

TOWNSHIP OF NUTLEY, NEW JERSEY
BOARD OF COMMISSIONERS

PUBLIC MEETING

)
) TRANSCRIPT OF
) PROCEEDINGS:
)

ORIGINAL

February 18, 2014

7:00 p.m.

BEFORE:

Commissioner Steven Rogers

Commissioner Thomas J. Evans

Commissioner Joseph P. Scarpelli

ALSO PRESENT:

Alan Genitempo, Esq.

Job No. NJ1832039

Transcribed By: Nicole Yawn

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TOWNSHIP OF NUTLEY

**Township of Nutley
Board of Commissioners
Meeting Minutes
Tuesday, February 18, 2014
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 12, 2013 issues of the Nutley Sun, the Star Ledger and the Herald News. A copy of this notice has been posted on the Nutley Town Hall bulletin board and a copy is on file in the Municipal Clerk's Office.

ROLL CALL:

Commissioner Rogers	- Present
Commissioner Tucci	- Absent/Excused
Commissioner Evans	- Present
Commissioner Scarpelli	- Present
Mayor Petracco	- Absent/Excused

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

The Board discussed having a workshop session to discuss Hoffman La Roche after the public session on March 4, 2014. A public meeting concerning Roche will be held on March 12, 2014 at 7:00 P.M., place to be determined.

Prior to entering into public session, the Municipal Clerk read the following executive session resolution. Motion to introduce by Commissioner Scarpelli, seconded by Commissioner Evans. All Ayes on a roll call vote.
Entered Executive Session at 7:11PM.

Resolution # 43-14

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. Personnel Matter

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 Evans. All Ayes. Exited Executive Session at 7:29PM.

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

2 (Due to the microphone cutting in and out during
3 some portions of the audio, there are notations of (off-
4 mike).)

5 UNIDENTIFIED SPEAKER: -- pledge of allegiance.

6 (Pause)

7 MADAM CLERK: Tuesday, February 18th, 2014 --
8 pursuant to the requirements of the Open Public Meeting Law,
9 chapter 231 Public Laws 1975, notice of this meeting was
10 published in the December 12th, 2013 issues of the Nutley
11 Sun, the Star Ledger, and the Herald News. A copy of this
12 notice has been posted on the Nutley town hall bulletin
13 board, and a copy is on file in the municipal clerk's
14 office.

15 Commissioner Rogers?

16 COMMISSIONER ROGERS: Here.

17 MADAM CLERK: Commissioner Tucci is absent/excused
18 this evening as he is expecting the birth of his grandchild.

19 Commissioner Evans?

20 COMMISSIONER EVANS: Here.

21 MADAM CLERK: Commissioner Scarpelli?

22 COMMISSIONER SCARPELLI: Here.

23 MADAM CLERK: Mayor Petracco is absent/excused
24 this evening. Deputy Mayor Evans will preside over the
25 meeting.

1 COMMISSIONER EVANS: Thank you. Communications?

2 MADAM CLERK: Yes, Mayor.

3 Mayor, I have a social affair permit submitted by
4 the Friends of the Phoenix Center Foundation for an event to
5 be scheduled for May 2nd, 2014. It's a social affair permit
6 for alcoholic beverages.

7 I need a motion and a second, please.

8 UNIDENTIFIED SPEAKER: Me (sic).

9 UNIDENTIFIED SPEAKER: Second.

10 MADAM CLERK: Commissioner Rogers?

11 COMMISSIONER ROGERS: Aye.

12 MADAM CLERK: Commissioner Evans?

13 COMMISSIONER EVANS: Aye.

14 MADAM CLERK: Commissioner Scarpelli?

15 COMMISSIONER SCARPELLI: Aye.

16 MADAM CLERK: Thank you, Mayor.

17 COMMISSIONER EVANS: There are no reports. To the
18 bills, please.

19 MADAM CLERK: Yes, Mayor. Bill list Tuesday,
20 February 18th, 2014 -- Public Affairs, \$76,018.89; Revenue
21 and Finance, \$2,266,488.52; Public Works, \$45,077.64; Public
22 Works, \$139,264.85; Parks and Public Property, \$23,885.19.
23 Payroll as of February 14th, 2014 -- \$791,416.19, for a
24 grand total bill list of \$3,342,151.28. And that's all for
25 bills, Mayor.

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COMMISSIONER EVANS: Move the bills.

UNIDENTIFIED SPEAKER: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Deputy Mayor Evans?

COMMISSIONER EVANS: Thank you.

There are no ordinance introductions. But, before we move into the public hearings, do we want to take a moment to read the resolutions for the (indiscernible)?

UNIDENTIFIED SPEAKER: Yes, Mr. Mayor.

COMMISSIONER ROGERS: This is a resolution that was to be introduced by Commissioner Tucci on behalf of the entire Nutley Board of Commissioners.

WHEREAS, on Saturday, March 1st, 2014, the Nutley Irish American Association will hold its 36th annual St. Patrick's Day Parade.

WHEREAS, the St. Patrick's Day Parade has become an exciting event in the township of Nutley which is looked forward to and enjoyed by spectators and participants alike; and

WHEREAS, the Nutley Irish American Association celebrated its annual St. Patrick's Day Parade grand marshal dinner on Friday, January 31st, 2014 at Nanina's in the

1 Park, Belleville, New Jersey; and

2 WHEREAS, this year's grand marshal is Brendan
3 Gill; and

4 WHEREAS, Mr. Gill is joined by Deputy Grand
5 Marshal Carl Thunell and NIAA member of the year, Mike
6 Frobose, along with 2014 parade queen, Alyson Rose Ridings
7 as this year's dignitaries; and

8 NOW, THEREFORE, BE IT RESOLVED that the board of
9 commissioners of the township of Nutley, county of Essex
10 join with the citizens of Nutley to salute and congratulate
11 Grand Marshal Brendan Gill, Deputy Grand Marshal Carl
12 Thunell, NIAA member of the year, Mike Frobose, and parade
13 queen, Alyson Rose Ridings as they are honored here tonight.

14 So moved.

15 COMMISSIONER SCARPELLI: Second.

16 MADAM CLERK: Commissioner Rogers?

17 COMMISSIONER ROGERS: Aye.

18 MADAM CLERK: Commissioner Scarpelli?

19 COMMISSIONER SCARPELLI: Aye.

20 MADAM CLERK: Deputy Mayor Evans?

21 COMMISSIONER EVANS: It's been an absolute
22 pleasure. Aye.

23 COMMISSIONER ROGERS: I'd like to present
24 (indiscernible).

25 (Applause)

1 COMMISSIONER EVANS: (Indiscernible) wanted to say
2 something to the commissioners before the picture.

3 UNIDENTIFIED SPEAKER: Ready? On behalf of the
4 parade committee, the Nutley Irish officers and trustees,
5 and the Nutley Irish membership, we would like to thank the
6 commissioners for their assistance that they provided in the
7 execution of the Nutley St. Patrick's Parade. The parade
8 would not be possible without the assistance of our township
9 departments.

10 As leaders of this community, we believe that our
11 commissioners should stand out among the crowd. We would
12 like to present each department commissioner with a sash to
13 wear on parade day each year to let the crowd know who our
14 town dignitaries are. Nutley is a wonderful, unique
15 community due in part by the dedication of the
16 commissioners, and we hope that you wear these sashes with
17 pride.

