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	Page 1					
1	TOWNSHIP OF NUTLEY, NEW JERSEY					
2	BOARD OF COMMISSIONERS					
3						
4)					
5	CONFERENCE SESSION) TRANSCRIPT OF					
6) PROCEEDINGS:					
7)					
8						
9	November 21, 2017					
10	7:00 p.m.					
11						
12	BEFORE:					
13	Commissioner Steven L. Rogers					
14	Commissioner Thomas J. Evans					
15	Mayor Joseph P. Scarpelli					
16						
17	ALSO PRESENT:					
18	Alan Genitempo, Esq., Township Attorney					
19						
20						
21						
22						
23						
24	Job No. NJ2764747					
25	Transcribed by: Nicole Yawn					

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	Page 2			
1	PROCEEDINGS			
2	MADAM CLERK: Board of Commissioners public			
3	meeting Tuesday, November 21st, 2017. The time is 7:00 p.m.			
4	Pursuant to the requirements of the Open Public			
5	Meeting Act, Chapter 231, Public Law 1975, notice of this			
6	meeting was published in the December 1st, 2016 issues of			
7	the Nutley Sun and the Herald News and the December 2nd, 2016			
8	issue of the Star Ledger. A copy of this notice has been posted			
9	on the Nutley Town Hall bulletin board, and a copy is on file in			
.0	the Municipal Clerk's office. Commissioner Rogers?			
1	COMMISSIONER ROGERS: Here.			
.2	MADAM CLERK: Commissioner Tucci is absent/excused.			
.3	Commissioner Evans?			
.4	COMMISSIONER EVANS: Here			
.5	MADAM CLERK: Commissioner Petracco is absent/excused.			
.6	Mayor Scarpelli?			
.7	MAYOR SCARPELLI: Here.			
8	MADAM CLERK: All present, Mayor, except for Commissioner			
9	Tucci and Commissioner Petracco, and they will be joining us at 7:			
0	MAYOR SCARPELLI: Commissioner Evans, what do you have			
1	on the agenda tonight?			
2	COMMISSIONER EVANS: I have four resolutions tonight.			
3	One is the resolution authorizing us to purchase a			
4	bond anticipation note in the amount of \$9,867,000. It's			
25	the renewal of the note we had last year. The note will be			

through May of this year, where it will convert then to a regular bond and most likely a ten-year bond. The rates are favorable. But before the rates rise, we'll convert it. And it'll also coincide with the fact that we have debt matured. So it'll all offset.

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I also have a refund of permit fees, a refund of the cash bond, and a refund of an overpayment of taxes. And I'd be happy to read Commissioner Tucci's resolution, which is for a cellular antenna installation. And Commissioner Petracco has a public hearing on the handicapped parking. I'd also be happy to take care of that.

MAYOR SCARPELLI: Thank you, sir.

Commissioner Rogers, thank you for coming.

COMMISSIONER ROGERS: Thank you, Mr. Mayor. Glad to be here. I have nothing. Thank you.

MAYOR SCARPELLI: I have an authorization to go out to bid for comingled recycling and to -- the County has put a weight limit restriction on the Centre Street Bridge. So this is just a resolution memorializing that, so they can put up some signs and enforce there on a temporary basis.

Additionally, I have an ordinance to -- it's basically the Zoning Board, during their approval of the storage facility on Baltimore Street -- the company requested a piece of land that was unimproved in exchange for paving Baltimore Street. So we have to do an ordinance

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	Page 4			
1	on that, correct, Counselor?			
2	MR. GENITEMPO: Yes, sir.			
3	MAYOR SCARPELLI: So it would be			
4	MR. GENITEMPO: Only because it could be it			
5	should have been a resolution. There's a very minor size			
6	difference in that lot, it's required to be done by ordinance.			
7	MAYOR SCARPELLI: So we'll have an ordinance			
8	introduction for that.			
9	Madam Clerk?			
10	MADAM CLERK: Mayor, I don't have anything this			
11	evening.			
12	MAYOR SCARPELLI: Counselor?			
13	MR. GENITEMPO: Nothing.			
14	MAYOR SCARPELLI: Let's go out and go into public.			
15	MADAM CLERK: Okay.			
16	(Proceedings were adjourned for the public open session			
17	at 7:04 PM)			
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	Page 5					
1	TOWNSHIP OF NUTLEY, NEW JERSEY					
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3	BOARD OF COMMISSIONERS					
4)					
5	PUBLIC MEETING) TRANSCRIPT OF					
6) PROCEEDINGS:					
7)					
8	,					
9	November 21st, 2017					
10	7:08 p.m.					
11						
12	BEFORE:					
13	Commissioner Steven L. Rogers					
14	Commissioner Thomas J. Evans					
15	Mayor Joseph P. Scarpelli					
16						
17	ALSO PRESENT:					
18	Alan Genitempo, Esq., Board Attorney					
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25	Transcribed by: Nicole Yawn					

