

**Township of Nutley
Board of Commissioners
Meeting Minutes
Tuesday, July15, 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 and the Star Ledger. 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 Mayor Petracco. All Ayes on a roll call vote.
Entered Executive Session at 7:15PM.

Resolution # 173-14

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. Litigation Matter
2. Personnel/Contract

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 Rogers. All Ayes. Exited Executive Session at 7:54PM.

TOWNSHIP OF NUTLEY, NEW JERSEY
BOARD OF COMMISSIONERS

ORIGINAL

PUBLIC MEETING)
TRANSCRIPT OF)
PROCEEDINGS:)

July 15, 2014

7:00 p.m.

BEFORE:

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

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MAYOR PETRACCO: -- pledge allegiance --
(Pledge of Allegiance)
(Pause)

MAYOR PETRACCO: Madam Clerk?

MADAM CLERK: Yes, Mayor.

Tuesday, July 15th, 2014 -- pursuant to the requirements of the Open Public Meeting Law, chapter 231 Public Laws 1975, notice of this meeting was published in the December 12th, 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.

Commissioner Rogers?

COMMISSIONER ROGERS: Here.

MADAM CLERK: Commissioner Tucci?

Commissioner Tucci?

COMMISSIONER TUCCI: Here.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Here.

MADAM CLERK: Commissioner Scarpelli?

MR. SCARPELLI: Here.

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: Here.

MADAM CLERK: All present, Mayor.

1 MAYOR PETRACCO: Thank you.

2 We are going to honor our very good friend tonight
3 with a proclamation, Jack Kane. We are sorry to keep
4 everybody waiting tonight. I am cosponsoring this with
5 Commissioner Tucci and the board of commissioners. Let me
6 see if I can get there.

7 The proclamation reads: WHEREAS, Jack Kane, a
8 lifelong resident of Nutley, and his wife, Patty, have three
9 daughters, one son, and four stepsons; and

10 WHEREAS, Jack entered the Army in October of 1967;
11 and

12 WHEREAS, Jack served in the Seventh Infantry
13 Division in the Demilitarized zone in Korea from 1968 to '69
14 where he received the National Defense Medal and Armed
15 Forces Exemplary Award; and

16 WHEREAS, upon return from the service, Jack worked
17 at Coca-Cola, St. Johnsbury (ph) and USF Redstar; and

18 WHEREAS, in 1969 joined the VFW and continued
19 through the years as an active member and then, in 1992,
20 began serving as an officer with the VFW, including terms of
21 service, officer as a commander; and

22 WHEREAS, during the tenure as commander, Jack
23 ascended from local to state to national levels with each
24 overseeing many different facets of the VFW organization;
25 and

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○ ○ ○ ○ ○

1 WHEREAS, on Saturday, July 12th, 2014, the
2 officers and members of District 4 VFW Post 493 hosted a
3 homecoming celebration for Jack Kane acknowledging his new
4 title of Veterans of Foreign Wars State Commander as well as
5 his many contributions to the VFW organization; and

6 NOW, THEREFORE, BE IT RESOLVED by the board of
7 commissioners of the township of Nutley, county of Essex,
8 state of New Jersey that Jack Kane be recognized as a model
9 citizen exemplifying volunteerism and commitment to the
10 causes of the veterans of foreign wars and for this
11 dedication to helping veterans and active servicemen and
12 women.

13 (Applause)

14 MAYOR PETRACCO: Jack, before we call you up, I'm
15 sure each of the commissioners just want to say a few words.
16 So we'll start with Commissioner Scarpelli and work our way
17 over.

18 COMMISSIONER SCARPELLI: Jack, congratulations.
19 The rest of the state knows what we've known for a long
20 time, and here in Nutley, you're a tribute to our town and a
21 tribute to the veterans of foreign war.

22 UNIDENTIFIED SPEAKER: Jack, as I said at your
23 ceremony Saturday, I know it was George Washington who said
24 that how a nation treats its veterans, that's how the
25 character of that nation is judged, and you've treated our

1 veterans very, very well throughout the years, and thank
2 you, and God bless you.

3 MAYOR PETRACCO: Commissioner Evans?

4 COMMISSIONER EVANS: Jack, congratulations. On
5 behalf of my family, congratulations. I have nephews that
6 are serving overseas right now. So, on behalf of them,
7 thank you.

8 Everyone knows how much you and how strongly you
9 are an advocate for veterans, all veterans, not just
10 veterans of foreign war, but how you treat them, and your
11 dedication to that, not only brings honor to the veterans
12 and your family, but it brings honor to the town. And I
13 thank you as well.

14 MAYOR PETRACCO: Commissioner?

15 UNIDENTIFIED SPEAKER: Jack, once again,
16 congratulations. I think the veterans in the state of New
17 Jersey are far better off today than they've ever been. A
18 better advocate, a more committed quality person they'll
19 never find. You know you always have our congratulations,
20 and we're just proud that you're from Nutley.

21 MAYOR PETRACCO: And finally, myself. Jack, when
22 I came to the luncheon at the VFW on Saturday, I ran out of
23 a police car kind of late, as you know. I didn't even know
24 I was going to be speaking. So that was kind of off the
25 cuff, but, with that being said, there was a lot of things

1 that I would like to say, and I won't tie everybody up here
2 tonight, but I'll just say this in short.

3 You know, obviously, I know your children for a
4 long time, and they're great residents of the town, but I
5 really have to tell you, Jack, sitting up here, as the mayor
6 of the town, it's really a privilege and an honor for me to
7 recognize you because what you do behind the scenes and
8 don't take the ballots (sic) for is really honorable, and
9 it's something that Nutley is very fortunate to have someone
10 in your position and having you as a resident.

11 And just not to make light of what Jack has
12 accomplished as the state commander, I know there's a long
13 process to get there. It doesn't happen overnight. And,
14 when they were reading his resume on Saturday, I want to say
15 it started in the '70s, and here we are in 2014o

16 And, for you to keep with it -- and I know that we
17 joke around once in a while in my store about how many miles
18 are on your car riding up and down that parkway. So I just
19 really would like to congratulate you from the bottom of my
20 heart, and it's really a tribute to have somebody in our
21 town and looking out for the veterans as you.

22 Would you like to take a photo?

23 (Applause)

24 (Pause)

25 UNIDENTIFIED SPEAKER: Jack?

1 MR. KANE: Okay, thank you, Mayor and the
2 commissioners. I'm certainly honored to be here. It's kind
3 of really be a thrill for me, not because the proclamation
4 is to hang on my wall, but because, as a lifelong resident
5 of Nutley, growing up here and growing old here, it's really
6 a thrill for me and an honor.

7 To know the mayor and all the commissioners like
8 they're friends, it kind of makes it nice to be here and be
9 recognized. So thank the township of Nutley for this, and
10 I'll continue to serve in my capacity as a veterans
11 advocate, and that's it. Thank you very much.

12 MAYOR PETRACCO: Thank you so much.

13 (Applause)

14 (Pause)

15 MAYOR PETRACCO: Jack, you're sure welcome to stay
16 the whole meeting, if you like.

17 (Laughter)

18 MR. KANE: If you don't mind if I joined it.

19 MAYOR PETRACCO: I figured that.

20 (Laughter)

21 (Pause)

22 MAYOR PETRACCO: Okay.

23 Madam Clerk, I see that we have no minutes,
24 communications, correspondence, reports. I guess we'll move
25 on to the bill list.

1 MADAM CLERK: Yes, Mayor.

2 Tuesday bill list, July 15th, 2014 -- Public
3 Affairs, \$205,326; Revenue and Finance, \$3,131,475.95;
4 Public Safety, \$62,217.53; Public Works, \$81,536.76; Parks
5 and Public Property, \$382,653.01. Payroll as of July 3rd,
6 \$803,212.54, for a grand total bill list of \$4,666,421.79.
7 That's all for bills, Mayor.

8 MAYOR PETRACCO: Thank you.

9 COMMISSIONER EVANS: Move the bills.

10 Just want to point out that the \$3 million in
11 revenue and finance, 2.1 million is the payment we make to
12 the school board for the collector of tax, and there's also,
13 you know, a large bill payment in there for our sewage
14 services. So some of those numbers are high, but it's
15 because they're city-wide bills.

16 MAYOR PETRACCO: Okay.

17 MADAM CLERK: Okay. We have a motion by
18 Commissioner Evans.

19 COMMISSIONER EVANS: Move the bills.

20 COMMISSIONER TUCCI: Second.

21 MADAM CLERK: Seconded by Commissioner Tucci.
22 Commissioner Rogers?

23 COMMISSIONER ROGERS: Aye.

24 MADAM CLERK: Commissioner Tucci?

25 COMMISSIONER TUCCI: Aye.

1 MADAM CLERK: Commissioner Evans?

2 COMMISSIONER EVANS: Aye.

3 MADAM CLERK: Commissioner Scarpelli?

4 COMMISSIONER SCARPELLI: Aye.

5 MADAM CLERK: Mayor Petracco?

6 MAYOR PETRACCO: Aye.

7 MADAM CLERK: That's all for bills this evening,
8 Mayor. Thank you.

9 MAYOR PETRACCO: Thank you.

10 Okay. We'll move on to public hearings.

11 Commissioner Scarpelli, if I may? I'm just going
12 to read mine first, if that's okay, just take them out of
13 order.

14 Okay. My first public hearing ordinance is number
15 3288, an ordinance to amend the ordinance codified in the
16 code of the township of Nutley, chapter 228 entitled
17 vehicles and traffic, particularly article 7, special zones
18 and areas, lane use reservation(s), section 28 entitled bus
19 stops, to delete the location set forth thereon.

20 Is there anyone in the audience tonight that would
21 like to comment on ordinance number 3288?

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

23 UNIDENTIFIED SPEAKER: Second.

24 MADAM CLERK: Commissioner Rogers?

25 COMMISSIONER ROGERS: Aye.

1 MADAM CLERK: Commissioner Tucci?

2 COMMISSIONER TUCCI: Aye.

3 MADAM CLERK: Commissioner Evans?

4 COMMISSIONER EVANS: Aye.

5 MADAM CLERK: Commissioner Scarpelli?

6 COMMISSIONER SCARPELLI: Aye.

7 MADAM CLERK: Mayor Petracco?

8 MAYOR PETRACCO: Aye.

9 I move the ordinance.

10 UNIDENTIFIED SPEAKER: Second.

11 MADAM CLERK: Commissioner Rogers?

12 COMMISSIONER ROGERS: Aye.

13 MADAM CLERK: Commissioner Tucci?

14 COMMISSIONER TUCCI: Aye.

15 MADAM CLERK: Commissioner Evans?

16 COMMISSIONER EVANS: Aye.

17 MADAM CLERK: Commissioner Scarpelli?

18 COMMISSIONER SCARPELLI: Aye.

19 MADAM CLERK: Mayor Petracco?

20 MAYOR PETRACCO: Aye.

21 And my second ordinance public hearing is
22 ordinance number 3289, an ordinance to amend an ordinance
23 entitled an ordinance to fix the salaries of certain
24 officers and employees of the township of Nutley, county of
25 Essex, state of New Jersey effective January 1st, 2014.

1 This is for municipal court.

2 Is there anyone here this evening that would like
3 to comment on ordinance number 3289?

4 MR. ODRIA: Michael Odria, 133 High Street. As
5 for ordinance number 3289, what were the salaries last year,
6 and what are they being raised to now?

7 MAYOR PETRACCO: Actually, this is not to raise a
8 salary. This is to add a clerk's position to the courtroom.

9 MR. ODRIA: To add a position?

10 MAYOR PETRACCO: Yes.

11 MR. ODRIA: Do we need that position to, like, --

12 MAYOR PETRACCO: This position is being added on
13 the request of our judge here, who's here this evening, and
14 also Judge Frasca, I believe, that oversees the court.

15 Right now in the courtroom, we have two police
16 officers that help out with the courts for security, and the
17 reason we need a clerk there at this point is to handle the
18 paperwork of the court so that the police officers that are
19 there are strictly for security and they're not moving
20 papers and leaving their posts. And that was at the
21 recommendation of our judge here in town and also
22 Judge Frasca.

23 MR. ODRIA: And this will probably be my last
24 question. How much is this salary worth? Is it like
25 \$40,000 a year?

1 MAYOR PETRACCO: Well, you know what? We have the
2 judge here. She could explain it very clearly.

3 MR. ODRIA: It's just a simple question.

4 MAYOR PETRACCO: Just excuse me one second.

5 MR. ODRIA: What does it come out to?

6 MADAM CLERK: I just need a name and title for the
7 record, please.

8 MS. COCCHIOLA: Joanne Cocchiola, municipal judge.

9 MADAM CLERK: Thank you.

10 MS. COCCHIOLA: A lot different on this side.

11 MAYOR PETRACCO: A lot.

12 MS. COCCHIOLA: Mayor, with all due respect, let
13 me just explain --

14 MAYOR PETRACCO: Please.

15 MS. COCCHIOLA: -- for the members of the board
16 and any members of the public what this is. It's really
17 very simple.

18 We at the court received permission from the
19 administrative office of the courts to bring in a temporary
20 position to clear up a backlog with parking tickets. That's
21 what this is about. The administrative office of the courts
22 controls the parking adjudication fund money that is a
23 percentage of parking ticket money that they control, and,
24 if you have an issue relating to parking, you can access
25 those funds to utilize whatever it is, whether it's

1 equipment or something like that.

2 We had a parking backlog. We were bringing
3 somebody in temporarily to help us move the backlog out.
4 There would be no money coming from the municipal budget.
5 It comes directly out of the POAA funds, and it's temporary.

6 The issue became that we can't pay anybody, even
7 on a temporary basis, out of those funds without there being
8 a title on the salary ordinance. So we had to add the
9 title. It's not like we're adding a permanent position. We
10 just had to do it in order to pay somebody on the temporary
11 basis from the POAA funding.

12 So that's really what this is all about. It's a
13 much simpler explanation.

14 MAYOR PETRACCO: And those funds are from the
15 tickets themselves?

16 MS. COCCHIOLA: Yes, they're from the tickets.
17 They're in a separate fund. We don't control it. The AOC
18 controls it, and they approve your access and what you can
19 withdraw and what it's for. So it's not a position being
20 added to the court. It's a temporary position that we're
21 using to clear a backlog with money coming from a different
22 source. That's really all it is.

23 But, I guess, due to technicalities, which I
24 didn't realize, in order to pay somebody, even through that
25 mechanism, it has to be on a salary ordinance.

1 MAYOR PETRACCO: Okay.

2 COMMISSIONER EVANS: Your Honor, just a point of
3 clarification?

4 MS. COCCHIOLA: Questions?

5 COMMISSIONER EVANS: Your Honor, just a point of
6 clarification. AOC you said --

7 MS. COCCHIOLA: Administrative office of the
8 courts.

9 COMMISSIONER EVANS: And so, that would be
10 Judge Frasca?

11 MS. COCCHIOLA: Judge Frasca is my supervisor. He
12 governs the municipal judges in Essex County, and the AOC --
13 the administrator that I report to with respect to that is
14 named Al Restaino. No relation to the Al Restaino we all
15 know, but it's all -- the control of that fund -- even
16 though the municipality holds the money, in order to access
17 those funds, we have to have approval.

18 COMMISSIONER EVANS: To release the funds out of
19 it, you need that approval.

20 MS. COCCHIOLA: Excuse me?

21 COMMISSIONER EVANS: To release funds out of that
22 account, you need the approval of the administrator of the
23 courts.

24 MS. COCCHIOLA: Correct. Yeah, we can't touch
25 those, correct.

1 COMMISSIONER EVANS: Appreciate that. Thank you.

2 MS. COCCHIOLA: Okay.

3 MAYOR PETRACCO: Thank you so much.

4 MS. COCCHIOLA: Thank you for the concern.

5 MR. ODRIA: All right. You say this is temporary?

6 MADAM CLERK: I need you to please step forward.

7 MAYOR PETRACCO: Mike?

8 MADAM CLERK: Thank you.

9 MR. ODRIA: You said this was a temporary
10 position?

11 MS. COCCHIOLA: Yeah, I believe it is.

12 MR. ODRIA: Okay. My question is this. My
13 question was how much does this temporary position pays.
14 Because we just honored a soldier, and, from what I
15 understand and from what I know, the men and women who
16 defend our interests in freedoms on the other side of this
17 planet in a combat zone -- they get \$33,500 a year. I'd
18 like to know -- and those people really put their lives on
19 the line for all our freedoms and interests.

20 And it was good to honor that man, because, you
21 know, I've had family members who fought in Vietnam. Came
22 back, thank God. But what does this position pay, even
23 though it's temporary? That's all I'm asking.

24 MS. COCCHIOLA: I imagine that, by the time it's
25 all said and done, since we're pretty much clearing the

1 backlog right now, it will probably be less than \$2,000 that
2 we're going to access from that account.

3 MAYOR PETRACCO: So it's an hourly wage?

4 MS. COCCHIOLA: It's an hourly wage, and, all in
5 all, it'll be less, probably much less than \$2,000 that'll
6 be paid out to take care of this.

7 Okay?

8 MAYOR PETRACCO: Thank you.

9 Thank you, Judge.

10 Okay. I need a motion to close the public portion
11 of the meeting.

12 UNIDENTIFIED SPEAKER: (Off-mike.)

13 MAYOR PETRACCO: Sure.

14 MS. LANDRY: Pennie Landry, 135 Lakeside Drive,
15 ordinance 3289 is an ordinance to amend an ordinance
16 entitled an ordinance to fix the salaries of certain
17 officers and employees of the township of Nutley effective
18 January 1, 2014, municipal court clerk one seasonal. Is
19 there currently someone employed in the position of
20 municipal court clerk one seasonal? Is there a clerk one
21 employed (sic) currently?

22 UNIDENTIFIED SPEAKER: (Off-mike.)

23 MS. LANDRY: Okay. So this ordinance is to
24 approve a position called clerk one seasonal, correct,
25 correct?

1 MS. COCCHIOLA: It's to approve a position so that
2 a student can get paid, yes.

3 MS. LANDRY: Okay. Municipal court clerk one
4 seasonal. And how is seasonal defined by this ordinance?

5 MS. COCCHIOLA: I thought seasonal was taken out,
6 Mayor. I don't know. Do you have the actual ordinance
7 there? I'm looking at the agenda.

8 MS. LANDRY: I would like to see the actual
9 ordinance before it's voted on, because this is incorrect on
10 the public agenda.

11 MAYOR PETRACCO: I have one. I have one.

12 MS. COCCHIOLA: I'm not certain. I don't have it
13 in front of me.

14 MAYOR PETRACCO: Do you have a copy of it or --

15 MS. LANDRY: Okay. So there is not currently in
16 the municipal court a position called clerk one?

17 MS. COCCHIOLA: There is not currently a position
18 called clerk one, unless there's something else on the
19 salary ordinance. Not to my knowledge.

20 MS. LANDRY: Okay. All right. Not to your
21 knowledge? Do we have any clerk positions?

22 MS. COCCHIOLA: In the municipal court?

23 MS. LANDRY: Yes.

24 MS. COCCHIOLA: There are four -- I don't know
25 what their actual titles are, Ms. Landry.

1 MS. LANDRY: You don't?

2 MS. COCCHIOLA: No, I do not.

3 MS. LANDRY: Okay. Well, I'd like to know what
4 those are.

5 Do you know, Evelyn?

6 MADAM CLERK: I'm sorry, Ms. Landry.

7 MS. LANDRY: The actual titles of the positions
8 that work in the court. Because Judge Cocchiola doesn't
9 know what they are.

10 MS. COCCHIOLA: There's a court administrator.
11 There is a deputy administrator, and I don't know what the
12 other two titles are.

13 MS. LANDRY: Okay. There's a court administrator.
14 There's a --

15 MAYOR PETRACCO: You know what?

16 MS. COCCHIOLA: I think --

17 Judge, excuse me one second.

18 You know what? Rather than give you information
19 that we're just shooting out of our mouths, I would rather
20 reserve that and give you the correct information,
21 Ms. Landry.

22 MS. LANDRY: Thank you.

23 MAYOR PETRACCO: But I cannot do that just right
24 now. So I --

25 MS. COCCHIOLA: Mayor, if I might?

1 Ms. Landry, I'll be in the office tomorrow if you
2 want to come over.

3 MS. LANDRY: Sure.

4 MS. COCCHIOLA: You're welcome to.

5 MS. LANDRY: I would like for the commissioners to
6 not vote on ordinance 3289 until it's clear.

7 MS. COCCHIOLA: Until what's clear?

8 MS. LANDRY: Until it's clear what this position
9 of \$10 an hour with a base of maximum --

10 MS. COCCHIOLA: There is a law student helping to
11 clear up a backlog --

12 MS. LANDRY: Okay. But it says seasonal, and I
13 need a definition of seasonal. Will this be one month,
14 three months, six months?

15 MS. COCCHIOLA: It's probably not going to be
16 longer than another month, to be honest.

17 MS. LANDRY: Okay. Well, actually we're creating
18 a position, okay, that what could happen is that we could
19 find a way to keep her, right? Because now we have a
20 position called clerk one, and we could find a way to keep
21 her for six, eight, nine, ten months, because this ordinance
22 creates a position.

23 MS. COCCHIOLA: Which, if you just heard my
24 explanation, the only way you could pay a person out of POAA
25 is through this. The court doesn't need another person,

1 and, if I wanted another person, I don't have to go here
2 first. I have to go to the AOC.

3 MS. LANDRY: Okay.

4 MS. COCCHIOLA: And explain to them --

5 MS. LANDRY: I'm just saying I'm against --

6 MS. COCCHIOLA: -- what my need is.

7 MS. LANDRY: -- the creation --

8 MS. COCCHIOLA: So it's really not up to these
9 gentlemen if the court needs another person.

10 MS. LANDRY: So why are we creating an ordinance?

11 MS. COCCHIOLA: I have to first go to -- I can't
12 pay the student unless the salary ordinance reflects the
13 position.

14 MAYOR PETRACCO: Ordinance.

15 MS. LANDRY: So why didn't we have an ordinance
16 saying we want to pay a student for one month \$10 an hour?

17 MS. COCCHIOLA: Because this is the way we were
18 told we had to do it.

19 MS. LANDRY: Okay. Well, I'm against the way this
20 is being done.

21 MS. COCCHIOLA: I'm being 100 percent honest with
22 you.

23 MS. LANDRY: I'm being 100 percent honest.

24 MS. COCCHIOLA: No, this is --

25 MS. LANDRY: I'm here to speak against ordinance

1 number 3289 that creates a position called clerk one with a
2 base minimum salary of \$10 an hour and a base salary maximum
3 of \$20 an hour that has no timeframe, and I, as a resident,
4 have the right to say that, and I have spoken, and thank you
5 very much.

6 MS. COCCHIOLA: Any other questions for me,
7 Mr. Chairman?

8 MAYOR PETRACCO: Thank you.

9 No, I'm clear.

10 MS. COCCHIOLA: Thank you.

11 MAYOR PETRACCO: Is there anyone else this evening
12 that would like to comment on ordinance number 3288 (sic)?
13 I'm sorry, 89, 3289.

14 Seeing no one, I move to close the public portion
15 of the meeting.

16 UNIDENTIFIED SPEAKER: Second.

17 MADAM CLERK: Commissioner Rogers?

18 COMMISSIONER ROGERS: Aye.

19 MADAM CLERK: Commissioner Tucci?

20 COMMISSIONER TUCCI: Aye.

21 MADAM CLERK: Commissioner Evans?

22 COMMISSIONER EVANS: Aye.

23 MADAM CLERK: Commissioner Scarpelli?

24 COMMISSIONER SCARPELLI: Aye.

25 MADAM CLERK: Mayor Petracco?

1 MAYOR PETRACCO: Aye.

2 Okay. That wraps up my couple of ordinances.

3 UNIDENTIFIED SPEAKER: The ordinance.

4 MAYOR PETRACCO: I'm sorry. I move the ordinance.

5 UNIDENTIFIED SPEAKER: Second.

6 MADAM CLERK: Commissioner Rogers?

7 COMMISSIONER ROGERS: Aye.

8 MADAM CLERK: Commissioner Tucci?

9 COMMISSIONER TUCCI: (No audible response.)

10 MADAM CLERK: Commissioner Evans?

11 COMMISSIONER EVANS: Aye.

12 MADAM CLERK: Commissioner Scarpelli?

13 COMMISSIONER SCARPELLI: Aye.

14 MADAM CLERK: Mayor Petracco?

15 MAYOR PETRACCO: Aye.

16 Okay. Commissioner Scarpelli?

17 COMMISSIONER SCARPELLI: Thank you, Mayor.

18 This is an ordinance -- this is a public hearing
19 on an ordinance to amend chapter 700 of the code of the
20 township of Nutley entitled zoning adding section 700-22.d,
21 permitting uses in M-2 zoning district to article 5 general
22 regulations.