18 (Applause)

19 (Pause)

20 (Applause)

21 UNIDENTIFIED SPEAKER: I notice our names aren't
22 on those.

23 (Laughter)

24 MR. GILL: Well, good evening. First and
25 foremost, I'm a little jealous because you received your

1 sashes before we did.

2 (Laughter)

3 MR. GILL: But, on behalf of the Nutley Irish
4 American Association and my fellow honorees, Carl, Alyson,
5 and Mike, I think who you all know so well in this
6 community, it is an honor to receive and a humbling
7 experience to be selected the grand marshal of the 36th
8 annual Nutley St. Patrick's Day Parade.

9 As each of my fellow dignitaries know and I could
10 not have been asked to serve with a better group of
11 individuals, being asked to lead a St. Patrick's Day Parade
12 is one of the highest honors you can receive as an Irish
13 American, and I hope and I've said to Tom and to the
14 committee many times please know -- and I hope that I do
15 right by this parade and its leadership, and please know, to
16 the people of Nutley and in particular to the commissioners,
17 for all of your great leadership and all of your support of
18 this event, that we're going to make sure that Saturday,
19 March 1st is an outstanding event.

20 So I'm looking forward to seeing each and every
21 one of you out there with us on Saturday. Hopefully, the
22 weather will cooperate just a little bit. We're okay with
23 cold. How about just a little less snow, right? And we're
24 going to have a fantastic day and a fantastic time.

25 So thank you. God bless the Nutley Irish American

1 Association. God bless the great township of Nutley, and
2 let's have a great time on the 1st. Thank you so much.

3 (Applause)

4 COMMISSIONER EVANS: Brendan, we'll be easy to
5 spot with our new sashes.

6 If we want to take a moment to pause. If you guys
7 would like to stay for the rest of the meeting, you're
8 welcome, but, if you'd like to take advantage of the exit
9 opportunity, you're welcome to do it.

10 (Pause)

11 COMMISSIONER EVANS: Ev., can we proceed? You
12 think we can proceed?

13 MADAM CLERK: Yes, Mayor, we can proceed.

14 COMMISSIONER EVANS: Okay.

15 Let's move to public hearings on ordinances. The
16 first ordinance tonight is 3276, which is an ordinance to
17 delete unnecessary handicapped parking spots in several
18 locations throughout the township.

19 Would anyone like to speak publicly regarding this
20 ordinance change?

21 Seeing no one, I move to close the public hearing.

22 COMMISSIONER SCARPELLI: Second.

23 MADAM CLERK: Commissioner Rogers?

24 COMMISSIONER ROGERS: Aye.

25 MADAM CLERK: Commissioner Scarpelli?

1 COMMISSIONER SCARPELLI: Aye.

2 MADAM CLERK: Deputy Mayor Evans?

3 COMMISSIONER EVANS: Aye.

4 Move the ordinance.

5 COMMISSIONER SCARPELLI: Second.

6 MADAM CLERK: Commissioner Rogers?

7 COMMISSIONER ROGERS: Aye.

8 MADAM CLERK: Commissioner Scarpelli?

9 COMMISSIONER SCARPELLI: Aye.

10 MADAM CLERK: Deputy Mayor Evans?

11 COMMISSIONER EVANS: Aye.

12 The next ordinance tonight is regarding the
13 elimination of handicapped parking spaces on Center Street
14 in an area which will allow for more curbside parking.

15 Would anyone like to comment regarding this
16 particular ordinance tonight?

17 Seeing no one, I move to close the public hearing.

18 COMMISSIONER SCARPELLI: Second.

19 MADAM CLERK: Commissioner Rogers?

20 COMMISSIONER ROGERS: Aye.

21 MADAM CLERK: Commissioner Scarpelli?

22 COMMISSIONER SCARPELLI: Aye.

23 MADAM CLERK: Deputy Mayor Evans?

24 COMMISSIONER EVANS: Aye.

25 Move the ordinance.

1 COMMISSIONER SCARPELLI: Second.

2 MADAM CLERK: Commissioner Rogers?

3 COMMISSIONER ROGERS: Aye.

4 MADAM CLERK: Commissioner Scarpelli?

5 COMMISSIONER SCARPELLI: Aye.

6 MADAM CLERK: Deputy Mayor Evans?

7 COMMISSIONER EVANS: Aye.

8 The next ordinance for tonight is for
9 Mayor Petracco. It's 3278, and this ordinance is to adjust
10 the salary of the assistant municipal prosecutor, increasing
11 the range -- providing a range of a minimum of 30 to
12 \$45,000.

13 Would anyone like to comment regarding this
14 particular ordinance tonight?

15 Seeing no one, I move to close the public hearing.

16 COMMISSIONER SCARPELLI: Second.

17 MADAM CLERK: Commissioner Rogers?

18 COMMISSIONER ROGERS: Aye.

19 MADAM CLERK: Commissioner Scarpelli?

20 COMMISSIONER SCARPELLI: Aye.

21 MADAM CLERK: Deputy Mayor Evans?

22 COMMISSIONER EVANS: Aye.

23 And the last ordinance for public hearing tonight
24 for Mayor Petracco is regarding extra duty assignments. We
25 do have a wording change in this ordinance, which was on

1 page two, which was to add a sentence, which basically
2 allows for an event that there's a waiver that gives the
3 director of public safety the ability to grant the waiver
4 and the ability to ratify that waiver as part of a future
5 resolution.

6 Just, Alan?

7 MR. GENITEMPO: Yes?

8 COMMISSIONER EVANS: Just confirming that that's a
9 de minimis change?

10 MR. GENITEMPO: That's the change, and I believe
11 it's de minimis and can be (off-mike).

12 COMMISSIONER EVANS: Thank you.

13 So would anyone like to comment regarding this
14 ordinance tonight?

15 MS. LANDRY: (Indiscernible?)

16 COMMISSIONER EVANS: Sure. You come to the
17 microphone, please.

18 MS. LANDRY: Penny Landry.

19 COMMISSIONER EVANS: How you doing?

20 MS. LANDRY: Would you read the exact sentence
21 that changes the ordinance?

22 COMMISSIONER EVANS: State your name.

23 MS. LANDRY: Pennie Landry, 135 Lakeside Drive,
24 Nutley, New Jersey 07110.

25 COMMISSIONER EVANS: Thank you. Yes, the sentence

1 on page two -- and it's part of a paragraph. The sentence
2 in full says, "The vehicle fee shall be waived for all extra
3 duty assignments performed by the municipal governing --

4 MS. LANDRY: Excuse me. I can't hear you. I'm
5 sorry.

6 COMMISSIONER EVANS: Is that better? Is this
7 better?

8 MS. LANDRY: Yeah, that's much better.

9 COMMISSIONER EVANS: Okay. "The vehicle fee shall
10 be waived for all extra duty assignments performed for
11 municipal government departments, the Nutley Board of
12 Education, other times (sic) as determined by the director
13 of public safety in accordance" -- and this is the addition
14 -- "in accordance with past practice that may be ratified by
15 future resolution of the board."