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	Page 7			
1	Mayor Scarpelli?			
2	MAYOR SCARPELLI: Here.			
3	MADAM CLERK: All present, Mayor, except for			
4	Commissioner Tucci and Commissioner Petracco. They will be			
5	joining us at 7:30.			
6	MAYOR SCARPELLI: Bills, Madam Clerk?			
7	MADAM CLERK: Yes, Mayor. Bill list for Tuesday,			
8	November 21st, 2017. Public Affairs, \$121,353.95; Revenue			
9	and Finance, \$3,283,430.43; Public Safety, \$24,708.75;			
10	Public Works, \$59,045.16; Parks and Public Property,			
11	\$70,018.42. Payroll for November 16th, 2017 is \$190,283.95.			
12	Payroll for November 17th, 2017, \$825,191.72, for a grand			
13	total of \$4,574,032.38.			
14	COMMISSIONER EVANS: Move the bills.			
15	COMMISSIONER ROGERS: Second.			
16	MADAM CLERK: Commissioner Rogers?			
17	COMMISSIONER ROGERS: Aye.			
18	MADAM CLERK: Commissioner Evans?			
19	COMMISSIONER EVANS: Aye.			
20	MADAM CLERK: Mayor Scarpelli?			
21	MAYOR SCARPELLI: Aye.			
22	MADAM CLERK: And that's it for bills, Mayor.			
23	MAYOR SCARPELLI: Public comment on agenda items			
24	only.			
25	Madam Clerk?			

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MADAM CLERK: Yes, Mayor.

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

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

MAYOR SCARPELLI: Would anybody like to address the Board of Commissioners on agenda items only?

Seeing none, let's move to Board of Commissioner announcements.

Commissioner? Commissioner?

MAYOR SCARPELLI: I have one announcement. Our Annual Tree Lighting will be December 3rd, at 5:30 at the Nutley Oval and in front of the Middle School. And this year, our tree was donated by Franklin Reform Church. It's a beautiful tree. So we look forward to that.

1	Commissioners, hope to see you there.
2	The public's also invited to come.
3	MAYOR SCARPELLI: Ordinance introductions.
4	This is Ordinance Number 3374, an ordinance to
5	amend an ordinance codified in the Code of the Township of
6	Nutley, Chapter 85, entitled, "Land Use Procedures,"
7	particularly, Article VII, "Miscellaneous Provisions to Add
8	Section 49, entitled, 'Baltimore Street Right-of-Way
9	Conveyance Agreement.'" This is an ordinance to convey a
10	piece of property that's unimproved and unused to a storage
11	facility that's building on Baltimore Street. In exchange,
12	they will be paving Baltimore Street.
13	I move that this ordinance be passed to a second
14	reading and advertised in the Nutley Sun, together with the
15	notice required by law and that further consideration of
16	said ordinance for final passage by the Board of

COMMISSIONER EVANS: Second.

2017. I move the ordinance.

MADAM CLERK: Commissioner Rogers?

Commissioners be held at a second reading on December 19th,

COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye.

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	Page 10
1	Public hearings.
2	Commissioner Evans?
3	COMMISSIONER EVANS: Thank you.
4	MAYOR SCARPELLI: If you would.
5	COMMISSIONER EVANS: I will have I'll hold a
6	public hearing on behalf of Commissioner Petracco, with
7	regard to Ordinance Number 3373, which relates to an
8	ordinance to establish a handicapped parking spot at 52
9	Milton Avenue. This ordinance was originally introduced on
10	October 17th and has been properly advertised in the Nutley
11	Sun. It's been posted on the Nutley Bulletin Board as well.
12	MAYOR SCARPELLI: Would anybody like to be heard
13	on Ordinance Number 3373?
14	Seeing none,
15	COMMISSIONER EVANS: Close the public hearing.
16	COMMISSIONER ROGERS: Second.
17	MADAM CLERK: Commissioner Rogers?
18	COMMISSIONER ROGERS: Aye.
19	MADAM CLERK: Commissioner Evans?
20	COMMISSIONER EVANS: Aye.
21	MADAM CLERK: Mayor Scarpelli?
22	MAYOR SCARPELLI: Aye.
23	COMMISSIONER EVANS: Move the ordinance.
24	MADAM CLERK: Need a second.
25	MAYOR SCARPELLI: Second.

	Page 12
1	So move.
2	COMMISSIONER ROGERS: Second.
3	MADAM CLERK: Commissioner Rogers?
4	COMMISSIONER ROGERS: Aye.
5	MADAM CLERK: Commissioner Evans?
6	COMMISSIONER EVANS: Aye.
7	MADAM CLERK: Mayor Scarpelli?
8	MAYOR SCARPELLI: Aye.
9	COMMISSIONER EVANS: Thank you. I'll read mine
10	now.
11	My first resolution is Number 250-17. It's a very
12	long resolution, which I'll read by title and summarize.
13	This is a resolution authorizing the issuance of
14	\$9,867,00 in bond anticipation notes for the Township of
15	Nutley for the period that would mature in May of 2018. The
16	note itself covers the capital improvement ordinances from
17	each year before we have gone into the market. We expect to
18	actually go into the bond market in May of this coming year,
19	which will coincide with maturity of existing debt to
20	basically, stabilize our debt service for the future years.
21	So based upon that, I move Ordinance 250-17.
22	COMMISSIONER ROGERS: Second.
23	MADAM CLERK: Commissioner Rogers?
24	COMMISSIONER ROGERS: Aye.
25	MADAM CLERK: Commissioner Evans?