23 This was an ordinance that was originally
24 introduced over a year ago. It was in response to the
25 master plan, which was completed in 2012. In the master

1 plan, it called for that area of East Centre Street, River
2 Road, and Park Avenue to eliminate residential in that area.
3 We have had significant number of added residential multi-
4 family properties over that time period, and I introduced
5 this ordinance, which will eliminate -- basically eliminate
6 Garden Apartments from being included in anything which is
7 currently in the M-1 zone and creating a new zone, which is
8 M-2, which will have everything that's permitted in the M-1
9 zone currently, except for Garden Apartments.

10 So, Mayor, do you want to open the public hearing?

11 MAYOR PETRACCO: I do.

12 Is there anyone this evening that would like to
13 comment on this ordinance?

14 Please come up to the mike. State your name and
15 address for the record.

16 MR. LEVENDUSKY: Good evening. Jim Levendusky, 19
17 Colonial Terrace. I'm here representing myself and also the
18 Nutley Community Preservation Partnership, and I would like
19 to speak in favor of the ordinance.

20 The Nutley Community Preservation Partnership
21 supports the adoption of this ordinance. As it happens, I
22 had been on a number of the committees for the master plan
23 review, and this is very much in line with the goals of the
24 master plan, and this furthers the objectives of the master
25 plan. So I think it is very much deserving of your

1 attention.

2 I think I'd also like to bring to your attention
3 the fact that, you know, the media have reported on this and
4 whatnot. I think it's important to point out that, over the
5 past couple years, there have been quite a large number of
6 households being added to the township of Nutley, including
7 from this area.

8 And, when you add up all of the, you know,
9 development that has been completed, all of the development
10 that is currently underway, and even the development that's,
11 you know, being proposed, I think it makes a lot of sense
12 to, you know, initiate this ordinance and pass this
13 ordinance, because it gives us time to absorb what is
14 already coming down the pike.

15 I mean, when you think about it, we're probably
16 adding in existing, ongoing, and proposed, we may very well
17 be adding, you know, a couple of hundred new households to
18 our town. And it's hard to imagine that, you know, all of
19 these households are going to be integrated and absorbed and
20 the services provided and at the same time, you know, have
21 this area subject to possible additional development that
22 would add even more households or demand for services,
23 police, fire, schools, water, sewer.

24 So I really do think this is in the best interests
25 of the town. That's not to say that, you know, the Nutley

1 Community Preservation Partnership is against development.
2 We're not. We're in favor of smart development, but we also
3 recognize that there are a lot of changes taking place right
4 now, and it is going to take time to absorb these changes
5 and to understand what the implications of these changes
6 are.

7 A lot of talk about the multi-unit houses being
8 one bedroom, and therefore, there won't be families. But
9 the truth of the matter is we really don't know what's going
10 to be there until, you know, they are completed and occupied
11 and rented. And, of course, whatever we decide today will
12 have an impact, not just in the immediate future, but, you
13 know, many years down the line.

14 And I think if you even look at some of the
15 developments that have taken place in the past where there
16 were various predictions about no impact on the schools and
17 so on and so forth, those predictions actually turned out
18 not to be true because 10, 15 years later and so on and so
19 forth, you know, we actually are experiencing the demand for
20 services which we thought we wouldn't have.

21 So our organization is very much in favor of the
22 passage of this ordinance, and I recommend that you pass it,
23 please. Thank you.

24 COMMISSIONER EVANS: Excuse me? Jim?

25 MR. LEVENDUSKY: Yes.

1 COMMISSIONER EVANS: Just for clarification, which
2 predictions are you referring to?

3 MR. LEVENDUSKY: The Cambridge Heights.

4 COMMISSIONER EVANS: Cambridge Heights isn't a
5 prediction that was wrong. It was known what was going to
6 happen to our school system.

7 The planner forecasted 128 students.

8 MR. LEVENDUSKY: From the very beginning?

9 COMMISSIONER EVANS: From the beginning, 1996.

10 MR. LEVENDUSKY: Right.

11 COMMISSIONER EVANS: And the school board
12 estimated that there would be 230 students.

13 MR. LEVENDUSKY: Okay.

14 COMMISSIONER EVANS: And some else estimated 250
15 students. But today, which is roughly 19-and-a-half years
16 later, we have 140 students.

17 MR. LEVENDUSKY: Right.

18 COMMISSIONER EVANS: So about 94 percent. You
19 know, pretty good on a forecast, right? And those students
20 that are in the school, which it's not just in one school.
21 They're actually in all the schools. If you look at it,
22 given the tax base that's generated from that, that the
23 average student coming out of that district is paying
24 \$21,000 a student.

25 So the economics are there, but it's not an

1 unknown forecast. And, back in 1998, there was a resolution
2 that actually had given the school system \$750,000 to
3 address technological and capital improvements that might be
4 an impact associated with that complex.

5 MR. LEVENDUSKY: Right.

6 COMMISSIONER EVANS: So just for clarification
7 purposes, it's just I believe that, for a lot of reasons,
8 you know, we are faced with challenges in our school system,
9 but we -- you know, also it's not necessarily volume that's
10 causing those issues. And, as we look at these types of
11 properties, even apartments, you know, the risk of what's
12 going to happen to our schools, for example, or even on our
13 infrastructure.

14 So East Centre Street had factory buildings that
15 were down there, some of which were dormant and abandoned.
16 And today, we have a community that's starting to develop
17 down there. So those are positive changes.

18 I do, you know, understand your point about
19 absorption and the rate of absorption.

20 MR. LEVENDUSKY: Right.

21 COMMISSIONER EVANS: But I just wanted to clarify,
22 you know, the history for Cambridge Heights.

23 MR. LEVENDUSKY: Sure. No, I appreciate that, and
24 actually, I didn't know that. Just as an anecdote, some
25 years ago, I was sitting with another commissioner who's not

1 on the board who actually was the one who told me that, that
2 there was no impact on the school. It was predicted that
3 there was no impact. So I was actually repeating hearsay.
4 So thank you for that clarification.

5 COMMISSIONER EVANS: Yeah. Oh, and I went dirty
6 and went in the basement. I got --

7 MS. LEVENDUSKY: I guess so. Thank you.

8 COMMISSIONER EVANS: Appreciate it.

9 UNIDENTIFIED SPEAKER: If I might, Mayor?

10 MAYOR PETRACCO: Sure.

11 UNIDENTIFIED SPEAKER: You were not the only one
12 that was under a misconception, because I also recall no
13 impact or minimal impact on Cambridge Heights.

14 MR. LEVENDUSKY: Right.

15 UNIDENTIFIED SPEAKER: And I also remember -- and
16 I've shared this with Commissioner Evans -- that the number
17 that was thrown around that we were given at the time -- and
18 I've been here since 2000 -- was 32 students.

19 MR. LEVENDUSKY: Right. I seem to recall that as
20 well.

21 UNIDENTIFIED SPEAKER: So there is a document that
22 Commissioner Evans did, in fact, find, all right --

23 MR. LEVENDUSKY: Right.

24 UNIDENTIFIED SPEAKER: -- that states it was a
25 much higher number. But, for whatever reason, the number

1 that was communicated was miscommunicated and was grossly
2 understated.

3 MR. LEVENDUSKY: Okay.

4 UNIDENTIFIED SPEAKER: So we were all surprised --

5 MR. LEVENDUSKY: Right.

6 UNIDENTIFIED SPEAKER: -- with the numbers coming
7 out of Cambridge Heights, but they were, in fact, included
8 in a document that I do not believe was widely circulated at
9 the time.

10 MR. LEVENDUSKY: Right. Thank you. I appreciate
11 it.

12 UNIDENTIFIED SPEAKER: But your comments are, in
13 fact, spot on, and I'm happy to see that the partnership is
14 here tonight, not to stop development, but to support smart,
15 reasonable, balanced development, because I think that's
16 what we all need, especially in light of what's gone on in
17 the last ten years.

18 MR. LEVENDUSKY: Right.

19 UNIDENTIFIED SPEAKER: Because we don't want
20 Nutley to change. We're a deep rooted family town, and
21 that's how we want to keep it. But again, it's all about
22 balance.

23 MR. LEVENDUSKY: Absolutely.

24 UNIDENTIFIED SPEAKER: Thank you, Jim.

25 MR. LEVENDUSKY: Thank you very much.

1 MAYOR PETRACCO: Thank you.

2 Is there anyone else this evening that would like
3 to address the board of commissioners on ordinance number
4 3286?

5 Please state your name and address for the record.

6 MR. ODRIA: Michael Odria, 133 High Street. All
7 this talk about impact -- yes, it has impacted us, our
8 school system, especially us homeowners. Half our property
9 taxes -- well, I can speak for myself and my property tax
10 invoice. And, as Thomas Evans said to me, half our property
11 taxes go to the school system. And our property taxes have
12 been impacted by the school system since the past ten years.

13 In the past ten years, --

14 UNIDENTIFIED SPEAKER: Excuse me. Did anybody say
15 they weren't?

16 MR. ODRIA: Yeah, but they --

17 UNIDENTIFIED SPEAKER: You're making a point, all
18 right, that -- on a statement that no one has made.

19 MR. ODRIA: This is the point I'm trying to get
20 at.

21 UNIDENTIFIED SPEAKER: Okay. Go ahead.

22 MR. ODRIA: The kind of development I want for
23 Nutley --

24 UNIDENTIFIED SPEAKER: Right.

25 MR. ODRIA: -- as a homeowner -- I want some of

1 this tax burden taken away from me, and one way to do that
2 is by creating more business in this town, just more
3 business. Because, from what I understand, Clifton -- they
4 have a big tax burden relief by the shopping malls that
5 they.

6 UNIDENTIFIED SPEAKER: Right.

7 MR. ODRIA: If they didn't have that, those
8 homeowners --

9 UNIDENTIFIED SPEAKER: Right. And Nutley's is the
10 ninth largest city, I might add, in the state of New Jersey,
11 but go ahead.

12 MR. ODRIA: Yeah, if they didn't have that, their
13 tax burdens would be more. If all that business on, like,
14 Clifton -- comes and goes in Clifton was on the Nutley side,
15 my tax burdens would be a lot less. I would imagine so. I
16 mean, but what I'm trying to say is I really don't want to
17 hear any excuse.

18 Because let's say we build more residential. Of
19 course, more kids are going to go into our school system.
20 Our schools are already maxed out, from what I understand.
21 I think we have 4,500 students in our public school system,
22 out of all the 7 schools, if I'm not wrong. I think that's
23 what it is.

24 But they're already maxed out. It's going to have
25 to come to the point if we bring in more residents into

1 Nutley, they're going to have children. They're going to
2 bring kids, and it's going to come down to one day where you
3 guys or maybe the next people who take over -- they're going
4 to say oh, you know, we're going to have to build two more
5 schools. And guess what's going to happen. You Nutley
6 homeowners are going to have to pay for it.

7 MAYOR PETRACCO: But, Michael, would you rather
8 see a mall built like they did in Clifton Commons? Do you
9 think that that has no quality of life issues attached to
10 it? The traffic, you know, --

11 MR. ODRIA: As a business owner, --

12 MAYOR PETRACCO: No, but I'm saying --

13 MR. ODRIA: Here's a business owner --

14 MAYOR PETRACCO: But I'm just asking a question so
15 we're clear tonight.

16 MR. ODRIA: I am clear about one thing. I am
17 total business. I am even corporate America. Trust me.
18 Anything to stir, create more -- if you want to build
19 another Tucci Store -- I mean, Forpauls (ph), more power to
20 you. Build three more in this town or two more.

21 UNIDENTIFIED SPEAKER: Love to.

22 MR. ODRIA: So you can hire more people. And that
23 would relieve everyone's tax burdens. Like they said,
24 entrepreneurs here in this town -- they help us. I mean, a
25 couple weeks ago, we had some guy here who has --

1 UNIDENTIFIED SPEAKER: I don't think we disagree
2 on this point.

3 MR. ODRIA: So all right. So let's stick to
4 business.

5 UNIDENTIFIED SPEAKER: Agree.

6 MR. ODRIA: Let's stick to business.

7 UNIDENTIFIED SPEAKER: But again, we also have to
8 agree on balance. Do we agree about a balanced approach and
9 not a lopsided approach?

10 MR. ODRIA: What I'm --

11 UNIDENTIFIED SPEAKER: In residential or business?

12 MR. ODRIA: Well, I'm more conservative. I'm for
13 business than residential. I'm straight upfront. I want
14 more business in town.

15 UNIDENTIFIED SPEAKER: And, in this instance,
16 Michael, so am I. I agree with you.

17 MAYOR PETRACCO: Thank you.

18 Is there anyone else this evening that would like
19 to address the board of commissioners on ordinance number
20 3286?

21 MS. LANDRY: Pennie Landry, 135 Lakeside Drive. I
22 just have a question. This ordinance is to add a section to
23 our township code, correct?

24 UNIDENTIFIED SPEAKER: Yes.

25 MS. LANDRY: Okay. Thank you. So it adds section

1 700-22.1, correct?

2 UNIDENTIFIED SPEAKER: Yes.

3 MS. LANDRY: And was this new section in its
4 completion published anywhere for review of the citizens of
5 Nutley?

6 UNIDENTIFIED SPEAKER: I'll defer to the clerk.

7 MADAM CLERK: The ordinance number 3286 entitled
8 an ordinance to amend chapter 700 of the code of the
9 township of Nutley entitled zoning adding section 700-22.1
10 permitted uses in M-2 zoning district to article 5 general
11 regulations was duly published in the Nutley Sun issue of
12 Thursday, June 19th, 2014.

13 MS. LANDRY: Was the section 700-22.1 in its
14 entirety published for the review of the citizens of Nutley
15 anywhere, including the township website, yes or no?

16 MADAM CLERK: No.

17 MS. LANDRY: Thank you.

18 MAYOR PETRACCO: Is there anyone else this evening
19 that would like to comment on ordinance number 3286?

20 UNIDENTIFIED SPEAKER: (Off-mike.)

21 MAYOR PETRACCO: Sure.

22 UNIDENTIFIED SPEAKER: (Off-mike.)

23 MAYOR PETRACCO: No, it's fine.

24 UNIDENTIFIED SPEAKER: Point of clarification --
25 the code of Nutley is online on the town website, isn't it?

1 UNIDENTIFIED SPEAKER: The code is online, yeah.

2 UNIDENTIFIED SPEAKER: But I went there today and
3 looked at it, code section 700. I just wanted to add that
4 as a point of clarification.

5 MAYOR PETRACCO: Sure, thank you.

6 MS. LANDRY: Pennie Landry, 135 Lakeside Drive. I
7 just have to say how disappointed I am that you say you have
8 a public hearing about changing our township code and you
9 publish one paragraph, which does not have any bit of the
10 information that the people need to understand how the
11 township code is being changed, and yet, the five of you say
12 that we have a transparent government. I am appalled.

13 How can people be behind, for, against, or
14 understand when you call yourself informing the people by
15 publishing an ordinance that is four pages long. And yet,
16 could you tell me how many pages section 700-22.1 will add
17 to our township code?

18 MR. GENITEMPO: No, I cannot.

19 MS. LANDRY: Can you give me a guesstimate, sir?
20 Have you read it?

21 MR. GENITEMPO: Well, it's four pages here. But
22 how long it would add to the code I have no idea. It would
23 take a response.

24 MS. LANDRY: Okay. So it's four pages.

25 MR. GENITEMPO: It would depend on the --

1 MS. LANDRY: Is there a copy here for people to
2 review at the public hearing?

3 MR. GENITEMPO: A copy of the ordinance?

4 MS. LANDRY: Is there a copy of section 700-22.1?

5 MR. GENITEMPO: Ms. Landry, right here.

6 MS. LANDRY: Can you give me your copy?

7 MR. GENITEMPO: Sure.

8 MS. LANDRY: Sure, great, thanks. (Off-mike.)

9 So I would like to (off-mike).

10 MR. GENITEMPO: I answer to the mayor. I can only
11 tell you that this was introduced in the public meeting --

12 MS. LANDRY: It was (indiscernible) --

13 MR. GENITEMPO: -- on June 10th. It hasn't
14 changed in terms of the language. It's the same one we put
15 forward as an introduction.

16 MS. LANDRY: I am asking for ten minutes --

17 MR. GENITEMPO: (Indiscernible.)

18 MS. LANDRY: -- as a member of the public to
19 review this.

20 MR. GENITEMPO: That was the process by which the
21 ordinances are voted on. We follow the process. We follow
22 the law. Thank you.

23 MS. LANDRY: Okay. You followed the law by
24 publishing this so it could be reviewed by the public? Are
25 you saying that, Mr. Genitempo?

1 MR. GENITEMPO: The publication is for notice --

2 MS. LANDRY: Was this published?

3 MR. GENITEMPO: -- to notify the public that an
4 ordinance will be introduced.

5 MS. LANDRY: I was here at that meeting, sir, at
6 the first public meeting where you tabled it, and this was
7 not available.

8 MR. GENITEMPO: (Indiscernible.)

9 MAYOR PETRACCO: Counsel?

10 MS. LANDRY: This is a process.

11 MAYOR PETRACCO: Counsel?

12 MR. GENITEMPO: Yes.

13 MAYOR PETRACCO: Ms. Landry, if you're asking for
14 ten minutes, we could grant you ten minutes.

15 MS. LANDRY: Thank you.

16 MAYOR PETRACCO: Not a problem.

17 COMMISSIONER SCARPELLI: Let's see if anybody else
18 wants to comment. I have a statement to read, so that'll
19 take up some time.

20 MS. LANDRY: (Off-mike.)

21 MADAM CLERK: Excuse me, Mayor.

22 MAYOR PETRACCO: We have a comment.

23 Yes.

24 MADAM CLERK: It is now 8:35 p.m. I will set the
25 timer for ten minutes.

1 MAYOR PETRACCO: Thank you.

2 MR. LEVENDUSKY: It wasn't my intention to have
3 sort of a back and forth with a member of the public, but I
4 read the ordinance in the Nutley Sun. It was published.

5 MS. LANDRY: Uh-huh.

6 MR. LEVENDUSKY: And I also read, you know,
7 section 700 online because I wanted to see what the changes
8 actually impacted. So I actually went to the ordinance on
9 the town website. And also, it so happens that Suzanne
10 Beadle, who's vice president of the Nutley Community
11 Preservation Partnership, emailed Evelyn Rosario, the
12 township clerk for a copy, and Evelyn very promptly and
13 courteously emailed her a scanned copy.

14 So thank you very much.

15 MADAM CLERK: You're welcome.

16 MR. LEVENDUSKY: As far as I'm concerned, it seems
17 very transparent. Just my opinion.

18 MS. LANDRY: Excuse me. (Off-mike.)

19 MR. LEVENDUSKY: (Off-mike.)

20 UNIDENTIFIED SPEAKER: All of the ordinances that
21 you publish in the Nutley Sun are also on the website New
22 Jersey Press Association, and you can find it there as well
23 when you do a search on the New Jersey Press Association
24 site.

25 MS. LANDRY: You know what? (Off-mike.)

1 UNIDENTIFIED SPEAKER: Ordinances, no. Proposed

2 --

3 MS. LANDRY: (Off-mike.)

4 MAYOR PETRACCO: What we're going to do -- excuse
5 me, guys. We're not going to have a debate on that right
6 now.

7 Commissioner Scarpelli, if you'd like to comment.

8 COMMISSIONER SCARPELLI: Just very briefly.

9 Anybody further?

10 MAYOR PETRACCO: Excuse me?

11 COMMISSIONER SCARPELLI: Anybody further from the
12 public?

13 MAYOR PETRACCO: Is there anybody from the public
14 that would like to comment on this ordinance number?

15 Seeing no one, --

16 COMMISSIONER SCARPELLI: Thank you, Mayor.

17 This ordinance, which I first introduced over a
18 year ago, is consistent with our master plan of 2012 and
19 allows the township to exert some control over this area's
20 redevelopment. Over 800 multi-family dwellings exist in
21 this area of town already. When is enough enough?

22 Over 100 years ago, our predecessors made the
23 decision to limit the development along the Third River.
24 What resulted was a beautiful park system which runs
25 throughout our town. We need to exhibit that same vision.

1 Our responsibility as town's leaders is not to
2 acquiesce to the current market that favors the construction
3 of rateable (sic) apartments but to lead and to plan. Our
4 charge is to leave the next generation an attractive,
5 vibrant town that preserves our property values.

6 As elected officials, we must determine what that
7 area of town will eventually look like instead of letting
8 others dictate our future. We can chase rateables, but at
9 what cost.

10 Our schools are bursting at the seams. Our
11 infrastructure is strained, and the traffic at Park Avenue
12 and River Road is ridiculous.

13 The character of our town is threatened to change
14 from one based on single family homeownership and investment
15 to one based on high-density, multi-family rental properties
16 with residents that have no long-term stake in our
17 community. There are other multi-family projects in other
18 areas of town in the planning stage. We still do not know
19 how many and what kind of residential properties will
20 eventually end up on the Roche site.

21 I ask you again. When is enough enough? This
22 commissioner believes that over 800 multi-family units in
23 this confined area is too much. This ordinance is not
24 perfect nor the final solution to the East Centre Street
25 corridor redevelopment but is a good first step in gaining

1 control.

2 And, if this ordinance was to pass, I'm asking my
3 colleagues to send this back to the planning board to have
4 them study this area, come with an overlay zone, and we give
5 them the timeframe of six months to complete that study.

6 Thank you.

7 (Applause)

8 MAYOR PETRACCO: Commissioner, do you have any
9 comments?

10 COMMISSIONER TUCCI: I think it's fair. Give a
11 lot of credit for standing by your convictions. I think the
12 six-month time limit is a good thing. So (indiscernible)
13 currently say that's something that --

14 MAYOR PETRACCO: Thank you.

15 Commissioner Evans?

16 COMMISSIONER EVANS: Yeah, just a few comments.

17 When I look at the zone, things as a commissioner that
18 become very important to me. I don't ever think we should
19 ever look at anyone who is living in that section who
20 doesn't own a single-family home and suggest to them that
21 they are not part of Nutley. Every resident, every property
22 owner is part of Nutley, and we have to be certain that, as
23 we think about the future, we're being inclusive of every
24 one of those residents.

25 They're all taxpayers. They all have families.

1 They all have aspirations.

2 I think there are other things that are impacting
3 us as we look to the future. There are major changes and
4 are, in effect, megatrends that are influencing how the
5 future is going to evolve.

6 And I agree with you, Commissioner, that we need
7 to study that. And it's important to understand that.
8 There is a very significant trend towards organization. As
9 you've been seeing in the paper, there are significant
10 challenges to homeownership because of other debt criteria
11 and the uncertainty of the job market, and people are
12 looking for options.

13 If you look at our census data, we have quite a
14 few residences in town where long-term, you know, Nutley
15 families are empty nesters today. Some of them are seniors.
16 So providing them with alternate type housing options, I
17 think, is a very important aspect of what our planning
18 should be.

19 And I also think that in some elements of this --
20 and I absolutely agree with the need for planning -- is
21 that, if we are able to look at this area and not
22 necessarily say well, I've got 800 units -- I don't know
23 right now whether 800 units is too much or too little. I
24 really don't.

25 I really think about the area and say if we were

1 able to look at that area, which includes the big blue area
2 in the back corner, that's actually Sleepy Hollow. Right?
3 That complex has been there since 1981. It currently has a
4 number of students that are in the school system, and, on
5 average, they're paying \$23,000 a person to support the
6 school system out of that complex. So there is value there.

7 But, if we look at it, they're on the back end.
8 They're in the back. Right? And so, those residents, for a
9 lot of years, were looking at industrial property, property
10 that was neglected.

11 Today they're looking at a different type of
12 community. So, if we take this as an opportunity to sit
13 back and say in light of the factors that we know we face
14 and changes that are occurring because of generational
15 differences, demographic differences, and the opportunities
16 of the future and look at this area to say what could we
17 create there, how will we open it up -- because, even if we
18 look at even the B-4 zone, some of the things that we're
19 suggesting that are allowable there in the B-4 zone aren't
20 realistic that we would ever attract them.

21 We have in the big blue zone a yellow patch, which
22 happens to be one commercial owner, property owner who says
23 his business is entirely surrounded by residential housing,
24 and he's not on a main street. He's actually -- you have to
25 go through a road, an access road to get to his property.

1 To tell him that we don't want residential without a plan is
2 actually telling that property owner that we're actually
3 hurting his property value, because we're not providing that
4 solution for the future.

5 So, in your comments, Commissioner, I was
6 listening for and I heard how important it is for us
7 organized planning process, that we shouldn't just take the
8 master plan as it was built. In light of the decisions that
9 have already been made, some of the things that are in the
10 master plan may not be really relevant today. But actually
11 step back and really look at this with an interest that says
12 how do we evolve this. Let it take shape.

13 Some of this stuff that could be there could
14 create a wonderful village concept that would incorporate
15 all of these residents, and we have to also respect the fact
16 that, given where we are with our schools today and given
17 where we are with the educational changes that have occurred
18 -- and Charlie Kucinski's here, the school board president
19 -- that the crowding issue is not going to be stopped by
20 saying no more apartments or no more residential. The
21 capacity that we have in the town already creates that
22 issue.

