

TOWNSHIP OF NUTLEY, NEW JERSEY

BOARD OF COMMISSIONERS

)

PUBLIC MEETING

)

TRANSCRIPT OF

)

PROCEEDINGS:

)

May 5, 2015

BEFORE:

Mayor Petracco

Commissioner Thomas J. Evans

Commissioner Steven Rogers

Commissioner Joseph P. Scarpelli

Township Clerk

Job No. VTNJ - 2077254

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

2 MAYOR PETRACCO: Madam Clerk.

3 MADAM CLERK: Yes, Mayor. Board of Commissioners  
4 Public Meeting Tuesday, May 5th, 2015. The time is now  
5 7:55.

6 Pursuant to the requirements of the Open Public  
7 Meeting Law, Chapter 231, notice of this meeting was  
8 published in the December 11, 2014 issues of the Nutley Sun,  
9 the Star Ledger and the Herald News. A copy of this notice  
10 has been posted in the Nutley Town Hall bulletin board and a  
11 copy is on file in the Municipal Clerk's Office.

12 Commissioner Rogers?

13 COMMISSIONER ROGERS: Here.

14 MADAM CLERK: Commissioner Evans?

15 COMMISSIONER EVANS: Here.

16 MADAM CLERK: Scarpelli?

17 COMMISSIONER SCARPELLI: Here.

18 MADAM CLERK: Mayor Petracco?

19 MAYOR PETRACCO: Here.

20 MADAM CLERK: All present except for Commissioner  
21 Tucci, absent excused this evening.

22 MAYOR PETRACCO: Thank you Madam Clerk. We'll  
23 move on to minutes.

24 MADAM CLERK: Minutes. We have March 26th, 2015  
25 executive session minutes. I need a motion.

1 MAYOR PETRACCO: Move it.

2 COMMISSIONER SCARPELLI: Second.

3 MADAM CLERK: Commissioner Rogers?

4 COMMISSIONER ROGERS: Aye.

5 MADAM CLERK: Commissioner Evans?

6 COMMISSIONER EVANS: The March 26th -- no. I can  
7 do both. Sorry. I thought I missed one of those. Aye.

8 MADAM CLERK: Okay. Commissioner Scarpelli?

9 COMMISSIONER SCARPELLI: Aye.

10 MADAM CLERK: Mayor Petracco?

11 MAYOR PETRACCO: Aye.

12 MADAM CLERK: We also have April 6, 2015 minutes.  
13 I need a motion.

14 MAYOR PETRACCO: Move it.

15 COMMISSIONER SCARPELLI: Second.

16 MADAM CLERK: Commissioner Rogers?

17 COMMISSIONER ROGERS: Aye.

18 MADAM CLERK: Commissioner Evans?

19 COMMISSIONER EVANS: Aye.

20 MADAM CLERK: Commissioner Scarpelli?

21 COMMISSIONER SCARPELLI: Aye.

22 MADAM CLERK: Mayor Petracco?

23 MAYOR PETRACCO: Aye.

24 Thank you. We'll move on to communications.  
25

1           MADAM CLERK:           Yes, Mayor. We have two  
2           correspondences this evening. The first one is for the  
3           Kingsland Manor. They have submitted a Social Affair Permit  
4           to host a fundraiser for Saturday, June 6th, 2015.

5           I need a motion.

6           MAYOR PETRACCO: Move.

7           COMMISSIONER SCARPELLI: Second.

8           MADAM CLERK:           Commissioner Rogers?

9           COMMISSIONER ROGERS:        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          MADAM CLERK:           And also the Nutley Volunteer  
17          Emergency Rescue Squad has submitted a Social Affair Permit  
18          for Saturday, May 30th, 2015.

19          I need a motion.

20          MAYOR PETRACCO: Moved.

21          COMMISSIONER SCARPELLI: Second.

22          MADAM CLERK:           Commissioner Rogers?

23          COMMISSIONER ROGERS:        Aye.

24          MADAM CLERK:           Commissioner Evans?

25          COMMISSIONER EVANS:        Aye.



1 MADAM CLERK: Commissioner Scarpelli?

2 COMMISSIONER SCARPELLI: Aye.

3 MADAM CLERK: Mayor Petracco?

4 MAYOR PETRACCO: Aye.

5 MADAM CLERK: And that's it for communications,  
6 Mayor.

7 MAYOR PETRECCO: Thank you. Reports, Commissioner  
8 Evans.

9 COMMISSIONER EVANS: Yes. I have a Code  
10 Enforcement reports for the annual report for 2014 as well  
11 as the first quarter report for 2015.

12 MAYOR PETRACCO: Thank you. We'll move on to  
13 bills.

14 MADAM CLERK: Yes, Mayor.

15 Public Affairs, \$3,212.08; Revenue and Finance,  
16 \$7,202,137.99; Public Safety, \$488,815.29; Public Works,  
17 \$154,232.21; Parks and Public Property, \$803,691.55; total  
18 payroll is \$843,924.46 for a grand total of \$9,496,013.58.

19 COMMISSIONER EVANS: Move the bills.

20 COMMISSIONER SCARPELLI: Second.

21 MADAM CLERK: Commissioner Rogers?

22 COMMISSIONER ROGERS: Aye.

23 MADAM CLERK: Commissioner Evans?

24 COMMISSIONER EVANS: Aye.

25 MADAM CLERK: Commissioner Scarpelli?

1 COMMISSIONER SCARPELLI: Aye.

2 MADAM CLERK: Mayor Petracco?

3 MAYOR PETRACCO: Aye.

4 MADAM CLERK: That's it for bills, Mayor.

5 MAYOR PETRACCO: Thank you.

6 I see we have an introduction. Commissioner  
7 Evans.

8 COMMISSIONER EVANS: Yes. I'll read by title An  
9 Ordinance to Amend an Ordinance Codified in the Code of the  
10 Township of Nutley, Chapter 228, Entitled Vehicles and  
11 Traffic, Particularly Article VII, Special Zones and Areas,  
12 Section 29A Entitled Handicapped Parking to Delete and Add a  
13 Location Set Forth Therein.

14 I move that this Ordinance be passed to a second  
15 reading and advertised in the Nutley Sun together with the  
16 notice required by law and that in further consideration of  
17 said Ordinance for final passage by the Board of  
18 Commissioners be held in its second reading on June 2nd,  
19 2015. So moved.

