A workshop meeting of the Board of Commissioners of the Township of Nutley was held in the 3rd floor Commission Chambers Conference Room and called to order. Adequate notification was published in the official newspapers of the Township of Nutley.

OPEN PUBLIC MEETING STATEMENT:
Evelyn Rosario, Municipal Clerk, read the following statement Pursuant to the requirements of the Open Public Meeting Law (Chapter 231, P.L.1975), notice of this meeting was published in the December 13, 2012 issues of the Nutley Sun, the Star Ledger and the Herald News. A copy of this notice has been posted on the Nutley Town Hall bulletin board and a copy is on file in the Municipal Clerk’s Office.

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

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

Prior to entering into public session, the Municipal Clerk read the following executive session resolution. Motion to introduce by Commissioner Scarpelli, seconded by Commissioner Tucci. All Ayes on a roll call vote. Entered Executive Session at 7:10PM.

Resolution # 136-13
WHEREAS, the Board of Commissioners of the Township of Nutley, in the County of Essex, and State of New Jersey desires to proceed to closed executive session; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Nutley that the Township Commission shall now move into closed executive session to discuss:

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

Commissioner Scarpelli made a motion to exit executive session and enter into public session, seconded by Commissioner Evans. All Ayes. Exited Executive Session at 7:30PM.
TOWNSHIP OF NUTLEY, NEW JERSEY

BOARD OF COMMISSIONERS

PUBLIC MEETING

TRANSCRIPT OF PROCEEDINGS:

ORIGINAL

May 16, 2013

7:00 p.m.

BEFORE:

Commissioner Steven Rogers
Commissioner Mauro Tucci
Commissioner Thomas J. Evans
Commissioner Joseph P. Scarpelli

Job No. VTNJ - 1735382
ALSO PRESENT:

Alan Genitempo, Esq.

Kevin P. Harkins, Esq.
UNIDENTIFIED SPEAKER: Go ahead.

MADAM CLERK: Thursday, May 16, 2013 -- pursuant to the requirements of the Open Public Meeting Law, Chapter 231 Public Laws 1975, notice of this meeting was published in the May 2nd, 2013 issues of the Nutley Sun, the Star Ledger, and the Herald News. A copy of this notice has been posted on the Nutley town hall bulletin board, and a copy is on file in the municipal clerk's office.

Commissioner Rogers?

COMMISSIONER ROGERS: Here.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Here.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Here.

MADAM CLERK: Commissioner Scarpelli?

MR. SCARPELLI: Here.

MADAM CLERK: Mayor Petracco is absent/excused this evening. Commissioner Evans will preside over the meeting as our deputy mayor.

COMMISSIONER EVANS: In keeping with our practice of just a moment of silence for our troops, --

(Moment of Silence)

COMMISSIONER EVANS: There's no minutes tonight.

Communications?
MADAM CLERK: Yes, Mayor, we have two items of communication this evening. The first item is a petition to extend a liquor license premises from the Old Canal Inn to the East Passaic Avenue for an event scheduled for Sunday, June 2nd, 2013. I need a motion and a second.

COMMISSIONER SCARPELLI: Moved.

COMMISSIONER TUCCI: Second.

MADAM CLERK: That's Commissioner Scarpelli and Commissioner Tucci.

Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: The next item I have is an application for a permit for a social affair for alcoholic beverages to be served at an event to be held June 1st, 2013. The name of the organization is the Nutley Volunteer Emergency & Rescue Squad.

COMMISSIONER TUCCI: Move it.

COMMISSIONER ROGERS: Second.

MADAM CLERK: Okay. That's Commissioner Tucci and
Commissioner Rogers.

Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: That's all for communications and correspondence this evening, Mayor.

COMMISSIONER EVANS: Thank you. Move on to the bills?

MADAM CLERK: Yes, Mayor.

Bill list Thursday, May 16th, 2013. Public Affairs, $76,770.33; Revenue and Finance, $2,286,590.74; Public Safety, $44,657.49; Public Works, $27,968.33; Parks and Public Property, $76,328.31. Payroll as of May 10th, 2013, $808,225.10, for a grand total bill list of $320,540.30, and that's all for bills this evening, Mayor.

COMMISSIONER EVANS: Thank you.

Move the bills.

