TOWNSHIP OF NUTLEY, NEW JERSEY
BOARD OF COMMISSIONERS

PUBLIC MEETING TRANSCRIPT OF PROCEEDINGS:

May 6, 2014
7:10 p.m.

BEFORE:

Commissioner Steven Rogers (Absent/Excused)
Commissioner Joseph Scarpelli
Commissioner Mauro Tucci
Mayor Alphonse Petracco
Commissioner Thomas J. Evans

Job No. VTNJ - 1871244
PROCEEDINGS

MAYOR PETRACCO: Madam Clerk, I think we are finally --

MADAM CLERK: Mayor, are we ready?

MAYOR PETRACCO: -- officially ready. I see we have a couple guests tonight?

MADAM CLERK: Yes.

MAYOR PETRACCO: So however we are -- we're going to --

MADAM CLERK: I'll open the -- I'll read the public statement, do a roll call and introduce the guests that we have this evening, if that's okay?

MAYOR PETRACCO: That'll be fine.

MADAM CLERK: Ready, Mayor?

MAYOR PETRACCO: I am ready, thank you.

MADAM CLERK: Tuesday, May 6th, 2014. Pursuant to the requirements of the Open Public Meeting Law, Chapter 231, Public Laws 1975, notice of this meeting was published in the December 12th, 2013 issues of the Nutley Sun, the Star Ledger, and the Herald News. A copy of this notice has been posted on the Nutley Town Hall bulletin board and a copy is on file in the Municipal Clerk's Office.

Commissioner Rogers is absent/excused this evening.

MADAM CLERK: Commissioner Tucci?
COMMISSIONER TUCCI: Here.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Here.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Here.

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: Here.

MADAM CLERK: All present, Mayor, with the exception of Commissioner Rogers who was absent/excused this evening.

MAYOR PETRACCO: Okay.

MADAM CLERK: And we have a couple of guests this evening. We have Mr. Steven Pearlman of Inglesino, Wyciskala & Taylor along with Mr. Derek Orth. They're here to speak on behalf of resolution number 95-13 concerning the North Jersey District Water Supply Commission and their proposed bond issues. And we also have Raymond Sarinelli of Nisivoccia LLC, Certified Public Accountants, along with Rosemary Costa who are here to speak on behalf of the public hearing schedule for the 2014 municipal budget.

MAYOR PETRACCO: Who's introducing that resolution?

MADAM CLERK: That would be Commissioner Evans.

MAYOR PETRACCO: Okay. Okay, so are we going to take that out of -- how do you guys want to do the --
COMMISSIONER EVANS: The public hearing or the --

MAYOR PETRACCO: Well, I don't -- no.

MR. PEARLMAN: I can handle the bonds in like less than five minutes. I know you've got a lot with your budget, so --

MAYOR PETRACCO: Right, okay.

MR. PEARLMAN: -- do you want me to come up and knock it out?

MAYOR PETRACCO: Yeah, that's fine. That's -- just the order that you guys like to take it is fine with me.

MR. PEARLMAN: No problem. By the way, if you got Wyciskala right, you get extra points.

MADAM CLERK: Wyciskala, okay.

MR. PEARLMAN: I want to introduce Derek Orth with Inglesino Wyciskala & Taylor. John used to be my partner, as you know, on the redevelopment stuff. I've now moved, started my own firm in Bloomfield. I'm seven minutes from home in Montclair, so Pearlman & Miranda hooked up with an old friend who's Bill Miranda. But I am subbing to John's firm on the bond stuff. Okay? And John's firm is technically general counsel for North Jersey District Water Supply Commission.

They've got in Wanaque North and Wanaque South, about 95 million of bonds that they need to do, about 70
million worth of capital projects. That's something they've been storing up for quite a long period of time. If you're in Wanaque South, you're, I think what roughly 7 and a half percent are Wanaque South. In order to go forward with the bond issue, you need two-thirds by MGD approval of the South members.

You hear a big number like that, you might think it's scary. The reality is that North Jersey's debt service is fortuitously -- falls off a cliff in 2017. So the way they're structuring these deals, and there are both North deals and South deals, and they're going to go to the EIT, the Environmental Infrastructure Trust which gives at least half of its money at zero interest. So they're going about it the right way getting as cheap money as they can as possible, and right now interest rates are low.

They're literally going to do what they do what they call (indiscernible) debt service. So they're going to basically start amortizing after the cliff. And what does that mean to you? It means that they won't affect your present user rates. So they literally don't expect an increase from what you're paying in 2014, which is why even though it sounds like a lot of money, the bottom line is they've structured it in a way, on purpose, to not affect your user rates.

And they've been saving up to do this for many
years. This is one of those they have not been issuing
serially every year. They've been waiting, and waiting, and
waiting. It's a combination of the pushing and needs and
low interest rates, and it's the right time and let's do it
all together. They're also combining it with a refunding to
help the net value of that keeps the rates where they are.

How -- can I answer questions?

COMMISSIONER SCARPELLI: I guess that was our
major concern was how was it going to affect our rates.

MR. PEARLMAN: Understood.

COMMISSIONER SCARPELLI: So, and then, I don't
know if you had any input on what some of the capital
improvements are and how they're going to -- may affect our
system.

MR. PEARLMAN: We have a whole -- I mean,
literally, as you can see, this is like two pages worth of
details. Why don't I do this, read the categories because I
think that gives you a sense --

MAYOR PETRACCO: Do we have that in our packets
or --

MR. PEARLMAN: You do, you do. There is a -- and
MAYOR PETRACCO: I want to find it here.

MR. PEARLMAN: This is not the final list. I just
want to caution people, but this is the list of what they're
looking at.
MAYOR PETRACCO: I'm just trying to keep it in order.

MR. PEARLMAN: And the categories are to maintain the facility's dams and pipelines. They're estimating that total cost is about 25 million. Resiliency, which is an important term you've read these days.

COMMISSIONER EVANS: I don't think we have it.

MR. PEARLMAN: You don't have it?

COMMISSIONER TUCCI: No, we don't have that.

MR. PEARLMAN: You know what you have, what you have is this. You have the --

COMMISSIONER SCARPELLI: The resolution --

MR. PEARLMAN: Well, this isn't just your resolution. You have this memo that outlines, by category, the total amounts of these categories. I'm happy to leave a copy and you guys can look at it in detail, but I do want to make it clear -- there you go -- that the Commission reserves the right to change these projects because DEP may say yes or no. They're going forward with studies. They're going to do what is the most needed projects, the bottom line.

MAYOR PETRACCO: So this is all for the infrastructure and is that --

MR. PEARLMAN: Uh-huh, yeah.

MAYOR PETRACCO: -- that's exactly what it's for?
MR. PEARLMAN: Yeah, so through the categories, the (indiscernible) facilities dams and pipelines that's total infrastructure. Resiliency is post-Sandy. Regulatory compliance is our good friends at PGA and DEP, right? Our good friends?

MAYOR PETRACCO: Our good friends, very good friends, yes.

MR. PEARLMAN: And then security, and Al and I were talking about security, IT, and safety is another big category. And then water treatment.

COMMISSIONER TUCCI: Now do they just reserve the right to change the projects or --

MR. PEARLMAN: Not the amounts.

COMMISSIONER TUCCI: Not the amounts. So the amount will state --

MR. PEARLMAN: You're doing a maximum amount --

COMMISSIONER TUCCI: Right.

MR. PEARLMAN: -- and the effect on your rates is not going to change.

COMMISSIONER TUCCI: Right. So --

MR. PEARLMAN: Which is a key question.

COMMISSIONER TUCCI: So we're going to give them a total budget, they're going to --

MR. PEARLMAN: That's it. And we're going to mix and match.
COMMISSIONER TUCCI: -- move it around as they see necessary to keep the facility running and keep it state of the art.

MR. PEARLMAN: That's it. That's it.

COMMISSIONER EVANS: Steve, just got a quick question.

MR. PEARLMAN: Please.

COMMISSIONER EVANS: Given the location of the South Reservoir, and the location of Nutley, water doesn't flow uphill, okay? So we have to get water from Passaic Valley water, we have a wheeling charge --

MR. PEARLMAN: Okay.

COMMISSIONER EVANS: -- that brings it over. In looking at this list and where you're saying is that they've been managing things, I don't know if it's under consideration, but is there anything that you could take back to them to figure out how we could get water to Nutley from Wanaque South so that we could eliminate the extra cost of a wheeling charge?

MR. PEARLMAN: A wheeling through Passaic Valley water?

COMMISSIONER EVANS: Yeah.

MR. PEARLMAN: The answer is yes. You're in South -- South is where the extra allocation just came in, right? The safe yield increase?
There is a -- it happens infrequently but in the water world, DEP allows you to contract out based on safe yield. Safe yield is a function of what they think is going to be there at the worst times, because they don't want to contract out something that won't happen.

The safe yield just increased in Wanaque South. And I believe letters went out to all the Wanaque South communities asking if you were interested. So if you are interested in increasing your percentage MGD, it's take or pay, so if you increase, you know, whether you need it or not, you know, you've got to pay, but you could increase your -- because of this available safe yield, you actually could increase your allocation from North Jersey directly.

I can't speak to your contracts with Passaic Valley Water. I don't want to be deemed interfering with those. I don't know whether you can get in or out of those, but from a North Jersey standpoint, we could service them.

COMMISSIONER EVANS: Yeah, so it's not a question of volume from use, right, for that allocation, it's actually a physical --

MR. PEARLMAN: It's a physical movement?

COMMISSIONER EVANS: -- movement to say how do you get, recognizing that South is at a lower elevation than Nutley, you know, you would have to pipe and pump --

MR. PEARLMAN: Right.
COMMISSIONER EVANS: -- water, and so -- to get it to us directly, right? And so probably in the past, you know, that's how many towns got these huge water towers --

MR. PEARLMAN: Sure.

COMMISSIONER EVANS: -- right, which we've always been -- you know, historically again, the question is with today's technology --

MR. PEARLMAN: Yeah, is there a way to get it to you without waiting for --

COMMISSIONER EVANS: -- is there just -- just a question -- revisit it.

MR. PEARLMAN: I'll take it back. We'll take it back and I don't know the answer off the top of my head, but we'll be happy to take it back and get back to you, Commissioner.

COMMISSIONER SCARPELLI: So, just to make clear, not allocation, just actual Wanaque South water.

MR. PEARLMAN: Fine, that's fine.

COMMISSIONER EVANS: Because for us what it does is it actually lowers our cost because we --

MR. PEARLMAN: Yeah, if you don't have to pay the loans.

COMMISSIONER EVANS: -- have to pay South plus a wheeling charge.

MR. PEARLMAN: But again, I caution, whatever I'm
going to come back with, I don't know what your contracts are with Passaic Valley Water, so --

MAYOR PETRACCO: Steve, how many municipalities pull from there?

MR. PEARLMAN: Wanaque South and Wanaque North total, what is it Derek, it's --

MR. ORTH: It's 12 total.

MR. PEARLMAN: Yeah, 12 total, right.

MAYOR PETRACCO: Are you all located around Nutley? And isn't Nutley, Belleville, Bloomfield or is it towns that are sporadic?

MR. PEARLMAN: Yeah, I mean, it's actually -- you're in Passaic County, Essex County, we touch Hudson County, and did I say Essex? Yeah. So, I think that's it.

MAYOR PETRACCO: Okay.

MR. PEARLMAN: All right.

MAYOR PETRACCO: Any questions?

MR. PEARLMAN: Yeah, this system goes back to the early 1900's.

MAYOR PETRACCO: Right.

MR. PEARLMAN: Yeah, Wanaque -- the actual enabling statute actually authorized a Wanaque North -- excuse me, a North Jersey District Water Supply Commission and a South Jersey District -- South Jersey District was never formed. And the New Jersey Water Supply Authority
that's out in Clinton, those reservoirs out there, that
effectively did the job.

And one of the things that we're trying to do, and
I was talking to you a little bit earlier, Al, about this
master plan. Forever, they've been trying to wheel water
through York in this pump station, and politics and cost,
and they've been unable to do it. I've heard this project
for 25 years. What's the relevance? They can never get it
done.

You tend -- when we have droughts in this State,
they tend to be regional and if we can get that pump station
-- (indiscernible) pump station connected, you can then move
water from the middle of the state to the north and vice
versa should one system be out. But it's been a parochial
political nightmare and I've not yet seen a governor who's
taken it on as a real issue, but there seems to be a new
impetus for it and hopefully. If that ever happened, our
drought conditions would be severely helped. And it would
connect those systems.

COMMISSIONER TUCCI: Steve, the refunding of the
existing bonds, are the rates much more favorable now --

MR. PEARLMAN: Yes.

COMMISSIONER TUCCI: -- then they were when -- are
they old bonds or a mixture?

MR. PEARLMAN: Yeah, well, no. There's -- the
refunding aspect's small. It's not a big -- they actually
did a decent sized refunding last year for Wanaque South.

What they're doing now is when rates dropped
originally, that when people did the long-term refundings,
and as you recall, I know you know this, (indiscernible)
long-term refunding under the crazy rules from the feds that
I don't agree with. So what happens is, when you get within
the call date within 90 days, you can do as many of them as
you'd like.

COMMISSIONER TUCCI: Right.

MR. PEARLMAN: So since rates are so historically
low, they not only did the one long-term refunding, they're
doing now these smaller (indiscernible).

COMMISSIONER TUCCI: The smaller stuff. So
they're cleaning up.

MR. PEARLMAN: They're cleaning everything up.

COMMISSIONER TUCCI: Okay.

MR. PEARLMAN: Yeah, like when you refinance your
home, you can keep refinancing because rates go low. Of
course, in the eyes of the federal government, you can't do
that. Why should we be able to save -- all right?

MAYOR PETRACCO: Okay.

MR. PEARLMAN: Good luck on your budget.

MAYOR PETRACCO: Thank you so much.

COMMISSIONER TUCCI: All right, thank you.
MAYOR PETRACCO: Steve, thanks for coming by.
Appreciate it.
MR. PEARLMAN: My pleasure. Good seeing everybody.
COMMISSIONER TUCCI: Good luck with the new firm.
MR. PEARLMAN: Thank you.
COMMISSIONER EVANS: Safe travels.
UNIDENTIFIED SPEAKER: Very good seeing you.
UNIDENTIFIED SPEAKER: Take care, Steve.
COMMISSIONER TUCCI: You can tell the veterans, they do their business and get out.
MAYOR PETRACCO: Yeah, smart. Okay, we're going to move on to the regular agenda or are we going to --
COMMISSIONER EVANS: We can go through -- tonight's the public hearing on the budget?
MAYOR PETRACCO: Yes.
COMMISSIONER EVANS: There haven't been any changes to the budget since it was introduced. Just as a reminder, this budget represents for the Township municipal portion is a $50,445,000 budget, which is $245,000 increase over the prior year or roughly a half of percent increase in appropriations.
When you factor in the revenues we have plus the additional aid from the transitional aid, our -- which we're allowed to include in the introduction of our budget, our
tax levy for 2014 actually goes down by $252,000 to
38,379,000 versus 38,632,000 from last year. So we're
looking at a .65 reduction in the levy. So basically
there's no change to what we had talked about previously.
What that means in terms of the tax rate, given the fact
that the assessed values have gone down $89 million this
year, of that 85.8 million is Roche, the tax rate does
increase roughly 2 points on the municipal level. So it
reflects the $72 increase on average per household.

MAYOR PETRACCO: On our side?

COMMISSIONER EVANS: On our side. Now based on
where we are and what we can see so far is with the aid
applied to the school board, the school board announced last
week that they're going up $216 per household but that was
before the aid. So the -- once you adjust it for the aid,
they're only going up $92. And the county is going up
roughly $32 with the aid. So total, on average for a house,
$314,000, we're looking at $196 increase for the total
municipality. Our -- the municipal share of that is $72.

When I look at the -- how the levy has changed
over a four year period from 2011 to 2014, the actual tax
levy is up over a four year period .8 percent or $309,000.
When I look at the assessed values over that same period,
the assessed values are down $332 million, 85 of that is the
Roche adjustment this year.
So the tax rate is actually up 11 points during that same period. One point is actually for cost, the other 10 points is actually for a reduction in assessed values, or the shifting of costs throughout. So when I look at the trend over a period of time, we've been working hard to manage our cost. So tonight we're introducing the budget as it's done.

So what I hope to do is just give the high level indicators on the budget and then go into the public hearing. But before I do that, any of the Commissioners who'd like to comment on their particular departmental budget, we should provide everybody that opportunity.

As I shared with you earlier, the Revenue and Finance Department, I'm up 3.97 percent, but for two reasons. One is it includes the $250,000 that we've added for the Roche professional fees and 145,000 for pensions. When I factor those adjustments, the rest of my department has a zero increase. So we've been maintaining our cost. So if any of you guys feel as though you need to say something, you know, I just want to make sure you provide that opportunity before we go into --

MAYOR PETRACCO: The only questions that I -- there's only one question that I have and I've been asked that question so I want to ask it is, on our side, Tom, are we allowed to use any surplus to bring our side of the
portion down?

COMMISSIONER EVANS: We do.

MAYOR PETRACCO: We already added it?

COMMISSIONER EVANS: Absolutely. So our --


COMMISSIONER EVANS: -- surplus that is applied, you know, we generate a surplus every year. 75 percent of the surplus that we generate is already applied to the levy year in and year out to reduce the levy. So, we return it back to the taxpayers. 25 percent of the surplus we retain, which actually helps us manage our cash flow throughout the year so that -- since we only collect revenue four times a year on the tax dates, you run the government 12 months a year, that actually helps us stay out of temporary notes for funding the government in the interim period. And that's been a practice that we've been following for a very long time.

MAYOR PETRACCO: So we use 75 percent of our surplus.

COMMISSIONER EVANS: Right, exactly.

MAYOR PETRACCO: And we just --

COMMISSIONER EVANS: And in some years, we've actually generated a higher surplus, but what we've done, we've used that money to offset the costs of the snowstorms that we've had, the blizzards that we've had, and some of
those major costs without having to add an additional cost charged to the taxpayers to cover our share of those storms. So those -- we've been able to use it, in fact, to make sure that we're funding our accrued sick and vacation liabilities, so that's properly funded. So none of the municipal budgets actually have to account for that because we have that in reserve.

MAYOR PETRACCO: The only other question I have is a question --

COMMISSIONER EVANS: Does that -- does that --

MAYOR PETRACCO: No, that makes sense. So it's your -- you were applying 75 percent. 25 percent of it is used as not zero balance so we could run a business.

The only other question I have real quick is with some of this -- Governor Christie's changes with the pensions and how -- what he's doing with retirees and things like -- retirees, is that -- does that affect us in any way? Are we paying for retirees' pensions or is that a state obligation?

COMMISSIONER EVANS: We've --

MAYOR PETRACCO: I don't know the answer, that's why I'm asking it.

COMMISSIONER EVANS: Yeah, so the pension is State pensions, so the State actually makes the pension payments to all retirees. What we're required to do as a
1 municipality is they tell us how much we have to fund as our
2 portion of funding those State pension liabilities. So we
3 get a calculation and a bill from the State each year which
4 tells us what our share -- our fair share is.
5
6 MAYOR PETRACCO: For retirees and present -- well,
7 for retirees obviously.
8
9 COMMISSIONER EVANS: Well, it's for the payments
10 of the retirees as well as towards that --
11
12 MAYOR PETRACCO: Contribution?
13
14 COMMISSIONER EVANS: -- total liability which the
15 State collects. It's their job to fund the pension fund.
16 It's the State -- we just -- the municipalities just get a
17 bill. So, if the State isn't funding it, right, so they're
18 not asking us for more money because they're not making
19 those pensions, that's all part of how the State budget is
20 prepared. We're not involved with that.
21
22 COMMISSIONER TUCCI: And actually we have to do --
23 well, I guess the CFO has to recertify, what is it, at the
24 end of the year --
25
26 COMMISSIONER EVANS: Yeah.
27
28 COMMISSIONER TUCCI: -- for next year as to
29 eligibility of all of our employees.
30
31 COMMISSIONER EVANS: Yeah, so we provide them that
32 information and then they calculated what our bill is for
33 the coming year.
UNIDENTIFIED SPEAKER: Yeah, and it's -- the bill is based on your payroll. It's a percentage of your payroll. So it's not based on what you're paying out this year or what you paid out last year, it's actuarially calculated based on first quarter of the preceding year's payroll. And then that estimated payment (indiscernible) with liability over time. So, it's not really based on what you're actually paying out. It's way more complicated than that.

MAYOR PETRACCO: I understand that. I guess my question is, is that -- would that lower the exposure the municipality has as far as, like I know now Christie's been talking about making retirees pay into their pension as well, because in the past they haven't paid anything. Am I --

UNIDENTIFIED SPEAKER: Is it a pension or into their health insurance? Retirees paying towards their pension?

MS. COSTA: They could take a contribution every payroll, so --

COMMISSIONER TUCCI: There was a cutoff date. Folks were -- some folks were grandfathered in.

MAYOR PETRACCO: Right.

COMMISSIONER TUCCI: All right and don't have to pay towards their health benefits and retirement, but after
a certain -- health benefits, not pension. After a certain date, like anyone retiring today would have to pay a percentage of that health benefit cost.

COMMISSIONER EVANS: But that's a retiree payment of healthcare, it's not an additional contribution as a retiree towards their pension.

COMMISSIONER TUCCI: No, it's got nothing to do with pension, it's all about healthcare, yeah.

COMMISSIONER EVANS: I just want to be clear this is healthcare not pension.

COMMISSIONER TUCCI: Yeah, you know, this is just healthcare.

COMMISSIONER SCARPELLI: The employees always contribute towards their pension and we've, even though at some point, previous to me being on the Board, was an opportunity for us not to contribute what we continued to contribute, correct?

COMMISSIONER EVANS: That's correct.

COMMISSIONER SCARPELLI: And then the State for those 14 years or so did not contribute to the pension system.

MAYOR PETRACCO: That was the Whitman years, right?

COMMISSIONER SCARPELLI: It started there.

COMMISSIONER TUCCI: Well there was a borrowing
that started in those early years.

COMMISSIONER EVANS: Yeah, it was just simple --

COMMISSIONER TUCCI: And I'm sure they had all
good intentions of paying it back but --

UNIDENTIFIED SPEAKER: Yeah, I guess at one point,
but those -- that -- their State payment is for State
employees, not for municipal employees. You've been funding
your share, you or the municipalities weren't given a recess
or whatever they call it and for indoor -- I think it did
start with the bond -- with the Whitman years when she
bonded three or four years and put all the money in, and
then there were no budget payments, and then that just
continued. That was for the State employees' share.
Your --

COMMISSIONER EVANS: So is it fair to say, based
upon what you were just saying, because I had a question on
this and I didn't have time to look, that since Nutley has
always paid its pension contribution --

UNIDENTIFIED SPEAKER: Right.

COMMISSIONER EVANS: -- that the pension is
associated with the Nutley employees is protected that the
liability and exposure on the pension fund itself is a State
level liability and not a municipal liability?

UNIDENTIFIED SPEAKER: Yes, your accrued liability
and your actuarial calculations are up to date for the
municipal share of the PERS pension system funding. The actuarial calculations for the State are not up to date. They're way behind and they've been deficient. And I guess the '14-'15 budget would be the first year that the full liability, actuarially calculated liability has been paid in, I think, 12 years and it -- when it was at 8.0 billion was the payment.

COMMISSIONER TUCCI: No, I think this year's -- the anticipate payment is 2.8 --

UNIDENTIFIED SPEAKER: 2.8 billion.

COMMISSIONER TUCCI: I thought it was 2.4 and it's the increases in both PDRS and in police and fire, all right, which normally would have gone in, I believe, are offsetting part of that payment. But that's not my question. My question is this, all right, having said that --

COMMISSIONER EVANS: Can we talk about budget --

COMMISSIONER TUCCI: -- do they -- no. I don't know what they do on the State level. We have our hands full at this level.

Is -- do they inter-fund the municipal portion of PERS and the State portion? Because when you read these articles in the paper, and they talk about the unfunded liability and how we need to do X, Y, and Z to solidify them and make them fiscally solvent, all right, does that -- is
there an inter-funding that goes on or are -- do mun
pensions solid and on the State pensions --

UNIDENTIFIED SPEAKER: I think he's saying do they
co-mingle.

