extension of premises, correct?

16           MADAM CLERK: Yes, Mayor.

17           MAYOR PETRACCO: I don't get the times in here.  
18 From 7:00 for a café? I mean, does that --

19           MADAM CLERK: That's for the expansion, the  
20 outside part.

21           MAYOR PETRACCO: So is that going to be -- so, in  
22 other words, the extension of premises is going to be  
23 defined by the time of 11:30 p.m. They're going to have to  
24 vacate that area?

25           MADAM CLERK: Yes, that is correct, for the

1 outside, the expansion, not inside.

2 MAYOR PETRACCO: Is that what we've done in the  
3 past? Because I don't ever recall the times being on these  
4 resolutions. Do you?

5 MADAM CLERK: It's --

6 COMMISSIONER EVANS: We haven't put times on them  
7 in the past, but we do have an ordinance, and it was  
8 recommended by the code enforcement office that we add the  
9 times just to -- so it's clear on the resolution.

10 MAYOR PETRACCO: But do they fall under a café  
11 there?

12 UNIDENTIFIED SPEAKER: Outside.

13 COMMISSIONER EVANS: The outside would be --

14 UNIDENTIFIED SPEAKER: Just the outside.

15 COMMISSIONER EVANS: -- a café.

16 MAYOR PETRACCO: Okay. And I --

17 COMMISSIONER EVANS: That's it. It's in the  
18 recommendation in the part of the code over --

19 UNIDENTIFIED SPEAKER: I think especially in light  
20 of this expansion of extension of premise, that it's in a  
21 residential area.

22 UNIDENTIFIED SPEAKER: Right.

23 UNIDENTIFIED SPEAKER: I think it's important that  
24 --

25 MAYOR PETRACCO: There's a time limit.

1 UNIDENTIFIED SPEAKER: Yeah, there's a time limit.

2 MAYOR PETRACCO: Okay. I just it was a little bit  
3 different in the past. And then, I will make sure that they  
4 know about that, and I will make sure the police department  
5 knows.

6 COMMISSIONER EVANS: And they'll get this, too, so  
7 they'll know that. It was just -- just a point of  
8 clarification is that the -- sometimes this gets confused  
9 after the fact. So the fact that it's in the resolution  
10 we're just reinforcing the existing ordinance.

11 MAYOR PETRACCO: And then, obviously, then it'll  
12 fall under their existing liquor license and time of closing  
13 inside?

14 COMMISSIONER EVANS: Exactly.

15 MAYOR PETRACCO: Okay.

16 COMMISSIONER EVANS: Exactly.

17 MAYOR PETRACCO: Okay. Thank you.

18 I move the resolution.

19 COMMISSIONER TUCCI: Second.

20 MADAM CLERK: Commissioner Rogers?

21 COMMISSIONER ROGERS: Aye.

22 MADAM CLERK: Commissioner Tucci?

23 COMMISSIONER TUCCI: Aye.

24 MADAM CLERK: Commissioner Evans?

25 COMMISSIONER EVANS: Aye.

1 MADAM CLERK: Commissioner Scarpelli?

2 COMMISSIONER SCARPELLI: Aye.

3 MADAM CLERK: Mayor Petracco?

4 MAYOR PETRACCO: Aye.

5 Thank you.

6 BE IT RESOLVED by the board of commissioners,  
7 township of Nutley, county of Essex, state of New Jersey  
8 that renewal of plenary retail consumption license be  
9 granted to Nicholas J. Sambuco, Senior, license number 0716-  
10 33-026-004 effective July 1st, 2014 through June 30th, 2015.

11 BE IT RESOLVED that the State of New Jersey  
12 Department of Treasury, Division of Taxation has provided  
13 tax clearance certificate for said license.

14 BE IT FURTHER RESOLVED the director of the  
15 division of alcoholic beverage control has reviewed the  
16 special ruling petition submitted by Nicholas J. Sambuco and  
17 has determined the license has established good cause in  
18 accordance with the statutory requirements to warrant an  
19 application for renewal of license number 0716-33-026-004  
20 for the 2014/2015 license terme

21 NOW, THEREFORE, BE IT RESOLVED by the board of  
22 commissioners, township of Nutley, county of Essex, state of  
23 New Jersey that the license be and is hereby renewed for the  
24 licensing period of July 1st, 2014 through June 30th, 2015.

25 I move the resolution.

1 COMMISSIONER TUCCI: Second.

2 MADAM CLERK: Commissioner Rogers?

3 COMMISSIONER ROGERS: Aye.

4 MADAM CLERK: Commissioner Tucci?

5 COMMISSIONER TUCCI: Aye.

6 MADAM CLERK: Commissioner Evans?

7 COMMISSIONER EVANS: Aye.

8 MADAM CLERK: Commissioner Scarpelli?

9 COMMISSIONER SCARPELLI: Aye.

10 MADAM CLERK: Mayor Petracco?

11 MAYOR PETRACCO: Aye.

12 WHEREAS, the township and police department needs  
13 to acquire proprietary software for the issuance of  
14 electronic tickets through mobile computers as a non-fair  
15 and open contract; and

16 WHEREAS, the use of electronic ticketing increases  
17 efficiency, enables officers to return to service faster,  
18 eliminates data entry errors and auto-populates citations  
19 with the appropriate statute number, fine, and court  
20 information; and

21 WHEREAS, N.J.S.A.40A:11-5(d)(d) permits the award  
22 of a contract without public bidding for the provision of  
23 proprietary software; and

24 WHEREAS, GTBM, Inc. owns the Info-Cop E-Ticketing  
25 System and has submitted a proposal to provide the system

1 software; and

2 WHEREAS, GTBM, Inc., 351 Paterson Avenue, East  
3 Rutherford, New Jersey 07073 has completed and submitted a  
4 business entity disclosure certification which certifies  
5 that it has not made any reportable contributions in the  
6 previous year and will be prohibited from making any  
7 reportable contributions throughout the term of the  
8 contract; and

9 WHEREAS, the contract is in an amount not expected  
10 to exceed \$45,000, the funds for which are available in an  
11 account entitled municipal court e-ticketing program,  
12 account number 4-01-326-200, said funds subject to the  
13 adoption of the 2014 budget and certification by the chief  
14 financial officer; and

15 WHEREAS, the anticipated term of this contract is  
16 for 12 months, January 1st, 2014 through December 31st,  
17 2014.

18 NOW, THEREFORE, BE IT RESOLVED by the board of  
19 commissioners, township of Nutley in the county of Essex  
20 that a contract be awarded to GTBM, Inc, 351 Paterson  
21 Avenue, East Rutherford, New Jersey 07073 in a form approved  
22 by the township attorney; and

23 BE IT FURTHER RESOLVED that the business entity  
24 disclosure be placed on file with this resolution.

25 I move the resolution.

1 COMMISSIONER TUCCI: Second.

2 MADAM CLERK: Commissioner Rogers?

3 COMMISSIONER ROGERS: Aye.

4 MADAM CLERK: Commissioner Tucci?

5 COMMISSIONER TUCCI: Aye.

6 MADAM CLERK: Commissioner Evans?

7 COMMISSIONER EVANS: Aye.

8 MADAM CLERK: Commissioner Scarpelli?

9 COMMISSIONER SCARPELLI: Yeah, before I vote yes,  
10 Mayor, could we set up a meeting with the police chief and  
11 Mike Luzzi (ph) to see if we can resolve some of the issues  
12 that the parking attendants have had with the system?

