

**Township of Nutley
Board of Commissioners
Meeting Minutes
Tuesday, November 20, 2012
7:00 P.M**

A workshop meeting of the Board of Commissioners of the Township of Nutley was held in the 3rd floor Commission Chambers Conference Room and called to order. Adequate notification was published in the official newspapers of the Township of Nutley.

OPEN PUBLIC MEETING STATEMENT:

Evelyn Rosario, Municipal Clerk, read the following statement Pursuant to the requirements of the Open Public Meeting Law (Chapter 231, P.L.1975), notice of this meeting was published in the December 22, 2011 issues of the Nutley Sun, the Star Ledger and the Herald News. A copy of this notice has been posted on the Nutley Town Hall bulletin board and a copy is on file in the Municipal Clerk's Office.

ROLL CALL:

Commissioner Rogers	- Present
Commissioner Tucci	- Present
Commissioner Evans	- Present
Commissioner Scarpelli	- Present
Mayor Petracco	- Present

The Board of Commissioners at their workshop session reviewed all the agenda items as listed in attached minutes.

Prior to entering into public session, the Municipal Clerk read the following executive session resolution. Motion to introduce by Commissioner Tucci, seconded by Commissioner Scarpelli. All Ayes on a roll call vote.
Entered Executive Session at 7:23 PM.

Resolution # 299-12

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 Litigation

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

Commissioner Scarpelli made a motion to exit executive session and enter into public session, seconded by Commissioner Tucci. All Ayes. Exited Executive Session at 7:30PM.

TOWNSHIP OF NUTLEY, NEW JERSEY

BOARD OF COMMISSIONERS

ORIGINAL

PUBLIC MEETING

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TRANSCRIPT OF

PROCEEDINGS:

November 20, 2012

7:30 p.m.

BEFORE:

Mayor Alphonse Petracco

Commissioner Mauro G. Tucci

Commissioner Thomas J. Evans

Commissioner Joseph P. Scarpelli

Commissioner Steven Rogers

Township Clerk

Job No. VTNJ1670463

P R O C E E D I N G S

(Due to poor audio quality, there are several indiscernibles and audio gaps. Due to participants not identifying themselves, there are several unidentified speakers.)

MADAM CLERK: All please stand for the pledge here.

[Pledge of Allegiance.]

MAYOR PETRACCO: Will you please have a moment of silence for the troops, men and women that are serving overseas? Thank you. Madam Clerk?

MADAM CLERK: Yes, Mayor. Tuesday, November 20th, 2012, pursuant to the requirements of the Open Public Meeting Law, Chapter 231, Public Laws 1975, notice of this meeting was published in the December 22nd, 2011 issues of the Nutley Sun, the Star Ledger and the Herald News. A copy of this notice has been posted on the Nutley Town Hall bulletin board and a copy is on file in the Municipal Clerk's Office.

Commissioner Rogers?

COMMISSIONER ROGERS: Here.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Here.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: (No audible response).

1 MADAM CLERK: Commissioner Scarpelli?

2 COMMISSIONER SCARPELLI: Here.

3 MADAM CLERK: Mayor Petracco?

4 MAYOR PETRACCO: Here.

5 MADAM CLERK: All present, Mayor.

6 MAYOR PETRACCO: Thank you. Minutes I see we have
7 none, communications and correspondence, none. Works, none.
8 Move on to bills.

9 MADAM CLERK: Yes, Mayor. Tuesday, November 20th,
10 2012, public affairs, \$66,770.28, revenue and finance,
11 \$2,329,867.72, public safety, \$46,172.07, public works,
12 \$23,161.78, parks and public property, \$131,802.05, payroll
13 as of November 9th, \$747,083.75, payroll as of
14 November 20th, \$1,025,542.52 for a grand total bill list of
15 \$4,360,400.17 and that's all for bills, Mayor.

16 MAYOR PETRACCO: A motion for the bills.

17 UNIDENTIFIED SPEAKER: Second.

18 MADAM CLERK: Commissioner Rogers.

19 COMMISSIONER ROGERS: Aye.

20 MADAM CLERK: Commissioner Tucci?

21 COMMISSIONER TUCCI: Aye.

22 MADAM CLERK: Commissioner Scarpelli?

23 COMMISSIONER SCARPELLI: Aye.

24 MADAM CLERK: Mayor Petracco.

25 MAYOR PETRACCO: Aye.

1 MADAM CLERK: Thank you, Mayor.

2 MAYOR PETRACCO: Thank you. Okay. Our first
3 order of business is ones that I have tonight. Ordinance
4 Number 3223. Before I read it, I'll just make a few brief
5 statements. This is an ordinance to change the table of
6 organization of the police department to one chief, three
7 captains, six lieutenants and 16 sergeants.

8 Through my due diligence, I see, by doing this, we
9 get more police coverage and we save the taxpayers some
10 money. There's been a little back and forth with the exact
11 dollar amount that that saves but there's still a savings to
12 the taxpayers and I believe in this economy, the taxpayers
13 need to be heard and considered first and we still don't
14 give up any police coverage, we actually get more.

15 The ordinance number is Number 3223 and it's a
16 number -- an ordinance qualified in the Township of Nutley
17 Code, Chapter 49 entitled Establishments and Organization of
18 the Police Department.

19 I move that this ordinance be passed to a second
20 meeting and advertising letter sent together with the notice
21 required by law and that further consideration of said
22 ordinance for final passage by a vote of commissioners to be
23 held at its second meeting on December 18th, 2013.

24 I move the ordinance.

25 UNIDENTIFIED SPEAKER: Second.

1 MADAM CLERK: Commissioner Rogers.

2 COMMISSIONER ROGERS: Before I vote, I like --
3 people tell me to explain why I'm voting and what I'm
4 voting. I don't know. I don't know if this will save
5 taxpayer dollars. I haven't seen it. I'll leave that --
6 the money and the financial end of it to the experts on this
7 Board.

8 I am an expert in law enforcement so I feel I'm
9 qualified to make some judgments and if I'm to make a
10 prudent decision on this ordinance, it'd be in the best
11 interest of the people. I believe that before I can ever
12 support an ordinance such as this -- because it will have
13 profound impact on our township in years to come -- that I
14 would need to look at a strategic plan that includes future
15 patrol methodologies, manpower requirements to implement
16 those methodologies and command requirements to ensure that
17 the plan is adhered to.

18 I'd like to see a comp stat analysis of criminal
19 activity in the Township of Nutley and not limited to the
20 FBI UCR but including all of those client categories that
21 are not on the uniform crime brief report and, more
22 importantly, I think when we shape an ordinance that's going
23 to have such impact on our community, we need to look at a
24 predictive analysis of future crime trends for the township
25 because without predictive analysis of crime trends, we're

1 not going to really know definitively what our manpower
2 needs are going to be and what type of command structure is
3 going to be worked within that predict -- that -- those
4 crime trends.

5 I also believe -- and I've learned this from my
6 near 40 years experience on a police department and
7 traveling around the country and myself working on a review
8 of the South Boundary (ph) Police Department many years ago
9 -- that a top to bottom review of the present command
10 structure as it relates to supervisory needs. I'd like to
11 know -- I do have some idea -- what the supervisor to
12 subordinate equation is. Do we need three captains? Do we
13 need two captains? These decisions can't be made at least
14 by me unless I have these questions answered, a top to
15 bottom analysis of the financial requirements necessary
16 operate an efficient and effective police department with a
17 force and command structure capable to protect the people of
18 the Township of Nutley.

19 I'm not -- like I said, I'm not an expert when it
20 comes to finances. We have a very capable, real good expert
21 on this Board of Commissioners that I suppose could look at
22 this and come up with those answers and there is something
23 very important I believe we cannot miss, any of the input
24 from the commanders in the police department and, in
25 particularly, the police chief. I'd like to hear from him.

1 I'd like to hear his recommendations. He's had over 45
2 years experience in the police department and what we would
3 need from his is his professional assessment of the police
4 department's present needs and force structure.

5 MAYOR PETRACCO: Commissioner, just let me
6 interrupt you one second, although respectfully. I just
7 want to be clear, tonight is an introduction and then if
8 this passes, it goes into a public hearing where a
9 presentation like that could be made. So by voting tonight
10 for this ordinance, all's it does is it passes it for
11 passage -- for final passage where it's open for comment
12 from the public and (indiscernible 7:39:24) as a
13 commissioner but right now if you wanted to vote yes on
14 this, this doesn't mean that this ordinance is passed. I
15 just want to be clear on that.