20 COMMISSIONER SCARPELLI: Second.

21 MADAM CLERK: Commissioner Rogers?

22 COMMISSIONER ROGERS: Aye.

23 MADAM CLERK: Commissioner Evans?

24 COMMISSIONER EVANS: Aye.

25 MADAM CLERK: Commissioner Scarpelli?

1 COMMISSIONER SCARPELLI: Aye.

2 MADAM CLERK: Mayor Petracco?

3 MAYOR PETRACCO: Aye. Okay. We will move on to  
4 public hearings. Commissioner Evans.

5 COMMISSIONER EVANS: Thank you, Mayor. I have  
6 three this evening.

7 Ordinance No. 3305, which was an ordinance to  
8 amend our Code, specifically Chapter 600, Site Plan Review  
9 and 600A, Checklist for Site Plan Applications, to in effect  
10 update that -- the checklist and our Code so that it's more  
11 current.

12 MAYOR PETRACCO: Is there anyone here this evening  
13 that would like to address the Board of Commissioners about  
14 Ordinance No. 3305?

15 Are you combining all of them, Commissioner?

16 COMMISSIONER EVANS: I'm sorry.

17 MAYOR PETRACCO: Are you combining all of them or  
18 do you have to read them all?

19 COMMISSIONER EVANS: No, I have to do them  
20 separately.

21 MAYOR PETRACCO: Okay.

22 COMMISSIONER EVANS: Move to close the public  
23 hearing.

24 COMMISSIONER SCARPELLI: Second.

25 MADAM CLERK: Commissioner Rogers?

1 COMMISSIONER ROGERS: Aye.

2 MADAM CLERK: Commissioner Evans?

3 COMMISSIONER EVANS: Aye.

4 MADAM CLERK: Commissioner Scarpelli?

5 COMMISSIONER SCARPELLI: Aye.

6 MADAM CLERK: Mayor Petracco?

7 MAYOR PETRACCO: Aye.

8 COMMISSIONER EVANS: Move the Ordinance.

9 COMMISSIONER SCARPELLI: Second.

10 MADAM CLERK: Commissioner Rogers?

11 COMMISSIONER ROGERS: Aye.

12 MADAM CLERK: Commissioner Evans?

13 COMMISSIONER EVANS: Aye.

14 MADAM CLERK: Commissioner Scarpelli?

15 COMMISSIONER SCARPELLI: Aye.

16 MADAM CLERK: Mayor Petracco?

17 MAYOR PETRACCO: Aye.

18 COMMISSIONER EVANS: The second ordinance for  
19 tonight is 3306 which is to amend our Code under Chapter  
20 228, Section 13, for prohibited parking for a point on  
21 Raymond Avenue which is 350 feet east of Ridge Road, so  
22 Ridge Road cuts across this way, coming east for a period of  
23 -- a space of 25 feet.

24

25

1           MAYOR PETRACCO:           Is there anyone here this evening  
2           that would like to comment on Ordinance No. 3306?   Seeing no  
3           one.

4           COMMISSIONER EVANS:           Move to close to a public  
5           hearing.

6           MAYOR PETRACCO:   Second.

7           MADAM CLERK:           Commissioner Rogers?

8           COMMISSIONER ROGERS:           Aye.

9           MADAM CLERK:           Commissioner Evans?

10          COMMISSIONER EVANS:           Aye.

11          MADAM CLERK:           Commissioner Scarpelli?

12          COMMISSIONER SCARPELLI:           Aye.

13          MADAM CLERK:           Mayor Petracco?

14          MAYOR PETRACCO:           Aye.

15          COMMISSIONER EVANS:           And the last public hearing  
16          is for 3307.

17          COMMISSIONER SCARPELLI:   Move the ordinance,  
18          Commissioner.

19          COMMISSIONER EVANS:           Oh, I'm sorry.

20          MADAM CLERK:           He said, move the ordinance.

21          COMMISSIONER EVANS:           Did I skip that?   Okay.  
22          Good.   Move the ordinance.

23          MAYOR PETRACCO:   Second.

24          MADAM CLERK:           Commissioner Rogers?

25          COMMISSIONER ROGERS:           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. Thank you, Commissioner  
7 Scarpelli. Thank you.

8 COMMISSIONER EVANS: 3307 which is for handicapped  
9 parking on Roma Street, beginning at a point 220 feet north  
10 of Park Avenue.

11 MAYOR PETRACCO: Is there anyone here this evening  
12 that would like to comment on Ordinance No. 3307?

13 MADAM CLERK: 0-7.

14 MAYOR PETRACCO: Seeing no one.

15 COMMISSIONER EVANS: Move to close the public  
16 hearing.

17 MAYOR PETRACCO: Second

18 MADAM CLERK: Commissioner Rogers?

19 COMMISSIONER ROGERS: 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 EVANS: Move the ordinance.

2 MAYOR PETRACCO: Second.

3 MADAM CLERK: Commissioner Rogers?

4 COMMISSIONER ROGERS: Aye.

5 MADAM CLERK: Commissioner Evans?

6 COMMISSIONER EVANS: Aye.

7 MADAM CLERK: Commissioner Scarpelli?

8 COMMISSIONER SCARPELLI: Aye.

9 MADAM CLERK: Mayor Petracco?

10 MAYOR PETRACCO: Aye. Who do we have,  
11 Commissioner?

12 COMMISSIONER EVANS: I have another one. It's  
13 3308 which is actually -- let's see -- no I did that one.

14 MADAM CLERK: We did that first.

15 COMMISSIONER EVANS: No it was the introductions  
16 so we're good. It was out of order. We're good.

17 MAYOR PETRACCO: Okay. Thank you. We'll move  
18 onto resolutions. Commissioner Evans.

19 COMMISSIONER EVANS: Thank you.

20 WHEREAS, the Tax Collector of this municipality  
21 has previously issued tax sale certificates to U.S. Bank and  
22 Trust, TLCF 2012A LLC for the block 5002, lot 15,  
23 certificate number 201426 in the amount of \$273.64;

24 WHEREAS, the purchaser of the tax sale certificate  
25 has indicated to the Tax Collector that they have lost or

otherwise misplaced the original tax sale certificate and have duly filed the appropriate Affidavit of Loss with the Tax Collector;

NOW, THEREFORE, BE IT RESOLVED that the Tax Collector of the municipality be and is hereby authorized upon receipt of the appropriately executed and notarized Loss Affidavit and payment of a fee of \$100.00 per certificate to issue appropriate duplicate tax certificates to said purchaser covering the certificate lost as previously described in accordance with Chapter 99 of Public Laws of 1997.