13 MAYOR PETRACCO: Sure. I actually thought they  
14 already had that meeting. They didn't?

15 COMMISSIONER SCARPELLI: No. So --

16 MAYOR PETRACCO: Okay.

17 COMMISSIONER SCARPELLI: Now that it's on my mind,  
18 I vote aye.

19 MAYOR PETRACCO: Thank you, Commissioner.

20 MADAM CLERK: Mayor Petracco?

21 MAYOR PETRACCO: Aye.

22 Okay. Our last resolution of a long, long  
23 meeting.

24 WHEREAS, on July 28th, 2014, a person-to-person  
25 liquor license transfer application was submitted for the

1 following. Liquor license 0716-33-027-009, South Side  
2 Grill, LLC T/A Ritaccoés Midtown Bar & Grill, 223A Franklin  
3 Avenue, Nutley, New Jersey 07110 to Luna Wood Fired Tavern,  
4 223A Franklin Avenue, Nutley, New Jersey 07110.

5 WHEREAS, on September 16th, 2014, the owners of  
6 South Side Grill, LLC, DBA Midtown Bar & Grill located at  
7 223A Franklin Avenue, Nutley, New Jersey submitted a written  
8 request to withdraw the application for the person-to-person  
9 transfer of plenary retail consumption liquor license number  
10 0716-33-027-009.

11 NOW, THEREFORE, BE IT RESOLVED by the board of  
12 commissioners of the township of Nutley, county of Essex,  
13 that, at the request of South Side Grill, LLC DBA Midtown  
14 Bar & Grill, the person-to-person transfer of plenary retail  
15 consumption liquor license number 0716-33-027-009 be and is  
16 hereby withdrawn.

17 I move the resolution.

18 COMMISSIONER TUCCI: Second.

19 MADAM CLERK: Commissioner Rogers?

20 COMMISSIONER ROGERS: Aye.

21 MADAM CLERK: Commissioner Tucci?

22 COMMISSIONER TUCCI: Aye.

23 MADAM CLERK: Commissioner Evans?

24 COMMISSIONER EVANS: Aye.

25 MADAM CLERK: Commissioner Scarpelli?

1 COMMISSIONER SCARPELLI: Aye.

2 MADAM CLERK: Mayor Petracco?

3 MAYOR PETRACCO: Aye.

4 Thank you for your patience this evening. That  
5 finishes our business portion of our meeting.

6 We will now open our meeting up to public comment.

7 But, before we do, Madam Clerk, will you read our  
8 ruling?

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

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

23 MAYOR PETRACCO: Thank you, Madam Clerk.

24 Is there anyone here this evening that would like  
25 to address the board of commissioners?

1 Please state your name and address for the record.

2 MS. LANDRYe Penny Landry 135 Lakeside Drive,  
3 Nutley, New Jersey. You all may have noticed I haven't been  
4 sending emails. So I have a couple of questions here. Do  
5 you want me to do them all right now? Or --

6 MAYOR PETRACCO: Yeah, if you can do them, but I  
7 do want --

8 MS. LANDRY: I'll do them as quick as I can. A  
9 lot of them are yes or no. Okay.

10 MAYOR PETRACCO: Thank you.

11 MS. LANDRY: First one -- Mayor, is there active  
12 litigation between Roche ree the tort claim and the Nutley  
13 township regarding the sanitary sewer system, yes or no?

14 MAYOR PETRACCOe Counsel?

15 MR. GENITEMPO: No.

16 MS. LANDRYe No? Okay. Has an environmental  
17 assessment engineer been hired by the township?

18 MR. GENITEMPO: Yes.

19 MS. LANDRY: And what is the name of that firm,  
20 sir?

21 MR. GENITEMPO: Hatch Mott MacDonald.

22 MS. LANDRY: Hatch who?

23 MR. GENITEMPO: Hatch Mott, M-O-T-T, MacDonald.

24 MS. LANDRYe And --

25 MR. GENITEMPO: The resolution to be --

1 MS. LANDRY: And do we have a contract amount?

2 MR. GENITEMPO: I don't remember. There's a  
3 (indiscernible).

4 MS. LANDRY: Okay. All right. Thank you.

5 And will anyone from the board of commissioners be  
6 attending the Roche environmental public meeting in  
7 Rutherford tomorrow night?

8 MAYOR PETRACCO: Yes.

9 MS. LANDRY: You will, Mayor?

10 MAYOR PETRACCO: I will not, but there will be  
11 commissioners there.

12 MS. LANDRY: Okay. And which commissioners will  
13 be attending?

14 Mr. Scarpelli?

15 MAYOR PETRACCO: Commissioner Scarpelli.

16 MS. LANDRY: Thank you.

17 MAYOR PETRACCO: And Commissioner Evans.

18 MS. LANDRY: Okay. Thank you.

19 Regards to resolution 230-14, e-ticketing, earlier  
20 this year, the board passed a resolution at the request of  
21 Judge Cocchiola hiring a temporary clerk due to a traffic  
22 ticket backlog caused because e-ticketing was not working in  
23 certain areas of town. Has that been remedied?

24 MAYOR PETRACCO: I can check that tomorrow morning  
25 and get back to you.

1 MS. LANDRY: Okay. You'll send me an email or  
2 call me?

3 UNIDENTIFIED SPEAKER: Mayor, I can also partially  
4 address that.

5 MAYOR PETRACCO: Okay.

6 UNIDENTIFIED SPEAKER: I believe the person hired  
7 by the municipal court was also to go through backlog of old  
8 tickets before e-ticketing was actually implemented.

9 MS. LANDRY: Okay. Has that backlog been cleared  
10 up?

11 UNIDENTIFIED SPEAKER: I believe it's, if not  
12 completely, it's been significantly (indiscernible).

13 MS. LANDRY: So is that person still on the  
14 township payroll, the temporary clerk?

15 UNIDENTIFIED SPEAKER: I don't know.

16 MS. LANDRY: Oh, you said he was still taking care  
17 of the backlog.

18 UNIDENTIFIED SPEAKER: Might have been a she. I  
19 don't know.

20 MS. LANDRY: Okay, all right. I thought it was a  
21 she.

22 UNIDENTIFIED SPEAKER: I don't know.

23 MS. LANDRY: Mayor, do you know if the person that  
24 Judge Cocchiola said was being hired temporarily, she said  
25 for up to three months, and that was three months ago -- do

1 you know if that person is still on payroll?

2 MAYOR PETRACCO: I'm not sure. I think she is  
3 not, but I will check tomorrow.

4 MS. LANDRY: Okay. And is her salary still being  
5 paid by the grant that Ms. Cocchiola -- I mean, that  
6 Judge Cocchiola got to pay for her?

7 MAYOR PETRACCO: I believe so.

8 MS. LANDRY: Okay. Will you clarify that, please,  
9 sir?

10 MAYOR PETRACCO: Sure will.

11 MS. LANDRY: You'll send me an email? Thank you.  
12 Okay. And what is the status of updating the  
13 township code on the Nutley website?

14 MAYOR PETRACCO: I'm sorry?

15 MS. LANDRY: Updating of the township code. We  
16 had a resolution hiring someone to update the township code  
17 because it's still not complete, updating of thee-code, the  
18 township code on the Nutley website. What's the status?

19 COMMISSIONER EVANS: I don't know off the top of  
20 my head. We do have additional changes to the code that  
21 will be introduced, not at the -- at the first meeting in  
22 October. Excuse me, of November will be the first meeting.  
23 So, once we go through the public hearing on that, we'll be  
24 doing a more robust update of the code online.

25 MS. LANDRY: And will those code changes include

1 density numbers for mixed-use developments, residential on  
2 Franklin Ave.¢

3 COMMISSIONER EVANS: No, no.

4 MS. LANDRY: When will we have density numbers for  
5 the zones on Franklin Ave.?

6 COMMISSIONER EVANS: That's a matter that's not  
7 before the board right now.

8 MS. LANDRY: It was discussed in the executive  
9 meeting and was said that -- here, I can give it to you. On  
10 the meeting, August 5th, Commissioner Scarpelli passed out  
11 an email that was received from Mr. Kozyra from the planning  
12 and zoning board stating, "It was brought to our attention  
13 in March Commissioner Scarpelli was going to put together  
14 some visuals of Franklin Avenue so we could come to come  
15 conclusion on if we want to make any changes to the density  
16 for residential in B-3, B-3A zone, Franklin Avenue.¢

17 Mayor Petracco said, "So what are we looking to  
18 do"?

19 Commissioner Scarpelli said, "Well, they suggested  
20 32 units per acre.¢ Mr. Scarpelli said, "I don't know if  
21 that's the right number.¢ Mayor Petracco said, "What are we  
22 at now"? Commissioner Scarpelli said, "We are at nothing.  
23 There is no -- the minutes (inaudible)." This actually came  
24 out of a joint meeting between the planning and zoning  
25 board.