23 What we have to come to is what's the plan and how
24 we're going to address that. If we're going to meet the
25 federal requirements in everything we do in Nutley, which is

1 to meet the needs of our special needs children, it takes
2 space to do that.

3 Years ago when the school system was built, we
4 didn't have technology that we have today. So we need
5 technology curricula for our children. It takes space to do
6 that.

7 Today we have a full-time kindergarten. Years
8 ago, you know, we didn't have it. It was a half-day. It
9 takes space to do that.

10 So schools that were built on a premise that
11 doesn't exist in education today have to be addressed, and
12 there needs to be a plan. So with this, I think, is part of
13 that planning process.

14 I strongly encourage that we actually also suggest
15 that we need a reasonable plan on how we are going to
16 address our schools to recognize that a 21st century
17 education has different requirements than a 20th century
18 school system in terms of the infrastructure and actually
19 include that and say we would want to hear about how we
20 address this, but let's also make sure we have something in
21 place that says, for the residents of the town, we can be
22 reasonable in planning it out and actually demonstrating
23 that vision.

24 You called out the art complex. You know, our
25 forefathers had some real vision to say that's going to be

1 wonderful. No matter what, we need to preserve that, and we
2 have it today, and it's beautiful. I'd like to have the
3 same feeling about how we think about this area and
4 ultimately how we think about Roche that basically continues
5 for Nutley to always build that strong sense of community
6 and inclusion for all of our residents.

7 So I thank you for indicating that this would be,
8 in effect, a plus to allow some longer term planning to
9 occur within a timeframe of six months. I appreciate that.

10 MAYOR PETRACCO: Thank you, Commissioner Evans.
11 Commissioner Tucci?

12 COMMISSIONER TUCCI: Yes. I won't be as long as
13 Commissioner Evans, but I do have a few comments to make.

14 COMMISSIONER EVANS: That's the most I've said all
15 year.

16 (Laughter)

17 COMMISSIONER TUCCI: But his points are very well-
18 taken.

19 I've supported this ordinance from the beginning,
20 because my view is identical to Commissioner Scarpelli's
21 view. I think 800 units in any section of town is a lot.
22 All right?

23 I also agree with Commissioner Evans. All right?
24 We need to attract reasonable development. All right? And
25 the school system -- the impact on the school system is one

1 small part. And I don't know if my math is entirely
2 correct, but it's close. Since 2000, we've added about
3 2,000 apartments to this town. And I'm not against people
4 living in apartments. I think there's a place for everyone,
5 and Nutley is that kind of open place where people of all
6 backgrounds and all economic levels are welcome. Right?

7 But apartments, unfortunately, sometime create a
8 transient population, which runs contrary to what Nutley is
9 all about. Nutley is a deep-rooted family community.
10 That's what we need to preserve.

11 As a commissioner, I listed at our last
12 presentation by our planning board chairman, Mr. McGovern,
13 and our planner, actually the planning board planner,
14 Mr. Ricci. And they were talking about viewing just that
15 East Centre Street area and how the law dictates that they
16 need to do certain things. Well, we always abide by the law
17 here in Nutley, but I think the law takes a narrow view.

18 As commissioners, our responsibility is to step
19 back and to take a wider view, to do what's right for the
20 entire township, to strike that balance and to follow in the
21 footsteps of all those that came before us that planned this
22 town, be it the neighborhood schools, the neighborhood
23 parks, the type of services we offer and everything else
24 that's made Nutley Nutley.

25 I mean, look around us. There is no one like us.

1 There's no one like us absolutely on the Eastern section of
2 Essex County. And, if you look even to the West, there are
3 very few that are like us that offer what we offer.

4 A demographic change is something that no one will
5 ever prevent. All right? But a negative demographic change
6 is something that I will never embrace. And again, unless
7 we have reasonable planning -- and I think the
8 commissioner's timeline of six months is a reasonable one so
9 that it's not something that falls into a black hole and
10 never comes back out -- is something that's important. It's
11 time-specific, and we will be able to plan as a community
12 what this township is going to look like for the next 100
13 plus years.

14 I totally support this ordinance, and I think
15 everyone brings a different perspective. But I think, at
16 the end of the day, it's the same perspective. It's about
17 Nutley and preserving what we have.

18 MAYOR PETRACCO: Thank you, Commissioner.

19 I will --

20 UNIDENTIFIED SPEAKER: (Off-mike.)

21 MAYOR PETRACCO: No, you can comment. Just come
22 to the mike and state your name and address for the record,
23 please.

24 MR. ALESSIO: Carmine Alessio, 81 East Centre
25 Street. Obviously, I'm in that area. Been there with my

1 family since the 1920s, fourth generation.

2 I know Mr. Scarpelli is trying to adopt this
3 ordinance, the 700-22.d or something. Like I --

4 MAYOR PETRACCO: It's actually -- just for the
5 record, it's ordinance number 3286.

6 MR. ALESSIO: That's the one about the -- okay,
7 3286.

8 MAYOR PETRACCO: Yeah. Okay.

9 MR. ALESSIO: I'm kind of like wondering, if it is
10 adopted if it will, like, stick. Will someone be -- a big
11 contractor be allowed to come in here and take a walk
12 through Mr. Debiazi's (ph) office and say can you help us
13 out and we wanted to put another 35 units somewhere in that
14 area. Is that possible to do that in the M-2 zone now,
15 after --

16 MAYOR PETRACCO: Well, I think --

17 MR. ALESSIO: -- we're trying to create something
18 here to stop all of these multi-dwellings and garden
19 apartments.

20 MAYOR PETRACCO: Well, I don't think it's all
21 multi-dwelling. It's --

22 UNIDENTIFIED SPEAKER: This will eliminate the
23 Garden Apartments, which would be, --

24 MR. ALESSIO: Garden?

25 UNIDENTIFIED SPEAKER: -- in essence -- the

1 allowed uses would not be residential in that zone, but
2 there will be -- what we're doing is taking it back to the
3 planning board to get a better plan. But, as a pause, as a
4 way of getting the control and eliminate residential in that
5 zone, yes, there will be no residential allowed in that
6 zone.

7 MR. ALESSIO: There will be -- maybe -- no
8 residential --

9 UNIDENTIFIED SPEAKER: Be no residential allowed
10 in that zone if this ordinance were to pass.

11 MR. ALESSIO: No residential apartments; is that
12 what you --

13 UNIDENTIFIED SPEAKER: No residential at all.

14 MAYOR PETRACCO: Mr. Alessio?

15 MR. ALESSIO: Yeah, I'm just trying to understand.

16 MAYOR PETRACCO: Just very quickly -- just, if you
17 look at the board, the area highlighted in yellow -- that
18 would be -- those are the areas that would represent the M-2
19 zone, and those particular pieces of property would, under
20 this ordinance, would not be allowed to convert to
21 residential use without trying to go for a variance to do
22 that, which would be very, very difficult under the case
23 law.

24 So, until a plan is in place, which we've said,
25 Commissioner, is six months?

1 UNIDENTIFIED SPEAKER: Yes.

2 MAYOR PETRACCO: Where someone would sit back and
3 come back with a recommendation as to how we should plan
4 this area. It would, in effect, put a freeze on residential
5 development in those particular areas highlighted in yellow.

6 MR. ALESSIO: Yeah, the reason why I'm kind of a
7 little skeptical is because at 5070 Centre Street when they
8 went into the B-4 business zone with the 35 units and the
9 underground garage, I just know for a fact that that just
10 opened up a can of worms to have another developer come in
11 and say hey, look, you know, this has been done. You know,
12 will this --

13 UNIDENTIFIED SPEAKER: Mr. Alessio, I understand
14 your concern. This doesn't affect the B-4 zone at all, but
15 that area -- again, we're going to send that back to the
16 planning board, and they're not just going to look at the M-
17 2, M-1 zone. They're going to look at that whole area and
18 how we can plan for the future and have smart development
19 there that complements what we already have there.

20 MR. ALESSIO: That sounds good. I mean, it should
21 -- I think this should have been backtracked before, a
22 couple of years ago, but, you know, I see we're making an
23 effort here.

24 The other thing that I wanted to ask, if I can
25 remember now, is I think six months is a good allowable time

1 to, like, you know, visualize what could happen. But, in
2 the meantime, if a developer decides to come in within six
3 months, put multi-dwellings or garden apartments in, that
4 could be possible, right?

5 UNIDENTIFIED SPEAKER: Based on case law, that
6 would probably be next to impossible.

7 MR. ALESSIO: That answers that. So obviously, I
8 don't want any more of these garden apartments around, like
9 any -- you know, like you said, the bridges are congested,
10 and everything's congested, and the facilities, law, schools
11 are overcrowded. And I just feel that maybe if it's a good
12 look at within six months, we could even see how the big
13 commercial stores that are at 5070 Centre Street, if they do
14 get rented.

15 Because I know there's, like, six of them that
16 aren't rented yet, and one is just a convenience store, and
17 I don't see any kind of traffic there. And my opinion is,
18 being there all these years, I just see that that could be a
19 total disaster. That's just my opinion.

20 MAYOR PETRACCO: What's that? The stores or --

21 MR. ALESSIO: Well, the project, in general,
22 because you have with the way it's set up with the B-4
23 business and the apartments that are trying to outshine
24 everything and be like high class, I think with one owner
25 there, it's -- you know, things could go sour. But, you

1 know, I stated this years ago, but I guess tax revenue is
2 the answer. As long as we get some tax in, who cares, you
3 know, what happens?

4 But I'm concerned, because my property -- I'm in a
5 postage stamp kind of house over there. And to have what's
6 been going on in my neighborhood doesn't help my one-family
7 dwelling. And, as far as the assessed value, to be there
8 for pretty much a lifetime, 25 years, to have an assessed
9 value of commercial property, which kind of inflated the tax
10 bill a little bit. But I knew that the property, being
11 commercial land, had some value to it.

12 And now, with the -- I call, like, the mish-mosh
13 that's going on down there, my home property actually
14 assessed value went down like about \$94,000. And that's a
15 pretty big buck when you're talking about something that's
16 pretty much worth next to nothing.

17 I mean, the only thing that it had going for it
18 was commercial straight -- prime commercial land use down
19 there. And now, you know, as I get older -- I'm in my late
20 fifties. What kind of equity can I get out of that house?
21 It's like next to nothing.

22 And, with what's going on down there right now,
23 I'm under the assumption that I'm being driven out of where
24 I live, and I know that Mr. Evans said that about one-family
25 homes -- we want everybody to be comfortable, this and that.

1 I can't, like, actually mimic what he said, but that's how I
2 feel about my property is that it's gone down. There's no
3 more equity there. It's like what am I going to -- I'm
4 stuck there.

5 And, to have an empty lot next door to me that's
6 kind of like a dump site, I guess I don't feel like I'm
7 being treated fairly. I have an empty lot that's B-4
8 business, and it's pretty much a dump site. I mean, I would
9 everybody to take a look at that area and maybe not for me,
10 because I don't have -- I'm not going to have to answer to
11 God. You people are. And I just don't see the rationale
12 here of what's going on.

13 It's like -- it doesn't make sense to have -- I
14 don't know. Somebody's got to figure something out, because
15 the governor's office can't. Nobody can. And I just think
16 it's like a disgrace.

17 I mean, I have an eight-foot wall, like, behind my
18 property line. That does not make any sense. I mean, like,
19 where is the water? Live a lifetime in a neighborhood and
20 then have someone come along who's got a couple of bucks in
21 his pocket put a solid eight-foot, six-foot deep footing --
22 I mean, what happened to the old picket fences?

23 And the other day, as -- well, yesterday,
24 actually, with the way it's been flooding and our
25 environment's been changing, the floods down there are like

1 -- there's a lake on the crest of the hill. Like, it's --
2 the storm surge (sic) coming in from all of these garden
3 apartments they travel down East Centre Street, and it's --
4 I actually seen on the bottom of River Road the manhole
5 covers, like, come up into the sky like the cartoon movies.
6 I mean, somebody really should take some time and canvas the
7 area. You know?

8 Even in the rain -- that's what I do in my
9 business. If someone has a water problem and they need some
10 kind of a drainage fixing, gutters, like, diverted, I go out
11 when it rains, and I take a look and see how I could manage
12 my business. And I really expect the town to try to manage
13 all of our business by doing the same thing.

14 So that's basically all I have to say. I mean, I
15 said enough, but I just -- I'm disappointed with the empty
16 lot next door to me. How could somebody live, like, behind
17 it? I mean, it's actually a dump site.

18 And I did call the health department. No one
19 seems to care. They don't take calls. But, you know, I
20 don't get to come to these meetings much because I feel like
21 I'm in a losing battle, but I just made this one because,
22 like, this is, like, the end of the road for me. Like, --

23 MAYOR PETRACCO: Mr. Alessio, I have one question
24 for you because I know your family's been down there for a
25 long, long time, many years, all that. In your opinion, do

1 you think that that -- let me ask it this way. When Maaco
2 was there and all that commercial property was there -- and
3 I know that firsthand that it was -- some of it was
4 abandoned -- would you rather that stayed like that, or
5 would you rather -- what's the balance? That's the --

6 MR. ALESSIO: You know, Mayor Petracco, your
7 scenarios are like off the wall sometime. I'm a business
8 head. Okay? I like the body shops and that. If they
9 conform to the state laws, like having the --

10 MAYOR PETRACCO: Right.

11 MR. ALESSIO: Like the exhausts, like, up in the
12 sky a certain amount of feet, --

13 MAYOR PETRACCO: Right.

14 MR. ALESSIO: -- you know, my complaints in the
15 past were exhausts that were, like, on the roof level.
16 Nobody forced anything. Okay? If business is done
17 properly, like the body shops -- like, if on top of the
18 hill, there's a body shop that's been empty.

19 MAYOR PETRACCO: Right.

20 MR. ALESSIO: Proper planning. A little business
21 would have been fine there, but to put, like, -- this is a
22 good scenario. If somebody's going to, like, have a car
23 fixing body shop and they have, like, 20 parking spots and
24 their business calls for, like, 150 cars, like, how do you
25 fit them on -- it's like there's no -- it's not done -- the

1 code enforcing is not properly done.

2 It's like when I bought my house from grandpa,
3 which has been there since the 1920s, they said, Carmine --
4 he's a little landscaper. As long as he keeps his van in
5 the back and it's a commercial order (sic) and we're paying
6 commercial land and all of that, fine, as long as I don't
7 disrupt the neighbors, put giant trucks there with rotten
8 grass that ferments, like, in three days, like, when it's
9 hot, everything's fine.

10 And I seem to keep my road of what I'm doing, but
11 down in that section, it seems to be the garbage pit for
12 everybody. It's like send everybody down there. I feel --
13 you know, oh, this guy's landscaping. So evidently, next
14 door to him we could put landscaping and trucks on an empty
15 lot.

16 It's my assumption that, when that house was there
17 initially 10, 15 years ago or 10 years ago, that, if someone
18 knocked down the house, that you were to replenish it with
19 another building, a commercial building. Because, once the
20 house goes, that's the zone, B-4 business zone.

21 But, no, someone could come up in there because
22 they have a little political tie in our property, and they
23 can go in there and run it to the ground, which makes my
24 property worthless. I can't -- who would want to buy my
25 one-family house when there's a dump right next to me? I

1 mean, like, I like how you go about your scenarios, but --

2 MAYOR PETRACCO: Thank you.

3 MR. ALESSIO: You know, like, you told me, like,
4 about the apartment building, the 35 units with the
5 underground garage over there. Like, I mean, it does not
6 fit. It doesn't abide to the resolution that was made about
7 the size of the building. Nothing's right.

8 It's not -- I don't know. People should go to
9 jail for what they've done down there, but, you know, I'm
10 not the creator of who should go to jail and who shouldn't.
11 But it's not right.

12 I mean, like, I'm 58 years old now. My house
13 assessment went down 94,000. To \$1,000 less in tax I could
14 care less. It cost me more money to write out certified
15 letters and send things to the governor and complain. I
16 rather just much pay the right amount and have the right
17 thing done.

18 MAYOR PETRACCO: Okay. All right. We appreciate
19 your comments. Thanks for coming.

20 MR. ALESSIO: Thanks for having me here.

21 MAYOR PETRACCO: Thank you very much.

22 MR. ALESSIO: You need any more information, I
23 could supply it.

24 MAYOR PETRACCO: I know you will. Thank you,
25 Mr. Alessio.

1 Before we continue, I'd just like to have my time
2 to comment on ordinance number 3286 as well. I'll let the
3 sirens pass.

4 One night not too long ago, I was talking to
5 Commissioner Scarpelli outside this very building, and he
6 said a quote from Harry Chenowith, who I think we all looked
7 up. And I'm sure Joe knows what that quote was.

8 But the quote was when there's a little rowboat on
9 a lake and it causes a little ripple in the middle of the
10 lake, it's not a big deal until it hits shore. And, when
11 that ripple comes flying in, it becomes a big wave. And I
12 think that has to do a lot with what we're doing tonight and
13 to have the vision of the future like our forefathers had
14 for us.

15 I don't think that this ordinance is so cut and
16 dry. I think that there's a lot to this. I think it's a
17 very important ordinance.

18 I talk to many, many people in town all the time,
19 and I talk to -- and, if you -- there's people that I talk
20 to that are saying to me we're pro development because I
21 can't afford another penny in taxes in this town. So,
22 please, Mayor, whatever you have to do, let them build. Let
23 them do what they have to do, because I don't want to take
24 my kids out of the school system here. They have a couple
25 of years left.

1 And then, I meet people that have a few dollars,
2 and they say to me, Mayor, please, I don't care if weeds
3 grow out Hoffman LaRoche. I don't care what happens in East
4 Centre Street. I'll pay the extra money in taxes, because I
5 could afford to do it.

6 So I don't think it's as cut and dry of what we're
7 trying to accomplish here. You know, sitting in this chair,
8 we're constantly trying to strike a balance that everyone
9 could live with. And could tell you in these trying times
10 with Roche leaving, with development on East Centre Street,
11 with families that have been there for years, it's not easy
12 to sit up here and get fingers pointed at you and some
13 people telling you you're doing a great job and some people
14 telling you that you don't deserve to be elected.

15 But basically, we're all volunteers up here. And
16 the one thing I want you all to leave with tonight -- we
17 live in this town. We live here. We pay taxes here. We
18 send our kids to school here, and I send my kids to school
19 here. So we're here because we love the town, and we don't
20 want to see it change.

21 However, there's things that in life, in my
22 opinion, that you can't stop, and progress is one of them.
23 I told the story -- and I'll be very brief. I was going to
24 a function at the Brownstone a couple months ago, and pretty
25 much, to avoid driving through Patterson, we always turn

1 left to go up the hill and, you know, stay on kind of the
2 top of the hill. But we were talking, and we winded up
3 driving through Patterson.

4 And I could tell you when we were on -- I think
5 it's Union Boulevard, the Totowa Boulevard going through
6 Totowa, it's very well-lit. They've kept up with
7 development. There's new buildings there. As soon as you
8 turn over into Patterson, it's very dark and gray, and all
9 those buildings are from pre-war and outdated, and they
10 haven't developed at all there.

11 Is that what we want for Nutley? Do we want to
12 stop development totally? Do we want our buildings to get
13 dark? God knows we have a lot of empty stores on Franklin
14 Avenue now. God knows that we're in a terrible economy
15 right now.

16 But what I'm trying to say is it's not where you
17 sit, but it's where you stand in life. It depends on what
18 side of the fence you're on.

19 You have a few dollars. It's very easy to say I
20 don't want one leaf overturned in Nutley. If you don't and
21 you're struggling, you're a family that's struggling, you're
22 trying to keep your family in this town, then you say look,
23 do whatever you have to do. Just please don't make the
24 taxes go up.

25 So, with that being said, we're trying to strike a

1 balance up here. I think what we need to do, before we
2 continue on developing, is have a plan. I'm glad to see the
3 president of the board of ed. here, Charlie Kucinski, who's
4 a very dear friend of mine, and I think he does a great job.
5 And I know he loves the town.

6 But I think we have to get these schools under
7 control, and we need to understand what it is that they
8 could -- they're capable of handling. And what do we have
9 to do to make the necessary changes and the investment and
10 the dollar amount and have some type of business performer
11 (sic) moving forward in order to say yes, we can or no, we
12 can't.

13 But I'll tell you we have something very big
14 coming up, and that's Hoffman LaRoche, and there's going to
15 be a lot of people knocking on our doors in the near future.

16 And, you know, they're a \$10 million rateable,
17 Commissioner Evans?

18 You know, so, you know, it's --

19 COMMISSIONER EVANS: They were less today.

20 MAYOR PETRACCO: They're less today than that?

21 COMMISSIONER EVANS: Less today. About 78, about
22 7.8.

23 MAYOR PETRACCO: But they were at ten?

24 So I think what we need in retrospect is to have a
25 plan here, to work with our board of education to see what

1 improvements we need to make on these schools in order to
2 stay the course.

3 Now, development is a very, very tough thing, as
4 Mr. Alessio said. It's okay. Let's build, until it's in my
5 back yard. So, when it's in my back yard, all of a sudden,
6 it's like we don't want it here. You know? And that makes
7 it very difficult.

8 I believe in the process. I believe in the
9 planning board, and I believe in the zoning board. And I'm
10 committed to say and to follow through on this that every
11 application should be presented to these boards. And I
12 appeal to the Nutley residents to get involved. If there is
13 something going up in your area that you're against, please
14 come out and speak to it.

15 Listen to the testimony. These microphones are
16 here for a reason. They're not just for us. Please come
17 and voice your opinion. Because ultimately, it's not what
18 the five of us want, and it's not what the planning board or
19 zoning board wants. It's what the residents and the
20 majority of the town wants here.

21 And that's what we need. We need people to get
22 involved.

23 Another thing I spoke about was impact fees. And
24 I know that our attorney, Alan Genitempo, and I need to
25 discuss that further. But, if we're going to allow builders

1 and developers to come into our town, we need to hold their
2 feet to the fire.

3 We need to let them know, if there's an impact, if
4 there's a school that has a trailer in front of them and
5 they want to build apartments or townhouses or condos or
6 what have you, they need to pay for those improvements to
7 the town. We cannot push that burden onto our taxpayers.

8 So, with that being said, I don't want to be too
9 long. I am going to take a pause and vote on this
10 ordinance.

11 And you'll have your minute. Okay? But I am
12 willing to take a pause.

13 But I think it's very, very important that we
14 don't want to chase out developers out of Nutley. And we
15 need to make it that it is somewhat appealing for them to
16 come here. Because what I've been saying by passing this
17 ordinance also -- developers are not going to be interested
18 in going through that extra layer to make that extra dollar
19 amount investment to see if they could get something passed.

20 So I'm committed, Commissioner Scarpelli, that six
21 months from now, we revisit this. I don't think it should
22 be seven months, nine months, a year.

23 I think that this is a very hot topic in Nutley
24 right now, and I think that six months from now we should be
25 revisiting this. I think that we should work with the board

1 of education as well to see what the school issues are and
2 how we address them before we go forward on any future
3 development. Thank you.

4 Ms. Landry?

5 MS. LANDRY: Pennie Landry, 135 Lakeside Drive.
6 And thank you for giving me the time to read this, and I
7 respectfully request that for future public hearings, that
8 the actual document to be voted on be included as part of
9 the published agenda and also included on the website. And
10 that is a request.

11 I had the opportunity to read it, and it says that
12 whereas section 6.5 of the 2012 master plan encaptioned
13 general commercial provides along Washington Avenue and East
14 Centre, the general commercial area -- it says that these
15 areas are not viewed as sites for increased residential
16 development or mixed use development. My question is that
17 particular area of town -- is that where the mixed use
18 Mr. Mecca (ph), East Centre Street residential was built?

19 UNIDENTIFIED SPEAKER: I don't know what you're
20 pointing to.

21 MS. LANDRY: Well, if you say where -- you see
22 right here where it says whereas section 36.5 of the master
23 plan? It's paragraph one, two, three four, paragraph five.
24 It says these areas along Washington Avenue and East Centre
25 Street are not viewed as sites for increased residential

1 development or mixed use development.

2 What I would like to know is is that where
3 Mr. Mecca's East Centre residential mixed use development
4 was built, even though it was, in our 2012 master plan, said
5 that this area is not viewed as a site for residential
6 development.

7 UNIDENTIFIED SPEAKER: It's our master plan, but
8 there was no change in the zoning. This is the change in
9 the zoning in compliance with that master plan. So, even
10 though the master plan stated that --

11 MS. LANDRY: The master plan stated it, but we did
12 it anyway?

13 UNIDENTIFIED SPEAKER: But there wasn't any change
14 in the zone.

15 MS. LANDRY: Okay.

16 UNIDENTIFIED SPEAKER: What the master plan is is
17 a plan.

18 MS. LANDRY: Okay.

19 UNIDENTIFIED SPEAKER: The change -- you have to
20 change the ordinance --

21 MS. LANDRY: But we didn't listen to the master
22 plan; is that accurate?

23 UNIDENTIFIED SPEAKER: We're listening to it now.

24 MS. LANDRY: Okay. So you're listening to it now
25 by changing a zone or creating a new zone, correct? This is

1 the creation of a new zone called M-2, correct?

