

TOWNSHIP OF NUTLEY, NEW JERSEY

BOARD OF COMMISSIONERS

ORIGINAL

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PUBLIC MEETING) TRANSCRIPT OF
) PROCEEDINGS:
)

March 5, 2013

7:20 p.m.

BEFORE:

- Commissioner Mauro Tucci
- Commissioner Steven Rogers
- Commissioner Joseph Scarpelli
- Mayor Alphonse Petracco

Job No. VTNJ - 1670525

2013 JUN -6 PM 12:22

P R O C E E D I N G S

1
2 MAYOR PETRACCO: Can we please just have moment of
3 silence for our troops, our men and women serving overseas.

4 (Pause)

5 MAYOR PETRACCO: Thank you.

6 Madam Clerk?

7 MADAM CLERK: Yes, Mayor.

8 Tuesday, March 5, 2013. Pursuant to the
9 requirements of the Open Public Meeting Law, Chapter 231,
10 P.L. 1975, notice of this meeting was published in the
11 December 13, 2012 issues of the Nutley Sun, the Star Ledger
12 and the Herald News. A copy of this notice has been posted
13 on the Nutley Town Hall bulletin board and a copy is on file
14 in the Municipal Clerk's Office.

15 Commissioner Rogers?

16 COMMISSIONER ROGERS: Here.

17 MADAM CLERK: Commissioner Tucci.

18 COMMISSIONER TUCCI: Here.

19 MADAM CLERK: Commissioner Evans is absent,
20 excused this evening.

21 MADAM CLERK: Commissioner Scarpelli?

22 COMMISSIONER SCARPELLI: Here.

23 MADAM CLERK: Mayor Petracco.

24 MAYOR PETRACCO: Here.

25 All present, Mayor, with the exception of

1 Commissioner Evans who is absent, excused this evening.

2 MAYOR PETRACCO: Thank you. I see we have no
3 minutes. Communications and correspondence, please?

4 MADAM CLERK: Yes, Mayor. I have one item of
5 communication. It's an application for a special social
6 affair permit, well alcohol from the Nutley Free Public
7 Library. The event is scheduled to take place on May 14,
8 2014 at 6:30 p.m. at the Nutley Free Public Library. I'll
9 need a motion and a second authorizing --

10 COMMISSIONER ROGERS: Moved.

11 COMMISSIONER TUCCI: Second.

12 MADAM CLERK: Commissioner Rogers?

13 COMMISSIONER ROGERS: Aye.

14 MADAM CLERK: Commissioner Tucci?

15 COMMISSIONER TUCCI: Aye.

16 MADAM CLERK: Commissioner Scarpelli?

17 COMMISSIONER SCARPELLI: Aye.

18 MADAM CLERK: Mayor Petracco?

19 MAYOR PETRACCO: Aye.

20 MADAM CLERK: Thank you, Mayor.

21 MAYOR PETRACCO: Repots, I see none, we move to
22 the bills.

23 MADAM CLERK: Yes, Mayor.

24 March 5, 2013.

25 Public affairs: \$168,473.18;

1 Revenue and Finance: \$2,261,251.91;
2 Public Safety: \$92,235.64;
3 Public Works: \$77,629.51
4 Parks and Public Property: \$598,208.57;
5 Payroll as of March 1, 2013: \$792,840.50;
6 For a grand total bill list of: \$3,295,639.31.
7 And that's all for bills this evening, Mayor.

8 MAYOR PETRACCO: Move the bills.

9 COMMISSIONER SCARPELLI: Second.

10 MADAM CLERK: Commissioner Rogers?

11 COMMISSIONER ROGERS: Yes, on all but Purchase
12 Order 1300. I vote no on that.

13 MADAM CLERK: Okay. I just need one moment to see
14 which is that purchase order number and what department its
15 under. Would that be under public affairs?

16 COMMISSIONER ROGERS: Public Safety 1300.

17 MADAM CLERK: Okay. That's for the \$9,562.50

18 COMMISSIONER ROGERS: That is correct.

19 MADAM CLERK: Okay. You're voting for everything
20 with the exception of that one. Okay.

21 MADAM CLERK: Commissioner Tucci?

22 COMMISSIONER TUCCI: I vote yes and I'd like to
23 abstain on 13-00439 in public safety also.

24 MADAM CLERK: Okay. Commissioner Tucci you'll be
25 abstaining from PO 13-00439 as well for \$9,562.50. The

1 remaining you are for?

2 COMMISSIONER TUCCI: That is correct.

3 MADAM CLERK: Okay. Commissioner Scarpelli?

4 COMMISSIONER SCARPELLI: Aye.

5 MADAM CLERK: Mayor Petracco?

6 MAYOR PETRACCO: Aye.

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

9 MAYOR PETRACCO: Thank you. Okay. Now we will
10 move on to ordinance introductions.

11 Commissioner Scarpelli.

12 COMMISSIONER SCARPELLI: So Ordinance No. 3234
13 introduced by myself and Commissioner Evans it's an
14 ordinance of the Township of Nutley amending Chapter 685,
15 entitled Water Regulation Rates of the Township of Nutley
16 Code.

17 I move that this ordinance be passed to a second
18 reading and advertised in the Nutley Sun together with
19 notice required by law and that further consideration of
20 said ordinance for final passage by the Board of
21 Commissioners be held at its second reading on March 19th,
22 2013, correct, Madam Clerk?

23 MADAM CLERK: That is correct, Commissioner.

24 COMMISSIONER SCARPELLI: Move the ordinance.

25 UNIDENTIFIED SPEAKER: Second.

1 MADAM CLERK: Commissioner Rogers?

2 COMMISSIONER ROGERS: Aye.

3 MADAM CLERK: Commissioner Tucci?

4 COMMISSIONER TUCCI: Yes, on introduction.

5 MADAM CLERK: Commissioner Scarpelli?

6 COMMISSIONER SCARPELLI: Aye.

7 MADAM CLERK: Mayor Petracco?

8 MAYOR PETRACCO: Aye.

9 COMMISSIONER SCARPELLI: Ordinance No. 3233

10 Ordinance authorizing the acquisition of real property
11 located at Block 9001, Lot 12, Block 9001 Lot 13, Block 9001
12 Lot 13 in the Township of Nutley, County of Essex, State of
13 New Jersey.

14 I move that this ordinance be passed to a second
15 reading and advertised in the Nutley Sun together with
16 notice required by law and that further consideration of
17 said ordinance for final passage by the Board of
18 Commissioners be held at its second reading on March 19th,
19 2013. I move the ordinance.

20 COMMISSIONER TUCCI: Second.

21 MADAM CLERK: Commissioner Rogers?

22 COMMISSIONER ROGERS: Aye.

23 MADAM CLERK: Commissioner Tucci?

24 COMMISSIONER TUCCI: Aye.

25 MADAM CLERK: Commissioner Scarpelli?

1 COMMISSIONER SCARPELLI: Aye.

2 MADAM CLERK: Mayor Petracco?

3 MAYOR PETRACCO: Aye.

4 Okay. Now we'll move on to public hearings.

5 Public hearings from Commissioner Evans, Ordinance No. 3229
6 has been tabled to our next public meeting, which is March -
7 -

8 MADAM CLERK: March 19th, 2013, Mayor.

9 MAYOR PETRACCO: Okay. And I have a public
10 hearing on Ordinance No. 3228 an ordinance to amend an
11 ordinance codified in the Township of Nutley, Code Chapter
12 532, Article 1, Section 5, entitled Hardship Rent Increase,
13 Capital Improvement or Service Increase surcharge for rent
14 control.

15 I'd like to open the public meeting.

16 Seeing no one I move to close.

17 COMMISSIONER SCARPELLI: Second.

18 MADAM CLERK: Commissioner Rogers?

19 COMMISSIONER ROGERS: Aye.

20 MADAM CLERK: Commissioner Tucci?

21 COMMISSIONER TUCCI: Aye.

22 MADAM CLERK: Commissioner Scarpelli?

23 COMMISSIONER SCARPELLI: Aye.

24 MADAM CLERK: Mayor Petracco?

25 MAYOR PETRACCO: Aye.

1 I move the ordinance.

2 COMMISSIONER SCARPELLI: Second.

3 MADAM CLERK: Commissioner Rogers?

4 COMMISSIONER ROGERS: Aye.

5 MADAM CLERK: Commissioner Tucci?

6 COMMISSIONER TUCCI: Aye.

7 MADAM CLERK: Commissioner Scarpelli?

8 COMMISSIONER SCARPELLI: Aye.

9 MADAM CLERK: Mayor Petracco?

10 MAYOR PETRACCO: Aye.

11 Okay. Now we'll move on to resolutions.

12 Commissioner Rogers.

13 COMMISSIONER ROGERS: The resolution that I'm
14 going to present on behalf of the Board of Commissioners,
15 resolution that recognizes Women's History Month. Recognize
16 the (audio - no sound)e. In fact some of us who are older we
17 were in high school and -- looking at pictures of women in
18 the factories in this -- men were fighting in the wars.

19 Made great contributions to this country and to
20 the world and in that spirit I present this resolution.

21 WHEREAS, in 1988 the month of March was designated
22 by the United States Congress as National Women's History
23 Month; and

24 WHEREAS, Women's History Month promotes the
25 teaching of women's history and achievements of women

1 throughout the world; and

2 WHEREAS, it is important for the residents of the
3 Township to recognize the growing contributions and
4 achievements of the women of the Township of Nutley and the
5 State of New Jersey;

6 NOW THEREFORE BE IT RESOLVED, that the Board of
7 Commissioners of the Township of Nutley calls upon all
8 citizens of Nutley to observe the month of March as Women's
9 History Month at which time all of the residents may join in
10 commemorating women, past and present who have rendered a
11 service to our nation, our state and our Township.

12 So move.

13 COMMISSIONER SCARPELLI: Second.

14 MADAM CLERK: Commissioner Rogers?

15 COMMISSIONER ROGERS: Aye.

16 MADAM CLERK: Commissioner Tucci?

17 COMMISSIONER TUCCI: Aye.

18 MADAM CLERK: Commissioner Scarpelli?

19 COMMISSIONER SCARPELLI: Aye.

20 MADAM CLERK: Mayor Petracco?

21 MAYOR PETRACCO: Aye.

22 Commissioner Scarpelli? You know what, you're
23 right. Let's go to Commissioner Tucci. I'm sorry. I'm
24 just so used to going around the horn that way, but it's
25 easier this way. I'm sorry.