1           There is no density unit number for zones B-3 and  
2 B-3A on Franklin Avenue. It is merely controlled by bulk  
3 usage. They are looking for some guidance --

4           MAYOR PETRACCO: Penny, Penny, excuse me.

5           MS. LANDRY: Because there are no density units.  
6 I'm just asking when will we have density units. It's a  
7 simple question

8           MAYOR PETRACCO: What was it?

9           MS. LANDRY: Simple question. When will we have  
10 density units?

11           UNIDENTIFIED SPEAKER: We're still compiling the  
12 data. And, when we get the data together, we'll present it  
13 to the board of commissioners for us to consider it.

14           MS. LANDRY: Okay. So it will not be included in  
15 the code changes that Mr. Evans just said?

16           UNIDENTIFIED SPEAKER: No, it won't be included  
17 until we change -- if we change the ordinance.

18           MS. LANDRY: Okay. So it's currently at zero, and  
19 we may leave it at zero or nothing? It says that they're at  
20 nothing. So we may leave it at nothing?

21           UNIDENTIFIED SPEAKER: No, there's no density, per  
22 se, in our code. It's controlled by a lot of -- it's  
23 controlled by bulk, which is setbacks, parking. And what  
24 we're looking to do or what we're looking to examine is to  
25 see if we should change to make a density per acre for those

1 units in the Franklin area based on the recommendation of  
2 the planning board. We're compiling the data so that we  
3 could make an intelligent decision on what we're doing.

4 MS. LANDRY: Okay. Thanks.

5 Has a meeting of the Nutley Economic Development  
6 Advisory Committee been scheduled?

7 COMMISSIONER EVANS: It was scheduled and held.

8 MS. LANDRY: Sir?

9 COMMISSIONER EVANS: It was held already, yes. In  
10 September, there was a meeting.

11 MS. LANDRY: And what was the date of that  
12 meeting?

13 COMMISSIONER EVANS: I don't recall off the top of  
14 my head.

15 MS. LANDRY: Because it was not noted on the  
16 calendar, the Nutley, New Jersey calendar.

17 MAYOR PETRACCO: I think it was the 24th,  
18 Commissioner. That rings a bell to me.

19 COMMISSIONER EVANS: Yeah.

20 MS. LANDRY: Okay.

21 MAYOR PETRACCO: Any --

22 MS. LANDRY: It was not on the calendar.

23 COMMISSIONER EVANS: It doesn't have to be.

24 MS. LANDRY: Okay. Will the minutes -- when will  
25 the minutes be available?

1 COMMISSIONER EVANS: They're available now.

2 MS. LANDRY: Oh, good. Thanks. Are they on the  
3 Nutley, New Jersey website?

4 COMMISSIONER EVANS: No, they're not.

5 MS. LANDRY: Okay. Thanks. They have to be  
6 OPRA'd?

7 COMMISSIONER EVANS: Yes.

8 MS. LANDRY: Thank you.

9 MAYOR PETRACCO: Did our five-minute bell go off,  
10 Madam Clerk?

11 MADAM CLERK: Yes, Mayor, it did.

12 MAYOR PETRACCO: Is it too much longer? Is it too  
13 much longer?

14 MS. LANDRY: I have --

15 MAYOR PETRACCO: If you --

16 MS. LANDRY: No, I'm finished. Thank you.

17 You all have a great evening. Bye.

18 MAYOR PETRACCO: You, too, you all.

19 We have to have a little fun here, Penny, or no  
20 one's going to want to come any longer.

21 MS. LANDRY: Well, nobody does.

22 MAYOR PETRACCO: Yep.

23 Is there anyone else this evening that wants to  
24 address the board of commissioners?

25 Seeing no one, we are going to extend -- oh, --

1 UNIDENTIFIED SPEAKER: If you look under the clock  
2 and under former Mayor Orechio's picture, you'll see two  
3 cameras that have, in fact, been installed today. The  
4 installation was complete today. They'll be programming the  
5 equipment and teaching our personnel on how to utilize it.

6 We'll be establishing a protocol. And hopefully,  
7 we will be taping and broadcasting by the next meeting, if  
8 everything goes correctly.

9 Just an update, Mayor.

10 MAYOR PETRACCO: Thank you so much. My mother's  
11 really waiting for that.

12 Anybody else? Or, no, we're going to extend --

13 UNIDENTIFIED SPEAKER: Continue the meeting to  
14 Tuesday, October 14th, --

15 MADAM CLERK: October 14th.

16 UNIDENTIFIED SPEAKER: -- at 9:00 a.m.

17 MADAM CLERK: 9:00 a.m.

18 MAYOR PETRACCO: Okay. Thank you.

19 MADAM CLERK: Okay.

20 UNIDENTIFIED SPEAKER: All right.

21 MADAM CLERK: Time is now 9:35.

22 (Whereupon, these proceedings were concluded at  
23 9:35 PM)

24

25

**Signature Page/Board of Commissioners  
Meeting Minutes, October 7, 2014**

ATTEST:



\_\_\_\_\_  
Eleni Pettas, RMC  
Municipal Clerk  
(Meeting Minutes Approved at the  
November 6 Board of  
Commissioners Meeting)



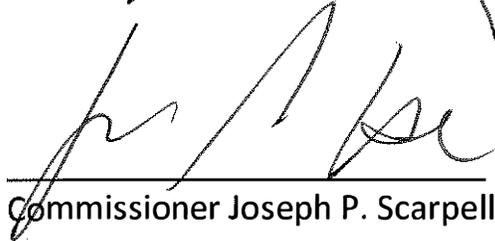
\_\_\_\_\_  
Commissioner Steven Rogers



\_\_\_\_\_  
Commissioner Mauro G. Tucci



\_\_\_\_\_  
Commissioner Thomas J. Evans



\_\_\_\_\_  
Commissioner Joseph P. Scarpelli

\_\_\_\_\_  
Mayor Alphonse Petracco

**AGENDA**  
**BOARD OF COMMISSIONERS**  
**PUBLIC MEETING / 7:00P.M.**  
**TOWNSHIP OF NUTLEY**  
**TUESDAY, OCTOBER 7, 2014**

**PLEDGE OF ALLEGIANCE:**

**SUNSHINE NOTICE:**

Pursuant to the requirements of the Open Public Meeting Law (Chapter 231, P.L.1975), notice of this meeting was published in the December 12, 2013 issues of the Nutley Sun, 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.

**ROLL CALL:**

Commissioner Rogers  
Commissioner Tucci  
Commissioner Evans  
Commissioner Scarpelli  
Mayor Petracco

**MINUTES:**

Executive Session Minutes 2005, 2007, 2008, 2009 & 2010  
Budget Workshop 2008 & 2009  
BOC/BOE (Special Meeting) 2008  
August 19, 2014  
September 2, 2014

**COMMUNICATIONS/CORRESPONDENCE: (2)**

1. Application Submission/Social Affair Permit (Alcoholic Beverage Control)/  
Sunday, October 19, 2014/Kingsland Manner, 4Kingsland Street/Fundraiser for Restoration
2. Application Submission/Nutley Chamber of Commerce/172 Chestnut  
Street/"Santa's Arrival" Event Scheduled November 28, 2014 with Rain Date of November 29,  
2014/Event Location - Nutley Park Oval

**REPORTS: (2)**

Commissioner Evans/Code Enforcement/1<sup>st</sup> & 2<sup>nd</sup> Quarter Reports for 2014  
Commissioner Tucci/Parks & Public Property/Shade Tree Reports for June and July of 2014

**Review/Discussion: Best Practice Worksheet CY2014/SFY2015**

**BILLS:**

**ORDINANCE INTRODUCTIONS:**

None.