2 UNIDENTIFIED SPEAKER: Correct.

3 MS. LANDRY: And the permitted uses in M-2, as I
4 read in number 3, are any uses permitted in B-4. Okay? And
5 this may be a typo, but it also says any use in building
6 permitted in M zoning district. Should that be M-1?

7 UNIDENTIFIED SPEAKER: No, it's correct. It's M
8 zoning district.

9 MS. LANDRY: Okay. But the only thing that's
10 referred to in this document is M-1. So what zones are
11 included in M?

12 UNIDENTIFIED SPEAKER: M is -- let me read the
13 permitted uses in M.

14 MS. LANDRY: Okay. What are the permitted uses in
15 M, and should those be included in this resolution? Because
16 it only states this resolution only states M-1.

17 UNIDENTIFIED SPEAKER: No, you've got -- you're
18 taking this whole --

19 MS. LANDRY: It says right here --

20 UNIDENTIFIED SPEAKER: This is a section of a
21 whole -- the whole zoning ordinance. So you have --

22 MS. LANDRY: I just wanted to make sure
23 (indiscernible).

24 UNIDENTIFIED SPEAKER: The definition of what the
25 M zone is in there.

1 MS. LANDRY: Okay. So this says M-1 --

2 UNIDENTIFIED SPEAKER: The whole ordinance.

3 MS. LANDRY: -- on this resolution. So is it M,
4 or is it M-1?

5 UNIDENTIFIED SPEAKER: You're looking at two
6 separate paragraphs.

7 MS. LANDRY: Okay. So what are the -- you're
8 saying that M0-2 will include -- this is what I'm reading
9 here -- will include any use in building permitted in B-2
10 district --

11 UNIDENTIFIED SPEAKER: B-4o

12 MS. LANDRY: -- and any use in building permitted
13 in M zoning. Could you please read all permitted uses in M
14 zoning?

15 UNIDENTIFIED SPEAKER: Sure. Manufacturing,
16 compounding, processing, packaging, or treatment of --

17 MS. LANDRY: Can you go slower, please?

18 UNIDENTIFIED SPEAKER: Sure. The manufacturing,
19 compounding, processing, packaging, or treatment of goods or
20 materials, two, commercial warehouses; three, printing
21 establish; four, commercial warehouses; five, laboratories
22 for research analysis designed and/or experimentation.

23 MS. LANDRY: Okay. And yet, in this document
24 right here, it says in M-1, what is included is storage,
25 sales facilities for building materials, laboratories, take-

1 out food establishments, automotive sales, laundries, dry
2 cleaning, dying plants, planting (sic), commercial
3 greenhouses, light assembly, manufacturing, commercial
4 warehouses, and garden apartments. So we're changing --

5 UNIDENTIFIED SPEAKER: That's what is included in
6 the M-1 zone.

7 MS. LANDRY: And then, this document says that the
8 following uses are permitted in the M-2 zoning district,
9 which is any use permitted in B-4 and any use permitted in
10 M, which you said M includes M-1 and whatever these other
11 things are.

12 UNIDENTIFIED SPEAKER: And it goes on to talk
13 about the M-1 zone.

14 MS. LANDRY: Okay. So the M-1 and the M-2 zone,
15 that list that you read, this new ordinance includes both,
16 correct?

17 UNIDENTIFIED SPEAKER: Correct.

18 MS. LANDRY: So fast food, automotive sales,
19 garden apartments.

20 UNIDENTIFIED SPEAKER: No, not garden apartments.
21 That comes out.

22 MS. LANDRY: Okay. But that isn't how this reads,
23 sir.

24 UNIDENTIFIED SPEAKER: Ms. Landry, this has been
25 reviewed by the planning board, by --

1 MS. LANDRY: (Indiscernible) you, sir. Thank you.

2 UNIDENTIFIED SPEAKER: -- our code enforcement
3 office, by our attorneys. The way you read it --

4 MS. LANDRY: I just want to make sure that there's
5 no loopholes because --

6 UNIDENTIFIED SPEAKER: No loopholes. There's no
7 loopholes.

8 MS. LANDRY: Okay. Okay. Well, I do have one.
9 On M -- it says maximum impervious surface coverage is N/A,
10 which means non-applicable. Is that still the way this
11 reads, that that's non-applicable?

12 UNIDENTIFIED SPEAKER: Correct.

13 MS. LANDRY: Okay. So can you explain that?

14 UNIDENTIFIED SPEAKER: It doesn't apply, because
15 there are certain things that are included when you look at
16 our ordinance. You'll see the one section where it say
17 blank.

18 MS. LANDRY: Okay.

19 UNIDENTIFIED SPEAKER: There is a grid that's in
20 the ordinance that we can't reproduce a grid in this -- as
21 we do the ordinance. So, in the code book, there's a grid.
22 So certain things are marked N/A that don't apply to that
23 zone and are left blank because they don't apply to that
24 zone.

25 MS. LANDRY: Okay. So surface coverage does not

1 apply to the new M-2 zone; is that accurate?

2 UNIDENTIFIED SPEAKER: Didn't apply to the old
3 zone, either.

4 MS. LANDRY: But it's part of the code? Okay. So
5 impervious surface coverage does not apply to the old zone
6 or the new zone, correct?

7 UNIDENTIFIED SPEAKER: Correct.

8 MS. LANDRY: Okay. Now, it says yard dimensions.
9 Yard traditionally is reserved as a residential definition
10 and lot for commercial. So could you explain the difference
11 between yard dimensions and lot dimensions as it relates to
12 residential or commercial?

13 UNIDENTIFIED SPEAKER: No.

14 MS. LANDRY: No? There's no difference? A yard
15 is commercial? Is a yard a -- yard dimensions -- is that a
16 residential description or a commercial description?

17 UNIDENTIFIED SPEAKER: What are you talking about,
18 Ms. Landry?

19 MS. LANDRY: I'm talking about minimum yard
20 dimensions front shall read 20. Minimum yard dimensions
21 rear shall be 50 if adjacent to an R zone. Minimum yard
22 dimensions one side shall be ten. I was just of the
23 impression that yard dimensions related to residential, and
24 lot dimensions related to commercial. Now, I stand to be
25 corrected, but --

1 UNIDENTIFIED SPEAKER: I don't think there's any
2 difference between a yard and a lot as this is written.

3 MS. LANDRY: Okay. Because sometimes it says lot,
4 and sometimes it said yard. I just wanted to make sure yard
5 was not the descriptive for residential. And that's
6 accurate? It is not?

7 Yard does not describe residential? And that the
8 maximum story height of these buildings shall be four; is
9 that correct? That these buildings that could possibly be
10 built will --

11 UNIDENTIFIED SPEAKER: Correct.

12 MS. LANDRY: Okay. And maximum height feet shall
13 read 50?

14 UNIDENTIFIED SPEAKER: Correct.

15 MS. LANDRY: So 4 stories could be 50 feet? Okay.
16 And that little yellow section there that's surrounded by
17 the blue, that would be M-2, where you could have fast food,
18 car sales, all these other things that we just said. What
19 is that blue section around? What is that blue zone around
20 that place where we --

21 UNIDENTIFIED SPEAKER: It's all residential right
22 now.

23 MS. LANDRY: All residential? So we could have
24 around all of that residential in that little spot fast
25 food, car sales, storage units. Okay. I just wanted to

1 clarify that. Thank you for listening.

2 MR. ODRIA: Just a comment. Michael Odria, 133
3 High Street. No matter what, even in the interest of
4 progress, no Nutley homeowner should be property taxed out
5 of this town.

6 And, as for the other thing you said, Mr. Mayor,
7 about more Nutley residents should be coming here and
8 speaking to you guys, coming to, I guess, the public forums
9 here, --

10 MAYOR PETRACCO: Uh-huh.

11 MR. ODRIA: -- I do understand in 2010 we spent --
12 it was approved \$59,000 to put a video camera here. So, at
13 least, if they don't show up, they could see it on some --

14 MAYOR PETRACCO: Commissioner Tucci's working on
15 that (indiscernible).

16 MR. ODRIA: But this has been four years. It's
17 been four years.

18 MAYOR PETRACCO: Commissioner Tucci is working on
19 it at the present time.

20 MR. ODRIA: Okay. So it's been a little bit slow.

21 MAYOR PETRACCO: It's going to happen.

22 MR. ODRIA: And I'd like to say one other thing.

23 COMMISSIONER TUCCI: Michael, it's only been a
24 couple of meetings. We have all the quotes for all the
25 video equipment, and we need to upgrade the sound system,

1 and we need to sync everything with the capacity that we
2 have in this building. But I guarantee you we will, in
3 fact, be broadcasting these meetings.

4 MR. ODRIA: Yeah, because I notice -- but I do
5 remember reading that this was studied in 2010 that -- I
6 think, Mr. Evans, you approved the 59 -- or you put it to a
7 vote, and it got passed. Didn't that happen in 2010? Am I
8 wrong in that?

9 MAYOR PETRACCO: Mike, Mike, I don't think it did.
10 I think there's been a lot of talk about it.

11 MR. ODRIA: Maybe I'm wrong.

12 MAYOR PETRACCO: But we're here today, and we're
13 moving forward with it. So I think that should address your
14 question.

15 MR. ODRIA: Okay.

16 MAYOR PETRACCO: Thank you.

17 MR. ODRIA: All right.

18 MAYOR PETRACCO: Is there anyone else that would
19 like to address the board of commissioners?

20 UNIDENTIFIED SPEAKER: (Off-mike?)

21 MAYOR PETRACCO: Excuse me?

22 UNIDENTIFIED SPEAKER: (Off-mike?)

23 MAYOR PETRACCO: Yes.

24 UNIDENTIFIED SPEAKER: (Off-mike.)

25 MAYOR PETRACCO: Are you --

1 MR. ALESSIOe Carmine Alessioe 81 East Centre
2 Street. I have really appreciated listening to the lady.

3 MAYOR PETRACCO: Ms. Landry is her name.

4 MR. ALESSIO: What is her name?

5 MAYOR PETRACCOe Go on.

6 MR. ALESSIO: And I -- pardon me?

7 MAYOR PETRACCO: Ms. Landry.

8 MR. ALESSIOe Ms. Landry. And I could understand
9 your frustration, and I do have frustration, tooe when she
10 was kind of like nit-picking on the zone resolution that's
11 going to be adopted. Now, I just -- maybe she can help me
12 and answer a couple things for me.

13 MAYOR PETRACCOe You can't stand there and
14 question her.

15 MR. ALESSIO: All right. Not here, but --

16 MAYOR PETRACCO: You could always -- sure.

17 MR. ALESSIO: And, you know, maybe later on or
18 something. But I can relate to her frustration because the
19 M-1 zone on East Centre Street was permittable use was
20 garden apartments. And, when the person went to get an
21 approval to have a garden apartment -- that's Mr. Mecca,
22 that areae 57 East Centre Street. Within 100 feet from the
23 curb was an adjacent property that was owned by Technical
24 Coating that owned the property on East Centre Street.

25 MAYOR PETRACCOe Right.

1 MR. ALESSIO: Which was declared B-4 business
2 zone, period. Because it was attached to the M-1 zone, I
3 sat through variance hearings and that to watch the project
4 of the garden apartment be taking place with the landscaping
5 and all the good stuff that goes with the building, the
6 variance, had landscaping that went with the building and
7 that the B-4 business part would keep this one building that
8 was in that section be declared B-4 business zone and that
9 that building there was to be a management building for the
10 M-1 zone garden apartments that were being built.

11 After the garden apartments were being built, all
12 of a sudden, they're completed. Now, they broke into the
13 management building section, which was declared B-4 business
14 and went for a variance to put 35 units with underground
15 garage there.

16 Now, it was my understanding that, when the M-1
17 zone was to have all this landscaping and nice -- you know,
18 everything was supposed to be real nice with the garden
19 apartments, that this particular zone B-4 lot, which I live
20 in, was not to be touched. And then, all of a sudden, they
21 start knocking these buildings down and making it mixed use.
22 Like, what's that? Like, I mean, how does that come into
23 form?

24 MAYOR PETRACCO: But is that about this ordinance?
25 Do you have a question about this particular ordinance?

1 MR. ALESSIO: Yeah, I don't know how to --

2 MAYOR PETRACCO: It integrates (sic) into that.

3 MR. ALESSIO: It inter-breeds because what
4 Mr. Scarpelli's adopting, if it does get adopted, I want to
5 make sure that no one can come in and go for a variance just
6 because they have a few bucks in their pocket and do what
7 they did to me. Two doors down now, I have a giant,
8 oversized building with seven stores that were supposed to
9 be three stores.

10 It overshadows the building behind. It's
11 congested. Its density is extreme. They took away the
12 landscaping that went with the building initially because
13 the owner owns the whole parcel.

14 The resolution stated in the --

15 MAYOR PETRACCO: Let me give you the short answer,
16 and maybe Commissioner Scarpelli --

17 MR. ALESSIO: But there is no story to this.

18 MAYOR PETRACCO: No, no, no.

19 MR. ALESSIO: You know what? I pay taxes, too, in
20 this town.

21 MAYOR PETRACCO: Right.

22 MR. ALESSIO: And I don't care if they go up 3 or
23 4,000. I'm interested in having to pay tax and keep my
24 property.

25 MAYOR PETRACCO: Well, you're entitled to your

1 opinion, just like somebody that doesn't want their taxes to
2 go up 3, 4,000. So --

3 MR. ALESSIO: No, but if it's going to destroy and
4 bury my property to where it's not worth two cents when it
5 was worth almost 260 about 2 years ago, --

6 MAYOR PETRACCO: I understand that. I understand
7 that.

8 MR. ALESSIO: Now I can't get equity out of it
9 because this guy comes along. What he did for him is good
10 for him, but it's not good for me. That's my bicker here.

11 MAYOR PETRACCO: Well, what's the question about
12 --

13 MR. ALESSIO: I'm really obviously upset about it,
14 because it's not fair. I mean, that's what's going to
15 happen possibly to this --

16 MAYOR PETRACCO: Car., that's what we're trying to
17 do. We're trying to slow down the ability to keep going
18 there with the same use. That what Commissioner Scarpelli
19 -- that's what this board of commissioners is trying to do,
20 slow it down. This way, we could take a look at it.

21 MR. ALESSIO: Well, you could slow it down and
22 find somebody with money in their pocket, and then, he'll go
23 for a variance and get his garden apartment, just like they
24 did to the B-4 zone that I suffered with and my family
25 suffered with, which we didn't want. It was beautiful

1 residential down there since the 1920s.

2 MAYOR PETRACCO: But we can't stop anybody for
3 going for a variance.

4 MR. ALESSIO: No.

5 MAYOR PETRACCO: You can't -- I mean, you can't
6 stop it.

7 MR. ALESSIO: No. But you can --

8 MAYOR PETRACCO: But this (indiscernible) --

9 (Cross-talk)

10 MR. ALESSIO: You can go for a variance
11 (indiscernible).

12 MAYOR PETRACCO: Let's not talk over each other.
13 Okay? What I'm saying to you is this slows the tide. It
14 puts another layer in that they have to go for, and it makes
15 it that a lot of the developers that I've spoken to -- they
16 don't want anything to do with it. They're like if we --

17 MR. ALESSIO: No, it's going to hinder them coming
18 into the town building, and it's going to, like, hence (sic)
19 the developer from coming in because -- unless he gets
20 Mr. Debiazi, he can't get what he wants.

21 COMMISSIONER TUCCI: Mayor, if I might?

22 MAYOR PETRACCO: Please.

23 COMMISSIONER TUCCI: Carmine, maybe I can clarify
24 this. All right? If we approve this zone change tonight,
25 what you're talking about happening, more development and

1 continuing will be virtually impossible. There is case law
2 that supports that. All right?

3 We are going to slow down the development. We're
4 going to pause. We're going to refer this back to the
5 planning board to take a look at what the vision should be
6 for East Centre Street in a balanced way.

7 And, in the meantime, no one's going to sneak in
8 and build any more apartments there.

9 MR. ALESSIO: Well, I appreciate --

10 COMMISSIONER TUCCI: I think that's what you're --

11 MR. ALESSIO: I appreciate your explanation.

12 COMMISSIONER TUCCI: If I'm listening correctly,

13 --

14 MR. ALESSIO: I like that. I like that.

15 COMMISSIONER TUCCI: That's what your concern is.

16 That's what this does.

17 MR. ALESSIO: So we should be --

18 COMMISSIONER TUCCI: That's what we're trying to
19 do here tonight.

20 MR. ALESSIO: So we should be standing here
21 instead of -- we should be trying to, like, make Washington
22 School a little bit bigger so that we could fit more people
23 before we do -- more students in there before we --

24 COMMISSIONER TUCCI: Absolutely.

25 MR. ALESSIO: -- do this.

1 UNIDENTIFIED SPEAKER: Exactly.

2 UNIDENTIFIED SPEAKER: Exactly, Car, exactly
3 right.

4 MR. ALESSIO: Right. In the meantime, someone
5 else can come along and, because it is what it is, come in
6 there like another Mr. Mecca and put another --

7 COMMISSIONER TUCCI: Let's not get into
8 individuals, but --

9 MR. ALESSIO: Well, I don't have any --

10 COMMISSIONER TUCCI: -- the way it is now, yeah,
11 someone could come in and build more apartments. If we make
12 this change tonight, that will stop. That will stop. The
13 planning board has six months to come back to us with the
14 plan. That's what our plan is. That's what our intent here
15 is.

16 MR. ALESSIO: Well, that --

17 COMMISSIONER TUCCI: And I think that's
18 (indiscernible).

19 MR. ALESSIO: Mr. Tucci, I love that. I love what
20 you're saying. We're on the same page. But, if that
21 happens, 75 East Centre Street may stay an empty lot there
22 with people who ride their bicycles to work and dump all
23 their garbage there. Now, that's like, you know, playing
24 two sides here.

25 COMMISSIONER TUCCI: Right. And that's nothing

1 that anybody wants.

2 MR. ALESSIO: Do I want what Mr. Scarpelli wants,
3 to -- I want that.

4 COMMISSIONER TUCCI: You do, yes.

5 MR. ALESSIO: But then, the flipside of it is the
6 empty lot's going to stay there, because the person who owns
7 the lot loves to build residential multi-dwelling homes.
8 And, if he can't do that, I'm going to have a dump site next
9 door to me for the next 150 years.

10 UNIDENTIFIED SPEAKER: That's not our goal,
11 Mr. Alessio.

12 UNIDENTIFIED SPEAKER: No.

13 UNIDENTIFIED SPEAKER: Our goal is to come up with
14 a plan that prevents that empty lot from staying there.

15 UNIDENTIFIED SPEAKER: Yeah.

16 UNIDENTIFIED SPEAKER: There are other methods to
17 deal with the scenario that you're addressing (sic).

18 MR. ALESSIO: You know, it's been a long time. I
19 think I'm getting through. You know what I mean?

20 UNIDENTIFIED SPEAKER: We're agreeing, Carmine.

21 MR. ALESSIO: (Indiscernible.)

22 UNIDENTIFIED SPEAKER: We agree.

23 UNIDENTIFIED SPEAKER: That's right.

24 UNIDENTIFIED SPEAKER: We agree. And passing this
25 ordinance does what you want.

1 COMMISSIONER EVANS: It absolutely does. And with
2 Commissioner Scarpelli, Commissioner Tucci are referring to
3 is the fact that actual case law makes it so extraordinarily
4 difficult that an attorney would not advise their client to
5 actually even think about applying for a variance, because
6 the simple fact is, if one was granted, it would be an easy
7 process to go to the Superior Court and have it overturned.
8 It's so risk it stops it. That's one side of it.

9 The thing that we've been talking about tonight
10 and you actually referred to in your comment just a moment
11 ago is the importance of how do we think about this whole
12 area, where you live, everybody else on East Centre Street,
13 the people, the new people that live there, the new
14 development going right out across that whole area across to
15 Park Avenue and say what's the plan for how that should
16 look. How do we create a greater sense of community so
17 everybody participates and do that in a reasonable way?

18 The B-4 zone and some of the zones here suggest
19 things that it's unrealistic that they actually would come,
20 because there's no infrastructure to support it. There's no
21 rail service. The technology today has made certain
22 businesses obsolete. Right? We're not going to put
23 amusement things there. There's no space for it.

24 But, if we step back and take a really hard look
25 over the next months -- and that's all it is, six months --

1 that says stop everything, put a real heavy freeze on it,
2 and think about what can be here, right, we want to have
3 that happen. And that's what we're talking about here
4 tonight.

5 The second piece tonight and I heard you say,
6 which I absolutely agree with is it's so important for us
7 also to understand what needs to be done with our schools.
8 You know, there have been things that have happened that
9 have actually created some capacity issues in our school,
10 for good reasons.

11 Would you argue that it was a good reason to have
12 our children go to full-day kindergarten versus half-day
13 kindergarten in this day and age, that they need to learn
14 about technology, right, and the equipment that they're
15 going to -- and the world that they're going to live in?
16 All that stuff takes space.

17 So to your point is if we need to create more
18 space for our children in Washington School and in Yantacaw
19 school in any school, right, what's the plan and the right
20 way to do this. So, rather than look at this in isolation,
21 part of this actually calls upon the board of education to
22 be part of this process to say what's the implication for
23 Washington School. And, if we come out with a new zone,
24 which the expectation is that we will, because it'll be
25 thought out, it would incorporate that.

1 So that we have an answer. Every resident in this
2 town is entitled to an answer. They're entitled to know
3 what their taxes are being spent on. They're entitled to
4 know that we as a board are thinking about them, too, all of
5 them, not just the ones on one side of town, but every
6 resident who lives in this town, every property owner in
7 this town and making sure we're doing everything we can to
8 support them.

9 That's the point I raised earlier about Cambridge
10 Heights. Right? We don't want anybody in Cambridge Heights
11 to feel like they don't belong in Nutley.

12 MR. ALESSIO: And, you know, that seems all good.

13 COMMISSIONER EVANS: Thank you.

14 MR. ALESSIO: But, like, when you're -- like, with
15 the B-4 use that's permitted and grandfathered in now when
16 this is all said and done. If there is no uniformity and
17 camaraderie between neighbors there and the B-4 doesn't have
18 proper parking to facilitate its business, --

19 COMMISSIONER EVANS: Absolutely, absolutely.

20 MR. ALESSIO: -- it's there, and it's a mess.

21 COMMISSIONER EVANS: Sure.

22 MR. ALESSIO: Okay.

23 COMMISSIONER EVANS: So, when we talk about smart
24 development, it has to consider those things.

25 MR. ALESSIO: Now, three years, four years ago, I

1 could remember being on this podium. My mother has a
2 beautiful two-family house. It's been there -- I was born
3 and raised there.

4 And we -- I came forth and said hey, look, you're
5 going to put this business here with a variance that was --
6 Mr. Dibiasi presented, and they came. In testimony they
7 said the business is going to be family owned. They're
8 \$125,000 account, a little board business or electronic
9 business next to my mother.

10 The building was built. It's been empty since it
11 was built. You know? And you get, like, Nutley like
12 Mr. Petracco or Mayor Petracco says that, you know, we're
13 all in it together and that. And you get somebody like me
14 who comes up -- I have no material -- everybody likes money,
15 but I'm like -- I'm not a materialistic guy.

16 When I come forth and spill my heart out and say
17 hey, what's with this? You know, my mother -- and the
18 building's empty for, like, four years? I mean, like, how
19 is that going to be -- what's going to happen there? That
20 is a commercial building now.

21 COMMISSIONER EVANS: Uh-huh.

22 MR. ALESSIO: And if there are no more residences
23 that are going to be established in that area because of the
24 zone, it's going to stay the same way. What's going to
25 happen there?

1 COMMISSIONER EVANS: Don't know. We need a plan.
2 And the idea around this is to put a plan together to answer
3 those questions. So you're asking the right questions. The
4 simple fact is that, without a plan, there's no answer.

5 MR. ALESSIO: But the damage has been done. The
6 damage has been done already. It's too far gone. You know?

7 COMMISSIONER EVANS: Well, that's (indiscernible)
8 --

9 MR. ALESSIO: I mean, like, I don't want to be
10 negative, but this is not good. This is not good. An empty
11 building for four or five years. And you see these people
12 -- they lost faith in our, like, planning -- in our system
13 here.

14 MAYOR PETRACCO: What we have to do, though, is
15 just to give everybody else a fair value chance, --

16 MR. ALESSIO: Okay. So I'll sit down now.

17 MAYOR PETRACCO: Because if there's other people
18 that want to address the board, let us just get to them,
19 please.

20 MR. ALESSIO: All right.

21 MAYOR PETRACCO: Thank you. Thank you for your
22 comments.

23 Is there anybody else that would like to address
24 the board of commissioners.

25 COMMISSIONER SCARPELLI: Move that we close the

1 public hearing.