1 COMMISSIONER TUCCI: I guess we'll do age before
2 beauty today, right.

3 All right.

4 WHEREAS, the Township has the need for internet
5 and long distance phone service: and

6 WHEREAS, N.J.S.A. 40A:11-5(f) permits the award of
7 a contract without bidding for the supply of any service
8 which is a public utility subject to the jurisdiction of the
9 BPU; and

10 WHEREAS, the Director of Parks & Recreation has
11 determined and certified in writing that the value of the
12 aggregate services provided by the vendor for the year will
13 exceed \$17,500; and

14 WHEREAS, the proposal from Cablevision Lightpath,
15 Inc., 200 Jericho Quadrangle, Jericho, NY, has submitted a
16 proposal in the amount of \$2,970.00 per month or \$35,640.00
17 yearly; and

18 WHEREAS, Cablevision Lightpath, Inc. has completed
19 and submitted a Business Entity Disclosure Certification
20 which certifies that they have not made any reportable
21 contributions to a political or candidate committee in the
22 Township of Nutley in the previous one year, and that the
23 contract will prohibit them from making any reportable
24 contributions through the term of the contract; and

25 WHEREAS, Funds are available from Account 3-01-

1 510-237e, and have been certified by the Chief Financial
2 Officer, and said certification is attached to this
3 resolution.

4 NOW, THEREFORE, BE IT RESOLVED that the Board of
5 Commissioners or the Township of Nutley authorizes the Mayor
6 to enter into a three (3) year contract with Cablevision
7 Lightpath, inc. for the provision of internet and long
8 distance phone service.

9 BE IT FURTHER RESOLVED that the Business
10 Disclosure Entity Certification and the Determination of
11 Value be placed on file with this resolution.

12 I move the resolution.

13 COMMISSIONER SCARPELLI: Second.

14 MADAM CLERK: Commissioner Rogers?

15 COMMISSIONER ROGERS: Aye.

16 MADAM CLERK: Commissioner Tucci?

17 COMMISSIONER TUCCI: Aye.

18 MADAM CLERK: Commissioner Scarpelli?

19 COMMISSIONER SCARPELLI: Aye.

20 MADAM CLERK: Mayor Petracco?

21 MAYOR PETRACCO: Aye.

22 Would you like to continue for Commissioner Evans,
23 please?

24 COMMISSIONER TUCCI: I will continue with
25 Commissioner Evans' resolutions.

1 WHEREAS, Resolution No. 32-13 entitled "Refund
2 Overpayment of Property Taxes" was adopted by the Board or
3 Commissioners of the Township of Nutley at their meeting
4 held on Tuesday, February 5, 2013e

5 WHEREAS, this was a duplicate refund that was
6 granted;

7 NOW THEREFORE BE IT RESOLVED, by the Board of
8 Commissioners of the Township of Nutley, County of Essex
9 that resolution No. 32-13 be and is hereby rescinded.

10 I move the resolutions.

11 COMMISSIONER SCARPELLI: Second.

12 MADAM CLERK: Commissioner Rogers?

13 COMMISSIONER ROGERS: Aye.

14 MADAM CLERK: Commissioner Tucci?

15 COMMISSIONER TUCCI: Aye.

16 MADAM CLERK: Commissioner Scarpelli?

17 COMMISSIONER SCARPELLI: Aye.

18 MADAM CLERK: Mayor Petracco?

19 MAYOR PETRACCO: Aye.

20 COMMISSIONER TUCCI: BE IT RESOLVED, by the Board
21 of commissioners of the Township of Nutley, in the County of
22 Essex, State of New Jersey, that the Treasurer be and she is
23 hereby authorized to refund overpayments of the property
24 taxes in the amount or \$811.47 for the year 2012 and
25 \$2959.82 for 2013e Block and Lot 7002 10, address 215 Park

1 Ave. and Block and Lot 401 15 50 terrace Ave.

2 I move the resolution.

3 COMMISSIONER SCARPELLI: Second.

4 MADAM CLERK: Commissioner Rogers?

5 COMMISSIONER ROGERS: Aye.

6 MADAM CLERK: Commissioner Tucci?

7 COMMISSIONER TUCCI: Aye.

8 MADAM CLERK: Commissioner Scarpelli?

9 COMMISSIONER SCARPELLI: Aye.

10 MADAM CLERK: Mayor Petracco?

11 MAYOR PETRACCO: Aye.

12 COMMISSIONER TUCCI: BE IT RESOLVED, by the Board
13 of commissioners of the Township of Nutley, in the County of
14 Essex, State of New Jersey, that the Treasurer be and she is
15 hereby authorized to refund overpayment of the property
16 taxes in the amount of \$19,324.20 for said years due to
17 successful tax court judgments.

18 Block 7604 16 C0201, 18~~a~~ Franklin Avenue #201,
19 Block 76~~0~~4 16 C0203, 18~~a~~ Franklin Avenue #203 -- I think
20 these are all the same. 7604 16, so I'm just going to read
21 the addresses. 18~~a~~ Franklin Avenue #205, 18~~a~~ Franklin Avenue
22 #303, 18~~a~~ Franklin Avenue #305, 18~~a~~ Franklin Avenue #305

23 I move the resolution.

24 COMMISSIONER SCARPELLI: Second.

25 MADAM CLERK: Commissioner Rogers?

1 COMMISSIONER ROGERS: Aye.

2 MADAM CLERK: Commissioner Tucci?

3 COMMISSIONER TUCCI: Aye.

4 MADAM CLERK: Commissioner Scarpelli?

5 COMMISSIONER SCARPELLI: Aye.

6 MADAM CLERK: Mayor Petracco?

7 MAYOR PETRACCO: Aye.

8 COMMISSIONER TUCCI: WHEREAS, Hoffman-LaRoche,
9 Inc. ("Roche") and the Township of Nutley ("Nutley") entered
10 into a Tax Exemption Agreement, dated September 28~~g~~ 2010;
11 and

12 WHEREAS, Roche and Nutley have agreed to terminate
13 the Tax Exemption Agreement effective January 1, 2013.

14 NOW, THEREFORE, BE IT RESOLVED, by the Board of
15 Commissioners of the Township of Nutley, County of Essex,
16 State of New Jersey, that the Tax Exemption Agreement be
17 terminated and that the Assessor for the Township of Nutley
18 tax the property referenced in the Agreement in accordance
19 with law.

20 I move the resolution.

21 COMMISSIONER SCARPELLI: Second.

22 MADAM CLERK: Commissioner Rogers?

23 COMMISSIONER ROGERS: Aye.

24 MADAM CLERK: Commissioner Tucci?

25 COMMISSIONER TUCCI: Aye.

1 MADAM CLERK: Commissioner Scarpelli?

2 COMMISSIONER SCARPELLI: Aye.

3 MADAM CLERK: Mayor Petracco?

4 MAYOR PETRACCO: Aye.

5 COMMISSIONER TUCCI: WHEREAS, RS. 40 A:5-17 allows
6 for the cancellation of properly tax credits or delinquent
7 amounts in the amount of less than \$10.00; and,

8 WHEREAS, the governing body may authorize the Tax
9 Collector to process, without further action on their part,
10 any cancellation of property tax credits or delinquencies of
11 less than \$10.00,

12 Now, THEREFORE, BE IT RESOLVED, by the Board of
13 Commissioners, of the Township of Nutley, County of Essex,
14 Slate of New Jersey hereby authorize the Tax Collector to
15 cancel said amounts as deemed necessary.

16 I move the resolution.

17 COMMISSIONER SCARPELLI: Second.

18 MADAM CLERK: Commissioner Rogers?

19 COMMISSIONER ROGERS: Aye.

20 MADAM CLERK: Commissioner Tucci?

21 COMMISSIONER TUCCI: Aye.

22 MADAM CLERK: Commissioner Scarpelli?

23 COMMISSIONER SCARPELLI: Aye.

24 MADAM CLERK: Mayor Petracco?

25 MAYOR PETRACCO: Aye.

1 COMMISSIONER TUCCI: That's all Commissioner Evans
2 has, Mayor.

3 MADAM CLERK: Thank you.
4 Commissioner Scarpelli?

5 COMMISSIONER SCARPELLI: WHEREAS, the Township of
6 Nutley has entered into a contract with AJM Construction,
7 Inc., 300 Kuller Road, Clifton, New Jersey 07011, for a
8 project known as Passaic Avenue section 5 for an original
9 contract amount to \$243,730.50: and

10 WHEREAS, Change Order No. 1 has been authorized
11 for Ordinance No. 3183 of the original contract amount to be
12 reduced by \$4,720.93 for a total contract price or
13 \$238,999.57:

14 NOW THEREFORE, BE IT RESOLVED by the Board of
15 commissioners in the Township of Nutley, county of Essex,
16 State to New Jersey, that the change order no. 1 as
17 attached, is a change from the contract previously made by
18 the Township of Nutley with AJM construction, LLC, for the
19 Project known as Passaic Avenue Section 5 are hereby
20 authorized and approved.

21 I move the resolution.

22 COMMISSIONER ROGERS: Second.

23 MADAM CLERK: Commissioner Rogers?

24 COMMISSIONER ROGERS: Aye.

25 MADAM CLERK: Commissioner Tucci?

1 COMMISSIONER TUCCI: Aye.

2 MADAM CLERK: Commissioner Scarpelli?

3 COMMISSIONER SCARPELLI: Aye.

4 MADAM CLERK: Mayor Petracco?

5 MAYOR PETRACCO: Aye.

6 COMMISSIONER SCARPELLI: BE IT RESOLVED by the
7 Board of Commissioners of the Township of Nutley, County of
8 Essex, State of New Jersey, that the Township Clerk is
9 hereby authorized to advertise for sealed bids for the
10 Demolition of 43 Donna Court, 47 Donna Court and 49 Donna
11 Court, in Nutley, New Jersey 07110, to be received on behalf
12 of the Board of Commissioners, in the Commission Chambers,
13 Township Hall, 1 Kennedy Drive, Nutley, NJ, on April 9, 2013
14 at 3:00 P.M. prevailing time, at which time they will be
15 opened and read.

16 I move the resolution.

17 MAYOR PETRACCO: Second.

18 MADAM CLERK: Commissioner Rogers?

19 COMMISSIONER ROGERS: Aye.

20 MADAM CLERK: Commissioner Tucci?

21 COMMISSIONER TUCCI: Aye.

22 MADAM CLERK: Commissioner Scarpelli?

23 COMMISSIONER SCARPELLI: Aye.

24 MADAM CLERK: Mayor Petracco?

25 MAYOR PETRACCO: Aye.

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2 COMMISSIONER SCARPELLI: WHEREAS, Hoffman-La Roche
3 Inc., has requested that the Township of Nutley permit it to
4 install off site monitoring wells located in the Township's
5 Right-ofeWay on Funston Place and Terrace Avenue pursuant to
6 its ongoing site remediation efforts;

7 NOW, THEREFORE, RE IT RESOLVED. by the Board of
8 Commissioners or the Township of Nutley, in the County or
9 Essex, State or New Jersey as follows:

10 1. The Mayor be and is hereby authorized to enter
11 into an agreement with Hoffman-La Roche, Inc. in a form
12 approved by the Township Attorney-,

13 2. This Resolution shall take effect immediately
14 upon adoption according to law.