**ORDINANCE PUBLIC HEARINGS: (1)**

**Mayor Petracco/Ordinance No. 3298**

AN ORDINANCE TO AMEND AN ORDINANCE CODIFIED IN THE TOWNSHIP OF NUTLEY CODE, CHAPTER 49, ENTITLED ESTABLISHMENT AND ORGANIZATION OF THE POLICE DEPARTMENT. BE IT ENACTED BY THE BOARD OF COMMISSIONERS of the Township of Nutley, that Chapter 49, section 2, entitled Organization, be hereby AMENDED in its entirety.

**RESOLUTIONS: (17)**

**Commissioner Rogers (2)**

**No. 235-14/**Declare October as Breast Cancer Awareness Month

**No. 241-14/**Give Permission to Township Attorney to Negotiate 5-Year Contract/Future Sanitation & Recycling

**Commissioner Tucci (3)**

**No. 232-14/**Nutley-Belleville Columbus Day & Italian Heritage Month Parade Committee Celebration/October 12, 2014/Congratulations to 2014 Grand Marshal, Msgr. Joseph Granato And All Italian Heritage Award Recipients/Annual Honoree Dinner on Thursday, September 25, 2014/ Nanina's in the Park, Belleville NJ

**No. 238-14/**Request for Qualifications of Specialized Professional Services/New Jersey Licensed Certified Tree Expert/Forestry Services/Due October 28, 2014

**No. 240-14/**Declare October 18, 2014 as Third Half Club of Nutley Day

**Commissioner Evans (4)**

**No. 226-14/**Refund Overpayment of Property Tax/Total Amount \$3,288.00/Block 9105 Lot 21

**No. 233-14/**NJDOT Completed Traffic Investigation on NJ Route 7 Township of Nutley/Current Centerline Pavement Markings Meet and Conform to Current Standards/Current Records Will Reflect "No Passing Zone"

**No. 237-14/**Fiber Optic Shared Services Agreement with Nutley Board of Education

**No. 239-14/**N.J.S.A. 54:4-54 Allows for Cancellation of an Erroneous Assessment After Extensive Review From Tax Council/For Property Known As 176 Washington Avenue, Block 6700 Lot2

**Commissioner Scarpelli (3)**

**No. 234-14/**Discrepancy of Water Consumption & Billing/113 Raymond Avenue/Cancel Charges of \$276.00/ Township Shall Accept Settlement of \$111.43

**No. 236-14/**Discrepancy of Water Consumption & Billing/167 Mountainview Avenue/Cancel Charges of \$1,283.22/Township Shall Accept Total Settlement of \$854.65

**No. 242-14/** Discrepancy of Water Consumption & Billing/215 Park Avenue/Cancel Charges of \$1,227.05/Township Shall Accept Total Settlement of 182.25

**Mayor Petracco (5)**

**No. 227-14/** Approval of Raffle License/BPOE #1290 Nutley Lodge

**No. 228-14/**Authorize “Expansion of Premises”/Liquor License # 0716-33-022-002/The Old Canal Inn, 2 East Passaic Avenue, Nutley NJ 07110

**No. 229-14/**Authorize Liquor License Renewal/Plenary Retail Consumption License No. 0716-33-026-004/Nicholas J. Sambuco Sr./Effective July 1, 2014-June 30,2015

**No. 230-14/** Award Non-Fair & Open Contract/GTBM, Inc./(Info-Cop) “Municipal Court E-Ticketing Program”/January 1, 2014- December 31, 2015/Not Expected to Exceed \$45,000.00

**No. 231-14** “Person-to-Person” Liquor License Transfer Application Withdrawn/Southside Grill, LLC T/A Ritacco’s Midtown Bar & Grill/Plenary Retail Consumption Liquor License No. 0716-33-027-009

**MEETING OPEN TO THE PUBLIC:**

**ADJOURNMENT:**

**REMINDER:**

The next Board of Commissioners meeting is scheduled for Tuesday, October 21, 2014 at 7:00 P.M., Nutley Town Hall, 3<sup>rd</sup> floor Commission Chambers.

**CONTINUED MEETING**

**(DATE)-October 14, 2014**

**(TIME)- 9:00am**

**(PLACE)-3<sup>rd</sup> FLOOR TOWNHALL**

**Conference Call Information:**

**Conference Dial-In-Number: 605-475-4850 Access Code: 990368**

**No. 244-14/**Contract Award to AJM Contractors, Clifton, NJ 07011 for the 2014 Hancox Avenue and Conover Avenue Improvements.

**ROLL CALL: 9:08 AM**

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Commissioner Rogers	Via Teleconference
Commissioner Tucci	Via Teleconference
Commissioner Evans	Present
Commissioner Scarpelli	Via Teleconference
Mayor Petracco	Via Teleconference
Township Attorney	Present

**Resolutions:(1)**

**Commissioner Scarpelli**

No. 244-14Award of Contract/AJM Contractors 300 Kuller Road/Conover Avenue & Hancox Avenue Improvements.

**Introduced by:** Commissioner Joseph P. Scarpelli

**Seconded by:** Commissioner Thomas J. Evans

Commissioner Rogers	Aye
Commissioner Tucci	Aye
Commissioner Evans	Aye
Commissioner Scarpelli	Aye
Mayor Petracco	Aye

**MOTION TO ADJOURN: 9 :18AM** Commissioner Evans

**Seconded by:** Commissioner Tucci

Commissioner Rogers	Aye	Commissioner Evans	Aye
Commissioner Scarpelli	Aye	Mayor Petracco	Aye

Commissioner Scarpelli Aye

**Ordinance No. 3298**  
**Introduced by Mayor Petracco**  
**Introduced on Tuesday, September 2, 2014**  
**Public Hearing Tuesday, October 7, 2014**

**Ordinance No. 3298**

**AN ORDINANCE TO AMEND AN ORDINANCE CODIFIED IN THE TOWNSHIP OF NUTLEY CODE, CHAPTER 49, ENTITLED ESTABLISHMENT AND ORGANIZATION OF THE POLICE DEPARTMENT. BE IT ENACTED BY THE BOARD OF COMMISSIONERS of the Township of Nutley, that Chapter 49, section 2, entitled Organization, be hereby AMENDED in its entirety to read as follows:**

**49-2. Organization**

There shall be established within the Police Department the following table of organization:

- A. Department Superior Officer complement. The complement of superior officers within the Police Department shall be determined by the Director of Public Safety up to the following:

- (1) Chief of Police: 1
- (2) Deputy Chief 1
- (3) Police Captains: 3
- (4) Police Lieutenants: 6
- (5) Police Sergeants: 13

- B. Department Structure. The Department shall be divided into three divisions, a Patrol Division, Investigations Division, and a Services Division.

(1) **The Patrol Division.** The Patrol Division shall consist of three shifts; a day, evening, and night. In addition to the Division Commander, there shall be assigned four Lieutenants, nine Sergeants, and such civilian dispatchers as may be required.

(2) **The Investigations Division.** The Investigations shall consist of the Criminal Investigations Bureau, the Youth Aid Bureau, and the Professional Standards Unit. In addition to the Division Commander, there shall be assigned four Detective sergeants and such Detectives and other officers as may be required, in conformance with policy established by the Director of Public Safety.

1. **Criminal Investigations Bureau.** The Criminal Investigations Bureau shall consist of a day and evening shift. The hours shall be as established by the Director of Public Safety. The Criminal Investigations Bureau, shall, in addition to investigative responsibilities, develop and implement crime prevention and Neighborhood Watch programs.