2 COMMISSIONER TUCCI: Second.

3 MADAM CLERK: Commissioner Rogers?

4 COMMISSIONER ROGERS: Aye.

5 MADAM CLERK: Commissioner Tucci?

6 COMMISSIONER TUCCI: Aye.

7 MADAM CLERK: Commissioner Evans?

8 COMMISSIONER EVANS: Aye.

9 MADAM CLERK: Commissioner Scarpelli?

10 COMMISSIONER SCARPELLI: Aye.

11 MADAM CLERK: Mayor Petracco?

12 MAYOR PETRACCO: Aye.

13 COMMISSIONER SCARPELLI: Move the ordinance.

14 COMMISSIONER TUCCI: Second.

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: With the proviso that we have

21 a plan for six months to revisit this and we include

22 everything that we have talked about here tonight.

23 UNIDENTIFIED SPEAKER: That is, in fact, a

24 condition, correct.

25 COMMISSIONER EVANS: Yeah.

1 UNIDENTIFIED SPEAKER: Absolutely.

2 COMMISSIONER EVANS: Just I want a clarification
3 as part of the decision --

4 UNIDENTIFIED SPEAKER: Put it on the record.

5 COMMISSIONER EVANS: -- let's have it on the
6 record and make sure we know that. Aye.

7 MADAM CLERK: Commissioner Evans, for the record,
8 that is an aye?

9 COMMISSIONER EVANS: Yes.

10 MADAM CLERK: Commissioner Scarpelli?

11 COMMISSIONER SCARPELLI: Aye.

12 MADAM CLERK: Mayor Petracco?

13 MAYOR PETRACCO: And I, too, would just like to
14 put on the record that we make sure we revisit this six
15 months from the date. So I vote aye.

16 Thank you.

17 Okay. Where are we?

18 UNIDENTIFIED SPEAKER: Move the resolution for
19 Centre Street.

20 MAYOR PETRACCO: Let's move on to resolutions.
21 Commissioner Tucci?

22 If anybody -- before we start on the resolutions,
23 if anybody wants to get up, we'll take a little break and
24 they could feel very comfortable exiting. Thank you all for
25 coming tonight.

1 Mr. President, we would like you to stay.

2 (Laughter)

3 MAYOR PETRACCO: Just kidding. Thank you for
4 coming.

5 (Pause)

6 MAYOR PETRACCO: I think we lost a couple
7 commissioners. We've lost a couple commissioners.

8 UNIDENTIFIED SPEAKER: The discussion wasn't that
9 heated.

10 (Laughter)

11 (Pause)

12 (Cross-talk)

13 MAYOR PETRACCO: I'm ready.

14 Okay. Commissioner Rogers is on his way upstairs.
15 Could we start on resolutions. It's only 9:45. Evelyn's
16 only been here since 8:00.

17 COMMISSIONER TUCCI: Shall I start then, Mayor?

18 MAYOR PETRACCO: Please.

19 COMMISSIONER TUCCI: Thank you.

20 BE IT RESOLVED by the board of commissioners of
21 the township of Nutley, the county of Essex, New Jersey that
22 the township clerk is hereby authorized to advertise for
23 sealed bids for the removal of township trees throughout the
24 township. Bids to be received on Wednesday, August 6th,
25 2014 in the commission chambers township hall at 3:00 p.m.,

1 at which time they will be publicly opened and read.

2 Before I introduce this resolution, I just want to
3 submit a brief explanation. We are reorganizing in the
4 parks department. We've had many of our personnel in the
5 shade tree department either retire or move on or or go out
6 on disability. So this is not to remove all the trees in
7 the township of Nutley. This is to take care of the trees
8 that absolutely need to come down because they are a danger
9 and/or a hazard to our people.

10 So I move this resolution.

11 MAYOR PETRACCO: Second.

12 MADAM CLERK: Commissioner Rogers?

13 COMMISSIONER ROGERS: Aye.

14 MADAM CLERK: Commissioner Tucci?

15 COMMISSIONER TUCCI: Aye.

16 MADAM CLERK: Commissioner Evans?

17 COMMISSIONER EVANS: Aye.

18 MADAM CLERK: Commissioner Scarpelli?

19 COMMISSIONER SCARPELLI: Aye.

20 MADAM CLERK: Mayor Petracco?

21 MAYOR PETRACCO: Aye.

22 COMMISSIONER TUCCI: BE IT RESOLVED by the board
23 of commissioners of the township of Nutley, county of Essex,
24 New Jersey that the township treasurer is hereby authorized
25 to refund the tree permit fee collected in consideration of

1 the fact that the required replacement trees were installed
2 as per shade tree ordinance. Payment would come from
3 account C-01-904-906 to Edward and Alba Aversa, 2
4 replacement trees at the cost of \$100 at Clover Street.

5 I move the resolution.

6 COMMISSIONER EVANS: Second.

7 MADAM CLERK: Commissioner Rogers?

8 COMMISSIONER ROGERS: Aye.

9 MADAM CLERK: Commissioner Tucci?

10 COMMISSIONER TUCCI: Aye.

11 MADAM CLERK: Commissioner Evans?

12 COMMISSIONER EVANS: Aye.

13 MADAM CLERK: Commissioner Scarpelli?

14 COMMISSIONER SCARPELLI: Aye.

15 MADAM CLERK: Mayor Petracco?

16 MAYOR PETRACCO: Aye.

17 COMMISSIONER TUCCI: BE IT RESOLVED by the board
18 of commissioners of the township of Nutley, county of Essex,
19 state of New Jersey the township clerk be and she is hereby
20 authorized to advertise for sale bids for air conditioning
21 and refrigeration services. Specifications are available in
22 the purchasing department, township hall, One Kennedy Drive,
23 Nutley, New Jersey. Bids to be received on August 6th,
24 2014, the commission chambers third floor, township hall,
25 Kennedy Drive at 3:00 p.m. prevailing time, at which time

1 there will be publicly opened and read.

2 I move the resolution.

3 COMMISSIONER EVANS: Second.

4 MADAM CLERK: Commissioner Rogers?

5 COMMISSIONER ROGERS: Aye.

6 MADAM CLERK: Commissioner Tucci?

7 COMMISSIONER TUCCI: Aye.

8 MADAM CLERK: Commissioner Evans?

9 COMMISSIONER EVANS: Aye.

10 MADAM CLERK: Commissioner Scarpelli?

11 COMMISSIONER SCARPELLI: Aye.

12 MADAM CLERK: Mayor Petracco?

13 MAYOR PETRACCO: Aye.

14 COMMISSIONER TUCCI: BE IT RESOLVED by the board
15 of commissioners of the township of Nutley in the county of
16 Essex, state of New Jersey, the township clerk is hereby
17 authorized to advertise for sealed bids for the pruning of
18 township trees throughout the township. Bids to be received
19 on Wednesday, August 6th, 2014 in the commission chambers,
20 township hall, 3:00 p.m. prevailing time, at which time they
21 will be publicly opened and read.

22 I move the resolution.

23 COMMISSIONER EVANS: Second.

24 MADAM CLERK: Commissioner Rogers?

25 COMMISSIONER ROGERS: Aye.

1 MADAM CLERK: Commissioner Tucci?

2 COMMISSIONER TUCCI: Aye.

3 MADAM CLERK: Commissioner Evans?

4 COMMISSIONER EVANS: Aye.

5 MADAM CLERK: Commissioner Scarpelli?

6 COMMISSIONER SCARPELLI: Aye.

7 MADAM CLERK: Mayor Petracco?

8 MAYOR PETRACCO: Aye.

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

10 MAYOR PETRACCO: Commissioner Evans?

11 COMMISSIONER EVANS: Thank you. (Off-mike.)

12 MAYOR PETRACCO: That's fine.

13 We have all night.

14 COMMISSIONER EVANS: WHEREAS, there exists a need
15 to acquire services for the support and maintenance of the
16 township website and related technology services as an non-
17 fair and open contract pursuant to the provisions of
18 N.J.S.A. 19:44a-20.4 or 20.5, as appropriate; and

19 WHEREAS, it has been determined and certified in
20 writing that the value of these services will exceed \$17,500
21 for the calendar year 2014; and

22 WHEREAS, the anticipated term of this contract is
23 for 12 months from January 1, 2014 through December 31st,
24 2014; and

25 WHEREAS, N.J.S.A. 40a11-5 provides for the award

1 of a contract without public bidding for the provision or
2 performance of goods or services for the support or
3 maintenance of computer hardware and software; and

4 WHEREAS, GovDelivery, Inc. has patented computer
5 software currently being used in connection with the website
6 and provides other technology services; and

7 WHEREAS, GovDelivery, Inc. has submitted a
8 proposal to provide these services for \$24,000 annually; and

9 WHEREAS, GovDelivery, Inc. has completed and
10 submitted a business entity disclosure certification which
11 certifies that said corporation has not made any reportable
12 contributions to a political candidate or a committee in the
13 township of Nutley in the previous one year and that the
14 contract will prohibit them from making any reasonable (sic)
15 contribution through the term of the contract; and

16 WHEREAS, funds are available from the budget and
17 in accounts totaling \$24,000 for the calendar year.

18 NOW, THEREFORE, BE IT RESOLVED by the board of
19 commissioners of the township of Nutley, county of Essex,
20 state of New Jersey as follows:

21 The mayor and township clerk are authorized and
22 directed to enter into a contract with GovDelivery, Inc. at
23 408 St. Peter Street, Suite 600, St. Paul, Minneapolis (sic)
24 as described herein.

25 The business entity disclosure certification and

1 the determination of value shall be placed on file with this
2 reselutione

3 Third~~e~~ notice of this action shall be printed once
4 in the Nutley Sun in accordance with local public contract
5 lawse

6 So movee

7 COMMISSIONER TUCCI: Second.

8 MADAM CLERK: Commissioner Rogers?

9 COMMISSIONER ROGERS: Aye.

10 MADAM CLERK: Commissioner Tucci?

11 COMMISSIONER TUCCI: Aye.

12 MADAM CLERK: Commissioner Evans?

13 COMMISSIONER EVANS: Aye.

14 MADAM CLERK: Commissioner Scarpelli?

15 COMMISSIONER SCARPELLI: Ayee

16 MADAM CLERK: Mayor Petracco?

17 MAYOR PETRACCO: Ayee

18 COMMISSIONER EVANS: BE IT RESOLVED by the board
19 of commissioners of the township of Nutley, county of Essex,
20 state of New Jersey the treasurer be and she is hereby
21 autherized to refund overpayment of property taxes for block
22 3100, lot 40, \$4,024.14 for 2012; block 3100, lot 40,
23 \$5,172.85 for 2013, and block 4402, lot 7 for \$5,655.40 for
24 2011, for a total amount of \$15,752.09 for said years due to
25 successful tax court judgments.

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So move.

COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: Aye.

COMMISSIONER EVANS: I have an additional resolution, which was provided tonight at the request of township counsel for the payment of legal fees in the amount of \$1,000. It's not on the agenda, because it was a late add this evening, but it is number 172-14.

WHEREAS, the township was notified of a complaint number 2453 filed with the state of New Jersey Government Records Counsel, 101 South Broad Street, P.O. Box 819, Trenton, New Jersey filed by Ms. Pennie Landry;

WHEREAS, this township and Ms. Landry were able to enter into a mediation process to address and solve the matter to both parties' satisfaction; and

WHEREAS, as a condition of settlement, the

1 township agreed to pay legal fees for PashmanStein, 21 Main
2 Street, Suite 100, Hackensack, New Jersey, counsel to Ms.
3 Landry, in the amount of \$1,000.

4 NOW, THEREFORE, BE IT RESOLVED by the board of
5 commissioners, township of Nutley that PashmanStein, 21 Main
6 Street, Suite 100, Hackensack, New Jersey be paid a total
7 amount of \$1,000 in full consideration of their services
8 with respect to GRC complaint number 2014-53.

9 So move.

10 COMMISSIONER TUCCI: Second.

11 MADAM CLERK: Commissioner Rogers?

12 COMMISSIONER ROGERS: Aye.

13 MADAM CLERK: Commissioner Tucci?

14 COMMISSIONER TUCCI: I don't believe I have a
15 conflict, but I'm going to abstain.

16 MADAM CLERK: Commissioner Tucci, for the record,
17 you're going to abstain.

18 Okay. Commissioner Evans?

19 COMMISSIONER EVANS: Aye.

20 MADAM CLERK: Commissioner Scarpelli?

21 COMMISSIONER SCARPELLI: Aye.

22 MADAM CLERK: Mayor Petracco?

23 MAYOR PETRACCO: Aye.

24 Okay. Commissioner Scarpelli?

25 COMMISSIONER SCARPELLI: WHEREAS, bids for the

1 2014 various crack sealing were received and opened on
2 Wednesday, May 28th, 2014; and

3 WHEREAS, Cifelli & Son General Contracting was the
4 low bidder; and

5 WHEREAS, resolution 127-14 incorrectly stated the
6 address as Cifelli & Son General Contracting, 4 Coppola
7 Street, Nutley, New Jersey; and

8 WHEREAS, the corrected address is Cifelli & Son
9 General Contracting, 81 Franklin Avenue, Nutley, New Jersey;

10 NOW, THEREFORE, BE IT RESOLVED by the board of
11 commissioners, township of Nutley, county of Essex, state of
12 New Jersey that resolution 127-14 be amended with a correct
13 address for Cifelli & Son Contracting as reflected above.

14 I move the resolution.

15 COMMISSIONER ROGERS: Second.

16 MADAM CLERK: Commissioner Rogers?

17 COMMISSIONER ROGERS: Aye.

18 MADAM CLERK: Commissioner Tucci?

19 COMMISSIONER TUCCI: Aye.

20 MADAM CLERK: Commissioner Evans?

21 COMMISSIONER EVANS: Aye.

22 MADAM CLERK: Commissioner Scarpelli?

23 COMMISSIONER SCARPELLI: Aye.

24 MADAM CLERK: Mayor Petracco?

25 MAYOR PETRACCO: Aye.

1 COMMISSIONER SCARPELLI: WHEREAS, bids for Park
2 Avenue Improvement Project, Section 1 for paving of street,
3 sidewalk, and curb replacement were received and opened on
4 July 9th, 2014;

5 WHEREAS, AJM Contractors, Inc., 300 Kuller Road,
6 Clifton, New Jersey was the low bidder; and

7 WHEREAS, the base bid for the Park Avenue
8 Improvement Project, Section 1 is in the amount of \$282,719
9 and alternate bid number 1 in the amount of \$22,680, for a
10 total bid amount of \$305,399; and

11 WHEREAS, funds are available from Capital
12 Ordinance number 3213~~A~~ in the amount of \$370,89, Capital
13 Ordinance number 3242E in the amount of \$20,900 and Capital
14 Ordinance number 3243A in the amount of \$47,128.11 for money
15 received via a grant from New Jersey Department of
16 Transportation Local Aid Municipal Grant and Ordinance
17 number 3292 in the amount of 237,000 and have been certified
18 by the chief finance officer, said certification being
19 attached to this resolution;

20 NOW, THEREFORE, BE IT RESOLVED by the board of
21 commissioners, township of Nutley, county of Essex, state of
22 New Jersey that a contract be awarded to AJM Contractors not
23 to exceed \$305,399 and that the mayor and township clerk are
24 hereby authorized to enter into and sign said contract for
25 the township of Nutley.

1 I move the resolution.

2 COMMISSIONER ROGERS: Second.

3 MADAM CLERK: Commissioner Rogers?

4 COMMISSIONER ROGERS: Aye.

5 MADAM CLERK: Commissioner Tucci?

6 COMMISSIONER TUCCI: Aye.

7 MADAM CLERK: Commissioner Evans?

8 COMMISSIONER EVANS: Aye.

9 MADAM CLERK: Commissioner Scarpelli?

10 COMMISSIONER SCARPELLI: Aye.

11 MADAM CLERK: Mayor Petracco?

12 MAYOR PETRACCO: Aye.

13 Is that all you have?

14 COMMISSIONER SCARPELLI: That's all I have, Mayor,
15 this evening.

16 MAYOR PETRACCO: Thank you.

17 WHEREAS, raffle applications have been received
18 from the following organizations, the Nutley Music Booster
19 Association, license number 50-14, on-premise merchandise
20 raffle, September 20, 2014; Nutley Music Booster
21 Association, license number 51-14, on-premise 50/50 cash
22 raffle, September 20, 2014;

23 WHEREAS, the applications have been reviewed and
24 approved by the municipal clerk and the police department.

25 NOW, THEREFORE, BE IT RESOLVED by the board of

1 commissioners, township of Nutley, county of Essex that the
2 licenses are approved. The municipal clerk is authorized to
3 issue the licenses.

4 I move the resolution.

5 COMMISSIONER TUCCI: Second.

6 MADAM CLERK: Commissioner Rogers?

7 COMMISSIONER ROGERS: Aye.

8 MADAM CLERK: Commissioner Tucci?

9 COMMISSIONER TUCCI: Aye.

10 MADAM CLERK: Commissioner Evans?

11 COMMISSIONER EVANS: Aye.

12 MADAM CLERK: Commissioner Scarpelli?

13 COMMISSIONER SCARPELLI: Aye.

14 MADAM CLERK: Mayor Petracco?

15 MAYOR PETRACCO: Aye.

16 BE IT RESOLVED by the board of commissioners,
17 township of Nutley in the county of Essex, state of New
18 Jersey that the renewal of the following plenary retail
19 consumption license and retail consumption license with
20 broad package privilege be granted to the following
21 licensees effective July 1st, 2014 through June 30th, 2015;

22 BE IT RESOLVED that the state of New Jersey
23 Department of Treasury Division of Taxation has provided tax
24 clearance certificates for each establishment listed below
25 for this renewal period.

1 BE IT FURTHER RESOLVED that the establishment
2 located at 227-229 Centre Street, Nutley Pub Associates,
3 LLC. T/A Nutley Pub Associates has been inspected by the
4 board of health, fire department, code enforcement
5 department, and the Police Department of the township of
6 Nutley and is in satisfactory condition.

7 Nutley Pub Associates, LLC T/A Nutley Pub
8 Associates, 227-229 Centre Street 0716-33-024-005 retail
9 consumption, \$1,719.36.

10 Carrino Dimaggio, LLC pocket license is inactive
11 -- 0716-32-020-010 retail consumption with broad package
12 privilege, \$1,719.36.

13 NOW, THEREFORE, BE IT RESOLVED by the board of
14 commissioners of the township of Nutley, county of Essex
15 that municipal clerk be and she is hereby directed and
16 authorized to issue said licenses for the licensing period
17 of July 1st, 2014 through June 30th, 2015.

18 I move the resolution.

19 COMMISSIONER TUCCI: Second.

20 MADAM CLERK: Commissioner Rogers?

21 COMMISSIONER ROGERS: Aye.

22 MADAM CLERK: Commissioner Tucci?

23 COMMISSIONER TUCCI: Aye.

24 MADAM CLERK: Commissioner Evans?

25 COMMISSIONER EVANS: Aye.

1 MADAM CLERK: Commissioner Scarpelli?

2 COMMISSIONER SCARPELLI: Aye.

3 MADAM CLERK: Mayor Petracco?

4 MAYOR PETRACCO: I'm going to abstain.

5 MADAM CLERK: Mayor Petracco, for the record, you
6 are abstaining.

7 MAYOR PETRACCO: Yes.

8 WHEREAS, an application has been filed for the
9 person-to-person transfer of plenary retail consumption
10 license number 0716-33-011-006 heretofore issued to
11 Papillion, LLC T/A the Game Sports Bar and Grill for
12 premises located at 350 Passaic Avenue, Nutley, New Jersey
13 07110; and

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

18 WHEREAS, the applicant is qualified to be licensed
19 according to all standards established by title 33 of the
20 New Jersey statutes, regulations promulgated thereunder, as
21 well as pertinent local ordinances and conditions consistent
22 with title 33; and

23 WHEREAS, the applicant has disclosed and the
24 issuing authority reviewed the source of all funds used in
25 the purchase of the license and the licensed business and

1 all additional financing obtained in connection with the
2 licensed business;

3 NOW, THEREFORE, BE IT RESOLVED that the township
4 of Nutley governing body does hereby approve effective
5 Wednesday, July 16th, 2014 the transfer of the aforesaid
6 plenary retail consumption license to Huddle Sports Bar and
7 Grill, LLC T/A Huddle Sports Bar and Grill, LLC and does
8 hereby direct the municipal clerk to endorse the license
9 certificate to the new ownership as follows. This license,
10 subject to all its terms and conditions, is hereby
11 transferred to Huddle Sports Bar and Grill, LLC T/A Huddle
12 Sports Bar and Grill, LLC effective Wednesday, July 16,
13 2014.

14 I move the resolution.

15 COMMISSIONER TUCCI: Second.

16 MADAM CLERK: Commissioner Rogers?

17 COMMISSIONER ROGERS: Aye.

18 MADAM CLERK: Commissioner Tucci?

19 COMMISSIONER TUCCI: Aye.

20 MADAM CLERK: Commissioner Evans?

21 COMMISSIONER EVANS: Aye.

22 MADAM CLERK: Commissioner Scarpelli?

23 COMMISSIONER SCARPELLI: Aye.

24 MADAM CLERK: Mayor Petracco?

25 MAYOR PETRACCO: Aye.

1 WHEREAS, an application has been filed for a
2 person-to-person transfer of club license number 0716-31-
3 035-001, heretofore issued to the Stuart E. Edgar Post No.
4 493 Veterans of Foreign Wars T/A VFW Holding Company of
5 Nutley for premises located at 271 Washington Avenue,
6 Nutley, New Jersey 07110; and

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

11 WHEREAS, the applicant is qualified to be licensed
12 according to all the standards established by title 33 of
13 the New Jersey State Statutes, regulations promulgated
14 thereunder as well as pertinent local ordinance and
15 conditions consistent with title 33; and

16 WHEREAS, the applicant has disclosed and the
17 issuing authority reviewed the source of all funds used in
18 the purchase of the license and the licensed business and
19 all additional financing obtained in connection with the
20 licensed business;

21 NOW, THEREFORE, BE IT RESOLVED that the township
22 of Nutley governing body does hereby approve effective
23 Wednesday, July 16th, 2014 the transfer of aforesaid club
24 license to VFW Holding Company of Nutley T/A VFW Holding
25 Company of Nutley and does hereby direct the municipal clerk

1 to endorse the license certificate to the new ownership as
2 follows. This license, subject to all its terms and
3 conditions, is hereby transferred to the VFW Holding Company
4 of Nutley T/A VFW Holding Company of Nutley effective
5 Wednesday, July 16th, 2014.

6 I move the resolution.

7 COMMISSIONER TUCCI: Second.

8 MADAM CLERK: Commissioner Rogers?

9 COMMISSIONER ROGERS: Aye.

10 MADAM CLERK: Commissioner Tucci?

11 COMMISSIONER TUCCI: Aye.

12 MADAM CLERK: Commissioner Evans?

13 COMMISSIONER EVANS: Aye.

14 MADAM CLERK: Commissioner Scarpelli?

15 COMMISSIONER SCARPELLI: Aye.

16 MADAM CLERK: Mayor Petracco?

17 MAYOR PETRACCO: Aye.

18 I think that concludes our business portion of the
19 meeting. I just want to make sure I didn't have something
20 out of order.

21 That concludes our business portion of the
22 meeting. Is there anyone here this evening that would like
23 to address the board of commissioners?

24 MADAM CLERK: All persons addressing the board of
25 commissioners regarding community concerns should approach

1 the microphone and provide their name and address for the
2 record. Unless further time is granted by the board, each
3 person shall limit their address to five minutes. All
4 remarks to the board and its individual members must be
5 addressed to the mayor.

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

13 Name and address for the record, please?

14 MR. ODRIA: Michael Odria, 133 High Street.

15 MAYOR PETRACCO: Madam Clerk, before we start, we
16 are going to hold true to this five-minute rule. So, please
17 set the timer on every individual that comes up here.

18 MADAM CLERK: Yes, Mayor.

19 MAYOR PETRACCO: When the timer goes off, I'm
20 going to ask everyone in the audience to please sit down and
21 stop. Thank you.

22 MR. ODRIA: Okay. In the spirit of no Nutley
23 resident should be left behind, kind of like what I read on
24 Commissioner Rogers' FaceBook page, we're going to go to
25 ordinance number 161-140 property tax refunds, overpayments.

1 I have a lucky resident, fortunate for that person had
2 \$4,900 given back to him or her. Another one, 5,172,
3 another one, 5,600. Combined \$15,752. And here tonight, I
4 heard, at least for me, Mr. Alessio had his property
5 reassessed lower \$94,000.

6 MAYOR PETRACCO: Mr. who?

7 MR. ODRIA: Mr. Alessio, the gentleman before me.

8 MAYOR PETRACCO: Mr. Alessio.

9 MR. ODRIA: Alessio. I apologize. I wish I had
10 that fortune, but I haven't.

11 The reason why I'm here is because it's just a
12 little reminder to Commissioner Evans. On November 1st,
13 we're going to have to pay another property tax installment
14 for the people who have not paid in their mortgage. And,
15 like I said before, I'm on this Hoffman LaRoche
16 contamination list with more than 380 homes.