UNIDENTIFIED SPEAKER: Well, in theory, they're
not supposed to. But what actually takes place, I don't
know that we'll ever have that real answer. In theory,
they're not supposed to, but I wouldn't believe that if I
were a municipal --

COMMISSIONER TUCCI: Okay, well but
theoretically --

UNIDENTIFIED SPEAKER: They're not supposed to be
commingled.

COMMISSIONER TUCCI: -- they're not supposed to.
That's a good answer.

COMMISSIONER EVANS: Theoretically, they're not
supposed to do that and theoretically they don't do that,
and since we've always paid our pension contribution
actuarially, whatever that payment requires, and our
employees in Nutley are protected against this exposure.

COMMISSIONER TUCCI: No, he's saying he doesn't
know the answer to that.

COMMISSIONER EVANS: I'm saying theoretically
because they're not supposed to do that, we're technically
-- we would be protected.
COMMISSIONER TUCCI: One would think. Yes, I agree. Yes, one would think.

COMMISSIONER EVANS: Yeah, that's what I'm talking about. That's all -- theoretically, if they didn't do that, we're okay. If they did that maybe we have some exposure. I got it.

COMMISSIONER SCARPELLI: That's interesting.

UNIDENTIFIED SPEAKER: Mr. Evans, I think the unless you were going to do --

COMMISSIONER EVANS: Six to one odds.

UNIDENTIFIED SPEAKER: -- this new State aid that we received, they're now requiring us to add the County and State -- or the county and school share into our budget.

COMMISSIONER EVANS: Yes.

UNIDENTIFIED SPEAKER: So we won't be authorized to adopt a budget tonight. You're going to amend that.

COMMISSIONER EVANS: Right.

UNIDENTIFIED SPEAKER: So, you'll have the hearing and then you're going to present an amendment as (indiscernible) to a public hearing.

COMMISSIONER EVANS: That's right. We also have the fact that the state budget is still being discussed. So we were going to hold until we got clearance from the State to adopt. So -- and I don't know if we got that from the State but --
UNIDENTIFIED SPEAKER: My understanding was that our budget has been approved for amendment and adoption.

COMMISSIONER EVANS: I just wanted to clarify. Yeah, so we have time to clarify that?

UNIDENTIFIED SPEAKER: Yeah.

COMMISSIONER EVANS: Okay.

MAYOR PETRACCO: Just one question on the total appropriation, we're going up $245,075.77 --

COMMISSIONER EVANS: Yeah.

MAYOR PETRACCO: -- and the anticipated revenue, it's being offset by the 497,376 --

COMMISSIONER EVANS: Correct.

MAYOR PETRACCO: -- where is that coming from?

COMMISSIONER EVANS: State aid.

MAYOR PETRACCO: So that's direct State aid, so we're actually less -- we're asking for less from our residents.

COMMISSIONER EVANS: Correct.

MAYOR PETRACCO: All right, in -- as far as appropriations are concerned.

COMMISSIONER EVANS: Correct.

MAYOR PETRACCO: Okay, so just for everyone's edification, so why do we have that $72 increase?

COMMISSIONER EVANS: Because the simple calculation is the assessed value -- the tax rate of the
calculation of total appropriate, total dollars divided by
the assessed value of the Town.

MAYOR PETRACCO: Right.

COMMISSIONER EVANS: So, which means that,
embedded base, when we're talking about the increase here of
the adjustment, the base -- the full base has to be
collected as well --

MAYOR PETRACCO: Right.

COMMISSIONER EVANS: -- and so it's spread over a
lower number. So a small numerator into the denominator
equals an increase in the tax rate. So, it's just how
you --

MAYOR PETRACCO: I just felt that was important
that everyone --

COMMISSIONER EVANS: Yeah.

MAYOR PETRACCO: -- understand that --

COMMISSIONER EVANS: Yeah.

MAYOR PETRACCO: -- because if you look at it
you'll say, well, wait a minute why -- you know, why are the
taxes going up? The increase is only 245. It's offset by
497 and, you know, we have a negative number but the
number's going up. But people need to understand that there
is a structural situation that we need to address in that
base number. That's what's driving it based upon the
assessments and the valuation (indiscernible).
COMMISSIONER EVANS: Exactly, but we've been managing the cost side. Market is managing the assessed value side. And so what I said earlier, just -- which now you know, so let's go back to that a second. So if you from 2011 to 2014, the appropriation side is up .8 percent or $309,000 over a four year period. So from a cost side, you know, our levy we're doing a really good job of keeping cost stable over that four year period. Unfortunately, we've had a 9 percent reduction in assessed values during that same period, right, or $332 million.

So if you take that lower number, right, on the assessed value which is the numerator, that actually -- divide into that, that actually takes the rate up in that same period 11 points. One point related to cost, 10 points related to change in value.

COMMISSIONER SCARPELLI: And how much for this year is the change in value directly affected by Roche?

COMMISSIONER EVANS: The -- I would say that the two points is really related -- predominantly related to the lower assessed values. It's not cost because we're only -- our levy's going down $252,000. So it would attribute the two points to the lower assessed values principally arising from Roche. We had an $89 million reduction in assessed values, 85 of which was the Roche adjustment.

So, while we got aid to fix what we -- what our
base was for last year, we didn't -- we can't adjust and
couldn't get aid to adjust for what was the effect on your
base in that future year which is where we are now.

Next year when we go back, we'll be able to adjust
for that carry that forward and see what we can do next
year.

COMMISSIONER TUCCI: Right and hopefully the
longer term prognosis is as the market continues to improve
and go up, this structural deficit, for lack of a better
term, all right, should eliminate itself, correct?

COMMISSIONER EVANS: Yeah, so one of the things
that's actually a plus is outside of the Roche adjustment,
the assessed values in Nutley adjusted $4 million, which is
small compared to what it's been since 2008. So it will
actually suggest that things are stabilizing. We haven't
seen the turn, but we're not necessarily (indiscernible).
So, it's just the beginning. We'll have to wait and see.

Now then you add to it is we're preparing for what
the starting point is for Roche going forward. Whatever
happens there going forward could have a positive effect too
as we move forward. So, this will change your
(indiscernible).

COMMISSIONER TUCCI: So basically we're at a
waiting game for this to turn around and for us to once
again be on much more positive side. Because I don't want
to characterize this as us being on a negative side because
we're not because we are controlling costs --

COMMISSIONER EVANS: That's the point.

COMMISSIONER TUCCI: -- but -- exactly, but as --

COMMISSIONER EVANS: We're wading through this,
but we're managing our way through it. That's sort of --
that's the message around all of this is that we're managing
our way through it.

COMMISSIONER TUCCI: And that's what's important.
I don't know if there's any press here other than Phil. I
see Phil here writing.

MAYOR PETRACCO: (Indiscernible) was here.

COMMISSIONER TUCCI: There she is. I'm sorry, I
couldn't see you. But that's an important point to make so
people understand and they don't think their Board of
Commissioners are just a bunch of drunken sailors spending
money, you know, however they see fit.

MAYOR PETRACCO: And not -- and just for the
record, also, with the aid from Christie, I mean it could've
been a very different picture here in Nutley.

COMMISSIONER EVANS: Yes.

MAYOR PETRACCO: And I think that that needs to
be put out.

COMMISSIONER EVANS: Yes, so the other side of it
is if you look at the estimated tax increase of $196 per
household with the aid, if we didn't get the aid, that number would have been $175 on average per household higher at $371. So the aid -- having the aid saved on average $175 per household.

MAYOR PETRACCO: On a $350,000 --

COMMISSIONER EVANS: On a $314,000 home.

MAYOR PETRACCO: 314.

COMMISSIONER EVANS: So a $600,000 home will save $350.

COMMISSIONER TUCCI: And to zero out any increase this year, what would that number be?

COMMISSIONER EVANS: Another 7 or $800,000.

COMMISSIONER TUCCI: Would bring us to zero and that's --

COMMISSIONER EVANS: Yeah, roughly. Because it's roughly about --

COMMISSIONER TUCCI: Right, and that's without, you know, obviously we have no control over what the school district does or what the county does. That's just the municipal piece.

COMMISSIONER EVANS: Right, on the municipal piece to actually do it for the full municipality, that's probably closer to somewhere like 1.8 million to flatten it out completely.

COMMISSIONER TUCCI: So that's a goal for us to
work towards.

MAYOR PETRACCO: Okay. So that is our budget introduction review.

COMMISSIONER EVANS: Yeah.

MAYOR PETRACCO: Okay, so now we will move the meeting along. Let's see. We've gone over that. I have an ordinance. I have ordinance number 3283. This is about a bus stop.

So the problem that I'm having with some residents is that where the bus stop is located right now is on Nutley, right? Nutley Avenue and Washington Avenue and it's an older woman who owns the house and the bus -- she has access to pull in her driveway, the bus stop is right at her door.

So what we're trying to accomplish by moving it to Highfield Lane is that the house that sits on Highfield Lane down the street is sideways. So when those people pull in their driveway, they can pull all the way in and the bus stop is out here. So when these people pull in, they enter their house because the house is sideways. Their front door is over here. Opposed to the house on Nutley Ave and Washington Avenue, her front door is right here, her driveway's right here, and the bus stop is right here. So, we're trying to --

COMMISSIONER EVANS: Did Jack review this?
MAYOR PETRACCO: Yeah.

COMMISSIONER EVANS: What did he say about it?

MAYOR PETRACCO: He's not here.

COMMISSIONER EVANS: He's not in favor of it?

MAYOR PETRACCO: How come?

UNIDENTIFIED SPEAKER: Because he feels that it was moved -- it was originally in front of the businesses and the businesses all complained that it was taking up parking places, so he feels that, you know, it can't be moved back there and it shouldn't be moved in front of the next house. He just -- he has an issue of it.

This woman stayed -- actually sat in her car for two hours two weeks ago because she was afraid to get out of her car.

COMMISSIONER EVANS: And the reason she was afraid to get out of her car was?

UNIDENTIFIED SPEAKER: Because there was somebody standing there waiting for the bus in front of her house.

COMMISSIONER EVANS: Right.

UNIDENTIFIED SPEAKER: She's --

COMMISSIONER EVANS: There's a reason for that which we should take off line.

UNIDENTIFIED SPEAKER: It is -- it's directly in front -- it's unfortunate but, you know, it can actually be moved back there.
COMMISSIONER EVANS: Could we hold this and discuss it?

MAYOR PETRACCO: Yeah, absolutely.

COMMISSIONER TUCCI: Is there a better spot? What you're proposing, is that a -- like a neutral zone that won't affect -- obviously it will eliminate her problem but won't create a problem for someone else?

UNIDENTIFIED SPEAKER: It'd be the next block, the house is on Highfield Lane, the entrance to it. And the house is on Highfield Lane, so there's no, you know, encumbrance onto the resident's property.

COMMISSIONER TUCCI: Right.

UNIDENTIFIED SPEAKER: It's on just the main Washington Avenue. There's no --

MAYOR PETRACCO: The problem is that and I've taken a look at this myself, is that this poor woman's door is right by the bus stop. I mean, she doesn't have a big front yard. So imagine our parents, our moms, and she alone, right?

UNIDENTIFIED SPEAKER: Yeah, her husband died a couple years ago.

MAYOR PETRACCO: And it's, you know, and to your point, we don't want to take it and push it to the next person's problem too.

COMMISSIONER EVANS: I just would like to better
understand his --

MAYOR PETRACCO: Yeah, but we could -- I think that's a good idea.

COMMISSIONER EVANS: -- objection to it, just to be clear.

MAYOR PETRACCO: And Nicki, (indiscernible) worked on this, I'm sure, and the chief?

UNIDENTIFIED SPEAKER: We've -- and we have the (indiscernible) as well, yes.

MAYOR PETRACCO: Well, maybe we could have a little powwow with this --

UNIDENTIFIED SPEAKER: Sure. This has been going around for a while.

MAYOR PETRACCO: I know it has and I know she'll be disappointed that we're going to hold it, but we're going to get it right.

UNIDENTIFIED SPEAKER: She'll be okay.

MAYOR PETRACCO: Yeah, we're going to -- we're trying to get it right. Okay. So that -- we're going to hold that then --

MADAM CLERK: Mayor, we'll hold this to until the next meeting?

MAYOR PETRACCO: Yeah, we'll put it on the next meeting. So, we'll pull it and put it back up. And just, please, let's get together immediately on this, okay?
UNIDENTIFIED SPEAKER: No problem.

MAYOR PETRACCO: Because I know that woman's really troubled.

Commissioner Evans, you have a public hearing tonight?

COMMISSIONER EVANS: I also have an ordinance introduction as well. It's a zoning change to allow for commercial schools in B3, B3A, B4 zones.

We have a situation where -- I may get it wrong, but if you're in a B3A versus a B3, which means if you're on the north side of Franklin -- north side of Center Street on Franklin Avenue, for example, right, you are not allowed to put a commercial school in without going for a variance. If you're on the south side of Franklin Ave -- south of Center Street, you're allowed to because that's a -- I think that's a B3 zone versus a B3A, right?

So what this -- we're finding is that if people who want to put in like a karate school or a dance studio, things like that, that depending upon where they think they want to put it, you either have to go further into -- and some of the costs for the variances for the businesses have been significant: 8, $10,000.

So what this does, it basically says in the B3 and B4, which is the business district, a commercial school is allowed.
COMMISSIONER SCARPELLI: It just -- we discussed this at the planning board level and what it does, it just opens up more opportunities for those stores to be built and a business.

COMMISSIONER EVANS: And it's -- without having --

COMMISSIONER SCARPELLI: Without going for a variance.

MAYOR PETRACCO: Is it only a school though?

COMMISSIONER EVANS: Commercial school.

COMMISSIONER SCARPELLI: Commercial school.

MAYOR PETRACCO: Period.

COMMISSIONER SCARPELLI: Dance school, yeah.

COMMISSIONER EVANS: Karate school, right.

COMMISSIONER SCARPELLI: Karate, Tai kwon do.

COMMISSIONER TUCCI: Have we been approached by folks in --

COMMISSIONER EVANS: Yeah, the complaints have been in the Code Office for a while, you know, complaining why -- and again, why do they get a school without a variance. How come I have to go and -- we're looking at the map saying well, because in this zone it's allowed, because of that zone -- and what we really date it back to was in the retail district, you know, many years ago, there was restrictions on, which I think is B3A.

MAYOR PETRACCO: Correct.
COMMISSIONER EVANS: Right, because they wanted to create a retail district out of that, right? So that really hasn't been able to happen, so it's an artificial constraint. And we're just recognizing it after all these to take it out to just allow for these offices to -- these buildings to be occupied.

COMMISSIONER TUCCI: So with this change, a commercial school can be located in any district in this zone.

COMMISSIONER EVANS: Any business zone.

MAYOR PETRACCO: What kind of schools are you getting interest in?

COMMISSIONER SCARPELLI: Well, the Tai Kwon Do that's opening where -- next to where --

COMMISSIONER EVANS: Another one is a yoga. The new thing is all these yogas.

MAYOR PETRACCO: So that's considered a school?

COMMISSIONER EVANS: Yeah, anything that says I have students, I offer classes, is considered a school.

MAYOR PETRACCO: Okay.

COMMISSIONER SCARPELLI: You could see some of these not only in town, they're opening like cooking schools and --

COMMISSIONER EVANS: Yes, any of them.

COMMISSIONER SCARPELLI: -- there's a lot more
opportunity for those stores to be built without going for a variance.

COMMISSIONER EVANS: Yeah, so just -- so with the Planning Board, with the Board of Adjustment, and, you know, just going through that whole review, you know, everybody agreed that that -- this was long overdue.

MAYOR PETRACCO: Okay.

COMMISSIONER SCARPELLI: And I keep going back to Commissioner Evans' point, historically, it was so people could stroll from business to business and shop where, you know, it's been a long time since we've had that. So --

COMMISSIONER EVANS: And the interesting thing, not one of these schools that have gone before the Board of Adjustment have been denied.

COMMISSIONER SCARPELLI: They're good use. They bring people from out of town into town which is helpful.

COMMISSIONER EVANS: Okay.

MAYOR PETRACCO: All right, so we're --

COMMISSIONER EVANS: I have this --

MAYOR PETRACCO: Okay.

COMMISSIONER EVANS: Then I have a hearing on a handicapped parking spot on Gonnelli Street. Also we had the public hearing -- you know that we go through the appropriation cap. We're allowed 2 and a half percent, we do one percent increase to 3 and a half percent. It's a
paper adjustment so every year we have to do the resolution
on that.

The purpose of it is in the event we had some
extraordinary appropriations that we had to do in a single
year, by having a capped bank, we wouldn't be allowed to do
that in the event we needed it. The bank lasts for two
years and then it falls off. So you just keep regenerating
the bank to have it again. Is that right?

UNIDENTIFIED SPEAKER: Yeah.

COMMISSIONER EVANS: So, that's all that is. It's
create a memo adjustment.

COMMISSIONER TUCCI: Have we had the need to use
the bank?

COMMISSIONER EVANS: No. I mean, looking at our
history, no. We would avoid that at all costs. And where
we had potentially the need, we were able to use surplus for
the storms to offset.

MAYOR PETRACCO: Okay. Commissioner Rogers, do
you have much? Commissioner Scarpelli? Who wants to read
Commissioner Scarpelli's? I'm sorry, Commissioner Rogers?

COMMISSIONER SCARPELLI: I'll read it, that's
fine.

MAYOR PETRACCO: Okay. So he has the World Lupus
Day.

COMMISSIONER SCARPELLI: World Lupus Day, Food
Allergy Week, Bike to Work Week, and National Nurses week.

MAYOR PETRACCO: Okay, Commissioner --

COMMISSIONER TUCCI: He's declared everything.

COMMISSIONER SCARPELLI: As long as he doesn't declare war.

COMMISSIONER TUCCI: He might be doing that. I think he's at the Air Force Academy.

MAYOR PETRACCO: Do you want to keep going, Commissioner Scarpelli on your stuff?

COMMISSIONER SCARPELLI: Sure. I'm going out for --

MAYOR PETRACCO: I feel like we're lagging around tonight.

COMMISSIONER SCARPELLI: Authorize the go out to bid for Roadway Improvements which is our paving.

MAYOR PETRACCO: Excuse me?

UNIDENTIFIED SPEAKER: I said, you're still at it?

MAYOR PETRACCO: We're still at it, yeah.

UNIDENTIFIED SPEAKER: He's so rude.

COMMISSIONER SCARPELLI: Also last year we introduced a cracked sealing program which takes some of our roads that were recently paved, not in the last two or three years, but maybe like five or six years, and cracked sealed them which where the cracks develop, and that helps to preserve the road and give us a little bit more life. That
was a new program we put in last year.

The Highlands water protection planning act. I think last year somebody came from the Highlands and spoke to us and kind of fell through the cracks. And we picked that up to introduce that tonight.

It's Public Works Week, I guess we'll have to share that with one of Commissioner Rogers' weeks, but and then authorize grant application for TAP, which is Transportation Alternative Program. It's a federal program. They used to be TE, the transportation enhancement. Now it's TAP and that's for Chestnut Street and Old Towne Beautification Project.

MAYOR PETRACCO: Okay.

COMMISSIONER SCARPELLI: That's all I have.

MAYOR PETRACCO: Thank you. Commissioner Tucci?

COMMISSIONER TUCCI: I have a lot this evening, Mayor. I just have a bid advertisement once again for the Owens Field Bleachers. One of these days we're actually going to build this thing. We're going to keep advertising until we get it right.

COMMISSIONER SCARPELLI: It's weeks?

MAYOR PETRACCO: Okay, I have a volunteer -- a Nutley Volunteer Fire Department, K. Drittij. Okay, Drittij. Authorizing the bid advertisement for police and crossing guard uniforms. And I have an authorization of
various raffle licenses. That's all I have. We are going
to need an executive session after the meeting, counsel, and
I think we are ready to hit the slope.

COMMISSIONER EVANS: Can I go through my
resolutions?

MAYOR PETRACCO: You didn't -- go ahead, Tom.
Absolutely. Commissioner Evans, would you like to add
anything tonight?

COMMISSIONER EVANS: Just to be clear, in the
usual stuff, I have to do this bond thing with Joe, but the
usual stuff around refunds of overpayments and, you know,
joining the cooperative. But the important parts are the
fact that we are awarding contract tonight to Millennium
Strategies for grant writing. We did -- we went through the
RQ process.

And we have to introduce this amendment to the
municipal budget because as Ray mentioned, the Town will
receive the entire 2.75 million of aid and we will be
responsible for writing checks out to the county to the
school. So it'll just come to us and then we're going to do
this. We have to amend our budget to include that to allow
us to write those checks later this year.

That's it. That's all I have.

MAYOR PETRACCO: Okay. Madam Clerk.

MADAM CLERK: We're ready, Mayor. I just need a
few minutes to set up in the front so if you could just --

MAYOR PETRACCO: Okay, do you want us to hang out
back here?

MADAM CLERK: No, you can go to the front, just --
I will --
(Off the record)
(On the record)

MAYOR PETRACCO: Everyone please rise for the flag
salute.
(Pledge of Allegiance)
(Pause)

MAYOR PETRACCO: Madam Clerk?

MADAM CLERK: Tuesday, May 6th, 2014. Pursuant to
the requirements of the Open Public Meeting Law, Chapter
231, Public Laws 1975, notice of this meeting was published
in the December 12th, 2013 issues of the Nutley Sun, the
Star Ledger, and the Herald News. A copy of this notice has
been posted on the Nutley Town Hall bulletin board and a
copy is on file in the Municipal Clerk’s Office.

Commissioner Rogers is absent/excused this
evening.

Commissioner Tucci?

COMMISSIONER TUCCI: Here.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Here.
Usually I save announcements for the end of the meeting but tonight I'm going to give one in the beginning of the meeting so I don't forget because I tend to forget.

At our next Commission meeting, I'm going to have a proclamation for Officer David Struss. I don't know if anybody read about that in the newspaper about how he saved people's lives off duty at a Dunkin Donuts in Clifton. It was all over the news. Someone stabbed someone to death in Clifton at that Dunkin Donuts and our Officer Struss bravely tackled the gentleman down to the ground and wrestled the knife out of him. It could have been a lot worse than it was. Unfortunately, there was a loss of life there, but I'm just so pleased to announce and just to recognize Officer Struss for his really heroic efforts there. So at the next
Commission meeting, if anyone would like to attend, Officer Struss will be getting a proclamation. Thank you.

Okay, Madam Clerk.

MADAM CLERK: Yes, Mayor. We have minutes this evening, meeting minutes from meetings held March 14th, 2014, March 18th, 2014, April 1st, 2014. I need a motion, please?

MAYOR PETRACCO: Move them.

COMMISSIONER EVANS: Second.

MADAM CLERK: Okay, moved by Mayor Petracco, seconded by Commissioner Evans?

MAYOR PETRACCO: Yes.

COMMISSIONER EVANS: Yes.

MADAM CLERK: Okay.

Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: Aye.

MADAM CLERK: That's all for minutes this evening, Mayor.

MAYOR PETRACCO: Okay. Communications, I see we
have none. Reports none. I guess we'll move to bills.

MADAM CLERK: Yes, Mayor. Bill list Tuesday, May 6th, 2014. Public Affairs, $72,972.63; Revenue & Finance, $6,923,841.79; Public Safety, $481,248.67; Public Works, $62,147.91; Parks and Public Property, $626,032.21. Payroll as of April 25th, 2014, $754,223.02. For a grand total bill list of $8,920,466.23. And that's all for bills this evening, Mayor.

COMMISSIONER EVANS: Move the bills.

COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: Aye.

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

MAYOR PETRACCO: Thank you so much.

Okay, we will now move on to ordinance introductions. Commissioner Evans?

COMMISSIONER EVANS: Yes, I have an ordinance 3282 which I'll read by its title, "an ordinance to amend an
ordinance codified in the Code of the Township of Nutley, Chapter 700, entitled zoning, particularly Article III, terminology, Article V, general regulations and attachment 3, schedule of regulations as to bulk, height, and other requirements in business districts."