	Page 13
1	COMMISSIONER EVANS: Aye.
2	MADAM CLERK: Mayor Scarpelli?
3	MAYOR SCARPELLI: Aye.
4	COMMISSIONER EVANS: WHEREAS, Holy Family Church,
5	located at 28 Brookline Avenue, Nutley, New Jersey has
6	submitted an application to reconstruct 3 stairways and
7	railings;
8	WHEREAS, the cost of the permit fee to reconstruct
9	3 stairways and railings was collected in the amount of
10	\$7,193, and said amount was deposited in Account C-01-904-903;
11	WHEREAS, the Township has offered to refund the
12	municipal permit fee of said amount for Holy Family Church;
13	NOW, THEREFORE, BE IT RESOLVED by the Board of
14	Commissioners of the Township of Nutley, County of Essex,
15	that all permit fees related to the Parish Center for Holy
16	Family Church be refunded.
17	So move.
18	COMMISSIONER ROGERS: Second.
19	MADAM CLERK: Commissioner Rogers?
20	COMMISSIONER ROGERS: Aye.
21	MADAM CLERK: Commissioner Evans?
22	COMMISSIONER EVANS: Aye.
23	MADAM CLERK: Mayor Scarpelli?
24	MAYOR SCARPELLI: Aye.
25	COMMISSIONER EVANS: WHEREAS, the Building

Department has received a payment for a 10 percent cash portion of a performance bond in the amount of \$68,412.10 from 432 Owners, Inc., as requested by the Township Engineer as part of a site plan application for the property located at 1 River Road;

WHEREAS, the 10 percent cash portion for the performance bonds was collected and deposited in Account T-15-911-970;

WHEREAS, the Construction Official has reviewed the township ordinance and determined that the performance and maintenance guarantee on private property is not required and the 10 percent cash portion for the performance bond be refunded;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Nutley that the Township Treasurer be and is hereby authorized to refund the Cash Bond in the amount of \$68,412.10 to 432 Owners, Inc.

So move.

COMMISSIONER ROGERS: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye.

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of Commissioners of the Township of Nutley, the County of Essex, State of New Jersey that the Treasurer be and she is hereby authorized to refund the overpayments of tax charges for -- in the amount of 3,771.23 for Block 800-1-C3049 for \$2,968.97 and for Block 5401, Lot 4, for the amount of 802.26.

So move.

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COMMISSIONER ROGERS: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye.

COMMISSIONER EVANS: Thank you, Mayor.

MAYOR 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 Collection of Commingled Recycling in the Township of Nutley to be received on behalf of the Board of Commissioners in Commissioner Chambers, Township Hall, 1 Kennedy Drive, Nutley, New Jersey on Wednesday, December 13th, 2017, at 3:00 p.m., prevailing time, at which time, they will be

WHEREAS, it is in the best interest of the

Township of Nutley to restrict the weight of vehicular

traffic traveling over the aforementioned bridge until such

time that repairs can be made thereto;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey as follows:

- 1. All vehicles over 15 tons gross weight are excluded from Centre Street Bridge at the Third River in the Township of Nutley;
- 2. Fifteen ton gross weight restriction shall be in effect until such time as the Centre Street Bridge repairs are completed by the County of Essex;
- 3. The County of Essex shall notify the Township once all the necessary repairs on the Centre Street Bridge at Third River are completed and when said weight restrictions can be removed.

I move the resolution.

COMMISSIONER ROGERS: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

23 | MADAM CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye.

That concludes the business portion of our

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Page 18

meeting.

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2 Madam Clerk?

MADAM CLERK: Yes, Mayor.

All persons addressing the Board of Commissioners regarding community concerns should approach the microphone and provide their name and address for the record. Unless further time is granted by the board, each person shall limit their address to five minutes. All remarks to the board and its individual members must be addressed to the Mayor.

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

MAYOR SCARPELLI: Would anybody like address the Board of Commissioners this evening?

Before we move into executive session, on behalf of the Board of Commissioners, I would just like to wish everybody a Happy Thanksgiving. Gather with your families.

Give thanks, and take care of your fellow residents, who may not be as -- oh, we have our -- before we go, we have our Eagle Scout candidate, I think?

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	Page 19
1	Yes?
2	UNIDENTIFIED SPEAKER: Yes, sir.
3	MAYOR SCARPELLI: All right.
4	Take care of those less fortunate than us.
5	So before we do that, we have with us tonight
6	Daniel Joseph Holler, who is an Eagle Scout candidate.
7	Daniel, would you like to say a few words to the
8	board? Do you have any questions for us?
9	MR. HOLLER: (Indiscernible) commissioners.
10	MAYOR SCARPELLI: Come on up to the mic.
11	MR. HOLLER: (Indiscernible).
12	(Pause)
13	MAYOR SCARPELLI: I think it's on.
14	MR. HOLLER: How do you become a commissioner?
15	MAYOR SCARPELLI: How are you tonight?
16	MR. HOLLER: How do you become a commissioner?
17	MAYOR SCARPELLI: How do you become a
18	commissioner?
19	MR. HOLLER: Uh-huh.
20	MAYOR SCARPELLI: Well, every four years, we have
21	an election. And we get people to sign petitions, and then
22	we run for office. And if the people elect the five top
23	candidates that run, they become the commissioners.
24	Commissioners, anything you want to add to that?
25	COMMISSIONER ROGERS: I would just like to say I'm

- sure everyone in this room is proud of you. You really do a lot of hard work. I know you do that, and you achieve much.