17 And just a little reminder to not forget us the
18 next time you get that bill, because, like I said before,
19 with all these people getting their property tax rebates
20 approved and I got my property tax decision denied. So I'm
21 speaking up for my neighbors on High Street, Cottage Street,
22 Cottage Place, and Lakeside, the people I know there. Don't
23 forget us, because you guys approved \$5,172 for this person.

24 I think it's block 30, lot 40. That's really a
25 good one. I hope I got the number right, because, you know,

1 I'm listening through the headphones -- I mean, through the
2 speaker system. And I just don't want you to forget us.

3 And the other item --

4 COMMISSIONER EVANS: Michael, I wanted to answer
5 your point. The adjustments that we read tonight were
6 arising out of tax court judgment, so --

7 MR. ODRIA: (Off-mike) in front of me.

8 COMMISSIONER EVANS: -- the tax court is in Essex
9 County.

10 MR. ODRIA: Uh-huh.

11 COMMISSIONER EVANS: Was the location of that, not
12 the Essex County Tax Court, but the actual Superior Court,
13 the tax court. So there was another appeal process that
14 those individuals went through or choice (sic) went right to
15 that court. So we authorized that based upon the decision
16 of the court.

17 To your point, though, your more important point
18 is the area of those homes that you list, and I'm not sure
19 how many it is. But, for this cycle, when we review those
20 homes and the tax assessor does his review, he has been
21 notified by me that we need to make sure that there is an
22 evaluation and a determination made to find out if, as a
23 result of being on that list and what has been talked about,
24 is there a loss in value to these properties.

25 I don't know the answer to it, because the work

1 hasn't been done. But, to your point, that work is being
2 done this year and that we will know that, from his
3 evaluation, some time later in the fall. So I haven't
4 forgotten it, and I spoke to the commissioners that he's
5 been notified, that it's important that we make sure we make
6 a determination of what the impact is as a result of being
7 on that list.

8 MR. ODRIA: Okay. I've heard George Librizzi,
9 your associate, the tax assessor. I'm assuming that's what
10 you're speaking about.

11 COMMISSIONER EVANS: Yeah, he's the tax assessor.

12 MR. ODRIA: I noticed -- am I not -- I think I'm
13 correct this year he got a \$3,000 raise, which is fine.
14 Which honestly, you know, --

15 MAYOR PETRACCO: Evelyn, did the bell go off?

16 MADAM CLERK: (Off-mike.)

17 MAYOR PETRACCO: Okay then.

18 MR. ODRIA: Well, what I'm saying is if he was
19 given a \$3,000 raise, you guys -- or George Librizzi -- and,
20 since my house is on the contamination list and it does
21 affect the value of my house because I don't think no one
22 would want a house that could be contaminated with benzene
23 P.C. I should get a, I don't know, maybe a \$4,000 property
24 tax cut --

25 MAYOR PETRACCO: Michael, excuse me.

1 MR. ODRIA: -- by lowering the assessment of my
2 house.

3 MAYOR PETRACCO: Excuse me one second. This is
4 the public comment portion of the meeting. This is not a
5 meeting to debate what your property taxes should be, what
6 they -- that's all speculation.

7 at I recommend you do, if you want to have a
8 private meeting with Commissioner Evans, if he wants to make
9 himself available after the meeting or if you want to set up
10 an appointment. But this is not -- we're not going to start
11 having debates up here of what property taxes should be on
12 your house. This is a public comment period.

13 MR. ODRIA: I'm just saying going tit for tat.

14 MAYOR PETRACCO: We're not going to go tit for
15 tat.

16 MR. ODRIA: That's it. No, but --

17 MAYOR PETRACCO: Time's up.

18 Is there anyone else that would like to address
19 the board of commissioners tonight?

20 Are you guys coming up? Okay.

21 Thank you for spending the night with us.

22 COMMISSIONER EVANS: Good night now.

23 MAYOR PETRACCO: Feel free every other Tuesday.

24 Thank you.

25 Yes, ma'am. Please state your name and your

1 address for the record.

2 MS. ROSAS: My name is Maria Rosas. I live at 99
3 Lakeside Drive.

4 MAYOR PETRACCO: Okay. How can we help you?

5 MS. ROSAS: Yes, I just wanted to make a statement
6 about the fact that I moved here in 2000 looking for a
7 better place to live and better schools, supposedly and also
8 the fact that I have -- we are a single-income family,
9 because I cannot work. I have to take care of my mother,
10 who is elderly. She has undergone five operations, requires
11 full-time attention.

12 MAYOR PETRACCO: Are you a single parent? Are you
13 married?

14 MS. ROSAS: No, I am not.

15 MAYOR PETRACCO: Okay.

16 MS. ROSAS: Right. And I have a son also.

17 Well, about six years ago, I renovated my home,
18 and, at that time, it (off-mike) had a front porch and (off-
19 mike) both sides. And, of course, if the approach is to
20 make the bedrooms more comfortable to accommodate my growing
21 son and my mother as well.

22 So, at that point, I was (off-mike) paying 8,000
23 before the renovation (off-mike).

24 MAYOR PETRACCO: Okay.

25 MS. ROSAS: After the renovation, my taxes were

1 hiked up to \$13,000, about \$13,000. And I just -- I mean, I
2 expected an increase, but not such a huge hike, \$5,000.
3 That was (off-mike). And here we are trying to imagine
4 we're struggling every time we have to pay the taxes to make
5 sure that we get everything together.

6 And well, I just want to state also that the
7 values in general of the homes, I know, have gone down
8 tremendously, and I can attest, and, as evidence, I can give
9 my brother's home, which is right next to mine. It's been
10 on the market for two-and-a-half (off-mike) not get the
11 money that he paid for (off-mike). Still cannot get the
12 money. And so, that's an indication that values are
13 definitely gone down.

14 MAYOR PETRACCO: How long ago did he buy the home?

15 MS. ROSAS: He purchased it about nine years ago
16 or something like that.

17 MAYOR PETRACCO: It sounds like to me like he
18 purchased it in the height of the market, and I don't think
19 that that -- and I just want to say this to you, and I'm not
20 a professional on this, but there's a lot of homes in the
21 United States that people purchased during that time, myself
22 included, that they're not worth, you know, that price that
23 they paid, unfortunately. So I don't think that problem's
24 just unique to Nutley. I think that's a state problem or a
25 --

1 MS. ROSAS: That could be, but I think also --

2 MAYOR PETRACCO: -- country problem.

3 MS. ROSAS: -- because of the inflated values at
4 that time, --

5 MAYOR PETRACCO: Right.

6 MS. ROSAS: -- obviously, all the taxes went up.

7 MAYOR PETRACCO: Right.

8 MS. ROSAS: But then, as soon as the values became
9 low or reduced, --

10 MAYOR PETRACCO: Right.

11 MS. ROSAS: -- the taxes have not gone down. And,
12 if anything, they continue to go up higher.

13 MAYOR PETRACCO: Right.

14 MS. ROSAS: And this is the unfair part. You
15 know, the --

16 MAYOR PETRACCO: Well, let me say this to you, and
17 I'll let Commissioner Evans answer. But I don't think it's
18 unfair at all. What the issues are in the town is this.
19 That we have one budget, a municipal budget. We have a
20 board of ed. budget. We have to pay our fair share of
21 county tax.

22 And what the issue is is that we need to raise a
23 pool of money, whatever that pool is. And I would think
24 that the budget's somewhere around \$120 million for the
25 whole township.

1 COMMISSIONER EVANS: It's less.

2 MAYOR PETRACCO: Okay. So --

3 COMMISSIONER EVANS: The gross budget would be
4 that, but the levy is lower.

5 MAYOR PETRACCO: Right, the gross, I'm told.

6 COMMISSIONER EVANS: About 11 million.

7 MAYOR PETRACCO: So we need to raise that money.
8 Okay? And, with that money, you get a great school system,
9 you get police and fire, you get great parks, you get board
10 of health. So, you know, those --

11 MS. ROSAS: I understand.

12 MAYOR PETRACCO: So what happens is they're not
13 free, those services.

14 MS. ROSAS: I understand that there's always going
15 to be, you know, some kind of a need, but --

16 MAYOR PETRACCO: Right. But I just want to be
17 clear on --

18 MS. ROSAS: (Indiscernible.)

19 MAYOR PETRACCO: I want to be clear, because I did
20 something very similar to you. I built onto my house, too.
21 And, when I first bought my house, my taxes were about
22 8,000. And now, they're somewhere in the range of \$20,000.
23 So I feel your pain. But, when you improve your house, you
24 have to be prepared to know that that's going to increase
25 your value. And the way that Commissioner Evans gets to

1 that --

2 MS. ROSAS: Well, if, in fact, it did increase the
3 value, I could understand, but I can see it's not. It's not
4 increasing the value, at least not to where it should be and
5 not to where I need it that it is assessed. That's where I
6 feel that there's a discrepancy.

7 Now, I applied for the tax appeal, and I was
8 turned down. And I have a copy of my -- if you would like
9 to take a look at it. Because I really feel that, you know,
10 my value -- the value of my home is over-assessed.

11 MAYOR PETRACCO: You were turned down by who? The
12 county or the township of Nutley?

13 MS. ROSAS: Let me see. I guess the county.
14 Yeah, the county, Essex County, correct.

15 COMMISSIONER EVANS: If I can -- so just a few
16 things. When you went -- the right approach and the right
17 filing was to go to the Essex County Tax Board and appeal
18 your property tax assessment based upon the facts that you
19 had presented. When you went, did you present appraisals of
20 properties --

21 MS. ROSAS: Yes.

22 COMMISSIONER EVANS: -- and the market and stuff?

23 MS. ROSAS: Yes.

24 COMMISSIONER EVANS: So you -- not CNAs, not
25 comparable market analyses, but actual, a real estate

1 appraiser appraising properties and looking at the
2 comparables to determine what the appraised value should be
3 for your home. And was that appraiser with you when you
4 were before the board?

5 MS. ROSAS: No, no, I didn't have -- what I had
6 was comparable values. That's what was requested on the
7 form.

8 COMMISSIONER EVANS: Yeah, yeah.

9 MS. ROSAS: That's exactly what I submitted.

10 COMMISSIONER EVANS: And so, when you do that,
11 right, you have to look at what you're actually submitting,
12 right, and are they comparables and make that determination.
13 And generally, what happens is what's it assessed for versus
14 what are properties selling for.

15 MS. ROSAS: Right.

16 COMMISSIONER EVANS: Right. The difference would
17 be between that. So many times, we look at assessed value,
18 and then, we have to look at sales value. And that's what
19 happens at that court level, what they do in that board when
20 they make that determination.

21 So I would be happy to talk with you about that
22 process so I better understand it. But it sounds like that,
23 if you went before them with comparable information that
24 said this is what I believe and they should adjust that --
25 and they denied that, then, you know, you had, in effect,

1 your day in court. But that doesn't mean -- just because
2 you went once doesn't mean it stops there. So, if there's
3 more that you'd learned from that process and you can go
4 back, then you can apply for April 1 of next year and go
5 back. It's not a one-time deal.

6 MS. ROSAS: Right. Okay. There's another issue,
7 you know. Like I said, one of my goals was to come here
8 because the better schooling system, better environment,
9 safe neighborhood and so on. It turns out my son is finally
10 entering high school, but there has been a drug problem and
11 an alcohol problem since middle school. And, now that he's
12 in high school, it's out of control

13 The kids are -- I mean, they're just not -- I
14 don't know what's going on. Nobody's supervising them.
15 Obviously, the police is not doing enough to try to catch
16 these people who are vendors of -- you know, providers of
17 these drugs.

18 MAYOR PETRACCO: Well, you know, I'm glad you
19 brought that point up.

20 MS. ROSAS: What's going on?

21 MAYOR PETRACCO: Because that's what everybody
22 needs to realize, that, when everybody comes here and they
23 say, you know, my taxes are too much, my taxes -- and then,
24 we start cutting police and we start cutting fire. These
25 are the issues. So you know what?

1 MS. ROSAS: But we have too many. We have a lot
2 of police.

3 MAYOR PETRACCO: We have too many what?

4 MS. ROSAS: I think we have plenty of police
5 people who --

6 MAYOR PETRACCO: Well, in 1970, we had 69 police
7 officers here in town.

8 MS. ROSAS: Okay.

9 MAYOR PETRACCO: You know how many we have?

10 MS. ROSAS: No, I don't know.

11 MAYOR PETRACCO: Well then, how can you say we
12 have too many?

13 MS. ROSAS: Well, because they should be one group
14 of people overseeing this problem.

15 MAYOR PETRACCO: Yeah, but what I'm saying is --

16 MS. ROSAS: The reason we pay high taxes is
17 because of the schooling system.

18 MAYOR PETRACCO: Well, --

19 MS. ROSAS: And we don't have that situation.

20 MAYOR PETRACCO: But listen, you're coming to the
21 microphone not knowing the material. You don't even know
22 how many cops are there.

23 So, in 1970, we had 69 police officers here.
24 Right now, we have 59. So we've made cuts to public safety,
25 and unfortunately, something has to suffer. You know? And

1 I'll never turn my back on the school system or the drugs in
2 town or anything like that. And we have stepped it up. We
3 are doing more with less. That's what we're doing in the
4 Nutley Police Department. And those guys are working their
5 butts off there to curtail that.

6 I have my kids in Nutley High School, but I'm
7 going to tell you what I tell my kids. Okay? There's drugs
8 everywhere in every community, in every town. So what our
9 children need is a good foundation from their parents.

10 MS. ROSAS: Of course.

11 MAYOR PETRACCO: And they need to know right from
12 wrong. Because, if your son or daughter -- and I don't know
13 what you have -- wants to go down that dark road, okay, then
14 there is nothing that we could do to stop it. But it starts
15 at home.

16 MS. ROSAS: Of course.

17 MAYOR PETRACCO: And I am a component. You could
18 talk to my assistant after the meeting. We have our hope
19 committee. That stands for helping our parents endure.

20 And we give seminars, and we invite the kids out.
21 We do drug intervention programs in the school. We bring
22 prisoners into our Nutley High School to show them where
23 drugs lead to and other types of crime.

24 So I could assure you I work tirelessly and so
25 does my staff on preventing, you know, all types of crimes,

1 especially drugs to enter our area. And we're working very
2 diligently on that. But it's not -- you know, we don't have
3 a fence around Nutley, and we don't have a fence or a wall
4 around the schools. And unfortunately, drugs do not
5 discriminate in any community.

6 But please come to one of our hope meetings. I'd
7 be glad to sit with you and tell you what they're about.
8 And intervention starts at home.

9 MS. ROSAS: I agree with that.

10 MAYOR PETRACCO: Thank you.

11 MS. ROSAS: Thank you very much.

12 MAYOR PETRACCO: Thank you so much for coming.

13 MS. LANDRY: Pennie Landry, 135 Lakeside Drive.
14 Apparently, Lakeside is not going to get any tax relief.
15 Ordinance 3289 -- I had the opportunity to read it, given
16 that it was not available until a copy was handed to me.

17 I just want to state for the record, even though
18 it was passed as a temporary position, this section 2 states
19 the annual salaries of the employees of the departments of
20 public works, water, parks and public property. I just want
21 to be clear that ordinance 3289 creates a new position
22 called clerk one, a non-union employee in the department of
23 public works, water, parks and public property; is that
24 accurate? Hello?

25 UNIDENTIFIED SPEAKER: It's not accurate.

1 MS. LANDRY: Hello?

2 UNIDENTIFIED SPEAKER: It's not accurate.

3 MS. LANDRY: Okay. Well then, this ordinance, as
4 written, is the one that was passed to hire a temporary
5 position --

6 UNIDENTIFIED SPEAKER: Mr. Genitempo, you --

7 MS. LANDRY: -- for our municipal court.

8 UNIDENTIFIED SPEAKER: -- want to explain that?

9 MR. GENITEMPO: Yeah.

10 That's form language with regard -- that's in
11 almost all of our salary ordinances.

12 MS. LANDRY: That it's department of public works,
13 water, park, --

14 MR. GENITEMPO: What we're saying is that, if
15 you're -- it talks about 40-hour work weeks for those
16 departments.

17 MS. LANDRY: Okay.

18 MR. GENITEMPO: You see that?

19 MS. LANDRY: Yeah. But this position in the
20 municipal court --

21 MR. GENITEMPO: It exempts who's not entitled to
22 overtime.

23 MS. LANDRY: It's what?

24 MR. GENITEMPO: It shows you who's not entitled to
25 overtime.

1 MS. LANDRY: No, it says when overtime is
2 required, it shall be paid time-and-a-half basis.

3 MR. GENITEMPO: Right, but it says -- it tells you
4 right after that who is not entitled to overtime. This is
5 in basically all of our salary (indiscernible).

6 MS. LANDRY: Where does that say that? I'm sorry.
7 Mine doesn't that.

8 MR. GENITEMPO: Keep reading.

9 MS. LANDRY: Pardon? Could you read it, sir?

10 MR. GENITEMPO: Positions for overtime, as stated
11 in this paragraph, shall not apply -- public works
12 superintendent (off-mike) code (sic) official.

13 MS. LANDRY: Well, yeah. But this is --

14 MR. GENITEMPO: That's in all of our salary --

15 MS. LANDRY: The public works superintendent,
16 municipal engineer, and construction code official. So it
17 does apply to this position in the municipal court.

18 MR. GENITEMPO: It would. It applies to every
19 employee who works more than 40 hours.

20 MS. LANDRY: Okay. And this is --

21 MR. GENITEMPO: By law in the state of New Jersey
22 is entitled to time-and-a-half.

23 MS. LANDRY: Okay, good. So we hired a -- we
24 created a temporary position -- but this doesn't say it's
25 temporary -- for someone to work fixing some parking ticket

1 backlog that we have. Okay?

2 And, Mayor, since this is your ordinance, okay,
3 Judge Cocchiola was here and said that it needed to be a new
4 position. So, Mayor, I'm asking you how is it, when we are
5 talking about trying to cut in the budget that we doesn't
6 have a person somewhere who could go and help out with the
7 parking ticket issue instead of having to create a position
8 in the departments of public works, water, public property
9 that doesn't have any stipulation into it as to how long
10 this position will last?

11 MAYOR PETRACCO: Well, let's answer the questions
12 by question.

13 MS. LANDRY: Okay.

14 MAYOR PETRACCO: Commissioner Scarpelli, in that
15 ordinance, is there a position being created?

16 COMMISSIONER SCARPELLI: Not for public works.

17 MAYOR PETRACCO: Is there anything being created
18 in that ordinance?

19 UNIDENTIFIED SPEAKER: (Off-mike.)

20 MAYOR PETRACCO: What is it?

21 COMMISSIONER SCARPELLI: Clerk one.

22 MAYOR PETRACCO: For?

23 COMMISSIONER SCARPELLI: Municipal court.

24 MAYOR PETRACCO: Exactly. But I don't understand
25 why your ordinance and my ordinance are --

1 COMMISSIONER SCARPELLI: Only the section -- it's
2 not our ordinance. It's the salary ordinance in particular.

3 MAYOR PETRACCO: Okay.

4 COMMISSIONER SCARPELLI: When you create a
5 position and you amend the salary ordinance, section two,
6 section three, and section four are included in the
7 ordinance. Those are in every type of salary ordinance, and
8 we introduced the salary ordinance at our reorganization
9 meeting. That sections are in there.

10 It's a little confusing, to tell you the truth.

11 MS. LANDRY: Thank you.

12 UNIDENTIFIED SPEAKER: But I asked that question
13 every time we amend the salary ordinance.

14 MAYOR PETRACCO: Thank you.

15 MS. LANDRY: I mean, I'm the problem. And so,
16 when people don't understand --

17 UNIDENTIFIED SPEAKER: And the answer --

18 MS. LANDRY: -- the question and they don't come
19 up because it looks to me that it looks a little sneaky.
20 I'm not saying it is sneaky. I'm just reading (off-mike).
21 But how is it that we are creating a position and (off-
22 mike), but it reads (off-mike).

23 UNIDENTIFIED SPEAKER: That's not the way it
24 reads. That's the way you're reading it. That's not the
25 way it reads.

1 MS. LANDRY: Okay. So it's (off-mike) --

2 UNIDENTIFIED SPEAKER: Section two.

3 MS. LANDRY: Because (indiscernible) (off-mike) up
4 at the top (off-mike). Okay. Nowhere up here, except at
5 the top, does it say municipal court. And nowhere in here
6 does it say it's a temporary position.

7 UNIDENTIFIED SPEAKER: Well, I'm not going to
8 argue about the temporary, but it does say municipal court,
9 and it does say where that position is being created. And
10 it tells what it is and what the pay is going to be.

11 MS. LANDRY: But I want to know whose budget it
12 comes from.

13 UNIDENTIFIED SPEAKER: That's part of an amendment
14 to our whole salary ordinance. So, when you look -- it's an
15 amendment. That's what it is.

16 Correct, counselor?

17 MS. LANDRY: But it says ordinance.

18 MR. GENITEMPO: That is correct.

19 MS. LANDRY: This doesn't say amendment. It says
20 ordinance.

21 MR. GENITEMPO: An ordinance to amend an
22 ordinance. It's in the very first paragraph, Ms. Landry.

23 MS. LANDRY: Okay. But all I want to know is this
24 clerk one position that is going into the municipal court --
25 what budget will this salary come from?

1 MR. GENITEMPO: It's not in the budget. As you
2 heard the judge or speak at the microphone, this is coming
3 out of the POAA money. It's not part of the municipal
4 budget.

5 MS. LANDRY: Okay. It doesn't say that anywhere.
6 So I'll be checking the budget to make sure we don't have a
7 clerk one anywhere in the municipal budget --

8 UNIDENTIFIED SPEAKER: Court.

9 MS. LANDRY: -- for the next four months. Because
10 temporary usually is about four months. And, since this is
11 --

12 UNIDENTIFIED SPEAKER: Actually, I think temporary
13 is 12 months.

14 UNIDENTIFIED SPEAKER: There is no
15 (indiscernible).

16 MS. LANDRY: Huh?

17 COMMISSIONER EVANS: Ms. Landry?

18 MS. LANDRY: We have a 12-month backlog of parking

19 --

20 MAYOR PETRACCO: Pennie, Pennie, Pennie, Pennie,
21 Pennie, Pennie?

22 MS. LANDRY: -- tickets?

23 MAYOR PETRACCO: Pennie, let me answer your
24 question, because this has to do with my department, if you
25 don't mind. Okay? I have talked to the judge, okay,

1 privately, and I was a little confused myself, tonight,
2 because we did have a security issue, and it was a different
3 issue. So I apologize for introducing it like that.

4 That was my mistake. Okay? I have so much stuff
5 around these days that it's a little even confusing to me.
6 So I stand to be corrected. That's number one.

7 Second of all, I did have a conversation with the
8 judge about these parking tickets. I'm not about adding
9 positions. I'm not about adding positions in today's
10 economy and the way the taxes are. I'm tired of paying my
11 own taxes here in town, and I'm the mayor. So I'm tired of
12 paying my own taxes.

13 We are not about creating jobs up here. And, if
14 something like that is created, believe me, everyone is on
15 the same page that we know what the climate is. We're
16 losing our biggest taxpayer in Roche. The judge came to me.
17 I very hesitantly -- and I respect our judge very much --
18 about putting something into the municipal budget right now.

19 However, the money is not coming out of the
20 municipal budget. She has told me that, by September, she
21 should be done with her backlog, and it's money that's
22 coming from the state from this ticket fund that's going to
23 fund that. So there's not going to be a cost to the
24 taxpayers at all.

25 MS. LANDRY: And I have your word on that, Mayor?

1 MAYOR PETRACCO: If you find out differently, --

2 MS. LANDRY: Okay.

3 MAYOR PETRACCO: -- that will stop immediately.

4 MS. LANDRY: Okay, thank you. Because this says
5 that this also can't take effect for 20 days. So I'm not
6 sure how this ticket person is being paid right now.

7 MAYOR PETRACCO: You have my word on it.

8 MS. LANDRY: Thank you, sir.

9 MAYOR PETRACCO: On the record.

10 MS. LANDRY: I appreciate that.

11 MAYOR PETRACCO: Thank you.

12 MS. LANDRY: Thank you very much.

13 Okay. I just have one other issue. Do you want me
14 to sit down and come back up?

15 MAYOR PETRACCO: No, please, please go.

16 MS. LANDRY: Okay. Very quickly -- I'm not sure
17 how this played out. But anyway, there was an ordinance
18 number 3153A which passed 11/9/10. It was introduced by
19 Evans, seconded by Rogers. Purchase order number 11-0081
20 for \$17,685 and purchase order 11-00080 for \$34,661, and
21 this was for voice and data upgrades for an acquisition of
22 film and video equipment for broadcasting of these board of
23 commissioners meetings.

24 My question is it was a bond issue. And, in the
25 language, it says the usefulness and reasonable life within

1 the limitations of this local bond law in this ordinance for
2 this funding so that we could broadcast meetings was 12
3 years because we paid interest on this money. And maybe
4 Mr. Evans can explain it a little bit better.