BE IT FURTHER RESOLVED, that a copy of this resolution and the Loss Affidavit be attached to the duplicate certificate to be issued to said purchaser and that said duplicate certificate shall be stamped or otherwise have imprinted on it the word "duplicate" as required by law. So move.

MAYOR PETRACCO: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Mayor Petracco?



1           MAYOR PETRACCO:           Aye.

2           COMMISSIONER EVANS:       The next resolution I have is  
3   under New Jersey Motor Vehicle Commission Rules allows for  
4   limited access by the Code Office to look up registrations  
5   of vehicles in executing their duties.

6           Alan, I just wanted to -- it's a lengthy  
7   resolution and can I consolidate it by reading the first  
8   five paragraphs?

9           ALAN GENITEMPO:   That would be fine.

10          COMMISSIONER EVANS:       Thank you.

11          WHEREAS, the State of New Jersey, Motor Vehicle  
12   Commission, hereinafter called "Commission" makes, maintains  
13   and keeps on file as required by law certain driver license,  
14   vehicle, and vessel records of individuals licensed and  
15   vehicles and vessels registered in this State; and

16          WHEREAS, the Commission also maintains, as an  
17   administrative convenience, a computer record of the  
18   aforementioned records, hereinafter called the "database";

19          WHEREAS, the database is not a public record and  
20   the information in the database is not required to be  
21   released under the New Jersey Open Public Records Act,  
22   N.J.S.A. 47:1A-1 but may be released at the discretion of  
23   the Commission in such manner as may be determined by the  
24   Commission to be administratively appropriate in accordance  
25   with appropriate laws and regulations;

1       WHEREAS, THE Commission in its discretion has  
2       established a limited online access program, hereinafter  
3       called "online program" to provide certain information  
4       contained in the database via electronic communications to  
5       businesses or public entities that demonstrate a beneficial  
6       interest in and legitimate business use of the database  
7       information;

8       WHEREAS, the Township of Nutley, hereinafter  
9       called "program participant" in its application for the  
10      program, participation in the online program has  
11      demonstrated a beneficial interest in and legitimate  
12      business use of the database information;

13      WHEREAS, the provision of such information via  
14      electronic communications to the program participant is  
15      consistent with the laws of the State of New Jersey and with  
16      the Commissioner's policy to balance the needs of the  
17      business community with the privacy needs of the public when  
18      providing information from the database.

19      NOW, THEREFORE, BE IT UNDERSTOOD AND AGREED by and  
20      between the Commission and the program participant that for  
21      and in mutual consideration of the covenants herein,  
22      pursuant to all federal laws and regulations comply with the  
23      general provisions of Section A as set forth in this  
24      resolution. Program participant obligations, Section B as  
25      delineated in this resolution and as well as the

1 Commission's obligation, Section 3 and any modifications in  
2 termination as denoted in Section 4. So moved.

3 MAYOR PETRACCO: Second.

4 MADAM CLERK: Commissioner Rogers?

5 COMMISSIONER ROGERS: Aye.

6 MADAM CLERK: Commissioner Evans?

7 COMMISSIONER EVANS: Aye.

8 MADAM CLERK: Commissioner Scarpelli?

9 COMMISSIONER SCARPELLI: Aye.

10 MADAM CLERK: Mayor Petracco?

11 MAYOR PETRACCO: Just before I vote on this, I  
12 just have one question. I know with all the Attorney  
13 General Guidelines and State Police Guidelines that there's  
14 a lot of criteria to grant access for this.

15 So my first question is is that I didn't see this  
16 until tonight. I just hope that the Chief reviewed this  
17 which I'm sure he's done because -- and there's limited  
18 access to employees that could do it. I know in your past,  
19 if you look up something, you know, that is not eligible  
20 under the criteria, it could create a lot of problems for --

21 COMMISSIONER EVANS: Absolutely. So just to be  
22 clear. It was -- the Chief advised us to do this because  
23 they were -- received notification that allowed for this and  
24 so I think it was Sergeant Neggra (ph) worked with the Code  
25 Office and the purchasing to get the application together.

1 So we've been working together fully through the both  
2 departments.

3 MAYOR PETRACCO: I just know that that criteria is  
4 very --

5 COMMISSIONER EVANS: Stringent. Yeah.

6 MAYOR PETRACCO: Yes. So, that's fine. Aye.  
7 Thank you, Commissioner Evans.

8 COMMISSIONER EVANS: My last resolution;

9 WHEREAS the Township of Nutley, in the County of  
10 Essex, New Jersey has previously issued its bonds, bond  
11 anticipation notes and other debt obligations;

12 WHEREAS, in connection with the issuance of  
13 certain of the bonds and for the purposes of assisting  
14 underwriters to comply with Rule 15C-12 under the Securities  
15 Exchange Act of 1934, the Township has covenanted and/or  
16 entered into one or more undertakings or agreements to  
17 provide continuing disclosure to the public marketplace;

18 WHEREAS, the continuing disclosure obligation  
19 requires the Township to file certain financial information  
20 and notice of certain events in specified places and at  
21 specified times; and

22 WHEREAS, the Township is desirous of retaining a  
23 professional firm that specializes in continuing disclosure  
24 matters to make the necessary filings as specified -- at  
25

1 specified places and specified times as part of the Town's  
2 continuing disclosure obligation;

3 WHEREAS, funds are available from account number  
4 5-01-208-205 subject to the adoption of the 2015 municipal  
5 budget and have been certified by the chief financial  
6 officer, said certification being attached to this  
7 resolution.

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

11 1. The Mayor and Township Clerk are hereby  
12 authorized and directed to execute an agreement with NW  
13 Financial Group, LLC, 2 Hudson Place, Hoboken for services  
14 of professional financial audit services in a total amount  
15 of \$1,500.00 in accordance with a proposal dated May 5th,  
16 2015.

17 2. This contract is awarded without competitive  
18 bidding as a professional service in accordance with  
19 N.J.S.A. 40a11-5(1) (a of the Public Contracts Law because  
20 the contract is for a service performed by persons  
21 authorized by law to practice a recognized profession that  
22 is regulated by law.