15 I move the resolution.

16 COMMISSIONER ROGERS: Second.

17 MADAM CLERK: Commissioner Rogers?

18 COMMISSIONER ROGERS: Aye.

19 MADAM CLERK: Commissioner Tucci?

20 COMMISSIONER TUCCI: Aye.

21 MADAM CLERK: Commissioner Scarpelli?

22 COMMISSIONER SCARPELLI: Aye.

23 MADAM CLERK: Mayor Petracco?

24 MAYOR PETRACCO: Aye.

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

1 MAYOR PETRACCO: Thank you.

2 BE IT RESOLVED, by the Board of Commissioners of
3 the Township of Nutley, in the County of Essex, State of New
4 Jersey, that the Treasurer be and she is hereby authorized
5 to refund a "Type 1 V" permit fee (Uniform Fire State of NJ
6 5:270-2.74 of \$42.00 to the Nutley Elks, 242 Chestnut Street.

7 I move the resolution.

8 COMMISSIONER TUCCI: Second.

9 MADAM CLERK: Commissioner Rogers?

10 COMMISSIONER ROGERS: Aye.

11 MADAM CLERK: Commissioner Tucci?

12 COMMISSIONER TUCCI: Aye.

13 MADAM CLERK: Commissioner Scarpelli?

14 COMMISSIONER SCARPELLI: Aye.

15 MADAM CLERK: Mayor Petracco?

16 MAYOR PETRACCO: Aye.

17 That concludes our business portion of the
18 meeting. if there's anyone that would like to address to
19 Board please come up at this time.

20 Please state your name and address for the record.

21 (Audio in this section is in and out,
22 indiscernibles are due to that)

23 MR. MAGNIFICO: Jack Magnifico 160 Park Avenue
24 Nutley, New Jersey.

25 I got a question to ask the Board Members. I've

1 discussed this with three of you so far. Our association
2 with Hoffman and Roche has been (indiscernible) I had the
3 good luck to be (indiscernible) for them and I've seen their
4 buildings. They have one major building (indiscernible)
5 part of our town. They actually have two of them, a large
6 building and a small building. (Indiscernible) from what I
7 gather when that -- they're going to be no more taxes paid
8 by them meaning that those two buildings eventually would be
9 destroyed. Under the present circumstances is it possible
10 to (indiscernible) that we could take that large building as
11 it is (indiscernible) hotel out of it. That hotel would
12 service us (indiscernible) this year for the Super Bowl
13 utilize that (indiscernible) utilize it for the future
14 (indiscernible) has nothing here and (indiscernible)e.

15 Yeah, the (indiscernible) stadium. Giant Stadium
16 that what happens (indiscernible)e. Giant Stadium that
17 really can bring the people together as far as teams go.
18 (Indiscernible) might be a good income property that may cut
19 the taxes down a little bit.

20 Then the other building, the small building
21 (indiscernible) I've had occasion to be in there delivering
22 labels and that could be made into a (indiscernible) center.
23 Don't have one like that. I've seen them (indiscernible)
24 towns in Jersey. That would be a good idea to have it and
25 help cut down the expenses for our townships, people will

1 have (indiscernible) work. That's item number one.

2 (Indiscernible).

3 MAYOR PETRACCO: Just to answer that question,
4 (indiscernible) their two cents in there as well. We've been
5 working very diligently in exploring every option possible
6 and even reaching out to the professionals, you know,
7 planners, and whoever else we can get to get ideas that we
8 could, you know, have (indiscernible) or even
9 (indiscernible).

10 MR. MAGNIFICO: There's another idea. I just
11 threw it out.

12 MAYOR PETRACCO: No, listen, we are open to
13 recommendations. I appreciate it.

14 MR. MAGNIFICO: Another thing (indiscernible).

15 UNIDENTIFIED SPEAKER: (Indiscernible).

16 MR. MAGNIFICO: That (indiscernible) that you got
17 with the telephone people (indiscernible) possible that the
18 townspeople could utilize that and (indiscernible) me off.

19 UNIDENTIFIED SPEAKER: I'm not so sure because
20 that was an agreement that was negotiated between the
21 Township and Optimum Lightpath.

22 MR. MAGNIFICO: You saved a lot of money for the
23 town with it and if you (indiscernible) with that, why
24 couldn't we pass it onto the people in town?

25 UNIDENTIFIED SPEAKER: Let me make a suggestion.

1 Jason Kirk (ph) is here. Jason is our IT guy and pretty
2 much takes the lead on this stuff. So maybe you should have
3 a conversation with him and see if there's any opportunity.
4 Back there with the gray sweater.

5 MR. MAGNIFICO: (Indiscernible) do that, you know.

6 UNIDENTIFIED SPEAKER: Every little bit helps.

7 MR. MAGNIFICO: Last but not least. Please cut my
8 taxes. I got an increase again. My accountant is telling
9 me I'm stupid. If we can possibly do anything, I would sure
10 appreciate it.

11 MAYOR PETRACCO: I could tell you this that we all
12 exhaust all of our energy 24 hours a days, seven days a week
13 looking for the solutions to do that.

14 MR. MAGNIFICO: I know. Have a good day,
15 gentleman. Thank you.

16 MAYOR PETRACCO: Thank you.

17 UNIDENTIFIED SPEAKER: Thanks, Jack.

18 MAYOR PETRACCO: Anyone else this evening that
19 would like to address the board?

20 Seeing no one.

21 UNIDENTIFIED SPEAKER: Executive session.

22 UNIDENTIFIED SPEAKER: Second.

23 MADAM CLERK: Whereas , the Board of Commissioners
24 of the Township of Nutley, in the County of Essex, and State
25 of New Jersey desires to proceed to closed executive

1 session: and NOW, THEREFORE, BE IT RESOLVED by the Board of
2 Commissioners of the Township of Nutley that the Township
3 Commission shall now move into closed executive session to
4 discuss three items: a Litigation, Potential Litigation, and
5 Contract Negotiation.

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

12 Commissioner Scarpelli --

13 COMMISSIONER SCARPELLI: Aye.

14 UNIDENTIFIED SPEAKER: I moved it.

15 MADAM CLERK: You moved it? And I need a second,
16 please.

17 COMMISSIONER TUCCI: Second.

18 MADAM CLERK: Seconded by Commissioner Tucci.

19 MADAM CLERK: Commissioner Rogers?

20 COMMISSIONER ROGERS: Aye.

21 MADAM CLERK: Commissioner Tucci?

22 COMMISSIONER TUCCI: Aye.

23 MADAM CLERK: Commissioner Scarpelli?

24 COMMISSIONER SCARPELLI: Aye.

25 MADAM CLERK: Mayor Petracco?

1 MAYOR PETRACCO: Aye.

2 (Adjourned to Executive Session at 7:44 p.m.)

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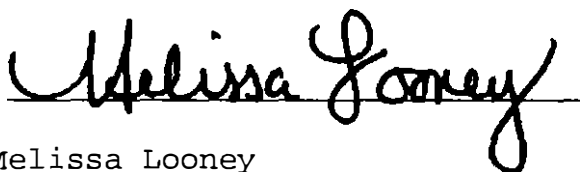
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C E R T I F I C A T I O N

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

A handwritten signature in black ink that reads "Melissa Looney". The signature is written in a cursive style and is positioned above a horizontal line.

Melissa Looney

AAERT Certified Electronic Transcriber CET**D-607

Date: June 4, 2013

**Township of Nutley
Board of Commissioners
Meeting Minutes
Tuesday, March 5, 2013
7:00 P.M.**

At this point in the meeting the Municipal Clerk read the following Executive Session resolution into the record;

Resolution No. 78-13

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
2. Potential Litigation
3. Contract Negotiation

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.

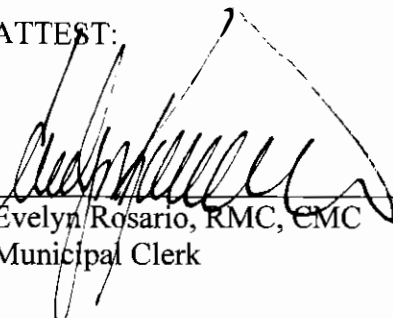
Introduced by Commissioner Scarpelli, seconded by Commissioner Rogers. All ayes on a roll call vote. (Commissioner Evans Absent/Excused/) Entered Executive Session at 7:47 PM

Commissioner Scarpelli made a motion to exit Executive Session seconded by Commissioner Tucci, all Ayes on a roll call vote. (Commissioner Evans Absent/Excused.) The Board of Commissioners exited Executive Session at 9:10PM and entered into the Public Session.

Motion to adjourn by Commissioner Rogers, seconded by Commissioner Scarpelli. All ayes. (Commissioner Evans Absent/Excused.). Meeting adjourned at 9:13 PM.

March 5, 2013 meeting transcription approved by the Board of Commissioners of the Township of Nutley at their meeting held on Tuesday, July 16, 2013.