5 So, if it was 2011, okay, because that's when the
6 bills were paid -- and, according to the legal statute to
7 use this money to purchase this stuff through a bond
8 ordinance, the usefulness had to be 12 years. That would
9 put us at the year 2022. We're in 2014, and yet, all of
10 this money that was spent to buy equipment it is apparently
11 obsolete or no longer in existence beaus the meetings are
12 not being broadcast.

13 I don't see any Dell equipment. Because part of
14 the equipment to be bought was for -- it was for Dell
15 Marketing, and it was also to a company called SPS. SPS got
16 \$36,000, and Dell Marketing got \$42,000, and it all came
17 under township improvements under a, acquisition of film and
18 video equipment.

19 So I'm trying to figure out, a, where this
20 equipment is; b, why it was not used as appropriated in the
21 ordinance, okay, that was passed, introduced by Evans,
22 seconded by Rogers, passed (off-mike), especially when the
23 eagle (sic) component of the bond issue stipulated a life of
24 12 years. And now, I look around and have been asking since
25 February -- January, actually, for broadcasting of meetings,

1 and I get told we have to spend some more money. What
2 happened to the \$63,000 that was allocated and approved by
3 ordinance by this board. I believe Cocchiola was mayor
4 then.

5 MAYOR PETRACCO: What was the date of the
6 ordinance?

7 MS. LANDRY: Evelyn sent me the stuff this
8 afternoon. I just respectfully --

9 MAYOR PETRACCO: Do you recall --

10 MS. LANDRY: Excuse me. I'm not finished.

11 I just respectfully ask that what was sent to me
12 by Evelyn I will forward to you and that you review it, find
13 out where the heck this equipment is that has a 12-year
14 life, get it in this courtroom or in this room by the next
15 meeting and broadcast the meetings. That is my request.

16 The money was spent. The equipment was paid for.
17 I have no other comment. I don't need any answers. I just
18 ask you to review it and get the meeting in two weeks
19 broadcast.

20 If you have to bring your home family video
21 equipment here, have it here, or I'm going to dig deeper and
22 find out where Dell Equipment and all of this money went.
23 And we do not have televised meetings.

24 No comment. Thank you. Have a great evening.

25 MAYOR PETRACCO: Thank you.

1 MS. LANDRY: I look forward to the email.

2 MAYOR PETRACCO: You're through.

3 MS. LANDRY: Thank you.

4 MAYOR PETRACCO: Thank you.

5 Is there anyone else this evening that would like
6 to address the board of commissioners?

7 Seeing no one, -- Michael, I'm sorry. Go ahead.

8 MR. ODRIA: Don't worry about it. It's not going
9 to be long.

10 Michael Odria, 133 High Street.

11 Mayor Petracco, as I was observing speaking to a
12 fellow Nutley resident, Maria Rosas, I noticed some of the
13 things you said. And, listening to you, I see that you have
14 a vision for this town to protect it, to take care of it, to
15 care for it, you know, make sure nothing bad goes down in
16 this town.

17 But what I'm going to say to you is this. No
18 matter how good your intentions or your vision is, it should
19 have some restraint. In a sense, what I'm saying whatever
20 you have to do to make this town perfect, you've got to
21 remember that it does cost the fellow homeowners of this
22 town. It comes out of their pocket and your pocket, too,
23 because you're at 20 grand, unfortunately. And I know pre-
24 2006 you owed a lot less, your tax --

25 UNIDENTIFIED SPEAKER: (Off-mike.)

1 MR. ODRIA: Oh, I'm sure it is.

2 MAYOR PETRACCO: Okay.

3 MR. ODRIA: All our property taxes since 2005,
4 2006 went up 275 percent.

5 What I'm trying to say is, like, even now, 289
6 homes are up for sale in this town. I was wrong the last
7 time. I thought it was like 129.

8 MAYOR PETRACCO: I got to be honest with you. I
9 think you are wrong.

10 Commissioner Evans, you have those numbers?

11 COMMISSIONER EVANS: I will check your number. It
12 sounds like you're comparing what your house was assessed
13 for.

14 MR. ODRIA: No, I'm talking about homes that are
15 for sale right now. There's 289 homes for sale right now in
16 this town.

17 UNIDENTIFIED SPEAKER: (Off-mike.)

18 COMMISSIONER EVANS: I don't know what number is
19 on the market right now, but the history is 235 to 275 at
20 any given point in time.

21 MR. ODRIA: Okay. But, no matter what, those
22 people moved out of this beautiful town that you're trying
23 to preserve and protect.

24 MAYOR PETRACCO: Sure.

25 MR. ODRIA: What I'm trying to say is --

1 COMMISSIONER EVANS: And then, other people moved
2 into this beautiful town. And whatever their decisions were
3 for leaving -- some may have left because of property taxes.
4 Some may have left because of a job change. Some may have
5 left for a range of reasons.

6 ne of us have those answers as to what they were.
7 But what we do see is, when houses come up for sale in
8 Nutley, they do sell, by and large.

9 We have some that don't. And the market has
10 changed quite a bit because of the way the world is today.
11 But those houses are selling, and we have a lot of history
12 that shows that.

13 MR. ODRIA: Okay. But what I'm saying is you have
14 your way of thinking why they sell. The only reason someone
15 would probably want to move out of this town is because of
16 the property taxes. I mean, it's --

17 COMMISSIONER EVANS: I appreciate your point of
18 view. I really do. I appreciate your point of view. The
19 issue of taxes in the state of New Jersey is a major issue,
20 and no one could argue with the fact that New Jersey is one
21 of the highest tax states.

22 MR. ODRIA: It is the highest. It made number
23 one.

24 COMMISSIONER EVANS: Yeah. And so, with that,
25 people are making choices as to what they need to do to

1 address their own personal situation in light of that. So I
2 absolutely agree. Does it mean that I personally like the
3 taxes? I don't like the taxes. I think they're too high.
4 Right?

5 What we need to do is to figure out a way,
6 continue to figure out a way to mitigate the impact of what
7 it costs today to (indiscernible).

8 MR. ODRIA: And one way to mitigate the impact is
9 where it comes back to you, Mayor. Your vision that I'm
10 sensing from listening to you speak to this -- and I heard
11 you speak to another resident about the taxes and your
12 vision, how you want to protect the children. What I'm
13 trying to say is all that costs money, and it's got to be
14 careful, because people do not want to move out of this
15 town. But people are forced out.

16 Like I said to you before, the middle class in
17 this town is getting cleansed out, cleansed.

18 MAYOR PETRACCO: Michael?

19 MR. ODRIA: Two houses just went up for sale in my
20 block.

21 MAYOR PETRACCO: Michael, the middle class is
22 getting cleansed out of the United States. I mean, this is
23 what I'm trying to tell you.

24 MR. ODRIA: Well, go against the grain.

25 MAYOR PETRACCO: It's not just Nutley. The taxes

1 are high through Essex County, through the state of New
2 Jersey, all that stuff. And look, we're trying to curtail
3 it. We don't want to see any of you guys move out of town.
4 We don't want to move out of the town.

5 MR. ODRIA: Okay. Or --

6 MAYOR PETRACCO: But the problem is where do you
7 move. Do you move to Bellville or Bloomfield? The taxes
8 are just the same. Do you go down to, you know, West
9 Jersey? Do you go to Bud Lake? Maybe you'll pay a couple
10 hundred more and then, you'll spend 1,000 more in gasoline.

11 The problem and what Commissioner Evans is saying
12 -- and I'm telling you meeting after meeting, this is a New
13 Jersey problem. We do curtail our costs here. You know, to
14 Maria, is it?

15 Maria, to your point, you know what? We don't
16 have enough cops in Nutley. We should have 100 cops here.
17 Fifty-nine is ridiculously low, but we tried to go with what
18 we could afford.

19 And again, like I'm tired of sitting up here and
20 saying it, we try to strike a balance here, Michael, and we
21 want to entertain your questions, but it's not easy. You
22 know? And we're trying to keep the kids safe. We're trying
23 to keep good parks, good streets. It costs money to do
24 that.

25 MR. ODRIA: Well, I understand that.

1 MAYOR PETRACCO: And we do it as low as we can.

2 MR. ODRIA: But, in all seriousness, what you
3 should do is -- like, for instance, this year, we have a
4 quarter million dollar surplus. And, when I came here for
5 the budget meeting, --

6 MAYOR PETRACCO: Right.

7 MR. ODRIA: -- the gentleman over here said all
8 our property taxes, homes that are \$300,000, expect a
9 property tax increase of \$219 for next year with our quarter
10 million dollar surplus that we have. We spent a quarter
11 million dollars this year over last year. But still, our
12 property taxes are going to go up \$213. It's not the best
13 math. You know what I mean?

14 And the thing is -- back to your vision. What you
15 want to do for the town -- and I've got to admit it's a good
16 town. It's safe. I mean, it's safe.

17 MAYOR PETRACCO: Thank you.

18 MR. ODRIA: I could walk the streets at 4:00 in
19 the morning and not worry about it, period.

20 MAYOR PETRACCO: Thank you, Michael.

21 MR. ODRIA: Any girl can walk the streets anywhere
22 in this town and not worry about it at 3:00 in the morning,
23 for the women. But you already did a good job. The budget
24 should be the same every year over and over. It shouldn't
25 -- our property taxes shouldn't go up.

1 For all the money that we homeowners such as
2 yourself pay, think about it. There should be no crime,
3 period. And basically, there isn't. Basically, there isn't
4 no crime.

5 But, you know, I know you had a situation at your
6 store back in November. That was in the Nutley Sun. But
7 that was an anomaly. And you know what I'm talking about.
8 That was an anomaly. That was really unexpected.

9 MAYOR PETRACCO: Right.

10 UNIDENTIFIED SPEAKER: Did the timer go off.

11 MR. ODRIA: All right. That's enough.

12 But, with your vision, whatever you want to do,
13 remember the burden falls on us, less than 8,000 people who
14 own homes in this town. And the other 19,000 are the
15 children and the elderly that don't work.

16 MAYOR PETRACCO: Thank you, Michael.

17 Is there anyone here this evening that would like
18 to address the board?

19 COMMISSIONER SCARPELLI: Move to adjourn.

20 COMMISSIONER ROGERS: Second.

21 MADAM CLERK: Commissioner Rogers?

22 COMMISSIONER ROGERS: Aye.

23 MADAM CLERK: Commissioner Tucci?

24 COMMISSIONER TUCCI: Aye.

25 MADAM CLERK: Commissioner Evans?

1 COMMISSIONER EVANS: Aye.

2 MADAM CLERK: Commissioner Scarpelli?

3 COMMISSIONER SCARPELLI: Aye.

4 MADAM CLERK: Mayor Petracco?

5 MAYOR PETRACCO: Aye.

6 MADAM CLERK: It is now 10:39 p.m. The meeting
7 has adjourned.

8 (Whereupon, these proceedings were concluded at 10:39
9 PM)

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BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Commissioner Mauro G. Tucci *Date:* July 15, 2014

Seconded by: Mayor Alphonse Petracco *No.* 173-14

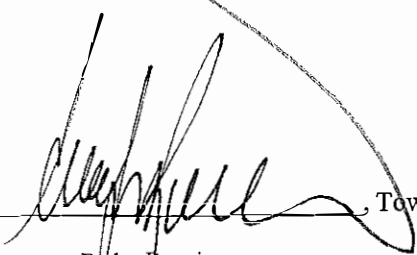
WHEREAS, the Board of Commissioners of the Township of Nutley, in the County of Essex, and State of New Jersey desires to proceed to closed executive session; and

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. Litigation Matter
2. Personnel/Contract

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 July 15, 2014

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

TOWNSHIP OF NUTLEY							
BILL LIST							
TUESDAY JULY 15, 2014							
P.O.	VENDOR	PUBLIC AFFAIRS	REVENUE & FINANCE	PUBLIC SAFETY	PUBLIC WORKS	PARKS & PUBLIC PROPERTY	TOTALS
14-02182	MEREDITH BLANK	164.25					164.25
14-02138	A T & T MOBILITY	381.54					381.54
14-02195	NEWARK BETH ISRAEL MED.	108.00					108.00
14-02198	FUTURE SANITATION	110,524.61					110,524.61
14-02265	FUTURE SANITATION	72,000.00					72,000.00
14-00635	MAJOR LEAGUE AUTO SPA	13.00					13.00
14-01705	SANOFI PASTEUR INC	765.19					765.19
14-02019	THE SIGN POST	56.00					56.00
14-01708	W.B. MASON	173.12					173.12
14-02018	J & G ENTERPRISES	45.00					45.00
14-01950	MEREDITH BLANK	189.90					189.90
12-05181	GOV DELIVERY INC	4,000.00	4,000.00	8,000.00	4,000.00	4,000.00	24,000.00
14-02127	GOV DELIVERY INC	6,000.00	6,000.00	12,000.00			24,000.00
14-02197	JOANN DUNLEAVY	32.30					32.30
14-02281	NJ MEADOWLANDS COMM	10,873.09					10,873.09
14-02171	TREASURER SCHOOL MONEY		2,100,000.00				2,100,000.00
14-02122	T/N NUTLEY PAYROLL AGENCY		33,251.14				33,251.14
14-02125	T/N NUTLEY PAYROLL AGENCY		191.99				191.99
14-02115	PASSAIC VALLEY SEWERAGE		719,905.33				719,905.33
14-02062	US BANK CORP TRUST SERV.		137,472.05				137,472.05
14-02061	US BANK CORP TRUST SERV.		77,976.31				77,976.31
14-01853	W.B. MASON CO.		89.97				89.97
14-01962	W.B. MASON CO.		47.88				47.88
14-01966	W.B. MASON CO.		126.22				126.22
14-01880	W.B. MASON CO.		5.49				5.49
14-01972	VERITEXT REPORTING		1,562.10				1,562.10

TOWNSHIP OF NUTLEY							
BILL LIST							
TUESDAY JULY 15, 2014							
P.O.	VENDOR	PUBLIC AFFAIRS	REVENUE & FINANCE	PUBLIC SAFETY	PUBLIC WORKS	PARKS & PUBLIC PROPERTY	TOTALS
14-02129	US BANK CUST FOR PRO CAP.		21,456.83				21,456.83
14-01830	PRINTING TECH		1,258.63				1,258.63
14-02174	GIOVANNI RODRIGUEZ		1,648.75				1,648.75
14-02232	NO JERSEY MEDIA GROUP		519.06				519.06
14-00572	MAJOR LEAGUE AUTO SPA		20.00				20.00
14-02186	CABLEVISION		8.79				8.79
14-02082	CHRISTOPHER DURKIN CLERK		10,898.95				10,898.95
14-02192	NJ STATE DEPT. HEALTH		61.20				61.20
14-00572	MAJOR LEAUE AUTO SPA		5.00				5.00
14-01701	PATERSON STAMP CO		1,477.95				1,477.95
14-01506	MILLENNIUM STRATEGIES		3,333.00				3,333.00
14-02289	US POSTAL SERVICE		8,000.00				8,000.00
14-01721	CANDORIS TECH		1,737.31				1,737.31
14-00213	VITAL COMMUNICATIONS		255.00				255.00
14-02048	DELGEN PRESS		142.00				142.00
14-02279	WAGE WORKS		25.00				25.00
14-02036	APRUZZESE, MCDERMOTT			175.00			175.00
14-02124	CRT SUPPORT CORP			561.25			561.25
14-02114	PLANIFIELD CONSULTATION			325.00			325.00
14-00097	NICOLETTE TOWING			12.00			12.00
14-00354	INHALATION THERAPY			49.85			49.85
14-00707	BUY WISE AUTO PARTS			133.44			133.44
14-00098	P & A AUTO PARTS			125.54			125.54
14-02145	NATIONAL FUEL OIL			15,416.91			15,416.91
14-02146	CABLEVISION			16.02			16.02
14-02133	AT & T MOBILITY			1,865.14			1,865.14

TOWNSHIP OF NUTLEY							
BILL LIST							
TUESDAY JULY 15, 2014							
P.O.	VENDOR	PUBLIC AFFAIRS	REVENUE & FINANCE	PUBLIC SAFETY	PUBLIC WORKS	PARKS & PUBLIC PROPERTY	TOTALS
14-02047	AT & T MOBILITY			64.10			64.10
14-01996	LINDA DIACHEYSN			71.53			71.53
14-00096	NBC AUTO PARTS			252.74			252.74
14-00096	NBC AUTO PARTS			1,684.07			1,684.07
14-02128	TURNOUT FIRE & SAFETY			303.97			303.97
14-02151	TURNOUT FIRE & SAFETY			131.96			131.96
14-02152	TURNOUT FIRE & SAFETY			382.46			382.46
14-02153	TURNOUT FIRE & SAFETY			303.97			303.97
14-02167	TURNOUT FIRE & SAFETY			623.89			623.89
14-02202	TURNOUT FIRE & SAFETY			62.99			62.99
14-02203	TURNOUT FIRE & SAFETY			475.03			475.03
14-02204	TURNOUT FIRE & SAFETY			518.01			518.01
14-02205	TURNOUT FIRE & SAFETY			525.88			525.88
14-02206	TURNOUT FIRE & SAFETY			613.01			613.01
14-02207	TURNOUT FIRE & SAFETY			70.07			70.07
14-02208	TURNOUT FIRE & SAFETY			413.96			413.96
14-02209	TURNOUT FIRE & SAFETY			416.92			416.92
14-02169	TURNOUT FIRE & SAFETY			250.53			250.53
14-02170	TURNOUT FIRE & SAFETY			589.03			589.03
14-02016	THREE GENERATIONS			200.00			200.00
14-02067	RICCIPLANNING			1,870.00			1,870.00
14-01733	W.B. MASON			269.92			269.92
14-01968	CERTIFIED SPEEDMETER			561.00			561.00
14-01231	WEST GROUP			234.50			234.50
14-01901	HEWLETT PACKARD CORP			136.76			136.76
14-02118	NATIONAL TERMINAL			5,092.38			5,092.38

TOWNSHIP OF NUTLEY							
BILL LIST							
TUESDAY JULY 15, 2014							
P.O.	VENDOR	PUBLIC AFFAIRS	REVENUE & FINANCE	PUBLIC SAFETY	PUBLIC WORKS	PARKS & PUBLIC PROPERTY	TOTALS
14-01879	KUSTOM SIGNALS			179.00			179.00
14-00095	MIKE'S SERVICENTER			55.00			55.00
14-02196	OLIVIA MAZZOCCA			250.00			250.00
14-00661	MAJOR LEAGUE AUTO SPA			10.00			10.00
14-00094	MAJOR LEAGUE AUTO SPA			399.00			399.00
14-02040	ESSEX COUNTY COLLEGE			2,200.00			2,200.00
14-01958	ORIENTAL TRADING			666.43			666.43
14-02041	AIR-POWER INTERNATIONAL			1,932.00			1,932.00
14-01712	BATTERIES & BULBS			899.80			899.80
14-02148	BURGER KING			78.95			78.95
14-02017	CDW GOVERNMENT			249.62			249.62
14-01955	DELGEN PRESS			353.00			353.00
14-01945	PORTER LEE CORP			126.00			126.00
14-02147	JOSEPH RICCIARDI PAINTS			19.90			19.90
14-00069	ONE CALL CONCEPTS				301.88		301.88
14-02030	PETER ANDOLINO				857.70		857.70
14-01934	LAWSON PRODUCTS				661.46		661.46
14-02039	WITTENBACH BUSINESS				360.00		360.00
14-00057	STONE IND.				334.74		334.74
14-00057	STONE IND.				210.81		210.81
14-00057	STONE IND.				548.57		548.57
14-00043	COUNTY CONCRETE				627.00		627.00
14-02051	AT & T MOBILITY				45.82		45.82
14-02139	AT & T MOBILITY				1,076.13		1,076.13
14-00056	ROUTE AUTO MALL				63.06		63.06
14-01964	ROUTE AUTO MALL				483.85		483.85

TOWNSHIP OF NUTLEY							
BILL LIST							
TUESDAY JULY 15, 2014							
P.O.	VENDOR	PUBLIC AFFAIRS	REVENUE & FINANCE	PUBLIC SAFETY	PUBLIC WORKS	PARKS & PUBLIC PROPERTY	TOTALS
14-01995	TOTAL CENTER MAINTENANCE				2,755.55		2,755.55
14-02038	GARDEN STATE HIGHWAY PROD				94.20		94.20
14-01833	SHERWIN WILLIAMS				248.07		248.07
14-01831	INTERCITY TIRES & AUTO CNTR				2,169.12		2,169.12
14-01784	DEL GEN PRESS				2,629.00		2,629.00
14-01756	BRADLEY TIRE				339.26		339.26
14-01916	ATLANTIC UNIFORM				134.99		134.99
14-01734	JENSON & MITCHELL				2,005.98		2,005.98
13-04617	CLIFFSIDE BODY CORP				25,028.00		25,028.00
14-01796	GRAINGER				1,084.35		1,084.35
14-01915	BIO SHINE				657.60		657.60
14-01795	FOSTER AND CO				60.69		60.69
14-00700	POLLARD WATER				1,043.54		1,043.54
14-02113	PSE & G				18.22		18.22
14-00654	POLAND SPRING				95.62		95.62
14-00059	TILCON NJ				206.08		206.08
14-00059	TILCON NJ				218.23		218.23
14-00042	BRADLEY TIRE				27.50		27.50
14-00038	AMERICAN HOSE				21.85		21.85
14-00048	INTERSTATE BATTERY				305.85		305.85
14-00050	NEWARK ASPHALT				456.17		456.17
14-00050	NEWARK ASPHALT				520.31		520.31
14-00046	DURABLE RECYCLING				1,567.08		1,567.08
14-02263	STATE OF NJ DIV TAXATION				1,507.72		1,507.72
14-02178	JACK VICCHIARIELLO				960.00		960.00
14-00050	NEWARK ASPHALT				546.21		546.21

TOWNSHIP OF NUTLEY							
BILL LIST							
TUESDAY JULY 15, 2014							
P.O.	VENDOR	PUBLIC AFFAIRS	REVENUE & FINANCE	PUBLIC SAFETY	PUBLIC WORKS	PARKS & PUBLIC PROPERTY	TOTALS
14-00073	BUY WISE AUTO				334.04		334.04
14-02189	CITY OF NEWARK				14,474.31		14,474.31
14-02187	CABLEVISION				42.81		42.81
14-00056	ROUTE 23 AUTO MALL				148.61		148.61
14-00038	AMERICAN HOSE				211.57		211.57
14-00066	GRAINGER				142.18		142.18
14-02183	PSE & G				11.36		11.36
14-02179	NJ DEPT. OF TREASURY				9,000.00		9,000.00
14-02028	W.B. MASON				51.58		51.58
14-02037	SO.RIVER IRON WORKS				312.00		312.00
14-01611	WORK N GEAR				1,686.39		1,686.39
14-02010	AMERICAN STENCIL				195.00		195.00
14-01963	KEEP KIDS ALIVE DRIVE 25				575.00		575.00
14-02012	CENTRE RIDGE GARDEN				79.70		79.70
14-01953	SUB ESSEX JNT INS. FUND					300,763.91	300,763.91
14-02156	FLAGSHIP DENTAL PLAN					543.39	543.39
14-02137	LEROY W. RASP					1,258.80	1,258.80
14-02136	NOREEN HAVERON					486.32	486.32
14-02135	PETER SCARPELLI					1,258.80	1,258.80
14-02191	JOHN HOLLAND					1,258.80	1,258.80
14-02210	ANGELO FERRARA					1,258.80	1,258.80
14-02234	JEAN FRANCIS					629.40	629.40
14-02237	JOHN BARRY					1,908.00	1,908.00
14-02246	PHILIP HEFFELFINGER					629.40	629.40
14-02247	SUSANNA ERDOS					1,258.80	1,258.80
14-02248	JOSEPH GABRIELE					1,258.80	1,258.80

TOWNSHIP OF NUTLEY							
BILL LIST							
TUESDAY JULY 15, 2014							
P.O.	VENDOR	PUBLIC AFFAIRS	REVENUE & FINANCE	PUBLIC SAFETY	PUBLIC WORKS	PARKS & PUBLIC PROPERTY	TOTALS
14-02117	NATIONAL TERMINAL					253.23	253.23
14-02134	AT & T MOBILITY					691.70	691.70
14-00031	NATIONAL BUYILDING					57.60	57.60
14-00241	THE COPY SHOP					267.56	267.56
14-01193	TERRE & CO					76.00	76.00
14-00022	TERRE & CO					12.48	12.48
14-00548	PRINCETON HOSTED SOLUTION					3,815.91	3,815.91
14-00029	GRAINGER					237.00	237.00
14-00029	GRAINGER					42.87	42.87
14-00030	GRANT SUPPLIES					1,064.00	1,064.00
14-00018	P & A AUTO PARTS					138.20	138.20
14-00025	ABLE PAINT					221.86	221.86
14-01872	THE SHADE TREE DEPT					5,268.75	5,268.75
14-02130	MAGIC TOUCH CONSTRUCTION					127.00	127.00
14-02081	MAGIC TOUCH CONSTRUCTION					4,325.74	4,325.74
14-02083	VIRIDIAN ENVIRONMENTAL					8,493.51	8,493.51
14-01429	LOMBARDY OVERHEAD					2,072.00	2,072.00
14-01634	WORK N GEAR					957.22	957.22
14-01635	WORK N GEAR					373.25	373.25
14-01633	WORK N GEAR					777.00	777.00
14-01973	NEGLIA ENGINEER					135.00	135.00
14-01570	BARTLETT GREENHOUSE					2,260.50	2,260.50
14-02029	PIONEER PAINT					861.00	861.00
14-02077	LOMBARDY OVERHEAD					240.00	240.00
14-01764	NBC AUTO PARTS					765.00	765.00
14-01974	MAGIC TOUCH CONSTRUCTION					3,788.99	3,788.99