16 COMMISSIONER ROGERS: Sure, sure. But, Mayor, I
17 -- look, I -- we've had discussions. I respect anyone's
18 position on anything.

19 MAYOR PETRACCO: Thank you.

20 COMMISSIONER ROGERS: But what I'm sharing with
21 the public is why I'm voting no. Thank you.

22 MADAM CLERK: Commissioner Rogers, you're voting
23 no?

24 COMMISSIONER ROGERS: Voting no.

25 MADAM CLERK: Commissioner Evans?

1 COMMISSIONER EVANS: I know I had a comment and my
2 vote is no.

3 MADAM CLERK: Uh-huh.

4 COMMISSIONER EVANS: Very clearly, there is a
5 process around ordinances. May I suggest that in order to
6 -- an ordinance introduction, we go through a period of
7 discussion to understand what you're being asked to vote on.
8 I have several open questions that remain unanswered and I
9 can feel -- I would support turning this over to the public
10 to vote on and I think that it's important for the Board of
11 Commissioners to have a discussion prior so absent that --
12 Commissioner Tucci?

13 MAYOR PETRACCO: Commissioner, I had many
14 conversations with you prior to when we got this ordinance
15 so let's just tell the truth to me at least. Please stick
16 to the facts.

17 COMMISSIONER EVANS: Mayor?

18 MAYOR PETRACCO: Yes.

19 COMMISSIONER EVANS: With all due respect --

20 MAYOR PETRACCO: We didn't speak about this
21 ordinance?

22 COMMISSIONER EVANS: We have spoken about this.

23 MAYOR PETRACCO: Any -- well --

24 COMMISSIONER EVANS: We have spoken about this
25 and we disagree.

1 MAYOR PETRACCO: And if you have any other
2 questions, you could have asked me before tonight's meeting.

3 COMMISSIONER EVANS: I have asked you questions
4 and they remain unanswered.

5 MAYOR PETRACCO: That's not true.

6 COMMISSIONER EVANS: That's not true -- it is true
7 and work was done and it hasn't been brought forth. You
8 know that?

9 MAYOR PETRACCO: I have the date that you --
10 anything that you asked me before you received and I was
11 always available for comment so this --

12 COMMISSIONER EVANS: I would disagree.

13 MAYOR PETRACCO: I'll come to the police.

14 COMMISSIONER EVANS: I would disagree.

15 MAYOR PETRACCO: Very respectfully towards you who
16 votes no, that's very significant but the truth of the
17 matter is is that you haven't had the time to discuss this
18 with me. If you chose not to add a period, that's your
19 thing.

20 COMMISSIONER EVANS: Excuse me, Mayor. At no time
21 was this discussion brought before the Board of
22 Commissioners for a discussion which I believe is a critical
23 element to decide as the governing body --

24 MAYOR PETRACCO: You should have asked me to do
25 that at the time I met with you.

1 COMMISSIONER EVANS: As a -- under your
2 responsibilities as -- under the law, Jack, it says you have
3 the executive divisional operating and administering
4 responsibility. It was your responsibility to bring the
5 ordinance forth to the Board of Commissioners. It is the
6 governing body's responsibility under 48:d4e183 that says
7 rules of governing body need to vote on it.

8 MAYOR PETRACCO: Thank you for that comment.

9 COMMISSIONER EVANS: Thank you.

10 MADAM CLERK: Commissioner Scarpelli?

11 COMMISSIONER SCARPELLI: Going to vote yes on the
12 issue of docks and I don't think the current table of
13 organization is efficient. It's always linear. We have a
14 chief, we have a deputy chief and we have one captain so I
15 would welcome a hearing on Mayor Petracco's explanation
16 during the public hearing about the plans to go forward so
17 I'm going to vote yes.

18 MADAM CLERK: Commissioner, Tucci, I apologize, I
19 skipped over you. Commissioner Tucci.

20 COMMISSIONER TUCCI: Oh, let's see. That's okay.

21 MADAM CLERK: Commissioner Tucci?

22 COMMISSIONER TUCCI: Okay. I am not currently in
23 a position to vote yes on this ordinance because I have not
24 seen an overall plan in relation to the police department.
25 We have had some conversations talking about different

1 concepts. We have a chief that's retiring in the next 10 or
2 11 months. I -- and I also approach this from a different
3 perspective but let me add or delete positions in a TO where
4 there are lists pending. I believe there's an inherent
5 exposure here to the township that could eliminate any
6 potential savings that we might anticipate, not to mention,
7 you know, what that would do to morale in the department.
8 So until I can do a side-by-side with the current structure
9 versus what the proposed structure is, my vote is no.

10 MADAM CLERK: Mayor Petracco.

11 MAYOR PETRACCO: I vote yes and I will try this
12 ordinance again. I will give everyone the information that
13 they are seeking over and over again. I vote yes. Thank
14 you.

15 MADAM CLERK: Mr. Hawkins, for the record, the
16 ordinance, I have three no's, two yeses so the ordinance is
17 not (indiscernible 7:43:42).

18 MAYOR PETRACCO: Okay. Then move on to
19 resolutions. Commissioner Rogers.

20 COMMISSIONER ROGERS: First resolution is 293-12,
21 National Hand Washing Awareness Week, where the township is
22 joining a national campaign to heighten awareness of hand
23 washing.

24 Whereas, according to the Center for Disease
25 Control and Prevention, hand washing is the single most

1 important action that one can take to prevent the onset of
2 illness;

3 Whereas the need for all individuals as a public
4 health imperative to routinely wash their hands every day
5 transcends all ages and demographic categories;

6 Whereas the Centers for Disease Control eliminates
7 -- I'm sorry, estimates that 48 million get sick, 128,000
8 hospitalized and three dozen people die each year from food-
9 borne illnesses, if food facility workers follow the law of
10 practicing good hand washing, disease may be preventable;

11 Whereas the common cold is responsible for
12 millions of lost school days each year and work days yet the
13 simple act of hand washing can dramatically reduce the
14 spread of infection and the number of sick days;

15 Now Therefore Be It Resolved for the Nutley
16 Department of Health and Board of Commissioners of the
17 Township of Nutley declare the week of December 2nd through
18 December 8th, 2012 to be National Hand Washing Awareness
19 Week and support the efforts of all the programs that
20 enhance the awareness and necessity of the reduction of
21 illness for hand washing throughout our community.

22 So moved.

23 UNIDENTIFIED SPEAKER: Second.

24 MADAM CLERK: Commissioner Rogers.

25 COMMISSIONER ROGERS: Aye.

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MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Mayor Petracco.

MAYOR PETRACCO: Aye.

COMMISSIONER ROGERS: This will be Resolution
Number 292-12. Now, just to give you a real quick
background on this, the League of Municipalities had asked
me to co-sponsor a resolution regarding a treatment program
for veterans and I told them that I would not do that unless
I received -- or at least I brought a resolution before the
Board of Commissioners because all of them truly supported
veterans throughout not only this town and the state. So I
introduce this resolution this evening supporting the New
Jersey State League of municipalities' request for a
statewide veterans' treatment court program.

Whereas the New Jersey State League of
Municipalities and conference assembled is requesting, by
resolution, that the State of New Jersey, in cooperation
with U.S. Department of Veteran Affairs and in recognition
of courageous and generous service of our returning veterans

1 of war provide for the establishment of a veterans'
2 treatment court; and

3 Whereas the Board of Commissioners, Township of
4 Nutley, County of Essex, State of New Jersey, recognizes the
5 need for returning veterans to receive the best care -- and,
6 by the way, let me have -- we're going to -- we're talking
7 about post-stress traumatic disorder.

8 Be It Resolved that the Board of Commissioners,
9 Township of Nutley, County of Essex, State of New Jersey,
10 supports the New Jersey League of Municipalities' resolution
11 requesting a statewide veterans' treatment program.