Principally, this is an amendment of our Code for the business districts to allow commercial school activities in all of our business districts, so B3, B3A, and B4. It's part of our actions to administrative cleanup and to promote business development in Nutley. I move that this ordinance be passed to a second reading and advertised in the Nutley Sun together with the notice required by law and that further consideration of said ordinance for final passage by the Board of Commissioners be held in its second record on June 3rd, 2014. So move.

COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: Aye.

Okay, I am going to pull for the record ordinance
number 3283. We're going to pull that this evening. That will be on the next meeting. And we are going to move on to public hearings. Commissioner Evans?

COMMISSIONER EVANS: Yes, I have a public hearing tonight for ordinance 3283, which is to amend the parking -- allowable parking on Highfield Lane to remove a restriction on Nutley Ave beginning on the northerly curve line of Nutley Ave extending about 120 feet north therefrom.

MAYOR PETRACCO: Is there anyone here this evening that would like to comment on this ordinance? Hearing no one?

COMMISSIONER EVANS: Close the public hearing.

COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: Aye.

COMMISSIONER EVANS: Move the ordinance.

COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.
MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: Aye.

COMMISSIONER EVANS: I have a second public hearing tonight, 3281, which is -- establishes a cap bank under State statute N.J.S.A. 40A:4-45.14. And basically it allows the Township -- if we were to have a need to, to increase our appropriation to three and a half percent from two and a half percent.

This is a paper entry that would allow us in the future if we had a need to increase our appropriation, we could use the cap bank to cover it. Historically, by the way, we have not had a need to use this, but since they basically expire every two years, we do renew it every year.

MAYOR PETRACCO: Is there anyone here this evening that would like to comment on ordinance number 3281? Please state your name and address for the record.

MS. LANDRY: Pennie Landry, 135 Lakeside Drive.

For clarification, what is the current percentage?

COMMISSIONER EVANS: Two and a half percent, and this would allow us to increase to three and a half percent.

We don't -- we didn't use it this year --
MS. LANDRY: Then why do we need to increase it to 3.5?

COMMISSIONER EVANS: Because it's a paper entry that -- it says next or the year after if an emergency of some sort required emergency expenditure, for example, we would be able to appropriate more by using this bank.

MS. LANDRY: And could you define appropriate?

COMMISSIONER EVANS: Appropriation is a technical term under the State budget which basically -- expenditures, money to spend.

MS. LANDRY: Okay, so you would -- what you're saying is by changing it from 2.5 to 3.5, that would give this Board of Commissioners a one percent increase in spending tax payer money --

COMMISSIONER EVANS: Additional.

MS. LANDRY: -- additionally --

COMMISSIONER EVANS: In the event it was needed in a future year.

MS. LANDRY: Okay, so --

COMMISSIONER EVANS: Not this year.

MS. LANDRY: -- why can't we leave it at 2.5 given that's where it is and we didn't use it, so why increase it a percentage?

COMMISSIONER EVANS: It's good management.

MS. LANDRY: Well would it also be good management
to leave it at 2.5?

COMMISSIONER EVANS: It's actually -- the best management is not to spend.

MS. LANDRY: Right, so why do we need to up it a percentage if we're trying not to spend?

COMMISSIONER EVANS: Because it's a good management practice to have the reserve just in case we need it.

MS. LANDRY: Okay, and so all of the Commissioners are approving the one percent increase in the appropriations, is that correct?

COMMISSIONER EVANS: If -- there is no increase in appropriation.

MS. LANDRY: But it allows you a one percent increase in case of an emergency, like in case we have another Roche, correct?

COMMISSIONER EVANS: That would be an example, some extraordinary costs if we could not fund within the two and a half per cap limit, we need to go to the bank. We would be able to do that --

MS. LANDRY: Okay, so to clarify, the cap is now 2.5 and you are approving or wanting to approve by amendment increasing the cap to 3.5, correct?

COMMISSIONER EVANS: Cap bank.

MS. LANDRY: Cap bank. I would just like it noted
for the record that I totally disagree as a citizen, tax
paying stay of a citizen with improving the cap one percent
when it is not needed. Thank you.

MAYOR PETRACCO: Commissioner Evans, is this also
for an emergency such as a storm related --

COMMISSIONER EVANS: Yes.

MAYOR PETRACCO: -- like something -- like if
Sandy were to reoccur.

COMMISSIONER EVANS: Yeah, in the event we had
significant appropriation increases, which would be
utilities, gas, you know, those types of things, anything
that would be normal. We got a very significant insurance
bill increase. The things that are normal that happen in
the business that it would allow us to protect ourselves in
that future year. It's not current spending. We don't have
a need for it. Historically, we've never used a cap. We
just provide for the paper entry to have the bank available.

MAYOR PETRACCO: In case of an emergency.

COMMISSIONER EVANS: In case of an emergency yeah.

MAYOR PETRACCO: Okay.

COMMISSIONER SCARPELLI: Commissioner Evans, can I
ask a question? What would happen if we didn't have the
bank and we had one of those extraordinary (inaudible), what
would be our alternative?

COMMISSIONER EVANS: We would need to actually --
we haven't had to do that, but I think that would require --
I'm not sure, but it might require a referendum to go above.

MAYOR PETRACCO: And in a case that we would need
to use these appropriations, would it take a full Board vote
of approval to do that?

COMMISSIONER EVANSe: As any appropriation for the
budget, absolutely.

MAYOR PETRACCO: Thank you. Please state your
name and address for the record.

MR. ODRIA: Michael Odria. 133 High Street.

I just want to know as a property taxed --
extremely property taxed homeowner of this Town, and there's
many of us, let's say it goes from 2.5 to 3.5 because of an
emergency, does that mean that that extra percentage is
going to make our property taxes go up even higher in the
event that we have to do that?

COMMISSIONER EVANSe: If we were not able to get
aid to offset it, or use a reserve to offset it, yes.

MR. ODRIA: Okay, I just wanted that stated so
it's understood by the homeowners of this Town. I know this
is being recorded, but me as a homeowner, I'm against it. I
mean, I'm property taxed enough and I don't want -- I'm
trying to stop from wage increases, any excuse to raise my
property taxes anymore because I'm burnt and I'm spent and
enough's enough. I know you want that extra percentage just
in case, but it seems like whenever we give a little, the Town, we end up losing anyway. We end up paying more. I mean, it just doesn't stop.

But I just want to say as a homeowner of this Town, I'm against this.

COMMISSIONER EVANS: I appreciate your concern. I really do. The Board, and you'll see with the introduction of the public discussion on our budget, we are working very hard to maintain our costs and manage the taxes so that we will always try to avoid it.

Historically, while we've had to cap bank in place, since it expires every two years, we've never used it. So, it's just good management to have it.

MR. ODRIA: But even though you use it or not, my property taxes still go up $500 a year anyway.

MAYOR PETRACCO: Is there anyone else this evening that would like to comment on ordinance number 3281. Seeing no one.

COMMISSIONER EVANS: Move to close the public hearing.

COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.
MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: Aye.

COMMISSIONER EVANS: Move the ordinance.

COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Before I vote, I just want to characterize, I just want to clarify this, all right? This is like having a line of credit. All right? You live within your budget but in the event of an extraordinary circumstance, you have the ability to respond and respond quickly, whether it's a health and safety issue, whether it's a -- some other type of catastrophic issue that we can be confronted with. And for that reason, I vote yes.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: And I would just like to make a comment also. Living through Sandy and seeing what the Township and how we recovered very quickly unlike a lot of our neighboring Towns, I think also it's a good reason to have this in place. And to also have the ability to vote on
it as needed. So, I vote yes.

Okay, we will move on to (inaudible), Commissioner Evans?

COMMISSIONER EVANS: Okay, we've got -- we'll move to the public hearing on the budget before we move resolutions.

Okay, so tonight we have the public hearing on the budget. We will not adopt the budget tonight. But we will hold the public hearing. We have an amendment to the budget tonight to recognize that the State -- the additional aid, transitional aid that we are getting, the $2,750,000. We've been asked by the State to include that entire amount in the municipal portion of the budget and then later this year, once the State adopts its budget, we would, in effect, simply write a check to the school board and to the county for their shares. So we have to reflect that administratively in the budget tonight, so we will not adopt -- I will have a delay adoption for two weeks, but we will hold the public hearing.

As it relates to the 2014 budget, the municipal appropriation is $50,446,000 which reflects a $245,000 increase over last year of .5 percent, one-half percent increase. And when we look at our revenues, so our spending site is up one-half a percent. When we look at our revenue side, recognizing the addition of the aid that we have from
the State, our revenues have increased $497,000.

So as a result, the tax levy for 2014 actually reflects a decrease of $252,000 or .65 percent. So the tax levy -- so reflecting what the Town municipality, the municipal portion of the budget manages is -- actually reflects a lower levy or charge to the residents of the Town.

What's interesting about this, as I remarked earlier, is that between 2011 and 2014, the appropriation and municipal levy to the taxpayers is up roughly $309,000 or .8 percent and this is the second time in the four year period that we've actually reflected a lower levy to the Township. While we've been experiencing a lot to manage our cost side, the volatility has been in the assessed values of the Town. So over that same period of time, assessed values in the Town have gone down $332 million or roughly a 9 percent reduction in assessed values.

The reason why I say that and it's important is the tax rate calculation is very simple. You divide your costs by the assessed value of the Town and it calculates the rate. So given that environment, while we do have a lower tax levy, a lower bill to the Township, the assessed values are lower as well, recognizing the reduction of $85 million to gross. So, as a result, the municipal portion of the tax bill will reflect an average increase to taxpayers
of $72. So without the aid for the municipality, the increase would have $181, but given the State aid, we were able to reduce that to $72.

In addition, while it's not part of our hearing tonight, but just for reference purposes, the school board increase after applying aid is $92 and the county portion would be $32. So the total expected tax increase for a resident whose property's value at $314,000 is $196 for the year.

I need to open the public hearing. Second on the motion?

MADAM CLERK: I need a --
COMMISSIONER TUCCI: Second.
MADAM CLERK: Motion by Commissioner Evans to open the public hearing for the municipal budget and seconded by Commissioner Tucci?

COMMISSIONER TUCCI: Yes.
MADAM CLERK: Commissioner Tucci?
COMMISSIONER TUCCI: What are we doing?
COMMISSIONER EVANS: Motion to open a public hearing.
COMMISSIONER TUCCI: Open the public hearing. Aye.
MADAM CLERK: Commissioner Evans?
COMMISSIONER EVANS: Aye.
MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: Aye. Okay, is there anyone that would like to address the Board of Commissioners about this year's budget?

MS. LANDRY: Pennie Landry, 135 Lakeside Drive.

In a newspaper article, it said that the traditional aid was $969,360 and yeah, we're talking about 2.75 million. So where is the 969,360 number coming from?

COMMISSIONER EVANS: That's a great question. Just make sure this is on. That's a great question. The total aid we're receiving is 2,750,000. That's divided into three pieces: the municipal portion, the school portion, and the county portion. The municipal portion of that 2 million 750 is the 969,000 you refer to.

MS. LANDRY: Right, thank you. Line item -- page 11, sheet 11, current fund anticipated revenues continued. Line 6, amount to be raised by taxes for support of municipal budget. It's a bunch of x's. What is that number?

COMMISSIONER EVANS: There is no number on that line. It's divided into its sub-parts underneath, A, B, and C. There is no amount for that line item.

MS. LANDRY: Okay, so you're saying that that
37,139,000 is the tax that will be collected on the assessed value of homes in Nutley?

COMMISSIONER EVANS: Yes, but you would also have to add to it the line below that which is the library. So including the library it's the 38,379,000 and change.

MS. LANDRY: Okay, so last year we collected 38,631,000. This year we're collecting 38,379,000 correct?

COMMISSIONER EVANS: Right, we're collecting less.

MS. LANDRY: We're -- okay, not much less but we're also raising certain things. Like in the Department of Revenue and Finance, salaries and wages for IT are going up and for assessment of taxes. Assessment of taxes, salaries, and wages are going from 197,000 to $230,000. Does this also include benefits and insurance?

COMMISSIONER EVANS: No.

MS. LANDRY: No, okay. Where is that line item? We are paying $230,000 a year for assessment of taxes plus an additional 116,000 in other expenses.

COMMISSIONER EVANS: That's correct.

MS. LANDRY: What is included in other expenses for $116,000 for assessment of taxes?

COMMISSIONER EVANS: Sure, and part of that is the legal cost for legal services, as well as legal experts who support the assessing office.

MS. LANDRY: Okay, so that's legal --
COMMISSIONER EVANS: In part.

MS. LANDRY: -- in addition to Mr. Genitempo, who I believe is --

COMMISSIONER EVANS: Right.

MS. LANDRY: -- his salary increased to 100,000 from 46, is that correct?

COMMISSIONER EVANS: No.

MS. LANDRY: Okay, can you give me what the increase in the prosecuting attorney's salary was, please?

COMMISSIONER EVANS: That's under the Mayor's Office. Do you have --

MAYOR PETRACCO: I don't have a copy of the budget in front of me.

MS. LANDRY: No, no, there's an increase on the line item, I have to find it. It said prosecuting attorney -- or prosecutor -- Township prosecutor. I'll get my copy. So that 116 -- sorry, let me be -- yeah, 116. That includes outside -- excuse me, that includes outside contracts for Hendrix (ph), I believe it is?

COMMISSIONER EVANS: Would it include Mark Hendrix, yes it would include --

MS. LANDRY: Okay, so if our tax assessor, who I believe makes now -- what was it -- what will his new salary be in the new budget, our tax assessor?

COMMISSIONER EVANS: I don't have that in front of
MS. LANDRY: Well, then we'll find it. Just hang on a second. Do you have a guess?

COMMISSIONER EVANS: I'm sorry.

MS. LANDRY: Do you have a guess?

COMMISSIONER EVANS: About a buck twenty -- 120,000 with him.

MS. LANDRY: Well, last year it was 132.

COMMISSIONER EVANS: Whatever. I don't have it front of me, so --

MS. LANDRY: Tax assessor, base salary maximum 132, base salary minimum 90. So you're saying it's about 120,000 a year.

COMMISSIONER EVANS: Within the range, yeah. It's somewhere -- it's about 120.

MS. LANDRY: And he got a two percent increase?

COMMISSIONER EVANS: That would be correct.

MS. LANDRY: Okay and then we have a keyboarding clerk, a clerk 1, and a clerk 2. And the total is $230,000 in taxes, salaries, and wages does not include benefits and insurance, plus an additional $116,000 to assess taxes. I have to say that that is out of line and ridiculous that we have to hire outside people when Mr. Librizzi is a certified tax instructor -- tax assessment instructor and a certified tax assessor, okay?
To the issue of Mr. Librizzi outside of the budget if I can just address this now. I called twice to speak to Mr. Librizzi because Mr. Genitempo, you did not have him call me. Mr. Evans, you did not have him call me. I called at 2:30 one day --

UNIDENTIFIED SPEAKER: Ms. Landry, this is a hearing on the budget. This is a hearing on the budget. You'll have a chance --

MS. LANDRY: I just want to say for his salary, I called at 2:30 one day, he's at lunch. I called at 4:30 one day, he's at lunch. So what are his hours?

COMMISSIONER EVANS: He works for the Township between 8:30 and 4:30 every day.

MS. LANDRY: Okay, and how many assessments are done on an average day?

COMMISSIONER EVANS: I don't know.

MS. LANDRY: You don't know?

COMMISSIONER EVANS: No.

MS. LANDRY: You're the Department of Revenue. That's your department, isn't it?

COMMISSIONER EVANS: Do you have a specific question on the budget?

MS. LANDRY: Yes, I do. Give me a guess. How many assessments are done on an average day in Nutley?

COMMISSIONER EVANS: I will not guess.
MS. LANDRY: Okay, we have 8,000 homes.

COMMISSIONER EVANS: Yes.

MS. LANDRY: Okay, that's -- let's just say that he works 300 days. He can't get the assessments done without outside help to the tune of $116,000?

COMMISSIONER EVANS: Thank you for the question. The outside counsel is for legal as it relates to municipal land use law. And we are well represented to have legal counsel for that. It's a specialized area of the law. It's not something that is generally covered by the Township attorney. So it is required and important that we do have that.

As far as Mr. Hendrix's services, he is a specialist in his area and when we actually do have to go for an appeal when we are dealing with something as complex as Roche or some of the other businesses in Town, it's important to have the expert advice to support the Town's position as we negotiate -- the Township negotiates through that. So it's a normal expense.

MS. LANDRY: Right, so while we're on that, that would be in addition to the line item in Revenue and Finance, an increase of $365,000 for economic development. Is that 365 in addition to that part of that 116?

COMMISSIONER EVANS: No. Thank you for raising the 365 because that represents a 3.97 percent increase in
my budget. Once you adjust my budget for the Roche cost, which is an increase of $250,000 specific to handle the legal cost for Roche and the other matters that are related to zoning and other things that will happen with that property, right? I also have an additional increase for Town-wide pensions in my budget for 145,000. So the total of that is my $365,000 increase. And when you factor that in, my budget in Revenue and Finance has a zero increase.

MS. LANDRY: I would think that would be our budget. This is the Township budget, correct, or --

COMMISSIONER EVANS: It is absolutely, but it's the specific budget that I'm responsible for.

MS. LANDRY: Okay, but it's still our budget.

COMMISSIONER EVANS: Yes, I take your point --

MS. LANDRY: Okay, thank you. Thank you.

COMMISSIONER EVANS: I take your point and your criticism.

MS. LANDRY: It's not a criticism.

COMMISSIONER EVANS: No, it certainly is.

MS. LANDRY: I'm just asking questions.

COMMISSIONER EVANS: It certainly is.

MS. LANDRY: It's our budget.

COMMISSIONER EVANS: It is the Township's budget. Absolutely. It's every resident and --

MS. LANDRY: Thank you, Mr. Evans, and I would
appreciate it if you would refer to it as such and give the citizens the opportunity to speak about their budget.

COMMISSIONER EVANS: I'll take that under consideration.

MS. LANDRY: Thank you, sir.

MAYOR PETRACCO: Thank you. Is there anyone else that would like to comment on our budget? Seeing no one.

COMMISSIONER EVANS: Close the public hearing.

COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: Aye.

COMMISSIONER EVANS: Before we conclude on the budget, I just want to offer the Commissioners any further comments. We're not adopting tonight, just to recognize because we do have to process the amendment which I'll read as part of the resolutions. But if you wish to comment, be my guest.

MAYOR PETRACCO: Commissioner Scarpelli, anyone?

COMMISSIONER SCARPELLI: I just think there was a
lot of hard work going into garnering that additional aid from the State and I think we were all involved somewhere along the process of advocating for that aid and I think when you look at that, that's the biggest portion of the budget that I think may be the biggest significant effect on it.

So I think everyone who was involved in that deserves a pat on the back. Thank you.

MAYOR PETRACCO: Thank you.

COMMISSIONER TUCCI: As I mentioned previously in the back when we were going through the agenda items, what we're looking at as far as a tax increase, the $72 that we speak about on that home -- that 314,000. This is a cost that is not a direct result of the appropriations for this year and for this budget. This is a direct result of the market and the devaluation of property not only in Nutley, in Essex County, in the State of New Jersey, but across the country.

So as the real estate market continues to improve, and I can tell you firsthand as someone who is in the market actively looking for one of my children, the supply is very short. The numbers are going up. The values are holding, but we have some ground to make up. So as the real estate market corrects itself and we make up for the loss in value, this budget will only get better.
Specifically in my parks department, I can speak to what we've done to hold the line on insurance costs. We're only up three percent in the property and general liability and workers comp and environmental liability area.

As far as health insurance is concerned, because of the additional employee contributions, we're only up one percent. So my total budget, all right, is up less than one percent, all right, because of the management and because we're constantly paying attention to this budget, and because we make the hard decisions.

Now as someone who pays over $22,000 a year in property taxes, I share the concern of all the Nutley residents, all right? And all the folks that come to this mic week after week, all right? It's going to get better. We can't allow it to get any worse, but at the same time, we need to maintain our standard of living while we don't price our people right out of town.

So, that's our objective. At times it does get very trying. It gets trying for us and I know it becomes very frustrating, but it's something that we're going to work through and hopefully during the course of this year and the next few years, as we see this market turn around, our budget perspective is going to be a whole lot better.

Thank you.

MAYOR PETRACCO: Thank you, Commissioner.
I do have a couple comments myself. And I think it is very difficult to pass any kind of a tax increase in this climate over to the residents. However, I've been up here for the last seven years and it's all about striking a balance. I have the biggest budget on the municipal side having public safety. There's a price of doing business to keep your Town safe. I think it's a priority. I've been to other communities where there was accidents and people that got hurt. I waited 45 minutes for an ambulance to come. The average response time in Nutley is 2 minutes.

I know people that were involved in accidents in some of our neighboring towns, car accidents. Now you're -- they're asking you to drive in. If there's no injuries, they're asking you to actually drive to the police station.

So, it is a team effort. It is frustrating for all of us as well as Commissioner Tucci has said. You know, we're all paying high taxes as well. And I think that it's also a combination of the past and things that the Governor is now implicating in the so-called toolbox that we're getting, that we're able to slow the progress down and slow the pain down. But unfortunately it doesn't happen overnight.

I'm very proud of public safety. We had a very low increase this year and we are still able to give Nutley residents an excellent, excellent service year in and year
out. And that is also a team effort. It starts with our
chiefs on the police/fire side, our EMS, our ambulance
squad, and also I think we need to recognize the
volunteerism that goes into this Town that we haven't
mentioned tonight, of all the people that help out to
control the cost. Because if we were paying every penny and
we didn't have the volunteers, our taxes would be higher.

I think it's very important to point out too
tonight that we do contribute to the county tax. And it's a
big dollar amount that we all -- we send them. You know,
also, the school board. I'm an advocate of education and I
really feel that we need to invest in our schools here in
Nutley. People move to this Town because of the education
system, because of the parks, because it's a safe community.

So, you know, it depends on what -- who you're
talking to and what their immediate needs are. You know,
I've talked to people about Roche. Some people are under
the impression that they don't want any residential there.
They don't want a lot of different things there. But
they're in a fortunate situation where they don't mind if
their taxes go up. They have told me, I don't care if weeds
grow out of there, just please don't put residential, add
more traffic and things like that.

So it does matter who you are explaining to and
what their financial obligations are and their abilities are
to do. You know, and then I've met with a lot of people in Town also that can't afford to pay any more in taxes and they're saying to me, just do whatever you have to do there. Please, my kids are in 10th and 11th grade at Nutley High School. I'm trying to get them through the school system without having to change them. So, whatever you have to do there, just please do it, but don't let our taxes increase.

I was part -- I gave you your turn, please give me mine. Thank you. Listen, we're not going to start yelling out and all that stuff. We're going to act as professionals tonight. Okay, thank you.

I did travel to Trenton with Commissioner Evans on a lot of painstaking work. We were in our County executive's offices through the summertime pleading for this State aid that we received. So, it's a team effort. I've been with Commissioner Tucci all summer long and up until just the other day at Roche trying to figure this out, and what's the best uses? What's the best practices? What's the quality of life issues there?

So, we do not get together here twice a month and don't consider the taxpayers. We do. And we work really, really hard on it and like I started, the tools that have been put in place with this two percent cap, I've called down to Trenton a million times and I say I don't understand it. We're struggling to keep services for our residents,
but our taxes still keep going up. And their answers to me is that it didn't take overnight to start this problem, it's not going to take overnight to cure the problem.

I worked with Commissioner Scarpelli as well on Roche and many other issues of -- and countless hours. So one thing I could say is that we are united here and we're working at the best -- in the best interest of the taxpayers here. And basically, we're volunteers ourselves and it gets very complicated as we go forward, but I could tell you we are all conscious of people, quality of life, and what their taxes are.

Any other -- anybody want to add to anything tonight? Commissioner?

COMMISSIONER EVANS: No, we just we have to -- as I said in our opening comments, this budget reflects a reduction in our levy of $252,000. So we're actually asking less of the taxpayers from an appropriation side. You know, unfortunately, we're in this volatile market as Commissioner Tucci expanded upon and it remains with us. Hopefully it's turning and we have to -- we're going to be patient and work our way through that.