23 3. Notice of this action shall be printed once  
24 in the Nutley Sun, the legal newspaper of the Township of  
25 Nutley.

1 So move.

2 MAYOR PETRACCO: Second.

3 MADAM CLERK: Commissioner Rogers?

4 COMMISSIONER ROGERS: Aye.

5 MADAM CLERK: Commissioner Evans?

6 COMMISSIONER EVANS: Aye.

7 MADAM CLERK: Commissioner Scarpelli?

8 COMMISSIONER SCARPELLI: Aye.

9 MADAM CLERK: Mayor Petracco?

10 MAYOR PETRACCO: Aye.

11 Is that all you have?

12 COMMISSIONER EVANS: Yes. Thank you, Mayor.

13 MAYOR PETRACCO: Thank you. Commissioner  
14 Scarpelli.

15 COMMISSIONER SCARPELLI: WHEREAS Resolution 128-15  
16 was adopted at the Commission meeting of April 21st, 2015 to  
17 award Chestnut Place and Willow Place Improvements; and

18 WHEREAS, there was a typographical error for the  
19 Alternate Bid #1 in the amount of \$5,787.82 in said  
20 resolution for the sawing and sealing of joints in a  
21 concrete base course if needed and where directed. Said  
22 resolution is to reflect the corrected amount for Alternate  
23 Bid #1 in the amount of \$5,795.00.

24

25

1       NOW, THEREFORE, BE IT RESOLVED by the Board of  
2       Commissioners of the Township of Nutley, County of Essex,  
3       State of New Jersey, that Resolution 128-15 be amended.

4       I move the resolution.

5       COMMISSIONER ROGERS:           Second.

6       MADAM CLERK:           Commissioner Rogers?

7       COMMISSIONER ROGERS:           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 SCARPELLI:       WHEREAS, public works  
15      services provided in the Township of Nutley are an integral  
16      part of our citizens' everyday lives; and

17      WHEREAS, the support of an understanding and  
18      informed citizen is vital to the efficient operation of  
19      public works systems and programs such as water, sewers,  
20      streets and highways, engineering services and recycling  
21      collection; and

22      WHEREAS, the health, safety and comfort of this  
23      community greatly depends on these facilities and services;  
24      and  
25

1 WHEREAS, the quality and effectiveness of these  
2 facilities, as well as their planning, design, and  
3 construction, are vitally dependent upon the efforts and  
4 skill of public works officials; and

5 WHEREAS, the efficiency of the qualified and  
6 dedicated personnel who staff public works departments is  
7 materially influenced by the people's attitudes and  
8 understandings of the importance of the work they perform;  
9 and

10 WHEREAS, the years 2015 marks the 55th Annual  
11 National Public Works Week sponsored by the American Public  
12 Works Association; and

13 WHEREAS, this year's theme "Community Begins Here"  
14 speaks to the essential nature of public works services  
15 provide in support of everyday quality of life.

16 NOW, THEREFORE, BE IS RESOLVED that the Board of  
17 Commissioners of the Township of Nutley, County of Essex,  
18 State of New Jersey, do hereby proclaim the week of May 17,  
19 2015 as National Public Works Week in the Township of Nutley  
20 and call upon all citizens and civic organizations to  
21 acquaint themselves with the issues in providing public  
22 works and to recognize the contributions which public works  
23 employees make every day to our health, safety, comfort and  
24 quality of life.

25 I move the resolution.



1 COMMISSIONER ROGERS: Second.

2 MADAM CLERK: Commissioner Rogers?

3 COMMISSIONER ROGERS: Before I vote on this, I  
4 want to make a statement.

5 In Commissioner Scarpelli's resolution, there's  
6 the quote, Community Begins Here. His department truly  
7 lives up to that quote. I can't tell you how many times  
8 that the health department or public affairs has called his  
9 department, whether it be on a weekday, weekend or at night  
10 that he's answered the phone and met the needs of someone in  
11 this community.

12 Commissioner, I've got to tell you, your  
13 department truly lives up to the quote and it's certainly an  
14 honor for me to vote yes.

15 COMMISSIONER SCARPELLI: Thank you, Commissioner.

16 MADAM CLERK: Commissioner Evans?

17 COMMISSIONER EVANS: You're all the best. Aye.

18 MADAM CLERK: Commissioner Scarpelli?

19 COMMISSIONER SCARPELLI: Aye.

20 MADAM CLERK: Mayor Petracco?

21 MAYOR PETRACCO: Aye.

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

23 MAYOR PETRACCO: Thank you, Commissioner  
24 Scarpelli.

25

WHEREAS, raffle applications have been received from the following organizations; and Friends of Nutley Singers, Inc., License No. 23-15, Tricky Tray, Thursday, June 4th, 2015; PTO Nutley Lincoln School, License No. 24-15, On-Premise 50/50 Cash Raffle, Friday, May 29th, 2015;

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

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that the aforementioned licenses are approved and the Municipal Clerk is authorized to issue the licenses.

I move the resolution.

COMMISSIONER EVANS: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: Aye.

And, just for the record, my Resolution No. 133-15, we are going to pull tonight. That is for the reappointment for a judge, Joanne Cocchiola.

1 Commissioner Tucci was not able to make the meeting and he  
2 would like to vote on it at the next meeting.

3 With that being said, I would also like to  
4 congratulate Commissioner Tucci. His niece, Chrissy  
5 had a baby that was 9 lbs. 1 oz. which is pretty big these  
6 days. I'd like to congratulate her and her husband, Joe and  
7 we will vote on that at our next meeting.

8 Commissioner -- I'm sorry, Commissioner Rogers,  
9 you don't have anything this evening.

10 COMMISSIONER ROGERS: I have nothing, Mayor.

11 MAYOR PETRACCO: Okay. With that being said, is  
12 there anyone here this evening that would like to address  
13 the Board of Commissioners?

14 Seeing no one, move to adjourn.

15 COMMISSIONER ROGERS: Second.

16 MADAM CLERK: Commissioner Rogers?

17 COMMISSIONER ROGERS: Aye.

18 MADAM CLERK: Commissioner Evans?

19 COMMISSIONER EVANS: Aye.

20 MADAM CLERK: Commissioner Scarpelli?

21 COMMISSIONER SCARPELLI: Aye.

22 MADAM CLERK: Mayor Petracco?

23 MAYOR PETRACCO: Aye.

24 MADAM CLERK: And the time is now 8:15.

25 MAYOR PETRACCO: Thank you for coming.

MADAM CLERK: Thank you.

