TOWNSHIP OF NUTLEY, NEW JERSEY

BOARD OF COMMISSIONERS

PUBLIC MEETING

TRANSCRIPT OF PROCEEDINGS:

August 20, 2013

7:04 p.m.

BEFORE:

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

Job No. VTNJ - 1735382
MADAM CLERK: Tuesday, August 20, 2013. Pursuant to the requirements of the Open Public Meeting Law, Chapter 231, Public Laws 1975, notice of this meeting was published in the December 13, 2012 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 available in the Municipal Clerk's Office.

Commissioner Rogers?

COMMISSIONER ROGERS: Here.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Here.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Here.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Here.

MADAM CLERK: Mayor Petracco.

MAYOR PETRACCO: Here.

MADAM CLERK: All present, Mayor.

MAYOR PETRACCO: Thank you so much.

MADAM CLERK: Mayor, for the record, we have Alan Genitempo as our legal counsel for this meeting.

MAYOR PETRACCO: Welcome aboard, Alan.

MR. GENITEMPO: Thank you, Mayor.

MAYOR PETRACCO: We'll start with Commissioner
COMMISSIONER SCARPELLI: I have one resolution for authorization regarding the bid for roadway and improvements on Sargent and Essex Streets, which is through a CDBG grant.

MAYOR PETRACCO: Okay.

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

MAYOR PETRACCO: Commissioner Evans?

COMMISSIONER EVANS: I have a public hearing tonight on the parking ordinance revisions, as well as two resolutions, one for an overpayment of property taxes and the other for the purchase of a copy machine.

MAYOR PETRACCO: Okay. That's it?

COMMISSIONER EVANS: That's it.

MAYOR PETRACCO: Commissioner Rogers?

COMMISSIONER ROGERS: I have one resolution that will authorize us to execute a copy of an agreement for nursing services, and that's it.

MAYOR PETRACCO: Thank you. And Commissioner Tucci?

COMMISSIONER TUCCI: I have a resolution wishing Tom Rudomanski well on his retirement from our Shade Tree Committee after 12 long years. And I have a change order that is to be authorized for Monsignor Owens Field in the amount of $1,259.

MAYOR PETRACCO: Okay.
COMMISSIONER TUCCI: That's it.

MAYOR PETRACCO: Thank you. I believe I have a public hearing tonight on ordinance number 3247 on -- this is the Harrison Street, Prospect Street to Bloomfield Avenue. I have some resolutions. One is for the Auxiliary Police Department. So, if we could put that one first before we do any other ones, I'd appreciate that. Do you want to pull yours to add, Mauro?

COMMISSIONER TUCCI: Please.

MAYOR PETRACCO: Do you want to go first or second?

COMMISSIONER TUCCI: I don't care.

MAYOR PETRACCO: Okay. Only other things I have is a couple resolutions, authorize a raffle license. I have a change order for Scarinci & Hollenbeck of $30,000. And I have authorizing zoning board adjustment escrow refund for 55 Washington Avenue. And then, just like I said before, I have the resolution for the Auxiliary Police Department.

Now, are we going to -- (indiscernible)?

UNIDENTIFIED SPEAKER: Yeah.

MAYOR PETRACCO: Is a representative from Roche here?

UNIDENTIFIED SPEAKER: Why don't we scoot down so maybe they can join us as the table, or at least somebody does.
MAYOR PETRACCO: Yeah. Do -- do you guys want to sit here? I’ll be glad to get up. Darien (ph), do you want to come? Are you sure? Okay. Tom, thank you so much for coming. We appreciate it.

Just a little segue into this if anybody wants to jump in. There’s been some questions raised from the residents. There’s some of them that are in attendance tonight of exactly what the drilling’s about, what we’re doing, access in and out of their streets, and homes, and so forth and so on. So, if you’d like to continue on that path.

UNIDENTIFIED SPEAKER: Well, good evening, Mayor Petracco and Commissioners, and thank you very much for inviting us tonight to talk about the recent drilling.

By way of introduction, my name is Tom Lyon. I’m Roche vice-present and a Nutley site head. I’m joined by a few colleagues. First, on my right is Chandra Patel. Chandra is director of environmental health and services for Roche, and as such is also responsible for all of the remediation programs. In addition, there’s John Trela.

MR. TREL: Hello, everyone.

MR. LYON: John Trela is senior vice-president of TRC Company, which is a consultant to Roche. In John’s capacity, he is a principal in charge for TRC on the Roche account and is also accountable for the implementation of
all remediation, as well as the oversight of all seven of
our LSRP's, which is the license site remediation
professionals.

In addition, we have Tom Ruby (ph). Tom Ruby is
our land use corporate counsel, a Roche employee. And
Darien Wilson, which I think most of you know already.

MS. WILSON: Hi.

MR. LYON: Darien is director of communications.
So, that's the force that we bring tonight to hopefully
address the concerns that the Commissioners have.

First off, I would like to recognize and
acknowledge the immediate concerns with the recent drilling.
We do apologize for the concerns that the residents have
expressed, as well as the support from the Commissioners.
Thank you very much for that.

We believe we've identified some lessons learned
in the initial drilling that we've done, and we're going to
get into some specifics about specifically some of the fixes
that we've put in place to hopefully avoid any recurrence.

I would like to stress to the Commissioners that
Roche is very intent and focused on doing the remediation
fully and quickly. We're also making sure that we can
address the repurposing plan as quickly and as consistently
with the expectations that we spoke about in the JRC. So,
that is, you know, in general where we are.
Currently, the offsite drilling is part of a larger context. The whole remediation project is very large. It encompasses many, many people and many, many activities. Basically, the -- this remediation has started many years ago, and it's going to continue for the foreseeable future, at least for the next couple, or three years, (indiscernible).

We are still in the investigation stages, but we are tracking to deliver all expectations of the New Jersey Department of Environmental Protection. There's a requirement that we have full investigation complete by May 2014. We are tracking to that and have considerable activities to put in place to make sure we can achieve that date. So, that is a key date for Roche, as well as other industrial users in the State.

There are two components in environmental remediation that we're working on. The first one is soil and the second one is ground water. For soil, our investigation is relatively complete. We have found no soil contaminations along our property lines, and, you know, that onsite contamination will be addressed and will be resolved prior to Roche leaving the site. So, that's the soil.

On the ground water, we're not as far along. On the ground water, we have done a lot of sampling. On our property boundary, we've sampled down to 50 feet and we have
found no contaminations down to 50 feet. However, below 50 feet we have found some. So, these -- this particular offsite drilling is an attempt to find out what the boundary of that deep, ground water contamination is. So, we're going a little further out from our property line. We're going down below 50 feet, and we're hoping that we find nothing. That is our hope.

If we find nothing, then that is going to help us delineate the extent of the contamination. If we find something, we may have to go and drill additional wells out further from the property line.

Our hope is that we will find nothing, of course. And then it will identify that our contamination is relatively contained and there's no surprises. So, that is what we're going forward with.

The objective, to be clear, is we want to clearly define the boundaries of any ground water contamination. That's the purpose of this drilling that we've been (indiscernible) for and have some activities currently ongoing. So, we look forward to working with the residents and with the Commissioners. We feel as though we have a good plan in place, and we look forward to having a smooth transition as we get back into the completing the next steps of the environmental remediation so we can complete by the deadline of May 2015.
That's a lot of words. So, with that, I'd like to turn it over to Chandra Patel, who will give you some details and will address the specific items that came up from the residents, as well as what we have put in place to hopefully avoid any recurrence.

COMMISSIONER EVANS: Tom, before you do that -- Commissioner Evans -- point of clarification. Ground water versus water (indiscernible) perc. Is that one in the same from a definition standpoint, or is that two different things?

MR. LYON: So, there's many definitions of different ground water levels.

COMMISSIONER EVANS: Yeah, and that's why I would --

MR. LYON: But I would ask maybe if Chandra would get into it. I mean there's surface water, there's ground water --

COMMISSIONER EVANS: I know, and that's why I --

MR. LYON: -- there's deep red rock waters, et cetera.

COMMISSIONER EVANS: Right. And the other question I had is, is drilling a well, is there -- it could -- at one level, it's kind of like drilling for oil, right? Drill down, find nothing, but go over two feet, find something. Is it the same -- is that the same risk with
these wells, that there could be something there that we
would just miss in this test, or is there -- you know,
obviously it's an innocent question. I have no idea how
contaminants move --

MR. LYON: Right. Correct.

COMMISSIONER EVANS: -- underground, but does the
comfort level or the degree of precision that's involved to
ensure that if you were to say there's no contamination,
what's the level of precision and confidence that that's the
right answer?

MR. LYON: Right. So, you had a lot of questions
there, by the way.

COMMISSIONER EVANS: I know.

MR. LYON: I mean, let's see if I can --

COMMISSIONER EVANS: Well, you said a lot.

MR. LYON: Yeah. I'll try to address a couple and
maybe ask Chandra to jump on some of the more technical
aspects of the answer.

In general, we are sampling for a couple of
reasons. One is to see if we can discover any contaminants
in the ground. And two, to determine the flow of the
underground ground water, the direction and flow. All
right?

So, those are the two results that we're hoping to
be able to do. In general, the flow is from Route 3 area
coming south. This is from the general flow across the property. But there's some topography issues that we have also going on. So, we want to very clearly identify the flow of any ground waters. This sampling will help us do that.

We can confirm that the place where we take a sample, if what we find at that period of time is clean, or if it's not, if we can define it specifically. If we move 20 feet away, it may be a different result. But in general, with the ground water, we can pretty much identify it's relatively homogeneous and you don't have as many hot spots as if you would, for example, with soil.

So, those are the kind of things that were going -- but maybe, Chandra, if you could speak to.

MR. PATEL: And additionally, the remedial investigation is highly regulated. You have State appointed LSRP's, and then you have NJDEP. Our program is under the oversight of NJDEP. They are professionals with qualifications that participate, or for investigation and reviewing the results of the investigation. So, it's a very, very thorough and a methodical investigation.

MR. LYON: So, specifically where we sample is pretty much dictated by the license site remediation professional. And how we -- the conclusions we get from the results are all -- the analysis is all done by the LSRP's
also. So, we’re trying to follow their lead. We’re trying
to do as much as we can.

For those that may know a little bit more details
about what we’re actually doing on the site, we have a
multiplier of samples that we’re doing, going way beyond
regulatory requirements, because we want it to be as defined
as we possibly can get. So, it’s a pretty thorough program.
Someone said it’s the most comprehensive program in the
State of New Jersey that Roche has undertaken.

COMMISSIONER EVANS: Just a point of clarification
again, the LSRP’s do -- are they a group of same folks or
are they, in effect, a group of specialists? If you have
multiple LSRP’s, each one specializes in something and
that’s their role, or is it --

MR. LYON: I --

COMMISSIONER EVANS: -- a single title fits
everybody?

MR. LYON: I would ask John.

MR. TREL:A: Yeah, my name is John Trela, by the
way.

The LSRP’s, generally, are required both education
and are qualified by examinations. So, they have to take a
-- sit for a written exam (indiscernible). Many of them
have backgrounds in soil chemistry, hydrogeology. So, a lot
of the specifics and the science you were asking about, how
would you know what to do, and would you know if a sample
taken here, or a sample taken 50 feet away is a reliable
comparsable, that’s what their expertise is.

So, any reports that we generate are written by
those people, and then they’re submitted to geologists, and
soils experts, and people at the DEP who then go through
that stuff with a detailed review and determine if they
agree or disagree with the findings of the LSRP. So, you
have two sets of experts evaluating each report.

MR. HAY: Commissioner Evans, just so you’re
aware, back in 2011, the DEP had such a tremendous caseload
that they decide to adopt a model --

MAYOR PETRACCO: Todd, excuse me, just for the
record, why don’t you just say who you are, your name,
and --

Pennoni Associates. I’m also the appointed Township
engineer.

Back in 2011, the DEP had such a tremendous
caseload that what ended up happening, they had to find
other professionals, private professionals to take over the
caseload work that DEP had. They adopted a model that was
in the State of Massachusetts. That model was looked at.
DEP modeled it, and they set up a licensed site remediation
professional program.
What ends up happening is, and I had extensive discussions with Roche, they are following the letter of the law by having a consortium from TRC, who’s their consultant, of licensed site remediation professionals to look at both the soil medium, and then look at also the ground water issues.