16 MS. LANDRY: Thank you.

17 COMMISSIONER EVANS: Would anyone else like to
18 comment regarding this (off-mike)?

19 Hearing no one, I move to close the public
20 hearing.

21 COMMISSIONER SCARPELLI: Second.

22 MADAM CLERK: Commissioner Rogers?

23 COMMISSIONER ROGERS: Aye.

24 MADAM CLERK: Commissioner Scarpelli?

25 COMMISSIONER SCARPELLI: Aye.

1 MADAM CLERK: Deputy Mayor Evans?

2 COMMISSIONER EVANS: Aye.

3 I move the ordinance.

4 COMMISSIONER SCARPELLI: Second.

5 MADAM CLERK: Commissioner Rogers?

6 COMMISSIONER ROGERS: Aye.

7 MADAM CLERK: Commissioner Scarpelli?

8 COMMISSIONER SCARPELLI: Aye.

9 MADAM CLERK: Deputy Mayor Evans?

10 COMMISSIONER EVANS: Aye.

11 Commissioner Scarpelli, would you read

12 Mayor Petracco's resolutions tonight?

13 COMMISSIONER SCARPELLI: I have two resolutions.

14 Both are Mayor Petracco's.

15 WHEREAS, raffle applications have been received

16 from the following organizations -- Friends of Phoenix

17 Foundation, Incorporated, license number 26-14, on-premise

18 50/50 raffle, May 2nd, 2014; Friends of Phoenix Foundation,

19 Inc., license number 27-14, on-premise casino night,

20 May 2nd, 2014; PTO Nutley Lincoln School, license number 28-

21 14, on-premise tricky tray, March 29th, 2014; PTO Nutley

22 Lincoln School, license number 29-14, on-premise 50/50 cash

23 raffle, March 29th, 2014.

24 WHEREAS, the applications have been reviewed and

25 approved by the municipal clerk and the police department;

1 NOW, THEREFORE BE IT RESOLVED by the board of
2 commissioners, township of Nutley, county of Essex, state of
3 New Jersey that the licenses are approved and the municipal
4 clerk is authorized to issue the licenses.

5 I move the resolution.

6 MADAM CLERK: Commissioner Rogers?

7 COMMISSIONER ROGERS: Aye.

8 MADAM CLERK: Commissioner Scarpelli?

9 COMMISSIONER SCARPELLI: Aye.

10 MADAM CLERK: Deputy Mayor Evans?

11 COMMISSIONER EVANS: Aye.

12 COMMISSIONER SCARPELLI: This is the resolution of
13 the governor's council on alcoholism and drug abuse fiscal
14 grant extension January 1st, 2014 to June 30th, 2014.

15 WHEREAS, resolution 290-13 needs to be rescinded
16 and replaced with this resolution adjusting money
17 allocations for the municipal alliance grant;

18 WHEREAS, the governor's council on alcoholism and
19 drug abuse established the municipal alliances for the
20 prevention of alcohol and drug abuse in 1989 to educate and
21 engage residents, local government, and law enforcement
22 officials, schools, non-profit organizations, the faith
23 community, parents, youth, and other allies in efforts to
24 prevent alcoholism and drug abuse in communities throughout
25 New Jersey;

1 WHEREAS, the board of commissioners of the
2 township of Nutley, county of Essex, state of New Jersey
3 recognize that abuse of alcohol and drugs is a serious
4 problem in our society amongst persons of all ages and
5 therefore, has established a municipal alliance committee.

6 WHEREAS, the township was approved for a municipal
7 alliance grant for the January 1st, 2013 through
8 December 31st, 2013 grant term;

9 WHEREAS, the governor's council on alcoholism and
10 drug abuse has extended the 2013 grant term until June 30th,
11 2014 in order to transition the grant to a fiscal year
12 rather than the calendar year cycle;

13 WHEREAS, funding has been made available to
14 Nutley's municipal alliance in the amount of 50 percent of
15 its approved 2013 grant total for the six-month extension
16 period of January 1st, 2014 through June 30th, 2014
17 contingent upon meeting the 25 percent cash match and 75
18 percent in-kind match grant requirement for the extension;

19 NOW, THEREFORE, BE IT RESOLVED by the board of
20 commissioners, township of Nutley, county of Essex, state of
21 New Jersey is hereby authorized submission of the grant
22 extension for the Nutley municipal alliance grant in the
23 amount of EEDR \$11,000 cash match, \$2,750 in-kind, \$8,250.
24 The board of commissioners' policies, terms, and conditions
25 for administering the municipal alliance grant, including

1 the administrative compliance and all the requirements.

2 I move the resolution.

3 COMMISSIONER ROGERS: Second.

4 MADAM CLERK: Commissioner Rogers?

5 COMMISSIONER ROGERS: Aye.

6 MADAM CLERK: Commissioner Scarpelli?

7 COMMISSIONER SCARPELLI: Aye.

8 MADAM CLERK: Deputy Mayor Evans?

9 COMMISSIONER EVANS: Aye.

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

11 COMMISSIONER EVANS: Thank you.

12 That concludes the formal business before the
13 board of commissioners this evening. Would anyone like to
14 step up --

15 MADAM CLERK: (Indiscernible.)

16 COMMISSIONER EVANS: Evelyn, would you please read
17 the notice?

18 MADAM CLERK: Yes, Mayor. All persons addressing
19 the board of commissioners regarding community concerns
20 should approach the microphone and provide their name and
21 address for the record. Unless further time is granted by
22 the board, each person shall limit their address to five
23 minutes. All remarks to the board and its individual
24 members must be addressed to the mayor.

25 The mayor may defer citizen comments to the

1 appropriate member of the board. Dialogue between citizens
2 and others addressing the board shall be allowed, unless the
3 mayor, presiding officer of the majority of the membership
4 of the board shall determine that the interests of decorum
5 and the expeditious conduct of municipal business are being
6 adversely affected by each dialogue. Good evening.

7 COMMISSIONER EVANS: Good evening.

8 MS. LANDRY: Pennie Landry, 135 Lakeside Drive,
9 Nutley, New Jersey. I'd like to read a letter. This is my
10 fourth time addressing this with the commission, with the
11 board, and I'm hopeful that this can be resolved.

12 I'm going to read an email dated Wednesday,
13 December 18th, 2013 to George Librizzi, cc Thomas Evans and
14 Alfonse Petracco.

15 "Hello again, Mr. Librizzi. My interest in tax
16 assessment started after attending my first commissioners'
17 meeting. There was a citizen who spoke about the fact that
18 his taxes had been going up every year. I did not
19 understand Commissioner Evans' explanation."

20 "I researched our property, which is in zone R-1
21 and contacted my realtor to determine if zone R-1 was a
22 higher or lower rating for property values. He referred me
23 to a few individuals, who were all unable to answer my
24 question related to my assessment."

25 "I am confident, Mr. Librizzi, that you can help

1 me. Our lot, my fiancé and I, 135 Lakeside Drive, is in
2 zone R-1. It is a sloping, sloping lot and is smaller than
3 lot 18 Edgewood, which is in zone R-1AA, which is too higher
4 zones than mine. However, our land assessment is higher."

5 18 Edgewood, which I believe is your land,
6 Mr. Evans?

7 COMMISSIONER EVANS: Yes, it is.

8 MS. LANDRY: "The land description is 59 by 132
9 zone R1AA. The land assessment in 2013 was \$166,000. 135
10 Lakeside, land description 55 by 125, which is smaller and
11 is in two zones lower, R-1, has a land assessment in 2013 of
12 \$202,300. Our land is assessed \$36,300 higher than
13 Mr. Evans' lot, even though it is rated lower and is a much
14 smaller lot."

15 "I understand, Mr. Librizzi, that even though a
16 property may have a higher rating, there may be factors that
17 make it less desirable and therefore, a lower valuation. I
18 have been unable to determine what factors are causing
19 Edgewood and other properties in Nutley to have lower land
20 assessments. Please explain. Again, I ask you to please
21 explain."