We will not adopt tonight given the amendment to account for this State aid and we'll wait basically two weeks before we can actually adopt our budget.

MAYOR PETRACCO: Thank you. Okay, we'll now close
the public portion of our meeting?

  COMMISSIONER EVANS: Yeah, close the public hearing.

  COMMISSIONER TUCCI: Second.

  MADAM CLERK: We closed the public for budget.

  MAYOR PETRACCO: We did already?

  MADAM CLERK: Yes, we did.

  COMMISSIONER EVANS: Okay, we'll hold on the adoption until the next meeting.

  MAYOR PETRACCO: All right. Okay, we'll move onto resolutions, then. Commissioner Scarpelli, you'll read Commissioner Rogers' this evening.

  COMMISSIONER SCARPELLI: Thank you, Mayor.

  Whereas, lupus is an autoimmune disease that can cause severe damage to the tissue and organs in the body and, in some cases, death; and

  Whereas, more than five million people worldwide suffer the devastating effects of this disease and each year over a hundred thousand young women, men and children are newly diagnosed with lupus, the great majority of whom are women of childbearing age; and

  Whereas medical research efforts into lupus and the discovery or safer, more effective treatments for lupus patients are under-funded in comparison with diseases of comparable magnitude and severity; and
Whereas, many physicians worldwide are unaware of symptoms and health effects of lupus, causing people with lupus to suffer for many years before they obtain the correct diagnosis and medical treatment; and

Whereas, there is a deep, unmet need worldwide to educate and support individuals and families affected by lupus; and

Whereas, there is no need urgent need to increase -- and where there is an urgent need to increase awareness in communities worldwide of the debilitating impact of lupus;

Now therefore be it proclaimed, by the Board of Commissioners of the Township of Nutley in the County of Essex, May 10, 2014 be recognized as World Lupus Day, a day on which lupus organizations around the globe call for increases in public and private sector funding for medical research on lupus, targeted education programs for health professionals, patients and the public, and worldwide recognition of lupus as a significant public health issue.

I move the resolution.

MAYOR PETRACCO: Second.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER Tucci: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.
MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: Aye.

COMMISSIONER SCARPELLI: Whereas, as many as 15 million Americans have food allergies; nearly 6 million are children under the age of 18; and

Whereas, research shows that the prevalence of food allergy is increasing among children; and

Whereas, eight foods cause 90 percent of all food allergy reactions in the United States: shellfish, fish, milk, eggs, tree nuts, peanuts, soy, and wheat. Symptoms of a food-allergic reaction can include hives, vomiting, diarrhea, respiratory distress, and swelling of the throat; and

Whereas, according to the Centers of Disease Control and Prevention, food allergy results in more than 300,000 ambulatory care visits a year involving children under age 18. Reactions typically occur when an individual unknowingly eats a food containing an ingredient to which they are allergic; and

Whereas, there is no cure for food allergy, and scientists do not understand why, strict avoidance of the offending food is the only way to prevent an allergic reaction; and
Whereas, anaphylaxis is a serious allergic
reaction that is rapid in onset and may cause death; and

Whereas, Food Allergy Research & Education is a
national, nonprofit organization dedicated to ensuring the
safety and inclusion of individuals with food allergies
while relentlessly seeking a cure;

Therefore be it resolved that the Board of
Commissioners, in the Township of Nutley, County of Essex,
State of New Jersey, recognize May 11-17, 2014 as Food
Allergy Awareness Week in the Township of Nutley.

I move the resolution.

MADAM CLERK: I need a second, please.

MAYOR PETRACCO: Second.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: Aye.

COMMISSIONER SCARPELLI: Whereas, for more than a
century the bicycle has been an utilitarian, economical,
environmentally sound and effective means of personal
transportation, recreation and fitness; and
Whereas, the Township of Nutley encourages the use of bicycles as a means of transportation; and

Whereas the Township of Nutley recognizes bicyclists as a legitimate roadway users and therefore are entitled to legal and responsible use of all roadway facilities in Nutley except highways constructed to interstate standards; and

Whereas the Township of Nutley encourages the increased use of the bicycle, benefiting all citizens of Nutley by improving air quality, reducing traffic congestion and noise, decreasing the use of and dependence upon finite energy sources, and fostering exercise; and

Whereas, the Township of Nutley recognizing the use of bicycles as a viable mode of transportation, endeavors to promote safe and responsible bicycling and is committed to incorporating the development of bicycle facilities in the vision of revitalizing downtown Nutley; and

Whereas, the League of American Bicyclists has established May as National Bicycle Month, as well as May 17 [sic] through 16 as Bike to Work Week, and Friday May 16th as Bike to Work Day;

Now therefore be it resolved by the Board of Commissioners, County of Essex, State of New Jersey to encourage all citizens to ride their bicycles to work, to
the store, to the park, around the neighborhoods, and with friends and family to promote the personal and societal benefits achieved from bicycling.

I move the resolution.

COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: Aye.

One more, Commissioner.

COMMISSIONER SCARPELLI: (Indiscernible) own.

MAYOR PETRACCO: And then your own, okay.

COMMISSIONER SCARPELLI: Whereas nearly 3.1 million registered nurses in the United States comprise our national largest health care profession; and

Whereas the depth and breadth of the registered nursing profession meets the different and emerging health care needs of the American population in a wide range of settings; and

Whereas, the American Nurses Association, as the voice for the registered nurses of this country, is working
to chart a new course for a healthy nation that relies on increasing the delivery of primary and preventive health care; and

Whereas, a renewed emphasis on primary and preventive health care will require the better utilization of all of our nation's registered nurses' resources; and

Whereas, professional nursing has been demonstrated to be an indispensable component in the safety and quality of care of hospitalized patients; and

Whereas, the demand for registered nursing services will be greater than ever because of the aging of the American population, the continuing expansion of life-sustaining technology, and the explosive growth of home care services; and

Whereas, that more qualified registered nurses will be needed in the future to meet increasing complex needs of health care consumers in the country -- community; and

Whereas, the cost-effective, safe and quality health care services provided by registered nurses will be an ever important component of the U.S. health care delivery system in the future; and

Whereas, along with the American Nurses Association, the Township of Nutley has declared the week of May 6-12, 2014 as National Nurses Week and the theme Nurses:
Leading the Way in celebration of the ways in which registered nurses strive to provide safe and quality patient care and map out the way to improve our health care system;

Therefore, be it resolved that the residents of Nutley, County of Essex, State of New Jersey, celebrate registered nursing's accomplishments and efforts to improve our health care system and show our appreciation for the nation's registered nurses not just during the week, but at every opportunity throughout the year.

I move the resolution.

MAYOR PETRACCO: Second.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: Aye.

COMMISSIONER SCARPELLI: Do you want me to continue, Mayor?

MAYOR PETRACCO: Yeah, sure.

COMMISSIONER SCARPELLI: Why not.

MAYOR PETRACCO: If you can.

COMMISSIONER SCARPELLI: 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 2013 Roadway Improvements, in the Township of Nutley, to be received on behalf of the Board of Commissioners, in the Commission Chambers, Township Hall, 1 Kennedy Drive, Nutley, NJ 07110, on Wednesday, May 28, 2014 at 3:00 P.M. prevailing time, at which time they will be opened and read.

I move the resolution.

MAYOR PETRACCO: Second.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: Aye.

COMMISSIONER SCARPELLI: 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 2014 Crack Sealing Program, in the Township of Nutley, to be received on behalf of the Board of Commissioners, in the Commission Chambers, Township Hall, 1 Kennedy Drive, Nutley, NJ 07110,
on Wednesday, May 28, 2014 at 3:00 P.M. prevailing time, at which time they will be opened and read.

I move the resolution.

MAYOR PETRACCO: Second.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: Aye.

COMMISSIONER SCARPELLI: Whereas, New Jersey Highlands Water Protection and Planning Act (The Highlands Act) was enacted in order to protect the State's water supplies and other significant resources and

Whereas, The Highlands Act was passed with overwhelming bipartisan support in both the New Jersey State Senate and New Jersey State Assembly; and

Whereas, subsequent in 2008, the New Jersey Highlands Water Protection and Planning Council adopted the New Jersey Highlands Regional Master Plan, and proceeded with a program for its implementation through a Plan Conformance Process.

Whereas, the Township of Nutley is a municipality
that receives all or a portion of its drinking water from sources within the Highland Region and that the Township of Nutley relies on the resources of the Highlands to meet the current and future needs of its residents.

Now, therefore, be it resolved that the governing body of the Township of Nutley wishes that it be known that we strongly support the goal, policies and objectives of the 2004 Highlands Water Protection and Planning Act and the Highlands Regional Master Plan.

I move the resolution.

MAYOR PETRACCO: Second.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: Aye.

COMMISSIONER SCARPELLI: 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 citizenry 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, this year's theme "Building for Today, Planning for Tomorrow" is a tribute to all Public Works employees who create the foundation of a stronger, more livable community; and

Whereas, the year 2014 marks the 54th Annual Public Works Week sponsored by the American Public Works Association;

Now, therefore, be it resolved by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey do hereby proclaim the week of May 18, 2014 as National Public Works Week in the Township of Nutley.
and call upon all citizens and civic organization 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 move the resolution.

MAYOR PETRACCO: Second.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: Aye.

COMMISSIONER SCARPELLI: Whereas, the Township of
Nutley continues to develop projects that will improve
access and maintenance on public roads and sidewalks; and

 Whereas, the Township of Nutley's Engineering
Department has provided plans specifically designed to
address and improve traffic flow/safety issues and
maintenance on our roads and sidewalks; and

 Whereas, the Township of Nutley has designed the
Olde Towne Beautification Project for streetscape and safety
improvements for Chestnut Street transit hubs; and
Whereas, the Township of Nutley, Department of Public Works will assume all responsibility with regard to maintenance and upkeep of this project; and

Whereas, the Township of Nutley, Department of Public Works will assign Salvatore Ferraro, Engineering/Chief Project Coordinator - Construction, who will serve as the responsible charge for the project.

Now, therefore, be it resolved that the Mayor and Commissioners of the Township of Nutley, in the County of Essex, State of New Jersey formally approves the grant application for the Old Towne Beautification Project.

Be it further resolved that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as TA-2013-Nutley Olde Towne Beautification Project 00005 to the New Jersey Department of Transportation.

Be it further resolved that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Nutley and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Hereby move the resolution.

MAYOR PETRACCO: Second.

MADAM CLERK: Commissioner Tucci?
COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: Aye.

COMMISSIONER SCARPELLI: I hope that's all I have, Mayor.

MAYOR PETRACCO: Thank you so much, Commissioner. Okay, I think that brings us to Commissioner Tucci.

COMMISSIONER TUCCI: Yes. I'm not proclaiming anything. I only have one resolution.

Be it resolved by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that the Township Clerk be and she is hereby authorized to advertise for sealed bids of Owens Field Bleachers, once again.

Specifications are available in the Purchasing Department, Township Hall, One Kennedy Drive, Nutley, New Jersey.

Bids to be received on Wednesday, May 28th, 2014 in the Commission Chambers, Third Floor, Township Hall, Kennedy Drive, at 3:00 P.M., prevailing time, at which time
they will be publicly opened and read.

I move the resolution.

COMMISSIONER EVANS: Second.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: Aye.

Okay, Commissioner -- is that all you have
Commissioner Tucci?

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

MAYOR PETRACCO: Thank you. Commissioner Evans and Commissioner Scarpelli.

COMMISSIONER EVANS: I'm going to read a resolution regarding the bond authorization for the North Jersey Water District Supply. I'm just going to read the title and then the now therefore and paraphrase that given the length of the resolution.

Resolution of the Township of Nutley, in the County of Essex, State of New Jersey consenting to the issuance of certain bonds for the Wanaque South project by the North Jersey District Water Supply Commission
authorizing the execution of a continuing disclosure agreement in connection therewith and determining certain other matters related thereto.

Now, therefore, it be resolved by the Local Unit as follows:

1. In accordance with Section 203 of the Service Contract, the Local Unit, which is Nutley, hereby consents to the undertaking of the projects and issuance of the bonds to finance the projects in an amount which, together with the bonds issued for the Wanaque North Project, shall not exceed $95 million.

2. The Mayor, the Chief Financial Officer and Clerk of the Township are hereby each severally authorized and directed to execute and deliver each Local Unit Disclosure Continuing Agreement in substantially the form as attached as Exhibit A hereto.

3. The Clerk in the local unit is hereby authorized and directed upon execution of each local unit continuing disclosure agreement in accordance with the terms of Section 2 above to attest to the Authorized Officer's execution of such documents, and is hereby further authorized and directed to affix thereupon the corporate seal of the Township of Nutley.

4. Upon the execution and attestation of and, if required, the placing of the seal upon the local unit
Continuing Disclosure Agreement as contemplated by Section 2
and 3 thereof, the authorized officer is hereby authorized
and directed to (a) deliver the fully executed, attested,
and sealed documents to the other parties thereto; and to
perform such other actions as authorized -- as the
authorized officer deems necessary, desirable and convenient
in relation to the execution and delivery thereof.

5. The Local Unit hereby authorizes the
preparation and distribution of financial statements and
demographic and other information concerning the local unit
to be contained in each preliminary official statement and
final official statement to be issued by the Commission in
connection with the marketing of the bonds.

6. The Local Unit hereby authorizes the
performance of any act and the execution or acknowledgment
and delivery of any other document, instrument, or closing
certificate that the authorized officer, after consultation
with the consultants deems necessary, desirable, or
convenient to undertake the project and achieve the net
savings to be generated by the refunding and the Local Unit
hereby directs the authorized officer to execute or
acknowledge, and to cause the clerk to attest and affix the
seal, where required, upon any such document, instruments,
or closing certificates to execute any certificate, the
authorization of actions -- of which actions shall be
conclusively evidenced by the execution or acknowledgment, attestation, affixation and delivery as the case may be thereof for such persons.

7. The bonds of each series shall be designated by the year of issuance of such bonds.

8. The resolution shall take effect immediately.

9. Upon adoption thereof, the Clerk of the Local Unit shall forward certified copies of this resolution to counsel for the Local Unit, Alan Genitempo, Township attorney, to Todd R. Caliguire, Executive Director of the Commission, and to Derek Orth, Esquire, of Inglesino, Wyciskala -- I'm going to pass on that one, and Taylor. Yeah, I'll pass on that one, General Counsel to the Commission.

So moved.

COMMISSIONER SCARPELLI: Second.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: Aye.

COMMISSIONER EVANS: Be it resolved, by the Board
of Commissioners in 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 property taxes for Block 200 Lot 11 for $1,792.53 and for Block 4201 Lot 19 for $4,136.73, for a total of $5,929.26.

So moved.

COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: Aye.

COMMISSIONER EVANS: Be it resolved, by the Board of Commissioners in 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 water charges for Block 7501 Lot 1 for $429.

So moved.

COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?
COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: Aye.

COMMISSIONER EVANS: A resolution authorizing the Township of Nutley to enter into a cooperative pricing agreement.

Whereas, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

Whereas, the Middlesex Regional Educational Services Commission, here in after referred to as the "Lead Agency" has offered voluntary participation in Cooperative Pricing System for the provision and performance of goods and services;

Whereas, on May 6, 2014, the governing body of the Township of Nutley, State of New Jersey, duly considered participation in the Cooperative Pricing System for the provision and performance of goods and services;

Now therefore be it resolved as follow:

This resolution shall be known and may be cited as the Cooperative Pricing Resolution of the Township of Nutley.
Pursuant to the provisions of N.J.S.A. 40A:11-11(5), Mayor Alphonse Petracco is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency. The Lead Agency shall be responsible for complying with the provisions of the Local Public Contracts Law and other provisions of the revised statutes of the State of New Jersey.

So moved.

COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Scarpelli?

MADAM CLERK: Commissioner Scarpelli? Aye.

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: Aye.

COMMISSIONER EVANS: Whereas, the Township of Nutley has a need to acquire the services of an attorney as municipal tax counsel and to provide legal counsel services concerning "Municipal Tax Appeals" in the Township of Nutley as a non-fair and open contract pursuant to provisions of N.J.S.A. 19:44 A-20.4 or 20.5, as appropriate; and

Whereas, the tax assessor 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 Law Firm of Piro, Zinna, Cifelli, Paris & Genitempo, 360 Passaic Avenue, Nutley, New Jersey has submitted a fee schedule for providing such services, the total of which is not to exceed $40,000; and

Whereas, the anticipated term of this contract is for 12 months from January 1, 2014 through December 31, 2014; and

Whereas, the Law Firm of Piro, Zinna, Cifelli, Paris & Genitempo has completed 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 no. 4-01-204-200 and have been certified by the chief financial officer, said certification being attached to here said certification is subject to the adoption of the 2014 Municipal Budget;

Now, therefore be it resolved by the Board of Commissioners of the Township of Nutley authorizes the Mayor to enter into a contract with the Law Firm of Piro, Zinna,
Cifelli, Paris & Genitempo;

And be it further resolved that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

So move.

COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: Aye.

COMMISSIONER EVANS: Whereas, the Township of Nutley has a need to acquire Grant Consulting Services through a fair and open process pursuant to N.J.S.A. 19:44 20.5; and

Whereas, Millennium Strategies, 60 Roseland Avenue, Caldwell has completed and submitted a Request for Qualifications for Grant Consulting Services which complies with the provisions of N.J.S.A. 19:44A-20.5; and

Whereas, the Township formed a committee to consider all proposals based upon a range of criteria, including technical, management and cost; and
Whereas, based upon the recommendation of the committee, Millennium Strategies provides the best overall service to the Township; and

Whereas, the term of this contract is for 13 months, from January 1, 2014 through December 31, 2014; and

Whereas, funds are available from account 4-01-209-205 (subject to the adoption of the 2014 Municipal Budget) and have been certified by the chief financial officer, said certification attached to this resolution,

Now, therefore, be it resolved, by the Board of Commissioners of the Township of Nutley, County of Essex as follows:

1. A contract shall be entered into between the Township of Nutley and Millennium Strategies located at 60 Roseland Avenue, Caldwell, New Jersey for grant consulting services.

2. A copy of this Resolution as well as the contract shall be placed on file with the Township Clerk.

So moved.

COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Scarpelli?
COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: Aye.

COMMISSIONER EVANS: As we mentioned earlier, we need to introduce a budget amendment to reflect specifically the adjustment of additional State aid for the school board and to the county. So as we previously -- in our previous municipal budget, we had roughly $969,000 in our budget for transitional aid. This will increase that amount to $2,750,000 to cover all three aspects of the property tax bill: county, municipality, and school.

Whereas, the local municipal budget for the year 2014 was approved on the 1st day of April 2014, and whereas, the public hearing on said budget had been held and advertised, and whereas, it is desired to amend said approved budget,

Now, therefore, be it resolved by the governing body of the Township of Nutley, County of Essex that the following amendment to the approved budget for 2014 be made.

General revenues: Miscellaneous Revenues, State aid without offsetting appropriations from $969,380 to $2,750,103. Total revenues would increase from $50,445,888.15 to $52,226,661.15.

Be it further resolved that three certified copies
of this resolution be filed forthwith with the Office of the Director of local governmental services for the certification of the local municipal budget as amended.

Further -- be it further resolved that the complete amendment, in accordance with the provisions of N.J.S.A. 40A:4-9 be published in the Nutley Sun, the May 15th issue of the Nutley Sun, and that a public hearing will be held regarding the amendment on May 20th, 2014 at 7:00 P.M.

It is hereby certified that this is a true copy of the resolution amending the budget, adopted by the governing body on May 6th, 2014.

So moved.

COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: Aye.

COMMISSIONER EVANS: Thank you, Mayor.

MAYOR PETRACCO: Thank you.

Be it resolved by the Township of Nutley in the
County of Essex, New Jersey that the following be appointed as a volunteer to the Nutley Fire Department effective immediately: Ken Drittij, 50 Weston Street, Nutley, New Jersey.

I move the resolution.

COMMISSIONER SCARPELLI: Second.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: Aye.

Be it resolved by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that the Township Clerk be and she is hereby authorized to advertise for sealed bids for the police and cross guard uniforms.

Specifications are available in the Purchasing Department, Town Hall, One Kennedy Drive, Nutley, New Jersey.

Bids to be received on Wednesday, June 4th, 2014 in the Commission chambers, third floor, Township Hall, Kennedy Drive, at 3:00 P.M. prevailing time, at which time
they will be publicly opened and read.

I move the resolution.

COMMISSIONER SCARPELLI: Second.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: Aye.

Whereas, applications have been received from the

following organizations, and

The PTO of Nutley, Lincoln School, license number

45-14 on-premise 50/50 cash raffle on May 30th, 2014;

Shelter Love Events Inc., license number 46-14, on-premise

50/50 cash raffle, May 22nd, 2014.

Whereas, the application have been reviewed and

approved by the Municipal Clerk and the Police Department.

Now, therefore be it resolved by the Board of

Commissioners, the Township of Nutley, County of Essex,

State of New Jersey that the licenses are approved and the

Municipal Clerk is authorized to issue the licenses.

I move the resolution.

COMMISSIONER SCARPELLI: Second.
MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: Aye.

This concludes our business portion of the meeting. Is there anyone that would like to address the Board of Commissioners? Before we do, Madam Clerk, are you going to read our statement?

MADAM CLERK: Yes, Mayor. I just need one second.

All persons addressing the Board of Commissioners regarding community concerns should approach the microphone and provide their name and address for the record. Unless further time is granted by the Board, each person shall limit their address to five minutes.

All remarks to the Board and its individual members must be addressed to the Mayor. The Mayor may defer citizen comments to the appropriate member of the Board. Dialogue between citizens and others addressing the Board shall be allowed unless the Mayor, or presiding officer, or the majority of the membership of the Board shall determine that the interest of decorum enter expeditious conduct of
municipal business are being adversely affected by such
dialogue.

Name and address for the record, please.

MAYOR PETRACCO: Before we start, Madam Clerk.

MADAM CLERK: Yes.

MAYOR PETRACCO: Just a couple footnotes for
tonight's meeting. I've been very lenient up here. The
public portion of the meeting is for comment. If there's --
and we do have a five minute rule that we're going to try to
hold to. This way these meetings don't get too long. If
somebody needs to have a discussion with a Commissioner,
please ask that Commissioner that after the meeting you
would like to talk to them rather than tie up the mic.

So, saying that, please state your name and
address and for the record.

MR. MAGNIFICO: Jack Magnifico, 160 Park Avenue.

Resident of this Town for 60 some odd years.

A couple of questions. The first one is this,
going by what you had here, Commissioner Rogers prepares a
what they call a bicycle run. We don't have bicycle paths
in this town. Some of the roads are so close together when
you park two cars, the kids or our people who are using that
road, you'd have morality here unbelievable. All right? I
don't think it's a good proposal and I think it stinks.

COMMISSIONER TUCCI: I will add that we have
beautiful parks to ride our bikes through.

MR. MAGNIFICO: You what?

COMMISSIONER TUCCI: We have beautiful parks to ride our bikes through.

MR. MAGNIFICO: I'm not talking -- it says going to work. I'm not saying to play or stuff in parks. We have the most beautiful of them all. But going to work on our public roads is dangerous, superiorly dangerous.

MAYOR PETRACCO: Please, just for the record, please contact his office tomorrow and just discuss that with him, being that he's not here tonight?

MR. MAGNIFICO: (Indiscernible)?

MAYOR PETRACCO: Yeah, please.

MR. MAGNIFICO: Okay, that's number one.

Mr. Tucci?

COMMISSIONER TUCCI: Yes, sir.

MR. MAGNIFICO: Have we done anything about Van Riper?

COMMISSIONER TUCCI: About getting what? I'm sorry.

MR. MAGNIFICO: Van Riper.

COMMISSIONER TUCCI: Have we done anything?

We've --

MR. MAGNIFICO: Yeah. Have you talked to the lady there?
COMMISSIONER TUCCI: Uh-huh.

MR. MAGNIFICO: Okay, thank you.

COMMISSIONER TUCCI: Yes, I have.