(Whereupon, the meeting was adjourned.)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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

I, Pamela A. Skaw, certify that the foregoing transcript is  
a true and accurate record of the proceedings.

Pamela A. Skaw

Pamela A. Skaw

June 1, 2015

**AGENDA**  
**TOWNSHIP OF NUTLEY**  
**BOARD OF COMMISSIONERS**  
**PUBLIC MEETING**  
**TUESDAY, MAY 5, 2015 / 7:00P.M.**

**Notice Pursuant to NJ.S.A 10:4-8(d)**

This agenda for the next regular meeting of the Township of Nutley Board of Commissioners, and the resolutions on the agenda, reflect the agenda and proposed resolutions to the extent known at the time of posting, pursuant to NJ.S.A. 10:4-8(d). The agenda and resolutions are tentative. They are subject to amendment additions or deletions prior to the meeting. Any inquiries concerning the agenda and its contents should be directed to the Municipal Clerk's Office at (973) 284-4955.

**PLEDGE OF ALLEGIANCE:**

**SUNSHINE NOTICE:**

Pursuant to the requirements of the Open Public Meeting Act (Chapter 231, P.L.1975), notice of this meeting was published in the December 11, 2014 issues of the Nutley Sun, The Star Ledger and The Herald News. A copy of this notice has been posted on the Nutley Town Hall bulletin board and a copy is on file in the Municipal Clerk's Office.

**ROLL CALL:**

Commissioner Rogers  
Commissioner Tucci  
Commissioner Evans  
Commissioner Scarpelli  
Mayor Petracco

**MINUTES:**

March 26, 2015 (Executive Session)  
April 7, 2015

**COMMUNICATIONS/CORRESPONDENCE (2):**

1. Historic Restoration Trust of Nutley (Kingsland Manor) has submitted a Social Affair Permit application to host a Speakeasy Party Fundraiser for Restoration on Saturday, June 6, 2015 from 7PM to 10PM.
2. Nutley Volunteer Emergency & Rescue Squad has submitted a Social Affair Permit application to host a Lollipop Party on Saturday, May 30, 2015 from 5PM to 8PM.

**PROCLAMATION:**

**REPORTS (2):**

Commissioner Evans/Code Enforcement/Annual Report  
Commissioner Evans/Code Enforcement/First Quarter 2015

**BILLS:**

**ORDINANCE INTRODUCTIONS (1):**

**COMMISSIONER EVANS/ORDINANCE NO. 3308**

**"AN ORDINANCE TO AMEND AN ORDINANCE CODIFIED IN THE CODE OF THE TOWNSHIP OF NUTLEY, CHAPTER 228, ENTITLED VEHICLES AND TRAFFIC, PARTICULARLY ARTICLE VII (SPECIAL ZONES AND AREAS), SECTION 29A ENTITLED HANDICAPPED PARKING, TO DELETE AND ADD THE LOCATION SET FORTH THEREIN." (PUBLIC HEARING JUNE 2, 2015)**

**ORDINANCE PUBLIC HEARINGS (3):**

**COMMISSIONER EVANS/ORDINANCE NO. 3305**

**“AN ORDINANCE TO AMEND AN ORDINANCE CODIFIED IN THE CODE OF THE TOWNSHIP OF NUTLEY, CHAPTER 600, SITE PLAN REVIEW & 600A, CHECKLIST FOR SITE PLAN APPLICATION, TO ADD & DELETE THE ENUMERATED SECTIONS” (INTRODUCED ON APRIL 7, 2015)**

**COMMISSIONER EVANS/ORDINANCE NO. 3306**

**“AN ORDINANCE TO AMEND AN ORDINANCE CODIFIED IN THE CODE OF THE TOWNSHIP OF NUTLEY, CHAPTER 228, ENTITLED VEHICLES AND TRAFFIC, PARTICULARLY ARTICLE II (PARKING OF CERTAIN STREETS), SECTION 13 ENTITLED PARKING PROHIBITED AT ALL TIMES TO ADD THE LOCATION SET FORTH THEREIN.” (INTRODUCED ON APRIL 7, 2015)**

**COMMISSIONER EVANS/ORDINANCE NO. 3307**

**“AN ORDINANCE TO AMEND AN ORDINANCE CODIFIED IN THE CODE OF THE TOWNSHIP OF NUTLEY, CHAPTER 228, ENTITLED VEHICLES AND TRAFFIC, PARTICULARLY ARTICLE VII (SPECIAL ZONES AND AREAS), SECTION 29A ENTITLED HANDICAPPED PARKING, TO ADD THE LOCATION SET FORTH THEREIN.” (INTRODUCED ON APRIL 7, 2015)**

**RESOLUTIONS (7):**

**Commissioner Rogers:**

**Commissioner Tucci:**

**Commissioner Evans (3):**

**No. 134-15/Issue Duplicate Tax Sale Certificate/Block 5002 Lot 15/Amount of \$273.64**

**No. 137-15/Authorize Memorandum of Agreement Between Township of Nutley and New Jersey Motor Vehicle Commission for Online Access to Motor Vehicle Records**

**No. 138-15/Authorize Agreement for Professional Financial Audit Services/NW Financial Group, LLC, 2 Hudson Place, Hoboken, New Jersey/Not to Exceed \$1,500.00**

**Commissioner Scarpelli (2):**

**No. 135-15/Amend Resolution No. 128-15/Change Amount for Alternate Bid #1 from \$5,787.82 to \$5,795.00**

**No. 136-15/Proclaim Week of May 17, 2015 as National Public Works Week**

**Mayor Petracco (2):**

**No. 132-15/Authorize Issue of Raffle Licenses/Various**

**MEETING OPEN TO THE PUBLIC:**

**ADJOURNMENT:**

**REMINDER:**

The next Board of Commissioners meeting is scheduled for Tuesday, May 19, 2015 at 7:00 P.M., Nutley Town Hall, 3<sup>rd</sup> floor Commission Chambers.