22 "Also, there have been land reassessments on
23 Edgewood in 2010, 2011, 2012, and 2013, and land assessments
24 every year on Edgewood have gone down. The last year the
25 land was reassessed on Lakeside was 2010. There are other

1 areas in town with similar assessment irregularities.
2 Please respond at your earliest convenience. Sincerely,
3 Pennie Landry."

4 That was December 18th. On 12/20/2014,
5 Mr. Librizzi sent me an email. "Ms. Landry, please be
6 advised that my previous response was detailed, thorough,
7 and complete. Accordingly, I have no additional response.
8 Be guided accordingly. Regards, George Librizzi, tax
9 assessor, Nutley."

10 I brought this up at the last meeting and was told
11 that Mr. Librizzi would be contacting me. So far, I've not
12 heard from Mr. Librizzi or anyone else to explain this
13 significant issue. I would like to be very forthcoming in
14 letting you know that I have taken this complaint to the New
15 Jersey State Board of Taxation Treasurer's Office, and I am
16 currently working with a Mr. Scott, and this issue is being
17 researched thoroughly for all the taxpaying citizens of
18 Nutley. Thank you.

19 COMMISSIONER EVANS: Ms. Landry, may I respond?

20 MS. LANDRY: (No audible response.)

21 COMMISSIONER EVANS: Well, regardless of whether
22 you asked for one or not, I think it's appropriate to
23 respond. In Mr. Librizzi's response, he gave you a very
24 comprehensive response to your question, albeit technical,
25 and I actually read it recently, and I believe it's

1 technical.

2 The question that you are raising is why are land
3 values being adjusted. Why is one property's land going up
4 and other property's land going down? That's part of the
5 question, because it's the actual -- it's the mechanical
6 execution of a determination that the total assessed value
7 of the properties in a given neighborhood, and, since you
8 singled out my house, my house is in a neighborhood that is
9 representative of over 400 homes in Nutley.

10 So it's not individual to my property. It's part
11 of that -- in Nutley, all of the homes in Nutley are divided
12 into what they call neighborhoods and that there's many of
13 them. Once a determination of the change in total assessed
14 value is determined to be made, which is a comparison of
15 assessed value to market value, the tax assessor prepares a
16 summary of what is called a compliance plan to be completely
17 separate and different from valuation or revaluation of
18 property.

19 He presents that plan to the Essex County Tax
20 Board, where they do a thorough review. It is the
21 independent governance process for making those
22 determinations. Once an approval is granted by the Essex
23 County Tax Board that says total assessed value needs to be
24 adjusted in a compliance mode, the only factor of the
25 assessed value of a property that is allowed by law to be

1 adjusted is the land value. It has an unintended
2 consequence of making it appear that specific land values
3 are being adjusted when it is merely a mechanical adjustment
4 to bring the total assessed value into line with what the
5 assessed value should be.

6 MS. LANDRY: Pennie Landry, 135 Lakeside Drive,
7 Nutley, New Jersey. Thank you.

8 You said that it was divided into neighborhoods
9 and yours is 400, correct?

10 COMMISSIONER EVANS: Yeah, there's --

11 MS. LANDRY: Okay.

12 COMMISSIONER EVANS: -- about 400 in my
13 neighborhood, and there's about 50 neighborhoods in town.

14 MS. LANDRY: Okay. Well, I took the time to go
15 through every single home in Nutley and create a
16 spreadsheet.

17 COMMISSIONER EVANS: Hmm, thank you.

18 MS. LANDRY: Certain blocks -- some of the homes
19 were reassessed. Others were not. There seems to be some
20 inequity in how this process, which you just explained and I
21 still don't understand, was done. I've also been
22 researching sales of homes. That was my understanding that
23 assessments were based on prices sold at some level.

24 COMMISSIONER EVANS: Uh-huh.

25 MS. LANDRY: Well, I found several homes that have

1 been assessed 120, 150, \$200,000 less than what they just
2 sold for in the last six months. So we have now a whole new
3 issue that, other than the land assessment issues, okay,
4 which are very difficult to understand. However, I think
5 that we need a tax assessor who can explain these things and
6 who is willing to take time to be with people to explain
7 these things instead of saying I've told you what I'm
8 telling you, and be guided accordingly.

9 And I've asked before here to have someone
10 contact. You told me at the last meeting that you would
11 have Mr. Librizzi contact me. Okay? No one seems to take
12 this as seriously as it is.

13 This is an issue that the citizens of Nutley need
14 to understand. People's taxes have gone up 300 percent.
15 I've only lived here four-and-a-half years. So I'm truly
16 not a Nutleyite yet, but I understand at five I will be, and
17 my voice is only going to get a lot stronger and a lot
18 louder, and, if I have to go to the state on every one of
19 these issues, I will. I don't want to have to, but I want
20 --

21 COMMISSIONER EVANS: (Indiscernible) do that.

22 MS. LANDRY: -- people to -- the only person that
23 I can say has honestly gone above board to help me is Sam
24 and Evelyn, and I really want to acknowledge their continued
25 --

1 COMMISSIONER EVANS: Thank you.

2 MS. LANDRY: -- support.

3 COMMISSIONER EVANS: Thank you.

4 MS. LANDRY: So why wasn't I contacted by
5 Mr. Librizzi, Mr. Evans? Is he sick?

6 COMMISSIONER EVANS: No.

7 MS. LANDRY: Okay.

8 COMMISSIONER EVANS: No, no, we're working through
9 that. You actually had wanted to meet with the Essex County
10 Tax Board, and you've been invited to do that. I know Joan
11 Durkin has responded to you and is waiting for a response
12 for when you're available to go do that, and that's
13 available to you.

14 I am wanting to sit down with you with counsel and
15 make sure that we follow a process to help you understand.
16 The simple fact is a focus on, singular focus on adjustment
17 of a land value is focusing in on a mechanical calculation
18 to affect an adjustment to the total value of a property.

19 MS. LANDRY: I understand that. There are other
20 issues.

21 COMMISSIONER EVANS: Right. So --

22 MS. LANDRY: So you let me know when you want to
23 meet.

24 COMMISSIONER EVANS: Just pause for a moment. I
25 want to -- and I'm anxious for this, because it's important

1 that -- I appreciate the fact that you said you understand
2 that now, because you said previously that you didn't,
3 right? So it's important. I'm glad you do.

4 MS. LANDRY: I understand that you're going to
5 keep telling me that whether I understand the mechanics of
6 land valuation or not. That's what I understand.

7 COMMISSIONER EVANS: That's not what I said. I
8 simply have said that, when an adjustment of value is
9 determined to be needed in a compliance mode, not revaluing
10 the entire town -- in a revaluation of the entire town, an
11 independent appraising company walks into every single home.

12 MS. LANDRY: Right, and it's --

13 COMMISSIONER EVANS: (Indiscernible.)

14 MS. LANDRY: -- costly. That is very expensive.
15 I don't understand why this selective reevaluation has taken
16 place five years in a row on the same properties. I can
17 understand one or two, but five?

18 COMMISSIONER EVANS: Well, the details and the
19 full comprehensive details around that -- because it is a
20 comparative sales analysis that he goes through, and you're
21 welcome to see it. You're welcome.

22 MS. LANDRY: Thank you.

23 COMMISSIONER EVANS: And I encourage you to
24 actually discuss it also with the Essex County Tax Board,
25 which is the governing body for that. As a board of

1 commissioners, we don't get in the middle of that,
2 it's not governed by this board of commissioners.