2. **Youth Aid Bureau.** The Youth Aid Bureau shall, in addition to investigative responsibilities, develop and implement programs to deter young people from unlawful conduct and substance abuse. These programs may include, but are not

limited to; a Junior Police Academy, Drug Abuse Resistance Education (DARE), School Resource Officers (SRO), and Police Youth Organizations (PYO).

3. Professional Standards Unit. The Professional Standards Unit shall ensure that Department personnel develop and maintain the knowledge, skills, and abilities required for effective performance of their duties through the implementation of a comprehensive, continuous training program. The unit shall also be responsible for the Department's Internal Affairs function.
- (3) **The Services Division.** There shall be assigned to the Services Division, such Command, Supervisory, and other personnel as may be required. The Services Division shall consist of Personnel Administration, Records management, Crime Analysis, Police Information Technology, Facilities and Equipment, Fleet Management, and Evidence and Property Control.

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

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

**Resolution**

*Introduced by:* r r r r Commissioner Steven Rogers *Date:* October 7, 2014 r

*Seconded by:* r r r Commissioner Joseph Pr Scarpe...llr r r *No.* 235-14

**WHEREAS**, in 2014, an estimated 232,670 new cases of invasive breast cancer and 62,570 cases of non-invasive breast cancer are expected to be diagnosed in women in the U.S.; and

**WHEREAS**, in 2014, approximately 40,000 women will lose their lives as a result of the breast cancer; and

**WHEREAS**, breast cancer is the second leading cause of cancer death for women in the U.S, after lung cancer; and

**WHEREAS**, recent strides in early detection, including the use of mammography, and prompt treatment have significantly reduced the suffering and deaths caused by this disease; and

**WHEREAS**, the Department of Public Affairs will continue to work with Nutley Thriving Survivors, a nonprofit corporation, to develop programs to increase awareness of the symptoms of breast cancer and to support those women, and men, who may be diagnosed with the disease;

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey declare **OCTOBER** as

**BREAST CANCER AWARENESS MONTH**

**BE IT FURTHER RESOLVED** that we urge all women and their families in the Township of Nutley to seek assistance in obtaining the facts and information about breast cancer, mammography and available support groups for victims and to participate in the programs scheduled this year for residents of the Township and breast cancer survivors, and

**BE IT FURTHER RESOLVED** that residents are encouraged to join the Thriving Survivors and celebrate the lives of Nutley women who have been affected by breast cancer by attending the 12<sup>th</sup> Annual Nutley Thriving Survivors Brunch on Sunday, October 26, 2014, at 11:00 am.

I, Eleni Pettas, 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 October 7, 2014

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



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

**Resolution**

*Introduced by:* \_\_\_\_\_ Commissioner Mauro G. Tucci \_\_\_\_\_ *Date:* \_\_\_\_\_ October 7, 2014  
*Seconded by:* \_\_\_\_\_ Commissioner Thomas J. Evans \_\_\_\_\_ *No.* \_\_\_\_\_ 232-14

**WHEREAS**, On Sunday, October 12, 2014, the Nutley-Belleville Columbus Day & Italian Heritage Month Parade Committee will celebrate its 32<sup>nd</sup> Annual Columbus Day Parade festivities commemorating Columbus historic voyage to the New World; and

**WHEREAS**, The Parade Committee has a long history of commemorating Columbus Day each year in the Township of Nutley, which is looked forward to and enjoyed by both spectators and participants alike; and

**WHEREAS**, The Nutley-Belleville Columbus Day & Italian Heritage Month Parade Committee will celebrate its Annual Honoree Dinner, on Thursday, September 25, 2014 at Nanina's in the Park, Belleville, N.J.; and

**WHEREAS**, this year's Grand Marshal is Rev. Msgr. Joseph Granato; and

**WHEREAS**, Rev. Msgr. Granato is joined by the Italian Heritage Award recipient, Dr. Michael Credico, Belleville Woman of the Year, Marie Kimble, Belleville Man of the Year, Pasquale DiPalma, Nutley Woman of the Year, Mary Ryder, Nutley Man of the Year, John Gizzo, 2014 Renaissance Man, Michael Grillo, 2014 Italian Business Leader, Gerard Tucci along with the 2014 Bella Signorina's Nicole Galioto from Belleville and Kristen Palermo from Nutley as this year's dignitaries; and

**NOW THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Township of Nutley, County of Essex, join with the citizens of Nutley to salute and congratulate Grand Marshal, Rev. Msgr. Joseph Granato, Italian Heritage Award recipient, Dr. Michael Credico, Belleville Woman of the Year, Marie Kimble, Belleville Man of the Year, Pasquale DiPalma, Nutley Woman of the Year, Mary Ryder, Nutley Man of the Year, John Gizzo, 2014 Renaissance Man, Michael Grillo, 2014 Italian Business Leader, Gerard Tucci and Bela Signorina's Nicole Galioto and Kristen Palermo as they are honored here tonight.

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 \_\_\_\_\_ October 7, 2014

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



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

## Resolution

*Introduced by:* Commissioner Mauro G. Tucci r r r r *Date:* October 7, 2014  
*Seconded by:* Commissioner Thomas J. Evans *No.* 240-14

**WHEREAS**, the Third Half Club of Nutley will celebrate its 75<sup>th</sup> Anniversary of service to the youth of our community on Saturday, October 18, 2014, adopting the motto "Dedicated to the Youth of Nutley" ; and

**WHEREAS**, the Third Half Club of Nutley was formed by a group of Nutley citizens in 1939 to raise funds needed to send the Nutley High School Football Team to Florida to play for the National High School Football Championship; and

**WHEREAS**, the Nutley High School Football Team of 1939 defeated Suwanee High School with a final score of 14-0; and

**WHEREAS**, for the past 75 years the objective of the Third Half Club of Nutley is to bring together socially and fraternally, the men and women who are graduates of Nutley High School, parents of students attending Nutley Schools and all sports minded citizens; and

**WHEREAS**, the objectives are also to provide an incentive for participation in athletic events; help, aid and assist worthy students; pay tribute to students for their participation in the field of athletics and associated activities;

**NOW THEREFORE BE IT RESOLVED** by the Board of Commissioners of the Township of Nutley, County of Essex New Jersey, hereby recognize and congratulate the Third Half Club of Nutley on its 75<sup>th</sup> Anniversary and their dedicated services to the Township of Nutley and its residents; and hereby declare Saturday, October 18, 2014 as Third Half Club of Nutley Day.

I, Eleni Pettas, 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 October 7, 2014

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



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

**Resolution**

*Introduced by:* Commissioner Thomas J. Evans *Date:* October 7, 2014

*Seconded by:* Commissioner Mauro G. Tucci *No.* 233-14

**WHEREAS**, the New Jersey Department of Transportation (NJDOT) recently completed a traffic investigation on NJ Route 7 in the Township of Nutley; and

**WHEREAS**, NJDOT investigation revealed the current centerline pavement markings on NJ Route 7 meet and conform to current design standards; and

**WHEREAS**, NJDOT will update existing records to reflect current No Passing Zone conditions along NJ Route 7;

**NOW THEREFORE BE IT RESOLVED** by the Board of Commissioners of the Township of Nutley, County of Essex, in the State of New Jersey, that it supports the use of a "No Passing Zone" on NJ Route 7 in the Township of Nutley as recommended by NJDOT.

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution shall be forwarded to NJDOT as requested.