So, those licensed site remediation professionals have to be accredited. They also have to go through an education process, and they have to go through licensure. It’s a process that’s only been undertaken by New Jersey over the last 18 months. We’ve had several projects that we’ve had to look at that have license site remediation professionals, but it’s very much so in its infancy.

So -- but from my understanding from talking to engineering at Roche, what they’re using is a process that, you know, is very familiar and yes, it is from my discussions with my license site remediation professional for Pennoni, it is one of the most comprehensive in this State. They are going above and beyond what’s actually required by the law.

COMMISSIONER EVANS: Just again, the State experts I assume are heavily involved and not just relying on the license (indiscernible)?

MR. TRELA: Yes. We have a conference call with (indiscernible). So, it’s constant interaction.
MAYOR PETRACCO: Excuse me one second. Tom?

MR. LYON: I really do have to say --

MAYOR PETRACCO: This is for the record too. We
had a couple of people that were sitting in the back and
they just joined us. You guys, if you want to just stand by
me or -- and can you just introduce your staff one more
time? I apologize for that.

MR. LYON: Sure.

MAYOR PETRACCO: Because they just entered the
room, just so you know who's talking.

MR. LYON: Absolutely. My name is Tom Lyon. I'm
Roche vice-president and Nutley site head. I'm joined by my
colleague Chandra Patel, who is director of environmental
health and safety, and is responsible for the remediation
program at the Nutley campus. In addition, we have
Dr. John Trela, who's senior vice-president of TRC, who is
the Roche consultant, who is managing the remediation
activities. In addition, John has oversight of the seven
LSRP's that are on the site. Tom Ruby is our senior counsel
land use. And we have director of communications, Darien
Wilson.

MAYOR PETRACCO: Thank you. Okay. Yeah, you can,
please.

MR. PATEL: So, I can start my -- okay. Thank
you, Tom. Thank you, Mayor Petracco, Board of
Commissioners, I really appreciate the opportunity for us to come here and present the issues associated with the drilling operation. I know you have a busy schedule, but I really appreciate the time that you are allowing us to come and make --

MAYOR PETRACCO: We appreciate you coming.

MR. PATEL: Thank you. First of all, I just want to start and apologize for the inconvenience that we caused to the community. It's a learning process. We learned from that issues, and we are taking immediate corrective actions to prevent that from happening. I can tell you two actions that we have immediately taken and implemented.

Action number one is that we will notify the impacted resident. We will notify all the impacted resident, okay. When we did the last set of drilling, for example, on one of the roadway, we notified the resident near where the drilling was taking place. And later, the police department decided to close the entire roadway, so a number of residents on the backside were not notified. So, we have taken the correction actions and prevent to issue from occurring.

Another step that we have taken and is implemented is we will allow adequate notification from the start we decide -- from the notification to the drilling, one week notification. There were cases that we gave a couple of
days' notice and there were a couple of residents that were, you know, concerned with that. But we have taken corrective actions and we have implemented that one week time.

MAYOR PETRACCO: So, in the future, you will notify the residents one week prior to any activity on their street?

MR. PATEL: Yes, yes, yes. It's very important to recognize the fact that the drilling that we do is on public streets, okay? We don't drill on private residence. We don't drill in their lawns. We don't drill on their driveways. It's in the public street.

If I can show you the map and John can help me. Okay, this is the Roche facility, okay? Route 3. You have Kingsland Road. And we are drilling -- we are drilling wells south off Kingsland Road. We have completed -- we have completed drilling at Funston and Cottage. We have completed that.

We are working on Edison and Alexander.

UNIDENTIFIED SPEAKER: And you have completed Terrace?

MR. PATEL: Yes, from a prior operation, yes.

We will start work on Spruce and Hillside. And we have implemented the new notification process when we start the next week drilling. For example, a resident at Spruce, Dr. Longo (ph), he had concern and we have addressed his
UNIDENTIFIED SPEAKER: How are you going to notify them? In terms of mail? Personal delivery? Hand delivery?

MR. PATEL: Yes, in the mail. Recorded, return receipt mail we notify.

MAYOR PETRACCO: Return receipt.

MR. PATEL: It's important to note that the drilling operation can take anywhere between two to three days to -- two to three weeks, and after drilling is completed, there is sampling operation. (Indiscernible) developed to stabilize and there is sampling operation.

Sampling operation involves a couple of technicians and a pickup truck. It's a low profile activity.

If we cause any damage, and we have always done that -- if there's any damage, we fix it. Okay, so we satisfy the community, we satisfy the resident, and we fix. Any work we do on the roads, we restore that to normal condition. We install the well covers. We install the flush mounted with the roadway.

Depending upon the results, as Tom had indicated, it may be necessary to install additional wells. However, any additional wells will follow the improved notification and communication that we have implemented. We have always and we will continue to respond to community concerns in a
timely manner.

For example, when we were drilling on Alexander Avenue, a resident was concerned because part of the operation does involve blocking the driveway. No matter how we tried, because of the electrical lines, utilities, for a portion of the time, it's necessary to block, and we worked with that resident. It involved taking the car out before setting the equipment for drilling. So, we worked that out.

And as I had mentioned, we also worked with the resident on Spruce, Dr. Longo, and we believe we satisfied his concerns. I just want to let you know that you have our assurances that we will address any of the community concerns in a timely manner. We appreciate the support of the Township personnel, thank you. We like to keep communication open. You can call us any time. You can also speak with our environmental consultant, TRC, or LSRP.

In summary, I want to say that we plan to drill six wells. Two are completed. Two are being drilled. And two will be starting next week. And again, I really want to thank you for your support. We have worked very well in the past and will continue to work, and I'd like that teamwork that we have continuing. Thank you for your support, thank you.

COMMISSIONER TUCCI: Just a comment from what I've heard from some of our residents. I don't think it's so
much the process, all right, that you’re following. And they’re relatively assured that you’re following all of the DEP guidelines and regulations as far as this is concerned. I think where the ball was dropped a bit, all right, and you’ve addressed that, was in the notification. All right? Because it was -- people were inconvenienced. People were blocked in their driveways, and they were upset.

And, you know, people get concerned and people get upset when they’re not aware, all right, of what’s going on. So, I think if you follow through on the notification process one week prior to anything happening, I think a lot of that will be eliminated.

You also have in your fact sheet, and this is very typical of Roche, that you maintain high ethical and social standards when it comes to protecting the environment, and we appreciate that, and we respect that. But what you also need to know is we hold those same high standards for our residents. So, before you notify them, it might also be a good idea to let all of the Commissioners know, all right, so we can help in that effort.

All right. And I know certified mail is good, but people go on vacation. People sometimes don’t check. They’re not home, or they miss the mailman, or whatever. All right? So, however we can help so this doesn’t happen again, so people aren’t inconvenienced, and people do...
understand what’s going on, you know, we stand ready to help you with that. All right? But as long as we have the information with enough (indiscernible) time, we can do that.

UNIDENTIFIED SPEAKER: Question.

MAYOR PETRACCO: Sure.

MR. LYON: Very well, we will take that suggestion. I will ensure that not only the residents, but the Commissioners also get ample and timely notification.

COMMISSIONER TUCCI: Good, thank you, Tom.

COMMISSIONER ROGERS: Commissioner Rogers, Director of the Department of Health.

Just to follow up on what Commissioner Tucci stated. The questions I’m getting is what about the potential health hazards. You know, rumors fly and they fly like wildfire. People hear about contaminants in soil, contaminants in water, and yet we’re not getting any information regarding what are the potential health hazards.

So, my question to you is, are we looking at any health hazards with relation to drinking water? Children are playing out in the parks, and on the soil, and in the ground. Are we looking at any potential health hazards to children? So, if we could also include that in our communication, that would be helpful not only to me, but I’m sure to every Commissioner because the questions are coming
and we need to have those answers.

So, can you answer that right now? Are we looking at any potential airborne, soil, or water health hazards?

UNIDENTIFIED SPEAKER: Do you to take that, or -- okay, you can take that.

MR. LYON: I'll take a shot at it. If I don't get any of the technical stuff right, Chandra, maybe you can help me out.

In general, I always mention that there is two types of contaminants that we're looking at. Commissioner, you mentioned airborne, there are no airborne contaminants. So, you know, that's not a concern that we've been focused on at all.

So, then it really comes down to soil. Let's take that one first. So, as -- we've been taking thousands of samples on site, and basically all of the contamination we have delineated, the soil contamination, and it is 100 percent confined to the Roche property, okay? There is no migration of that soil contamination. It is stable.

We will remediate that soil and we will address that soil within the guidelines of the DEP. So, if I were to summarize soil, there is no exposure to the residents from the soil contaminations that are on the Roche site.

UNIDENTIFIED SPEAKER: Tom, if I might speak, just so you know I've already asked that question because our
park is right there. All right, and if there was any
question of that, we would have (indiscernible) that off.
But we were assured and we're confident that there was no
soil contamination.

MR. LYON: Right. So, there is soil
contamination, but it's confined to the Roche site --

UNIDENTIFIED SPEAKER: Outside of the Roche
property.

MR. LYON: -- and it is not migrating. So, no
exposure to the Nutley residents.

Ground water. It's a little more difficult of an
animal, right? It's moving, it's always going up, it's down
with the water table. So, it's moving a lot. What we have
found is at our property boundaries, at least anyway, we've
gone down to 50 feet and we have not found any contaminants
in the ground water.

From the ground level down to a depth of 50 feet.
Below 50 feet, we have found some contaminants. So, what
we're trying to do now is -- so, let me give you a short
answer to your question. So, since the contamination in the
ground water is so far below ground, it does not pose any
immediate exposure to the residents of Nutley. Okay? We
feel pretty confident that's what it is. We're still in our
investigation, but that's where it's going. And it's hard
to be 100 percent definitive when we're halfway through.
We're like in mid swing of this thing, right? So, but that's where we feel it's going to come out. Below 50 feet, it's more of a migrating issue and that's why we're doing this offsite drilling. We're going to be going down to like 80 feet in this offsite drilling that we just mentioned down here. And if that comes up clean, then we feel pretty confident that it's contained in terms of the ground water contamination, and then we can start analyzing how we're going to fix it, okay? So, that's kind of where we are right now. I don't know Chandra, John, is there anything you can add? MR. PATEL: Yeah, so in terms of drinking water, the Nutley Township is serviced by water from the utility company. The resident, they get water from the [indiscernible], which provides water to the Town. So that -- the drinking water -- the resident is not impacted by operation at Roche. MR. LYON: And we've done a survey -- TRC has done a survey, are there wells in the immediate area? And they didn't find any. You know, there's none on record anyway. The -- you know, here we are, you know, this close to our property line poking holes to try to find out where the samples are to see if there's contamination. So, if there's any further away, it's even going to be less. So, if we can come up with this boundary line here and say
there's non-detectable limits, well, then we're really comfortable that we're defining a problem that -- and how we're going to fix and address that problem.

COMMISSIONER EVANS: So, to Tom or whoever, I have just a couple of questions, and just serious. One, you said the number of wells -- test wells you (indiscernible) right now is a total of six?

MR. LYON: Right. The current level is six. We have done a couple by the condominiums and stuff like that, but currently there were six in our deep, ground water investigation. Two have been completed. Two are currently in process. And two will be done next week.

COMMISSIONER EVANS: Will these wells be sealed, filled in, sealed, or will they be permanently remain?

MR. PATEL: They will be properly completed as per the NJDEP requirement. They have to be maintained and we have monitoring. We have to monitor them.

COMMISSIONER EVANS: So, they'll exist and they'll stay --

MR. TRELÀ: For some period of time. Samples will need to be collected and analyzed.

COMMISSIONER EVANS: -- for some -- foreseeable future, these wells will exist and periodically you'll need access to them, or whatever, you have a quick way to do that. So, it's not just one and done.
MR. LYON: Absolutely. In fact, we need six months' worth of data to even submit to the NJDEP our remediation report by May. So, that's why it is relatively timely. We need to start the six months of sampling so that we can conform to our submittal to the NJDEP by the deadline of May 14th.

COMMISSIONER EVANS: So, the other question is, the contaminants that you found in the soil, which is on the main -- on Roche property, as well as the contamination that you found below 50 feet, you referred to it as contamination, when will you be in a position to explain what kind of contamination, describe it, and so on, specifically.

MR. LYON: Chandra, do you want to jump on that?

MR. PATEL: Yeah. So, from a timing standpoint, we have a regulatory deadline and we are targeting that on May of 2014. So, between now and May of 2014, we are working with LSRP's. We are investigating the site. We are working with NJDEP. So, it's sometime in May of 2014 is when we would have a --

COMMISSIONER EVANS: So, May of '14 when the report is published and it will be known?