UNIDENTIFIED SPEAKER: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.
MADAM CLERK: Commissioner Tucci?
COMMISSIONER TUCCI: Aye.
MADAM CLERK: Commissioner Evans?
COMMISSIONER EVANS: Aye.
MADAM CLERK: Commissioner Scarpelli?
COMMISSIONER SCARPELLI: Aye.
MADAM CLERK: Thank you, Mayor.
COMMISSIONER EVANS: Ordinance introductions -- I have one, 3240 recognizing the receipt of grant monies for an extension of the road improvements on Bloomfield Avenue. I move that this ordinance be passed to a second reading and be 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 at its second reading on Tuesday, June 18th, 2013.
So moved.
UNIDENTIFIED SPEAKER: Second.
MADAM CLERK: Commissioner Rogers?
COMMISSIONER ROGERS: Aye.
MADAM CLERK: Commissioner Tucci?
COMMISSIONER TUCCI: Aye.
MADAM CLERK: Commissioner Evans?
COMMISSIONER EVANS: Aye.
MADAM CLERK: Commissioner Scarpelli?
COMMISSIONER SCARPELLI: Aye.

COMMISSIONER EVANS: Mr. Scarpelli, public hearings?

COMMISSIONER SCARPELLI: A public hearing on ordinance number 3236, an ordinance to amend an ordinance entitled an ordinance to fix the salaries of certain officers and employees of the township of Nutley, county of Essex, state of New Jersey effective January 1st, 2013. Principal clerk typist/DPW actually lowers the base salary minimum salary range.

COMMISSIONER EVANS: Would anyone present like to comment on this ordinance this evening?

UNIDENTIFIED SPEAKER: Move to close the public hearing.

UNIDENTIFIED SPEAKER: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

UNIDENTIFIED SPEAKER: Move the ordinance.

UNIDENTIFIED SPEAKER: Second.
MADAM CLERK: Commissioner Rogers?
COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Tucci?
COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?
COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Scarpelli?
COMMISSIONER SCARPELLI: Aye.

I also have another public hearing, Deputy Mayor, ordinance number 3237, ordinance to amend Chapter 685, the code of the township of Nutley entitled water, adding article two, water conservation guidelines and article three, prohibition of certain uses of water during emergency conditions.

COMMISSIONER EVANS: Does anyone present this evening wish to comment on this ordinance?

UNIDENTIFIED SPEAKER: Move to close the public hearing.

UNIDENTIFIED SPEAKER: Second.

MADAM CLERK: Commissioner Rogers?
COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Tucci?
COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?
COMMISSIONER EVANS: Aye.
MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

COMMISSIONER EVANS: Commissioner Rogers, you agreed to read Mayor Petracco's tonight.

COMMISSIONER ROGERS: Yes, Deputy Mayor.

Resolution number 135-13.

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item in the budget of any county or municipality when such item shall be made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount;

Section 1 -- NOW, THEREFORE BE IT RESOLVED, that the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2013 in the sum of $18,718.00, which item is now available as a revenue from the fiscal year 2012 Assistance to Firefighters Grant Program pursuant to the provisions of statute;

Section 2 -- BE IT FURTHER RESOLVED, that a like sum of $18,718.00 be and same is hereby appropriated under
the caption of General Appropriations (A) Operations—
Excluded from five percent caps fiscal year 2012 Assistance
to Firefighters Grant -- $18,018,00.

Section 3 -- BE IT FURTHER RESOLVED, that the
above is the result of revenues available for the fiscal
year 2012 Assistance to Firefighters Program.

BE IT FURTHER RESOLVED, that the municipal
matching share for the fiscal year 2012 Assistance to
Firefighters Grant Program in the amount of $2,079,00 is
included in the 2013 adopted budget in accordance with the
grant agreement and is hereby appropriated for said purpose;

BE IT FURTHER RESOLVED, that the Township Clerk
forward two certified copies of this resolution to the
Director of Local Government Services.

So moved.

COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

COMMISSIONER EVANS: Thank you, Steve.
Commissioner Scarpelli?

COMMISSIONER SCARPELLI: You're throwing me off, Deputy Mayor going out of order.