MR. MAGNIFICO: I just want to make sure -- I'm trying very desperately to get this Town -- to get the burden off the Town by the American Legion utilizing that building as a post because don't forget, that post is the second oldest post in the United States. All right, it's a historical post. That's why I fight so hard for it.

COMMISSIONER TUCCI: If I might, Jack --

MR. MAGNIFICO: And I've got all the records.

COMMISSIONER TUCCI: -- I'd just like to clarify this for everyone.

What Jack is speaking of is a marriage between the Veterans Associations and the Van Riper trust. All right, and the Van Riper trust has a building, all right, on River Road that is in need of major repair. The Veteran's group has some resources to make those repairs and to make that building usable, all right, and also utilize it as a headquarters, which was a wonderful idea that Jack had.

COMMISSIONER EVANS: Absolutely. That's a great idea.

COMMISSIONER TUCCI: So we are pursuing that with the folks at the Van Riper Trust and we will continue that as long as everyone is still committed to. And it's my
understanding as everyone is, and hopefully we're going to make that a reality in short order at no cost to the Township.

It was close.

MR. MAGNIFICO: I'm just backing up a few years. Bill, thank you for fixing that road, but we have a -- who do I send a bill to for a tire? We have a manhole on River Road that is actually a water drain, or whether it was Department of -- not yours, but maybe it's the water company. I don't know. But that hole has to be one foot deep around and the sewer is literally falling into it. When you hit it, it does damage. And it cost me $145 to get the tire part fixed.

COMMISSIONER SCARPELLI: River Road is a county road, Jack.

MR. MAGNIFICO: It's a county road? Well, I'm going to ask the Town to do me a favor. Give me the cement and I'll put it in myself. I'm serious. That's unbelievable. Anyway, thank you for the East Center Street, though. You fixed that up very nicely. I really appreciate it.

Now, I'm a very diligent reader of the Nutley Sun and all the other papers, and I'm going to give this to Evelyn so she can give one out to each one of you.

I'm very diligent. I'm getting very diligent.
I'm trying to get -- and I know --

MAYOR PETRACCO: Thank you.

MR. MAGNIFICO: -- Mr. Evans and Mr. Tucci and the rest of you that are going into (indiscernible) trying to get (indiscernible) on Roche to do what's right for our Town tax-wise and everything else.

I worked in the theatrical stage operation for 50 years, and I know the income that can be derived from a theatrical center. Every studio, every platform has a minimum of 12 employees. I don't know how many -- I know we can have studios in it, if we could talk somebody into it, I believe, if you'll read this thing, that you could get the Governor and politicians, I talked to one this morning, interested in assisting the Hoffman La Roche project in the direction of --

MAYOR PETRACCO: Just please wrap up.

MR. MAGNIFICO: Huh?

MAYOR PETRACCO: Just please, the time's up.

Please, just please wrap up.

MR. MAGNIFICO: I don't have enough time in this world. You know, I'm very short on it. So, I want to make sure that I --

MAYOR PETRACCO: Jack, just so you know, to -- regarding this, I have Linda Diacheysn here this evening who is the chief's secretary.
MR. MAGNIFICO: I know. We had a good talk.

MAYOR PETRACCO: And, yeah, she has really made a lot of phone calls to the film and stuff like that.

MR. MAGNIFICO: Yeah, I know she's done it. And everybody else, I know you all have done it, but I think we've got to push it a little harder because the revenue that we could derive, this Town could derive from the employees, people that would move into Town like I did 40 -- well, 60 years ago.

MAYOR PETRACCO: Do you have a contact, Jack, that we could use?

MR. MAGNIFICO: I have put it on there. Talk to him.

MAYOR PETRACCO: Excuse me?

MR. MAGNIFICO: His name is Matt Friedman (ph), and the number's right on there. It's on the paper that I gave you.

MAYOR PETRACCO: I'll give you mine.

MR. MAGNIFICO: It's on the bottom on the paper.

All right, I think that would be very --

MAYOR PETRACCO: Okay, thank you.

MR. MAGNIFICO: All right? I have one more question. I know, I'm a nut. I agree with you, but that's me. I asked you a long time ago if we have any idea of how many residents live in the apartment complexes in the Town
of Nutley.

COMMISSIONER EVANS: You know, Jack, I asked the rent levelling Board that question and based upon what they track, they track 1,500 units. They track 1,500 units under the rent levelling board, average 2 people per unit, about 3,000 residents.

MR. MAGNIFICO: How many?

COMMISSIONER EVANS: About 3,000. That's the closest I could get speaking to them.

MR. MAGNIFICO: I don't know who told you that, but if I give you a figure. We have in our Arbor Hills, we have almost 1,000 people. There were 438 units. Each one of them have 2 people, 3 people, 4 people. Now they're building 1, 2, 3 more behind us, right? Which is on East Center Street. This guy is going up so fast you can't catch his breath, all right? He's doing a heck of a job.

My point is, what revenue can assist us in getting our taxes for the people who live here so they don't have to move out?

COMMISSIONER EVANS: It's an interesting question, Jack.

MR. MAGNIFICO: I just bring it up for --

COMMISSIONER EVANS: No, and I do, I think it's an interesting question because the -- any of the owners of apartment buildings in Nutley pay taxes.
MR. MAGNIFICO: I know that.

COMMISSIONER EVANS: Right, they pay taxes. And when you look at the history around the number of children the apartments actually contribute to the school system, they actually subsidize the school system for the residential taxpayers.


You know my property, Mr. Librizzi is a very nice person. Unfortunately, when I bought that property and I improved on it et cetera, et cetera, I started out with a tax of 2,500. And when I put the second floor on there, it went up to like 3,500, 4,000. Do you know what I'm paying now? $85,000 a year for which I get no services from the Town of Nutley. None. No garbage. No snow removal. None. Why do I pay such heavy taxes? The valuation?

COMMISSIONER EVANS: Yes.

MR. MAGNIFICO: The building basically hasn't been changed since 1992 when I finished the second floor. The only thing different is when I had the fire, we had it vacated, et cetera, as you know.

COMMISSIONER EVANS: Yeah.

MR. MAGNIFICO: And I put offices in there for doctors, and that doesn't make it any more valuable. My revenue is only -- my revenue, total income on that building monthly is $37,000, of which you get 8,000 -- $7,936 and
some odd change, the Town does, on a monthly basis.

You know, I plead with you. The company that I sold my business to, I -- matter of fact, as Mr. Genitempo will tell you, sent me a letter or you would still have that company in my building. They sent me a letter telling me that they couldn't afford the taxes in the State of New Jersey and the Town, and they moved out.

Well, a lot of people are going to do that. A lot of businesses are going to do that. What's going to happen to our Town? God bless.

MAYOR PETRACCO: God bless you too. Thank you.

MR. ODRIA: Michael Odria, 133 High Street. It's just a comment because that's what we're going to do is comment.

First of all, I'd like to Mr. Tucci, I truly really sympathize with your situation. $22,000 a year in property taxes, that is obscene. But I would like to let you know this, you mentioned something before -- because this is a comment. Because you commented, I'm going to comment. You said something about the market getting better. And when you say that to a homeowner, a Nutley homeowner, when you say the market gets better then things are going to get better, you said, I hope when you say that you mean that -- well, first of all, I'm not looking to sell no matter how bad or how good the market gets.
I bought a -- you know, I spent 16 years of my life so far, going on 17 paying off my home, you know, I'm not trying to be a -- how could I say this, you know, someone who's living off the government. I actually work. You know, I earn a paycheck. It's hard because I work in the private sector and I'm a commissioned employee. But I'm not looking to sell, no matter how good the property -- the market gets and talking about real estate. I'm not looking to sell.

COMMISSIONER TUCCI: Good. Glad to hear that.

MR. ODRIA: But as you say, as the market gets better, I hope you mean as the market's better for all of us that -- and things get better, I hope you mean the property tax levels are going to go down. That's what I'm hoping you mean when you said that before.

COMMISSIONER TUCCI: Let me clarify this for you, okay, in no uncertain terms. When I speak about the market getting better, it's in the context of property taxes.

MR. ODRIA: That's what I'm talking about.

COMMISSIONER TUCCI: Because the values have gone down. As the values increase, all right, we eliminate some of that structural deficit, if you will, that's built in that we can't address through annual appropriations. So that's what I'm talking about.

Believe me, by no means do I want you or anyone
else as the market gets better to even consider selling
their homes. We want more good people to come into Nutley.
We don't want to lose our good people. And the fact that
you're here week after week, all right, speaking to
different topics, speaking to taxes, speaking to how -- the
spending, it's a testament to the fact that you care about
what goes on in this Town and that's a good thing. And we
may not always agree. We may not always have the same
perspective, but the fact that you take your time and I also
am in the private sector. I have my own business, as you
may or may not know.

MR. ODRIA: I do know.

COMMISSIONER TUCCI: I work seven days a week.
All right, I pay these high taxes because I love this Town.
It's a great place. There's no place better: proximity-
wise, and what we offer in neighborhoods, all right,
volunteerism, parks, schools. You can go right down the
list: services.

We're all in this together. All right? We don't
always agree and Commissioners don't always agree. But at
the end of the day, I think we're all here for the same
reason. We're all here to keep this Town sustainable, to
keep this Town affordable, and to keep all our good people
here.

So, that's the context that I speak to when I talk
about property values. All of -- just about all of my
children live in this Town, and my baby who's 28 years old,
with a baby, is presently looking for a house. So that's
why I can speak to the shortage of supply of housing in Town
and the increase in prices.

MR. ODRIA: Well, the reason why people are moving
out, like one of my neighbors behind my house, she said I'm
done. One of my neighbors is going to put her house up for
sale that she's lived there for like, I think maybe 18
years. She's done. She can't take it anymore. Her and her
husband are moving, I think, to Pennsylvania where the
property taxes are $3,300 a year. You know, and she's done.

COMMISSIONER TUCCI: The whole situation is very
unfortunate but we're in the richest real estate market in
the country.

MR. ODRIA: Well, since you have a lot of
experience in the private sector, as a business owner, I'm
sure like in your business, if you can't afford it, you
don't buy it.

COMMISSIONER TUCCI: You don't buy it. You're
absolutely right.

MR. ODRIA: And that's the way it should go.

COMMISSIONER TUCCI: Right, and I have to tell
you, and I can let every Commissioner speak for themselves
but in my department, the dollars that I don't spend are
returned. And over the last four years, it was over a million dollars. Even though the dollars are appropriated does not necessarily mean that we spend each and every one of them. These are our dollars, our collective dollars.

MR. ODRIA: Well, it's all our dollars.

COMMISSIONER TUCCI: Right, and we spend --

MR. ODRIA: Even the State aid, because I pay for State aid through my State taxes.

COMMISSIONER TUCCI: Right.

MR. ODRIA: You know, I mean, I'm still paying -- it doesn't matter if it's town, city, or state, or federal, I'm still paying into that big bank account. You know, it's -- you know, the less -- you know, we should control our spending, control -- do it the way they do it in the private sector because like --

COMMISSIONER TUCCI: Listen, I totally agree with you. And do I think we do a good job? Yes, I do. Do I think we can do a better job? Absolutely. And I think everyone here will also attest to that.

MR. ODRIA: Well, with all due respect to you and the rest of the council, I mean in all honesty, take it from me, I mean, I've thought of running for elected office but, you know, I don't want to do that. But if I thought about it, but I'll say one thing, if I was in that chair or in the Governor's chair, or even in the presidential chair, if one
my constituents or one of my fellow citizens had to pay one
nickel more in any form of taxes, for me as the leader, I
would take that as a failure as a leader. That's for me
because we have to lower them. We have to do something
because $70 billion admitted out of the mouth of our own
Governor has let it walk right out under his watch.

COMMISSIONER TUCCI: Listen, I understand your
frustration and I feel your frustration, but unfortunately,
there's only so much we can do at this level because there
are some things that are just beyond our control. If we
could control them, absolutely. We don't want any of our
residents to suffer. We don't want anyone to pay one nickel
more than they absolutely have to.

MR. ODRIA: I mean, in all honesty, you seem like
a nice guy and everything but I'll be honest, if you were my
boss and you came to me and said, Michael Odria, look you
have a choice -- and this has happened to me personally and
I had to make the decision to keep the job, my boss comes up
to me and says, look, you're going to have to take a pay
cut, or if not, we've got to let you go. You know what,
I'll take the pay cut because I don't want to be on
unemployment. I don't want to be on welfare. You know,
that's -- you know, but thank you very much.

And I've got to say one other thing. This other
gentleman at 86 Chestnut, that is an excellent tax rebate,
$4,100 very good. Thank you very much, Mr. Tucci.

COMMISSIONER TUCCI: You're welcome.

MR. ODRIA: Thank you.

MAYOR PETRACCO: Is there anyone else this evening that would like to address the Board of Commissioners?

MS. LANDRY: Pennie Landry, 135 Lakeside Drive. Three comments. I found the line item. Municipal prosecutor sheet 15(g) or (q), salaries and wages in 2013 were $59,630, for 2014, an increase of $40,000 to $100,823. So that's a $40,000 increase for the municipal prosecutor.

Also in our --

MAYOR PETRACCO: Pennie, before you continue. Can you give me that line item again, please?

MS. LANDRY: 15(g) or (q), (g) -- (h)(g). 15(g) municipal prosecutor $59,630 in 2013. For 2014, $100,823. For collection of taxes, sheet 14, an increase in 2013 collection of taxes, salaries, and wages was $180,000, an increase of $60,000 in salaries and wages for collection of taxes. My comment is that's excessive.

Township Clerk's Office, an increase of $5,000. I think that there needs to be an increase there. Less increases in assessment of taxes and a collection of taxes, and more to our Township Clerk's Office.

The last thing is that regarding our tax assessor, there seems to be -- I checked the Essex County tax records
today regarding Lot 18 Edgewood. And per the owner of 18 Edgewood, his lot is 69 by 132, however on the Essex County tax records, it shows 59 by 132.

So my comment is that perhaps we need to make sure from an assessment standpoint that all of the lot sizes are correct with the Essex County tax records because this 69 to 59 difference in lot size would make a difference in the assessment of taxes on that lot.

So while Mr. Librizzi works 8:30 to 4:30, perhaps he can have time to make sure that the records at the Essex County tax office, online, whatever, are accurate. Thank you.

COMMISSIONER EVANS: Mayor, I'd like to comment on that.

MAYOR PETRACCO: Yes.

COMMISSIONER EVANS: My lot is an irregular lot. While my front edge, as I was trying to clarify is 69 feet versus 59 feet, if you look at the dimensions of my entire lot, it's considered an irregular lot and that is noted on my property tax record. So when they -- when you have irregular lots, it's how it's adjusted to get the total square footage correct.

So it is accurate at the Essex County level and at the Town level.

MS. LANDRY: Pennie Landry, 135 Lakeside Drive.
So it can be one lot size at the county level and a
different lot size at the Township level?

COMMISSIONER EVANS: No, I didn't say that.

MS. LANDRY: Okay, so explain.

COMMISSIONER EVANS: I'm saying at the municipal
level and at the county level, all I simply said was while
the front edge -- the one dimension of my property which I
was referring to that night is 69 feet versus 59 feet. If
you look at the dimensions of my entire property, they're
different lengths, which under the measurement routine makes
it an irregular lot.

So if you look at my property tax record, which
I'm sure you already have, you will note it says IRR next to
the dimensions which means irregular lot. So the dimensions
are adjusted to get the total square footage of the lot
correct.

MS. LANDRY: Right, so you say it's 69. Essex
County says it's 59. And you're saying you can say 69
because it's irregular, or 59 because it's irregular?

COMMISSIONER EVANS: I'm saying the one dimension
-- I'm sorry. I'm trying to be very clear and I don't want
you to be confused so that's why I'm trying to clarify this.

The -- and I appreciate the fact that, you know,
because I did get a call from the newspaper today wanting to
ask me questions about my lot, my property at 18 Edgewood
Avenue at your request.

So I want it to be clear that all I'm trying to be clear about is that if you look at a lot, there's roughly, on average, four sides to any property. The front edge dimension, which I was referring to that night, which all I'm trying to do is be clear with, is that it's 69 feet across. Right? So when you read my dimension, it says 59, but you have to be clear that it's an irregular lot.

So, if you look down the one side of the lot, if you look down the other side of the lot, the two sides, they're different lengths. If you cross it at the back, it's not 69 at the back, it's smaller at the back. They call that an irregular lot. So given the fact that all the dimensions are different lengths, the average front edge is 59 and the total square footage for the property would be correct. So if you multiplied it out, it would be the correct square footage.

Many of the lots in Nutley are irregular lots, so that's the way they correct it.

MS. LANDRY: Okay, and so is there, from a tax assessment standpoint, the likelihood that a lot will be reassessed downward five years in a row, such as yours was, because it is irregular?

COMMISSIONER EVANS: My lot and my property, which you single out --
MS. LANDRY: No, no there's lots of them that have been --

COMMISSIONER EVANS: Exactly, in fact in my --

MS. LANDRY: -- many that have gone down.

COMMISSIONER EVANS: -- exactly right. In my particular neighborhood, which I'm part of, there's 496 homes that were adjusted. Not just --

MS. LANDRY: Downward -- land assessments went downward.

COMMISSIONER EVANS: The -- the land assessments did not change. The overall assessed value changed.

MS. LANDRY: But your land assessment changed?

COMMISSIONER EVANS: No, it did not.

MS. LANDRY: According to the Essex County tax records, it did.

COMMISSIONER EVANS: Ma'am, I want to be very respectful. And I'm trying to be patient and be very clear. So, please, one more time.

When the assessor looks at the assessed value of a property in a compliance plan, it's based upon what the total value is, not the improvement value or the land value, just what is the total value of that property.

If a determination is made that says that property has to go up or down in a compliance plan, under the State law, the only factor within assessed value -- the assessed
value for that property, which is two components, improvements and land, the only factor that they're able to adjust is the land value. So, it's not a specific adjustment to the land. It's simply an adjustment to bring the total value into what it should be.

So, while you continue to point out --

MS. LANDRY: So the land does go down?

COMMISSIONER EVANS: The land portion goes down --

MS. LANDRY: Okay.

COMMISSIONER EVANS: -- as a way to make the adjustment, but it's --

MS. LANDRY: Okay, now --

COMMISSIONER EVANS: -- not saying that my land value has gone down and your land value has stayed the same because it's not in a comparison of land values. It's simply a comparison of total value.

MS. LANDRY: I know, and because the land goes down, the total value goes down. But in New Jersey, land value actually goes up. It's the actual house, the structural component that goes down in value. Land value goes up.

COMMISSIONER EVANS: So, yes and I appreciate that because one would say logically without understanding it say why are land values going down? Right, does that make sense?
MS. LANDRY: And so you're saying your land value did go down.

COMMISSIONER EVANS: Ma'am, don't. I'm not -- I'm trying to be clear, all right? What I'm trying to explain is if you look at my property or any property that's had an adjustment, you might see land value going down. And your first reaction is, that doesn't make sense. Why did it go down?

MS. LANDRY: Well, did anybody else's land value in here go down? Did anybody else's house/land value go down over the past five years? Yours did? Did yours, Mr. Tucci? No?

COMMISSIONER TUCCI: I don't think so.

MS. LANDRY: Did anybody else's land value go down?

COMMISSIONER EVANS: And your point is?

MS. LANDRY: Well, I'm just saying --

COMMISSIONER EVANS: No, I know that, but your point is actually --

MS. LANDRY: (Indiscernible) went down and others didn't.

COMMISSIONER EVANS: Excuse me.

MS. LANDRY: That's all I have to say, but thank you.

COMMISSIONER EVANS: Actually your point is more
than that and I appreciate --

MS. LANDRY: Thank you. I appreciate your explanation.

COMMISSIONER EVANS: -- I appreciate that you --

MS. LANDRY: I do understand it now. I totally understand.

COMMISSIONER EVANS: I appreciate it and that's what I'm hoping to do because it's been very difficult --

MS. LANDRY: Thank you. Some go down and others don't. It's (indiscernible).

COMMISSIONER EVANS: I'm sorry, you're speaking over me. I'm trying to finish my point.

MS. LANDRY: I'll sit to the --

COMMISSIONER EVANS: Thank you.

It's pleasing to me that you now understand it because it's been difficult over the several months to get this point across. Okay? So yes, my land value went down as a way to make an adjustment of the assessed value. That's all it is. Many values in town were adjusted the same way. You single out my property, but my property is one of many in town that have been adjusted.

So, just -- I'm glad you now appreciate the fact that land value is not being adjusted. Improvements on property are being ignored. The only thing that the assessor is allowed to adjust is simply the land value.
In order to adjust the improvement, just to be really, really clear, instead of doing a compliance plan, the Essex County tax board would order a revaluation of the Town by an independent company that would walk through every single home in town and look at the improvements, and the land, and make all of those adjustments. And we went through that in 2005.

MS. LANDRY: Well, I'm happy to report that tomorrow at 10 o'clock, my home is being looked at by outside contact, whoever, the -- if I can get my land value to go down too. So, we'll see what happens, thank you.

COMMISSIONER EVANS: Have you filed an appeal?

MS. LANDRY: Not yet.

COMMISSIONER EVANS: Great. That's -- under the law, that's exactly what you do. I'm very, very happy you've done that.

MR. MAGNIFICO: I'm back. Just for my edification, land value is on just houses, or do we also go to commercial buildings?

COMMISSIONER EVANS: I'm not quite sure, Jack, but I believe the -- and when a compliance is (indiscernible) to the land value.

MR. MAGNIFICO: The only reason I'm asking --

COMMISSIONER EVANS: Commercial property might be done differently because it's based on what rent is.
MR. MAGNIFICO: -- my assessments, or whatever we want to call them, my taxes, have never gone down since I put the second floor on.

COMMISSIONER EVANS: Yeah, Jack, it's based upon what your building -- it's not your assessed value, what's your building worth?

MR. MAGNIFICO: $2,784,000.

COMMISSIONER EVANS: What's it assessed for?

MR. MAGNIFICO: 1 million -- I think 1.7 something.

COMMISSIONER EVANS: So it's assessed for 1.7, but it's worth 2 million? Your adjustments would not go down. A market price is worth more than what it's assessed for.

MR. MAGNIFICO: Tom, this has nothing to do with you. I know that, but between last year and this year, it went up $5,000.

COMMISSIONER EVANS: I appreciate that.

MR. MAGNIFICO: I would not mind -- I have no choice. I have to pay it or -- it gets, you know, papers, you're, et cetera, et cetera. But I would love to know, except for the help of individuals that I ask what I get, thank God, why should I -- I have put in sidewalks through Dunkin Donuts that are heated --

COMMISSIONER EVANS: Yes, I know.

MR. MAGNIFICO: -- so that the kids don't get
hurt.

COMMISSIONER EVANS: Jack, you did a beautiful job improving your property.

MR. MAGNIFICO: Yeah, but doing that beautiful job hasn't helped me. All it's done is take money out of my pocket. The Town has never offered to give me -- I'm still waiting while you're -- you're going to do the curbs. I know, I heard about it. I saw it. Don't waste a lot of money because trucks park on there for Dunkin Donuts and I can't stop them.

But in the meantime, back at the ranch, the whole purpose I'm -- the whole thing I'm trying to find out, Tom, is maybe one of these days I go back to $70,000.

COMMISSIONER EVANS: I would hope, Jack. We're working really hard towards it. I would hope.

MR. MAGNIFICO: It's mind boggling.

COMMISSIONER EVANS: Commissioner Tucci said earlier, you know, none of us -- no matter when we have to introduce the budget, we're not excited over it. We work hard and we're proud of the work that we did, but we always strive to do better.

MR. MAGNIFICO: We talk about Pennsylvania. The taxes in Pennsylvania make us look like robbers. I mean, I have a house --

MAYOR PETRACCO: That's exactly right and that's
because it's a State problem in New Jersey. It's not defined to Nutley. If you go to the other Towns surrounding us, it's the same thing. It's a State of New Jersey problem. It's not like we're paying 12,000 per household and Bellville's paying 2,000. It's compatible around. You know, and it's a state problem. And I have to applaud Christie to somewhat. He's challenged it and he's trying to fix it.