ATTEST:



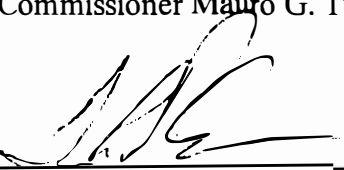
Evelyn Rosario, RMC, CMC
Municipal Clerk



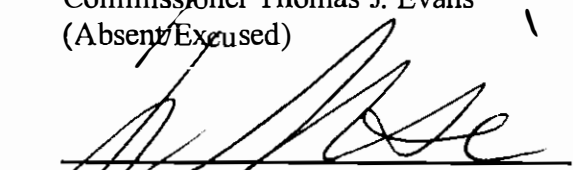
Commissioner Steven Rogers



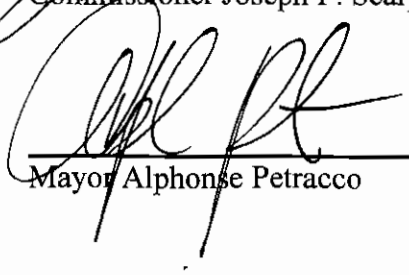
Commissioner Mauro G. Tucci



Commissioner Thomas J. Evans
(Absent/Excused)



Commissioner Joseph P. Scarpelli



Mayor Alphonse Petracco

Attach To Official Minutes

TOWNSHIP OF NUTLEY							
BILL LIST							
TUESDAY MARCH 5, 2013							
P.O.	VENDOR	PUBLIC AFFAIRS	REVENUE & FINANCE	PUBLIC SAFETY	PUBLIC WORKS	PARKS & PUBLIC PROPERTY	TOTALS
13-00641	NJ MEADOWLANDS COMM	9,501.46					9,501.46
13-00639	T/MONTCLAIR	2,111.60					2,111.60
13-00448	NUTLEY PARK SHOPRITE	45.79					45.79
13-00448	NUTLEY PARK SHOPRITE	30.47					30.47
13-00257	STAPLES	55.59					55.59
13-00606	ESSEX CNTY UTILITIES AUTH.	87,092.77					87,092.77
13-00585	CHILDREN & FAMILIES DEPT.	1,450.00					1,450.00
13-00586	CHILDREN & FAMILIES DEPT.	850.00					850.00
13-00605	FUTURE SANITATION	65,805.55					65,805.55
12-05193	CDW GOVNMNT	760.05					760.05
13-00200	SANOFI PASTEUR	769.90					769.90
13-00512	TREASURER SCHOOL MONEY		2,167,349.00				2,167,349.00
13-00613	PAYROLL AGENCY ACCT.		36,113.97				36,113.97
13-00618	PAYROLL AGENCY ACCT.		95.26				95.26
13-00584	VERIZON WIRELESS		48.01	567.04			615.05
12-04603	ASSN. MUN. ASSESSORS		90.00				90.00
13-00514	PATERSON STAMP WORKS		84.97				84.97
13-00537	PATERSON STAMP WORKS		619.65				619.65
13-00207	MONROE SYSTEMS FOR BUS.		284.21				284.21
13-00627	NJ STATE LEAGUE MUNICIPAL.		75.00				75.00
13-00453	MAJOR LEAGUE AUTO SPA		12.00				12.00
12-05386	WORLD DATA PRODUCTS		8,884.00				8,884.00
13-001471	WORLD DATA PRODUCTS		1,372.24				1,372.24
13-00375	NEOPOST INC		77.49				77.49
13-00653	AT & T MOBILITY		162.39				162.39
13-00652	AT & T MOBILITY		238.93				238.93

TOWNSHIP OF NUTLEY							
BILL LIST							
TUESDAY MARCH 5, 2013							
P.O.	VENDOR	PUBLIC AFFAIRS	REVENUE & FINANCE	PUBLIC SAFETY	PUBLIC WORKS	PARKS & PUBLIC PROPERTY	TOTALS
13-00651	MUN. CLERKS ASSOC.		50.00				50.00
13-00650	MUN. CLERKS ASSOC.		100.00				100.00
13-00171	PROFESSIONAL EQUIPMENT		151.87				151.87
13-00140	HEWLETT PACKARD		931.08				931.08
13-00432	HOME DEPOT		69.99				69.99
13-00569	US BANK CUST PRO CAPITLA I		1,622.30				1,622.30
13-00600	US BANK CUST PRO CAPITLA I		2,841.35				2,841.35
13-00599	US BANK CUST PRO CAPITLA I		1,432.02				1,432.02
13-00661	US BANK CUST PRO CAPITLA I		341.07				341.07
13-00526	MICRO CENTER		382.98				382.98
13-00465	FIXED FAST		170.10				170.10
13-00597	WAGE WORKS		25.00				25.00
13-00367	POLAND SPRING		77.87				77.87
13-00394	GEOA OF NJ		90.00				90.00
143-00602	PROPERTY TRANSFER SERV.		2,471.98				2,471.98
13-00601	US BANK CUST ATR FUND NJ		495.03				495.03
13-00660	US BANK CUST ATR FUND NJ		1,087.11				1,087.11
13-00598	CHRISTOPHER LEIBLE		2,863.18				2,863.18
13-00574	EOS ENERGY VENTURE		28,420.31				28,420.31
13-00658	MUN. CLERKS ASSOC OF NJ		75.00				75.00
13-00686	ISAAC MORADI		1,537.67				1,537.67
13-00677	MUN CLERK ASSOC		25.00				25.00
13-00269	STAPLES		68.86				68.86
13-00388	NJ LEAGUE MUNICIPALITIES		35.00				35.00
13-00700	US BANK CUST PRO CAPITLA I		380.02				380.02
13-00368	POLAND SPRING			124.45			124.45

TOWNSHIP OF NUTLEY							
BILL LIST							
TUESDAY MARCH 5, 2013							
P.O.	VENDOR	PUBLIC AFFAIRS	REVENUE & FINANCE	PUBLIC SAFETY	PUBLIC WORKS	PARKS & PUBLIC PROPERTY	TOTALS
13-00536	INTERPORT CONTAINER SOL.			75.00			75.00
13-00156	DAVID WEBER OIL			431.20			431.20
13-00215	SAL ELECTRIC			2,025.58			2,025.58
13-00227	PORTER LEE CORP			121.00			121.00
13-00218	NJ PUBLIC SAFETY ACCREDIT			300.00			300.00
12-04896	FLEMINGTON SUPPLY			11,190.80			11,190.80
12-05028	BULLET HOLE			832.00			832.00
12-05010	CICCOLINI BROS			2,195.00			2,195.00
13-00518	SAL ELECTRIC			2,800.00			2,800.00
12-04967	GRIFFITH SHADE CO			2,100.00			2,100.00
13-00099	MAJOR LEAGUE AUTO			215.00			215.00
12-05019	DELL MARKETING			2,164.28			2,164.28
13-00429	NATIONAL FUEL OIL			15,603.77			15,603.77
13-00042	TURN OUT FIRE			93.98			93.98
413-00245	IAPE			350.00			350.00
13-00229	INTERNTL.CODE COUNCIL			129.00			129.00
13-00430	NATIONAL TERMINAL			6,622.00			6,622.00
13-00102	NICOLETTE TOWING			36.00			36.00
13-00102	NICOLETTE TOWING			72.00			72.00
13-00555	NO JERSEY MEDIA GROUP			12.79			12.79
13-00557	NO JERSEY MEDIA GROUP			118.21			118.21
13-00095	HEWLETT PACKARD CORP			273.52			273.52
13-00198	FOSTER AND CO			349.30			349.30
13-00464	FRANKS TRUCK CENTER			540.31			540.31
13-00280	FIRE FIGHTERS EQUIP			360.00			360.00
13-00105	XEROX CORP			29.70			29.70

TOWNSHIP OF NUTLEY							
BILL LIST							
TUESDAY MARCH 5, 2013							
P.O.	VENDOR	PUBLIC AFFAIRS	REVENUE & FINANCE	PUBLIC SAFETY	PUBLIC WORKS	PARKS & PUBLIC PROPERTY	TOTALS
13-00439	SDM PROTECTIVE SERV			9,562.50			9,562.50
13-00424	NATIONAL TERMING			6,897.63			6,897.63
13-00493	NUTLEY PARKS SHOP-RITE			38.66			38.66
12-05252	IMPROBABLE PLAYERS			1,710.00			1,710.00
12-05250	NATIONAL SCHOOL PRODUCTS			665.65			665.65
13-00588	UPS			27.96			27.96
13-00450	XEROX CORP			34.95			34.95
13-00840	XEROX CORP			34.95			34.95
13-00441	A PLUS AUTO			1,934.00			1,934.00
13-00505	FLEMINGTON CAR			120.41			120.41
13-00496	WOJTEK MIGDALSKI			74.00			74.00
13-00519	LAW SOFT			500.00			500.00
13-00520	LAW SOFT			12,700.00			12,700.00
13-00178	DELGEN PRESS			148.00			148.00
13-00112	STATE LINE FIRE			7,995.00			7,995.00
13-00683	NJMVC			60.00			60.00
13-00298	NJ WATER ENVIRONMENT ASSOC				187.00		187.00
13-00205	ASSOC STATE FLOOD PLAIN MGR				110.00		110.00
13-00055	NEWARK ASHPALT				1,323.00		1,323.00
13-00056	NORTHEAST AUTO				52.95		52.95
13-00056	NORTHEAST AUTO				470.47		470.47
13-00225	PWANJ				60.00		60.00
13-00044	P & A AUTO PARTS				95.04		95.04
12-00035	RICCIARDI BROTHERS				95.65		95.65
13-00041	GRAINGER				478.13		478.13
13-00061	SUPERIOR DISTRIBUTORS				63.04		63.04

TOWNSHIP OF NUTLEY							
BILL LIST							
TUESDAY MARCH 5, 2013							
P.O.	VENDOR	PUBLIC AFFAIRS	REVENUE & FINANCE	PUBLIC SAFETY	PUBLIC WORKS	PARKS & PUBLIC PROPERTY	TOTALS
13-00061	SUPERIOR DISTRIBUTORS				94.72		94.72
13-00063	VIOLA BROTHERS				304.39		304.39
13-00059	ROUTE 23 AUTO MALL				277.68		277.68
13-00210	NORFOLK SO.RAILWAY				1,121.60		1,121.60
12-05360	MOBILE TECH				1,541.97		1,541.97
13-00248	INTERNATIONHAL SALT CO				5,479.47		5,479.47
12-05343	THE KENNEDY CO				2,710.20		2,710.20
13-00254	THE KENNEDY CO				2,375.00		2,375.00
12-05344	POLLARD WATER				355.05		355.05
13-00240	ALL SERVICE CONTRACTORS				88.41		88.41
13-00164	ALL SERVICE CONTRACTORS				60.38		60.38
13-00118	POWERPRO ELECTTICAL				1,050.00		1,050.00
13-00503	CAPOZZI OVERHEAD				400.00		400.00
13-00064	W.E. TIMMERMAN				275.50		275.50
13-00053	INTERSTATE BATTERY				169.90		169.90
13-00062	TILCON NJ				413.68		413.68
13-00049	BEYER BROTHERS				47.64		47.64
13-00575	CITY OF NEWARK WATER				10,061.71		10,061.71
13-00086	VITAL COMM.				153.00		153.00
13-00050	BRADLEY TIRE				100.00		100.00
12-04903	MASTERMAN'S				704.14		704.14
13-00091	CICCOLINI BROS				795.00		795.00
13-00251	MASTERMAN'S				478.60		478.60
13-00239	ROBERTS & SON				235.00		235.00
13-00206	ASSOC. STATE FLOODPLAIN				100.00		100.00
13-00433	DELUXE INTERNATIONAL				1,757.42		1,757.42