MR. PATEL: Yes.

MR. LYON: Correct.

MR. LYON: In general, Tom, and I've shared this
in other forums, we are finding -- we have some preliminary
idea of what we're finding. Some of that has been from
Roche sources and some of it has been from offsite and float
onto the Roche property.

So, we're in the process of trying to specifically
define that because it's Roche's responsibility to also
define not only the things that may have been a Roche
source, but anything that flowed into and off of Roche
property.

COMMISSIONER EVANS: And that's leading to my
other question, so good segue. The -- when you say that
sort of the flow is southerly --

MR. LYON: Yes.

COMMISSIONER EVANS: -- in that it's not a wall --

MR. LYON: In general.

COMMISSIONER EVANS: -- in general -- in general,
it's not a wall of Roche, then there was manufacturing and
other things, you know, on the other side of Route 3 in
Clifton (indiscernible). Are you finding that other things,
other manufacturers, businesses that don't exist anymore may
be contributing to the situation? And when that happened
and there's multiple parties, you know, that need to get
invited to the table, is that something that you have to
evaluate as well as part of this?

MR. LYON: Yes. So, as we are chasing the
boundary of the southerly side down here to delineate the
issues, we’ve also chased the boundaries going north. And
we have, through wells and sampling, the same thing we’re
doing here, have identified that the contamination is
flowing off of Roche properties for some materials that we
don’t have any history or recollection of every using.

So, we do know that there is some contribution.
To what extent, we’re still in the investigation phases, but
it seems considerable.

COMMISSIONER EVANS: Right, okay. So, those
parties -- and I understand this is sort of like half way --
this is at halftime trying to predict who’s going to win the
game, right?

MR. LYON: Right. Yes, exactly.

COMMISSIONER EVANS: All right, I understand that.
So, I just --

MR. LYON: And I’m a little concerned about, just,
you know, laying it out there also. So, I mean --

COMMISSIONER EVANS: I understand. I understand,
but, and again I’m just trying to, you know, as we all are
live up to our responsibility because we have to represent
our residents. And these are just questions that I’m sure
is on everybody’s mind. So, there’s technical terminology
being used that can be confusing, and it may not be
understood, which -- I don’t want it to be interpreted as a
non-answer. I just wanted to make sure I understand it enough so I can help in that process.

MR. LYON: Sure. I appreciate that.

COMMISSIONER EVANS: So, and you mentioned -- the other thing was is that the soil contamination is on the main property, but you have below 50 feet water contamination, for the sake of simplicity, does -- is it like mixing a cocktail that because you have it in the soil, it hits the water, and therefore it becomes part of the water after your property?

Is there -- I’m just -- you had made a distinction between soil and water, and that soil’s on our property, water’s off our property, and I’m trying to figure out how to make sense of that.

MR. LYON: That’s the same question I was asking. I’m a lay man. I’m not an environmental specialist. However, the answer I got and I’m not -- I’m going to defer is --

COMMISSIONER EVANS: It feels like you’re making a marguerite.

MR. LYON: -- some contaminants are soluble in water and some aren’t. And that what’s decide then. Now, John, maybe if -- if that (indiscernible) in your --

MR. TRELAL: No, that’s a fair summary, but there are some contaminants that are so strongly absorbed to soil
that once they get on the soil, they'll stay in the upper six inches, or two inches, or foot and they never go into the ground water, and never move. Then there's others that are moderately mobile, and they get into the ground water, and they tend to move a short distance, and then it becomes immobilized. Then there's others that will migrate through the soil, get into the ground water, and continue to move with the ground water.

So, there's categories. There's no one answer. No one size fits all. There's different categories of chemicals, and they have to be evaluated differently.

MR. LYON: And we have all of the above that we've been finding. So, everything from -- we have two shovelfuls of dirt where we may have had a loading dock that we know, and it's very defined, it's very crisp. It's very easy to remediate. And then we also have some things that are pretty, you know, broad, and those are some of the things that are also flowing onto the site. It's very broad and it's pretty much background.

COMMISSIONER SCARPELLI: Go ahead. Tom, you said that it's going south, and is it going in other directions do we think? The ground water?

MR. LYON: So, I mean, in general, I mean, there's all little pathways, but in general, it's this way. And there used to be an aboveground waterway, and a stream here,
and a stream coming down the site. That's kind of the natural flow. And when those streams were changed and actually put in sewer lines and stuff, they kind of went below ground. But those are natural flow paths.

In the hydrology, I mean, John, maybe you can speak to it, but you know, it might come in, take a little bit of a (indiscernible) handle and then come back down, but depending on the depth and the different aquifers.

COMMISSIONER SCARPELLI: So, as we go forward, it's possible that as we -- as this -- the way the groundwater migrates that there's going to be further testing down the road in different streets?

MR. LYON: So, we're hoping as we go through this we can delineate. And the more non-detectable levels that we receive, the more we can get closer and back up towards the site.

But our goal here, you know, let's be clear about what our objective. Our objective is to clearly delineate the areas of concern. Once we clearly delineate the area of concern, then we can put the right fix in place. And we're getting a lot of help with clearly delineating the areas of concern with the LSRP's, with DRC, with the State, they're all helping us to make sure that as we do this delineation, we're doing it extremely thoroughly.

MAYOR PETRACCO: Tom -- go ahead.
COMMISSIONER SCARPELLI: A couple more questions.
I know you said it would be like a six month process, but as
soon as those test results are available, and I know you’re
required to report them to the DEP, could you also report
them to our engineers?

MR. PATEL: Yes, so basically what happens when
the results are, (indiscernible) check. We have to review
it with NJDEP. And at that point I think, yes, we could do
that.

COMMISSIONER SCARPELLI: We would appreciate that.

COMMISSIONER TUCCI: Does that become public
information at that point?

MR. PATEL: Yes.

COMMISSIONER SCARPELLI: Even though it’s public,
I would like it at least sent on as a courtesy.

MR. LYON: There’s a nervousness level, I mean,
because it’s unknown. And we appreciate that, and we’ll try
to be as timely as we possibly can.

COMMISSIONER SCARPELLI: I just want to -- I know
you said this, but I want you to be clear about it. In some
of those area in Alexandria, the basements flood. That
ground water that’s coming up is not contaminated based on
what you found so far? It’s below that kind of level,
correct? It’s below 50 feet, so that’s not going to migrate
up to their basement?
MR. TRELA: No. It will not migrate up vertically. Water that enters the basement is usually what we refer to as local recharge. In other words, unless you have a sloping surface there and the water that’s coming into your basement was rain on your neighbor’s property, or his neighbor’s property six or nine months ago, it hits the top of the water table, moves laterally, seeps in, and the runs into the sump pump. So, that’s the upper could of feet, five feet, ten feet down, or whatever -- however deep the basement is, that’s how deep it is. We’re talking concerns here that are below 50 feet. Your typical two-story house is, what, 25 feet high. So, it’s three times the depth of the house into the ground we’re talking about.

COMMISSIONER SCARPELLI: And I appreciate you saying that because I think that’s a major concern of some of our residents that, you know, we do have a lot of basements that flood in town and when they hear ground water, they think hey, what exposure is it to my family.

MR. LYON: Exactly.

MAYOR PETRACCO: Actually mine is one of them and I live right by Alexander so that’s a good question.

COMMISSIONER EVANS: Just to help me just to get a clarification, when we say it’s below 50 feet and it’s like this deep, and it’s in the water, you know, and there’s a thought that there’s something in the water, where does that
water go? So, it's not going in the basement. Is it going
to a reservoir? Is it going to --

MR. TRELÀ: No, it -- that water continues to move
through the ground. Ultimately, it goes into the
(indiscernible). And what we're doing here is we're testing
wells for two things. Remember, Tom said that we're testing
for two things. What's the chemical composition and which
way is the water flowing. So, when we complete these wells,
we'll prepare what's called a water table contour map, which
is very similar to a topographic map. It shows you where
the water's high and where the water's low. We all know
from elemental science, water flows downhill. So, we use
that topographic map to draw flow lines.

COMMISSIONER EVANS: Not on my street.

MR. TRELÀ: There's no flow line -- it doesn't
flow downhill on your street?

COMMISSIONER EVANS: I'm up on the hill.

MR. TRELÀ: Okay. But in any case, we integrate
that information (indiscernible) map that based on the data
predicts which direction it's flowing and where the
concentrations will go. So, at that point when we have that
report, you'll be able to say, okay, water from this
location travels this path and goes in that direction.

COMMISSIONER EVANS: And the other, just a quick
one, we have a municipal well right outside. So, it's here.
Is there any need to test that?

UNIDENTIFIED SPEAKER: We do test that, right?

MR. PATEL: I can -- I can comment on that. We have no information on the impact to the town well, but then it's much further from our facility. It's about more than a mile from our facility.

MR. TRELA: I think it's 6,200 something feet from the center of the Roche site to --

MR. LYON: We're testing 100 feet off the property line to see if that's the boundary of our impact, so --

MAYOR PETRACCO: Well, we test that anyways, right, Joe?

MR. LYON: Yeah, I'm sure we're required to do it.

MAYOR PETRACCO: We test it. Tom, my question is this, if I may. I don't live far from Roche and, you know, the ground water does alarm me a little bit because some people have, you know, actual wells that feed their homes. A friend of mine on Alexander, I know he waters his grass. He puts it in his pool all the time.

So, not being a scientist, my question is this. I know we've talked about parts per million, I mean in layman's term, if -- I mean, the findings that you have been finding in this deep ground water level, what would have to happen for it to be damaging to our residents? Would we have to drink -- I mean, if we touched it, is somebody going
to lose a finger? Do we have to drink 300 gallons of it before it affects us? Do you have any information such as that?

I mean, if what you’re finding, is it, you know, catastrophic?

MR. LYON: Yeah, to be clear what we’re finding is a very common solvent that is highly used in the New Jersey region. This is not the Roche’s issue. This is not a, you know, a Nutley issue. This is a much broader contamination and it’s the PCE, or the perc, I guess. That’s what we’re actually finding. And it’s deep.

So, I’m -- specific health concerns over what is -- what is it that this would do to you if you drink a lot of the water, I don’t know. We’re not a health professionals and all. All we know is the levels that we’re finding are above the drinking water standards when we go very deep, and it’s not much different regardless of, you know, where it’s flowing onto our site to where it’s flowing off of our site. The levels are pretty consistent.

MR. PATEL: And the perc is a very common contaminant. It’s very commonly used in New Jersey. It was heavily used in the dry cleaning industry. It was a very common degreaser. It’s very prevalent in New Jersey.

MR. LYON: So, there’s nothing that is uncommon that we’re finding in the ground water. Is it above
drinking water standards? Yes, when you go very deep. And
that's why we're saying we don't believe it opposes any
exposure to any of the residents in Nutley because of one,
you're not taking the drinking water from any of those areas
near the Roche site, or the areas that we've sampled anyway.
So, we don't think any of that is posing any exposure.

MAYOR PETRACCO: And what constitutes where you're
going to test, Tom? You know, what makes, you know -- I
mean, you know, what would -- that's simple enough. What
makes -- what constitutes where you're going to test?
What's the nature of that, please?

MR. LYON: A lot of it is by all of the
professional advice and support. It is not -- it is also up
to the LSRP to make sure they're comfortable with our
approach and our sampling methodology. On our site, we have
opted to do an extreme amount -- like, we kind of grid the
whole site, checkerboard kind of a thing, and you know,
every so many feet. And we've chosen to go that route.

For delineation off site, we are making sure that
we 100 percent are getting the advice of the LSRP's and the
professionals. But we want to be clear, at the end of the
day, what's our objective? To clearly delineate the areas
of concern, because that's the first step in figuring out
what the fix is. We've got to be able to, you know, how big
is this thing that we're dealing with.
COMMISSIONER TUCCI: Tom, just as a general point of information, once you actually delineate the extent of the contamination, the remediation will be conducted both on site, on Roche property, and off site once it’s determined how far it’s gone?

MR. LYON: It depends. So, for the soil contamination, I can tell you right now it will be all on the Roche site because that’s the only place the contamination is.

COMMISSIONER TUCCI: Right.

MR. LYON: Okay. For the ground water, we’re yet to figure out, you know, one, the boundaries.

COMMISSIONER TUCCI: Right.