And, Jack, to your point too, let me just say -- I want to answer one thing for you because you come up here a lot and you say that the taxes have gone up and, you know, since you've owned the building all that stuff. I own some buildings myself. The values go up, so do the rents. The rents go up that you -- I collect. I'm hoping that your rents have stayed in tune with that.

You know, and then you came to the mic when I was having problems with the police department. And you came up there and you said to me, knock off the nonsense. And you know what, when you said to me knock off the nonsense, I had a bunch of cops in here because I was trying to control cost. So that goes back to my point that you have to strike a balance. You can't have it both ways.

You can't come over here and say, Mayor Petracco, what are you doing with these cops? Make them happy. Pay them what they want. Give them what they want. And then on
the other hand say, well, I want my taxes to go down. It's about striking a balance. True?

MR. MAGNIFICO: A lot of things are true but (inaudible).

MAYOR PETRACCO: Please speak into the mic.

MR. MAGNIFICO: Speak loud enough.

When I moved into this Town, we had a member of this Town, it was good buddy of mine in the theater. And I asked him, is there anything for sale? At the time, I bought a GI house out in Long Island. My time of traveling, 1954 to 1957 or '58, whatever it was, went from 45 minutes to an hour to two hours. I said, this is crazy. I've got to find something where my family can be with -- I can be with my family. So I found Nutley through Sandy.

Well, I've been very proud of this Town and I think most of you know that. It's the only Town, if you look on a map, that's surrounded by nothing but you can't get in. You can't get in, you've got route 3 at the railroad. You've got the other thing.

When they had all those riots in Newark, your police department was able to go in one spot and stop anybody from coming in here.

MAYOR PETRACCO: Our police department.

MR. MAGNIFICO: Well, you're the Mayor now. But the point is that we have a good Town.
MAYOR PETRACCO: We do.

MR. MAGNIFICo: Keep it that way. But unfortunately, if we continue to assess all of our people, especially the ones that are working through jobs, husband and wife, they're not going to be able to stick up with it. Don't forget, I realize that almost half of our monies go for education, which doesn't bother me at all. But in the meantime, you've got to live.

MAYOR PETRACCO: Thank you.

MR. ODRia: Michael Odria, 133 High Street.

MAYOR PETRACCO: Is there anyone else that would like to speak? Okay, go ahead, Michael.

MR. ODRia: Mayor Petracco?

MAYOR PETRACCO: Yes.

MR. ODRia: You said it before, you just said it. Every other -- all New Jersey's the same way, $12,000 property taxes, 22, my God, all over New Jersey. You know what, what you should do is be rebellious. Be the one that says no more.

MAYOR PETRACCO: That's very easy for us to do.

MR. ODRia: No, but seriously, no more.

MAYOR PETRACCO: No, no, no. Let me stop you because, you know, we're getting long-winded tonight and I have to tell you my patience are running a little thin now is that you can't come up to the mic and say start cutting,
like I want a police officer to respond in two minutes. I
want nice parks. I want the DPW to fix our water problems
and our water leaks, and so forth, and our infrastructure.
You can't have it both ways.

MR. ODRIA: Yeah, but you can't punish the
homeowners in the Town.

MAYOR PETRACCO: So would you rather us say, we're
not going to invest in education. We're not going to have a
police department. We're not going to have a fire
department. Because it costs money to run a Town. Now,
we've done everything in our power, and I know I have, to
cut costs. I don't know if you read the Nutley Sun, open it
up sometime --

MR. ODRIA: I do.

MAYOR PETRACCO: -- and my name's in it a lot
because that's what I've done the last seven years that I'm
here is cut, cut, cut. But there comes a point when you
have to stop because then you're going to affect the quality
of life. You're going to affect the safety of our children.
You're not going to have a Town that anyone's going to want
to live in.

So, it's easy to be a critic from a safe distance
and stand on that side of the microphone and say you should
do this. You should do that. You should do this. It
doesn't necessarily work that way. We have cut. We have
done our job. But now we're coming to a point where Commissioner Evans has argued our State aid, along with all of us, for the last 10/12 years. We feel we don't get our fair portion. Belleville and Bloomfield, our neighboring towns, get a lot more than we do. So what I've urged you and I've urged everybody that comes to these meetings, and everybody that I see in the street, petition Governor Christie.

MR. ODRIA: I do.

MAYOR PETRACCO: Okay.

MR. ODRIA: I call him up.

MAYOR PETRACCO: You know, but to come up here --

MR. ODRIA: And Loretta Weinberg (ph) too.

MAYOR PETRACCO: -- week after week and say cut. I work in the private sector. I work around the clock. My taxes are almost $20,000 in this town and I own a few other properties in this Town, okay? I pay a lot of money in taxes, but I'm willing to pay them, do you know why? Because I send my kids to the school system here. I feel safe in this Town. Okay? So there's a price for that. It's not free.

MR. ODRIA: Okay, but we should top the mindset of this. You're a fellow homeowner. I'm a fellow homeowner. Just because -- you shouldn't feel like, hey, just because of this and that I've got to -- I've just got to submit. I
mean, you said so yourself to me. You said, you know, we
give four percent automatic wage increases to some Town and
City employees. And I'm thinking, in this bad economy?

MAYOR PETRACCO: No, Michael, I never said that.

MR. ODRIA: Yeah, you did.

MAYOR PETRACCO: No, no, no. We don't give four
percent raises to anyone here. Okay? There's a cap of a
two percent that governs this body. We don't give four
percent raises. We've been giving two percent raises, and
now people are paying into their pensions. They're paying
into -- for their healthcare.

But, look, I'm not going to debate this any
longer. You know, we're -- we have an executive session.
If you'd like to call me tomorrow, I'd be glad to take your
phone calls, but I'm going to say this for the last time
here too. This is not here for a discussion, a debate.
This is a public portion of the meeting.

MR. ODRIA: It's a comment.

MAYOR PETRACCO: Which everybody has a right to
address the mic for a comment, but we're not going to have
these long discussions week after week up here. If you'd
like, and I'm saying this very respectfully to everyone here
tonight, you need to talk to a Commissioner, please feel
free to pick up the phone and call them. If for some
reason, myself included, okay, that Commissioner doesn't get
back to you. They don't pay you any mind. They don't respect you, whatever, exercise your vote two years from now.

MR. ODRIA: Yes, that's my --

MAYOR PETRACCO: That's what I'm saying. So if you feel that this board is doing a good job, or I'm doing a good job, then next time the re-election is the process -- you exercise your vote. If you don't feel I'm doing a good job, then -- or anybody else on this Board, exercise your vote that way.

But I'm not going to entertain this any longer that we're going to have these discussions in these chambers upon these microphones any longer.

MR. ODRIA: Well, I think --

MAYOR PETRACCO: Okay, so if you -- I'm going to ask you to sit very respectfully. I'm going to thank you for coming today. If you have any further questions, please call me tomorrow.

MR. ODRIA: Well, this is not a question. It's my final comment.

MAYOR PETRACCO: Go ahead, Michael.

MR. ODRIA: My final comment is this. I guess the reason why the people do it on this microphone is because everything should be out in the open, first of all. No one should be getting special favors in this Town.
And the second this is this. This is my last -- my comment, if you guys -- if I see a decrease in my property taxes, like this guy got $4,100, this rebate, trust me, I will vote for you guys again. You will have my vote.

MAYOR PETRACCO: Is there anyone else this evening that would like to address the Board? Are you getting up, sir?

COMMISSIONER SCARPELLI: I move we go into executive session.

MAYOR PETRACCO: Thank you. Thank you for coming.

MADAM CLERK: Okay, motion by Commissioner Scarpelli.

COMMISSIONER TUCCI: Second.

MADAM CLERK: Seconded by Commissioner Tucci. I'm going to read the resolution into the record, gentlemen, and that I'm going to do a roll call.

Whereas, the Board of Commissioners of the Township of Nutley, in the County of Essex desires to proceed to closed executive session; and

Now, therefore, be it resolved by the Board of Commissioners that the Township Commission shall now move into executive session to discuss a litigation matter and acquisition of property.

Be it further resolved that the time when such discussions may be disclosed to the public shall be when
such disclosure may be made without affecting the Township of Nutley pending or anticipated legal, personnel, contractual matters and other matters within the exceptions provided for by statute.

It was moved by Commissioner Scarpelli, seconded by Commissioner Tucci.

Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: Aye.

MADAM CLERK: It is now 9:48 p.m., gentlemen, we're going to enter into executive session.

(Meeting was adjourned at 9:48 P.M. @
Signature Page/Board of Commissioners
Meeting Minutes, May 6, 2014

ATTEST:

Evelyn Rosario, RMC
Municipal Clerk
(Meeting Minutes Approved at the)
(July 1, 2014 Board of)
(Commissioners Meeting)

Commissioner Steven Rogers
(Absent/Excused)

Commissioner Mauro G. Tucci

Commissioner Thomas J. Evans

Commissioner Joseph P. Scarpelli

Mayor Alphonse Petracco
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### TUESDAY MAY 6, 2014

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**Bill List Dept. Totals:**

|                               | 72,972.63 | 6,923,841.79 | 481,248.67 | 62,147.91 | 626,032.21 | 8,166,243.21 |

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List of payroll submitted for approval by the Board of Commissioners at their regular meeting of MAY 6, 2014:

**PAYROLL-REGULAR APRIL 25, 2014:**

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<td>Department of Public Safety</td>
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<td>Department of Public Works</td>
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<td>Police Outside Duty</td>
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**Sub Total** 731,394.72

**PAYROLL-OVERTIME APRIL 25, 2014:**

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<td>Department of Parks &amp; Public Properties</td>
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<td>600 Series</td>
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**Sub Total** 22,828.30

**TOTAL PAYROLL:** 754,223.02

**GRAND TOTAL:** 8,920,466.23

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

- Federal Withholding Tax 90,292.90
- Social Security 23,996.48
- N.J. State Tax 27,033.42
- Medicare 10,912.77
- Wage Execution 4,057.50
- Deferred Compensation 25,619.83
- Employee Disability Ins. 5,154.10
Ordinance No. 3282
Introduced by Commissioner Evans
Introduced on May 6, 2014
Public Hearing: June 3, 2014

Ordinance No. 3282
AN ORDINANCE TO AMEND AN ORDINANCE CODIFIED IN THE CODE OF THE TOWNSHIP OF NUTLEY, CHAPTER 700, ENTITLED ZONING, PARTICULARLY ARTICLE III, TERMINOLOGY, ARTICLE V, GENERAL REGULATIONS AND ATTACHMENT 3, SCHEDULE OF REGULATIONS AS TO BULK, HEIGHT AND OTHER REQUIREMENTS IN BUSINESS DISTRICTS

BE IT ENACTED by the Board of Commissioners of the Township of Nutley that Chapter 700 of the Code of the Township of Nutley, entitled Zoning, Article III, Terminology, Article V General Regulations and Attachment 3, Schedule of Regulations and to Bulk, Height and other Regulations in Business Districts are hereby amended to ADD the following;

ARTICLE III
Terminology

700-3 B. Definitions

ADD

COMMERCIAL SCHOOL

A school limited to special instructions, including but not limited to, art, business, dancing school, fine art, handicraft, music, physical training or trades.

ARTICLE V General Regulations

700-15 Permitted uses in B-1 Zoning District

ADD
Commercial School

700-16 Permitted uses in B-2 Zoning District

ADD
Commercial School

700-18 Permitted uses in a B-3A Zoning District
ADD
Commercial School

700-19 Permitted uses in a B-4 Zoning District

ADD
Commercial School

BE IT FURTHER ENACTED that all other terms and conditions and locations in Articles III, V and Attachment 3, Chapter 700 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 NO. 3280
INTRODUCED ON APRIL 1, 2014
INTRODUCED BY COMMISSIONER EVANS
PUBLIC HEARING AND ADOPTION: TUESDAY, MAY 6, 2014

ORDINANCE NO. 3280

"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 LOCATIONS SET FORTH THEREIN."

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

Section 29A. Streets.

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

Add

<table>
<thead>
<tr>
<th>Name of Street</th>
<th>Side</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gonnelli Street</td>
<td>South</td>
<td>Beginning at a point 85 feet south of Coppola Street south for a distance of 20 feet</td>
</tr>
</tbody>
</table>

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.
Ordinance No. 3281
Introduced by Commissioner Evans
Introduced on April 1, 2014
Public Hearing and Adoption: May 6, 2014

Ordinance No. 3281
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to .5% unless authorized by ordinance to increase it to 3.5% over the previous year’s final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Board of Commissioners of the Township of Nutley in the County of Essex finds it advisable and necessary to increase its CY 2014 budget by up to 3.5% over the previous year’s final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Board of Commissioners hereby determines that a 3.0 % increase in the budget for said year, amounting to $ 1,127,818.68 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Board of Commissioners hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Board of Commissioners of the Township of Nutley, in the County of Essex, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2014 budget year, the final appropriations of Townships of Nutley shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to
$1,315,788.46, and that the CY 2014 municipal budget for the Township of Nutley
be approved and adopted in accordance with this ordinance; and,

**BE IT FURTHER ORDAINED,** that any amount authorized hereinabove
that is not appropriated as part of the final budget shall be retained as an exception
to final appropriation in either of the next two succeeding years; and,

**BE IT FURTHER ORDAINED,** that a certified copy of this ordinance as
introduced be filed with the Director of the Division of Local Government Services
within 5 days of introduction; and,

**BE IT FURTHER ORDAINED,** that a certified copy of this ordinance upon
adoption, with the recorded vote included thereon, be filed with said Director within
5 days after such adoption.
WHEREAS, lupus is an autoimmune disease that can cause severe damage to the tissue and organs in the body and, in some cases, death; and

WHEREAS, more than five million people worldwide suffer the devastating effects of this disease and each year over a hundred thousand young women, men and children are newly diagnosed with lupus, the great majority of whom are women of childbearing age; and

WHEREAS, medical research efforts into lupus and the discovery of safer, more effective treatments for lupus patients are under-funded in comparison with diseases of comparable magnitude and severity; and

WHEREAS, many physicians worldwide are unaware of symptoms and health effects of lupus, causing people with lupus to suffer for many years before they obtain a correct diagnosis and medical treatment; and

WHEREAS, there is a deep, unmet need worldwide to educate and support individuals and families affected by lupus; and

WHEREAS, there is an urgent need to increase awareness in communities worldwide of the debilitating impact of lupus;

NOW THEREFORE BE IT PROCLAIMED, by the Board of Commissioners of the Township of Nutley, in the County of Essex, May 10, 2014 be recognized as

WORLD LUPUS DAY

A day on which lupus organizations around the globe call for increases in public and private sector funding for medical research on lupus, targeted education programs for health professionals, patients and the public, and worldwide recognition of lupus as a significant public health issue

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 May 6, 2014.
WHEREAS, as many as 15 million Americans have food allergies; nearly 6 million are children under the age of 18; and

WHEREAS, research shows that the prevalence of food allergy is increasing among children; and.

WHEREAS, eight foods cause 90% of all food allergy reactions in the U.S.: shellfish, fish, milk, eggs, tree nuts, peanuts, soy, and wheat. Symptoms of a food-allergic reaction can include hives, vomiting, diarrhea, respiratory distress, and swelling of the throat; and

WHEREAS, according to the Centers for Disease Control and Prevention, food allergy results in more than 300,000 ambulatory care visits a year involving children under 18. Reactions typically occur when an individual unknowingly eats a food containing an ingredient to which they are allergic; and

WHEREAS, there is no cure for food allergy, and scientists do not understand why. Strict avoidance of the offending food is the only way to prevent an allergic reaction; and

WHEREAS, anaphylaxis is a serious allergic reaction that is rapid in onset and may cause death; and.

WHEREAS, Food Allergy Research & Education (FARE) is a national, nonprofit organization dedicated to ensuring the safety and inclusion of individuals with food allergies while relentlessly seeking a cure;

THEREFORE BE IT RESOLVED THAT, the Board of Commissioners, in the Township of Nutley, County of Essex, State of New Jersey, recognize May 11-17, 2014 as Food Allergy Awareness Week in the Township of Nutley.

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

<table>
<thead>
<tr>
<th>Record of Vote</th>
<th>Commissioner Rogers</th>
<th>Commissioner Tuccci</th>
<th>Commissioner Evans</th>
<th>Commissioner Scarpelli</th>
<th>Mayor Petracco</th>
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May 6, 2014
RESOLUTION

INTRODUCED BY: Commissioner Joseph P. Scarpelli for Commissioner Steven Rogers
SECONDED BY: Commissioner Mauro G. Tucci

DATE: May 6, 2014

NO. 92-14

WHEREAS, For more than a century the bicycle has been an utilitarian, economical, environmentally sound and effective means of personal transportation, recreation and fitness; and

WHEREAS, the Township of Nutley encourages the use of bicycles as a means of transportation; and

WHEREAS the Township of Nutley recognizes bicyclists as a legitimate roadway users and therefore are entitled to legal and responsible use of all public roadway facilities in Nutley except highways constructed to interstate standards; and

WHEREAS the Township of Nutley encourages the increased use of the bicycle, benefiting all citizens of Nutley by improving air quality, reducing traffic congestion and noise, decreasing the use of and dependence upon finite energy sources, and fostering exercise; and

WHEREAS, the Township of Nutley recognizing the use of bicycles as a viable mode of transportation, endeavours to promote safe and responsible bicycling and is committed to incorporating the development of bicycle facilities in the vision for revitalizing downtown Nutley; and

WHEREAS, the League of American Bicyclists has established May as National Bicycle Month, as well as May 12 – 16 as Bike to Work Week and Friday, May 16th as Bike to Work Day;

NOW THEREFORE BE IT RESOLVED, the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, encourage all citizens to ride their bicycles to work, to the store, to the park, around their neighborhoods and with friends and family to promote the personal and societal benefits achieved from bicycling.

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 6, 2014.

Record of Vote

<table>
<thead>
<tr>
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Mayor

Petracco
Resolution

Introduced by: Commissioner Joseph P. Scarpelli for Commissioner Steven Rogers
Seconded by: Mayor Alphonse Petracco

Date: May 6, 2014
No. 93-14

Whereas, The nearly 3.1 million registered nurses in the United States comprise our nation's largest health care profession, and

Whereas, The depth and breadth of the registered nursing profession meets the different and emerging health care needs of the American population in a wide range of settings, and

Whereas, The American Nurses Association, as the voice for the registered nurses of this country, is working to chart a new course for a healthy nation that relies on increasing delivery of primary and preventive health care, and

Whereas, A renewed emphasis on primary and preventive health care will require the better utilization of all of our nation's registered nursing resources, and

Whereas, Professional nursing has been demonstrated to be an indispensable component in the safety and quality of care of hospitalized patients, and

Whereas, The demand for registered nursing services will be greater than ever because of the aging of the American population, the continuing expansion of life-sustaining technology, and the explosive growth of home health care services, and

Whereas, That more qualified registered nurses will be needed in the future to meet the increasingly complex needs of health care consumers in this community, and

Whereas, The cost-effective, safe and quality health care services provided by registered nurses will be an ever more important component of the U.S. health care delivery system in the future, and

Whereas, Along with the American Nurses Association, the Township of Nutley has declared the week of May 6-12, 2014 as NATIONAL NURSES WEEK with the theme Nurses: Leading the Way in celebration of the ways in which registered nurses strive to provide safe and high quality patient care and map out the way to improve our health care system;

Therefore Be It Resolved That, the residents of Township of Nutley, County of Essex, State of New Jersey, celebrate registered nursing's accomplishments and efforts to improve our health care system and show our appreciation for the nation's registered nurses not just during this week, but at every opportunity throughout the year.

I, the Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that

<table>
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<th>Record of Vote</th>
<th>Commissioner Rogers</th>
<th>Commissioner Tucci</th>
<th>Commissioner Evans</th>
<th>Commissioner Scarrelli</th>
<th>Mayor Petracco</th>
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May 6, 2014
BE IT RESOLVED by the Board of Commissioners of the township of Nutley, County of Essex, State of New Jersey, that the township Clerk be and she is hereby authorized to advertise for SEALED BIDS for OWENS FIELD BLEACHERS.

Specifications are available in the Purchasing Department, Township Hall, One Kennedy Drive, Nutley, NJ.

Bids to be received on Wednesday, May 28, 2014 in the Commission Chambers, Third Floor, Township Hall, Kennedy Drive, at 3:00 PM, Prevailing Time, at which time they will be publicly opened and read.

I, 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

<table>
<thead>
<tr>
<th>Record of Vote</th>
<th>Commissioner Rogers</th>
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</table>
RESOLUTION OF THE TOWNSHIP OF NUTLEY, IN THE COUNTY OF ESSEX, STATE OF NEW JERSEY, CONSENTING TO THE ISSUANCE OF CERTAIN BONDS FOR THE WANAQUE SOUTH PROJECT BY THE NORTH JERSEY DISTRICT WATER SUPPLY COMMISSION, AUTHORIZING THE EXECUTION OF A CONTINUING DISCLOSURE AGREEMENT IN CONNECTION THEREWITH AND DETERMINING CERTAIN OTHER MATTERS RELATED THERETO

WHEREAS, the North Jersey District Water Supply Commission (the “Commission”) is a public body corporate and politic of the State of New Jersey (the “State”), organized and existing under and by virtue of the laws of the State and, in particular, N.J.S.A. 58:5-1 et seq., as amended and supplemented (the “Act”), for the purpose of, among other things, providing local government water supplies;

WHEREAS, the Township of Nutley (the “Local Unit”), a municipal corporation of the State located in the County of Essex, and the Commission have previously entered into that certain “Agreement” dated as of April 13, 1982, among the City of Bayonne, the Township of Bloomfield, the Township of Cedar Grove, the Town of Kearny, the City of Newark, the Township of Nutley and the Township of Wayne (including the Local Unit, each a “Contracting Local Unit”), as amended, and as the same may be further amended or supplemented in accordance with its terms (collectively, the “Service Contract”);

WHEREAS, the Service Contract sets forth the terms and conditions of the relationship between the Local Unit, the other Contracting Local Units and the Commission in connection with the Commission’s “Wanaque South Project” (as defined in the hereinafter defined General Bond Resolution, as amended);

WHEREAS, pursuant to and in accordance with the provisions of the Act and other applicable law, the Commission adopted a bond resolution entitled “General Bond Resolution of the North Jersey District Water Supply Commission Securing One or More Series of Wanaque South Project Revenue Bonds” on August 22, 1986 (the “General Bond Resolution”), providing for, among other things, the issuance pursuant to one or more supplemental resolutions (each a “Supplemental Resolution”) of one or more series of Bonded Indebtedness (as defined in the General Bond Resolution, as amended), including specifically Additional Bonds and Subordinated Indebtedness (each as defined in the General Bond Resolution, as amended), which may be issued by the Commission in order to finance and refinance the Commission’s share of the costs of the acquisition, construction and improvement of the Wanaque South Project;
WHEREAS, payment of the principal of (including mandatory sinking fund installments, if any) and interest on such Bonded Indebtedness (including Additional Bonds) is primarily secured by the Revenues (as defined in the General Bond Resolution, as amended) in accordance with the terms of the Act and the General Bond Resolution, as amended;


WHEREAS, the proceeds of the 1986 Bonds were used (i) to refund certain short-term project notes issued by the Commission to provide interim financing for a portion of the cost of acquiring and constructing the Wanaque South Project, and (ii) to finance the costs incurred in connection with the authorization, issuance and delivery of the 1986 Bonds;

WHEREAS, on August 8, 1989, pursuant to the provisions of the General Bond Resolution, as amended, and a certain “Second Supplemental Bond Resolution” adopted by the Commission on July 13, 1989 (the “Second Supplemental Bond Resolution”), the Commission issued its “Wanaque South Project Revenue Bonds, Series 1989-A” (the “1989-A Bonds”);

WHEREAS, the proceeds of the 1989-A Bonds were used (i) to finance a portion of the Costs of the Wanaque South Project (the “1989-A Project”), including a ratable share of the costs of designing, acquiring and constructing facilities, machinery and equipment to be utilized in the disposal of sludge, (ii) to finance the costs incurred in connection with the authorization, issuance and delivery of the 1989-A Bonds, and (iii) to finance capitalized interest and reserves with respect to the 1989-A Bonds;