 You know, we talk about Thanksgiving, well, I'm thankful that there are young men like you and women like you who are doing the things you're doing and achieving these goals. So thank you.
- 7 MAYOR SCARPELLI: Commissioner?
- COMMISSIONER EVANS: I think he wants to go.
- 9 MAYOR SCARPELLI: Okay.

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- Well, Daniel, we're concluding the business portion of our meeting, and we'll be going into executive session. We thank you for coming tonight and participating and getting your merit badge tonight. And good luck to you in becoming an Eagle Scout.
 - MR. HOLLER: Thank you.
- MAYOR SCARPELLI: Can I have a motion to go into executive session to discuss --
- COMMISSIONER ROGERS: Well, I guess I could -- I
 guess I could do that.
- 20 MAYOR SCARPELLI: Counselor?
- COMMISSIONER ROGERS: Wait a minute. Should I do
 that, or you want to do that? You want me to do that?

 Okay.
- I make a motion that we go into executive session.
- MR. GENITEMPO: (Indiscernible) negotiations and

	Page 21			
1	contracts.			
2	MADAM CLERK: Negotiations, anything else?			
3	MR. GENITEMPO: Contracts.			
4	COMMISSIONER ROGERS: Contracts.			
5	MADAM CLERK: Contracts.			
6	COMMISSIONER ROGERS: All right. I make that			
7	motion.			
8	MADAM CLERK: Thank you.			
9	Do we need a second?			
10	MAYOR SCARPELLI: Second? Uh-huh.			
11	COMMISSIONER EVANS: Did you did you			
12	(indiscernible)?			
13	MADAM CLERK: Do we do we need a second?			
14	MR. GENITEMPO: Did you did they pick me up?			
15	Just contracts and negotiations.			
16	MADAM CLERK: Yes.			
17	MR. GENITEMPO: Thank you. Sorry.			
18	MADAM CLERK: I just need I just need a second.			
19	MR. GENITEMPO: I forgot to press the button.			
20	COMMISSIONER EVANS: Second.			
21	MADAM CLERK: Thank you.			
22	WHEREAS, Section 8 of the Open Public Meeting			
23	Act, Chapter 231, Public Law 1975 permits the exclusion of			
24	the public from meetings in certain circumstances; and			
25	WHEREAS, the public body is of the opinion that			

such circumstances exist; and

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WHEREAS, the Board of Commissioners of the

Township of Nutley, in the County of Essex, in the 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 move into closed executive session to discuss negotiations and contracts;

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 exception provided for by statute.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye.

MADAM CLERK: Time --

MAYOR SCARPELLI: We will be --

23 MADAM CLERK: -- is --

MAYOR SCARPELLI: Go ahead.

MADAM CLERK: I'm sorry. Time is 7:24.

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CERTIFICATION

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

6 Jule Yaun

Nicole Yawn

0	3049 15:5	a	announcement
01904903 13:10	3373 10:7,13	absent 2:14 6:21	8:21
	3374 9:4		announcements
1	3:00 11:16,24	6:25	8:19
1 14:5 15:23	15:25	account 13:9 14:7	annual 8:22
10 14:1,6	3rd 8:22	accurate 24:4	antenna 3:9 11:13
121,353.95 7:8	4	achieve 20:2	11:21
13th 15:24		achieving 20:5	anticipated 22:12
14th 11:16,24	4 15:6	act 2:5 6:10,11	anticipation 2:24
15 17:8,10	4,574,032.38. 7:13	21:23	12:14
15911970 14:8	432 14:3,17	add 9:7 19:24	anybody 8:16
16 7:11	49 9:8	additionally 3:21	10:12 18:18
169-17 11:11	5	address 8:4,6,16	application 13:6
16th 11:11	52 10:8	18:6,8,18	14:4
17th 7:12 10:10	5401 15:6	addressed 8:7	approach 8:3 18:5
190,283.95. 7:11	59,045.16 7:10	18:9	appropriate 8:10
1975 2:5 6:11	5:30 8:22	addressing 8:2,11	18:12
21:23	6	18:4,13	approval 3:22
19th 9:18		adjourned 4:16	article 9:7
1st 2:6 6:13	68,412.10 14:2,17	23:12	attorney 1:18 5:18
2	7	adversely 8:15	august 11:11
2,968.97 15:6	7,193 13:9	18:17 22:11	authorized 11:20
2016 2:6,8 6:13,14	70,018.42. 7:11	advertise 11:20	14:16 15:4,20
2010 2.0,8 0.13,14 2017 1:9 2:3 5:9	7:00 1:10 2:3 23:6	15:20	authorizing 2:23
6:7 7:8,11,12 9:18	23:7	advertised 9:14	12:13
11:11,12 15:24	7:04 4:17	10:10	avenue 10:9 11:12
2018 11:16 12:15	7:05 6:8	affairs 7:8	11:13,13,21 13:5
2016 11.10 12.13 21 1:9	7:06 5:10	aforementioned	aye 7:17,19,21
21 1.9 21st 2:3 6:7 7:8	7:24 22:25 23:13	17:3	9:21,23,25 10:18
231 2:5 6:11 21:23	7:30 2:19 7:5	agenda 2:21 7:23	10:20,22 11:2,4,6
24,708.75 7:9	8	8:17	12:4,6,8,24 13:1,3
250-17 12:11,21	8 5:9	agreement 9:9	13:20,22,24 14:21
26th 11:12	800-1 15:5	ahead 22:24 23:10	14:23,25 15:11,13
27th 23:4,5,7,10	802.26. 15:7	alan 1:18 5:18	15:15 16:5,7,9
288 13:5	825,191.72 7:12	allegiance 6:4	17:20,22,24 22:16
2nd 2:8 6:14	85 9:6	allowed 8:11	22:18,20
	9	18:13	b
3	-	amend 9:5 amount 2:24 13:8	back 23:1
3 13:6,7	9,867,00 12:14	13:12 14:2,17	
3,283,430.43 7:9	9,867,000 2:24	15:12 14:2,17	badge 20:13
3,771.23 15:5		13.3,0	baltimore 3:23,25
			9:8,11,12