MR. LYON: But we’re getting close. And then when we do it, we have many options, many technologies available for how we’re going to fix it, right? Everything -- and we spoke about this before, right? You can do the traditional pump and treats, but there’s much more newer technologies that are out there, you know, from thermal, to bio, to -- I mean, there’s all those kind of things that we’re hoping that we can have much more effectiveness in how we do that.

MAYOR PETRACCO: So, Tom, this --

COMMISSIONER TUCCI: That was a great explanation, but you really didn’t answer my question.

MR. LYON: So, no, but you know, it’s kind of hard
because unless we define it, you’re asking me how we’re
going to fix and where are we going to fix it.

COMMISSIONER TUCCI: No, no, no. I’m not asking
you how you’re going to fix it.

MR. LYON: But where.

COMMISSIONER TUCCI: I’m asking you whether or not
you’re going to fix it.

MR. LYON: So, if I had a crystal ball maybe,
John, if you had a crystal ball. I mean --

MR. TRELÀ: I think we have to answer the
fundamental question that we’re addressing today which is
where is it and how much is there.

COMMISSIONER TUCCI: Okay, that’s fair.

MR. TRELÀ: When you know how much is there, you
can decide on the appropriate remedy. And appropriate
remedy may be some of the things Tom talked about or it may
just be monitoring (indiscernible) --

MAYOR PETRACCO: And where it’s coming from?

COMMISSIONER TUCCI: And where does the
responsibility lie? I guess that’s what my question is.
Does it lie with Roche, or if it’s coming from another
source, is there someone else who’s responsible for that?

MR. LYON: Right, so a couple things. Part of
identifying the problem will also identify the fix. There
are some things that we know we’re finding that Roche didn’t
cause and we’re going to fix it, okay? And we, you know, in
general that’s our feeling. So, those are the kind of
things that we do have a commitment of doing it and doing it
right. But it’s a very hard question to answer because we
don’t know -- we’re not done with the investigation yet.

But I can say and, you know, we are clear about
our standards, if there is something that we can improve,
we’re going to try our best to improve it. If there’s a fix
that we can do, even if we didn’t cause it, we’re going to
try to fix it. And those are -- that’s the commitment that
we can have with the Township.

COMMISSIONER SCARPELLI: Unless sitting on the
committee --

MR. LYON: We’re in mid-swing of this
investigation.

COMMISSIONER SCARPELLI: I got you. I’m with you.

MR. LYON: So, I have to qualify it a little bit,
right?

COMMISSIONER SCARPELLI: And listen, I’m well
aware of your commitment sitting on the committee with the
Mayor. We know how far you’ve gone. We know your
commitment is to go above and beyond what’s required --

MAYOR PETRACCO: And we appreciate it.

COMMISSIONER SCARPELLI: -- and we appreciate
that, but these are just some general questions, some
questions that are posed to us every day. As we go along, the more questions we can answer, I think the more informed we're all going to be, and the better off this whole process will come out.

MR. LYON: Right.

MAYOR PETRACCO: Just, Tom, one other question just regarding the wells. If people have private wells, and I don't know how many feet they go down, what would be your recommendation -- I mean, how far away from Roche, how -- you know, what -- I mean, should they test that water?

I mean, because I do know there's a few wells in town. You know, and I know one for sure, actually two being on Alexander Avenue, more by where my house is, but closer to (indiscernible) Avenue. But is that -- when you dig a well, is that considered deep ground water?

MR. TRELA: Well, it depends on the well. You can put a shallow well in, like if somebody wants to put an irrigation well 20, 40 feet deep and that will generally give you enough water to water a lawn, something like that, or wash a car.

But anybody that has a well has an affirmative obligation, in my opinion, to theirself and their family to test it. Would you go down to the river and scoop water out of the river, and drink it? Of course not. That's just -- you know.
So, if you’re going to use it for a potable purpose, I would recommend anybody that has a well, whether it’s in Nutley or whether it’s in Cape May, they should be testing their water, because they don’t have the benefit -- your town is lucky. I come from a part of the state where half the town is on wells. Your town is lucky. Almost everybody uses city water. Those are regulated utilities. They do regular testing. They’re regulated by the DEP. And the data’s made available to everyone what the testing is.

On a private well, you have no idea. Whether it’s close to Roche or far away, it could be from the gas station down the block.

MAYOR PETRACCO: That’s a good point.

MR. LYON: From a Roche perspective, the investigation we’re doing is really focused on any influence that Roche could have had on the environment. So, to answer a question about general drinking wells, that’s a really hard one --

MAYOR PETRACCO: They should all be -- and they should all be tested.

MR. LYON: -- that’s out of our --

MAYOR PETRACCO: Nick, did you want to say something?

MR. UGLIAROLO: Yeah, thank you.

MAYOR PETRACCO: Just please introduce yourself.
MR. UGLIAROLO: Nick Ugliarolo, Nutley Police Department.

I'm going to switch gears here briefly. My concern is with the actual work being on any specific street on each day. I'm in a unique position because as a traffic safety officer, I get to work with your engineers and project managers from the preconstruction meetings to when you call up to schedule police officers to daily -- you know, every day that your crews are out there going up to check on them and work with them.

And I noticed some changes over the last few weeks, or months, or so. I don't know if it's by -- because of attrition up there and changing employees, but for example, project managers have changed and there's definitely a noticeable change in how the project's being run. And I'm not here in any way to put blame on anybody. We're here to identify it and correct it so we can have it run smoother in the future.

And just as an example, I brought this photograph. I went up there the other day and I saw this, and I see Mike Meechan (ph) standing here and he'll know exactly what I'm talking about. This is how the road was closed. Now, in the beginning of the project, we were -- your request was you were hiring police officers around the clock for traffic details during the day, and then site security 24
hours a day.

Okay, I understand that was astronomical, and you know, whether there was a reason or need for security at night, we scaled that back drastically. We’re now down to one police officer during the day. What we can’t direct traffic on, let’s say, Alexander Avenue as we’re doing now with one police officer at one end of the block.

The Township also doesn’t provide traffic control devices, i.e. barricades, barrels, detour signs. That’s up to whoever the actual construction crew is. It has to be proper equipment.

You know, when I pulled up and I saw that the other day and I said, you know, you have to get in, you know, the proper --

MAYOR PETRACCO: What we could do just to address that, Tom, is -- is there a contact person maybe Officer Uglierolo could reach out to tomorrow and we’ll take care of that?

MR. LYON: Yeah. Yeah, that can be --

OFFICER UGLIAROLO: Well, Mayor, if I may. What I think we should maybe do is have a midway construction meeting, maybe all sit down again with whoever the new project managers are.

MAYOR PETRACCO: That would be fine.

OFFICER UGLIAROLO: And just catch you up to
MR. PATEL: I’ll initiate that.

MAYOR PETRACCO: Okay, thank you.

MR. PATEL: I’ll give you my card.

MR. LYON: Thank you and we apologize. That certainly isn’t something we would be proud of if -- to show signs like that, absolutely.

MAYOR PETRACCO: Okay, any other questions, gentlemen?

UNIDENTIFIED SPEAKER: Not for now.

MAYOR PETRACCO: Gentlemen, Darien, that you so much for coming. We appreciate you coming out on short notice. I know we do have a few residents here. We have to break to go out to our meeting. Would you be willing to, if any of the residents had a question to talk to them privately back here? Is that okay?

MR. LYON: Sure, absolutely. Absolutely.

MAYOR PETRACCO: Anybody have a question, okay?

MR. LYON: Okay, well thank you, Mayor.

MAYOR PETRACCO: Okay, thanks so much.

MR. LYON: Thank you for the opportunity. Thank you, Commissioners.

UNIDENTIFIED SPEAKER: Thank you, Tom. Thank you, Chandra.

MR. PATEL: Thank you. Thank you very much.
MADAM CLERK: Mayor, I just need a few minutes to set up in the front before we open the meeting.

MAYOR PETRACCO: Okay, do you want to maybe put them in the next room and they could filter through there?

MADAM CLERK: That's fine and if we're -- Mayor, just don't --

(Off the record at 8:00 PM)

(On the record at 8:04 PM)

MAYOR PETRACCO: Could everyone please stand for the (indiscernible)?

(Pledge of Allegiance)

MAYOR PETRACCO: Okay, before we start, can we just have a moment of silence for our troops that are serving overseas?

(Pause)

MAYOR PETRACCO: Thank you. Madam Clerk?

MADAM CLERK: Thank you, Mayor. Tuesday, August 20, 2013. Pursuant to the requirements of the Open Public Meeting Law (Chapter 231, Public Law 1975), notice of this meeting was published in the December 13, 2012 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.

MADAM CLERK: Commissioner Rogers?
COMMISSIONER ROGERS: Here.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Here.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Here.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Here.

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: Here.

MADAM CLERK: All present, Mayor.

MAYOR PETRACCO: Okay. We don't have any minutes?

MADAM CLERK: No minutes this evening, Mayor.

MAYOR PETRACCO: Communications/correspondence?

MADAM CLERK: No correspondence.

MAYOR PETRACCO: No reports?

MADAM CLERK: No reports this evening, Mayor.

MAYOR PETRACCO: We can move on to the bills.


UNIDENTIFIED SPEAKER: Move the bills.
UNIDENTIFIED SPEAKER: Second.

MADAM CLERK: Commissioner Rogers?
COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Tucci?
COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?
COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Scarpelli?
COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: Aye.

MADAM CLERK: Thank you, Mayor.

MAYOR PETRACCO: Thank you so much. This evening, we’re going to take a couple items out of order tonight, and I will -- Commissioner Tucci, would you like to go first this evening?

COMMISSIONER TUCCI: Love to. Thank you, Mayor.

Ladies and gentlemen, this evening I have the honor of recognizing someone who’s given of themselves tirelessly, so committed to this Township for the last 12 years, that this recognition is absolutely necessary. The gentleman I’m speaking of is Tom Rudomanski.

Tom has been the chairman of our Nutley Shade Tree Advisory Committee for the last 12 years. And as we all know, we are very passionate about our trees here in Nutley
and which ones are trimmed, and which ones are removed, and how we replace them, and where we replace them. Tom has been a good shepherd for us in moving through that process and has been instrumental in us developing and implementing our Shade Tree ordinance.

So, having said all that, and with the thanks and gratitude not only of our department, Tom, but also the entire Township, I offer up this resolution, which reads as follows.

Whereas, Tom Rudomanski has been a resident of Nutley for 48 years; and Whereas, Thomas Rudomanski and his wife, Iole, of 42 years have three daughters Claudia, Catherine, and Judith, son-in-laws William and Dave, and three grandchildren James, Jennifer, and Emily; and Whereas, Thomas Rudomanski has served the Township of Nutley in the Department of Parks and Public property, Shade Tree Advisory Committee, since May 1, 2001; and Whereas, on June 1, 2013, Tom Rudomanski resigned as chairman of the Shade Tree Committee after 12 years of dedicated service to the Township of Nutley. Now, Therefore, be it resolved that the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, join with the citizens of Nutley to the extend our deepest gratitude for 12 years of dedicated service to Nutley; and be it further resolved that we extend to Thomas Rudomanski our sincere wishes for a
long, happy, and healthy retirement.

I vote to proudly move this resolution.

COMMISSIONER EVANS: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: Aye. Thank you, Tom. Would you like to say a few words?

MR. RUDOMANSKI: (Indiscernible). It's been a pleasure and an honor to be able to be a part of this service to the Town of Nutley. (Indiscernible) also. And they haven't (indiscernible). Thank you all.

MR. TUCCI: Thank you and thank you for everything.

MAYOR PETRACCO: You're very welcome. And we'll take another matter out of order. This is a resolution for our auxiliary police department. I know we went back and forth with this today, chief, but could you just give a little brief summary of exactly what the auxiliaries do and
through our accreditation process of where we’re at now?

CHIEF HOLLAND: Yes, Mayor. The police auxiliary has been in existence in Nutley longer than I remember. I can’t even trace it back to its original origins. I know it was in the 1940’s when the auxiliary was first put together as an organization to assist with certain defense matters, which were rather pressing at that time.

So, they’re -- the auxiliary was in existence when I was hired in 1972. I remember auxiliary members riding by (indiscernible) when I was a new patrolman, and telling me that I was wearing my uniform improperly. So, they were well in place way back then.

They have volunteered countless hours to the Township of Nutley. They would come out during storms, and civic events, and their volunteer hours save the municipality countless -- thousands and thousands of dollars. And we’re a great service to the Nutley Police Department.