I, Eleni Pettas, Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the

Eleni Pettas

foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held

October 7, 2014

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

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

**Resolution**

*Introduced by:* Commissioner Thomas J. Evans *Date:* October 7, 2014  
*Seconded by:* Commissioner Mauro G. Tucci *No.* 237-14

**WHEREAS**, the Uniformed Shared Services and Consolidation Act N.J.S.A. 40A:65-1et seq. authorizes public entities to enter into a contract with each other to subcontract any service which one of the parties to the agreement is empowered to render within its own jurisdiction; and

**WHEREAS**, both the Township and the Board of Education have agreed to the share a single Fiber Optic Network previously installed by the Township and they desire to enter into a contract for the use of said network recognizing the benefits of improved quality and reduced cost; and

**WHEREAS**, the Township and the Board of Education are both authorized to procure telecommunications equipment and services using the New Jersey Cooperative Purchasing Program in keeping with N.J.S.A. 18A:18A-10 et seq., and N.J.A.C. 5:34-7 et seq.; and

**WHEREAS**, both the Township and the Board of Education have agreed to terms and conditions that are satisfactory to both parties including network maintenance and access for future upgrades such as public WiFi; and

**WHEREAS**, the Board of Education will reimburse the Township \$75,000.00 payable over a 10 year period, beginning December 1, 2015 for their proportional share of the fiber optic network installation costs, plus \$3,600.00 or 30% (whichever is greater) of the annual cost for the network maintenance.

**NOW, THEREFORE BE IT RESOLVED** by the Board of Commissioners, that the Mayor is hereby authorized to enter into a shared services contract with the Board of Education consistent with N.J.S.A. 40A:65-1 et seq. in order to derive the benefits therein of establishing a shared Fiber Optic Network

I, Eleni Pettas 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 October 7, 2014

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

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

**Resolution**

*Introduced by:* Commissioner Thomas J. Evans *Date:* October 7, 2014  
*Seconded by:* r Commissioner Mauro G. Tucci *No.* 239-14

**WHEREAS, N.J.S.A. 54:4-54 allows the Governing Body of a Municipality to cancel an erroneous assessment; and**

**WHEREAS, the Township Tax Counsel conducted an extensive review of the records and determined that the taxes for the property were inadvertently charged to property; and**

**NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey that the taxes billed from this assessment be removed from the property commonly known as block 6700 lot 2, 176 Washington Avenue.**

I, Eleni Pettas 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 October 7, 2014.

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

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

## Resolution

*Introduced by:*     r    r    r    Commissioner Joseph P. Scarpelli    r    r    r     *Date:*     October 7, 2014      
*Seconded by:*     Commissioner Steven Rogers     *No.*     234-14    

**WHEREAS**, a discrepancy has arisen with respect to water consumption and billing at 113 Raymond Avenue, Nutley, New Jersey, Account Number 5233-0; and

**WHEREAS**, due to incompatible equipment installed at the premise, an accurate reading was not obtained; and

**WHEREAS**, such discrepancy placed the property in the 2013 tax sale for delinquent charges.

**WHEREAS**, the Township and owner at 113 Raymond Avenue have investigated this matter and resolved the discrepancy as set forth herein,

**NOW THEREFORE BE IT RESOLVED** by the Board of Commissioners of the Township of Nutley, County of Essex, as follows:

The Township Treasurer is hereby authorized to cancel water charges in the amount of \$276.00 and any interest accrued year to date and the property owner shall pay to the Township and the Township shall accept a settlement of \$96.43 plus \$15.00 tax sale advertisement fee for the billings in dispute.

I, *Eleni Pettas*, 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     October 7, 2014    

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

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

**Resolution**

*Introduced by:* r \_\_\_\_\_ r Commissioner Joseph P. Scarpelli *Date:* r October 7, 2014  
*Seconded by:* \_\_\_\_\_ Commissioner Steven Rogers *No.* 236-14

**WHEREAS**, a discrepancy has arisen with respect to water consumption and billing at 167 Mountainview Avenue, Nutley, New Jersey, Account Number 5089-0; and

**WHEREAS**, due to a meter reading data import error, an accurate reading was not obtained; and

**WHEREAS**, such discrepancy placed the property in the 2013 tax sale for delinquent charges.

**WHEREAS**, the Township and owner at 167 Mountainview Avenue have investigated this matter and resolved the discrepancy as set forth herein,

**NOW, THEREFORE BE IT RESOLVED** by the Board of Commissioners of the Township of Nutley, County of Essex, as follows:

The Township Treasurer is hereby authorized to cancel water charges in the amount of \$1,283.22 and any interest accrued year to date and the property owner shall pay to the Township and the Township shall accept a settlement of \$839.65 plus \$15.00 tax sale advertisement fee for the billings in dispute, for a total of \$854.65.

I, Eleni Pettas \_\_\_\_\_, 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 October 7, 2014

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

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

## Resolution

*Introduced by:* Commissioner Joseph P. Scarpelli *Date:* October 7, 2014  
*Seconded by:* Commissioner Steven Rogers *No.* 242-14

**WHEREAS**, a discrepancy has arisen with respect to water consumption and billing at 215 Park Avenue, Nutley, New Jersey, Account Number 6530-0; and

**WHEREAS**, due to being unable to access the property, an accurate reading was not obtained, resulting in an estimated water consumption for this account; and

**WHEREAS**, the owner received a new water meter on October 3, 2014 and the actual read on the old meter was substantially lower than previously estimated.

**WHEREAS**, such discrepancy placed the property in the 2013 tax sale for delinquent charges.

**WHEREAS**, the Township and owner at 215 Park Avenue have investigated this matter and resolved the discrepancy as set forth herein,

**NOW, THEREFORE BE IT RESOLVED** by the Board of Commissioners of the Township of Nutley, County of Essex, as follows:

The Township Treasurer is hereby authorized to cancel water charges in the amount of \$1,227.05 and the property owner shall pay to the Township and the Township shall accept a settlement of \$167.25 plus interest year to date and a \$15.00 tax sale advertisement fee for the billings in dispute.

. . .

I, Eleni Pettas, 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 October 7, 2014 e

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

# BOARD OF COMMISSIONERS

## TOWNSHIP OF NUTLEY, NEW JERSEY

### Resolution

Introduced by: Mayor Alphonse Petracco Date: October 7, 2014

Seconded by: Commissioner Mauro G. Tucci No. 227-14

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

BPOE #1290 Nutley Lodge	License No. 62-14 On-Premise Merchandise Raffle	November 7, 2014
Washington School PTO	License No. 63-14 On-Premise Tricky Tray	November 21, 2014
Washington School PTO	License No. 64-14 On-Premise 50/50 Cash Raffle	November 21, 2014
Rotary Club of Nutley	License No. 65-14 On-Premise Merchandise Raffle	December 6, 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 aforementioned licenses are approved and the Municipal Clerk is authorized to issue the licenses.

. . .

I, Eleni Pettas, Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the

Eleni Pettas

foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held October 7, 2014

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

**BOARD OF COMMISSIONERS**

TOWNSHIP OF NUTLEY, NEW JERSEY

**Resolution**

Introduced by: Mayor Alphonse Petracco Date: October 7, 2014  
Seconded by: Commissioner Mauro G. Tucci No. 228-14

**WHEREAS**, an application has been filed for a place-to-place transfer (EXPANSION OF PREMISES) of Plenary Retail Consumption License No. 0716-33-022-002, Conca Brothers Management 4 LLC., T/A The Old Canal Inn, 2 East Passaic Avenue, Nutley New Jersey 07110 for purposes of expanding the premises under license wherein the sale, service and storage of alcoholic beverages are authorized;

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

**WHEREAS**, no café shall open for business prior to 7:00A.M. Nor remain open for business after 11:00P.M., and all persons occupying the café are required to vacate the café no later than 11:30P.M.;

**NOW, THEREFORE BE IT RESOLVED** that the Township of Nutley, Board of Commissioners does hereby approve, effective Friday, October 10, 2014 the expansion of the aforesaid Plenary Retail Consumption License No. 0716-33-022-002 located at 2 East Passaic Avenue, Nutley, New Jersey 07110 to place under the license the area delineated in the application form and the sketch of licensed premises attached thereto.