TOWNSHIP OF NUTLEY							
BILL LIST							
TUESDAY MARCH 5, 2013							
P.O.	VENDOR	PUBLIC AFFAIRS	REVENUE & FINANCE	PUBLIC SAFETY	PUBLIC WORKS	PARKS & PUBLIC PROPERTY	TOTALS
12-05304	CICCOLINI BROS				1,790.00		1,790.00
13-00125	PETER ANDOLINO				77.35		77.35
13-00531	LORCO PETROEUM SERV				80.00		80.00
13-00504	JENSON & MITCHELL				210.75		210.75
12-05359	J-SONS EQUIPMENT				145.00		145.00
12-04986	HEWLETT PACKARD				1,080.44		1,080.44
13-00369	POLAND SPRING				131.96		131.96
13-00596	PASSAIC VALLEY WATER				500.00		500.00
13-00610	PASSAIC VALLEY WATER				35,626.29		35,626.29
13-00174	DURABLE RECYCLING				1,280.30		1,280.30
13-00174	DURABLE RECYCLING				699.52		699.52
13-00045	RICCIARDI BROTHERS				49.50		49.50
13-00043	ONE CALL				122.66		122.66
13-00050	BRADLEY TIRE				25.00		25.00
13-00716	NJSHBP- ACTIVE					365,262.98	365,262.98
13-00717	NJSHBP- RETIREE					170,766.12	170,766.12
13-00715	FLAGSHIP DENTAL PLAN					639.16	639.16
13-00705	KATHLEEN RITACCO					46.00	46.00
13-00706	HARRY KIRK					38.45	38.45
12-05264	R & R TROPHY					1,772.00	1,772.00
13-00609	INDIAN HARBOR INS					2,397.35	2,397.35
13-00170	LOMBARDY OVERHEAD DOOR					495.00	495.00
12-05166	RICCIARDI PAINT					529.50	529.50
12-05222	ROOTX					792.00	792.00
13-00119	NICOLETTE TOWING					75.00	75.00
13-00309	MATTHEW BENDER					66.00	66.00

TOWNSHIP OF NUTLEY							
BILL LIST							
TUESDAY MARCH 5, 2013							
P.O.	VENDOR	PUBLIC AFFAIRS	REVENUE & FINANCE	PUBLIC SAFETY	PUBLIC WORKS	PARKS & PUBLIC PROPERTY	TOTALS
13-00165	MICHAELS BROS					55.00	55.00
13-00204	MOTOR / ALL DATA					1,595.00	1,595.00
13-00509	NATIONAL TERMINAL					2,066.68	2,066.68
13-00005	ATHENIA MASON					119.99	119.99
13-00016	ROBERT & SON					331.58	331.58
13-00009	FRANKS TRUCK					69.12	69.12
13-00019	TERRE CO					110.96	110.96
13-00008	C & C TIRE					23.50	23.50
13-00022	BELL RIDGE PLUMBING					425.94	425.94
13-00015	P & A AUTO PARTS					252.15	252.15
12-04871	RELIABALE WOOD					3,142.50	3,142.50
13-00185	SAL ELECTRIC					2,143.05	2,143.05
13-00230	NUTLEY HEATING & COOLING					2,173.34	2,173.34
13-00143	RICCIARDI PAINTS					84.25	84.25
13-00524	CLIFFSIDE BODY					131.20	131.20
13-00506	CLIFFSIDE BODY					210.46	210.46
12-05488	ATLANTIC UNIFORM					1,250.00	1,250.00
13-00107	W.B. MASON					533.20	533.20
13-00564	MCGRAW COMM.					1,210.40	1,210.40
13-00508	N.Y. BUS SALES					70.01	70.01
13-00691	DELTA DENTAL PLAN					13,547.27	13,547.27
13-00690	DELTA DENTAL PLAN					12,392.60	12,392.60
13-00617	VERIZON					377.04	377.04
13-00117	GRIFFITH SHADE CO					1,375.00	1,375.00
13-00024	GRAINGER					44.07	44.07
13-00018	SUPERIOR DISTRIBUTORS					107.59	107.59

TOWNSHIP OF NUTLEY							
BILL LIST							
TUESDAY MARCH 5, 2013							
P.O.	VENDOR	PUBLIC AFFAIRS	REVENUE & FINANCE	PUBLIC SAFETY	PUBLIC WORKS	PARKS & PUBLIC PROPERTY	TOTALS
13-00010	HOOER TRUCK					141.44	141.44
13-00027	VIOLA BROTHERS					875.11	875.11
12-03946	VIOLA BROTHERS					1,361.53	1,361.53
13-00370	POLAND SPRING					45.99	45.99
13-00371	POLAND SPRING					40.70	40.70
13-00023	CONTEMPORARY GLASS					130.30	130.30
13-00021	ABLE PAINT					393.41	393.41
13-00012	NORTHEAST AUTOMOTIVE					134.56	134.56
13-00012	NORTHEAST AUTOMOTIVE					116.07	116.07
13-00181	NJ RECREATION & PARKS					560.00	560.00
13-00025	GRANT SUPPLIES					104.95	104.95
13-00261	AMERICAN HOSE					389.64	389.64
13-00259	ARROW ELEVATOR					425.00	425.00
13-00080	SPS					1,507.64	1,507.64
13-00607	LOIS PLINIO					74.88	74.88
13-00180	PRINTING TECH					1,375.00	1,375.00
13-00689	JANICE FRASER					20.00	20.00
13-00688	MARKRAFANELLO					40.00	40.00
13-00687	GINA AMIVONA					195.00	195.00
13-00196	ORIENTAL TRADING					393.25	393.25
12-05265	METUCHEN CENTER					319.50	319.50
13-00553	A.C. MOORE					130.50	130.50
13-00708	GAS LAMP					155.00	155.00
13-00712	NSCA					1,010.00	1,010.00
13-00437	ACE IN THE HOLE PROD.					1,547.64	1,547.64
13-00744	HUDSON-ESSEX-PASSAIC				575.00		575.00

BILL LIST
March 5, 2013

**List of payroll submitted for approval by the Board of Commissioners at
their regular meeting of MARCH 5, 2013**

PAYROLL-REGULAR MARCH 1, 2013:

Department of Public Affairs	16,378.68
Department of Revenue & Finance	60,624.83
Department of Public Safety	427,202.33
Department of Public Works	59,206.18
Department of Parks & Public Properties	84,349.60
Department of Recreation Commission	6,430.00
Water Operations	45,122.99
Due To From General Capital	3,903.67
600 SERIES	2,090.36
POLICE OUTSIDE DUTY	2,279.75
ACC-U-VAC	15,469.93
ZONE-PASSAIC KINGSLAND	1,600.00
C.E.H.A.	856.35
Sub Total	725,514.67

PAYROLL-OVERTIME MARCH 1, 2013:

Department of Public Affairs	0.00
Department of Revenue & Finance	210.13
Department of Public Safety	13,276.49
Department of Public Works	34,849.23
Department of Parks & Public Properties	9,898.23
Water Operations	9,091.75
Sub Total	67,325.83

TOTAL PAYROLL: 792,840.50

GRAND TOTAL: 3,990,639.31

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

Federal Withholding Tax	101,165.60
Social Security	27,000.02
N.J. State Tax	29,097.53
Medicare	11,511.78
Wage Execution	3,220.00
Deferred Compensation	26,976.83
Employee Disability Ins.	5,854.40

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

ORDINANCE INTRODUCTION

ORDINANCE NO. 3234

NOTICE IS HEREBY GIVEN, that the following Ordinance was introduced and passed upon first reading at a regular meeting of the Board of Commissioners, Township of Nutley, Essex County, New Jersey on the 5th day of March 2013 and that said Ordinance will be taken up for further consideration for final passage at a regular meeting of the Board of Commissioners to be held on the 19th day of March, 2013 at 7:00 p.m., or as soon thereafter as said matter can be reached, at which time and place all persons who may interested therein will be given an opportunity to be heard concerning same.

**Evelyn Rosario, RMC, CMC
Municipal Clerk
Township of Nutley**

**Herald News Issue/Friday, March 8, 2013 Via E-Mail:
publicnotices@northjersey.com**

Post Bulletin Board

Ordinance No. 3234
Introduced by Commissioner Scarpelli & Commissioner Evans
Introduced on March 5, 2013
Public Hearing Tuesday, March 19, 2013

Ordinance No. 3234

**“AN ORDINANCE OF THE TOWNSHIP OF NUTLEY, AMENDING
CHAPTER 685, ENTITLED “WATER REGULATIONS AND RATES” OF
THE NUTLEY TOWNSHIP CODE.”**

WHEREAS, the Township Commissioners have reviewed the results of operations for the year 2012 and have determined that the Township code should be amended to establish a new water rate;

NOW, THEREFORE, BE IT ORDAINED, by the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey, as follows:

SECTION 685-1 of Chapter 685 entitled “Water Regulations and Rates,” of the Nutley Township Code is hereby amended to read as follows:

685-1. Rates for water service.

The rates to be charged to consumers for water shall be as follows:

- A. Forty dollars and forty-eight cents (\$40.48) per one thousand (1,000) cubic feet per billing period.
- B. Twenty dollars and twenty-four (\$20.24) minimum charge per billing period for any part of the first five hundred (500) cubic feet.

All ordinances or parts or ordinances inconsistent herewith are repealed.

These rates shall take effect April 1, 2013.

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

ORDINANCE INTRODUCTION

ORDINANCE NO. 3233

NOTICE IS HEREBY GIVEN, that the following Ordinance was introduced and passed upon first reading at a regular meeting of the Board of Commissioners, Township of Nutley, Essex County, New Jersey on the 5th day of March 2013 and that said Ordinance will be taken up for further consideration for final passage at a regular meeting of the Board of Commissioners to be held on the 19th day of March, 2013 at 7:00 p.m., or as soon thereafter as said matter can be reached, at which time and place all persons who may interested therein will be given an opportunity to be heard concerning same.

**Evelyn Rosario, RMC, CMC
Municipal Clerk
Township of Nutley**

Herald News Issue/Friday, March 8, 2013 Via E-Mail: publicnotices@northjersey.com

Post Bulletin Board

Ordinance No. 3233
Introduced by Commissioner Scarpelli
Introduced on March 5, 2013
Public Hearing Tuesday, March 19, 2013

ORDINANCE NO. 3233

“AN ORDINANCE AUTHORIZING THE ACQUISITION OF REAL PROPERTY LOCATED AT BLOCK 9001 LOT 12, BLOCK 9001 LOT 13 AND BLOCK 9001 LOT 14 IN THE TOWNSHIP OF NUTLEY, COUNTY OF ESSEX, STATE OF NEW JERSEY”

WHEREAS, the Mayor and Commissioners of the Township of Nutley, New Jersey adopted Resolution 297-12 authorizing the Mayor and Clerk to execute agreements for the purchase of real property located at 43 Donna Court, 47 Donna Court and 49 Donna Court pursuant to the provisions of the Flood Hazard Mitigation Programs funded by the State of New Jersey and Federal Government; and

WHEREAS, the Township of Nutley was awarded grant(s) under the FY10 Repetitive Flood Claims (RFC) and FY10 Flood Mitigation Assistance (FMA) programs to cover the costs associated with the property acquisitions; and

WHEREAS, the FY10 RFC grant provides for the acquisition of property labeled block 9001 Lot 13 aka 47 Donna Court and Block 9001 lot 14 aka 49 Donna Court at a total cost of \$771,696.13; and

WHEREAS, the FY10 FMA grant provides for the acquisition of property labeled block 9001 Lot 12 aka 43 Donna Court at a total cost of \$387,108.43.