[based - counselor] Page 2

based 12:21	c	17:19,21,23 18:2,3	15:23 16:3,4,5,6,7
basically 3:22	c 2:1 6:1 13:9 15:5	21:2,5,8,13,16,18	17:19,20,21,22
12:20	24:1,1	21:21 22:15,17,19	19:14,16,18,25
basis 3:20	candidate 18:25	22:21,23,25 23:4,6	20:7,8,18,21 21:4
beautiful 8:25	19:6	23:9	21:6,11,20 22:15
becoming 20:14	candidates 19:23	clerk's 2:10 6:16	22:16,17,18 23:8
behalf 10:6 11:22	capital 12:16	close 10:15	commissioners 1:2
15:22 18:20	care 3:11 18:23	closed 22:4,7	2:2 5:2 6:6 8:2,17
best 17:1	19:4	23:12	9:1,17 11:19,23
bid 3:17 11:11,15	cash 3:7 14:1,6,12	code 9:5	13:14 14:15 15:2
bids 11:20 15:20	14:16	codified 9:5	15:18,22 17:6
bill 7:7	cellular 3:9 11:13	coincide 3:4 12:19	18:4,19,21 19:9,23
bills 7:6,14,22	11:21	collected 13:8 14:7	19:24 22:2,7
block 15:5,6	center 13:15	collection 15:20	community 8:3
board 1:2,18 2:2,9	center 13:13 centre 3:18 16:11	come 9:2 19:10	18:5
3:22 5:2,18 6:6,16	16:13,17,21 17:9	coming 3:13 12:18	company 3:23
8:2,5,7,10,11,13	· '	20:12 23:1	completed 17:12
8:17,18 9:16	17:11,14 certain 21:24	comingled 3:17	17:15
10:11 11:18,22		comment 7:23	concerns 8:3 18:5
13:13 14:14 15:1	certify 24:3 chambers 11:23	comments 8:9	concludes 17:25
15:17,22 17:6	15:23	18:11	concluding 20:10
18:4,7,9,12,13,15		commingled 15:21	conduct 8:14
18:19,21 19:8	chapter 2:5 6:11 9:6 21:23	commission 6:22	18:16
22:2,6		11:23	conference 1:5
body 21:25	charges 15:4 church 8:24 13:4	commissioner	consideration 9:15
bond 2:24 3:2,2,7		1:13,14 2:11,12,13	construction 14:9
12:14,18 14:2,13	13:12,16	2:18,18,20,22 3:8	continuing 23:2
14:17	circumstances	3:9,13,14 5:13,14	contract 21:3
bonds 14:7	21:24 22:1	6:18,19,20,23,24	contracts 21:1,4,5
bridge 3:18 16:11	citizen 8:9 18:11	7:4,4,14,15,16,17	21:15 22:8
16:13,17,21 17:3,9	citizens 8:10 18:12	7:18,19 8:18,20,20	contractual 22:13
17:11,15	clerk 2:2,13,17 4:9	9:19,20,21,22,23	convert 3:1,3
brookline 13:5	4:10,15 6:5,6,20	10:2,3,5,6,15,16	convey 9:9
building 9:11	6:22,24 7:3,6,7,16	10:17,18,19,20,23	conveyance 9:9
13:25	7:18,20,22,25 8:1	10:25 11:1,2,3,4,7	copy 2:8,10 6:14
bulletin 2:9 6:15	9:20,22,24 10:17	11:7,9 12:2,3,4,5,6	6:16
10:11	10:19,21,24 11:1,3	12:9,22,23,24,25	correct 4:1
business 8:14	11:5,20 12:3,5,7	13:1,4,18,19,20,21	cost 13:7
17:25 18:16 20:10	12:23,25 13:2,19	13:22,25 14:19,20	counselor 4:1,12
button 21:19	13:21,23 14:20,22	14:21,22,23 15:1,9	20:20
	14:24 15:10,12,14	15:10,11,12,13,16	
	15:19 16:4,6,8	, , , -, -	