12 So moved.

13 UNIDENTIFIED SPEAKER: Second.

14 MADAM CLERK: Commissioner Rogers.

15 COMMISSIONER ROGERS: Aye.

16 MADAM CLERK: Commissioner Tucci?

17 COMMISSIONER TUCCI: Aye.

18 MADAM CLERK: Commissioner Evans?

19 COMMISSIONER EVANS: Aye.

20 MADAM CLERK: Commissioner Scarpelli?

21 COMMISSIONER SCARPELLI: Aye.

22 MADAM CLERK: Mayor Petracco.

23 MAYOR PETRACCO: Aye. Commissioner Evans.

24 COMMISSIONER EVANS: Whereas an emergency has
25 arisen with respect to the payment of the emergency response

1 to the Hurricane Sandy storm damage and no adequate
2 provision was made in the 2012 budget for the aforesaid
3 purpose, an NJSA (indiscernible 7:46:58) 48:4-46 provides
4 for the creation of an emergency appropriation for the
5 purpose above mentioned; and

6 Whereas the total amount of emergency
7 appropriation accrued including the appropriation to be
8 created by this resolution is \$850,000 and three percent of
9 the total operation of the budget through 2012 is
10 \$1,477,344.48;

11 Now Therefore Be It Resolved by the Board of
12 Commissioners of the Township of Nutley, County of Essex,
13 New Jersey, not less than two-thirds of our members
14 affirmatively concurring then, in accordance with NJSA 48:4-
15 46, that an emergency appropriation be and the same is
16 hereby made for an emergency response to Hurricane Sandy
17 storm damage in the amount of \$850,000; that said emergency
18 appropriation shall be provided for in full in the 2013
19 budget that's in -- just a point of clarification, we
20 included Meadow and any free (indiscernible 7:47:55)
21 endorsements that we receive but the state will require that
22 the local finance (indiscernible 7:47:59) has been filed
23 with the clerk and a copy of that was -- will be transferred
24 to the director of local government and services and that
25 two certified copies of this resolution be filed with the

1 Director of Local Governmental Services.

2 So moved.

3 UNIDENTIFIED SPEAKER: Second.

4 MADAM CLERK: Commissioner Rogers.

5 COMMISSIONER ROGERS: Aye.

6 MADAM CLERK: Commissioner Tucci?

7 COMMISSIONER TUCCI: Aye.

8 MADAM CLERK: Commissioner Evans?

9 COMMISSIONER EVANS: Aye.

10 MADAM CLERK: Commissioner Scarpelli?

11 COMMISSIONER SCARPELLI: Aye.

12 MADAM CLERK: Mayor Petracco.

13 MAYOR PETRACCO: Aye. Anything else?

14 COMMISSIONER EVANS: No, that's it. Thank you.

15 MAYOR PETRACCO: Commissioner Scarpelli?

16 COMMISSIONER SCARPELLI: Whereas the Township of
17 Nutley submitted applications to the State of New Jersey and
18 federal government for grant money to remediate severe
19 flooding on Donna Court in Nutley, New Jersey;

20 Whereas the Township of Nutley was awarded grants
21 under fiscal year '10 repetitive flood claims for fiscal
22 year '10, flood mitigation assistance grant programs;

23 Whereas the fiscal year '10 RFC grant provides
24 funding for acquisition of two structures, 49 Donna Court,
25 47 Donna Court in the township;

1 Whereas the fiscal year '10 FMA grant provides for
2 funding of the acquisition of one structure, 43 Donna Court
3 in the township;

4 Now Therefore Be It Resolved by the Mayor and
5 Board of Commissioner of the Township of Nutley, County of
6 Essex, State of New Jersey, as follows: (1) Mayor and
7 municipal clerk are hereby authorized to execute vehicles to
8 purchase properties located at 49, 47 and 43 Donna Court,
9 Nutley, New Jersey; (2) this resolution shall take effect
10 immediately upon adopting according to law.

11 It is Further Resolved that the Mayor and clerk
12 are hereby authorized to sign the agreements on behalf of
13 the Township of Nutley in the resolution.

14 UNIDENTIFIED SPEAKER: Okay.

15 MADAM CLERK: Commissioner Rogers.

16 COMMISSIONER ROGERS: Aye.

17 MADAM CLERK: Commissioner Tucci?

18 COMMISSIONER TUCCI: Aye.

19 MADAM CLERK: Commissioner Evans?

20 COMMISSIONER EVANS: Aye.

21 MADAM CLERK: Commissioner Scarpelli?

22 COMMISSIONER SCARPELLI: Aye.

23 MADAM CLERK: Mayor Petracco.

24 MAYOR PETRACCO: Aye.

25 COMMISSIONER SCARPELLI: Whereas Sheryl Glassione

1 (ph) is employed by the Township of Nutley, Department of
2 Public Works; and

3 Whereas Sheryl Glassione has exhausted all of her
4 available sick leave and overtime due; and

5 Whereas one employee in the department of Public
6 Works is desirous of transferring a total of three days of
7 their accumulated sick leave to Sheryl Glassione; and

8 Whereas, under the circumstances presented herein
9 and the view of Sheryl Glassione's medical situation, her
10 service in Department of Public Works, the Board of
11 Commissioners are desirous of accommodating this request.

12 Therefore Be It Resolved that the Board of
13 Commissioners, Township of Nutley, County of Essex, State of
14 New Jersey, as follows: The following employee is permitted
15 to transfer days to Sheryl Glassione: Salvatore Coral. This
16 employee has provided the consent to said transfer and has a
17 right to adapt accordingly.

18 Resolution.

19 UNIDENTIFIED SPEAKER: Second.

20 MADAM CLERK: Commissioner Rogers.

21 COMMISSIONER ROGERS: Aye.

22 MADAM CLERK: Commissioner Tucci?

23 COMMISSIONER TUCCI: Aye.

24 MADAM CLERK: Commissioner Evans?

25 COMMISSIONER EVANS: Aye.

1 MADAM CLERK: Commissioner Scarpelli?

2 COMMISSIONER SCARPELLI: Aye.

3 MADAM CLERK: Mayor Petracco.

4 MAYOR PETRACCO: Aye.

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

6 MAYOR PETRACCO: Those raffle applications have
7 been received from the following organizations, Friends of
8 Nutley Seniors Number 07-13, (indiscernible - 7:50:28)
9 Raffle, February 23rd, 2013, Friends of Nutley Seniors
10 License Number 08-13, on premise 50/50 cash raffle
11 February 23rd, 2013.

12 Whereas the applications have been received and
13 approved by the municipal clerk and the police department;

14 Now Therefore Be It Resolved by the Board of
15 Commissioners, Township of Nutley, County of Essex, the
16 licenses are approved and the municipal clerk is authorized
17 to issue the licenses.

18 I move the resolution.

19 UNIDENTIFIED SPEAKER: Second.

20 MADAM CLERK: Commissioner Rogers.

21 COMMISSIONER ROGERS: Aye.

22 MADAM CLERK: Commissioner Tucci?

23 COMMISSIONER TUCCI: Aye.

24 MADAM CLERK: Commissioner Evans?

25 COMMISSIONER EVANS: Aye.

1 MADAM CLERK: Commissioner Scarpelli?

2 COMMISSIONER SCARPELLI: (No audible response).

3 MADAM CLERK: Mayor Petracco.

4 MAYOR PETRACCO: Aye.

5 Whereas Resolution Number 204-12 entitled plenary
6 retail consumption License Number 0716-33-026-004,
7 Nicholas J. Sambuco, Junior, was adopted by the Board of
8 Commissioners of the Township of Nutley at their
9 (indiscernible 7:51:18) on Thursday, November 8, 2012;

10 Whereas an additional special ruling NJSA 33:d-12
11 and (indiscernible 7:51:30) required by the Division of
12 Alcoholic Beverage Control prior to remove said license;

13 Now Therefore Be It Resolved by the Board of
14 Commissioners, Township of Nutley, County of Essex, that the
15 Resolution Number 204-12 be and is hereby rescinded.

16 I move the resolution.

17 UNIDENTIFIED SPEAKER: Second.

18 MADAM CLERK: Commissioner Rogers.

19 COMMISSIONER ROGERS: Aye.

20 MADAM CLERK: Commissioner Tucci?

21 COMMISSIONER TUCCI: Aye.

22 MADAM CLERK: Commissioner Evans?

23 COMMISSIONER EVANS: Aye.

24 MADAM CLERK: Commissioner Scarpelli?

25 COMMISSIONER SCARPELLI: Aye.

1 MADAM CLERK: Mayor Petracco.

2 MAYOR PETRACCO: Aye. Thank you. That closes our
3 business portion of the meeting. Is there anyone that would
4 like to address the Board this evening? Hello, fine sir.
5 State your name and address for the record.