WHEREAS, this land will be used for a public purpose pursuant to either a Federal or State grant program for flood mitigation.

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

1. The acquisition of real property as set forth in the above caption, which property is located in Nutley, New Jersey is approved, subject to clear and marketable title. This approval is pursuant to NJSA 40A:12-1 *et seq.*
2. The real property being acquired is to be used for a public purpose pursuant to either a Federal or State grant program for flood mitigation.
3. All ordinances or parts of ordinances or resolutions that are in conflict with the provisions of this Ordinance are repealed to the extent necessary.
4. 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.
5. This Ordinance shall take effect after publication and passage according to law.

PUBLIC HEARING RE-SCHEDULED TO TUESDAY, MARCH 19, 2013

**Township of Nutley
Essex County**

**One Kennedy Drive
Nutley, New Jersey 07110**

ORDINANCE INTRODUCTION

ORDINANCE NO. 3229

NOTICE IS HEREBY GIVEN, that the following Ordinance was introduced and passed upon first reading at a regular meeting of the Board of Commissioners, Township of Nutley, Essex County, New Jersey on the 5th day of February 2013 and that said Ordinance will be taken up for further consideration for final passage at a regular meeting of the Board of Commissioners to be held on the 5th day of March, 2013 at 7:00 p.m., or as soon thereafter as said matter can be reached, at which time and place all persons who may interested therein will be given an opportunity to be heard concerning same.

Evelyn Rosario, RMC, CMC

Municipal Clerk

Township of Nutley

**Nutley Sun Issue/Thursday, February 14, 2013 Via E-Mail:
publicnotices@northjersey.com**

Post Bulletin Board

Ordinance No. 3229

Introduced by Commissioner Evans

Introduced on Tuesday, February 5, 2013

Public Hearing Tuesday, March 5, 2013

Advertise in the Nutley Sun Issue of Thursday, February 14, 2013

Ordinance No. 3229

“AN ORDINANCE TO AMEND 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, 2013.”

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:

<u>Title</u>	<u>Base Salary Minimum</u>	<u>Base Salary Maximum</u>
<u>DEPARTMENT OF REVENUE & FINANCE</u>		
Fire Protection Sub-Code Official-P/T	\$14,000.00	\$ 15,000.00

Section 1. 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, Construction Code Official/Zoning and Superintendent of Parks/Recreation.

Section 2. 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 3. 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.

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

**FINAL ADOPTION OF ORDINANCE
ORDINANCE NO. 3228**

NOTICE IS HEREBY GIVEN, that the following Ordinance was approved for final adoption by the Board of Commissioners Township of Nutley, Essex County, New Jersey at a meeting held on Tuesday, March 5, 2013.

“AN ORDINANCE TO AMEND AN ORDINANCE CODIFIED IN THE TOWNSHIP OF NUTLEY CODE, CHAPTER 532, ARTICLE I, SECTION 5, ENTITLED “HARDSHIP RENT INCREASE; CAPITAL IMPROVEMENT OR SERVICE INCREASE SURCHARGE”RENT CONTROL”

ALL “AYES” ON A ROLL CALL VOTE

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

Evelyn Rosario, RMC, CMC

Municipal Clerk

Nutley Sun Issue/Thursday, March 14, 2013/Via E-Mail: publicnotices@northjersey.com

Ordinance No. 3228

Introduced By Mayor Petracco

Introduced on Tuesday, February 5, 2013

Public Hearing Tuesday, March 5, 2013

Advertise in the Nutley Sun Issue of Thursday, February 14, 2013

Ordinance No. 3228

“AN ORDINANCE TO AMEND AN ORDINANCE CODIFIED IN THE TOWNSHIP OF NUTLEY CODE, CHAPTER 532, ARTICLE I, SECTION 5, ENTITLED “HARDSHIP RENT INCREASE; CAPITAL IMPROVEMENT OR SERVICE INCREASE SURCHARGE” RENT CONTROL”

§532-5 Hardship Rent Increase

A Grant of hardship rent increase

(1) An owner or landlord may make an application to the Rent Leveling Board (the “Board”) for increased rents in a building based on economic hardship relating to that building if the landlord is qualified under subsection (2) below wherein the landlord is unable to realize a seven percent (7%) return on investment.

(2) For purposes of this ordinance, a return on investment shall be calculated based on 7% of the total equalized value of land and improvements (as per the county equalization ratio) after accounting for income and allowable expenses.

(3) In computing a rental increase or rebate as provided under this Article, the amount so computed shall be rounded off to the nearest dollar.

(4) A landlord shall be limited to allowance of one hardship rental increase within any twelve-month period.

(5) The Board shall consider the following expenses in determining whether a hardship increase is warranted:

- (a) Heating
- (b) Insurance
- (c) Taxes
- (d) Water
- (e) Repairs
- (f) Reasonable Management Fees Not to exceed 5%
- (g) Miscellaneous: Any and all other expenses deemed by the Board to be

reasonable and appropriate.

(6) Financing shall not be considered an expense for the purpose of calculating a hardship.

(7) Any hardship increase granted pursuant to this section shall be included and become part of the base rent for any future charges or rent increases.

(8) No increase in rent, including any increase permitted under §532-2C shall exceed fifteen percent 15% of the present rent at one time. A hardship increase in excess of fifteen percent 15% shall be held in abeyance and implemented in six-month increments until such times as the entire hardship increase is fully established.

B. Application for Hardship Relief

(1) An original application plus eleven (11) additional copies and all attachments for a hardship rent increase pursuant to this section and which shall be on a form specified by the Board must be filed with the Municipal Clerk no less than thirty (30) days prior to a scheduled Rent Leveling Board Meeting.

(2) The following information must be filed along with the application:

(a) A current rent roll which lists the gross rental income for each unit in the building for the current year and for each of the two prior years.

(b) A detailed operating statement, prepared by a licensed accountant and certified to be true and accurate for the current year and for each of the two (2) prior years.

(c) A report detailing the anticipated income for the period of relief, taking into account all automatic or discretionary rental increases. Anticipated income shall include, but not be limited to, income from residential rents, garage rents, parking fees, pet fees, and fees for additional facilities such as laundry and vending income.

(d) Any and all other documents or evidence that the applicant intends to rely upon and that will assist the Board in evaluating landlord's application.

(e) Proof of all federal and state taxes are paid.

(f) Certification by the Township's Code Official that the premises are in compliance with all construction, dwelling and maintenance codes .

(g) Certification by the Township's Tax Collector that all property taxes and municipal utility charges and fees are paid and current.

(h) Application fee of \$100.00 payable to the Township of Nutley.

(3) Wherever practicable, the Board may require professionally prepared documentation of any or all pertinent financial data offered in support of an application under this section, except that the Board may exercise its reasonable discretion to waive this requirement if the cost to the applicant, or other considerations, are deemed to outweigh the need and/or probative value for such professional services.

(4) If the applicant meets all of the requirements of this section, the application will be deemed complete and the landlord shall be notified in writing by regular mail of a scheduled date for a hearing which shall be held no later than sixty (60) days (unless further extension is consented to by the applicant) after the application is deemed complete by the chairman of the Board or his/her designee.

(5) The landlord shall notify all affected tenants in writing of the hearing date no less than ten (10) days prior to the scheduled hearing. In order for the notice to be deemed adequate, it must specify the following:

- (a) The date, time and location of the hearing**
- (b) The purpose of the hearing, the amount of the increase sought and if approved, the amount apportioned to each tenant.
The tenant's right to be heard.**
- (c) Notice that the application and all attendant documents are available for review at the Municipal Clerk's office during regular business hours.**

If the Board deems, in its sound discretion that the affected tenants were not provided with adequate notice, the Board may postpone the hearing and direct the landlord to provide proper notice before proceeding on the application or dismiss the application without prejudice. The landlord shall file with the Board no later than the hearing date, a copy of the notice provided to the tenants along with proof of service. Proof of Service can be made by Affidavit of a process server, the landlord or the landlord's designee. If service was perfected via certified mail, submission of the "green cards" to the Board shall suffice.

C. Hearing Requirements; Preponderance of the Evidence.

1. At a hearing, the landlord shall be required to prove the following elements by a preponderance of the evidence:

- (a) Compliance with all notice requirements.**
- (b) That accounting practices employed by landlord to calculate operating expenses and that any and all financial statements or documents submitted for evidentiary purposes are in accordance with standard accounting practices and consistent with IRS Codes and Regulations.**
- (c) That all reasonable attempts have been made by the landlord reduce or eliminate where possible, any source of hardship giving rise to the application.**

2. The Board shall receive and consider any and all proofs that in its sound discretion it deems relevant to its deliberations. The Board shall hear and judge each application impartially and on its own merits without deference to separate and unrelated cases that have no bearing on the equality of treatment for each and every applicant.

3. The Board may require the testimony of any witness it deems necessary to properly conduct its deliberations in order to reach a decision. Those witnesses may include but are not limited to the landlord, accountants, lawyers, financial advisors, managing agents and/or insurance professionals.

4. The Board shall hear and consider affected tenants who may wish to appear and give testimony in support or opposition to the application or those who submit written letters of support or opposition to as they pertain to the application.

D. Escrow Fees

1. If the Board in its sound discretion deems it necessary, the landlord shall deposit with the Township Tax Collector such escrow funds as the Board in its judgment determines to be sufficient to pay all reasonable and necessary costs and fees of any expert(s) the Board deems appropriate to hear an application. In no event shall the required deposit for such escrow funds exceed \$1,500.00. The landlord shall also be required to sign an Acknowledgement and Acceptance of Possible Escrow Funds at the time the application for Hardship Relief is filed with the Township Clerk.

2. Any expert employed by the Board shall be required to sign a retainer agreement with the Board wherein it shall agree to provide all such expert services for either a set fee or hourly fee to be established by the Board. The retainer agreement must include a cap on all charges to be submitted which shall not exceed the amount of money that the landlord is required to pay into escrow.

3. The professional expert(s) shall submit vouchers for all reasonable and necessary fees for the professional services rendered, which fees shall be paid from the escrow account in the manner prescribed by N.J.S.A. 40A:5-16 through 40A:5-18.