county 3:17 13:14	eagle 18:25 19:6	23:12	20:25 21:3,14,17
15:2,18 16:10,14	20:14	exist 22:1	21:19
16:15,16,18,19,22	effect 17:11	existing 12:19	getting 20:13
17:7,12,13 22:3	elect 17:11 elect 19:22	expect 12:17	give 18:23
covers 12:16	election 19:21	_	glad 3:14
	enforce 3:20	expeditious 8:14 18:16	giau 3.14 go 3:16 4:14,14
d		extend 11:15	12:18 18:25 20:8
d 2:1 6:1	engineer 14:3		
daniel 19:6,7	16:15,18	f	20:16,24 22:24
20:10	entitled 9:6,8	f 24:1	goals 20:5
date 11:11,16	esq 1:18 5:18	facility 3:23 9:11	going 20:11
debt 3:4 12:19,20	essex 13:14 15:3	fact 3:4	good 20:13
december 2:6,7	15:18 16:10,14,16	families 18:22	grand 7:12
6:12,14 8:22 9:17	16:19,22 17:7,12	family 13:4,12,16	granted 8:5 18:7
15:24 23:7	17:13 22:3	favorable 3:3	gross 17:8,10
decorum 8:13	establish 10:8	february 11:16,24	guarantee 14:11
18:15	evans 1:14 2:20,22	fee 13:7,12	guess 20:18,19
defer 8:9 18:11	5:14 6:22,23 7:14	fees 3:6 13:15	h
department 14:1	7:18,19 9:19,22,23	fellow 18:23	hall 2:9 6:15 11:23
16:24	10:2,3,5,15,19,20	file 2:10 6:16	15:23
deposited 13:9	10:23 11:3,4,9	final 9:16	handicapped 3:10
14:7	12:5,6,9,25 13:1,4	finance 7:9	10:8
desires 11:15 22:4	13:21,22,25 14:22	first 12:11	happy 3:8,11 11:9
determine 8:13	14:23 15:1,12,13	five 18:8 19:22	18:22 23:11
18:15	15:16 16:3,6,7	flag 6:3	hard 20:2
determined 14:10	17:21,22 20:8	follows 17:7	heard 10:12
16:10	21:11,20 22:17,18	foregoing 24:3	hearing 3:10 10:6
dialogue 8:10,15	23:8	forgot 21:19	10:15
18:12,17	evening 4:11	fortunate 19:4	hearings 10:1
difference 4:6	18:19	forward 8:25	held 9:17
disclosed 22:10	everybody 6:3	four 2:22 19:20	herald 6:13
disclosure 22:11	18:22 23:11	franklin 8:24	hold 10:5
discuss 20:17 22:8	exception 22:14	front 8:23	holler 19:6,9,11,14
discussion 22:10	exchange 3:24	further 8:5 9:15	19:16,19 20:15
doing 19:14 20:5,5	9:11	18:7 22:9	holy 13:4,12,15
donated 8:24	excluded 17:8	future 12:20	hope 9:1
drive 11:24 15:23	exclusion 21:23		howard 2:7
	excuse 6:10	g	huh 19:19 21:10
e	excused 2:14 6:21	g 2:1 6:1	
e 1:15 2:1,1 5:15	6:25	gather 18:22	i
6:1,1 24:1	executive 18:20	genitempo 1:18	implemented
	20:11,17,24 22:4,8	4:2,4,13 5:18	16:16
	. , ,		