We recently made a little bit of a change with the times. We did deactivate the auxiliary going back a year or so ago. And we did that in favor of adopting something that’s a little more modern, with a little more training involved, and that’s the special law enforcement officer program.

There’s two classes of special law enforcement
officers, class ones, class twos, some are armed, some are not, some are volunteers, some are paid. It just provides us with a better mix for the 21st century. The training requirements are more stringent which is (indiscernible) today.

But tonight, I know you have a resolution to read for the entire organization, and we also have individual plaques of appreciation for all of the members that were members of the auxiliary at the time it was deactivated.

MAYOR PETRACCO: Thank you so much, Chief. Okay, Whereas, on September 23, 1954, Governor Robert B. Meyner issued an Executive Proclamation setting forth the rules, and duties, and powers of the Auxiliary Police; and Whereas, as part of the State of New Jersey’s Civil Defense Plan, Police Auxiliaries were created to provide further safeguards for the public security; and Whereas, the Township of Nutley has been well served by a dedicated group of Auxiliary Police Officers for over the last 50 years; and Whereas, the men and women of the Nutley Policy Auxiliary have volunteered countless thousands of hours, augmenting the Nutley Police Department during parades and civic celebrations, assisting during storms and other emergencies, and performing preventative patrols; and Whereas, the Township of Nutley owes an incalculable debt of gratitude to all members of the Nutley Police Auxiliary, past and
present; and Whereas, the Nutley Police Auxiliary was
officially deactivated on December 31, 2012, with many
current members advancing to Special Law Enforcement Officer
status. Now, therefore, be it resolved by the Board of
Commissioners of the Township of Nutley in the County of
Essex, State of New Jersey that the Nutley Police
Auxiliary's substantial contribution to the safety and
welfare of the Township of Nutley be hereby recognized; and
be it further resolved that the gratitude of this community
be hereby extended to all members of the Nutley Police
Auxiliary, past and present, for their exemplary service
with the Nutley Police Department.

I move the resolution.

COMMISSIONER ROGERS: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: Before I vote, I just have to say
a few words because the people that are in front of me
tonight not only did a great job, but they did it for free, and that's going to be very hard to replace in the future.

So, every time I saw you guys on a corner in the rain, (indiscernible) a funeral patrol or walking up and down the avenue, you know, you guys are the guys that always rose to the occasion, guys and women. I don't think you could ever find a better director than Chief DeLitta over there, who really did his part and (indiscernible). And what I admire most about the Chief is he always led by example.

Jack, I see many of you, not just (indiscernible), but what a great organization and I could tell -- I hope that all of you becomes specials, because there's really (indiscernible) about the volunteers and the spirit of community. So, thank you so much. I very proudly vote yes for this.

At this point, I will read the names, Chief?

UNIDENTIFIED SPEAKER: Everybody, good evening. Could I just make one comment?

MAYOR PETRACCO: Absolutely.

UNIDENTIFIED SPEAKER: Because I'd just like to thank you guys because over the years, with all of the events that we run in the parks departments, our concerts, our fairs, anything that was going on, you've always been there. Our Relay for Life, you've been there. You've done
a wonderful job. And you always gave it your all.

So, in addition to what the Mayor says, and in
addition to the entire Town, just a special thank you from
the park's department for all of that extra effort.

MAYOR PETRACCO: Okay. First, (indiscernible) is
going to be Director Robert DeLitta, would you like to come
up? Okay, next one will be Chief Jack Casale. Legal
Advisor, Anthony Iannarone. We have Captain Raymond Bresko
next. Captain Thomas Torrillo. We have Lieutenant Ismael
Agosto. We have not Lieutenant David Ervolino. Sergeant
Randolph Alfaro. Sergeant's not here, okay. Sargeant
Pragnesh Bhatt. We also have Sergeant William O'Donnell.
Officer Oliver Allen. Officer Manuel Cepeda. Officer Abby
Jacob. Is Abby here? We have Officer Michael Latona. And
Officer Santiago.

(Indiscernible), this way we can fit everybody in.

UNIDENTIFIED SPEAKER: (Indiscernible).

MAYOR PETRACCO: Can we just give them one more
round of applause, please? If you guys would like to stay
for the rest of the meeting, you're more than welcome to, if
not, this is your moment to exclude. (Indiscernible).

Thank you.

Okay, Madam Clerk, where were we? I believe
(indiscernible) on public hearings.

MADAM CLERK: That's correct. Ordinance public
hearings.

MAYOR PETRACCO: Commissioner Evans.

COMMISSIONER EVANS: Thank you. I have a public hearing tonight regarding ordinance 3246, regarding amendments to a parking ordinance. This ordinance has an impact within our business areas making -- developing an ordinance that is more conducive to supporting business (indiscernible) town with respectful of residents and the fact that it is a residential community. But it will promote Nutley as being more open to business, and a great place to start a business.

MAYOR PETRACCO: Is there anyone here this evening that would like to address the Board of Commissioners on ordinance number 3246? I move to close the public hearing?

COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: Aye. Move the ordinance?
COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Yeah, I just want to add that this -- I did ask, we should be able to enhance some of the outdoor seating that we have at our restaurants.

COMMISSIONER EVANS: Exactly, exactly.

COMMISSIONER SCARPELLI: And I think that’s a positive. So, I enthusiastically vote yes.

COMMISSIONER EVANS: Thank you. Thank you. Any business that’s less than 20,000 square feet (indiscernible) required. So, we did -- the vacuum cleaner store, the little nail salon, the little shop that wants to put two tables outside doesn’t meet that requirement.

(Indiscernible) in a residential neighborhood, and I’m not going to name any (indiscernible).

UNIDENTIFIED SPEAKER: You still have to get a café --

COMMISSIONER EVANS: Absolutely. It doesn’t mean there goes the permit requirement, but it does say that if
you want to have an outdoor café, you can do that. Also, for a restaurant, which used to have a requirement of two spots for every five seats, now, it only has to have one spot for every ten seats.

UNIDENTIFIED SPEAKER: (Indiscernible).

COMMISSIONER EVANS: So, it’s really good.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: And before I vote, to tack on Commissioner Scarpelli and Commissioner Tucci, I think it is (indiscernible) and I think it’s great work. Being a small business owner myself in town, I can tell you that the climate is improving, but still struggling and this will definitely make a difference in a lot of businesses’ decisions to come to Nutley when opening up a business. So, job well done, Commissioners.

Have you found a lot of businesses wanted to come, (indiscernible) elsewhere. Thank you very much.

COMMISSIONER EVANS: Absolutely, thank you again.

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: Yes. I have a public hearing, I believe, on ordinance number 3247, an ordinance to amend an ordinance codified in the code of the Township of Nutley, Chapter 228, entitled vehicles and traffic, particularly
Article II (parking on certain streets), section 11 entitled parking time limited, to add the locations set forth. Those locations I should read into the record, let's see. I know it's Harrison, to the left of Harrison. I don't see it on here, am I missing it?

Oh, here, I've got it. I have it. Harrison Street north to Prospect Street to Bloomfield Avenue. Is there anyone this evening that would like to comment on ordinance number 3247? (Indiscernible) move to close the public portion of the meeting, please.

COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: Aye. I move the ordinance?

COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Tucci?
COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: Aye. Thank you. Okay, we'll move onto resolutions, Commissioner Rogers.

MADAM CLERK: Mayor, did we move that? Okay, thank you.

MAYOR PETRACCO: I'm sorry, I didn't hear that question.

MADAM CLERK: I'm sorry, Mayor, I wasn't sure if we did move that.

MAYOR PETRACCO: Yes, I was an aye.

MADAM CLERK: Thank you.

COMMISSIONER ROGERS: Resolution number 199-13, Whereas, the Board of Education is mandated to provide nursing services to nonpublic school students within its School District; Whereas, the Nutley Department of Public Affairs is a public agency approved by the Nutley -- by the New Jersey Department of Health that is capable of providing nursing services of the type needed; and Whereas, the Board of Education desires to enter into an agreement with the Nutley Department of Public Affairs for the provision of
these services; Now, Therefore, be it resolved by the Board
of Commissioners of the Township of Nutley that the Township
of Nutley hereby approves the Agreement of Nursing Services
in the form attached hereto, and authorizes the Director of
Public Affairs to execute the final draft of the same on
behalf of the Township; and Be it resolved that a duly
executed copy of the Agreement for Nursing Services and this
Resolution shall be placed on file with the Municipal Clerk.

So moved.

COMMISSIONER SCARPELLI: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Scarrelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: Aye. Anything else, Commissioner
Rogers?

COMMISSIONER ROGERS: That's all. Thanks, Mayor.

MAYOR PETRACCO: Commissioner Tucci, please.

COMMISSIONER TUCCI: Yes. Whereas, the Township
of Nutley entered into a contract with Neglia Engineering,
34 Park Avenue, Lyndhurst, New Jersey for technical and
management services for the Monsignor Owens Park, Field
Reconstruction; and Whereas, the Director of Recreation of
the Department of Parks and Public Property has recommended
the following change order from said contract: Change order
number 3, professional billing services from June 1, 2013 to
June 28, 2013 in the amount of $1,259. The money is
available from Account Capital Ordinance number 3214B and
has been certified by the Chief Financial Officer, said
certification being attached to this resolution. Now
therefore, be it resolved by the Board of Commissioners in
the Township of Nutley, County of Essex, State of New
Jersey, that Change Order number 3 in the amount of $1,259
be and is hereby approved.

I move the resolution.

COMMISSIONER EVANS: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Mayor Petracco?
MAYOR PETRACCO: Aye.

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

MAYOR PETRACCO: Thank you. Commissioner Evans?

COMMISSIONER EVANS: I have the two (indiscernible) resolutions. Be it resolved, by the Board of Commissioners of the Township of Nutley, in the County of Essex, New Jersey, that the Treasurer be and she is hereby authorized to refund overpayments of property taxes in the amount of -- I'm going to read both numbers because I've got two numbers on here -- of -- for either $2,108.20 or $2,107.30 for block 5301, lot 10, whichever number is appropriate.

COMMISSIONER SCARPELLI: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: Before I vote, would this (indiscernible) classify as a separate resolution then, or --
COMMISSIONER EVANS: It's -- it's certainly got a new meaning.

MADAM CLERK: Thank you.

COMMISSIONER EVANS: Whereas, the Township of Nutley wishes to purchase a SAVIN C8002 Digital Copier from an authorized vendor under the State of New Jersey Cooperative Purchasing Program; and Whereas, goods and services purchased by local contracting units and authorized by local public law, NJSA 40A:11-12; Whereas, GSA/FSS Repographics scheduled by -- scheduled by local contracting units is authorized by NJAC 5:34-9.7; Whereas, Ricoh Americas Corporation, c/o -- care of Atlantic Tomorrow's office, 200 Broadacres Drive in Bloomfield have been awarded the New Jersey contract number 51464 for GSA and Repographics as stated was the actual cost of the purchase of the digital copier is expected not to exceed $24,666. And I don't know why it's (indiscernible). Whereas, the utilization of this contract is recommended on the grounds that it represents the best price available; Whereas, the funds are available in Capital Ordinance 3242N and has been certified by the chief financial officer; Whereas, NJAC 5:34-17.8 requires that purchases made under the Repographics schedule be authorized by resolution. Now, therefore, be it resolved by the Board of Commissioners of the Township of Nutley that Ricoh America Corporation
(indiscernible) contract for the purpose of SAVIN digital copier in accordance with the state contract A51464. Be it further resolved that SAVIN 4060 copier has become unrepairable and parts have become obsolete. Therefore, it needs to be disposed of and a trade amount as related to this purchase in the amount of $25, to be applied to the new purchase.

COMMISSIONER TUCCI: Second.
MADAM CLERK: Commissioner Rogers?
COMMISSIONER ROGERS: Aye.
MADAM CLERK: Commissioner Tucci?
COMMISSIONER TUCCI: Aye.
MADAM CLERK: Commissioner Evans?
COMMISSIONER EVANS: Aye.
MADAM CLERK: Commissioner Scarpelli?
COMMISSIONER SCARPELLI: Aye.
MADAM CLERK: Mayor Petracco?
MAYOR PETRACCO: Aye. Commissioner Scarpelli?
COMMISSIONER SCARPELLI: Be it resolved by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that the Township Clerk is hereby authorized to advertise for sealed bids for the Roadway Improvements of Sargent Street, Essex Street, and additional various streets, curbs, and sidewalks, Nutley, New Jersey, to be received on behalf of the Board of
Commissioners, in the Commission Chambers, Township Hall, 1 Kennedy Drive, Nutley, NJ, on Thursday, September 12, 2013 at 3:00 PM, prevailing time, at which time they will be opened and read.