3 MS. LANDRY: Understood.

4 COMMISSIONER EVANS: Right? So I encourage you to
5 do that, but it's a comprehensive analysis. So, when a
6 neighborhood needs to be adjusted, it's driven by the market
7 activity.

8 MS. LANDRY: And how do you define neighborhood,
9 sir?

10 COMMISSIONER EVANS: It's a grouping of homes in
11 an area as developed by the appraising company when they
12 revalued the company (sic).

13 MS. LANDRY: And is that the same thing as a
14 block?

15 COMMISSIONER EVANS: Well, a block -- a
16 neighborhood could be several blocks.

17 MS. LANDRY: Okay.

18 COMMISSIONER EVANS: There's no one block or one
19 home in a neighborhood. There's a bunch.

20 MS. LANDRY: Okay. So, within a neighborhood, if
21 there are six blocks and half the houses on one block have
22 been reassessed five years in a row and the other half of
23 the houses on the same block in the same neighborhood
24 haven't been reassessed, you're saying that that's okay?

25 COMMISSIONER EVANS: If they're in a different

1 neighborhood?

2 MS. LANDRY: No, they're in the same neighborhood,
3 because they're on the same block.

4 COMMISSIONER EVANS: If -- well, -- now, you're
5 going to go into how are the blocks determined, right? So
6 you're asking to understand fully the function and the skill
7 of what an assessor does, which you're welcome to learn
8 that.

9 MS. LANDRY: Uh-huh.

10 COMMISSIONER EVANS: Okay?

11 MS. LANDRY: I've been studying, believe me.

12 COMMISSIONER EVANS: Well, good. I appreciate
13 that, because a well-informed resident is important, right?
14 And so, our goal is to share with you what is done, right?
15 There's no hidden cause. It's all transparent
16 (indiscernible), but the process for governing that is with
17 the Essex County Tax Board, and I strongly encourage you to
18 --

19 MS. LANDRY: Right, which is why my attorney and I
20 will be going -- I'm not going to meet with Ms. Durkin. I
21 understand she's -- whatever. Anyway, --

22 COMMISSIONER EVANS: I'm sorry. I'm sorry.

23 MS. LANDRY: -- she's a very nice woman. However,
24 I also understand that, from her emails that she sends me,
25 it's cbmoves.com, which I think is Caldwell Banker, and I am

1 not -- I want to deal with somebody at a governmental level,
2 not somebody from a real estate agency.

3 COMMISSIONER EVANS: She's the Essex County tax
4 coordinator.

5 MS. LANDRY: And I also -- well, she sends me
6 emails from Caldwell Banker, and I think that's
7 unprofessional. Anyway, --

8 COMMISSIONER EVANS: Have you ever actually talked
9 to her about it on the phone?

10 MS. LANDRY: What?

11 COMMISSIONER EVANS: Have you been able to speak
12 with her directly on the phone?

13 MS. LANDRY: No, but everybody I've talked to says
14 she's a wonderful woman. I really look forward to meeting
15 her.

16 COMMISSIONER EVANS: (Indiscernible.)

17 MS. LANDRY: On another note, I did make an open
18 request for all of these compliance plans you just said
19 where it supposedly laid out what's being reassessed and
20 whatever. For the last five years, every compliance plan
21 submitted by Mr. Librizzi in the block where it says what's
22 being assessed and what's not and what the formula is -- do
23 you know what it says on every one of those forms?

24 COMMISSIONER EVANS: Enlighten me.

25 MS. LANDRY: To be determined. To be determined.

1 Have I been able to get what actually was determined? No.

2 COMMISSIONER EVANS: Okay.

3 MS. LANDRY: So I can't take my research any
4 further, because information is being withheld, but I will
5 get that information, and I will gladly go and meet with my
6 attorney with the tax Treasury Department of the state of
7 New Jersey. So I'll --

8 COMMISSIONER EVANS: Absolutely.

9 MS. LANDRY: -- keep you informed.

10 COMMISSIONER EVANS: Thank you.

11 MS. LANDRY: And, if you want to come with, be
12 glad to have you. Thank you.

13 COMMISSIONER EVANS: Thank you.

14 Would anyone else like to speak before the board
15 tonight?

16 Seeing no one, --

17 COMMISSIONER SCARPELLI: Move to adjourn.

18 COMMISSIONER EVANS: Thank you.

19 MADAM CLERK: I need a second, please.

20 COMMISSIONER ROGERS: Second.

21 MADAM CLERK: Commissioner Rogers?

22 COMMISSIONER ROGERS: Aye.

23 MADAM CLERK: Commissioner Scarpelli?

24 COMMISSIONER SCARPELLI: Aye.

25 MADAM CLERK: Deputy Mayor Evans?

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COMMISSIONER EVANS: Aye.
(Whereupon, these proceedings were concluded)

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

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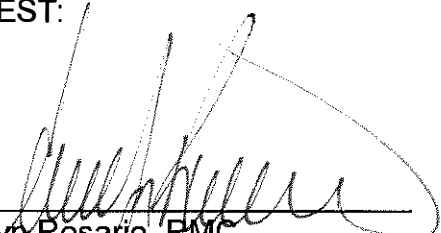
I, Nicole Yawn, certify that the foregoing transcript is a true and accurate record of the proceedings.

Nicole Yawn

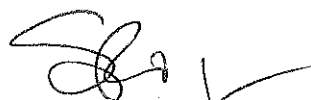
Date: March 24, 2014

**Signature Page/Board of Commissioners
Meeting Minutes, February 18, 2014**


ATTEST:



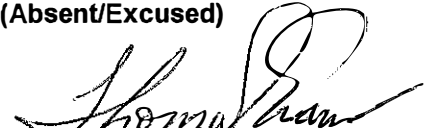
Evelyn Rosario, RMC
Municipal Clerk
(Meeting Minutes Approved at the)
(April 15, 2014 Board of)
(Commissioners Meeting)



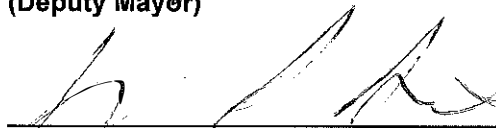
Commissioner Steven Rogers



Commissioner Mauro G. Tucci
(Absent/Excused)



Commissioner Thomas J. Evans
(Deputy Mayor)



Commissioner Joseph P. Scarpelli



Mayor Alphonse Petracco
(Absent/Excused)

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Commissioner Joseph P. Scarpelli *Date:* February 18, 2014

Seconded by: Deputy Mayor Thomas J. Evans *No.* 43-14

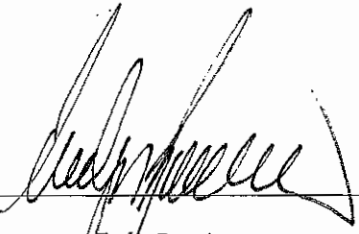
WHEREAS, the Board of Commissioners of the Township of Nutley, in the County of Essex, and State of New Jersey desires to proceed to closed executive session; and

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. Personnel Matter

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

...