WHEREAS, on December 18, 1991, pursuant to the provisions of the General Bond Resolution, as amended, and a certain “Third Supplemental Bond Resolution” adopted by the Commission on November 22, 1991 (the “Third Supplemental Bond Resolution”), the Commission issued its “Wanaque South Project Revenue Bonds, Series 1991” (the “1991 Bonds”);

WHEREAS, the proceeds of the 1991 Bonds were used to finance (i) the payment of the costs of additional improvements to the Commission’s Wanaque South Project water supply facilities, (ii) an allocable share of the costs of the Commission’s sludge processing facility, (iii) the costs incurred in connection with the authorization, issuance and delivery of the 1991 Bonds, and (iv) capitalized interest with respect to the 1991 Bonds;

WHEREAS, pursuant the provisions of the General Bond Resolution and a certain “Fourth Supplemental Bond Resolution” adopted on December 4, 1992 (the “Fourth Supplemental Bond Resolution”), the Commission amended certain provisions of the General Bond Resolution;
WHEREAS, pursuant to the provisions of the General Bond Resolution and a certain “Fifth Supplemental Bond Resolution” (the “Fifth Supplemental Bond Resolution”), the Commission authorized the issuance of Subordinated Indebtedness and such Subordinated Indebtedness was never issued;

WHEREAS, on January 28, 1993, pursuant to the provisions of the General Bond Resolution and a certain “Sixth Supplemental Bond Resolution” adopted on December 4, 1992 (the “Sixth Supplemental Bond Resolution”), the Commission issued its “Wanaque South Project Revenue Refunding Bonds, Series 1993” (the “1993 Bonds”);

WHEREAS, the proceeds of the 1993 Bonds were used (i) to currently refund the Commission’s Outstanding 1986-B Bonds; (ii) to advance refund the Commission’s Outstanding 1986-A Bonds, 1989-A Bonds and 1991 Bonds, (iii) to make a deposit to the Commission’s General Fund, and (iv) to finance the costs incurred in connection with the authorization, issuance and delivery of the 1993 Bonds;

WHEREAS, on November 4, 1999, pursuant to the provisions of a certain “Resolution Providing for the Issuance of Subordinate Wanaque South Project Water System Bonds of the North Jersey District Water Supply Commission and for the Rights of the Holders Thereof, and Authorizing $1,075,000 Principal Amount Thereof” adopted on July 16, 1999 (as amended and supplemented, the “Subordinate General Bond Resolution”) providing for, among other things, the issuance pursuant to one or more supplemental resolutions of one or more series of Bonded Indebtedness (as defined in the General Bond Resolution, as amended), including specifically Additional Bonds, a certain “First Supplemental Subordinate Resolution” adopted on August 20, 1999 (the “First Supplemental Subordinate Resolution”), and a certain “Second Supplemental Subordinate Resolution” adopted on August 20, 1999 (the “Second Supplemental Subordinate Resolution”), the Commission issued its Subordinate Wanaque South Project Water System Bond, 1999 Series 1 (the “1999 Series 1”) and its Subordinate Wanaque South Project Water System Bond, 1999 Series 2 (the “1999 Series 2”, and together with the 1999 Series 1, the “1999 Subordinate Bonds”);

WHEREAS, the proceeds of the 1999 Subordinate Bonds were used to finance (i) a portion of the costs of improving, reconstructing and renovating certain existing water supply facilities of the Commission, and (ii) the costs incurred in connection with the authorization, issuance and delivery of the 1999 Subordinate Bonds;

WHEREAS, on November 9, 2000, pursuant to the provisions of the Subordinate General Bond Resolution, a certain “Third Supplemental Subordinate Resolution” adopted on August 18, 2000 (the “Third Supplemental Subordinate Resolution”), and a certain “Fourth Supplemental Subordinate Resolution” adopted on August 18, 2000 (the “Fourth Supplemental Subordinate Resolution”), the Commission issued its Subordinate Wanaque South Project Water System Bond, 2000 Series 1 (the “2000 Series 1”) and its Subordinate Wanaque South Project Water System Bond, 2000 Series 2 (the “2000 Series 2”, and together with the 2000 Series 1, the “2000 Subordinate Bonds”);
WHEREAS, the proceeds of the 2000 Subordinate Bonds were used to finance (i) the remaining costs of improving, reconstructing and renovating certain existing water supply facilities of the Commission, and (ii) the costs incurred in connection with the authorization, issuance and delivery of the 2000 Subordinate Bonds;

WHEREAS, pursuant to the General Bond Resolution and a certain “Seventh Supplemental Bond Resolution” adopted January 15, 1993 (the “Seventh Supplemental Bond Resolution”), the Commission amended certain provisions of the General Bond Resolution and authorized the sale of option rights;


WHEREAS, the proceeds of the 2003A Bonds were used to (i) currently refund a portion of the Commission’s outstanding 1993 Bonds (being 75% of the principal amount of each maturity), and (ii) to finance a portion of the costs incurred in connection with the authorization, issuance and delivery of the 2003A Bonds. The proceeds of the 2003B Bonds were used (i) to currently refund a portion of the Commission’s outstanding 1993 Bonds (being 25% of the principal amount of each maturity), and (ii) to finance a portion of the costs incurred in connection with the authorization, issuance and delivery of the 2003B Bonds;

WHEREAS, on October 15, 2003, pursuant to the provisions of the Subordinate General Bond Resolution, a certain “Fifth Supplemental Subordinate Resolution” adopted on July 18, 2003 (the “Fifth Supplemental Subordinate Resolution”), a certain “Sixth Supplemental Subordinate Resolution” adopted on July 18, 2003 (the “Sixth Supplemental Subordinate Resolution”), and a certain “Seventh Supplemental Subordinate Resolution” adopted on July 18, 2003 (the “Seventh Supplemental Subordinate Resolution”), the Commission issued its Subordinate Wanaque South Project Water System Bond, 2003 Series 1 (the “2003 Series 1”) and its Wanaque South Project Water System Bond, 2003 Series 2 (the “2003 Series 2”, and together with the 2003 Series 1, the “2003 Subordinate Bonds”);

WHEREAS, the proceeds of the 2003 Subordinate Bonds were used (i) to finance costs of improving, reconstruction and renovating certain existing water supply facilities of the Commission, and (ii) to finance the costs incurred in connection with the authorization, issuance and delivery of the 2003 Subordinate Bonds;

WHEREAS, on November 9, 2006, pursuant to the provisions of the Subordinate General Bond Resolution, and a certain “Eighth Supplemental Subordinate Resolution” adopted on July 26, 2006 (the “Eighth Supplemental Subordinate Resolution”), the Commission issued its Subordinate Wanaque South Project Water System Bonds, 2006 Series 1 (the “2006 Series 1”)
and its Subordinate Wanaque South Project Water System Bonds, 2006 Series 2 (the “2006 Series 2”, and together with the 2006 Series 1, the “2006 Subordinate Bonds”);

WHEREAS, the proceeds of the 2006 Subordinate Bonds were used to finance (i) the costs of construction, improvement or acquisition of certain facilities of the Commission, and (ii) the costs incurred in connection with the authorization, issuance and delivery of the 2006 Subordinate Bonds;

WHEREAS, on July 3, 2013, pursuant to the provisions of the General Bond Resolution, and a certain “Tenth Supplemental Bond Resolution” adopted on April 24, 2013 (the “Tenth Supplemental Bond Resolution”), the Commission issued its Wanaque South Project Revenue Refunding Bonds, Series 2013A (the “2013 Bonds”, and together with the 1986 Bonds, the 1989-A Bonds, the 1991 Bonds, the 1993 Bonds, the 1999 Subordinate Bonds, the 2000 Subordinate Bonds, the 2003 Bonds, the 2003 Subordinate Bonds, and the 2006 Subordinate Bonds may be collectively referred to herein as the “Prior Bonds”);

WHEREAS, the proceeds of the 2013 Bonds were used to (i) refund all or a portion of the Commission’s Outstanding 2003A Bonds, (ii) to finance the costs incurred by the Commission in connection with the authorization, issuance and delivery of the 2013 Bonds, and (iii) to make a deposit to the Debt Service Reserve Fund for the 2013 Bonds;

WHEREAS, the Commission has identified certain capital projects, together with any other projects authorized under the bond documents authorizing the Commission New Money Bonds (as defined below), that need to be undertaken in connection with the Wanaque South Project (collectively, the “Projects”) that may be financed through a combination of (i) the issuance of one or more series of bonds by the Commission and sold to the public (collectively, the “Commission New Money Bonds”) through either a competitive or negotiated sale as determined in the best interest of the Commission in consultation with its hereinafter defined Consultants and (ii) the issuance of bonds by the Commission (the “Commission NJEIT Bonds”, and together with the Commission New Money Bonds, the “Bonds”) and sold to the New Jersey Environmental Infrastructure Trust (“NJEIT”) and the State through the NJEIT Financing Program;

WHEREAS, a portion of the Projects may be financed in an aggregate principal amount not to exceed, together with the Wanaque North Project, $95,000,000, through any combination of Commission New Money Bonds and Commission NJEIT Bonds as determined by the Commission to be in the best interests of the Commission and the Contracting Local Units;

WHEREAS, pursuant to the provisions of the General Bond Resolution, as amended, and a supplemental resolution to be adopted in connection with the Commission New Money Bonds to be designated as the “Eleventh Supplemental Bond Resolution to be adopted by the Commission prior to the issuance of the Commission New Money Bonds (as the same are to be further amended upon issuance of the Commission New Money Bonds by the Executive Director’s Certificate pursuant to Section 2.6 thereof, the “Eleventh Supplemental Bond Resolution”, and together with the General Bond Resolution, the First Supplemental Bond Resolution, the Second Supplemental Bond Resolution, the Third Supplemental Bond

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Resolution, the Fourth Supplemental Bond Resolution, the Fifth Supplemental Bond Resolution, the Sixth Supplemental Bond Resolution, the Seventh Supplemental Bond Resolution, the Eighth Supplemental Bond Resolution, the Ninth Supplemental Bond Resolution, and the Tenth Supplemental Bond Resolution, as the same may be further amended and supplemented from time to time in accordance with its terms, the "Bond Resolution" the Commission will issue, as Additional Bonds pursuant to the provisions of Section 2.3 of the General Bond Resolution, as amended, the Commission New Money Bonds in the aggregate principal amount which shall not exceed, together with the Commission NJEIT Bonds and any bonds issued for the Wanaque North Project, $95,000,000;

WHEREAS, pursuant to the provisions of the Subordinate General Bond Resolution, as amended, and a supplemental resolution to be adopted in connection with the Commission NJEIT Bonds to be designated as the "Ninth Subordinate Supplemental Bond Resolution to be adopted by the Commission prior to the issuance of the Commission NJEIT Bonds (as the same are to be further amended upon issuance of the Commission NJEIT Bonds by the Executive Director's Certificate in accordance therewith, the "Ninth Subordinate Supplemental Bond Resolution", and together with the Subordinate General Bond Resolution, the First Subordinate Supplemental Bond Resolution, the Second Subordinate Supplemental Bond Resolution, the Third Subordinate Supplemental Bond Resolution, the Fourth Subordinate Supplemental Bond Resolution, the Fifth Subordinate Supplemental Bond Resolution, the Sixth Subordinate Supplemental Bond Resolution, the Seventh Subordinate Supplemental Bond Resolution and the Eighth Subordinate Supplemental Bond Resolution, as the same may be further amended and supplemented from time to time in accordance with its terms, the "Subordinate Bond Resolution" the Commission will issue, as Additional Bonds pursuant to the provisions of the Subordinate General Bond Resolution, as amended, the Commission NJEIT Bonds in the aggregate principal amount which shall not exceed, together with the Commission New Money Bonds and any bonds issued for the Wanaque North Project, $95,000,000;

WHEREAS, the Commission, in consultation with its Consultants shall determine when each of the Bonds shall be issued, which Bonds may be issued simultaneously, separately, or in any such order as the Commission and its Consultants determine to be in the best interests of the Commission and the Contracting Local Units;

WHEREAS, each series of the Bonds shall be secured by a pledge of the Revenues and such other collateral as is provided for in the General Bond Resolution, as amended;

WHEREAS, each series of Bonds shall be issued in such amounts (provided, that the aggregate principal amount of Bonds plus any bonds issued for the Wanaque North Project shall not exceed $95,000,000), subject to redemption (optional, mandatory, special, extraordinary or otherwise) and contain such other financial terms as the Commission, in consultation with the Consultants, determines to be in the best interests of the Commission and the Contracting Local Units;

WHEREAS, the proceeds of the respective series of Bonds will be used to (i) fund certain capital projects that need to be undertaken in connection with the Wanaque South Project, (ii) finance the costs incurred in connection with the authorization, issuance and delivery of the
respective series of Bonds, including without limitation, a bond insurance premium (if any) relating to the Bonds and (iii) fund a debt service reserve fund, if necessary;

WHEREAS, pursuant to and in accordance with the provisions of the Act, prior to the issuance of the Bonds, the Commission shall cause to be filed with the Clerks of each Wanaque South Project Contracting Municipalities (as defined in the General Bond Resolution and the Subordinate General Bond Resolution), including the Local Unit, copies of the General Bond Resolution, the Eleventh Supplemental Bond Resolution, the Subordinate General Bond Resolution and the Ninth Subordinate Supplemental Bond Resolution and notice of a public comment to be held by the Commission regarding the issuance of the respective series of Bonds;

WHEREAS, the Eleventh Supplemental Bond Resolution and the Ninth Subordinate Supplemental Bond Resolution shall collectively be referred to as, the “Supplemental Bond Resolutions”;

WHEREAS, pursuant to the terms of the Supplemental Bond Resolutions, the Commission and the Trustee will enter into one or more disclosure agreements entitled “Commission Continuing Disclosure Agreement, Wanaque South Project Revenue Bonds, Series _____” to be dated as of the first day of the month of issuance of the respective series of Bonds (each a “Commission Continuing Disclosure Agreement”) in order to satisfy certain of the secondary market disclosure requirements of Rule 15c2-12 (“Rule 15c2-12”) promulgated by the Securities and Exchange Commission (the “SEC”) pursuant to the Securities Exchange Act of 1934, as amended (the “Securities Exchange Act”);

WHEREAS, if it is determined that the Local Unit is a materially obligated person within the meaning and for the purposes of Rule 15c2-12 in connection with the issuance of any series of the Bonds, the Local Unit, the Commission and the Trustee must each enter into one or more “Local Unit Continuing Disclosure Agreement, Wanaque South Project Revenue Bonds, Series _____” each to be dated as of the first day of the month of issuance of the respective series of the Bonds (each a “Local Unit Continuing Disclosure Agreement” and together with the Commission Continuing Disclosure Agreement, the “Continuing Disclosure Agreements”);

WHEREAS, in connection with the Commission EIT Bonds, the Commission shall enter into loan agreements with the EIT (the “Trust Loan Agreement”) and the State (the “Fund Loan Agreement” and together with the Trust Loan Agreement, the “Loan Agreements”) evidencing their rights and obligations under the Commission EIT Bonds;

WHEREAS, a portion of the Bonds may be sold pursuant to the terms of one or more bond purchase agreements (each a “Bond Purchase Agreement” and collectively, the “Bond Purchase Agreements”) between the Commission and one or more underwriters to be selected by the Commission through a fair and open process (each an “Underwriter”), the financial terms of which shall be inserted by the authorized officer of the Commission pursuant to the authority delegated in the respective Supplemental Bond Resolutions;

WHEREAS, in order to market the Bonds, each Underwriter will require the Commission to execute and deliver a “Preliminary Official Statement” and a final “Official
WHEREAS, among the terms of the Bond Purchase Agreements is the requirement that the Commission execute a tax certificate (the *Tax Certificate*) prior to or contemporaneously with the issuance of each series of the Bonds to enable bond counsel to the Commission to render its opinion that the interest on the Bonds will be excludable from the gross income of the owners thereof for federal income tax purposes.

NOW, THEREFORE, BE IT RESOLVED by the Local Unit as follows:

Section 1. In accordance with Section 203 of the Service Contract, the Local Unit hereby consents to the undertaking of the Projects and the issuance of the Bonds to finance the Projects in an amount which, together with the bonds issued for the Wanaque North Project, shall not exceed $95,000,000.

Section 2. The Mayor, the Chief Financial Officer and the Clerk of the Local Unit (collectively, the “Authorized Officer”) are hereby each severally authorized and directed to execute and deliver each Local Unit Continuing Disclosure Agreement in substantially the form attached as Exhibit A hereto, with such changes thereto as the Authorized Officer, after consultation with counsel to the Local Unit, bond counsel to the Commission, general counsel to the Commission and other professional advisors to the Commission (the “Consultants”), deems in his or her sole discretion to be necessary, convenient or desirable to consummate the transactions contemplated hereby, which execution thereof shall constitute conclusive evidence of the Authorized Officer’s approval of the form thereof.

Section 3. The Clerk of the Local Unit (the “Clerk”) is hereby authorized and directed, upon the execution of each Local Unit Continuing Disclosure Agreement in accordance with the terms of Section 2 hereof, to attest to the Authorized Officer’s execution of such documents, and is hereby further authorized and directed to affix thereupon the corporate seal of the Local Unit.

Section 4. Upon the execution and attestation of and, if required, the placing of the seal upon each Local Unit Continuing Disclosure Agreement as contemplated by Sections 2 and 3 hereof, the Authorized Officer is hereby authorized and directed (a) to deliver the fully executed, attested and sealed document to the other parties thereto and (b) to perform such other actions as the Authorized Officer deems necessary, desirable or convenient in relation to the execution and delivery thereof.

Section 5. The Local Unit hereby authorizes the preparation and the distribution of financial statements and demographic and other information concerning the Local Unit (a) to be contained in each Preliminary Official Statement and final Official Statement to be issued by the Commission in connection with the marketing of the Bonds and/or (b) to be used by any rating agency (“Rating Agency”) providing a rating on the Bonds or by any bond insurer (“Bond
Insurer”) insuring the Bonds. In furtherance of such authorization, the Local Unit hereby directs the Authorized Officer to take such action as the Authorized Officer, after consultation with the Consultants, deems necessary, desirable or convenient in connection with the preparation and distribution of such information (i) for inclusion in each Preliminary Official Statement and each final Official Statement and/or (ii) to any such Rating Agency or Bond Insurer.

Section 6. The Local Unit hereby authorizes the performance of any act and the execution or acknowledgement and delivery of any other document, instrument or closing certificate that the Authorized Officer, after consultation with the Consultants, deems necessary, desirable or convenient to undertake the Projects and achieve the net savings to be generated by the Refunding, and the Local Unit hereby directs the Authorized Officer to execute or acknowledge, and to cause the Clerk to attest and affix the seal, where required, upon, any such document, instrument or closing certificate or to execute any certificate, the authorization of which actions shall be conclusively evidenced by the execution or acknowledgment, attestation, affixation and delivery, as the case may be, thereof by such persons. Such closing certificates shall include, without limitation, (a) a determination that any information provided by the Local Unit in connection with the preparation and distribution of (i) the Preliminary Official Statement is “deemed final” for the purposes and within the meaning of Rule 15c2-12 and (ii) the Official Statement constitutes a final Official Statement for the purposes and within the meaning of Rule 15c2-12, (b) a determination that each Local Unit Continuing Disclosure Agreement complies with Rule 15c2-12, (c) a determination that any information provided by or on behalf of the Local Unit or relating to the Local Unit, each Local Unit Continuing Disclosure Agreement or the transactions contemplated thereby in connection with the preparation and distribution of each Preliminary Official Statement and Official Statement complies with Section 10 and Rule 10b-5 of the Securities Exchange Act, (d) a determination that all legislative actions taken by the Local Unit in connection with the Refunding, including without limitation the authorization of the Service Contract, as of the date of issuance of the Bonds, have not been altered, amended, supplemented or repealed and as such, are in full force and effect, (e) a tax certificate in such form as prepared by Bond Counsel to the Commission to be relied upon by the Commission in providing its Tax Certificate and Bond Counsel in rendering its opinion regarding the tax exempt status of the Bonds, and (f) any representations, warranties or covenants required by any Bond Insurer and/or Rating Agency deemed necessary by counsel to the Commission for the issuance of the Bonds.

Section 7. The Bonds of each series shall be designated by the year of the issuance of such Bonds.

Section 8. This resolution shall take effect immediately.

Section 9. Upon the adoption hereof, the Clerk of the Local Unit shall forward certified copies of this resolution to the Authorized Officer, to Alan Genitempo, Esq., counsel to the Local Unit, to Todd R. Caliguire, Executive Director of the Commission and to Derek Orth, Esq., of Inglesino, Wyciskala & Taylor, LLP, general counsel to the Commission.
EXHIBIT A

[Attach Form of Local Unit Continuing Disclosure Agreement]
CONTINUING DISCLOSURE AGREEMENT

This Continuing Disclosure Agreement (the "Agreement") dated as of 2014 by and among the North Jersey District Water Supply Commission (the "Commission"), the _______ of _________, in the County of _________, New Jersey (the "Local Unit") and M&T Bank, Jersey City, New Jersey, as trustee (the "Trustee") under the general bond resolution of the Commission adopted by the Commission on August 22, 1986, as amended and supplemented (the "Resolution"), is executed and delivered in connection with the issuance of the Commission’s $__________ principal amount of Wanaque South Project Revenue Bonds, Series 2014__ (the "Bonds"). Capitalized terms used in this Agreement which are not otherwise defined in the Resolution shall have the respective meanings specified above or in Article IV hereof. The parties agree as follows:

ARTICLE I

THE UNDERTAKING

Section 1.1. Purpose; Commission Determination. This Agreement is being executed and delivered solely to assist the Underwriter in complying with subsection (b)(5) of the Rule. The Commission has determined that the Local Unit constitutes a material "obligated person" in connection with the issuance of the Bonds, as the term "obligated person" is defined in the Rule, because it currently pays under the South Service Contract an amount in excess of 10% of the revenues received by the Commission under the South Service Contract in a fiscal year.

Section 1.2. Annual Financial Information. (a) The Local Unit shall provide Annual Financial Information with respect to each fiscal year of the Local Unit, commencing with the fiscal year ending [December 31, 2013], by no later than 270 days after the end of its fiscal year, to the MSRB and the Trustee. If the Trustee has not received the Annual Financial Information thirty (30) days prior to the date specified in the preceding sentence, the Trustee shall provide notice in writing to the Local Unit that the Annual Financial Information is required to be provided by such date.

(b) The Trustee shall provide, in a timely manner, notice of any failure of the Local Unit to provide the Annual Financial Information by the date specified in subsection (a) above to the MSRB, the Local Unit and the Commission.

Section 1.3. Audited Financial Statements. If not provided as part of Annual Financial Information by the date required by Section 1.2(a) hereof because not available, the Local Unit shall provide Audited Financial Statements of the Local Unit, when and if available, to the MSRB.

Section 1.4. Additional Disclosure Obligations. The Local Unit acknowledges and understands that other state and federal laws, including but not limited to the Securities Act of 1933 and Rule 10b-5 promulgated under the Securities Exchange Act of 1934, may apply to the Local Unit, and that under some circumstances compliance with this Agreement, without
additional disclosures or other action, may not fully discharge all duties and obligations of the Local Unit under such laws.

Section 1.5. Additional Information. Nothing in this Agreement shall be deemed to prevent the Local Unit from disseminating any other information, using the means of dissemination set forth in this Agreement or any other means of communication, or including any other information in any Annual Financial Information hereunder, in addition to that which is required by this Agreement. If the Local Unit chooses to do so, the Local Unit shall have no obligation under this Agreement to update such additional information or include it in any future Annual Financial Information.

Section 1.6. No Previous Non-Compliance. The Local Unit represents that, except as disclosed in the Official Statement, in the previous five (5) years, it has not failed to comply in any material respect with any previous undertaking in a written contract or agreement specified in paragraph (b)(5)(i) of the Rule.

ARTICLE II
OPERATING RULES

Section 2.1. Reference to Other Filed Documents. It shall be sufficient for purposes of Section 1.2 hereof if the Local Unit provides Annual Financial Information by specific reference to documents (i) available to the public on the MSRB Internet Website (currently www.emma.msrb.org) or (ii) filed with the SEC.