6 MR. MOSS: My name is Robert Moss. I live in
7 Bloomfield at 17 New Street and I would like permission to
8 address the commissioners on Assembly Bill 2586. This bill
9 provides -- this bill exempts non-public institutions of
10 higher learning from all provisions of the municipal land
11 use law. That means no zoning, no planning board and this
12 bill is posed by, among others, the New Jersey League of
13 Municipalities. However, in visiting different
14 municipalities recently, it appears that the League has only
15 approached those communities that presently are home to a
16 college such as Bloomfield, South Orange and so on and I
17 believe this is a mistake. This bill is very terse and
18 contains no limitations. It's a very brief bill.

19 Under this bill, not this year, maybe not 2013,
20 but any of these private or religiously-run schools can buy
21 property anywhere they find a building center --

22 MAYOR PETRACCO: Let me just interrupt you. Do you
23 have a copy of the bill?

24 MR. MOSS: I have it on a memory stick.

25 MAYOR PETRACCO: Why don't you talk to my

1 assistant? I'll look at the bill. I'll circle it to the
2 commissioners and then if you'd like to come back to the
3 next commission meeting, I reserve -- notice the players
4 and, you know, we can go from --

5 MR. MOSS: And I also have it written down without
6 some of the legal references to other bills if you'd like me
7 to read it.

8 MAYOR PETRACCO: Is it long?

9 MR. MOSS: It's very short which is one of the
10 problems.

11 MAYOR PETRACCO: Go ahead.

12 MR. MOSS: Unless I can't find it in which case --
13 okay. A private institution of higher education organized
14 as a nonprofit corporation and then there follows a lot of
15 references to other laws so we can define who's covered. So
16 such an institution shall be exempt from the provisions of
17 Public Law 1979, et cetera, which is the municipal land use
18 law to the same extent as a state college organized under
19 New Jersey Statutes 18A:9 et cetera. That's the whole bill.
20 There is a statement with it which explains that this bill
21 would place the private schools under the same limitations
22 as the public schools and what those limitations are,
23 according to the bill statement are defined in the court
24 case in 1972, the New Jersey Supreme Court -- I've lost my
25 own notes -- Records versus Paluso (ph) What that decision

1 did for the schools -- and the bill wants to apply it to
2 private schools -- is the restrictions are very minimal.

3 They quote two examples. One was you can't park
4 down a very high intensive use in a crowded district unless
5 you provide parking. So that's one of the things that would
6 be considered unreasonable. On the other hand, the court
7 was very specific that an impact on the schools is not
8 unreasonable, it's perfectly allowed. In fact, that's what
9 the case is all about.

10 MAYOR PETRACCO: This is for higher education,
11 correct, colleges?

12 MR. MOSS: Right, colleges and post -- and
13 graduate and so on. So I -- and I am almost done. The
14 Paluso case was about records and just Kiscatero (ph) and
15 the court was very critical Kiscatero for using zoning to
16 limit Mary Stevens' house and for the purpose of reducing
17 the school population. So that is an example of an impact
18 that would not be considered unreasonable, it would be
19 considered okay under this law the way it's written in their
20 statement.

21 MAYOR PETRACCO: How could we help you here in
22 Nutley?

23 MR. MOSS: I would urge the commissioners to pass
24 a resolution and, like I said, I don't the League has
25 approached you. This bill and a sample resolution all

1 available from the League of Municipalities, New Jersey
2 League of Municipalities. I would urge the commissioners to
3 contact them. I can leave my contact information if it
4 would be helpful but the League can provide you with every
5 information and it's not that they don't want you to act,
6 they just emphasized, like I said, towns like South Orange,
7 Bloomfield, Caldwell and so on. They're already home to
8 colleges.

9 So a resolution opposing this, I believe, would be
10 helpful. It passed the senate, unfortunately, almost
11 unanimously.

12 MAYOR PETRACCO: Yeah?

13 MR. MOSS: It's before the assembly now and I
14 think it still can be stopped. I think it's a very
15 dangerous bill.

16 MAYOR PETRACCO: Comments? Sure.

17 UNIDENTIFIED SPEAKER: Who are the sponsors?

18 MR. MOSS: I don't have them by heart. I think
19 assembly representative Gibbon over in Montclare is one.

20 UNIDENTIFIED SPEAKER: Oh, Gibbon? Okay.

21 MR. MOSS: Yeah, Tom Gibbon. I just looked today.
22 Unfortunately, I -- I'm actually new at this so I don't have
23 any of this memorized and it's readily available on the
24 legislative website. He's one. He's not the only one and
25 there's a bunch of co-sponsors. In the assembly, there's

1 like seven or eight sponsors and co-sponsors.

2 UNIDENTIFIED SPEAKER: All right.

3 MR. MOSS: Are you in District 28 here, same as
4 Bloomfield?

5 UNIDENTIFIED SPEAKER: Uh-huh.

6 MR. MOSS: Okay. None of our representatives have
7 sponsored it which I don't know how they intend to vote but
8 that's coming up.

9 UNIDENTIFIED SPEAKER: We probably need to look at
10 this in light of our current situation.

11 MAYOR PETRACCO: Yes. Absolutely.

12 MR. MOSS: All right. I'll write that down. I'm
13 not sure which situation but thank you very much.

14 MAYOR PETRACCO: You're very welcome. Does there
15 anyone else that's sitting that would like to address the
16 Board? Seeing none, we're into the motion.

17 Move to adjourn.

18 UNIDENTIFIED SPEAKER: Second.

19 MADAM CLERK: Commissioner Rogers.

20 COMMISSIONER ROGERS: Aye.

21 MADAM CLERK: Commissioner Tucci?

22 COMMISSIONER TUCCI: Aye.

23 MADAM CLERK: Commissioner Evans?

24 COMMISSIONER EVANS: Aye.

25 MADAM CLERK: Commissioner Scarpelli?

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COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Mayor Petracco.


MAYOR PETRACCO: Everybody have a happy
Thanksgiving, Happy Holiday. Hope to see you at the next
meeting. Thank you.

[Whereupon the meeting was adjourned.]

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

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I, Linda S. Foley, certify that the foregoing transcript is
a true and accurate record of the proceedings.



Linda S. Foley
Linda S. Foley

May 31, 2013

Signature Page/Meeting Minutes
Meeting Held Tuesday, November 20, 2012

ATTEST:



Evelyn Rosario, RMC
Municipal Clerk




Commissioner Steven Rogers



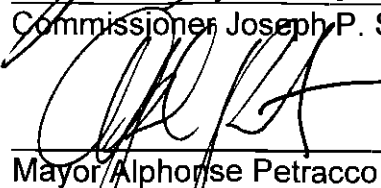
Commissioner Mauro G. Tucci



Commissioner Thomas J. Evans



Commissioner Joseph P. Scarpelli



Mayor Alphonse Petracco

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Commissioner Mauro G. Tucci *Date:* November 20, 2012

Seconded by: Commissioner Joseph P. Scarpelli *No.* 299-12

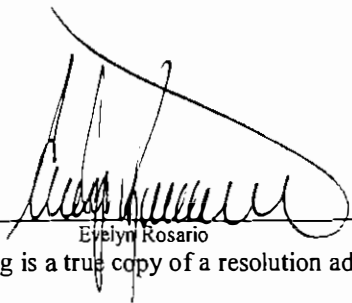
WHEREAS, the Board of Commissioners of the Township of Nutley, in the County of Essex, and State of New Jersey desires to proceed to closed executive session; and

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 Litigation

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

. . .