I,  Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held February 18, 2014

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

TOWNSHIP OF NUTLEY							
BILL LIST							
TUESDAY FEBRUARY 18, 2014							
P.O.	VENDOR	PUBLIC AFFAIRS	REVENUE & FINANCE	PUBLIC SAFETY	PUBLIC WORKS	PARKS & PUBLIC PROPERTY	TOTALS
	FUTURE SANITATION	65,805.55					65,805.55
13-04812	NJ MEADOWLANDS COMM	6,660.66					6,660.66
13-04481	NEWARK BETH ISRAEL CENTR	36.00					36.00
13-04482	NEWARK BETH ISRAEL CENTR	36.00					36.00
13-04654	MADELINE GOGLIA	200.00					200.00
13-03275	MERCK CO	1,623.77					1,623.77
13-04000	MERCK CO	1,656.91					1,656.91
	TREASURER SCHOOL MONEY		2,205,492.00				2,205,492.00
	T/N PAYROLL AGENCY ACCT		35,511.12				35,511.12
	POSTMASTER NEWARK		3,000.00				3,000.00
	T/N PAYROLL AGENCY ACCT		121.47				121.47
13-04784	NJ DEPT OF LABOR		13,770.93				13,770.93
13-04733	NJ DEPT COMM.AFFAIRS		8,593.00				8,593.00
13-04437	E-Z PASS SERVICE			50.00			50.00
13-04711	E-Z PASS SERVICE			25.00			25.00
13-01394	PERKINS EASTMAN ARCHT			1,334.29			1,334.29
13-01994	PERKINS EASTMAN ARCHT			11,330.66			11,330.66
13-04411	ABSOLUTE FIRE PROTECTION			10,384.84			10,384.84
13-04319	ABSOLUTE FIRE PROTECTION			71.95			71.95
13-04731	NATIONAL FUEL OIL			9,971.80			9,971.80
13-04705	NATIONAL FUEL OIL			11,909.10			11,909.10
13-04448	INTERNATIONAL SALT				10,274.46		10,274.46
13-04555	PASSAIC VALLEY WATER COM				500.00		500.00
13-04483	PASSAIC VALLEY WATER COM				46,594.49		46,594.49
13-04667	PASSAIC VALLEY WATER COM				46,163.24		46,163.24
13-04639	DAN SWAYZE & SON				3,200.00		3,200.00

**TOWNSHIP OF NUTLEY
BILL LIST
FEBRUARY 18, 2014**

**List of payroll submitted for approval by the Board of Commissioners at
their regular meeting of FEBRUARY 18, 2014:**

PAYROLL-REGULAR FEBRUARY 14, 2014:

Department of Public Affairs	21,662.75
Department of Revenue & Finance	61,588.88
Department of Public Safety	449,740.01
Department of Public Works	60,232.56
Department of Parks & Public Properties	78,562.46
Department of Recreation Commission	6,835.73
Water Operations	40,209.33
Due To From General Capital	3,623.27
600 SERIES	2,511.54
POLICE OUTSIDE DUTY	9,675.00
C.E.H.A.	2,394.99

Sub Total **737,036.52**

PAYROLL-OVERTIME FEBRUARY 14, 2014:

Department of Public Affairs	0.00
Department of Revenue & Finance	140.11
Department of Public Safety	8,869.93
Department of Public Works	20,930.85
Department of Parks & Public Properties	8,131.35
Water Operations	16,307.43
600 Series	0.00

Sub Total **54,379.67**

TOTAL PAYROLL: **791,416.19**

GRAND TOTAL: **3,342,151.28**

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

Federal Withholding Tax	98,094.87
Social Security	26,445.02
N.J. State Tax	29,328.37
Medicare	11,451.66
Wage Execution	4,043.50
Deferred Compensation	25,366.83
Employee Disability Ins.	5,154.10

**Township of Nutley
Essex County
One Kennedy Drive
Nutley, New Jersey 07110**

**FINAL ADOPTION OF ORDINANCE
ORDINANCE NO. 3276**

NOTICE IS HEREBY GIVEN that the following Ordinance was approved for final adoption by the Board of Commissioners Township of Nutley, Essex County, New Jersey at a meeting held on Tuesday, February 18, 2014.

“AN ORDINANCE TO AMEND AN ORDINANCE CODIFIED IN THE CODE OF THE TOWNSHIP OF NUTLEY, CHAPTER 228, ENTITLED VEHICLES AND TRAFFIC, PARTICULARLY ARTICLE VII (SPECIAL ZONES AND AREAS), SECTION 29A ENTITLED HANDICAPPED PARKING, TO DELETE THE LOCATIONS SET FORTH THEREIN.”

ALL “AYES” ON A ROLL CALL VOTE

Commissioner Rogers	“AYE”
Commissioner Tucci	“Absent/Excused”
Deputy Mayor Evans	“AYE”
Commissioner Scarpelli	“AYE”
Mayor Petracco	“Absent/Excused”

**Evelyn Rosario
Municipal Clerk**

**Nutley Sun Issue/Thursday, February 27, 2014/Via E-Mail:
publicnotices@northjersey.com**

ORDINANCE NO. 3276
INTRODUCED ON FRIDAY, JANUARY 24, 2014
INTRODUCED BY COMMISSIONER EVANS
PUBLIC HEARING TUESDAY, FEBRUARY 18, 2014

ORDINANCE NO. 3276

“AN ORDINANCE TO AMEND AN ORDINANCE CODIFIED IN THE CODE OF THE TOWNSHIP OF NUTLEY, CHAPTER 228, ENTITLED VEHICLES AND TRAFFIC, PARTICULARLY ARTICLE VII (SPECIAL ZONES AND AREAS), SECTION 29A ENTITLED HANDICAPPED PARKING, TO DELETE THE LOCATIONS SET FORTH THEREIN.”

BE IT ENACTED by the Board of Commissioners of the Township of Nutley that Article VII, Section 29A of Chapter 228 of the Code of the Township of Nutley, entitled Handicapped Parking, is hereby amended to set forth the DELETION of the following locations:

Section 29A. Streets.

In accordance with the provisions of N.J.S.A. 39:4-197.5, the following street locations are designated as handicapped parking spaces. Such spaces are for use by persons who have been issued special identification cards or plates or placards by the Motor Vehicle Commission, or a temporary placard issued by the Chief of Police. No other person shall be permitted to park in these spaces.

Delete

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Centre Street	South	Beginning at a point 230 feet east of Myrtle Avenue east for 20 feet
Centre Street	South	Beginning at a point 172 feet west of Woodland Avenue, west for 20 feet
Essex Street	South	Beginning at a point 85 feet west of Ernest Street west for 22 feet
High Street	North	Beginning at a point 39 feet west of Funston Place, continuing in a westerly direction for 20 feet.
Highfield Lane	South	Beginning at a point 188 feet west of the extended curblineline of Conduit Place, continuing in a westerly direction for a distance of 22 feet.
Howard Place	West	Beginning at a point 543 feet west of Bloomfield Avenue north for 20 feet
St. Mary's Place	East	Beginning at a point 75 feet south of Hunt Place, south for a distance of 22 feet
Walnut Street	East	From 358 feet north of Washington Avenue north for 22 feet
Walnut Street	East	From 410 feet north of Washington Avenue north for 22 feet

BE IT FURTHER ENACTED that all other terms and conditions and locations in Article VII, Section 29A, Chapter 228 shall remain as heretofore set forth in the Code of the Township of Nutley, except where such a reading would not give meaning to and further the application of this amendment. In such case and in such event, the terms and conditions shall have a meaning consistent with the intent of this amendment; and
BE IT FURTHER ENACTED that the within ordinance shall become effective after passage and publication, pursuant to law.

**Township of Nutley
Essex County
One Kennedy Drive
Nutley, New Jersey 07110**

**FINAL ADOPTION OF ORDINANCE
ORDINANCE NO. 3277**

NOTICE IS HEREBY GIVEN that the following Ordinance was approved for final adoption by the Board of Commissioners Township of Nutley, Essex County, New Jersey at a meeting held on Tuesday, February 18, 2014.