**ORDINANCE #3305**

**INTRODUCED BY: COMMISSIONER THOMAS J. EVANS**

**INTRODUCED ON: APRIL 7, 2015**

**PUBLIC HEARING: MAY 5, 2015**

**ORDINANCE NO. 3305**

**AN ORDINANCE TO AMEND AN ORDINANCE CODIFIED IN THE CODE OF THE TOWNSHIP OF NUTLEY, CHAPTER 600, SITE PLAN REVIEW & 600A, CHECKLIST FOR SITE PLAN APPLICATION, TO ADD & DELETE THE ENUMERATED SECTIONS**

**Chapter 600: SITE PLAN REVIEW**

**DELETE**

§ 600-1 Approval required; exceptions.

A. No construction permit or certificate of occupancy shall be issued for any use except one- and two-family detached dwellings and permitted accessory use thereto unless a site plan shall have first been approved by the Planning Board in accordance with the terms of this chapter, except that site plan approval also shall not be required for the following except as set forth in Subsection B:

**ADD**

Chapter 600: SITE PLAN REVIEW

§ 600-1 Approval required; exceptions.

A. No construction permit or certificate of occupancy shall be issued for any use except one- and two-family detached dwellings and permitted accessory use thereto unless a site plan shall have first been approved by the Board in accordance with the terms of this chapter, except that site plan approval also shall not be required for the following except as set forth in Subsection B:

**DELETE**

§ 600-3 Submission of plan.

Eighteen copies of an application for site plan approval on a form approved by the approving board, together with eighteen copies of the site plan shall be submitted to the administrative officer.

**ADD**

§ 600-3 Submission of plan.

Twenty-two (22) copies of an application for site plan approval on a form approved by the approving board, together with twenty-two (22) copies of the site plan shall be submitted to the administrative officer.



**ADD**

§ 600-4 Review Procedure

B. Distribution of Plan

(1) (i) Board of Education

**DELETE**

§ 600-6 General Standards

A. (8) Signs

- (b) Advertising signs. Advertising, business or political signs which revolve, move, flash or give the illusion of movement shall be prohibited, within 25 feet of any existing or proposes future curbline. Nothing in this section shall permit any sign prohibited by this chapter or any other ordinance.

**ADD**

§ 600-6 General Standards

A. (8) Signs

- (b) Advertising signs. Advertising, business or political signs which revolve, move, flash or give the illusion of movement shall be prohibited. Nothing in this section shall permit any sign prohibited by this chapter or any other ordinance.

**ADD**

§ 600A – Checklist of Site Plan Application

- F. (31) Construction Official may require building elevation views of adjacent properties.

BE IT FURTHER ENACTED that all other terms and conditions and locations in Chapter 600 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 #3306**

**INTRODUCED BY: COMMISSIONER THOMAS J. EVANS**

**INTRODUCED ON: APRIL 7, 2015**

**PUBLIC HEARING: MAY 5, 2015**

**ORDINANCE NO. 3306**

**AN ORDINANCE TO AMEND AN ORDINANCE CODIFIED IN THE CODE OF THE TOWNSHIP OF NUTLEY, CHAPTER 228, ENTITLED VEHICLES AND TRAFFIC, PARTICULARLY ARTICLE II (PARKING OF CERTAIN STREETS), SECTION 13 ENTITLED PARKING PROHIBITED AT ALL TIMES TO ADD THE LOCATION SET FORTH THEREIN.**

**BE IT ENACTED** by the Board of Commissioners of the Township of Nutley that Article II, Section 13 of Chapter 228 of the Code of the Township of Nutley, entitled Parking Prohibited at All Times, is hereby amended to set forth the ADDITION of the following location:

**ADD**

**Name of Street**

**Side**

**Location**

Raymond Avenue      South      From a point 350 feet east of Ridge Road, east for 25 feet.

BE IT FURTHER ENACTED that all other terms and conditions and locations in Section 13 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 #3307**

**INTRODUCED BY: COMMISSIONER THOMAS J. EVANS**

**INTRODUCED ON: APRIL 7, 2015**

**PUBLIC HEARING: MAY 5, 2015**

**ORDINANCE NO. 3307**

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

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

**Section 29A. Streets.**

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

**Add**

**Name of  
Street**

**Side**

**Location**

Roma Street

East

Beginning at a point 220 feet north of Park Avenue,  
north for 20 feet

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

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

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

Introduced by: Mayor Alphonse Petracco Date: May 5, 2015  
Seconded by: Commissioner Thomas J. Evans No. 132-15

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

Friends of Nutley Singers Inc.	License No. 23-15 Tricky Tray	Thursday, June 4, 2015
PTO Nutley Lincoln School	License No. 24-15 On-Premise 50/50 Cash Raffle	Friday, May 29, 2015

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

**NOW, THEREFORE BE IT RESOLVED** by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey that the aforementioned licenses are approved and the Municipal Clerk is authorized to issue the licenses.

. . .

I, Eleni Petras, Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the  
Eleni Petras  
foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held May 5, 2015

<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 Thomas J. Evans *Date:* May 5, 2015  
*Seconded by:* Mayor Alphonse Petracco *No.* 134-15

**WHEREAS**, the Tax Collector of this municipality has previously issued tax sale certificates to US BANK CUST FOR TLCF 2012A LLC, for the following block and lots; and

**WHEREAS**, the purchaser of the aforesaid tax sale certificate has indicated to the Tax Collector that they have lost or otherwise misplaced the original tax sale certificate and have duly filed the appropriate Affidavit of Loss with the Tax Collector; and

**NOW, THEREFORE, BE IT RESOLVED** that the Tax Collector of the municipality be and is hereby authorized, upon receipt of the appropriately executed and notarized Loss Affidavit and the payment of a fee of \$100.00 per certificate, to issue appropriate duplicate tax sale certificate to the said purchaser covering the certificate lost as previously described all in accordance with the requirements of Chapter 99 of Public Laws of 1997.

**BE IT FURTHER RESOLVED**, that a copy of this resolution and the Loss Affidavit be attached to the duplicate certificate to be issued to said purchaser and that said duplicate certificate shall be stamped or otherwise have imprinted upon it the word "Duplicate" as required by law.

Block & Lot	Certificate:	Amount
5002 - 15	#201426	\$273.64

. . .