I,  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 November 20, 2012

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

TOWNSHIP OF NUTLEY							
BILL LIST							
TUESDAY NOVEMBER 20, 2012							
P.O.	VENDOR	PUBLIC AFFAIRS	REVENUE & FINANCE	PUBLIC SAFETY	PUBLIC WORKS	PARKS & PUBLIC PROPERTY	TOTALS
12-04280	A.M. MOBILITY	162.68					162.68
12-00437	POLAND SPRINGS	30.05					30.05
12-04401	NOREEN MAMMANUS	220.00					220.00
12-04403	IMMEDICENTER	552.00					552.00
12-04402	FUTURE SANITATION	65,805.55					65,805.55
12-04314	NANINAS IN THE PARK		4,620.00				4,620.00
12-04351	TREASURER SCHOOL MONEY		2,201,024.00				2,201,024.00
12-04339	T/N PAYROLL AGENCY ACCT		78.24				78.24
12-04587	T/N PAYROLL AGENCY ACCT		64.71				64.71
12-04340	T, N PAYROLL AGENCY ACCT		31,852.27				31,852.27
12-04580	T/N PAYROLL AGENCY ACCT		46,102.89				46,102.89
12-04101	W.B. MASON		117.89				117.89
12-00120	RICHARD RENN		1,010.00				1,010.00
12-04392	MTAG CUST FOR ATCF NJ		1,391.49				1,391.49
12-04393	US BANK CUST ATR.FUND		185.95				185.95
12-04394	US BANK CUST ATR.FUND		2,159.45				2,159.45
12-04395	US BANK CUST ATR.FUND		669.12				669.12
12-04396	US BANK CUST ATR.FUND		493.11				493.11
12-04397	US BANK CUST PRO CAPITAL I		509.40				509.40
12-04399	US BANK CUST PRO CAPITAL I		28,966.06				28,966.06
12-03641	W. MASON		600.90				600.90
12-03955	V. MASON		197.38				197.38
12-04073	V. MASON		389.22				389.22
12-04036	V. MASON		111.01				111.01
12-04126	G. NGER		462.33				462.33
12-04406	ADVANCE LEARNING		99.00				99.00

TOWNSHIP OF NUTLEY							
BILL LIST							
TUESDAY NOVEMBER 20, 2012							
P.O.	VENDOR	PUBLIC AFFAIRS	REVENUE & FINANCE	PUBLIC SAFETY	PUBLIC WORKS	PARKS & PUBLIC PROPERTY	TOTALS
12-04383	ISAAC MORADI		717.60				717.60
12-04377	US POSTAL SERVICE		4,000.00				4,000.00
12-03900	STAPLES		430.39				430.39
12-04323	CABLEVISION		7.73				7.73
12-00121	HELDRICKS APPRAISAL CO		375.00				375.00
12-04370	BIDDING OFF. ASSOC.NJ		375.00				375.00
12-04019	VIRTEL COMM		2,842.24				2,842.24
12-04480	US BANK ATR		15.34				15.34
12-04337	MARY STROABER			59.56			59.56
12-04357	JC PENN HOLLAND			86.00			86.00
12-04385	PETRACCO & SON			591.90			591.90
12-00105	NUTLEY PARK SHOPRITE			109.43			109.43
12-03949	GILBARCO INC			455.00			455.00
12-04415	PAUL CAFONE			192.70			192.70
12-04440	TURNOUT UNIFORMS			513.84			513.84
12-04495	TURNOUT UNIFORMS			65.96			65.96
12-04496	TURNOUT UNIFORMS			129.99			129.99
12-04464	TURNOUT UNIFORMS			139.99			139.99
12-04463	TURNOUT UNIFORMS			21.01			21.01
12-04462	TURNOUT UNIFORMS			20.99			20.99
12-04461	TURNOUT UNIFORMS			286.89			286.89
12-04460	TURNOUT UNIFORMS			622.85			622.85
12-04459	TURNOUT UNIFORMS			474.91			474.91
12-04458	TURNOUT UNIFORMS			55.98			55.98
12-04457	TURNOUT UNIFORMS			30.00			30.00
12-04456	TURNOUT UNIFORMS			119.90			119.90

TOWNSHIP OF NUTLEY							
BILL LIST							
TUESDAY NOVEMBER 20, 2012							
P.O.	VENDOR	PUBLIC AFFAIRS	REVENUE & FINANCE	PUBLIC SAFETY	PUBLIC WORKS	PARKS & PUBLIC PROPERTY	TOTALS
12-04453	TURNOUT UNIFORMS			85.97			85.97
12-04452	TURNOUT UNIFORMS			29.99			29.99
12-04451	TURNOUT UNIFORMS			291.92			291.92
12-04450	TURNOUT UNIFORMS			239.80			239.80
12-04449	TURNOUT UNIFORMS			519.84			519.84
12-04448	TURNOUT UNIFORMS			620.80			620.80
12-04447	TURNOUT UNIFORMS			136.90			136.90
12-04446	TURNOUT UNIFORMS			127.43			127.43
12-04444	TURNOUT UNIFORMS			179.85			179.85
12-04442	TURNOUT UNIFORMS			344.80			344.80
12-04441	TURNOUT UNIFORMS			121.93			121.93
12-04484	TURNOUT UNIFORMS			49.99			49.99
12-04485	TURNOUT UNIFORMS			16.00			16.00
12-04486	TURNOUT UNIFORMS			42.004			42.00
12-04487	TURNOUT UNIFORMS			39.98			39.98
12-04488	TURNOUT UNIFORMS			190.98			190.98
12-04489	TURNOUT UNIFORMS			219.98			219.98
12-04490	TURNOUT UNIFORMS			373.92			373.92
12-04491	TURNOUT UNIFORMS			60.97			60.97
12-04492	TURNOUT UNIFORMS			510.76			510.76
12-04493	TURNOUT UNIFORMS			114.24			114.24
12-04494	TURNOUT UNIFORMS			198.00			198.00
12-04518	TURNOUT UNIFORMS			89.98			89.98
12-04519	TURNOUT UNIFORMS			42.98			42.98
12-04481	TURNOUT UNIFORMS			64.99			64.99
12-04482	TURNOUT UNIFORMS			150.90			150.90

TOWNSHIP OF NUTLEY							
BILL LIST							
TUESDAY NOVEMBER 20, 2012							
P.O.	VENDOR	PUBLIC AFFAIRS	REVENUE & FINANCE	PUBLIC SAFETY	PUBLIC WORKS	PARKS & PUBLIC PROPERTY	TOTALS
12-04483	TURNOUT UNIFORMS			19.97			19.97
12-04500	TURNOUT UNIFORMS			40.99			40.99
12-04501	TURNOUT UNIFORMS			136.94			136.94
12-04502	TURNOUT UNIFORMS			161.94			161.94
12-04503	TURNOUT UNIFORMS			29.99			29.99
12-04504	TURNOUT UNIFORMS			22.24			22.24
12-04505	TURNOUT UNIFORMS			193.96			193.96
12-04506	TURNOUT UNIFORMS			543.84			543.84
12-04507	TURNOUT UNIFORMS			81.16			81.16
12-04508	TURNOUT UNIFORMS			149.99			149.99
12-04509	TURNOUT UNIFORMS			68.94			68.94
12-04510	TURNOUT UNIFORMS			99.99			99.99
12-04511	TURNOUT UNIFORMS			56.97			56.97
12-045112	TURNOUT UNIFORMS			169.98			169.98
12-04513	TURNOUT UNIFORMS			14.50			14.50
12-04515	TURNOUT UNIFORMS			8.00			8.00
12-04516	TURNOUT UNIFORMS			50.99			50.99
12-04517	TURNOUT UNIFORMS			159.95			159.95
12-04455	TURNOUT UNIFORMS			8.99			8.99
12-04497	TURNOUT UNIFORMS			39.98			39.98
12-04498	TURNOUT UNIFORMS			298.40			298.40
12-04499	TURNOUT UNIFORMS			108.97			108.97
12-04439	TURNOUT UNIFORMS			486.66			486.66
12-04438	TURNOUT UNIFORMS			408.80			408.80
12-04437	TURNOUT UNIFORMS			573.83			573.83
12-04436	TURNOUT UNIFORMS			84.99			84.99

TOWNSHIP OF NUTLEY							
BILL LIST							
TUESDAY NOVEMBER 20, 2012							
P.O.	VENDOR	PUBLIC AFFAIRS	REVENUE & FINANCE	PUBLIC SAFETY	PUBLIC WORKS	PARKS & PUBLIC PROPERTY	TOTALS
12-04435	TURNOUT UNIFORMS			329.94			329.94
12-04434	TURNOUT UNIFORMS			133.00			133.00
12-04433	TURNOUT UNIFORMS			39.00			39.00
12-04432	TURNOUT UNIFORMS			165.91			165.91
12-04431	TURNOUT UNIFORMS			240.00			240.00
12-04430	TURNOUT UNIFORMS			240.00			240.00
12-04429	TURNOUT UNIFORMS			240.00			240.00
12-04428	TURNOUT UNIFORMS			59.95			59.95
12-04427	TURNOUT UNIFORMS			427.80			427.80
12-04425	TURNOUT UNIFORMS			536.79			536.79
12-04424	TURNOUT UNIFORMS			108.47			108.47
12-04423	TURNOUT UNIFORMS			36.99			36.99
12-04422	TURNOUT UNIFORMS			184.45			184.45
12-04421	TURNOUT UNIFORMS			187.45			187.45
12-04420	TURNOUT UNIFORMS			177.45			177.45
12-04418	TURNOUT UNIFORMS			36.99			36.99
12-04417	TURNOUT UNIFORMS			244.92			244.92
12-04419	TURNOUT UNIFORMS			101.73			101.73
12-04416	TURNOUT UNIFORMS			130.18			130.18
12-04414	TURNOUT UNIFORMS			69.99			69.99
12-04413	TURNOUT UNIFORMS			59.95			59.95
12-04412	TURNOUT UNIFORMS			16.00			16.00
12-04411	TURNOUT UNIFORMS			119.90			119.90
12-04410	TURNOUT UNIFORMS			127.90			127.90
12-04409	TURNOUT UNIFORMS			299.75			299.75
12-04408	TURNOUT UNIFORMS			42.98			42.98