improvement	ledger 2:8 6:14	7:22,23 8:1,8,9,12	12:1,21 13:17
12:16	legal 22:12	8:16,21 9:3,24,25	14:18 15:8 16:2
indiscernible 3:5	lighting 8:22	10:4,12,21,22 11:5	17:17 18:20 22:7
19:9,11 20:25	limit 3:18 8:6 18:8	11:6 12:7,8 13:2,3	municipal 2:10
21:2,12	limitation 16:20	13:23,24 14:24,25	6:16 8:14 13:12
individual 8:7	list 7:7	15:14,15,16,17	18:16
18:9	located 13:5 14:4	16:8,9 17:5,23,24	
installation 3:9	long 12:12	18:3,10,11,14,18	n
11:14,21	look 8:25	19:3,10,13,15,17	n 2:1 6:1 24:1
installed 16:22	lot 4:6 15:6 20:2	19:20 20:7,9,16,20	name 8:4 18:6
interests 8:13 17:1	luck 20:13	22:19,20,22,24	necessary 17:14
18:15		23:1,5,7,10	need 10:24 16:12
introduced 10:9	m	meeting 2:3,5,6	21:9,13,18,18
	madam 2:2,13,17		negotiation 20:25
introduction 4:8	4:9,10,15 6:5,6,20	5:5 6:7,10,11,12 18:1 20:11 21:22	negotiations 21:15
introductions 9:3	6:22,24 7:3,6,7,16		22:8
invited 9:2	7:18,20,22,25 8:1	23:2	new 1:1 5:1 13:5
issuance 12:13	9:20,22,24 10:17	meetings 21:24	15:3,19,24 16:24
issue 2:8 6:14	10:19,21,24 11:1,3	member 8:10	17:7 22:4
issued 11:10	11:5 12:3,5,7,23	18:12	news 2:7 6:13
issues 2:6 6:13	12:25 13:2,19,21	members 8:7 18:9	nicole 1:25 5:25
it'll 3:4,5	13:23 14:20,22,24	membership 8:12	24:3,7
items 7:23 8:17	15:10,12,14 16:4,6	18:14	nj2764747 1:24
j	16:8 17:19,21,23	memorializing	note 2:24,25,25
jersey 1:1 5:1 13:5	18:2,3 21:2,5,8,13	3:19	12:16
15:3,19,24 16:24	21:16,18,21 22:15	men 20:4	notes 12:14
17:7 22:4	22:17,19,21,23,25	merit 20:13	notice 2:5,8 6:12
job 1:24	23:4,6,9	mic 19:10	6:15 9:15
joining 2:19 7:5	maintenance	microphone 8:3	notify 17:13
joseph 1:15 5:15	14:11	18:5	november 1:9 2:3
19:6	majority 8:12	middle 8:23	5:9 6:7 7:8,11,12
jurisdiction 16:14	18:14	milton 10:9	23:8,9,10
k	market 12:17,18	mine 12:9	number 9:4 10:7
	matters 22:13,13	minor 4:5	10:13 12:11
kennedy 11:24	mature 12:15	minute 20:21	nutley 1:1 2:7,9
15:23	matured 3:5	minutes 8:6 18:8	5:1 6:13,15 8:23
know 20:2,3	maturity 12:19	miscellaneous 9:7	9:6,14 10:10,11
l	mayor 1:15 2:15	monday 23:3	11:10,19,22 12:15
land 3:24 9:6	2:16,17,20 3:12,14	motion 20:16,24	13:5,14 14:15
law 2:5 6:11 9:15	3:16 4:3,7,10,12	21:7	15:2,18,21,24
21:23	4:14 5:15 6:2,5,6	move 7:14 8:18	16:12,19 17:2,6,10
	7:1,2,3,6,7,20,21	9:13,18 10:23	22:3,7,12
	1.1,2,3,0,7,20,21		22.3,1,12

[o - resolved] Page 5

_	parks 7:10	presiding 8:12	reading 9:14,17
0	parks 7.10 part 14:4	18:14	ready 6:2
o 2:1 6:1 24:1	*	press 21:19	really 20:1
october 10:10	participating 20:12	•	received 11:22
11:12		prevailing 11:12	
offered 13:11	particularly 9:7	11:17,24 15:25	14:1 15:22
office 2:10 6:17	pass 16:20	private 14:11	reconstruct 13:6,7
16:15,18 19:22	passage 9:16	procedures 9:6	record 8:4 18:6
officer 8:12 18:14	passed 9:13	proceed 22:4	23:2 24:4
official 14:9	pause 19:12	proceedings 1:6	recycling 3:17
oh 18:24	paving 3:25 9:12	4:16 5:6 23:12	15:21
okay 4:15 6:2 20:9	payment 14:1	24:4	reform 8:24
20:23	payroll 7:11,12	properly 10:10	refund 3:6,6,7
once 17:14	pending 22:12	property 7:10	13:11 14:16 15:4
open 2:4 4:16 6:9	people 19:21,22	9:10 14:4,11	refunded 13:16
6:11 21:22	percent 14:1,6,12	proud 20:1	14:13
opened 11:25 16:1	performance 14:2	provide 8:4 18:6	regard 10:7
opening 11:11,16	14:7,10,12	provided 22:14	regarding 8:3 18:5
opinion 21:25	period 12:15	provisions 9:7	regular 3:2
ordinance 3:21,25	permit 3:6 13:7,12	public 2:2,4,5 3:10	related 13:15
4:6,7 9:3,4,4,5,9	13:15	4:14,16 5:5 6:7,9	relates 10:7
9:13,16,18 10:7,8	permits 21:23	6:11,11 7:8,9,10	remarks 8:6 18:8
10:9,13,23 12:21	person 8:5 18:7	7:10,23 10:1,6,15	removed 17:16
14:10	personnel 22:13	21:22,23,24,25	renewal 2:25
ordinances 12:16	persons 8:2 18:4	22:10	repair 16:12
organization 3:16	petitions 19:21	public's 9:2	repairs 17:4,11,14
originally 10:9	petracco 2:13,18	publicly 16:1	requested 3:24
oval 8:23	3:10 6:24 7:4 10:6	published 2:6 6:12	14:3 16:19
overpayment 3:7	ph 19:6	purchase 2:23	required 9:15
15:4	pick 21:14	pursuant 2:4 6:9	14:12 16:23
owners 14:3,17	piece 3:24 9:10	6:10	requirement 6:9
,	plan 14:4	put 3:17,20	requirements 2:4
p	please 6:3	q	6:10
p 2:1 6:1	pledge 6:4	questions 19:8	residents 18:24
p.m. 1:10 2:3 5:10	pm 4:17 23:13	-	resolution 2:23
11:16,24 15:25	portion 14:2,6,12	r	3:8,19 4:5 11:8,10
23:6,7	17:25 20:11	r 2:1 6:1 24:1	12:11,12,13 16:2
parish 13:15	posted 2:9 6:15	railings 13:7,8	16:20 17:17
park 11:12,13,13	10:11	rates 3:2,3	resolutions 2:22
11:21	present 1:17 2:17	read 3:8 11:25	resolved 11:18
parking 3:10 10:8	5:17 7:3	12:9,12 16:1	13:13 14:14 15:1
			15:17 17:5 22:6,9
			,-