4. The expert(s) shall, at the time of submission of any such voucher, forward a copy of same to the applicant and to the Board. In the event that the applicant objects or disputes the reasonableness of any such charges, the applicant shall, not later than five(5) days after receipt of a copy of the voucher, submit a written objection to the Board. In no event shall the Board authorize payment of any such voucher without written notice to landlord. If the Board determines that such payment is warranted, the Board shall advise the landlord of same and invite the landlord to appear at the next regularly scheduled meeting to discuss the voucher. The Board shall also invite the expert who submitted the voucher to offer testimony in support of the voucher. If the Board, at that time determines the payment to reasonable and fair, it shall authorize and direct the payment to be made to the expert.

5. Any remaining money held in escrow shall be returned to the applicant as soon as practicably possible after completion of application.

6. Should any additional funds be required so that the Board may properly complete its deliberations, it may in its discretion require said additional funds to be paid by the landlord to the Tax Collector to be deposited in the escrow account provided the sum total of the deposits do not exceed the amount set forth in paragraph (4)A above.

7. If, in the discretion of the Board, the aforementioned escrow account is deemed necessary for the consideration of any such application(s), the Board shall take no formal action on any application unless and until all escrow funds have been deposited with the Tax Collector of the Township in the amount determined by the Board, and any time limitations set forth in this chapter shall be tolled until such funds are deposited.

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Commissioner Steven Rogers *Date:* March 5, 2013

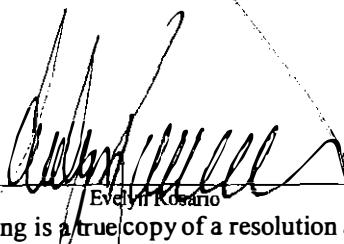
Seconded by: Commissioner Joseph P. Scarpelli *No.* 67-13

WHEREAS, in 1988 the month of March was designated by the United State Congress as “National Women’s History Month”; and

WHEREAS, Women’s History Month promotes the teaching of women’s history and the achievements of women throughout the world; and

WHEREAS, it is important for the residents of the township to recognize the growing contributions and achievements of the women of the Township of Nutley and the State of New Jersey;

NOW THEREFORE BE IT RESOLVED, that the Board of Commissioners of the Township of Nutley calls upon all citizens of Nutley to observe the month of March as **Women’s History Month** at which time all of the residents may join in commemorating women, past and present, who have rendered a service to our nation, our state and our township.

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 March 5, 2013

<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>					
<i>Absent/Excused</i>			X		

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Commissioner Mauro G. Tucci *Date:* March 5, 2013

Seconded by: Commissioner Joseph P. Scarpelli *No.* 68-13

WHEREAS, the Township has the need for internet and long distance phone service; and

WHEREAS, NJSA 40A:11-5 (f) permits the award of a contract without bidding for the supply of any service which is a public utility subject to the jurisdiction of the BPU; and

WHEREAS, the Director of Parks & Recreation has determined and certified in writing that the value of the aggregate services provided by the vendor for the year will exceed \$17,500; and

WHEREAS, the proposal from Cablevision Lightpath, Inc., 200 Jericho Quadrangle, Jericho, NY 11753, has submitted a proposal in the amount of \$2,970.00 per month (\$35,640.00 yearly): and

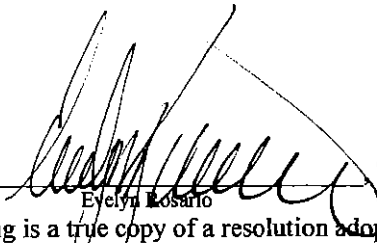
WHEREAS, Cablevision Lightpath, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that they have not made any reportable contributions to a political or candidate committee in the Township of Nutley in the previous one year, and that the contract will prohibit them from making any reportable contributions through the term of the contract; and

WHEREAS, Funds are available from Account# 3-01-510-237, and have been certified by the Chief Financial Officer, and said certification is attached to this resolution.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Nutley authorizes the Mayor to enter into a three (3) year contract with Cablevision Lightpath, Inc. for the provision of internet and long distance phone service.

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

. . .

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 March 5, 2013

<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>					
<i>Absent/Excused</i>			X		

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Commissioner Mauro G. Tucci for Commissioner Thomas J. Evans *Date:* March 5, 2013

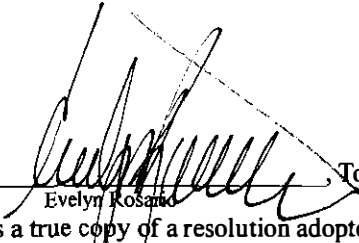
Seconded by: Commissioner Joseph P. Scarpelli *No.* 69-13

WHEREAS, Resolution No. 32-13 entitled “Refund Overpayment of Property Taxes” was adopted by the Board of Commissioners of the Township of Nutley at their meeting held on Tuesday, February 5, 2013.

WHEREAS, this was a duplicate refund that was granted

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, County of Essex that resolution No. 32-13 be and hereby rescinded.

. . .

I,  Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held March 5, 2013

<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>					
<i>Absent/Excused</i>			X		

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

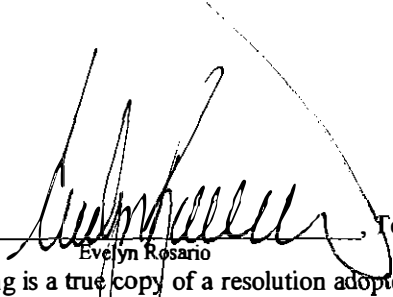
Introduced by: Commissioner Mauro G. Tucci for Commissioner Thomas J. Evans *Date:* March 5, 2013

Seconded by: Commissioner Joseph P. Scarpelli *No.* 70-13

BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, in the County of Essex, State of New Jersey, that the Treasurer be and she is hereby authorized to refund overpayments of the property taxes in the amount of \$811.47 for the year 2012 and \$2959.82 for 2013.

Block & Lot	Address	Amount
7002 10	215 Park Ave.	\$ 811.47--10/11/12
401 15	50 Terrace Ave.	\$ 2,959.82--02/01/13

. . .

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 March 5, 2013

<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>					
<i>Absent/Excused</i>			X		

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

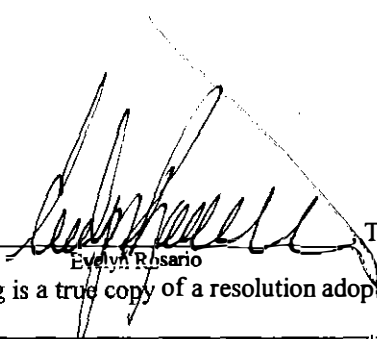
Resolution

Introduced by: Commissioner Mauro G. Tucci for Commissioner Thomas J. Evans *Date:* March 5, 2013

Seconded by: Commissioner Joseph P. Scarpelli *No.* 71-13 0

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 \$19,324.20 for said years due to successful tax court judgments.

Block & Lot	Address	Amount
7604 16 C0201	181 Franklin Avenue #201	\$3,441.35 - 2011
7604 16 C0203	181 Franklin Avenue #203	\$2,324.29 - 2011
7604 16 C0205	181 Franklin Avenue #205	\$1,407.96 - 2011
7604 16 C0303	181 Franklin Avenue #303	\$1,021.06 - 2011
7604 16 C0305	181 Franklin Avenue #305	\$5,434.01 - 2011
7604 16 C0305	181 Franklin Avenue #305	\$5,695.53 - 2012

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 March 5, 2013

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

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Commissioner Mauro G. Tucci for Commissioner Thomas J. Evans *Date:* March 5, 2013

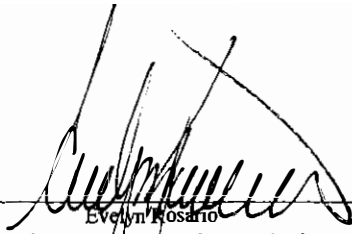
Seconded by: Commissioner Joseph P. Scarpelli *No.* 72-13

WHEREAS, Hoffman-LaRoche, Inc. (“Roche”) and the Township of Nutley (“Nutley”) entered into a Tax Exemption Agreement, dated September 28, 2010; and

WHEREAS, Roche and Nutley have agreed to terminate the Tax Exemption Agreement effective January 1, 2013.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that the Tax Exemption Agreement be terminated and that the Assessor for the Township of Nutley tax the property referenced in the Agreement in accordance with 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 March 5, 2013

<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>					
<i>Absent/Excused</i>			X		

AGREEMENT

THIS AGREEMENT is made as of the 6th day of February, 2013 by and between Hoffmann-La Roche Inc., located at 340 Kingsland Street, Nutley, New Jersey ("Roche") and the Township of Nutley ("Nutley", and collectively with Roche, the "Parties").

WHEREAS, Roche is the owner of properties (including land, buildings and appurtenances) located in the Township of Nutley, New Jersey and as more particularly described in Exhibit A (the "Property"); and

WHEREAS, after eighty-three years, Roche announced the closure of the Nutley Campus in June 2012; and

WHEREAS, Roche and Nutley had previously entered into a Tax Exemption Agreement, dated September 28, 2010 ("TEA"), which provided for a reduction in real property taxes on the Project, as such term is defined in the TEA;

WHEREAS, the Parties have been effectively collaborating with each other and the City of Clifton regarding re-purposing upon Roche's disposition of the Property; and have agreed to continue to work together in good faith to evaluate development opportunities for the Property; and

WHEREAS, in an effort to minimize the disruption to Nutley's tax base as a result of Roche's decision to divest the Property, and in order to help maintain near-term tax stability for the residents of Nutley, Roche and Nutley have agreed to the following:

A. Roche agrees that it shall waive any reimbursement or claim for erroneously billed sanitary sewer charges for the years 2012 forward in the amount of \$400,000 (\$50,000 a year) as set forth in the letter agreement dated September 6, 2012;

B. Effective January 1, 2013, Nutley and Roche will terminate the TEA. For the period commencing January 1, 2013, Roche shall pay all applicable real property taxes on the Project, as such term is defined in the TEA, without any reduction provided for in the TEA. The Parties agree that Roche shall retain any and all benefits received under the TEA prior to January 1, 2013;

C. Roche will demolish Building No. 85 (133,474 SF office building); however, Roche will continue to pay all applicable real property taxes on Building No. 85 through the 2013 tax year, as provided by State Law and regulations and local ordinances;

D. Except as set forth in paragraph C above (with respect to Building No. 85), and except where necessary to effectuate any regulatory requirement or environmental remediation efforts, Roche will not demolish any significant buildings (defined as any building having total gross square footage exceeding 50,000 sq. ft.) through the end of 2013, including but not limited to Buildings 1, 66, 66A, 66B, 75, 76, 100, 102, 123 and 123A, and will continue to pay all


applicable real property taxes on those buildings through 2013 as provided by State Law and regulations and local ordinances; and

E. This Agreement shall be binding upon the Parties and their heirs, successors and assigns.

TOWNSHIP OF NUTLEY

By:  _____

HOFFMANN-LA ROCHE INC.