TOWNSHIP OF NUTLEY							
BILL LIST							
TUESDAY NOVEMBER 20, 2012							
P.O.	VENDOR	PUBLIC AFFAIRS	REVENUE & FINANCE	PUBLIC SAFETY	PUBLIC WORKS	PARKS & PUBLIC PROPERTY	TOTALS
12-04407	TURNOUT UNIFORMS			42.98			42.98
12-04560	JC HN LEONE SOUND			1,145.00			1,145.00
12-04567	PETRACCO & SON			699.80			699.80
12-04302	ACCURATE CONSTRUCTION			17,280.00			17,280.00
11-05500	D & L PAVING				2,791.50		2,791.50
12-00595	WELDON ASPHALT				2,926.00		2,926.00
12-00041	DELUXE INTNL.TRUCK				60.44		60.44
12-04129	CITY OF NEWARK				9,178.03		9,178.03
12-04155	CABLEVISION				25.28		25.28
12-00034	ONE CALL CONCEPTS				93.64		93.64
12-00045	NEWARK ASPHALT				249.60		249.60
12-00045	NEWARK ASPHALT				80.00		80.00
12-03775	POLAND WATER				17.42		17.42
12-04275	PS 23 G				153.07		153.07
12-04139	ROUTE 23 AUTOMALL				371.62		371.62
12-00055	ROUTE 23 AUTOMALL				388.92		388.92
12-03668	NEW JERSEY MEDIA GROUP				419.00		419.00
12-03823	NEW JERSEY MEDIA GROUP				71.75		71.75
12-00440	POLAND SPRING				74.68		74.68
12-00040	BRADLEY TIRE				256.64		256.64
12-03991	DURABLE RECYCLING				2,766.72		2,766.72
12-04110	AMERICAN HOSE				435.00		435.00
12-03385	AMERICAN HOSE				2,299.70		2,299.70
12-03887	HEWLETT PACKARD				280.24		280.24
12-04082	ULINE,INC				222.53		222.53
12-04309	FRANKLIN CENTRAL CDBG					434.00	434.00

TOWNSHIP OF NUTLEY							
BILL LIST							
TUESDAY NOVEMBER 20, 2012							
P.O.	VENDOR	PUBLIC AFFAIRS	REVENUE & FINANCE	PUBLIC SAFETY	PUBLIC WORKS	PARKS & PUBLIC PROPERTYN	TOTALS
12-04475	DE SA HAINES ARCH.CDBG					7,000.00	7,000.00
12-04474	ZENITH CONSTRUCTION-CDBG					39,986.28	39,986.28
12-00670	CABLEVISION LIGHTPATH					3,055.81	3,055.81
12-01408	THE SHADE TREE DEPT.					1,350.00	1,350.00
12-01408	THE SHADE TREE DEPT.					1,912.50	1,912.50
12-01408	THE SHADE TREE DEPT.					1,225.00	1,225.00
12-04205	HOME DEPOT					22.85	22.85
12-04367	VERIZON					211.24	211.24
12-00442	POLAND PSRING					142.37	142.37
12-00442	POLAND PSRING					64.50	64.50
12-00441	POLAND PSRING					42.75	42.75
12-00441	POLAND PSRING					90.67	90.67
12-00019	FRANKS TRUCK					163.80	163.80
12-00029	STORR TRACTOR					113.02	113.02
12-00024	SUPERIOR DISTRIBUTORS					91.22	91.22
12-04112	NUTLEY PARK SHOPRITE					26.92	26.92
12-00559	ABADEL PEST CONTROL					125.00	125.00
12-04324	PSE & G					167.37	167.37
12-00028	P & A AUTO PARTS					39.16	39.16
12-04273	AT&T MOBILITY					356.75	356.75
12-04265	HEB CORP					241.36	241.36
12-04236	HEB CORP					269.32	269.32
12-04256	CABLEVISION					18.15	18.15
12-00026	NUTLEY KEY & GLASS					104.00	104.00
12-00018	AT&T VIA MASON					113.50	113.50
12-04371	NUTLEY BUSINESS SOLUTIONS					477.19	477.19

TOWNSHIP OF NUTLEY							
BILL LIST							
TUESDAY NOVEMBER 20, 2012							
P.O.	VENDOR	PUBLIC AFFAIRS	REVENUE & FINANCE	PUBLIC SAFETY	PUBLIC WORKS	PARKS & PUBLIC PROPERTY	TOTALS
12-04210	ROBERTS & SON					165.00	165.00
12-03335	CAPOZZI OVERHEAD DOOR					437.00	437.00
12-04098	MENDOWLAND FORD					70.08	70.08
12-04016	DEUSEN PRESS					229.00	229.00
12-03593	DELTA PRODUCTS					139.90	139.90
12-04520	ANTONIA WIRTH					50.00	50.00
12-04391	NORREN HAVERON					445.41	445.41
12-04137	MCCONEY-GENERAL PAPER					2,366.97	2,366.97
12-04033	SAL ELECTRIC CO					11,135.95	11,135.95
12-03964	QUALITY FENCE					37,225.00	37,225.00
12-04536	PAUL MASCOLO					499.50	499.50
12-04537	ANTHONY INTILE					599.40	599.40
12-04538	STEPHEN REINERS					599.40	599.40
12-04539	KENNETH STEWART					599.40	599.40
12-04540	DAGNIJA GEHRIG					2,397.60	2,397.60
12-04541	JOANN DUNLEAVY					839.40	839.40
12-04542	HERBERT MURPHY					599.40	599.40
12-04543	JCANNE MARINACCIO					299.70	299.70
12-04544	THOMAS GARDINER					1,198.80	1,198.80
12-04546	RONALD RODIER					1,198.80	1,198.80
12-04547	MARION CUNDIFF					1,198.80	1,198.80
12-04548	ALAN NOWICKI					1,219.20	1,219.20
12-04550	MAUREEN LA MAGRA					599.40	599.40
12-04562	FLAGSHIP DENTAL PLAN					617.17	617.17
12-04565	ADELE MUELLER					599.40	599.40
12-04588	SAL DISALVO					50.00	50.00

TOWNSHIP OF NUTLEY							
BILL LIST							
TUESDAY NOVEMBER 20, 2012							
P.O.	VENDOR	PUBLIC AFFAIRS	REVENUE & FINANCE	PUBLIC SAFETY	PUBLIC WORKS	PARKS & PUBLIC PROPERTY	TOTALS
12-04469	NICCO DIRENZI					250.00	250.00
12-04287	JAKE IVERSON					22.00	22.00
12-04288	CHRISTOPHER CONTE					22.00	22.00
12-04289	DANTE VOCATURO					24.00	24.00
12-04290	DYLAN BAHOW					22.00	22.00
12-04291	DANIEL KOSLECKI					44.00	44.00
12-03809	BSN SPORTS					389.47	389.47
12-04471	ROCKYS PIZZERIA					280.00	280.00
12-04527	LUIGI SCIBILIA					60.00	60.00
12-04526	LUIGI SCIBILIA					35.00	35.00
12-04521	DAVE WALSH					40.00	40.00
12-04522	LISA VERLINGO					40.00	40.00
12-04523	DANIELLE LONGOBARDI					40.00	40.00
12-04524	STEPHEN COPPOLA					40.00	40.00
12-04525	DANIELA POLEWKA					80.00	80.00
12-03968	ROSE TROPHY					1,417.60	1,417.60
12-04566	KENNETH TYERMAN					64.00	64.00
12-04563	SARAH SORENSEN					40.00	40.00
12-04564	JAN PAPAIZIAN					30.00	30.00
12-04568	ROE BASCUMAN					40.00	40.00
12-04575	PAUL YANICAK					56.00	56.00
12-04576	MARK SCHRIEBER					54.00	54.00
12-04585	ALL PRO TENNIS					1,705.00	1,705.00
12-04583	ANY EXCUSE FOR A PARYT					2,000.00	2,000.00
12-04582	MARIA RICCI					250.00	250.00
12-04584	CLIFFHANGER PRODUCTIONS					950.00	950.00