I, Eleni Petras, 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 May 5, 2015

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 Joseph P. Scarpelli *Date:* May 5, 2015  
*Seconded by:* Commissioner Steven Rogers *No.* 135-15

**WHEREAS**, Resolution 128-15 was adopted at the Commission meeting of April 21, 2015, to award "Chestnut Place and Willow Place Improvements"; and

**WHEREAS**, there was a typographical error for the Alternate Bid #1 in the amount of \$5,787.82 in said resolution for the sawing and sealing of joints in concrete base course if needed and where directed; said resolution is to reflect the corrected amount for Alternate Bid #1 in the amount of \$5,795.00;

**NOW, THEREFORE BE IT RESOLVED** by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that Resolution 128-15 be amended.

. . .

I, Eleni Petras, 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 May 5, 2015

<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:* May 5, 2015  
*Seconded by:* Commissioner Steven Rogers *No.* 136-15

**WHEREAS**, public works services provided in the Township of Nutley are an integral part of our citizens' everyday lives; and

**WHEREAS**, the support of an understanding and informed citizen is vital to the efficient operation of public works systems and programs such as water, sewers, streets and highways, engineering services, and recycling collection; and

**WHEREAS**, the health, safety and comfort of this community greatly depends on these facilities and services; and

**WHEREAS**, the quality and effectiveness of these facilities, as well as their planning, design, and construction, are vitally dependent upon the efforts and skill of public works officials; and

**WHEREAS**, the efficiency of the qualified and dedicated personnel who staff public works departments is materially influenced by the people's attitude and understanding of the importance of the work they perform; and

**WHEREAS**, the year 2015 marks the 55th Annual National Public Works Week sponsored by the American Public Works Association; and

**WHEREAS**, this year's theme "Community Begins Here" speaks to the essential nature Public Works services provide in support of everyday quality of life;

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey do hereby proclaim the week of May 17, 2015 as

**NATIONAL PUBLIC WORKS WEEK**

in the Township of Nutley and call upon all citizens and civic organizations to acquaint themselves with the issues in providing public works and to recognize the contributions which public works employees make every day to our health, safety, comfort and quality of life.

. . .

I, Eleni Pettas, 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 May 5, 2015

<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 Thomas J. Evans *Date:* May 5, 2015  
*Seconded by:* Mayor Alphonse Petracco *No.* 137-15

**WHEREAS**, the State of New Jersey, Motor Vehicle Commission, hereinafter called the "Commission", makes, maintains or keeps on file as required by law certain driver license, vehicle, and vessel records of individuals licensed and vehicles and vessels registered in this State; and

**WHEREAS**, the Commission also maintains, as an administrative convenience, a computer record of the aforementioned records, hereinafter called the "database"; and

**WHEREAS**, the database is not a public record and the information in the database is not required to be released under the New Jersey Open Public Records Act, N.J.S.A. 47:1A-1 et seq. (P.L. 2001, c.404), but may be released at the discretion of the Commission in such manner as may be determined by the Commission to be administratively appropriate and in accordance with applicable laws and regulations; and

**WHEREAS**, the Commission in its discretion has established a Limited Online Access Program, hereinafter called the "Online Program", to provide certain information contained in the database, via electronic communications, to businesses or public entities that demonstrate a beneficial interest in and legitimate business use of the database information; and

**WHEREAS**, the **TOWNSHIP OF NUTLEY**, hereinafter called the "Program Participant", in its application for participation in the Online Program, has demonstrated a beneficial interest in and legitimate business use of the database information; and

**WHEREAS**, the provision of such information via electronic communications to the Program Participant is consistent with the laws of the State and with the Commission's policy to balance the needs of the business community with the privacy needs of the public when providing information from the database.

**NOW, THEREFORE, BE IT UNDERSTOOD AND AGREED** by and between the Commission and the Program Participant that for and in mutual consideration of the covenants herein and pursuant to all federal and State laws and regulations:

**A. GENERAL PROVISIONS**

1. The attached "Application for Online Access to Motor Vehicle Records", signed by the authorized representative of the Program Participant on January 14, 2015, and containing the handwritten notations and initials of the authorized representative of Business and Government Services, hereinafter referred to as the "Application", is incorporated in and specifically made a part of this Memorandum of Understanding, hereafter referred to as "MOU".
2. The Program Participant certifies that all statements made and information provided in the Application are true to the best of his or her knowledge.
3. If any of the information contained in the Application changes during the course of this MOU, the



Program Participant shall notify the Commission (NJMVC, Business and Government Services, PO Box 122, Trenton, NJ 08666-0122) within ten (10) days of such changes, in writing.

4. The Program Participant, including each of its employees, shall use the information provided by the Commission pursuant to this MOU only for the purposes explicitly set forth by the Program Participant and not stricken by the authorized representative of Business and Government Services on the Application, hereinafter referred to as "the Permitted Purposes" as set forth in paragraph 6 of this section.

5. The Program Participant may apply for approval of additional uses of the information provided under this MOU by submitting a new application form setting forth all intended uses, including those already approved and those for which approval is sought.

6. The Permitted Purpose of this agreement shall be as follows: Program Participant shall pay to the Commission an annual administrative fee of one hundred fifty dollars (\$150.00), payable to New Jersey Motor Vehicle Commission. This is an annual administrative fee for administrative and transaction costs which will entitle Program Participant to access of up to five thousand (5,000) records per calendar year. This fee is due at the end of January in each year. Records accessed in excess of this amount will be billed an additional one hundred fifty dollars (\$150.00) per each five thousand (5,000) record increment. Accounts will be reviewed and billed quarterly and excess quantities of two thousand five hundred (2,500) or greater (above the initial five thousand (5,000) allotment) will be charged as a full five thousand (5,000) increment. Administrative fees are nonrefundable.

7. The Program Participant is not entitled to receive, and the Commission will not provide, social security numbers, insurance information, or medical information that may be contained in the Commission's database.

8. Upon the Commission's processing of the fully executed MOU, the Program Participant will be entitled to establish electronic communications with the Commission, and thereafter to receive from the Commission, via electronic communications, information contained in the database, within the scope of Permitted Purposes and uses as defined in this MOU.

9. If any part, term or provision of this MOU is held by a court of competent jurisdiction to be illegal or in conflict with any law of the State of New Jersey or the United States, the validity of the remaining portions or provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the MOU did not contain the particular part, term or provision held to be invalid.

10. This MOD shall be governed by the laws of the State of New Jersey, both as to interpretation and performance, and any action at law, suit in equity or judicial proceeding for the enforcement or breach of this MOU or any provision thereof shall be instituted and maintained in any court of competent jurisdiction in the County of Mercer, State of New Jersey.