By:  _____

Thomas G. Lyon, PE
Vice President, Site Head

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Commissioner Mauro G. Tucci for Commissioner Thomas J. Evans *Date:* March 5, 2013

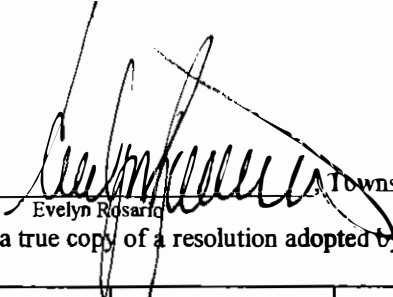
Seconded by: Commissioner Joseph P. Scarpelli *No.* 75-13

WHEREAS, R.S. 40 A:5-17 allows for the cancellation of property tax credits or delinquent amounts in the amount of less than \$10.00 ; and,

WHEREAS, the governing body may authorize the Tax Collector to process, without further action on their part, any cancellation of property tax credits or delinquencies of less than \$10.00,

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners, of the Township of Nutley, County of Essex, State of New Jersey hereby authorize the Tax Collector to cancel said amounts as deemed necessary.

. . .

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 March 5, 2013

<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>					
<i>Absent/Excused</i>			X		

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Commissioner Joseph P. Scarpelli *Date:* March 5, 2013

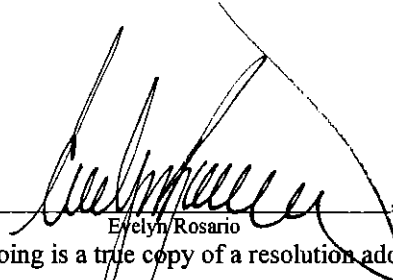
Seconded by: Commissioner Steven Rogers *No.* 73-13

WHEREAS, the Township of Nutley has entered into a contract with AJM Construction, Inc., 300 Kuller Road, Clifton, New Jersey 07011, for a project known as Passaic Avenue Section 5 for an original contract amount of \$243,730.50; and

WHEREAS, Change Order #1 has been authorized for Ordinance #3183 of the original contract amount to be reduced by -\$4,730.93 for a total contract price of \$238,999.57;

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners in the Township of Nutley, County of Essex, State of New Jersey, that the Change Order #1 as attached, is a change from the contract previously made by the Township of Nutley with AJM Construction, LLC., for the Project known as Passaic Avenue Section 5 are hereby authorized and approved.

. . .

I,  Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held March 5, 2013

<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>					
<i>Absent/Excused</i>			X		

TOWNSHIP OF NUTLEY
1 KENNEDY DR
NUTLEY, N.J.
TEL: (973)284-4960 FAX: (973) 284-4919

CONTRACT CHANGE ORDER

No. 1
Date 02/10/13

To: AJM Contractors, Inc.
300 Kulter Road
Clifton, NJ 07011

Project: PASSIAC AVENUE, SECTION 5
Project No.: NTLY 1204
Location: TOWNSHIP OF NUTLEY

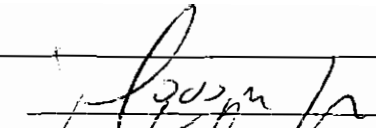
You are hereby requested to comply with the following changes from the Contract Plans and Specifications:


Item No.	Description of Changes Quantities, Units, Prices, Etc.	Quantity	Unit Price	Total
Extra				
3	HMA MILLING, 2"	176 SY	\$3.00	\$528.00
4	SUPERPAVE HMA #.5M64 SURFACE COURSE, 2" THICK	178.20 TON	\$71.00	\$12,652.20
10	CONCRETE SIDEWALK, 4" THICK (IF & WHERE DIRECTED)	16.25 SY	\$70.00	\$1,137.50
11	CONCRETE DRIVEWAY, 6" THICK	3.99 SY	\$75.00	\$299.25
14	CONCRETE HANDICAP RAMP	3 UNIT	\$1,100.00	\$3,300.00
15	TRAFFIC STRIPES, LONG-LIFE EPOXY RESIN, 4"	300 LF	\$0.70	\$210.00
16	TRAFFIC STRIPES, LONG-LIFE EPOXY RESIN, 6"	474 LF	\$2.50	\$1,185.00
25	TOPSOILING, 4" THICK (IF & WHERE DIRECTED)	15.98 SY	\$8.00	\$127.84
26	FERTILIZING AND SEEDING, TYPE A3 (IF & WHERE DIRECTED)	15.98 SY	\$1.00	\$15.98
27	STRAW MULCHING (IF & WHERE DIRECTED)	76.96 SY	\$0.50	\$38.48
30	TRAFFIC CONE (IF & WHERE DIRECTED)	47 UNIT	\$7.00	\$329.00
Reduction				
7	RESET EXISTING CASTING (IF & WHERE DIRECTED)	23 UNIT	\$1.00	\$23.00
9	RESET GAS VALVE BOX (STATE NOT SHARING) (IF & WHERE DIRECTED)	2 UNIT	\$27.00	\$54.00
12	9" X 18" CONCRETE VERTICAL CURB (IF & WHERE DIRECTED)	225.50 LF	\$27.00	\$6,088.50
17	TRAFFIC STRIPES, LONG-LIFE EPOXY RESIN, 12"	24 LF	\$2.60	\$62.40
18	TRAFFIC STRIPES, LONG-LIFE EPOXY RESIN, 24"	16 LF	\$3.10	\$49.60
19	TRAFFIC MARKINGS, THERMOPLASTIC	2 SF	\$7.00	\$14.00
20	METAL PLATE TREE GUARD (IF & WHERE DIRECTED)	2 UNIT	\$275.00	\$550.00
21	BICYCLE SAFE GRATE (IF & WHERE DIRECTED)	19 UNIT	\$300.00	\$5,700.00
22	RETROFIT INLET CASTING, PHASE II *ECO-SAFETY BAR (IF & WHERE DIRECTED)	19 UNIT	\$275.00	\$5,225.00
23	RECONSTRUCT INLET, TYPE B, USING NEW CASTING (IF & WHERE DIRECTED)	3 UNIT	\$1,000.00	\$3,000.00
28	BREAKAWAY BARRICADE (IF & WHERE DIRECTED)	13 UNIT	\$5.00	\$65.00
29	DRUM (IF & WHERE DIRECTED)	5 UNIT	\$15.00	\$75.00
31	CONSTRUCTION SIGNS (IF & WHERE DIRECTED)	264 SF	\$7.00	\$1,848.00
32	TRAFFIC DIRECTOR, UNIFORMED POLICE OFFICER (STATE NOT SHARING)	19.37 HOUR	\$64.00	\$1,239.68
33	PVC PIPE, 3" ROOF DRAIN CONNECTIONS (IF & WHERE DIRECTED)	9 UNIT	\$40.00	\$360.00
35	FUEL PRICE ADJUSTMENT	1 LS	\$200.00	\$200.00

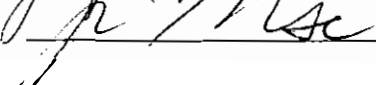
Total Increase: \$19,823.25
Total Decrease: \$24,554.16

Change in Contract price due to this Change Order: -\$4,730.93

The sum of \$4,730.93 is hereby subtracted from the total contract price, and the total contract price to date thereby is \$238,999.57

Recommended by:  Engineer Date: 2/22/13

Accepted by:  Contractor Date: 2/20/13

Approved by:  Township Date: 2/11/13

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Commissioner Joseph P. Scarpelli *Date:* March 5, 2013

Seconded by: Mayor Alphonse Petracco *No.* 74-13

BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that the Township Clerk is hereby authorized to advertise for sealed bids for the Demolition of 43 Donna Court, 47 Donna Court and 49 Donna Court, in Nutley, New Jersey 07110, to be received on behalf of the Board of Commissioners, in the Commission Chambers, Township Hall, 1 Kennedy Drive, Nutley, NJ, on April 9, 2013 at 3:00 P.M. prevailing time, at which time they will be opened and read.

. . .

I,  Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held March 5, 2013

<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>					
<i>Absent/Excused</i>			X		

**BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY**

Resolution

Introduced by: Commissioner Joseph Scarpelli *Date:* March 5, 2013

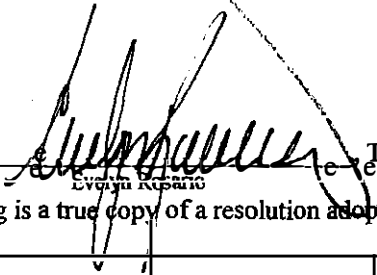
Seconded by: Commissioner Steven Rogers *No.* 77-13

WHEREAS, Hoffinan-La Roche Inc., has requested that the Township of Nutley permit it to install off site monitoring wells located in the Township's Right-of-Way on Funston Place and Terrace Avenue pursuant to its ongoing site remediation efforts;

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

1. The Mayor be and is hereby authorized to enter into an agreement with Hoffman-La Roche, Inc. in a form approved by the Township Attorney;
2. This Resolution shall take effect immediately upon adoption according to law.

. . .

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 March 5, 2013.

<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>					
<i>Absent/Excused</i>			3 X		

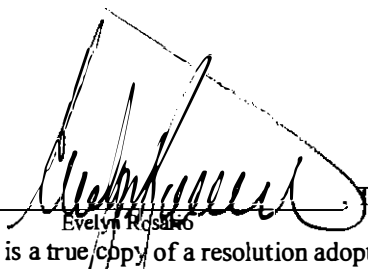
BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Mayor Alphonse Petracco *Date:* March 5, 2013
Seconded by: Commissioner Mauro G. Tucci *No.* 76-13

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 a "Type 1 V" permit fee (Uniform Fire State of NJ 5:70-2.7) of \$42.00 to the Nutley Elks, 242 Chestnut Street.

. . .

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 March 5, 2013

<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
<i>No</i>					
<i>Not Voting</i>					
<i>Absent/Excused</i>			X		

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Commissioner Joseph P. Scarpelli *Date:* March 5, 2013

Seconded by: Commissioner Steven Rogers *No.* 78-13

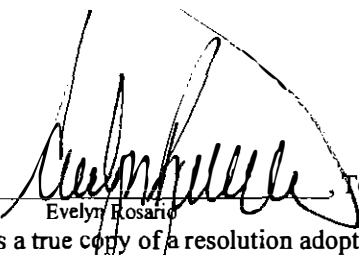
WHEREAS, the Board of Commissioners of the Township of Nutley, in the County of Essex, and State of New Jersey desires to proceed to closed executive session; and

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
2. Potential Litigation
3. Contract Negotiation

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 March 5, 2013

<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>					
<i>Absent/Excused</i>			X		