I, Eleni Pettas, Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the

Eleni Pettas

foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held

October 7, 2014

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

BOARD OF COMMISSIONERS  
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Mayor Alphonse Petracco Date: October 7, 2014  
Seconded by: Commissioner Mauro G. Tucci No. 229-14

**BE IT RESOLVED**, by the Board of Commissioners of the Township of Nutley, in the County of Essex, State of New Jersey, that renewal of Plenary Retail Consumption License be granted to Nicholas J. Sambuco, Sr., license number 0716-33-026-004 effective July 1, 2014 through June 30, 2015.

**BE IT RESOLVED**, that the State of New Jersey, Department of Treasury, Division of Taxation has provided Tax Clearance Certificate for said license.

**BE IT FURTHER RESOLVED**, the Director of the Division Alcoholic Beverage Control has reviewed the Special Ruling (N.J.S.A. 33:1-12.39) petition submitted by Nicholas J. Sambuco, Sr. and has considered all the facts and circumstances related to the inactive status of this license and has determined that the licensee has established good cause in accordance with the statutory requirements to warrant an application for renewal of license number 0716-33-026-004 for the 2014-2015 license term.

**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 be and is hereby renewed for the licensing period of July 1, 2014 through June 30, 2015.

...

I, Eleni Pettas, Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the

Eleni Pettas

foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held

October 7, 2014

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

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

**Resolution**

*Introduced by:* Mayor Alphonse Petracco *Date:* October 7, 2014

*Seconded by:* Commissioner Mauro G. Tucci *No.* 230-14

WHEREAS, the Township of Nutley and Police Department needs to acquire proprietary software for the issuance of electronic tickets through mobile computers as a non-fair and open contract; and

WHEREAS, the use of electronic ticketing increases efficiency, enables officers to return to service faster, eliminates data entry errors and auto-populates citations with the appropriate statute number, fine and court information; and

WHEREAS, N.J.S.A. 40A:11-5(d)(d) permits the award of a contract without public bidding for the provision of proprietary software; and

WHEREAS, GTBM, Inc. owns the Info-Cop™ E-Ticketing System and has submitted a proposal to provide the system software; and

WHEREAS, GTBM, Inc., 351 Paterson Avenue, East Rutherford NJ 07073, has completed and submitted a Business Entity Disclosure Certification which certifies that it has not made any reportable contributions in the previous year and will be prohibited from making any reportable contributions throughout the term of the Contract; and

WHEREAS, the contract is in an amount not expected to exceed \$45,000.00, the funds for which are available in an account entitled "Municipal Court E-Ticket Program" account number 4-01-326-200, said funds subject to the adoption of the 2014 budget and certification by the Chief Financial Officer; and

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

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners and the Township of Nutley in the County of Essex that a contract be awarded to GTBM, Inc. 351 Paterson Avenue, East Rutherford NJ 07073, in a form approved by the Township attorney; and

BE IT FURTHER RESOLVED that the Business Entity Disclosure be placed on file with this Resolution.

I, Eleni Pettas, 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

Click here to enter a date.

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

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

**Resolution**

*Introduced by:* Mayor Alphonse Petracco *Date:* October 7, 2014

*Seconded by:* Commissioner Mauro G. Tucci *No.* 231-14

WHEREAS, on July 28, 2014, a "Person-to-Person" liquor license transfer application was submitted for the the following:

Liquor License # 0716-33-027-009  
South Side Grill, LLC T/A Ritacco's Midtown Bar & Grill  
223 A Franklin Avenue  
Nutley, NJ 07110

**TO**

Luna Wood Fired Tavern  
223 A Franklin Avenue  
Nutley, NJ 07110

WHEREAS, on September 16, 2014 the owners of Southside Grill (LLC) DBA Midtwon Bar & Grill located at 223A Franklin Avenue, Nutley, NJ 07110 submitted a written request to withdraw the application for the "Person -to-Person" transfer of Plenary Retail Consumption Liquor License No. 0716-33-027-009.

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, County of Essex that at the request of Southside Grill (LLC) DBA Midtwon Bar & Grill, the "Person-to-Person" transfer of Plenary Retail Consumption Liquor License No. 0716-33-027-009 be and is hereby withdrawn.

I, Eleni Pettas e \_\_\_\_\_, Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the

Eleni Pettas

foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held October 7, 2014

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

TOWNSHIP OF NUTLEY, NEW JERSEY

BOARD OF COMMISSIONERS

ORIGINAL

PUBLIC MEETING

TRANSCRIPT OF

PROCEEDINGS:

October 14, 2014

(Continuation of October 7, 2014 Meeting)

Job #1946907

9:09 a.m.

BEFORE:

Commissioner Steven L. Rogers

Commissioner Mauro Tucci

Commissioner Thomas J. Evans

Commissioner Joseph Scarpelli

Mayor Alphonse Petracco

ALSO APPEARING:

Alan Genitempo, Counsel to the Board

Eleni Pettas, Municipal Clerk

Job No. NJ1952466

Transcribed by: Nicole Yawn

RECEIVED  
MUNICIPAL CLERK'S OFFICE  
2014 OCT 23 A 10:39  
TOWNSHIP OF NUTLEY

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

2 MADAM CLERK: The time is now 9:09, and we're  
3 continuing the meeting of October 7th, 2014.

4 Commissioner Rogers?

5 COMMISSIONER ROGERS: Here.

6 MADAM CLERK: Commissioner Tucci?

7 COMMISSIONER TUCCI: Here.

8 MADAM CLERK: Commissioner Evans?

9 COMMISSIONER EVANS: Here.

10 MADAM CLERK: Commissioner Scarpelli?

11 MR. SCARPELLI: Here.

12 MADAM CLERK: Mayor Petracco?

13 MAYOR PETRACCO: Here.

14 MADAM CLERK: Commissioner Scarpelli?

15 COMMISSIONER SCARPELLI: Yeah, this is a  
16 resolution to award CDBG (ph) money for Hancox Avenue and  
17 Conover Avenue.

18 WHEREAS, bids for the 2014 Hancox Avenue and  
19 Conover Avenue improvements were received and opened on  
20 October 9, 2014; and

21 WHEREAS, AJM Contractors, 300 Kuller Road,  
22 Clifton, New Jersey 07011 was the lowest possible bidder;  
23 and

24 WHEREAS, the base bid for the 2014 Hancox Avenue  
25 and Conover Avenue improvements in the amount of \$238,551

1 and the alternate bid number 1 was in the amount of \$203,349  
2 for a total bid of \$441,900; and

3 WHEREAS, the award of this contract is subject to  
4 the availability and appropriation of sufficient funds from  
5 Essex County Community Development Block Grant Account  
6 number T-19-909-901, the base bid the amount of 196,000 and  
7 account number 4-01-806-277 in the amount of \$42,551 and  
8 alternate bid number 1 account number T-19-909-901 in the  
9 amount of \$160,908 and account number 4-01-806-277 in the  
10 amount of \$8,455.81 and ordinance number 3243A in the amount  
11 of \$33,995.49 and subject to this caveat, have been  
12 certified by the chief financial officer, said certification  
13 being attached to this resolution;

14 NOW, THEREFORE, BE IT RESOLVED by the board of  
15 commissioners, township of Nutley, county of Essex, state of  
16 New Jersey that a contract be awarded to AJM Contractors for  
17 the total bid in the amount not to exceed \$441,900 and that  
18 the mayor and township clerk are hereby authorized to enter  
19 into and sign said contract for the township of Nutley  
20 subject to final approval and funding by the Essex County  
21 Community Development Block Grant.