TOWNSHIP OF NUTLEY							
BILL LIST							
TUESDAY JULY 15, 2014							
P.O.	VENDOR	PUBLIC AFFAIRS	REVENUE & FINANCE	PUBLIC SAFETY	PUBLIC WORKS	PARKS & PUBLIC PROPERTY	TOTALS
14-01912	ADVANCED MECHANICAL					270.00	270.00
14-01940	ARTISTIC FENCE					202.13	202.13
14-02080	SAL ELECTRIC					2,627.21	2,627.21
14-01959	SAL ELECTRIC					6,011.01	6,011.01
14-01411	ALLIED BUILDING PRODUCTS					284.70	284.70
14-01604	WILFRED MACDONALD					79.26	79.26
14-02143	FRANKS TRUCK CENTER					276.77	276.77
14-02053	DIRECT ENERGY BUSINESS					93.47	93.47
14-02056	DIRECT ENERGY BUSINESS					292.09	292.09
14-02131	JOSEPH GABRIELE					700.00	700.00
14-02126	NUTLEY PARK SHOPRITE					235.24	235.24
14-02227	JOSEPH GABRIELE					400.00	400.00
14-02228	ANNEURIS TORRES					120.00	120.00
14-02233	LOIS PLINIO					41.77	41.77
14-02235	WILLIAMS CENTER					1,200.00	1,200.00
14-02236	TASKIN MUMCUOGLU					125.00	125.00
14-02239	SAMANTHA MAGILL					25.70	25.70
14-02240	JAEWON KIM					65.00	65.00
14-02241	MELANIE FERRARA					75.00	75.00
14-02242	KRIS ANGELO					40.00	40.00
14-02243	VIRGINIA MINERA					40.00	40.00
14-02244	RACHEL LADUTKE					25.00	25.00
14-02245	KEITH SARRO					25.00	25.00
14-02249	ALYCIA KIRK					50.00	50.00
14-02250	VITA TRAMA					125.00	125.00
14-02251	NICHOLAS COMPLITANO					40.00	40.00

BILL LIST
JULY 15, 2014

List of payroll submitted for approval by the Board of Commissioners at their regular meeting of JULY 15, 2014:

PAYROLL-REGULAR JULY 3, 2014:

Department of Public Affairs	18,950.62
Department of Revenue & Finance	63,116.76
Department of Public Safety	475,126.32
Department of Public Works	61,853.72
Department of Parks & Public Properties	75,646.34
Department of Recreation Commission	4,248.77
Water Operations	40,780.48
Due To From General Capital	3,623.27
600 Series	7,121.02
POLICE OUTSIDE DUTIES	16,980.00
C.E.H.A.	3,240.00

Sub Total 770,687.30

PAYROLL-OVERTIME JULY 3, 2014:

Department of Public Affairs	0.00
Department of Revenue & Finance	479.78
Department of Public Safety	12,027.26
Department of Public Works	7,295.84
Department of Parks & Public Properties	5,038.84
Water Operations	7,683.52
600 Series	0.00

Sub Total 32,525.24

TOTAL PAYROLL: 803,212.54

GRAND TOTAL: 4,666,421.79

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

Federal Withholding Tax	101,145.87
Social Security	24,128.19
N.J. State Tax	30,014.23
Medicare	11,512.47
Wage Execution	4,057.50
Deferred Compensation	24,659.83
Employee Disability Ins.	5,217.15

Ordinance No. 3286

Introduced by Commissioner Scarpelli

Introduced on June 10, 2014

Public Hearing July 1, 2014 (Deferred to Tuesday, July 15, 2014)

Adopted: July 15, 2014

Ordinance No. 3286

AN ORDINANCE TO AMEND CHAPTER 700 OF THE CODE OF THE TOWNSHIP OF NUTLEY, ENTITLED "ZONING" ADDING SECTION 700-22.1 "PERMITTED USES IN M-2 ZONING DISTRICT" TO ARTICLE V - GENERAL REGULATIONS.

WHEREAS, The Board of Commissioners for the Township of Nutley adopted a new Master Plan on December 19, 2012 (the "2012 Master Plan"); and

WHEREAS, the Land Use Element of the 2012 Master Plan provides recommendations for modifications to certain Zone Districts within the Township; and

WHEREAS, Chapter 3, Subpart B "Land Use Issues to be Addressed in the Master Plan" of the 2012 Master Plan specifically includes a review of the Permitted Uses and Bulk Requirements of East Center Street (the B-4 Zone) as well as several special development areas which were evaluated for potential redevelopment/ rehabilitation, in areas including the Washington Avenue/East Center Street corridors; and

WHEREAS, Chapter 3, Section 6.5 of the 2012 Master Plan encaptioned "*General Commercial*" provides, "Located along Washington Avenue and East Centre Street, the General Commercial Area represents a special future economic development opportunity for the Township. These areas are *not* viewed as sites for increased residential development or mixed-use development"; and

WHEREAS, Chapter 3, Subpart J, "*Industry and Manufacturing*" provides: "the Industry and Garden Apartment district (M-1), located in the south eastern area of the Township adjacent to East Centre Street, is an area in transition. Historically this area consisted of manufacturing and industrial uses, which benefited from an adjacent freight line. However, over time, garden apartment buildings have replaced manufacturing uses. The M-1 district permits: storage and sales facilities for building materials; laboratories for research analysis, design and/or experimentation; takeout food establishments; automotive sales agencies, laundries, dry-cleaning and dyeing plants; printing establishments; commercial greenhouses; light assembly uses; manufacturing uses; commercial warehouses; and garden apartments in accordance with standards from the R-3 district"; and

WHEREAS, the 2012 Master Plan further provides for a "Washington Avenue/East Centre Street Corridor Overlay District" that is described in pertinent part as follows:

"Areas along Washington Avenue and East Centre Street outside of the Downtown are predominantly non-residentially zoned. From a planning perspective, there are concerns relating to the future layout and scale of development within these areas.... This Master Plan *discourages residential development* in this overlay district, and instead encourages commercial

development compatible with the existing area. The overlay district would allow the types of non-residential uses that are of a lower intensity than the Downtown which are compatible with residential uses. The proposed boundaries of the overlay district are depicted on the Land Use Plan. The overlay district should also include design guidelines and bulk standards such as open space, landscaping, signage, setbacks, connectivity, and screening. The standards in the overlay district would be more restrictive than those required in the underlying zone district.

WHEREAS, while the 2012 Master Plan recommends rezoning this area from M-1 to B-4, which is more conforming with the existing character of this area it is the intention of this Ordinance to create a new M-2 zone to permit uses consistent with the M and B-4 districts.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Township of Nutley in the County of Essex, State of New Jersey that Chapter 700 of the Code of the Township of Nutley is amended as follows:

1. Section 700-4, entitled “Establishment; Zoning Map”, subsection A shall be amended to read “The territory of the Township of Nutley is hereby divided into the following 16 classes of zoning districts:” and shall include zone M-2 Industry;
2. Section 700-22.1 entitled “Permitted uses in M-2 Zoning District” shall be added to Article V – General Regulations;
3. The following uses are permitted in the M-2 Zoning District:
 - A. Any use and building permitted in B-4 District;
 - B. Any use and building permitted in M Zoning District;
4. The following Area shall be comprised within the M-2 District;
 - A. Block 6800 Lots 1,2,3 and 4;
 - B. Block 6801 Lots 2,3,5 and 6;
 - C. Block 6902 Lots 2,3 and 4
 - D. Block 9604 Lots 14;
 - E. Block 9700 Lots 9;
 - F. Block 9701 Lots 3,4, and 6;
5. Zoning Attachment four (4) entitled “Schedule of Regulations as to Bulk, Height and Other Requirements Industrial Districts” shall be amended to include M-2 District with following criteria:
 - A. Type of Use shall read Industry;
 - B. Minimum Lot Size Area(ft.) shall read 10,000;
 - C. Minimum Lot Size Width(ft.) shall read 100;
 - D. Minimum Lot Size Depth(ft.) shall read 100;
 - E. Minimum Lot Size Per Dwelling (sq. ft.) shall be blank;
 - F. Minimum Yard Dimensions Front(ft.) shall read 20;
 - G. Minimum Yard Dimensions Rear(ft.) shall read Height of Building; 50 if adjacent to R Zone;

- H. Minimum Yard Dimensions 1 Side(ft.) shall read 10;
- I. Minimum Yard Dimensions Both Sides (ft.) shall read 20;
- J. Maximum Height Stories shall read 4;
- K. Maximum Height Feet shall read 50;
- L. Maximum Lot Coverage (percent) shall read 50%;
- M. Maximum Impervious Surface Coverage (percent) shall read N/A;

- 6. All ordinances or parts of ordinances or resolutions that are in conflict or inconsistent with the provisions of this ordinance are hereby repealed to the extent necessary, but only to the extent of such conflict and inconsistency;
- 7. If any article, section, subsection, term or condition of this Ordinance is declared invalid or illegal for any reason, the balance of the Ordinance shall be deemed severable and shall remain in full force and effect.

This Ordinance shall take affect after publication and passage according to law.

ORDINANCE NO. 3288
INTRODUCED BY MAYOR PETRACCO
INTRODUCED ON TUESDAY, JUNE 17, 2014
PUBLIC HEARING AND ADOPTION: TUESDAY, JULY 15, 2014

ORDINANCE NO. 3288

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; LANE USE RESERVATIONS), SECTION 28 ENTITLED BUS STOPS, TO DELETE THE LOCATION SET FORTH THEREIN.

BE IT ENACTED by the Board of Commissioners of the Township of Nutley that Section 28 of Chapter 228 of the Code of the Township of Nutley, entitled Special Zones and Areas; Lane Use Reservations, is hereby amended to set forth the Deletion of the following location:

228-28. Bus Stops.

The locations described are hereby designated as bus stops. No vehicle other than an omnibus picking up or discharging passengers shall be permitted to occupy said location between the hours indicated.

O. Along Washington Avenue, northbound on the easterly side thereof at:

Delete

Street

Hours

Nutley Avenue (far side): beginning at the northerly curblin
Of Nutley Avenue and extending northerly 120 feet therefrom.

All

BE IT FURTHER ENACTED that all other terms and conditions and locations in Section 28 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.

ORDINANCE # 3289
INTRODUCED BY: MAYOR ALPHONSE PETRACCO
INTRODUCED ON: JUNE 17, 2014
PUBLIC HEARING and ADOPTION JULY 15, 2014

ORDINANCE NO. 3289

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

MUNICIPAL COURT

<u>TITLE</u>	<u>BASE SALARY MINIMUM</u>	<u>BASE SALARY MAXIMUM</u>
Clerk 1	\$ 10.00/hour	\$ 20.00/hour

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.

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Commissioner Mauro G. Tucci *Date:* July 15, 2014
Seconded by: Mayor Alphonse Petracco *No.* 168-14

BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley in the County of Essex, NJ that the Township Clerk is hereby authorized to advertise for SEALED BIDS for the REMOVAL OF TOWNSHIP TREES THROUGHOUT THE TOWN.

Bids to be received on Wednesday, August 6, 2014, in the Commission Chambers, Township Hall, at 3:00 p.m. (prevailing time) at which time they will be publicly opened and read.

...

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 July 15, 2014

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

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Commissioner Mauro G. Tucci *Date:* July 15, 2014

Seconded by: Commissioner Thomas J. Evans *No.* 169-14

BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey that the Township Treasurer is hereby authorized to refund a tree permit fee collected, in consideration of the fact that the required replacement trees were installed, per Shade Tree Preservation Ordinance. Payment would come from account C-01-904-906:

Edward and Alba Aversa 2 replacement trees \$100.00 20 Clover Street

. . .

I, Evelyn Rosario, Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the

Evelyn Rosario

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

July 15, 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>
Yes	X	X	X	X	X
No					
Not Voting					
Absent/Excused					

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Commissioner Mauro G. Tucci *Date:* July 15, 2014
Seconded by: Commissioner Thomas J. Evans *No.:* 170-14

BE IT RESOLVED by the Board of Commissioners of the township of Nutley, County of Essex, State of New Jersey, that the township Clerk be and she is hereby authorized to advertise for SEALED BIDS for AIR CONDITIONING AND REFRIDGERATION.

Specifications are available in the Purchasing Department, Township Hall, One Kennedy Drive, Nutley, NJ.

Bids to be received on August 6, 2014 in the Commission Chambers, Third Floor, Township Hall, Kennedy Drive, at 3:00 PM, Prevailing Time, at which time they will be publicly opened and read.

...

I, Evelyn Rosario Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the

Evelyn Rosario

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

July 15, 2014

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

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Commissioner Mauro G. Tucci *Date:* July 15, 2014

Seconded by: Commissioner Thomas J. Evans *No.* 171-14

BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley in the County of Essex, NJ that the Township Clerk is hereby authorized to advertise for SEALED BIDS for the PRUNING OF TOWNSHIP TREES THROUGHOUT THE TOWN.

Bids to be received on Wednesday, August 6, 2014, in the Commission Chambers, Township Hall, at 3:00 p.m. (prevailing time) at which time they will be publicly opened and read.

. . .

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 July 15, 2014

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

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Commissioner Thomas J. Evans

Date: July 15, 2014

Seconded by: Commissioner Mauro G. Tucci

No. 160-14

Whereas, there exists a need to acquire services for the support and maintenance of the Township's Website and related technology services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44a-20.4 or 20.5, as appropriate; and

WHEREAS, it has been determined and certified in writing that the value of these services will exceed \$17,500.00 for the calendar year 2014; and

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

WHEREAS, N.J.S.A. 40a11-5 (i)(dd) provides for the award of a contract without public bidding for the provision or performance of goods or services for the support or maintenance of computer hardware and software; and

WHEREAS GovDelivery, Inc. has patented computer software currently being used in connection with the website and provides other technology services; and

WHEREAS, GovDelivery, Inc. has submitted a proposal to provide these services for \$24,000.00 annually; and

WHEREAS, GovDelivery, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that said corporation has not made any reportable contributions to a political or candidate committee in the Township of Nutley in the previous one (1) year and that the Contract will prohibit them from making any reportable contributions through the term of the Contract; and

WHEREAS, funds are available from the following budget accounts totaling \$24,000.00 for the calendar year 2014 and have been certified by the Chief Financial Officer; said certification being attached hereto:
4-01220-209.....\$4,000.00; 4-01-308-209...o.\$4,000.00; 4-01-314-209.....\$4,000.00; 4-01-408-209.....\$4,000.00; 4-01-506-209.....\$4,000.00;

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

1. The Mayor and Township Clerk are here authorized and directed to enter into a contract with GovDelivery, Inc. 408 St. Peter Street, Suite 600, St. Paul, MN 55102, as described herein.
2. The Business Entity Disclosure Certification and Determination of Value shall be placed on file with this resolution.
3. Notice of this action shall be printed once in the Nutley Sun in accordance with the Local Public Contracts Law.

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 July 15, 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>s</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:* July 15, 2014
Seconded by: Commissioner Mauro G. Tucci *No.* 161-14

BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, in the County of Essex, State of New Jersey, that the Treasurer be and she is hereby authorized to refund overpayment of the property taxes in the amount of \$15,752.09 for said years due to successful tax court judgments.

Block & Lot	Address	Amount
3100 40	495 Franklin Ave.	\$4,924.14 0 - 2012
3100 40	495 Franklin Ave.	\$5,172.85 - 2013
4402 7	474 Franklin Ave.	\$5,655.10 - 2011

. . .

I, Evelyn Rosario/plb, Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the Evelyn Rosario foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held July 15, 2014

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

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Commissioner Thomas J. Evans *Date:* 0 July 15, 2014
Seconded by: Commissioner Mauro G. Tucci *No.* 172-14

WHEREAS, the Township was notified of a complaint No: 2014-53 filed with State of New Jersey Government Records Council (GRC) 101 South Broad Street, PO Box 819, Trenton, New Jersey 08625-0819 filed by Ms. Penny Landry;

WHEREAS, the Township of Nutley and Ms. Landry were able to enter into a mediation process to address and solve the matter to both parties satisfaction; and

WHEREAS, as condition of the settlement, the Township agreed to pay legal fees for PashmanStein, 21 Main Street, Suite 100, Hackensack, New Jersey 07601, counsel to Ms. Landry, in the amount of \$1,000.00.

NOW, THEREFORE BE IT RESOLVED, by the Board of Commissioners, Township of Nutley that PashmanStein, 21 Main Street, Suite 100, Hackensack New Jersey 07601 be paid a total amount of \$1000.00 in full consideration of their services with respect to GRC Compliant No; 2014-53.

I, Evelyn Rosario Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the
 Evelyn Rosario
 foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held July 15, 2014

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

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Commissioner Joseph P. Scarpelli *Date:* July 15, 2014
Seconded by: Commission Steven Rogers *No.* 162-14

WHEREAS, Bids for the 2014 Various Crack Sealing were received and opened on Wednesday, May 28, 2014; and

WHEREAS, Cifelli & Son General Contracting, Inc., was the low bidder; and

WHEREAS, Resolution 127-14 incorrectly stated the address as Cifelli & Son General Contracting, Inc., 4 Coppola Street, Nutley, NJ, 07110; and

WHEREAS, the corrected address is Cifelli & Son General Contracting, Inc., 81 Franklin Avenue, Nutley, NJ, 07110;

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that Resolution 127-14 be amended with the correct address for Cifelli & Son Contracting, Inc., as reflected above.

I, *Evelyn Rosario* Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that
then Evelyn Rosario
foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting July 15, 2014
held _____

<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:* July 15, 2014
Seconded by: Commissioner Steven Rogers *No.* 167-14

WHEREAS, Bids for Park Avenue Improvement Project Section 1 for paving of street, sidewalk and curb replacement were received and opened on July 9, 2014; and

WHEREAS, AJM Contractors, Inc., 300 Kuller Road, Clifton, NJ 07011 was the low bidder; and

WHEREAS, the Base Bid for the Park Avenue Improvement Project Section 1 is in the amount of \$282,719.00, Alternate Bid #1 in the amount of \$22,680.00 for a total bid amount of \$305,399.00; and

WHEREAS, funds are available from Capital Ordinance #3213A in the amount of \$370.89, Capital Ordinance #3242E in the amount of \$20,900.00 and Capital Ordinance #3243A in the amount of \$47,128.11 from monies received via a grant from New Jersey Department of Transportation (NJDOT) Local Aid Municipal Grant and Ordinance #3292 in amount of \$237,000.00 and have been certified by the Chief Financial Officer, said certification being attached to this resolution;

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that a contract be awarded to AJM Contractors, Inc., not to exceed \$305,399.00 and that the Mayor and Township Clerk are hereby authorized to enter into and sign said contract for the Township of Nutley.

. . .

I, Evelyn Rosario 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 July 15, 2014

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

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

Resolution

Introduced by: Mayor Alphonse Petracco *Date:* July 15, 2014

Seconded by: Commissioner Mauro G. Tucci *No.* 163-14

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

Nutley Music Boosters Association	License No. 50-14 On-Premise Merchandise Raffle	September 20, 2014
Nutley Music Boosters Association	License No. 51-14 On-Premise 50/50 Cash Raffle	September 20, 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, that the a licenses are approved and the Municipal Clerk is authorized to issue the licenses.

...

I, Evelyn Rosario Jelb, 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 July 15, 2014

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

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Mayor Alphonse Petracco

Date: July 15, 2014

Seconded by: Commissioner Mauro G. Tucci

No. 164-14

BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, in the County of Essex, State of New Jersey, that renewal of the following Plenary Retail Consumption License & Retail Consumption License with Broad Package Privilege be granted to the following licensees effective July 1, 2014 through June 30, 2015.

BE IT RESOLVED, that the State of New Jersey, Department of Treasury, Division of Taxation has provided Tax Clearance Certificates for each establishment listed below for this renewal period.

BE IT FURTHER RESOLVED, the establishment located at 227-229 Centre Street "Nutley Pub Associates, LLC T/A Nutley Pub Associates has been inspected by the Board of Health, Fire Department, Code Enforcement Department and the Police Department of the Township of Nutley and is in satisfactory condition.

Nutley Pub Associates, LLC T/A Nutley Pub Associates	227-229 Centre Street	0716-33-024-005 Retail Consumption	\$1,719.36
CARRINO DMAGGIO LLC	POCKET LICENSE (INACTIVE)	0716-32-020-010 Retail Consumption with Broad Package Privilege	\$1,719.36

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex that the Municipal Clerk be and she is hereby directed and authorized to issue said licenses for the licensing period of July 1, 2014 through June 30, 2015.

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 July 15, 2014

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

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

Resolution

Introduced by: Mayor Alphonse Petracco *Date:* July 15, 2014

Seconded by: Commissioner Mauro G. Tucci *No.* 165-14

WHEREAS, an application has been filed for a person-to-person Transfer of Plenary Retail Consumption License Number 0716-33-011-006, heretofore issued to Papillion LLC T/A The Game Sports Bar and Grill for premises located at 350 Passiac Avenue, Nutley, New Jersey 07110; and

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

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the license business;

NOW, THEREFORE BE IT RESOLVED, that the Township of Nutley Governing Body does hereby approve, effective Wednesday, July 16, 2014, the transfer of the aforesaid Plenary Retail Consumption License to **“Huddle Sports Bar and Grill, LLC T/A Huddle Sports Bar and Grill, LLC”** and does hereby direct the Municipal Clerk to endorse the license certificate to the new ownership as follows: **“This license, subject to all its terms and conditions, is hereby transferred to “Huddle Sports Bar and Grill, LLC T/A Huddle Sports Bar and Grill, LLC” effective Wednesday, July 16, 2014.”**

. . .

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 July 15, 2014

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

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Mayor Alphonse Petracco

Date: July 15, 2014

Seconded by: Commissioner Mauro G. Tucci

No. 166-14

WHEREAS, an application has been filed for a person-to-person Transfer of Club License Number 0716-31-035-001, heretofore issued to Stuart E. Edgar Post No. 493 Veteran of Foreign Wars T/A VFW Holding Co. of Nutley for premises located at 271 Washington Avenue, Nutley, New Jersey 07110; and

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

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the license business;

NOW, THEREFORE BE IT RESOLVED, that the Township of Nutley Governing Body does hereby approve, effective Wednesday, July 16, 2014, the transfer of the aforesaid Club License to "**VFW Holding Company of Nutley T/A VFW Holding Company of Nutley**" and does hereby direct the Municipal Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to "**VFW Holding Company of Nutley T/A VFW Holding Company of Nutley**" effective Wednesday, July 16, 2014."

...

I, Evelyn Rosario, Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the

Evelyn Rosario

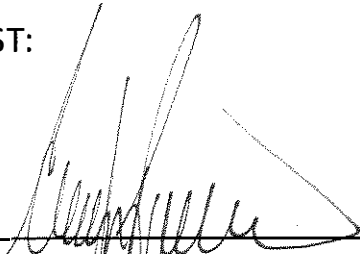
foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held

July 15, 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>
Yes	X	X	X	X	X
No					
Not Voting					
Absent/Excused					

**Signature Page/Board of Commissioners
Meeting Minutes, July 15, 2014**

ATTEST:



Evelyn Rosario, RMC

Municipal Clerk

(Meeting Minutes Approved at the
September 2, 2014 Board of
Commissioners Meeting)



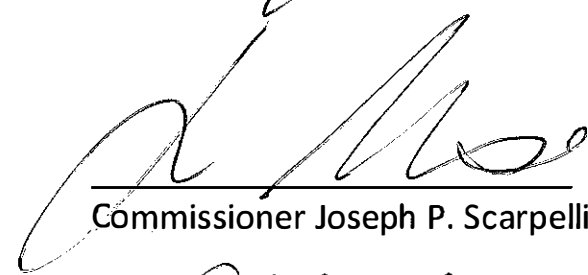
Commissioner Steven Rogers



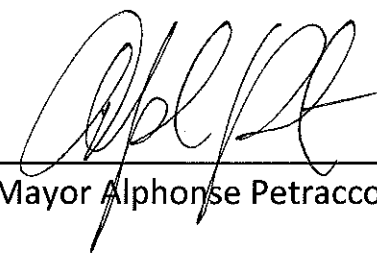
Commissioner Mauro G. Tucci



Commissioner Thomas J. Evans



Commissioner Joseph P. Scarpelli



Mayor Alphonse Petracco