TOWNSHIP OF NUTLEY							
BILL LIST							
TUESDAY NOVEMBER 20, 2012							
P.O.	VENDOR	PUBLIC AFFAIRS	REVENUE & FINANCE	PUBLIC SAFETY	PUBLIC WORKS	PARKS & PUBLIC PROPERTY	TOTALS
12-04589	IR SPECTOR					322.57	322.57
12-04574	DANTE VOCATURO					72.00	72.00
12-04573	DANIEL KOSLECKI					44.00	44.00
12-04569	MIKE IVERSON					48.00	48.00
12-04570	MIKE CORTESE					96.00	96.00
	BILL LIST DEPT. TOTALS:	66,770.28	2,329,867.72	36,172.07	23,161.78	131,802.05	2,587,773.90

TOWNSHIP OF NUTLEY

BILL LIST

November 20, 2012

List of payroll submitted for approval by the Board of Commissioners at their regular meeting of NOVEMBER 20, 2012:

PAYROLL-REGULAR NOVEMBER 9, 2012:

Department of Public Affairs	17,549.79
Department of Revenue & Finance	58,926.95
Department of Public Safety	446,449.15
Department of Public Works	55,656.27
Department of Parks & Public Properties	81,549.46
Department of Recreation Commission	1,016.00
Water Operations	46,584.44
Due To From General Capital	3,519.91
600 SERIES	3,197.80
C.E.H.A	1,100.76
Sub Total	715,550.53

PAYROLL-OVERTIME NOVEMBER 9, 2012:

Department of Public Affairs	0.00
Department of Revenue & Finance	153.49
Department of Public Safety	8,899.01
Department of Public Works	6,093.80
Department of Parks & Public Properties	8,739.17
Water Operations	7,647.75
Sub Total	31,533.22

TOTAL PAYROLL: 747,083.75

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

Federal Withholding Tax	93,935.65
Social Security	15,752.18
N.J. State Tax	26,771.66
Medicare	10,851.73
Wage Execution	3,546.00
Deferred Compensation	2,742.98
Employee Disability Ins.	4,412.55

TOWNSHIP OF NUTLEY

BILL LIST

November 21, 2012

List of payroll submitted for approval by the Board of Commissioners at their regular meeting of NOVEMBER 20, 2012:

PAYROLL-REGULAR NOVEMBER 20, 2012

Department of Public Affairs	16,661.93
Department of Revenue & Finance	61,624.52
Department of Public Safety	439,383.17
Department of Public Works	56,761.39
Department of Parks & Public Properties	81,128.12
Department of Recreation Commission	1,044.00
Water Operations	46,584.44
Due To From General Capital	3,519.91
600 SERIES	2,698.28
C.E.H.A.	500.72
Sub Total	709,906.48

PAYROLL-OVERTIME NOVEMBER 21, 2012:

Department of Public Affairs	7,651.26
Department of Revenue & Finance	14,271.13
Department of Public Safety	126,077.87
Department of Public Works	97,180.24
Department of Parks & Public Properties	60,278.63
Water Operations	10,176.91
Sub Total	315,636.04

TOTAL PAYROLL: 1,025,542.52

GRAND TOTAL: \$4,360,400.17

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

Federal Withholding Tax	129,735.87
Social Security	22,707.17
N.J. State Tax	34,825.05
Medicare	14,827.32
Wage Execution	3,546.00
Deferred Compensation	27,429.98
Employee Disability Ins.	4,412.55

NOT INTRODUCED

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Ordinance No. 3223

Introduced by Mayor Petracco

Introduced on Tuesday, November 20, 2012

Public Hearing Tuesday, December 18, 2012

Advertise in the Nutley Sun Issue of Thursday, November 29, 2012

Ordinance No. 3223

AN ORDINANCE TO AMEND AN ORDINANCE CODIFIED IN THE TOWNSHIP OF NUTLEY CODE, CHAPTER 49, ENTITLED ESTABLISHMENT AND ORGANIZATION OF THE POLICE DEPARTMENT.

BE IT ENACTED BY THE BOARD OF COMMISSIONERS of the Township of Nutley, that Chapter 49, section 2, entitled Organization, be hereby AMENDED in its entirety to read as follows:

49-2. Organization

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

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

(1) Chief of Police:	1
(2) Police Captains:	3

- (3) Police Lieutenants: 6
- (4) Police Sergeants: 13

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

- (1) **The Patrol Division.** The Patrol Division shall consist of three shifts; a day, evening, and night. In addition to the Division Commander, there shall be assigned four Lieutenants, nine Sergeants, and such civilian dispatchers as may be required.
- (2) **The Investigations Division.** The Investigations shall consist of the Criminal Investigations Bureau, the Youth Aid Bureau, and the Professional Standards Unit. In addition to the Division Commander, there shall be assigned four Detective sergeants and such Detectives and other officers as may be required, in conformance with policy established by the Director of Public Safety.
 1. Criminal Investigations Bureau. The Criminal Investigations Bureau shall consist of a day and evening shift. The hours shall be as established by the Director of Public Safety. The Criminal Investigations Bureau, shall, in addition to investigative responsibilities, develop and implement crime prevention and Neighborhood Watch programs.
 2. Youth Aid Bureau. The Youth Aid Bureau shall, in addition to investigative responsibilities, develop and implement programs to deter young people from unlawful conduct and substance abuse. These programs may include, but are not limited to; a Junior Police Academy, Drug Abuse Resistance Education (DARE), School Resource Officers (SRO), and Police Youth Organizations (PYO).
 3. Professional Standards Unit. The Professional Standards Unit shall ensure that Department personnel develop and maintain the knowledge, skills, and abilities required for effective performance of their duties through the implementation of a comprehensive, continuous training program. The unit shall also be responsible for the Department's Internal Affairs function.
- (3) **The Services Division.** There shall be assigned to the Services Division, such Command, Supervisory, and other personnel as may be required. The Services Division shall consist of Personnel Administration, Records management, Crime Analysis, Police Information Technology, Facilities and Equipment, Fleet Management, and Evidence and Property Control.

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

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Commissioner Steven Rogers *Date:* November 20, 2012
Seconded by: Commissioner Joseph P. Scarpelli *No.* 292-12

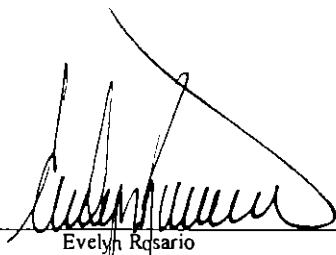
RESOLUTION SUPPORTING NEW JERSEY STATE LEAGUE OF MUNICIPALITIES REQUEST FOR A STATE-WIDE VETERANS' TREATMENT COURT PROGRAM

WHEREAS, the New Jersey State League of Municipalities, in conference assembled, is requesting by resolution that the State of New Jersey, in cooperation with the U.S. Department of Veterans Affairs, and in recognition of the courageous and generous service of our returning veterans of war, provide for the establishment of Veterans' Treatment Courts and;

WHEREAS, the Board of Commissioners, Township of Nutley, County of Essex State of New Jersey, recognizes the need for returning veterans to receive the best of care;

BE IT RESOLVED, that the Board of Commissioners, Township of Nutley, County of Essex State of New Jersey, supports the New Jersey League of Municipalities resolution requesting a State Wide Veterans' Treatment Program.

. . .