restrict 17:2	19:20 20:7,9,16,20	storage 3:23 9:10	ton 17:10
restriction 3:18	22:19,20,22,24	street 3:18,23,25	tonight 2:21,23
16:16,25 17:10	23:1,5,7,10	9:8,11,12 16:11,13	19:5,15 20:12,13
restrictions 17:16	school 8:23	16:17,21 17:9,11	tons 17:8
revenue 7:8	scout 18:25 19:6	17:14	top 19:22
reviewed 14:9	20:14	submitted 13:6	total 7:13
right 9:8 19:3 21:6	sealed 11:20 15:20	summarize 12:12	town 2:9 6:15
rise 3:3	second 7:15 9:13	sun 2:7 6:13 9:14	11:23
river 14:5 16:11	9:17,19 10:16,24	10:11	township 1:1 5:1
16:14,21 17:9,15	10:25 12:2,22	sure 11:9 20:1	9:5 11:10,15,19,19
road 14:5	13:18 14:19 15:9	t	11:22 12:14 13:11
rogers 1:13 2:11	16:3 17:18 21:9	4 14.7 24.1 1	13:14 14:3,10,15
2:12 3:13,14 5:13	21:10,13,18,20	t 14:7 24:1,1	14:15 15:2,18,19
6:18,19 7:15,16,17	section 9:8 21:22	take 3:11 11:7	15:21,23 16:11,19
9:20,21 10:16,17	see 9:1	18:23 19:4	17:2,6,9,14 22:3,7
10:18,25 11:1,2	seeing 8:18 10:14	talk 20:3	22:12
12:2,3,4,22,23,24	service 12:20	tax 15:4	traffic 17:3
13:18,19,20 14:19	session 1:5 4:16	taxes 3:7	transcribed 1:25
14:20,21 15:9,10	18:20 20:12,17,24	temporary 3:20	5:25
15:11 16:4,5	22:4,8 23:13	16:20	transcript 1:5 5:5
17:19,20 19:25	sign 19:21	ten 3:2 14:12	24:3
20:18,21 21:4,6	signage 16:23	thank 3:12,13,14	transportation
22:15,16	signature 24:7	3:15 10:3 12:9	16:24
room 20:1	signs 3:20	15:16 20:6,12,15	traveling 17:3
run 19:22,23	sir 3:12 4:2 19:2	21:8,17,21	treasurer 14:16
· ·	site 14:4	thankful 20:3	15:3
S	size 4:5	thanks 18:23	tree 8:22,24,25
s 2:1 6:1	sorry 21:17 22:25	thanksgiving	true 24:4
safety 7:9	speaker 17:18	18:22 20:3 23:11	tucci 2:18 6:20 7:4
salute 6:3	19:2 21:10	thereto 17:4	tucci's 3:8 11:7
scarpelli 1:15 2:15	spot 10:8	things 20:5	tuesday 2:3 6:7
2:16,20 3:12,16	stabilize 12:20	think 18:25 19:13	7:7
4:3,7,12,14 5:15		20:8	two 17:10
6:2,5 7:1,2,6,20,21	stairways 13:6,8 stand 6:3	third 16:11,13,21	two 17.10
7:23 8:16,21 9:3	stand 6:3 standards 16:23	17:9,15	u
9:24,25 10:4,12,21		three 8:6 17:13	uh 19:19 21:10
10:22 11:5,6 12:7	star 2:8 6:14	time 2:3 6:7 8:5	unidentified 17:18
12:8 13:2,3,23,24	state 15:3,19 17:7	11:12,17,24,25	19:2 21:10
14:24,25 15:14,15	22:3	15:25,25 17:4,11	unimproved 3:24
15:17 16:8,9	statute 22:14	18:7 22:9,21,25	9:10
17:23,24 18:18	stipulating 11:11	title 12:12	unnecessary 16:23
19:3,10,13,15,17			_

[unused - zoning] Page 7

. 62
unused 9:10
use 9:6
V
vehicles 17:8
vehicular 17:2
vii 9:7 21:22
W
wait 20:21
want 19:24 20:22
20:22
wants 20:8
way 9:8 23:10
wednesday 15:24
weight 3:18 16:16
16:20,25 17:2,8,10
17:15
wish 18:21
women 20:4
words 19:7
work 20:2
works 7:10
y
yawn 1:25 5:25
24:3,7
year 2:25 3:1,2
8:24 12:17,18
years 12:20 19:20
young 20:4
Z
zoning 3:22
20mig 5.22