Section 2.2. Submission of Information. Annual Financial Information may be provided in one document or multiple documents, and at one time or in part from time to time.

Section 2.3. Dissemination Agents. The Issuer may from time to time designate an agent to act on its behalf in providing or filing notices, documents and information as required of the Local Unit under this Agreement, and revoke or modify any such designation.

Section 2.4. Transmission of Notices, Documents and Information. (a) Unless otherwise required by the MSRB, all notices, documents and information provided to the MSRB shall be provided to the MSRB’s Electronic Municipal Markets Access (EMMA) system, the current Internet Web address of which is www.emma.msrb.org.

(b) All notices, documents and information provided to the MSRB shall be provided in an electronic format as prescribed by the MSRB and shall be accompanied by identifying information as prescribed by the MSRB.

Section 2.5. Fiscal Year. (a) The Local Unit’s current fiscal year is [January 1 to December 31] and the Local Unit shall promptly notify (i) the MSRB and (ii) the Trustee of each change in its fiscal year.
(b) Annual Financial Information shall be provided at least annually notwithstanding any fiscal year longer than twelve (12) calendar months.

ARTICLE III

EFFECTIVE DATE, TERMINATION, AMENDMENT AND ENFORCEMENT

Section 3.1. Effective Date; Termination. (a) This Agreement shall be effective upon the issuance of the Bonds.

(b) The Local Unit’s and the Trustee’s obligations under this Agreement shall terminate upon a legal defeasance, prior redemption or payment in full of all of the Bonds.

(c) This Agreement, or any provision hereof, shall be null and void in the event that the Commission (1) delivers to the Trustee an opinion of Counsel, addressed to the Commission and the Trustee, to the effect that those portions of the Rule which require this Agreement, or such provision, as the case may be, do not or no longer apply to the Bonds, whether because such portions of the Rule are invalid, have been repealed, or otherwise, as shall be specified in such opinion and (2) delivers copies of such opinion to the MSRB.

Section 3.2. Amendment. (a) This Agreement may be amended, by written agreement of the parties, without the consent of the holders of the Bonds (except to the extent required under clause (4)(ii) below), if all of the following conditions are satisfied: (1) such amendment is made in connection with a change in circumstances that arises from a change in legal (including regulatory) requirements, a change in law (including rules or regulations) or in interpretations thereof, or a change in the identity, nature or status of the Issuer or the type of business conducted thereby, (2) this Agreement as so amended would have complied with the requirements of the Rule as of the date of this Agreement, after taking into account any amendments or interpretations of the Rule, as well as any change in circumstances, (3) the Commission shall have delivered to the Trustee an opinion of Counsel, addressed to the Commission and the Trustee, to the same effect as set forth in clauses (1) and (2) above, (4) either (i) the Commission shall have delivered to the Trustee an opinion of Counsel or a determination by a reputable law firm, in each case unaffiliated with the Commission (such as bond counsel) and acceptable to the Commission, addressed to the Commission and the Trustee, to the effect that the amendment does not materially impair the interests of the holders of the Bonds or (ii) the holders of the Bonds consent to the amendment to this Agreement pursuant to the same procedures as are required for amendments to the Resolution with consent of holders of Bonds pursuant to Article XI of the Resolution as in effect on the date of this Agreement and (5) the Issuer shall have delivered copies of such opinion(s) and amendment to the MSRB.

(b) This Agreement may be amended, by written agreement of the parties, without the consent of the holders of the Bonds, if all of the following conditions are satisfied: (1) an amendment to the Rule is adopted, or a new or modified official interpretation of the Rule is issued, after the effective date of this Agreement which is applicable to this Agreement, (2) the Commission shall have delivered to the Trustee an opinion of Counsel, addressed to the
Commission and the Trustee, to the effect that performance by the Commission and Trustee under this Agreement as so amended will not result in a violation of the Rule and (3) the Commission shall have delivered copies of such opinion and amendment to the MSRB.

(c) This Agreement may be amended by written agreement of the parties, without the consent of the holders of the Bonds, if all of the following conditions are satisfied: (1) the Commission shall have delivered to the Trustee an opinion of Counsel, addressed to the Commission and the Trustee, to the effect that the amendment is permitted by rule, order or other official pronouncement, or is consistent with any interpretive advice or no-action positions of Staff, of the SEC, and (2) the Commission shall have delivered copies of such opinion and amendment to the MSRB.

(d) To the extent any amendment to this Agreement results in a change in the type of financial information or operating data provided pursuant to this Agreement, the first Annual Financial Information provided thereafter shall include a narrative explanation of the reasons for the amendment and the impact of the change in the type of operating data or financial information being provided.

(e) If an amendment is made pursuant to Section 3.2(a) hereof to the accounting principles to be followed in preparing financial statements, the Annual Financial Information for the fiscal year in which the change is made shall present a comparison between the financial statements or information prepared on the basis of the new accounting principles and those prepared on the basis of the former accounting principles. Such comparison shall include a qualitative and, to the extent reasonably feasible, quantitative discussion of the differences in the accounting principles and the impact of the change in the accounting principles on the presentation of the financial information.

Section 3.3. Benefit; Third-Party Beneficiaries; Enforcement (a) The provisions of this Agreement shall constitute a contract with and inure solely to the benefit of the holders from time to time of the Bonds, except that beneficial owners of Bonds shall be third-party beneficiaries of this Agreement. The provisions of this Agreement shall create no rights in any person or entity except as provided in this subsection (a) and subsection (b) of this Section.

(b) The obligations of the Local Unit to comply with the provisions of this Agreement shall be enforceable (i) in the case of enforcement of obligations to provide financial statements, financial information, operating data and notices, by any holder of Outstanding Bonds, or by the Trustee on behalf of the holders of Outstanding Bonds or (ii) in the case of challenges to the adequacy of the financial statements, financial information and operating data so provided, by the Trustee on behalf of the holders of Outstanding Bonds; provided, however, that the Trustee shall not be required to take any enforcement action except at the direction of the holders of not less than a majority in aggregate principal amount of the Bonds at the time Outstanding who shall have provided the Trustee with adequate security and indemnity. The holders’ and Trustee’s rights to enforce the provisions of this Agreement shall be limited solely to a right, by action in mandamus or for specific performance, to compel performance of the Issuer’s obligations under this Agreement. In consideration of the third-party beneficiary status of beneficial owners of Bonds pursuant to subsection (a) of this Section, beneficial owners shall be deemed to be holders of Bonds for purposes of this subsection (b).
(c) Any failure by the Local Unit or the Trustee to perform in accordance with this Agreement shall not constitute a default or an event of default under the Resolution, and the rights and remedies provided by the Resolution upon the occurrence of a default or an event of default shall not apply to any such failure.

(d) This Agreement shall be construed and interpreted in accordance with the laws of the State, and any suits and actions arising out of this Agreement shall be instituted in a court of competent jurisdiction in the State; provided, however, that to the extent this Agreement addresses matters of federal securities laws, including the Rule, this Agreement shall be construed in accordance with such federal securities laws and official interpretations thereof.

ARTICLE IV

DEFINITIONS

Section 4.1. Definitions. The following terms used in this Agreement shall have the following respective meanings:

(1) "Annual Financial Information" means, collectively, (a) the financial information and operating data for each fiscal year of the type included in the Official Statement under the caption "HISTORICAL [AND FORECASTED] OPERATING RESULTS"; and (b) the information regarding amendments to this Agreement required pursuant to Sections 3.2(c) and (d) of this Agreement. Annual Financial Information shall include Audited Financial Statements, if available, or Unaudited Financial Statements of the Local Unit. The descriptions contained in clause (i) above of financial information and operating data constituting Annual Financial Information are of general categories of financial information and operating data. When such descriptions include information that no longer can be generated because the operations to which it related have been materially changed or discontinued, a statement to that effect shall be provided in lieu of such information. Any Annual Financial Information containing modified financial information or operating data shall explain, in narrative form, the reasons for the modification and the impact of the modification on the type of financial information or operating data being provided.

(2) "Audited Financial Statements" means the annual financial statements, if any, of the Local Unit audited by such auditor as shall then be required or permitted by State law. Audited Financial Statements shall be prepared in accordance with generally accepted auditing standards applicable to the Local Unit; provided, however, that pursuant to Section 3.2(a) hereof, the Local Unit may from time to time, if required by federal or State legal requirements, modify the accounting principles to be followed in preparing its financial statements. The notice of any such modification required by Section
3.2(a) hereof shall include a reference to the specific federal or State law or regulation describing such accounting principles, or other description thereof.

(3) "Counsel" means GluckWalrath LLP or other nationally recognized bond counsel or counsel expert in federal securities laws.

(4) "MSRB" means the Municipal Securities Rulemaking Board established pursuant to Section 15B(b)(1) of the Securities Exchange Act of 1934 or any successor thereto or to the functions of the MSRB contemplated by this Agreement.

(5) "Official Statement" means the Official Statement of the Commission relating to the Bonds.

(6) "Rule" means Rule 15c2-12 promulgated by the SEC under the Securities Exchange Act of 1934 (17 CFR Part 240, §240.15c2-12), as in effect on the date of this Agreement, including any official interpretations thereof issued either before or after the effective date of this Agreement which are applicable to this Agreement.

(7) "SEC" means the United States Securities and Exchange Commission.

(8) "South Service Contract" means that certain "Agreement" dated as of April 13, 1982, among the City of Bayonne, the Township of Bloomfield, the Township of Cedar Grove, the Town of Kearny, the City of Newark, the Town of Nutley and the Township of Wayne, as amended, as the same may be further amended or supplemented in accordance with its terms.

(9) "State" means the State of New Jersey.

(10) "Unaudited Financial Statements" means the same as Audited Financial Statements, except that they shall not have been audited.

(11) "Underwriter" means _____________.

ARTICLE V

MISCELLANEOUS

Section 5.1.  Duties, Immunities and Liabilities of Trustee. Article IX of the Resolution is hereby made applicable to this Agreement as if this Agreement were (solely for this purpose) contained in the Resolution. The Trustee shall have only such duties under this Agreement as are specifically set forth in this Agreement, and the Commission agrees, to the extent permitted by law, to indemnify and save the Trustee, its officers, directors, employees and agents, harmless against any loss, expense and liabilities which it may incur arising out of or in the exercise or
performance of its powers and duties hereunder, including the costs and expenses (including attorneys fees) of defending against any claim of liability, but excluding liabilities due to the Trustee’s negligence or willful misconduct in the performance of its duties hereunder. Such indemnity shall be separate from and in addition to that provided to the Trustee under the Resolution. The obligations of the Commission under this Section shall survive resignation or removal of the Trustee and payment of the Bonds.

**Section 5.2. Counterparts.** This Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.
IN WITNESS WHEREOF, the parties have each caused this Agreement to be executed by their duly authorized representatives all as of the date first above written.

NORTH JERSEY DISTRICT WATER SUPPLY COMMISSION

By: ________________________________
   Name: Todd R. Caliquire
   Title: Executive Director

______________________________, IN THE COUNTY OF ____________, NEW JERSEY

By ________________________________
   Name: ________________________________
   Title: ________________________________

THE BANK OF NEW YORK MELLON, as Trustee

By ________________________________
   Name: ________________________________
   Title: ________________________________
I, Evelyn Rosario, Clerk of the Township of Nutley, State of New Jersey, DO HEREBY CERTIFY that the foregoing is a true copy of a Resolution adopted by the Municipal Council of the Township of Nutley at a meeting held on May 6, 2014 as the same is taken from and compared with the original now remaining on file and of record in my office.

IN WITNESS WHEREOF, I have hereunder set my hand and affixed the corporate seal of the Township of Nutley this 7th day of May, 2014.

EVELYN ROSARIO
CLERK OF THE TOWNSHIP OF NUTLEY

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<tr>
<th>Record of Vote</th>
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<th>Commissioner Evans</th>
<th>Commissioner Scarpelli</th>
<th>Mayor Petracco</th>
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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 $5,929.26 for the following accounts.

<table>
<thead>
<tr>
<th>Block &amp; Lot</th>
<th>Address</th>
<th>Amount</th>
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<tbody>
<tr>
<td>200 11</td>
<td>462 Kingsland St.</td>
<td>$1,792.53 -11/08/13</td>
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<tr>
<td>4201 19</td>
<td>86 Chestnut St.</td>
<td>$4,136.73 -05/07/13</td>
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Record of Vote

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Resolution

Introduced by: Commissioner Thomas J. Evans

Seconded by: Commissioner Mauro G. Tucci

Date: April 1, 2014

No. 97-14

BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, in the County of Essex, State of New Jersey, that the Treasurer be and she is hereby authorized to refund overpayments of the water charges in the amount of $429.00.

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<tr>
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<tr>
<td>7501 1</td>
<td>160 Franklin Ave</td>
<td>$429.00</td>
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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.

Record of Vote

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May 6, 2014
A RESOLUTION AUTHORIZING THE TOWNSHIP OF NUTLEY TO ENTER INTO A COOPERATIVE PRICING AGREEMENT

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the Middlesex Regional Educational Services Commission, here in after referred to as the “Lead Agency” has offered voluntary participation in a Cooperative Pricing System for the provision and performance of goods and services;

WHEREAS, on May 6, 2014, the governing body of the Township of Nutley, County of Essex, State of New Jersey duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services;

NOW, THEREFORE BE IT RESOLVED as follows:

This RESOLUTION shall be known and may be cited as the Cooperative Pricing Resolution of the Township of Nutley.

Pursuant to the provisions of N.J.S.A. 40A:11-11(5), Mayor Alphonse Petracco is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.

The Lead Agency shall be responsible for complying with the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1) and all other provisions of the revised statutes of the State of New Jersey.

This resolution shall take effect immediately upon passage.

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 6, 2014.

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WHEREAS, the Township of Nutley has a need to acquire the services of an Attorney as Municipal Tax Counsel to provide legal counsel services concerning “Municipal Tax Appeals” in the Township of Nutley as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44 A-20.4 or 20.5, as appropriate; and

WHEREAS, the Tax Assessor 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 Law Firm of Piro, Zinna, Cifelli, Paris & Genitempo, 360 Passaic Avenue, Nutley, New Jersey 07110 has submitted a fee schedule for providing such services, the total of which is not to exceed $40,000.00; and

WHEREAS, the anticipated term of this contract is for twelve (12) months, from January 1, 2014 through December 31, 2014; and

WHEREAS, the Law Firm of Piro, Zinna, Cifelli, Paris & Genitempo 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 no. 4-01-204-200 (Subject to Adoption of the 2014 Municipal Budget) and have been certified by the chief financial officer, said certification being 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 contract with the Law Firm of Piro, Zinna, Cifelli, Paris & Genitempo; and

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 May 7, 2014.
TOWNSHIP OF NUTLEY
RESOLUTION # 108-14
TO AMEND INTRODUCED BUDGET

Whereas, the local municipal budget for the year 2014 was approved on the 1st day of April, 2014, and

Whereas, the public hearing on said budget has been held as advertised, and,

Whereas, it is desired to amend said approved budget,

Now, Therefore, Be It Resolved by the Governing Body of the Township of Nutley, County of Essex that the following amendments to the approved budget of 2014 be made:

Recorded Vote (Insert last names)

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<tr>
<th>AYES</th>
<th>TUCCI</th>
<th>EVANS</th>
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General Revenues:

3. Miscellaneous Revenues - Section B: State Aid Without Offsetting Appropriations
   Replacement Revenue
   Total Section B: State Aid Without Offsetting Appropriations
   3. Miscellaneous Revenues - Section C: Dedicated Uniform Construction Code Fees
      Offset with Appropriations (N.J.S. 40A:4-36 and N.J.A.C.5:23-4.17)
      Uniform Construction Code Fees
      Total Section C: Dedicated Uniform Construction Code Fees Offset with Appropriations
   3. Miscellaneous Revenues - Section D: Special Items of Revenue Anticipated
      With Prior Written Consent of the Director of Local Government Services - Shared Municipal Service Agreements Offset With Appropriations:
      Township of Montclair - Health Services
      Total Section D: Shared Municipal Service Agreements Offset With Appropriations

Summary of Revenues

3. Miscellaneous Revenues
   Total Section B: State Aid Without Offsetting Appropriations
   Total Section C: Dedicated Uniform Construction Code Fees Offset with Appropriations
   Total Section D: Special Items of Revenue Anticipated with Prior Written Consent of Director of Local Government Services - Shared Municipal Service Agreements Offset With Appropriations:
   Total Miscellaneous Revenues

5. Subtotal General Revenues (Items 1,2,3 and 4)
   Total General Revenues

General Appropriations:

(A) Operations - Excluded from "CAPS"
   State Aid to School to Reduce Taxation
   State Aid to County to Reduce Taxation
   Total Other Operations - Excluded from "CAPS"
   Total Operations - Excluded from "CAPS"
   Detail: Other Expenses
   (H-2) Total General Appropriations for Municipal Purposes Excluded from "CAPS"
   (O) Total General Appropriations - Excluded from "CAPS"
   (L) Subtotal General Appropriations (Items (H-2) and (O))
   9. Total General Appropriations

Be It Further Resolved, that three certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services for certification of the local municipal budget so amended.

Be It Further Resolved, that this complete amendment, in accordance with the provisions of N.J.S.A. 40A:4-9, be published in the Nutley Sun in the issue of May 15, 2014, and that said publication contain notice of public hearing on said amendment to be held at Nutley Town Hall on May 20, 2014, at 7:00 o'clock (p.m.).

It is hereby certified that this is a true copy of a resolution amending the budget, adopted by the governing body on the 6th day of May, 2014

Certified by me:
May 6th, 2014
Municipal Clerk.
WHEREAS, the Township of Nutley has a need to acquire Grant Consulting Services through a fair and open process pursuant to N.J.S.A. 19:44:20.5 and,

WHEREAS, Millennium Strategies, 60 Roseland Avenue, Caldwell NJ, 07006 has completed and submitted a Request for Qualifications for Grant Consulting Services which complies with the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the Township formed a committee to considered all proposals based upon a range of criteria, including technical, management and cost; and

WHEREAS, based upon the recommendation of the committee, Millennium Strategies provides the best overall service to the Township; and

WHEREAS, the term of this contract is for twelve (12) months, from January 1, 2014 through December 31, 2014; and

WHEREAS, funds are available from account no. 4-01-209-205 (Subject to Adoption of the 2014 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, State of New Jersey, as follows:

1. A contract shall be entered into between the Township of Nutley and Millennium Strategies LLC, 60 Roseland Avenue, Caldwell, New Jersey 07006 for Grants Consulting Services.

2. A copy of this Resolution as well as the Contract shall be placed on file with the Township Clerk.

I, Evely 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 May 6, 2014

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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 2013 Roadway Improvements, in the Township of Nutley, to be received on behalf of the Board of Commissioners, in the Commission Chambers, Township Hall, 1 Kennedy Drive, Nutley, NJ, 07110, on Wednesday, May 28, 2014 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

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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 2014 Crack Sealing Program, in the Township of Nutley, to be received on behalf of the Board of Commissioners, in the Commission Chambers, Township Hall, 1 Kennedy Drive, Nutley, NJ, 07110, on Wednesday, May 28, 2014 at 3:00 P.M. prevailing time, at which time they will be opened and read.

I, Evelyn Sartori, 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.

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Resolution

Introduced by: Commissioner Joseph P. Scarpelli  
Seconded by: Mayor Alphonse Petracco

RESOLUTION OF CONTINUING SUPPORT FOR THE GOALS AND PURPOSES OF THE 2004 HIGHLANDS WATER PROTECTION AND PLANNING ACT

WHEREAS, New Jersey Highlands Water Protection and Planning Act (The Highlands Act) was enacted in order to protect the State’s water supplies and other significant resources and

WHEREAS, The Highlands Act was passed with overwhelming bipartisan support in both the New Jersey State Senate and New Jersey State Assembly; and

WHEREAS, subsequently in 2008, the New Jersey Highlands Water Protection and Planning Council adopted the New Jersey Highlands Regional Master Plan, and proceeded with a program for its implementation through a Plan Conformance process.

WHEREAS, the Township of Nutley is a municipality that receives all or a portion of its drinking water from sources within the Highlands Region; and that the Township of Nutley relies on the resources of the Highlands to meet the current and future needs of its residents.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the Township of Nutley wishes that it be known that we strongly support the goals, policies and objectives of the 2004 Highlands Water Protection and Planning Act and the Highlands Regional Master Plan.

Record of Vote

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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 citizenry 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, this year's theme "Building for Today, Planning for Tomorrow" is a tribute to all Public Works employees who create the foundation of a stronger, more livable community; and

WHEREAS, the year 2014 marks the 54th Annual National Public Works Week sponsored by the American Public Works Association;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey do hereby proclaim the week of May 18, 2014 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, [Signature], 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 on [May 6, 2014].

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Resolution

Introduced by: Commissioner Joseph P. Scarpelli

Seconded by: 

Date: May 6, 2014

Resolution: Approval to submit a grant application and execute a grant agreement with the New Jersey Department of Transportation for the 2014 Transportation Alternative Program for Township of Nutley Olde Towne Beautification Project.

WHEREAS, the Township of Nutley continues to develop projects that will improve access and maintenance on public roads and sidewalks; and

WHEREAS, the Township of Nutley’s Engineering Department has provided plans specifically designed to address and improve traffic flow/safety issues and maintenance on our roads and sidewalks; and

WHEREAS, the Township of Nutley has designed the Olde Towne Beautification Project for streetscape and safety improvements for Chestnut Street transit hubs; and

WHEREAS, the Township of Nutley, Department of Public Works will assume all responsibility with regard to maintenance and upkeep of this project; and

WHEREAS, the Township of Nutley, Department of Public Works will assign Salvatore Ferraro, Engineering/Chief Project Coordinator—Construction, who will serve as the responsible charge for the project; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Commissioners of the Township of Nutley, in the County of Essex, State of New Jersey formally approves the grant application for the Olde Towne Beautification Project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as TA-2014-x-NutleyOldeTowneBeautificationPr-00005 to the New Jersey Department of Transportation.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Nutley and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Certified as a true copy of the Resolution adopted by the Commissioners
On this 6th day of May, 2014.

[Signature]

Clerk

My signature and the Clerk’s seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

[Signature]
Clerk

[Signature]
Mayor

I, the Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held May 6, 2014.

<table>
<thead>
<tr>
<th>Record of Vote</th>
<th>Commissioner Rogers</th>
<th>Commissioner Tucci</th>
<th>Commissioner Evans</th>
<th>Commissioner Scarpelli</th>
<th>Mayor Petrucco</th>
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BE IT RESOLVED by the Township of Nutley in the County of Essex, New Jersey that the following be appointed as a volunteer to the Nutley Fire Department effective immediately:

Ken Drittij
50 Weston Street
Nutley, NJ

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<tr>
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<th>Commissioner Rogers</th>
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BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that the Township Clerk be and she is hereby authorized to advertise for SEALED BIDS for POLICE and CROSSING GUARD UNIFORMS.

Specifications are available in the Purchasing Department, Township Hall, One Kennedy Drive, Nutley, NJ.

Bids to be received on WEDNESDAY, June 4, 2014 in the Commission Chambers, Third Floor, Township Hall, Kennedy Drive, at 3:00 pm, prevailing time, at which time they will be publicly opened and read.

I, [Signature], 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 6, 2014.

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BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY
Resolution

Introduced by: Mayor Alphonse Petracco

Seconded by: Commissioner Joseph P. Scarpelli

Date: May 6, 2014

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

<table>
<thead>
<tr>
<th>Organization</th>
<th>License No.</th>
<th>Date</th>
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<tbody>
<tr>
<td>PTO Nutley Lincoln School</td>
<td>45-14</td>
<td>May 30, 2014</td>
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<tr>
<td>Shelter Love Events Inc.</td>
<td>46-14</td>
<td>May 22, 2014</td>
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</table>

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

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

Record of Vote

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Resolution

Introduced by: Commissioner Joseph P. Scarpelli
Seconded by: Commissioner Mauro G. Tucci
Date: May 6, 2014
No. 110-14

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

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Nutley that the Township Commission shall now move into closed executive session to discuss:

1. Litigation
2. Acquisition of Property

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 May 6, 2014

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