I move the resolution.

COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: Aye.

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

MAYOR PETRACCO: Thank you. Whereas, raffle applications have been received from the following organizations; and St. Mary’s RC Church/Rosary Society, License number 49-13 on premise 50/50 cash raffle, October 25, 2013; St. Mary’s RC Church/Rosary Society, License number 50-13 on premise merchandise raffle, October 25, 2013; Nutley High School Soccer Booster Club, license number 51-13 on premise merchandise raffle,
November 21, 2013; Nutley Junior Raider Booster Club, Inc.,
License number 52-13 on premise merchandise raffle,
September 28, 2013; Nutley Junior Raider Booster Club, Inc.,
License number 53-13 on premise merchandise raffle,
September 28, 2013; Nutley Junior Raider Booster Club, Inc.,
License number 54-13 on premise merchandise raffle,
September 28, 2013; Whereas, the applications have been
reviewed and approved by the Municipal Clerk and the Police
Department. Now, therefore, be it resolved by the Board of
Commissioners of the Township of Nutley, County of Essex,
that the licenses are approved and the Municipal Clerk is
authorized to issue the licenses.

Move the resolution.

COMMISSIONER ROGERS: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Here. Aye.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: Aye. Whereas, the Township of

Nutley has entered into a contract via resolution number
108-13, April 25, 2013, with Scarinci and Hollenbeck, 1100 Valley Brook Avenue, Lyndhurst, New Jersey 07071, for legal services in the year 2013 for an original contract amount not to exceed $35,000; and Whereas, Change Order number 1 has been authorized for the original contract amount to be increased by $30,000; and Whereas, the funds are available from 3-01-012-205 and have been certified by the Chief Financial Officer, said certification attached to this resolution. Now, therefore, be it resolved by the Board of Commissioners in the Township of Nutley, County of Essex, State of New Jersey, that the Change Order number 1 is a change from the contract previously made by the Township of Nutley with Scarinci and Hollenbeck for legal services are hereby authorized and approved.

I move the resolution.

COMMISSIONER SCARPELLI: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Mayor Petracco?
MAYOR PETRACCO: Aye. Whereas, the Township of Nutley Zoning Board received $1,000 escrow deposit from Mr. Peter Islip of Krank LLC for property located at 55 Washington Avenue for engineering services; and Whereas, the Zoning Board of Adjustment has reviewed and determined the remaining escrow balance of $1,000 is due to Mr. Peter Islip of Krank, and Now therefore, be it resolved by the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey, that the above amount is refunded to Mr. Peter Islip of Krank, LLC.

I move the resolution.

COMMISSIONER ROGERS: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: Aye.

Just in closing, very briefly, I know the Board of Commissioners sends our dear friend, Kevin Harkens (ph), all the well wishes that we can. I would like to thank...
Commissioner Scarpelli for keeping us updated. I would like

to thank Mr. Genitempo for filling in. And I believe we

need a motion to adjourn.

UNIDENTIFIED SPEAKER: Open public.

MADAM CLERK: We need to open the meeting to the

public, Mayor.

UNIDENTIFIED SPEAKER: Public portion.

MAYOR PETRACCO: Oh, geez. You know what, I seem
to always forget that part. Okay. Excuse me, I think we

should allow the left side to speak first. Can we take a

picture of that?

Is there anyone here this evening that would like
to address the Board of Commissioners? No one? So, no one?

Move to go into executive session, I believe?

UNIDENTIFIED SPEAKER: Second.

MADAM CLERK: Whereas, the Board of Commissioners

of the Township of Nutley, in the County of Essex, desires
to proceed to closed executive session; and now, therefore,
be it resolved by the Board of Commissioners of the Township
of Nutley that the Township Commission shall now move into
closed executive session to discuss -- Mr. Genitempo, what
are we discussing in executive session?

MR. GENITEMPO: Contract negotiations and

personnel.

MADAM CLERK: Okay. There will be two items of
discussion, potential contract negotiations --

MR. GENITEMPO: And personnel.

MADAM CLERK: -- and personnel matters.

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

I need to know who made the motion, please?

COMMISSIONER SCARPELLI: I did.

MADAM CLERK: Okay. Motion made by Commissioner Scarpelli. And this was seconded by? Gentlemen, I need to know who seconded this resolution, please.

COMMISSIONER ROGERS: Seconded by Commissioner Rogers.

MADAM CLERK: Okay, seconded by Commissioner Rogers.

Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Scarpelli?
COMMISSIONER SCARPELLI: Aye.
MADAM CLERK: Mayor Petracco?
MAYOR PETRACCO: Aye.
UNIDENTIFIED SPEAKER: (Indiscernible).

(Meeting was adjourned at 8:41 P.M.)

(Meeting adjourned at 8:28 p.m.)
CERTIFICATION

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

Jamie Gallagher

Date: September 30, 2013
Township of Nutley
Board of Commissioners
Meeting Minutes
Tuesday, August 20, 2013
7:00 P.M.

Mayor Petracco made a motion to exit Executive Session seconded by Commissioner Rogers, all Ayes on a roll call vote. The Board of Commissioners exited Executive Session at 9:45PM and entered into Public Session.

Motion to adjourn by Commissioner Scarpelli, seconded by Commissioner Rogers. All ayes. Meeting adjourned at 9:48 PM.

ATTEST:

Evelyn Rosario, RMC
Municipal Clerk

Commissioner Steven Rogers

Commissioner Mauro G. Tucci

Commissioner Thomas J. Evans

Commissioner Joseph P. Scarpelli

Mayor Alphonse Petracco
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<td>DEIDRE DEVITO</td>
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<td></td>
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<tr>
<td>13-02632</td>
<td>JAMES QUINN</td>
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<td>LOMA GRANELLI</td>
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<tr>
<td>13-02485</td>
<td>NUTLEY PARK SHOPRITE</td>
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<td>13-02545</td>
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<td>13-02049</td>
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<tr>
<td>13-02609</td>
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<td>2,135.72</td>
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<td>13-02610</td>
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<td>13-02430</td>
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<td>13-02774</td>
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**BILL LIST DEPT. TOTALS:**

<table>
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<tr>
<th></th>
<th>171,904.98</th>
<th>2,346,203.39</th>
<th>59,060.30</th>
<th>51,447.98</th>
<th>45,512.44</th>
<th>2,674,129.09</th>
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</thead>
</table>

List of payroll submitted for approval by the Board of Commissioners at their regular meeting of AUGUST 20, 2013

**PAYROLL-REGULAR AUGUST 16, 2013:**

<table>
<thead>
<tr>
<th>Department</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of Public Affairs</td>
<td>16,833.05</td>
</tr>
<tr>
<td>Department of Revenue &amp; Finance</td>
<td>57,336.16</td>
</tr>
<tr>
<td>Department of Public Safety</td>
<td>411,780.66</td>
</tr>
<tr>
<td>Department of Public Works</td>
<td>60,912.72</td>
</tr>
<tr>
<td>Department of Parks &amp; Public Properties</td>
<td>74,163.00</td>
</tr>
<tr>
<td>Department of Recreation Commission</td>
<td>26,229.38</td>
</tr>
<tr>
<td>Water Operations</td>
<td>47,939.92</td>
</tr>
<tr>
<td>Due To From General Capital</td>
<td>3,519.91</td>
</tr>
<tr>
<td>600 SERIES</td>
<td>2,090.36</td>
</tr>
<tr>
<td>POLICE OUTSIDE DUTY</td>
<td>6,022.50</td>
</tr>
<tr>
<td>C.E.H.A.</td>
<td>1,094.16</td>
</tr>
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</table>

Sub Total                                      707,921.82

**PAYROLL-OVERTIME AUGUST 16, 2013:**

<table>
<thead>
<tr>
<th>Department</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of Public Affairs</td>
<td>0.00</td>
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<tr>
<td>Department of Revenue &amp; Finance</td>
<td>740.74</td>
</tr>
<tr>
<td>Department of Public Safety</td>
<td>17,210.89</td>
</tr>
<tr>
<td>Department of Public Works</td>
<td>2,789.34</td>
</tr>
<tr>
<td>Department of Parks &amp; Public Properties</td>
<td>2,012.65</td>
</tr>
<tr>
<td>Water Operations</td>
<td>7,584.94</td>
</tr>
<tr>
<td>600 Series</td>
<td>0.00</td>
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</table>

Sub Total                                      30,338.56

**TOTAL PAYROLL:**                              738,260.38

**GRAND TOTAL:**                                3,412,389.47

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

<table>
<thead>
<tr>
<th>Deduction</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal Withholding Tax</td>
<td>90,734.87</td>
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<tr>
<td>Social Security</td>
<td>23,834.98</td>
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<tr>
<td>N.J. State Tax</td>
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</tr>
<tr>
<td>Medicare</td>
<td>10,714.29</td>
</tr>
<tr>
<td>Wage Execution</td>
<td>3,258.00</td>
</tr>
<tr>
<td>Deferred Compensation</td>
<td>25,386.83</td>
</tr>
<tr>
<td>Employee Disability Ins.</td>
<td>5,119.97</td>
</tr>
</tbody>
</table>
Resolution

Introduced by: Commissioner Mauro G. Tucci

Seconded by: Commissioner Evans

Date: August 20, 2013

No. 200-13

WHEREAS, Thomas Rudomanski has been a resident of Nutley for 48 years; and

WHEREAS, Thomas Rudomanski and his wife Iole of 42 years, have three daughters Claudia, Catherine and Judith, Son-in-Laws, William and Dave, and three grandchildren James, Jennifer and Emily; and

WHEREAS, Thomas Rudomanski has served the Township of Nutley in The Department of Parks and Public Property, Shade Tree Advisory Committee since May 1, 2001; and

WHEREAS, on June 1, 2013, Thomas Rudomanski will be resigning as Chairman of the Shade Tree Committee after 12 years of dedicated service to the Township of Nutley;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners, of the Township of Nutley, County of Essex, State of New Jersey, join with the Citizens of Nutley, to extend our deepest gratitude for 12 years of dedicated service to Nutley; and

BE IT FURTHER RESOLVED that we extend to Thomas Rudomanski our sincerest wishes for a long, happy and healthy retirement.

I, ___________________________ Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held August 20, 2013.

<table>
<thead>
<tr>
<th>Record of Vote</th>
<th>Commissioner Rogers</th>
<th>Commissioner Tucci</th>
<th>Commissioner Evans</th>
<th>Commissioner Scarpelli</th>
<th>Mayor Petracco</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>No</td>
<td></td>
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<td></td>
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</tr>
<tr>
<td>Not Voting</td>
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</tr>
<tr>
<td>Absent/Excused</td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>
BOARD OF COMMISSIONERS  
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Mayor Alphonse Petracco  Date: August 20, 2013
Seconded by: Commissioner Rogers  No. 208-13

WHEREAS, on September 23rd 1954, Governor Robert B. Meyner issued an Executive Proclamation setting forth the rules, duties, and powers of the Auxiliary Police; and

WHEREAS, as part of the State of New Jersey’s Civil Defense Plan, Police Auxiliaries were created to “provide further safeguards for the public security;” and

WHEREAS, the Township of Nutley has been well served by a dedicated group of Auxiliary Police Officers for over 50 years; and

WHEREAS, the men and women of the Nutley Police Auxiliary have volunteered countless thousands of hours, augmenting the Nutley Police Department during parades and civic celebrations, assisting during storms and other emergencies, and performing preventative patrols; and

WHEREAS, the Township of Nutley owes an incalculable debt of gratitude to all members of the Nutley Police Auxiliary, past and present; and

WHEREAS, the Nutley Police Auxiliary was officially deactivated on December 31, 2012, with many current members advancing to Special Law Enforcement Officer status;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Nutley in the County of Essex, State of New Jersey that the Nutley Police Auxiliary’s substantial contribution to the safety and welfare of the Township of Nutley be hereby recognized; and

BE IT FURTHER RESOLVED that the gratitude of this community be hereby extended to all members of the Nutley Police Auxiliary, past and present, for their exemplary service with the Nutley Police Department.

I, Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held August 20, 2013

<table>
<thead>
<tr>
<th>Record of Vote</th>
<th>Commissioner Rogers</th>
<th>Commissioner Tucci</th>
<th>Commissioner Evans</th>
<th>Commissioner Scarpelli</th>
<th>Mayor Petracco</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>No</td>
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<td></td>
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</tr>
<tr>
<td>Not Voting</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Absent/Excused</td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>
NOTICE IS HEREBY GIVEN, that the following Ordinance was approved for final adoption by the Board of Commissioners Township of Nutley, Essex County, New Jersey at a meeting held on Tuesday, August 20, 2013.

"AN ORDINANCE TO AMEND AN ORDINANCE CODIFIED IN THE CODE OF THE TOWNSHIP OF NUTLEY, CHAPTER 700, ENTITLED ZONING, PARTICULARLY ARTICLE XIII (PARKING SPACES AND LOADING BERTHS), SECTION 91 ENTITLED SCHEDULE OF MINIMUM REQUIRED PARKING SPACES & SECTION 102 ENTITLED SCHEDULE OF MINIMUM LOADING SPACES, TO AMEND THE REQUIREMENTS SET FORTH THEREIN."

ALL "AYES" ON A ROLL CALL VOTE

Commissioner Rogers  “AYE"
Commissioner Tucci  “AYE"
Commissioner Evans  “AYE"
Commissioner Scarpelli  “AYE"
Mayor Petracco  “AYE"

Evelyn Rosario, RMC, CMC
Municipal Clerk

Nutley Sun Issue/Thursday, August 29, 2013/Via E-Mail: publicnotices@northjersey.com
AN ORDINANCE TO AMEND AN ORDINANCE CODIFIED IN THE CODE OF THE TOWNSHIP OF NUTLEY, CHAPTER 700, ENTITLED ZONING, PARTICULARLY ARTICLE XIII (PARKING SPACES AND LOADING BERTHS), SECTION 91 ENTITLED SCHEDULE OF MINIMUM REQUIRED PARKING SPACES & SECTION 102 ENTITLED SCHEDULE OF MINIMUM LOADING SPACES, TO AMEND THE REQUIREMENTS SET FORTH THEREIN.

BE IT ENACTED by the Board of Commissioners of the Township of Nutley that Section 91 entitled Schedule of minimum required parking spaces & Section 102 entitled Schedule of minimum loading spaces. of Chapter 228 of the Code of the Township of Nutley, is hereby amended to set forth the requirements set forth therein:

Article XIII. PARKING SPACES AND LOADING BERTHS

§ 700-91. Schedule of minimum required parking spaces.

A. No building or premises shall be used nor shall any building be erected nor shall any building be altered so as to expand its usable floor area unless there is provided parking spaces upon the same premises upon which the use or building is located, or as provided for in § 700-45H in accordance with the following schedule:

<table>
<thead>
<tr>
<th>Type of Use</th>
<th>Minimum Required Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family dwelling</td>
<td>2, at least one space must be in a garage if garage attached</td>
</tr>
<tr>
<td>Two-family dwelling</td>
<td>4, at least one space must be in a garage if garage attached</td>
</tr>
<tr>
<td>Multifamily dwelling</td>
<td>1 1/2 for each dwelling unit, except 2 for each dwelling unit of 2 or more bedrooms</td>
</tr>
<tr>
<td>Multifamily dwelling for senior citizens</td>
<td>1 for each 2 dwelling units</td>
</tr>
<tr>
<td>Banks and savings institutions</td>
<td>1 for each 300 square feet of total floor area</td>
</tr>
<tr>
<td>Retail stores and service</td>
<td>1 for each 200 square feet of total floor area</td>
</tr>
<tr>
<td>establishments, except as noted below</td>
<td></td>
</tr>
<tr>
<td>Type of Use</td>
<td>Minimum Required Parking Spaces</td>
</tr>
<tr>
<td>---------------------------------------------------------</td>
<td>---------------------------------------------------------------------</td>
</tr>
<tr>
<td>Retail food markets with over 3,000 square feet of total floor area</td>
<td>1 for each 200 square feet of total floor area</td>
</tr>
<tr>
<td>Retail stores in B-3 &amp; B-3A Zones on first floor only</td>
<td>1 for each 200 square feet of establishment, except if the lot size is less than 20,000 square feet, no parking is required</td>
</tr>
<tr>
<td>Service Establishments (Personal &amp; Household)</td>
<td>1 for each 200 square feet of establishment, except if the lot size is less than 20,000 square feet, no parking is required</td>
</tr>
<tr>
<td>Retail printing and copier service</td>
<td>1 for each 200 square feet of total floor area</td>
</tr>
<tr>
<td>Offices</td>
<td>1 for each 300 square feet of total floor area</td>
</tr>
<tr>
<td>Restaurants and bars</td>
<td>1 for each 10 seats, to be based on maximum seating capacity</td>
</tr>
<tr>
<td>Bowling alleys</td>
<td>3 per alley</td>
</tr>
<tr>
<td>Place of public assembly</td>
<td>2 for each 5 persons of maximum capacity as permitted by the Uniform Construction Code</td>
</tr>
<tr>
<td>Public, private and parish schools</td>
<td>3 for each 2 classrooms or, if an auditorium or gymnasium is part of the school, spaces as required by place of public assembly above</td>
</tr>
<tr>
<td>Houses of worship</td>
<td>1 for every 50 square feet of seating area</td>
</tr>
<tr>
<td>Funeral home</td>
<td>10 for each parlor</td>
</tr>
<tr>
<td>Nursing homes</td>
<td>1 for each 3 beds, plus 1 of each 3 employees on maximum working shift</td>
</tr>
<tr>
<td>Hospitals</td>
<td>1 for each 2 beds, plus one for each 3 employees on maximum working shift, plus one for each doctor on staff</td>
</tr>
<tr>
<td>Bus and railroad passenger</td>
<td>1 for each 100 square feet of total platform</td>
</tr>
<tr>
<td>Type of Use</td>
<td>Minimum Required Parking Spaces</td>
</tr>
<tr>
<td>-----------------------------------------</td>
<td>-------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>stations</td>
<td>and station area</td>
</tr>
<tr>
<td>Automobile sales rooms</td>
<td>1 for each 1,000 square feet of sales area, plus 1 for each 500 square feet of auto service area, plus 1 for each 300 square feet of office area</td>
</tr>
<tr>
<td>Repair garages and automobile service</td>
<td>1 for each 500 square feet of total floor area</td>
</tr>
<tr>
<td>Auto body shops</td>
<td>1 for each 250 square feet of total floor area</td>
</tr>
<tr>
<td>Factories and laboratories</td>
<td>1 for each 4 employees, but in no case less than 1 for each 1,000 square feet of total floor area</td>
</tr>
<tr>
<td>Warehouses</td>
<td>1 for each 4 employees, but in no case less than 1 for each 3,000 square feet of total floor area</td>
</tr>
<tr>
<td>Amusement devices as principal use</td>
<td>1 for each device</td>
</tr>
<tr>
<td>Uses not listed above</td>
<td>According to that category which most nearly approximates the use</td>
</tr>
<tr>
<td>More than 1 use on a premises</td>
<td>The sum of the component requirements</td>
</tr>
</tbody>
</table>

B. In addition to parking requirements for each use specified above, off-street parking in nonresidential zones shall be provided for each service or delivery vehicle used by the occupant of the property (excluding B-3A Zone, none required).

§ 700-92. Off-premises parking.

Parking spaces required by this chapter may be provided in certain districts on premises other than those upon which the use is located as a conditional use granted by the Planning Board as provided in § 700-45H.
§ 700-93. Reduction of required off-street parking spaces.

Required off-street parking space shall not be reduced or encroached upon in either of the two following circumstances only:

A. Such space may be reduced by the amount to which other off-street parking space is provided for the use or uses involved, satisfying the requirements of §§ 700-91 and 700-92 of this article.

B. Such space may be reduced by such amount as may be justified by a reduction in the need for such space by reason of a reduction in the size or change in the nature of the use to which such space is appurtenant.

§ 700-94. Additional regulations on off-street parking for one- and two-family dwellings.

A. Notwithstanding any other section of this chapter, no front yard of a lot upon which is located a one- or two-family dwelling shall be used for the parking of motor vehicles, except that motor vehicles may be parked upon a driveway in the front yard. Similarly, in the case of corner lots, no side yard facing a street on a lot upon which is located a one- or two-family dwelling shall be used for the parking of motor vehicles, except that motor vehicles may be parked upon a driveway in the side yard. The use of a driveway for the parking of motor vehicles shall be subject to the following limitations:

(1) Front yard. The driveway shall consist of the area directly opposite to an attached garage, detached garage or depressed garage or the extension of the side yard into the front yard. The driveway width shall not exceed 16 feet. However, if there is no garage and no available side yard, a driveway not to exceed 16 feet in width from the side lot line may be constructed.

(2) Side yard of corner lots. The driveway shall consist of the area directly opposite and adjacent to an attached garage, detached garage or depressed garage or the extension of the rear yard into the side yard which abuts a street. However, if there is no garage and no available rear yard, a driveway not to exceed 16 feet in width from the rear lot line may be constructed.

(3) Each property shall not have more than one driveway and one curb cut approved by the Township. Curb cuts are subject to the following standards:

(a) A curb cut for a one-car garage shall not exceed 12 feet in length.

(b) A curb cut for a two-car garage shall not exceed 16 feet in length.

(c) In no case shall a curb cut exceed 20 feet in length.
§ 700-95. Off-street parking accessory to professional office or home occupation.

Off-street parking area accessory to a professional office or home occupation located in a one- or two-family dwelling and off-street parking areas accessory to a multifamily dwelling shall not be located in the front yard or side yard abutting a street. The minimum setback of off-street parking area from any other lot line shall be five feet.

§ 700-96. Location of off-street parking for other uses.

Except for uses specified above in §§ 700-94 and 700-95, parking and loading areas located in any front yard or side yard abutting a street shall not be permitted within 10 feet of the right-of-way line of a street. The minimum setback of off-street parking and loading area from any other lot line shall be five feet. The five-foot parking and loading area setback need not be provided between properties which have common access and/or common parking areas.

§ 700-97. Parking lot landscaping.

[Amended 7-5-2007 by Ord. No. 3014]

All parking lots of over 20,000 square feet in area shall have at least 5% of the area within the parking lot devoted to landscaping, including shade trees. Such areas shall be not less than five feet in least dimension and shall be located between, within or at the ends of parking rows. The use of low maintenance native vegetation, which requires less fertilizer and watering, is encouraged.

§ 700-98. Buffer for parking areas.

Where any parking or loading area adjoins a lot in any R District, a landscaped buffer strip at least six feet in width containing plantings at least three feet high shall be provided.


No commercial vehicle or truck having lettering exceeding three inches in height, having racks, platforms, ladders or other equipment affixed thereto shall be parked in a residential zone between 10:00 p.m. and 7:00 a.m. except in a completely enclosed garage. Any lettering on a permitted commercial vehicle shall contain only the information required by state law.

§ 700-100. Prohibited commercial vehicles.

The following types of commercial vehicles shall not be parked or stored in a residential zone: tractors and/or trailers, step vans, dual-wheel vehicles, tow trucks, trucks, buses, dump trucks, flatbed trucks, backhoes, front-end loaders and construction equipment of any kind.
§ 700-101. Trailer and boat parking and storage.

A. Open parking and storage prohibited; storage on private premises. No person shall park or store any camper, trailer or boat in the open or on any street, highway or other public place within the Township of Nutley or on any lot or tract of land therein, except that a camper, trailer or boat may be parked or stored by the owner thereof in a garage or behind his dwelling house in that 1/2 of the rear yard closest to such dwelling, and then only in such fashion that no part of such camper, trailer or boat shall project beyond the walls of the dwelling nor above the highest point of the lowest roof thereof. No camper, trailer or boat while stored or parked as permitted in this section shall be occupied or used for living, sleeping or housekeeping purposes.

B. Emergency or temporary parking or storage. Emergency or temporary parking or stopping of a camper, trailer or trailed boat is permitted on any driveway, street or highway within the Township of Nutley for not longer than two hours, subject, however, to any other further prohibitions or limitations imposed by the traffic and parking regulations for that street or highway.

C. Parking or storage on comer lots; occupancy as dwelling prohibited. In the case of comer lots, a camper, trailer or boat may be parked or stored by the owner thereof behind his dwelling house in that 1/2 of the rear yard closest to such dwelling, or if the side yard is larger than the rear yard, the camper, trailer or boat shall be parked or stored by the owner thereof adjacent to his dwelling house in that 1/2 of the side yard closest to such dwelling, and then only in such fashion that no part of said camper, trailer or boat shall project beyond the walls of the dwelling nor above the highest point of the lowest roof thereof. No camper, trailer or boat while stored or parked as permitted in this section shall be occupied or used for living, sleeping or housekeeping purposes.