WHEREAS, Bids for 2012 Roadway Improvements were received and opened on April 25th, 2013; and

WHEREAS, D&L Paving Contractors, 68e Franklin Avenue, Nutley, New Jersey, was the low bidder; and

WHEREAS, the Base Bid for the 2012 Roadway Improvements is the amount of $324,714 and Alternate Bid number 1 in the amount of $30,422, for a total bid amount of $355,316; and

WHEREAS, funds are available from Ordinance number 3027A in the amount of $11,250; Ordinance number 2114A in the amount of $2,977, Ordinance number 3183A in the amount of $34,289, and Ordinance number 3213A in the amount of $305,827 and have been certified by the Chief Financial Officer, said certification being attached to this resolution;

NOW, THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that a contract be awarded to D&L Paving Contractors not to exceed $355,316 and that the Mayor and the Township Clerk are hereby authorized to enter into and sign said contract for the Township of Nutley.

Move the resolution.
COMMISSIONER ROGERS: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item in the budget of any county or municipality when such item shall be made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount;

Section 1 -- NOW, THEREFORE BE IT RESOLVED, that the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2013 in the sum of $45,607.38, which item is now available as a revenue from the Clean Communities Program Grant pursuant to the provisions of statute;
Section 2 -- BE IT FURTHER RESOLVED, that a like sum of $45,078 be and same is hereby appropriated under the caption of General Appropriations (A) Operations-Excluded from five percent caps Clean Communities Program Grant, -- $45,078.

BE IT FURTHER RESOLVED, that the Township Clerk forward two certified copies of this resolution to the Director of Local Government Services.

I move the resolution.

COMMISSIONER ROGERS: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

That’s all I have, Mayor.

COMMISSIONER EVANS: Thank you.

Commissioner Tucci?

COMMISSIONER TUCCI: Yes, thank you, Mayor.

BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey that the Township Treasurer is hereby authorized to refund tree
permit fees collected in consideration of the fact that the required replacement tree(s) were, in fact, installed per Shade Tree Ordinance. Payment would come from account C-01-904-906.

The names are Marek Kabat of 87 Alexander Avenue, $50; Frances Roselli, 18 Tennis Place, $110; Anna Pappavich, 24 Friedland Road, $50; Joseph Apiecello, 276 Walnut Street, $50; and Carl Macknell, 201 Lakeside Drive, $50.

I move the resolution.

COMMISSIONER EVANS: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

COMMISSIONER TUCCI: WHEREAS, a continuing need exists in the Department of Parks and Public Property to properly manage, update, and enroll township employees in the township sponsored Health Benefits program; and

WHEREAS, a continuing need also exists to properly process claims associated with township business and act as liaison to the Suburban Essex Joint Insurance Fund,
fulfilling all requirements of same; and

WHEREAS, specialized expertise and training are required to satisfy and keep the township in good standing with the JIF, the Municipal Excess Liability Fund, and any and all professionals associated with the funds;

WHEREAS, funds are made available and earmarked for such activities;

NOW, THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that Commissioner Mauro Tucci is hereby authorized to issue stipends to appropriate personnel responsible for the administration of insurance-related matters in an amount not to exceed $10,000 per year.

I move the resolution, and just, Mayor, if I might with a very brief explanation. The woman who's been doing this for us in a very wonderful and excellent manner, Kathy Ritacco, will, in fact, be retiring July 1, which necessitates (off-mike).

So moved.

COMMISSIONER EVANS: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?
COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

COMMISSIONER TUCCI: WHEREAS, the State of New Jersey, Department of Environmental Protection, Green Acres Program has determined that the recycling staging area at Owens Park constitutes a diversion of park land, and

WHEREAS, it has also been determined by the State of New Jersey that the cell tower located at the same site also constitutes a diversion of park land; and

WHEREAS, it has also been determined by the State of New Jersey that both must be removed or relocated to areas not included in our park system and contained in the ROSI; and

WHEREAS, reimbursement for improvements funded by the State of New Jersey through the Green Acres Program at Owens Park cannot be made until the above noted issues are resolved;

NOW, THEREFORE BE IT RESOLVED, that the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, authorize Commissioner Mauro Tucci to begin negotiations with other private and/or public entities, in conjunction with other appropriate commissioners -- in this case, it would be Commissioner Scarpelli and Commissioner Evans, to secure an alternate
site and satisfy the requirements of the Green Acres Program.

I move the resolution.