“AN ORDINANCE TO AMEND AN ORDINANCE CODIFIED IN THE CODE OF THE TOWNSHIP OF NUTLEY, CHAPTER 228, ENTITLED VEHICLES AND TRAFFIC, PARTICULARLY ARTICLE II (PARKING ON CERTAIN STREETS), SECTION 10 ENTITLED STOPPING OR STANDING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS TO DELETE AND ADD THE LOCATION SET FORTH THEREIN.”

ALL “AYES” ON A ROLL CALL VOTE

Commissioner Rogers	“AYE”
Commissioner Tucci	“Absent/Excused”
Deputy Mayor Evans	“AYE”
Commissioner Scarpelli	“AYE”
Mayor Petracco	“Absent/Excused”

**Evelyn Rosario
Municipal Clerk**

**Nutley Sun Issue/Thursday, February 27, 2014/Via E-Mail:
publicnotices@northjersey.com**

ORDINANCE No. 3277
INTRODUCED ON FRIDAY, JANUARY 24, 2014
INTRODUCED BY COMMISSIONER EVANS
PUBLIC HEARING TUESDAY, FEBRUARY 18, 2014

ORDINANCE No. 3277

“AN ORDINANCE TO AMEND AN ORDINANCE CODIFIED IN THE CODE OF THE TOWNSHIP OF NUTLEY, CHAPTER 228, ENTITLED VEHICLES AND TRAFFIC, PARTICULARLY ARTICLE II (PARKING ON CERTAIN STREETS), SECTION 10 ENTITLED STOPPING OR STANDING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS TO DELETE AND ADD THE LOCATION SET FORTH THEREIN.”

BE IT ENACTED by the Board of Commissioners of the Township of Nutley that Section 10 of Chapter 228 of the Code of the Township of Nutley, entitled Stopping or Standing Prohibited During Certain Hours On Certain Streets, is hereby amended to set forth the DELETION & ADDITION of the following locations:

No person shall stop or stand a vehicle between the hours specified on any day upon any of the streets or parts of streets described:

Delete

<u>Name of Street</u>	<u>Side</u>	<u>Hours</u>	<u>Location</u>
Centre Street	South	All	From Union Avenue east for 100 feet.

Add

<u>Name of Street</u>	<u>Side</u>	<u>Hours</u>	<u>Location</u>
Centre Street	South	All	From Union Avenue east for 45 feet.

BE IT FURTHER ENACTED that all other terms and conditions and locations in Section 10 and Chapter 228 shall remain as heretofore set forth in the Code of the Township of Nutley, except where such a reading would not give meaning to and further the application of this amendment. In such case and in such event, the terms and conditions shall have a meaning consistent with the intent of this amendment; and

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

A public hearing concerning ordinance no. 3278 was duly held on Tuesday, February 18, 2014. A motion to open the public hearing was offered by Deputy Mayor Evans, seconded by Commissioner Scarpelli, all ayes on a roll call vote (Commissioner Rogers – aye, Commissioner Scarpelli – aye, Deputy Mayor Evans – aye) there were no public comments, Deputy Mayor Evans made a motion to close the public hearing, seconded by Commissioner Scarpelli, all ayes on a roll call vote (Commissioner Rogers – aye, Commissioner Scarpelli – aye, Deputy Mayor Evans – aye)

A vote for adoption will be held at the Tuesday, March 4, 2014 Board of Commissioners meeting.

ORDINANCE # 3278

INTRODUCED BY: DEPUTY MAYOR THOMAS J. EVANS FOR MAYOR ALPHONSE PETRACCO

INTRODUCED ON: FRIDAY, JANUARY 24, 2014

PUBLIC HEARING BY MAYOR ALPHONSE PETRACCO ON TUESDAY, FEBRUARY 18, 2014

ORDINANCE NO.3278

“AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED “AN ORDINANCE TO FIX THE SALARIES OF CERTAIN OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF NUTLEY, COUNTY OF ESSEX, STATE OF NEW JERSEY, EFFECTIVE JANUARY 1, 2014.”

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

SECTION 1

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

NON-UNION EMPLOYEES

LEGAL DEPARTMENT

<u>TITLE</u>	<u>BASE SALARY MINIMUM</u>	<u>BASE SALARY MAXIMUM</u>
Assistant Municipal Prosecutor	\$ 30,000.00	\$ 45,000.00

SECTION 2

The annual salaries of the employees of the Departments of Public Works, Water, Parks and Public Property, excepting office employees, shall be on the basis of forty (40) hours per week. When overtime is required, it shall be paid on a "time and one-half" basis. The provisions for overtime as stated in this paragraph shall not apply to the Public Works Superintendent, Municipal Engineer and Construction Code Official/Zoning.

SECTION 3

Payment of vacation time in advance may be made upon request in writing to the Treasurer at least one month in advance of the pay period requested. Written request must be approved by the Department Head before submission to the Treasurer.

SECTION 4

All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed and this ordinance shall take effect twenty (20) days after final passage in accordance with the law.

SECTION 5

To the extent not set forth herein, all total salaries per annum will include longevity as set forth in Nutley Municipal Code Chapter 103.

**Township of Nutley
Essex County
One Kennedy Drive
Nutley, New Jersey 07110**

**FINAL ADOPTION OF ORDINANCE
ORDINANCE NO. 3275**

NOTICE IS HEREBY GIVEN that the following Ordinance was approved for final adoption by the Board of Commissioners Township of Nutley, Essex County, New Jersey at a meeting held on Tuesday, February 18, 2014.

“AN ORDINANCE TO AMEND AN ORDINANCE CODIFIED IN THE CODE OF THE TOWNSHIP OF NUTLEY, CHAPTER 131, ENTITLED “POLICE DEPARTMENT” PARTICULARLY ARTICLE III (EXTRA DUTY ASSIGNMENTS), SECTION 16 ENTITLED “RATES AND CHARGES”

ALL “AYES” ON A ROLL CALL VOTE

Commissioner Rogers	“AYE”
Commissioner Tucci	“Absent/Excused”
Deputy Mayor Evans	“AYE”
Commissioner Scarpelli	“AYE”
Mayor Petracco	“Absent/Excused”

**Evelyn Rosario
Municipal Clerk**

**Nutley Sun Issue/Thursday, February 27, 2014/Via E-Mail:
publicnotices@northjersey.com**

At the Board of Commissioners meeting held on Friday, January 24, 2014 the following announcement was made: Ordinance No. 3275 was duly introduced by Mayor Petracco at the Board of Commissioners meeting held on Tuesday, January 7, 2014. The correct public hearing date for Ordinance No. 3275, entitled "AN ORDINANCE TO AMEND AN ORDINANCE CODIFIED IN THE CODE OF THE TOWNSHIP OF NUTLEY, CHAPTER 131, ENTITLED "POLICE DEPARTMENT" PARTICULARLY ARTICLE III (Extra Duty Assignments), Section 16 Entitled "Rates and Charges" is Tuesday, February 18, 2014.