11. Neither this MOD nor any interest in this MOD may be assigned or transferred.

12. The terms of this MOU shall be effective upon the signing of the MOU by an authorized representative of each party and shall continue in force and effect for one (1) year from the date of signature by the Commission's Chief Administrator, or until cancelled or amended pursuant to the terms within section "D", MOU Modification and Termination. Upon expiration of the contract, the Program Participant must submit a new application and pertinent supporting documentation for approval in order to have its account status maintained.

## **B. PROGRAM PARTICIPANT'S OBLIGATIONS**

1. In accordance with the public policy of the State of New Jersey, as set forth in NJ.A.C. 13:18-11.3(c) and NJ.A.C. 13:18-11.4(f)1, the Program Participant shall not use the information provided by the Commission pursuant to this MOU for the purpose of commercial solicitation or marketing, political canvassing or campaigning or any similar purpose or objective, and shall not provide such information to any person or entity which seeks to use such information for any of these purposes. If such marketing effort or solicitation occurs, the Commission may terminate this MOU.
2. While it is understood that the electronic records provided by the Commission will contain the BOROUGH OF MERCHANTVILLE and addresses of individuals, the Program Participant shall hold such information in confidence and shall use it only in accordance with the terms of this MOU.
3. The Program Participant shall not accumulate, store or build a file from the data obtained from the Commission. However, data may be retained and accessed for administrative and audit purposes only.
4. The Program Participant will not merge any Commission record with any other document gleaned from any other source in order to sell or provide the information to another party as an official Commission record.
5. The Program Participant shall not permit persons other than its authorized employees or agents to use the electronic communications established for the Program Participant pursuant to this MOU.
6. The Program Participant shall take all steps necessary to protect the information and data provided by the Commission under this MOU from theft, unauthorized disclosure or any use not specifically permitted under this MOU. The Program Participant must strictly adhere to both the Federal and New Jersey Drivers' Privacy Protection Acts ("DPPA"), 18 U.S.C. § 2721 et seq. and NJ.S.A. 39:2-3.3 et seq., incorporated herein by reference.
7. The Program Participant must, within forty-eight (48) hours, of discovery of a security breach or unauthorized access by any individual whether or not acting on behalf of the Program Participant, report such to the Commission unless law enforcement requests that Program Participant not disclose the incident or doing so would impede a law enforcement investigation.
8. Within ten (10) days of receipt of a written request from the Commission, the Program Participant shall furnish to the Commission a certified statement of the manner in which the electronic records provided by the Commission and information contained in them are being used or have been used.
9. The Program Participant shall hold the Commission harmless in the event of any errors or omissions in the information or data furnished under this MOU.
10. The Commission, at its sole option, may, at any time, engage an independent auditor to review and audit the books and records and/or operations of the Program Participant in order to determine compliance with this MOU. The cost of such audit shall be borne by the Program Participant.
12. The Program Participant shall submit all program and administrative fees by check, made payable to the New Jersey Motor Vehicle Commission, and sent to the Motor Vehicle Commission, PO Box 122, Trenton, New Jersey 08666-0122. **Under this Agreement, the Program Participant's full account number shall be indicated on the face of each check. Checks without the full account number will be returned without processing.**



### C. COMMISSION OBLIGATIONS

1. The Commission will provide the Program Participant and its authorized employee's information, via electronic communications, from the database as permitted under this MOU.

### D. MOU MODIFICATION AND TERMINATION


1. This MOU may be terminated by the Commission in its sole discretion upon ten (10) days' notice to the Program Participant, sent to the address provided by the Program Participant on the application, unless otherwise advised by the Program Participant, in writing, sent to the Commission.

2. The Commission may cancel or amend this MOU without prior notice to the Program Participant only if such cancellation or amendment is deemed necessary by the Commission, due to any changed requirement in the law or Commission policy that would prohibit such an MOU, or upon a determination by the Commission that there has been a breach of the integrity or security of the data provided to the Program Participant, or a failure of the Program Participant to comply with established procedures or legal requirements included or incorporated by reference in this MOU.

3. Any breach of the terms of this MOU by the Program Participant will result in the immediate termination of the MOU and the service provided by the Commission under the MOU.

4. This MOU and the service provided to the Program Participant under this MOU shall be terminated by the Commission immediately upon its receipt of a written request for such termination by the Program Participant.

5. This MOU may be amended by mutual consent of the Program Participant and the Commission. Any proposed amendment or modification must be submitted in writing to the other party prior to any formal discussion or negotiation of the issue. Any amendment must be signed by both the Program Participant and the Commission in order to become effective and to modify or change this MOU.

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 May 5, 2015

<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 Thomas J. Evans *Date:* May 5, 2015  
*Seconded by:* Mayor Alphonse Petracco *No.* 138-15

**WHEREAS**, the Township of Nutley, in the County of Essex, New Jersey (the "Township") has previously issued its bonds, bond anticipation notes and/or other debt obligations (the "Bonds"); and

**WHEREAS**, in connection with the issuance of certain of the Bonds and for purposes of assisting underwriters to comply with Rule 15c-12 under the Securities Exchange Act of 1934, the Township has covenanted and/or entered into one or more undertakings or agreements to provide continuing disclosure (the "Continuing Disclosure Obligation") to the public marketplace; and

**WHEREAS** the Continuing Disclosure Obligation requires the Township to file certain financial information and notice of certain events in specified places and at specified times; and

**WHEREAS**, the Township is desirous of retaining a professional firm that specializes in continuing disclosure matters to make the necessary filings at the specified places and specified times as part of the Township's Continuing Disclosure Obligation;

**WHEREAS**, funds are available from account no. 5-01-208-205 (Subject to Adoption of the **2015** Municipal Budget) 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, New Jersey as follows:

1. The Mayor and Township Clerk are hereby authorized and directed to execute an agreement with NW Financial Group, LLC, 2 Hudson Place, Hoboken, NJ 07030 for the services of **Professional Financial Audit Services** for a total amount not to exceed **\$1,500.00** in accordance with a proposal dated May 5, 2015.
2. This contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40a11-5(1)(a) of the Local Public Contracts Law because the contract is for a service performed by a person(s) authorized by law to practice a recognized profession that is regulated by law.
3. Notice of this action shall be printed once in the Nutley Sun, the legal newspaper of the Township of Nutley.

. . .

I, Eleni Pettas, 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 May 5, 2015

<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			