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 November 20, 2012

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

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Commissioner Steven Rogers *Date:* November 20, 2012
Seconded by: Commissioner Joseph P. Scarpelli *No.* 293-12

NATIONAL HAND WASHING AWARENESS WEEK

WHEREAS, according to the Center for Disease Control and Prevention, hand washing is the single most important action that one can take to prevent the onset of illness;

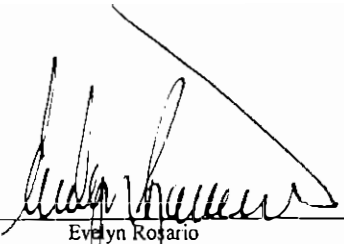
WHEREAS, the need for all individuals, as a public health imperative to routinely wash their hands everyday transcends all ages and demographic categories;

WHEREAS, the Centers for Disease Control estimates that 48,000,000 get sick, 128,000 hospitalized, and 3, 000 people die each year from food borne illness. If food facility workers follow the law, practicing good hand washing, these may be preventable;

WHEREAS, the common cold is responsible for millions of lost school days each year, and more work days, yet the simple act of hand washing can dramatically reduce the spread of infection and the number of sick days;

NOW, THEREFORE BE IT RESOLVED, that Commissioner Steven Rogers, the Nutley Department of Health and the Board of Commissioners of the Township of Nutley declare the week of December 2nd - December 8th 2012 to be **National Hand Washing Awareness Week** and support the efforts of the all programs that enhance the awareness, and necessity of the reduction of illness through hand washing throughout our community.

. . .

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 November 20, 2012

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

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Commissioner Thomas J. Evans *Date:* November 20, 2012

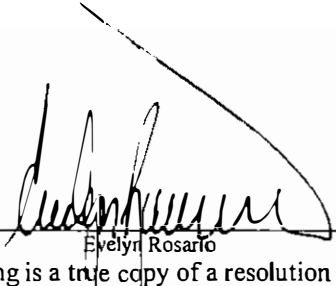
Seconded by: Commissioner Mauro G. Tucci *No.* 294-12

WHEREAS, an emergency has arisen with respect to the payment of **Emergency Response to Hurricane Sandy Storm Damage** and no adequate provision was made in the **2012 Budget** for the aforesaid purpose, and N.J.S.A. 40A: 4-46 provides for the creation of an emergency appropriation for the purpose above mentioned; and

WHEREAS, the total amount of emergency appropriation created including the appropriation to be created by this resolution is **\$850,000.00** and three percent of the total operations in the budget for the year **2012** is **\$1,477,344.48**;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey, (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with N.J.S.A. 40A: 4-46,

1. An emergency appropriation be and the same is hereby made for **Emergency Response to Hurricane Sandy Storm Damage in the amount of \$850,000.00.**
2. That said emergency appropriation shall be provided in full in the **2013 Budget.**
3. That the statement required by the Local Finance Board has been filed with the Clerk and a copy thereof will be transmitted to the Director of Local Government Services.
4. That two certified copies of this resolution be filed with the Director of Local Government Services.

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 November 20, 2012

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

**STATEMENT OF THE CHIEF FINANCIAL OFFICER WITH
RESPECT TO THE EMERGENCY RESOLUTION FOR
HURRICAN SANDY STORM DAMAGE.**

Need of Emergency Appropriation:

On October 28-November 4, 2012, numerous employees and volunteers of the Township of Nutley responded to numerous calls for assistance due to power outages, downed trees, and other storm related damages. Such response required the expenditure of township manpower, equipment, and supplies, which will be anticipated and provided for in the 2013 Municipal Budget.

Date of Happening: October 28-November 4, 2012

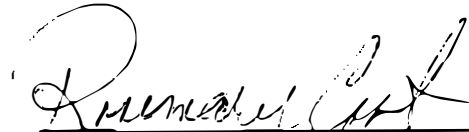
Have any contracts been awarded or purchase orders placed in connection with this emergency appropriation? No

Have any payments been made in connection with this emergency appropriation?
No

If costs are in excess of \$21,000.00 for either labor or materials, or both, will bids be advertised for? No

If not, have resolutions been adopted declaring an exigency to exist, which will not permit the advertisement for public bids: Yes

Will work be performed by contract, force account or otherwise? Force account
and Contract



Rosemary Costa
Treasurer, C.F.O.

November 20, 2012

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Commissioner Joseph P. Scarpelli *Date:* November 20, 2012
Seconded by: Commissioner Steven Rogers *No.* 297-12

Resolution: Authorizing Mayor and Municipal Clerk to execute agreements to purchase three (3) properties on Donna Court under the provisions of the Flood Hazard Mitigation Programs funded by the State of New Jersey and Federal Government.

WHEREAS, the Township of Nutley submitted applications to the State of New Jersey and Federal Government for grant funding to remediate severe flooding on Donna Court in Nutley New Jersey; and

WHEREAS, the Township of Nutley was awarded grant(s) under the FY10 Repetitive Flood Claims (RFC) and FY10 Flood Mitigation Assistance (FMA) grant Programs; and

WHEREAS, the FY10 RFC grant provides funding for the acquisition of two (2) structures, 49 Donna Court and 47 Donna Court in the Township; and;

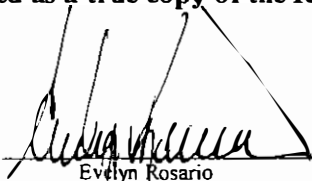
WHEREAS, the FY10 FMA grant provides funding for the acquisition of one (1) structures, 43 Donna Court in the Township; and;

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

1. The Mayor and Municipal Clerk are hereby authorized to execute agreements to purchase properties located at 49 Donna Court, 47 Donna Court , 43 Donna Court, Nutley, New Jersey 07110.
2. This Resolution shall take effect immediately upon adoption according to law.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the agreements on behalf of the Township of Nutley.

Certified as a true copy of the Resolution adopted by the Commissioners On this 20th day of November, 2012

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 November 20, 2012

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

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Commissioner Joseph P. Scarpelli *Date:* November 20, 2012

Seconded by: Commissioner Steven Rogers *No.* 298-12

WHEREAS, Cheryl Gaccione is employed by the Township of Nutley, Department of Public Works; and

WHEREAS, Cheryl Gaccione has exhausted all of her available sick leave and other time due; and

WHEREAS, one (1) employee of the Department of Public Works is desirous of transferring a total of three (3) days of their accumulated sick leave to Cheryl Gaccione; and

WHEREAS, under the circumstances presented herein and in view of Cheryl Gaccione's medical situation, and her service to the Department of Public Works, the Board of Commissioners are desirous of accommodating this request;

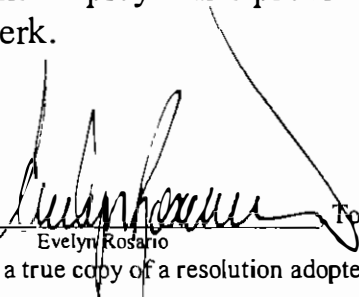
NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Nutley in the County of Essex, New Jersey as follows;

The following employee is permitted to transfer days to Cheryl Gaccione:

Salvatore Ferraro

This employee has provided the consent to said transfers in writing to the Township Clerk.

. . .

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 November 20, 2012

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

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Mayor Alphonse Petracco *Date:* November 20, 2012

Seconded by: Commissioner Mauro G. Tucci *No.* 295-12

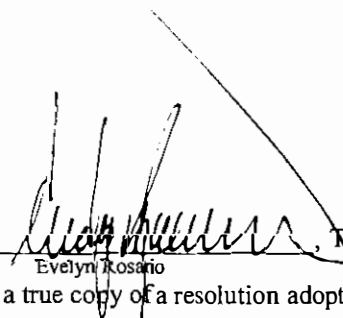
WHEREAS, raffle applications have been received from the following organizations; and

Friends of Nutley Singers	License No. 07-13 On-Premise Merchandise Raffle	February 23,2013
Friends of Nutley Singers	License No. 08-13 On-Premise 50/50 Cash Raffle	February 23,2013

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.

. . .

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 November 20, 2012

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

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

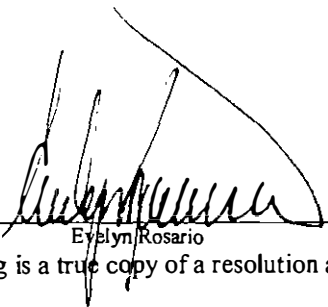
Resolution

Introduced by: Mayor Alphonse Petracco *Date:* November 20, 2012
Seconded by: Commissiner Mauro G. Tucci *No.* 296-12

WHEREAS, Resolution No. 284-12 entitled "Renewal of Plenary Retail Consumption License No. 0716-33-026-004, Nicholas J. Sambuco, Sr." was adopted by the Board of Commissioner of the Township of Nutley at their meeting held on Thursday, November 8, 2012

WHEREAS, an additional Special Ruling (N.J.S.A.33:1-12.18) is required by the Division of Alcoholic Beverage Control prior to the renewal of said license.

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, County of Essex that resolution no. 284-12 be and is hereby rescinded.

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 November 20, 2012

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