Ordinance No. 3275
Introduced by Mayor Petracco
Introduced on January 7, 2014
Public Hearing February 18, 2014

Ordinance No. 3275

"AN ORDINANCE TO AMEND AN ORDINANCE CODIFIED IN THE CODE OF THE TOWNSHIP OF NUTLEY, CHAPTER 131, ENTITLED "POLICE DEPARTMENT" PARTICULARLY ARTICLE III (EXTRA DUTY ASSIGNMENTS), SECTION 16 ENTITLED "RATES AND CHARGES"

BE IT ENACTED by the Board of Commissioners of the Township of Nutley that Section 16 of Chapter 131 of the Code of the Township of Nutley, Rates and Charges, is hereby amended to read as follows:

Hourly rates for optional extra duty Assignments shall be in accordance with the collective bargaining agreement between the Township of Nutley and PBA-SOA Local 33; and

131-16 "Rates and Charges:

Police Extra Duty Assignments shall include:

1. Road Construction or other details that require traffic control by a Police Officer shall be paid in accordance with CBA.
2. Mandatory Extra Duty Assignments shall be paid at a rate of time and ½ in accordance with the annual salary ordinance

(Examples shall include) Parades, Carnivals, On Street Event's and other activities that require a mandatory police presence in the interest of Public Safety.

3. Police Security: Details that do not require traffic control or an in street presence shall be paid at a rate of \$30.00/Hr.
4. Police Security for 177 Washington Avenue shall be paid at a rate of \$25.00/Hr. In accordance with prior negotiated contract

A minimum charge of two hours shall apply to all extra duty assignments, excluding Street Construction; and

A minimum charge of four hours shall apply to each road construction extra duty assignment excluding township funded projects; and

A minimum fee equaling two hours will be charged for any entity that cancels a scheduled request for Police coverage with less than two hours' notice to the Township.

An additional Administrative fee of \$5.00/Hr. per officer shall be charged for each hour worked during Extra Duty Assignments.

The Administrative fee shall be waived for all Extra Duty Assignments performed for Municipal Government Departments, the Nutley Board of Education and other times as determined by the Director of Public Safety.

All such administrative fees shall be the responsibility of the individual or entity requesting services under this article.

A Vehicle maintenance/fuel surcharge fee of \$9.00/Hr. per vehicle shall also be applied to any Extra Duty work which requires use of township vehicle. This fee will be used to reimburse the township for fuel use and wear on township vehicles during such use. Requirements for need of such vehicles shall be determined by the Chief of Police or his designee. The vehicle fee shall be waived for all Extra Duty Assignments performed for Municipal Government Departments, the Nutley Board of Education and other times as determined by the Director of Public Safety, **in accordance with past practice and that may be ratified by future resolution of the Board.**

All persons requesting Police Officers for Extra Duty assignments shall complete and return a Police Service Request Contract before any Officer(s) will be scheduled. Any persons/Businesses or corporation not having an annual Police Service Request Contract on file shall be subject to a retainer deposit in an amount not less than the estimated cost for service. All retainer fees shall be payable to the township treasurer and deposited into a retainer account. Any unused balances of retainer will be refunded to customer after completion of contracted work and all bills have been paid in full.

This ordinance shall become effective after passage and publication, pursuant to law.

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Commissioner Steven Rogers FOR Commissioner Mauro G. Tucci *Date:* February 18, 2014
Seconded by: Commissioner Joseph P. Scarpelli *No.* 40-14

WHEREAS, On Saturday, March 1st, 2014, the Nutley Irish American Association will hold its 36th Annual St. Patrick's Day Parade; and

WHEREAS, The St. Patrick's Day Parade has become an exciting event in the Township of Nutley, which is looked forward to and enjoyed by both spectators and participants alike; and

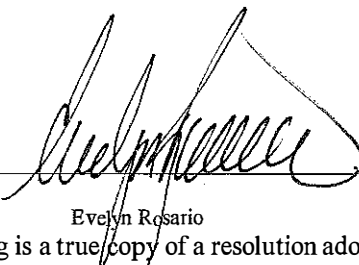
WHEREAS, The Nutley Irish American Association celebrated its Annual St. Patrick's Day Parade, Grand Marshal Dinner, on Friday, January 31, 2014 at Nanina's in the Park, Belleville, N.J.; and

WHEREAS, this year's Grand Marshal is Brendan Gill; and

WHEREAS, Mr. Gill is joined by Deputy Grand Marshal, Carl Thunell, and NIAA Member of the Year, Mike Frobose, along with 2014 Parade Queen, Alyson Rose Ridings as this year's dignitaries; and

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Nutley, County of Essex, join with the citizens of Nutley to salute and congratulate Grand Marshal, Brendan Gill, Deputy Grand Marshal, Carl Thunell, NIAA Member of the Year, Mike Frobose and **Parade Queen, Alyson Rose Ridings** as they are honored here tonight.

. . .

I,  Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held February 18, 2014

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

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Commissioner Joseph P. Scarpelli FOR Mayor Alphonse Petracco *Date:* February 18, 2014
Seconded by: Commissioner Steven Rogers *No.* 41-14

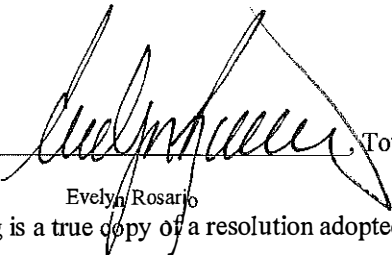
WHEREAS, raffle applications have been received from the following organizations; and

Friends of Phoenix Foundation Inc. The Phoenix Center Inc.	License No. 26-14 On-Premise 50/50 Cash Raffle	May 2, 2014
Friends of Phoenix Foundation Inc. The Phoenix Center Inc.	License No. 27-14 On-Premise CASINO NIGHT	May 2, 2014
PTO Nutley Lincoln School The Old Foundation A New Jersey Non-Profit Corporation	License No. 28-14 On-Premise Tricky Tray	March 29, 2014
PTO Nutley Lincoln School The Old Foundation A New Jersey Non-Profit Corporation	License No. 29-14 On-Premise 50/50 Cash Raffle	March 29, 2014

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

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey that the 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 February 18, 2014

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

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Commissioner Joseph P. Scarpelli FOR Mayor Alphonse Petracco *Date:* February 18, 2014
Seconded by: Commissioner Steven Rogers *No.:* 42-14

Governor's Council on Alcoholism and Drug Abuse
Fiscal Grant Extension January 1, 2014 to June 30, 2014
Resolution

WHEREAS, resolution 290-13 needs to be rescinded and replaced with this resolution adjusting money allocations for the Municipal Alliance Grant; and

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey; and

WHEREAS, The Board of Commissioners in the Township of Nutley, County of Essex, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

WHEREAS, Township was approved for a Municipal Alliance grant for the January 1, 2013 through December 31, 2013 grant term; and

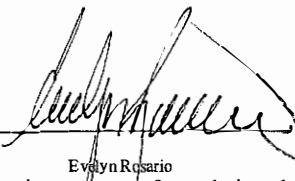
WHEREAS, the Governor's Council on Alcoholism and Drug Abuse has extended the 2013 grant term until June 30, 2014, in order to transition the grant to a fiscal year rather than calendar year cycle; and

WHEREAS, funding has been made available to Nutley's Municipal Alliance in the amount of 50% of its approved 2013 grant total for the six-month extension period of January 1, 2014 to June 30, 2014, contingent upon meeting the 25% Cash Match and 75% In-Kind Match grant requirement for the extension funding.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners, Township of Nutley, County of Essex, State of New Jersey does hereby authorize the submission of the grant extension for the Nutley Municipal Alliance grant in the amount of:

DEDR \$11,000.00 _____
Cash Match \$2,750.00 _____
In-Kind \$8,250.00 _____

The Board of Commissioners acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

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 February 18, 2014

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