22 I move the resolution.

23 COMMISSIONER EVANS: Second.

24 MADAM CLERK: Commissioner Rogers?

25 COMMISSIONER ROGERS: Aye.

1 MADAM CLERK: Commissioner Tucci?

2 COMMISSIONER TUCCI: Aye.

3 MADAM CLERK: Commissioner Evans?

4 COMMISSIONER EVANS: Aye.

5 MADAM CLERK: Commissioner Scarpelli?

6 MR. SCARPELLI: Aye.

7 MADAM CLERK: Mayor Petracco?

8 MAYOR PETRACCO: Aye.

9 MADAM CLERK: Okay. We just need a motion to  
10 adjourn.

11 MR. GENITEMPO: Before we do that,

12 UNIDENTIFIED SPEAKER: (Indiscernible.)

13 MR. GENITEMPO: Wait one second. Before we do  
14 that, while I have everybody on the phone, last meeting, I  
15 neglected to put a resolution up related to paying a Future  
16 for the month of October.

17 Our temporary contract expired in the beginning of  
18 the -- before the beginning of the month. And we're working  
19 on the new contract, which we were going to make effective  
20 December 1. I'm sorry. November 1. I know we can't vote  
21 on it, because it's not an agenda item.

22 Does anybody -- I'll work with Rowe (ph) on it.  
23 Does anybody have an objection to me making sure they get  
24 paid for the month of October?

25 UNIDENTIFIED SPEAKER: No objection here.

1 UNIDENTIFIED SPEAKER: None.

2 UNIDENTIFIED SPEAKER: Can't we just pay them and  
3 then run it by at the next meeting?

4 MR. GENITEMPO: Well, I thought we could, but  
5 Rowe's a little squeamish about that. So I'll figure it  
6 out.

7 COMMISSIONER EVANS: Why don't we -- when we get  
8 close to paying them, we'll do whatever their due date is  
9 for pay, if it's not for the next meeting, we'll do a phone  
10 roll call.

11 MADAM CLERK: Vote.

12 COMMISSIONER EVANS: We've done that before.

13 MR. GENITEMPO: Yeah.

14 COMMISSIONER EVANS: With Future. Is that okay?

15 MR. GENITEMPO: I think we can work it out,  
16 because we're trying to make the contract beginning with --  
17 you know, maybe October 1st. We'll figure it out.

18 I just want to talk to Rowe about it, but I just  
19 want to make sure nobody had an objection.

20 UNIDENTIFIED SPEAKER: What's the amount, Alan?

21 MR. GENITEMPO: It's the new contract price  
22 amount, 78,900, for the month.

23 UNIDENTIFIED SPEAKER: (Indiscernible) pay them.

24 MR. GENITEMPO: Yeah, yeah, we all -- we're  
25 already -- so we're going to be past the date we agreed to

1 pay them.

2 COMMISSIONER EVANS: Yeah. So, if we need to,  
3 we'll do a roll call. It'll be on the next agenda, because  
4 it needs to be on the bill list to make it to a meeting.

5 UNIDENTIFIED SPEAKER: Right.

6 COMMISSIONER EVANS: I'm sure we could work that  
7 out. We've done that in the past.

8 MR. GENITEMPO: Yeah. No problem. Thank you.

9 UNIDENTIFIED SPEAKER: Okay.

10 MADAM CLERK: I need a motion to adjourn, please.

11 UNIDENTIFIED SPEAKER: So moved.

12 UNIDENTIFIED SPEAKER: Second.

13 MADAM CLERK: Commissioner Rogers?

14 COMMISSIONER ROGERS: Aye.

15 MADAM CLERK: Commissioner Tucci?

16 COMMISSIONER TUCCI: Aye.

17 MADAM CLERK: Commissioner Evans?

18 COMMISSIONER EVANS: Aye.

19 MADAM CLERK: Commissioner Scarpelli?

20 MR. SCARPELLI: Aye.

21 MADAM CLERK: Mayor Petracco?

22 MAYOR PETRACCO: Aye.

23 MADAM CLERK: Thank you, everybody.

24 UNIDENTIFIED SPEAKER: (Indiscernible.ə

25 MADAM CLERK: Have a great day.

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UNIDENTIFIED SPEAKER: Bye.

UNIDENTIFIED SPEAKER: Bye.

MADAM CLERK: Are we done?

COMMISSIONER EVANS: Uh-huh.

(Whereupon, these proceedings were concluded at  
9:14 AM)

**Signature Page/Board of Commissioners  
Meeting Minutes, October 14, 2014**

ATTEST:



\_\_\_\_\_  
Eleni Pettas, RMC  
Municipal Clerk  
(Meeting Minutes Approved at the  
November 6 Board of  
Commissioners Meeting)



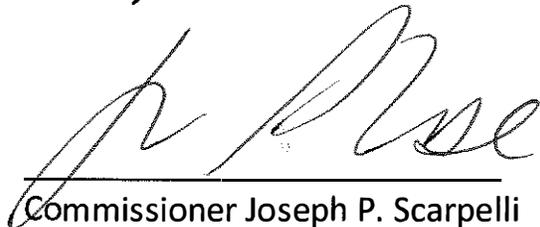
\_\_\_\_\_  
Commissioner Steven Rogers



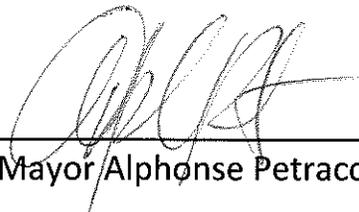
\_\_\_\_\_  
Commissioner Mauro G. Tucci



\_\_\_\_\_  
Commissioner Thomas J. Evans



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Commissioner Joseph P. Scarpelli



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Mayor Alphonse Petracco

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

## Resolution

*Introduced by:* Commissioner Joseph P. Scarpelli

*Date:* October 14, 2014 (continued meeting of October 7, 2014)

*Seconded by:* Commissioner Thomas J. Evans

*No.* 244-14

**WHEREAS, Bids for the 2014 Hancox Avenue and Conover Avenue Improvements were received and opened on October 9, 2014; and**

**WHEREAS, AJM Contractors, 300 Kuller Road, Clifton, NJ, 07011, was the lowest responsible bidder; and**

**WHEREAS, the base bid for the 2014 Hancox Avenue and Conover Avenue Improvements in the amount of \$238,551.00 and the Alternate Bid #1 was in the amount of \$203,349.00 for a total bid of \$441,900.00; and**

**WHEREAS, the award of this contract is subject to the availability and appropriation of sufficient funds from Essex County Community Development Block Grant Account #T-19-909-901, the base bid the amount of \$196,000.00 and Account #4-01-806-277 in the amount of \$42,551.00 and Alternate Bid #1 Account #T-19-909-901 in the amount of \$160,908.00 and Account #4-01-806-277 in the amount of \$8,445.81 and Ordinance #3243A in the amount of \$33,995.19 and subject to this caveat, have been certified by the Chief Financial Officer, said certification being attached to this resolution;**

**NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that a contract be awarded to AJM Contractors, for the total bid in the amount not to exceed \$441,900.00 and that the Mayor and Township Clerk are hereby authorized to enter into and sign said contract for the Township of Nutley subject to final approval and funding by Essex County Community Development Block Grant.**

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 October 14, 2014

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

**Signature Page/Board of Commissioners  
Meeting Minutes, October 7, 2014**

ATTEST:



\_\_\_\_\_  
Eleni Pettas, RMC  
Municipal Clerk  
(Meeting Minutes Approved at the  
November 6 Board of  
Commissioners Meeting)



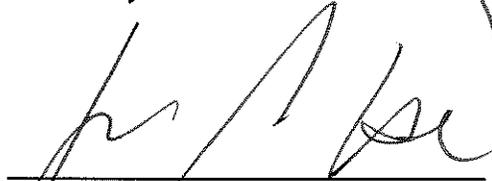
\_\_\_\_\_  
Commissioner Steven Rogers



\_\_\_\_\_  
Commissioner Mauro G. Tucci



\_\_\_\_\_  
Commissioner Thomas J. Evans



\_\_\_\_\_  
Commissioner Joseph P. Scarpelli



\_\_\_\_\_  
Mayor Alphonse Petracco