§ 700-102. Schedule of minimum loading spaces.

A. No building or premises shall be used nor shall any building be erected or reconstructed, nor shall any building be altered so as to expand its usable floor area unless there is provided off-street loading space in accordance with the following schedule:

<table>
<thead>
<tr>
<th>Type of Use</th>
<th>Minimum Required Loading Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Garden apartment or multihel family dwelling</td>
<td>1 for each development of 50 or more units</td>
</tr>
<tr>
<td>Retail commercial uses</td>
<td>1 for each 10,000 square feet of floor area or major fraction thereof, but in no case less than 1 per building of 2,000 square feet of floor area or more</td>
</tr>
<tr>
<td>Retail stores in B-3 &amp; B-3A Zones only</td>
<td>1 for each lot, except if the lot is less than 20,000 feet, none required</td>
</tr>
<tr>
<td>Type of Use</td>
<td>Minimum Required Loading Spaces</td>
</tr>
<tr>
<td>---------------------------------------------------------</td>
<td>---------------------------------------------------------------------</td>
</tr>
<tr>
<td>Other business and commercial uses, places of public</td>
<td>1 per building of 2,000 square feet of floor area or more</td>
</tr>
<tr>
<td>assembly and schools</td>
<td></td>
</tr>
<tr>
<td>Manufacturing, industrial and warehouse uses, for each</td>
<td>1 for each 5,000 square feet of total floor area, or fraction thereof, plus one for each 10,000 square feet of total floor area or fraction thereof in excess of the first 10,000 square feet</td>
</tr>
<tr>
<td>principal building</td>
<td></td>
</tr>
</tbody>
</table>

B. Each loading space shall be at least 12 feet wide, 56 feet long and 14 feet high, except that, in the case of establishments which demonstrate to the satisfaction of the approving body or office that no deliveries will be by trailer or semitrailer trucks, each loading space shall be at least 10 feet wide and 25 feet long or of such larger dimension as will accommodate the expected delivery or service vehicles.
NOTICE IS HEREBY GIVEN, that the following Ordinance was approved for final adoption by the Board of Commissioners Township of Nutley, Essex County, New Jersey at a meeting held on Tuesday, August 20, 2013.

"AN ORDINANCE TO AMEND AN ORDINANCE CODIFIED IN THE CODE OF THE TOWNSHIP OF NUTLEY, CHAPTER 228, ENTITLED VEHICLES AND TRAFFIC, PARTICULARLY ARTICLE II (PARKING ON CERTAIN STREETS), SECTION 11 ENTITLED PARKING TIME LIMITED, TO ADD THE LOCATIONS SET FORTH THEREIN."

ALL "AYES" ON A ROLL CALL VOTE

Commissioner Rogers       "AYE"
Commissioner Tucci        "AYE"
Commissioner Evans        "AYE"
Commissioner Scarpelli    "AYE"
Mayor Petracco            "AYE"

Evelyn Rosario, RMC, CMC
Municipal Clerk

Nutley Sun Issue/Thursday, August 29, 2013/Via E-Mail: publicnotices@northjersey.com
ORDINANCE No. 3247
INTRODUCED BY MAYOR PETRACCO
INTRODUCED ON JULY 16, 2013
PUBLIC HEARING AND ADOPTION: TUESDAY, AUGUST 20, 2013

ORDINANCE No. 3247
AN ORDINANCE TO AMEND AN ORDINANCE CODIFIED IN THE CODE OF THE TOWNSHIP OF NUTLEY, CHAPTER 228, ENTITLED VEHICLES AND TRAFFIC, PARTICULARLY ARTICLE II (PARKING ON CERTAIN STREETS), SECTION 11 ENTITLED PARKING TIME LIMITED, TO ADD THE Locations SET FORTH THEREIN.

BE IT ENACTED by the Board of Commissioners of the Township of Nutley that Section 11 of Chapter 228 of the Code of the Township of Nutley, entitled Parking Time Limited, is hereby amended to set forth the ADDITION of the following locations:

228-11. Parking time limited.

No person shall park a vehicle for longer than the time limit between the hours listed on any day (except Sundays and public holidays) upon any of the streets or parts of streets described, except that the prohibition under “all streets” shall be applicable each and every day of the year:

Add

<table>
<thead>
<tr>
<th>Name of Street</th>
<th>Side</th>
<th>Hours</th>
<th>Time Limit</th>
<th>Location</th>
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<tr>
<td>Harrison Street</td>
<td>North</td>
<td>8:00 a.m. to 6:00 p.m</td>
<td>1 hr.</td>
<td>Prospect Street to Bloomfield Avenue</td>
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</table>

BE IT FURTHER ENACTED that all other terms and conditions and locations in Section 11 and Chapter 228 shall remain as heretofore set forth in the Code of the Township of Nutley, except where such a reading would not give meaning to and further the application of this amendment. In such case and in such event, the terms and conditions shall have a meaning consistent with the intent of this amendment; and

BE IT FURTHER ENACTED that the within ordinance shall become effective after passage and publication, pursuant to law.
WHEREAS, the Board of Education is mandated to provide nursing services to nonpublic school students within its School District:

WHEREAS, the Nutley Department of Public Affairs is a public agency approved by the New Jersey Department of Health that is capable of providing nursing services of the type needed; and

WHEREAS, the Board of Education desires to enter into an agreement with the Nutley Department of Public Affairs for the provision of these services;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Nutley that the Township of Nutley hereby approves the Agreement of Nursing Services in the form attached hereto, and authorizes the Director of Public Affairs to execute the final draft of the same on behalf of the Township; and

BE IT RESOLVED that a duly executed copy of the Agreement for Nursing Services and this Resolution shall be placed on file with the Municipal Clerk.

Record of Vote

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<tr>
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I, ___________, Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held August 20, 2013.
Resolution

WHEREAS, Whereas, The Township of Nutley heretofore entered into a contract with Neglia Engineering, 34 Park Avenue, Lyndhurst, N.J. 07071 for technical and management services for the Monsignor Owens Park, Field Reconstruction Project; and

WHEREAS, The Director of Recreation of the Department of Parks and Public Property has recommended the following change order from said contract:

CHANGE ORDER NO. 3: Professional billing services from June 1, 2013 to June 28, 2013 in the amount of $1,259.00.

The money is available from Account Capital Ordinance # 3214B and has been certified by the Chief Financial Officer and said certification is attached to this resolution.

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners in the Township of Nutley, County of Essex, State of New Jersey, that Change Order #3, $1,259.00 be and is hereby approved.

1, Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held August 20, 2013

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BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, in the County of Essex, State of New Jersey, that the Treasurer be and she is hereby authorized to refund overpayments of the property taxes in the amount of $2,108 as listed below.

<table>
<thead>
<tr>
<th>Block &amp; Lot</th>
<th>Address</th>
<th>Amount</th>
</tr>
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<tbody>
<tr>
<td>5301 10</td>
<td>27 Newman Ave.</td>
<td>$2,108.30 04/25/12</td>
</tr>
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</table>

I, Evelyn Rosario, Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held August 20, 2013.

Record of Vote

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WHEREAS, the Township of Nutley wishes to purchase a SAVIN C8002 Digital Copier from an authorized vendor under the State of New Jersey Cooperative Purchasing Program; and

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Public Contracts Law, N.J.S.A.40A:11-12; and

WHEREAS, the use of the GSA/FSS Reprographics Schedule by local contracting units is authorized by N.J.A.C.5:34-9.7, and

WHEREAS, Ricoh Americas Corporation, c/o Atlantic Tomorrows Office, 200 Broadacres Drive, Bloomfield, NJ 07003 has been awarded New Jersey State Contract #51464 for the GSA/FSS Reprographics Schedule Use for the period

WHEREAS, the actual cost for the purchase of a SAVIN C8002 digital copier is expected not to exceed 24,666.00.

WHEREAS, the utilization of this contract is recommended on the grounds that it represents the best price available; and

WHEREAS, funds are available from account Capital Ordinance #3242N and have been certified by the chief financial officer, said certification being attached to this resolution; and

WHEREAS, N.J.A.C.5:34-17.8 requires that purchases made under the GSA/FSS Reprographics Schedule be authorized by resolution;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Nutley that Ricoh Americas Corporation c/o Atlantic Tomorrows Office be awarded a contract for the purchase of a SAVIN C8002 digital copier in accordance with State Contract #A51464.

BE IT FURTHER RESOLVED that the SAVIN 4060 copier has become un-repairable and parts have become obsolete, there is need to dispose of said copier and a trade in amount of $25.00 will be applied to purchase new copier.

I, ______________________, Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held __ August 20, 2013 __.

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</table>
BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that the Township Clerk is hereby authorized to advertise for sealed bids for the Roadway Improvements of Sargent Street, Essex Street and additional various streets, curbs and sidewalks, Nutley, New Jersey 07110, to be received on behalf of the Board of Commissioners, in the Commission Chambers, Township Hall, 1 Kennedy Drive, Nutley, NJ, on Thursday, September 12, 2013 at 3:00 P.M. prevailing time, at which time they will be opened and read.

I, ________________________________, Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held August 20, 2013.

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

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<thead>
<tr>
<th>Organization</th>
<th>License No.</th>
<th>Type</th>
<th>Date</th>
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<tbody>
<tr>
<td>St. Mary's RC Church/Rosary Society</td>
<td>49-13</td>
<td>On-Premise 50/50 Cash Raffle</td>
<td>October 25, 2013</td>
</tr>
<tr>
<td>St. Mary's RC Church/Rosary Society</td>
<td>50-13</td>
<td>On-Premise Merchandise Raffle</td>
<td>October 25, 2013</td>
</tr>
<tr>
<td>Nutley High School Soccer Booster Club</td>
<td>51-13</td>
<td>On-Premise Merchandise Raffle</td>
<td>November 21, 2013</td>
</tr>
<tr>
<td>Nutley Junior Raider Booster Club Inc.</td>
<td>52-13</td>
<td>On-Premise Merchandise Raffle</td>
<td>September 28, 2013</td>
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<tr>
<td>Nutley Junior Raider Booster Club Inc.</td>
<td>53-13</td>
<td>On-Premise Merchandise Raffle</td>
<td>September 28, 2013</td>
</tr>
<tr>
<td>Nutley Junior Raider Booster Club Inc.</td>
<td>54-13</td>
<td>On-Premise Merchandise Raffle</td>
<td>September 28, 2013</td>
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</table>

WHEREAS, the applications have been reviewed and approved by the Municipal Clerk and the Police Department.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, that the licenses are approved and the Municipal Clerk is authorized to issue the licenses.

I, Evelyn Rosario, Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held August 20, 2013.

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WHEREAS, the Township of Nutley has entered into a contract via resolution #108-13, April 25, 2013 with Scarinci and Hollenbeck, 1100 Valley Brook Avenue, Lyndhurst, New Jersey 07071 for a legal services in the year 2013 for an original contract amount not to exceed of $35,000; and

WHEREAS, Change Order #1 has been authorized for the original contract amount to be increased by $30,000.00; and

WHEREAS, the funds are available from 3-01-012-205 and have been certified by the Chief Financial Officer, said certification attached to this resolution;

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners in the Township of Nutley, County of Essex, State of New Jersey, that the Change Order No. 1 is a change from the contract previously made by the Township of Nutley with Scarinci and Hollenbeck for legal services are hereby authorized and approved.

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

Record of Vote

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Resolution

Introduced by: Mayor Alphonse Petracco

Seconded by: Commissioner Rogers

Date: August 20, 2013

No. 207-13

WHEREAS the Township of Nutley Zoning Board received $1,000.00 escrow deposit from Mr. Peter Islip of Krank LLC for property located at 55 Washington Avenue for engineering services, and

WHEREAS the Zoning Board of Adjustment has reviewed and determined the remaining escrow balance of $1,000.00 is due to Mr. Peter Islip of Krank, and

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, NJ, that the above amount is refunded to Mr. Peter Islip of Krank LLC.

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I, [Signature], Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held August 20, 2013.
WHEREAS, the Board of Commissioners of the Township of Nutley, in the County of Essex, and State of New Jersey desires to proceed to closed executive session; and

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

1. Potential Contract Negotiations
2. Personnel Matters

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

I, Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held August 20, 2013.