COMMISSIONER EVANS: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

COMMISSIONER TUCCI: WHEREAS, completion of the Owens Park Improvements includes a complete handicapped accessible bleacher system; and

WHEREAS, authorization is necessary to go out to bid; and

WHEREAS, funding for said project is contingent upon passage of the 2013 Nutley Capital Improvement Budget and the approval of the Township's 2013 Essex County CDBG allocation;

NOW, THEREFORE BE IT RESOLVED, that the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey that the Township Clerk is authorized to advertise for sealed bids for the Owens Park Handicapped
Accessible Bleachers, bids to be received on Thursday, June 6th, 2013 at 3:00 p.m., at which time, they'll be publicly opened and read.

I move the resolution.

COMMISSIONER EVANS: Second.

KEVIN go ahead (indiscernible)

MR. HARKINS: And again, just for the record, as reflected in this resolution, this is contingent upon the funding.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

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

COMMISSIONER EVANS: Thank you.

Having no further business tonight, we move to open the meeting to the public.

Would anyone like to (off-mike)

UNIDENTIFIED SPEAKER: I have my own. I got my own.
UNIDENTIFIED SPEAKER: It's the one short one.

UNIDENTIFIED SPEAKER: I actually moved it off to the side so I didn't see it. You're right.

Before we do that, let me read my resolution.

BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey, that the Municipal Clerk be and she is hereby authorized and directed to advertise for a request for quotes, otherwise an RFQ, for Bond Counsel as a required necessity (indiscernible) for a new one.

BE IT FURTHER RESOLVED, that the request for quotes shall be due Thursday, June 13th, 2013 at 3:00 p.m. addressed to Evelyn Rosario, Municipal Clerk, Township Hall, One Kennedy Drive.

I so move.

COMMISSIONER Tucci: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER Rogers: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER Tucci: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER Evans: Aye.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

COMMISSIONER EVANS: Yeah, Thursday, June 13th.
MADAM CLERK: Thank you.

COMMISSIONER TUCCI: Mayor, if I might, before we adjourn. I'd just like to remind everyone that tomorrow night starts our seventh relay for life up at Demuro Park. To date, we have, as a community, have raised over $600,000. We're hoping to raise another 100,000 plus tomorrow night. Everyone is invited, of course, all of the commissioners and the mayor, who's not here, but I'm sure he'll get word. We're beginning at 7:00 sharp, so whoever can make it we'd love to have everyone there. And please, everyone, come out and support it. It's a great effort. Thank you.

COMMISSIONER EVANS: Seeing no one in the public here present tonight (indiscernible).

COMMISSIONER SCARPELLI: Move to adjourn.

COMMISSIONER ROGERS: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

(Whereupon, these proceedings were concluded at 7:16 PM)
CERTIFICATION

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

Date: October 1, 2013

Nicole Yawn
May 16, 2013 meeting transcription approved by the Board of Commissioners of the Township of Nutley at their meeting held on Tuesday, October 15, 2013.

ATTEST:

Evelyn Rosario, RMC, CMC
Municipal Clerk

Mayor Alphonse Petracco
(Absent/Excused)
TOWNSHIP OF NUTLEY
ONE KENNEDY DRIVE
NUTLEY, NEW JERSEY 07110

SUNSHINE NOTICE
BOARD OF COMMISSIONERS
RE-SCHEDULED MEETING

PLEASE TAKE NOTICE the regularly scheduled Board of Commissioners Meeting of Tuesday, May 21, 2013 at 7:00 P.M. has been re-scheduled.

PLEASE TAKE NOTICE the Board of Commissioners Meeting will be held on THURSDAY, MAY 16, 2013 at 7:00 P.M.

PLEASE TAKE FURTHER NOTICE the meeting will be held at the Township of Nutley (3rd) Floor Chambers, One Kennedy Drive.

ACTION WILL BE TAKEN

Evelyn Rosario, RMC
Municipal Clerk
Township of Nutley

The Nutley Sun Issue/Thursday, May 2, 2013/Via E-Mail: publicnotices@northjersey.com

The Herald News Issue/Thursday, May 2, 2013/Via E-Mail: publicnotices@northjersey.com

Post Bulletin Board
Post Website
Post Town Hall Electronic Board
Resolution

Introduced by: Commissioner Joseph P. Scarpelli

Seconded by: Commissioner Mauro G. Tucci

Date: May 16, 2013

No. 136-13

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

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Nutley that the Township Commission shall now move into closed executive session to discuss:

1. Contract Negotiations

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 16, 2013

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<th>Record of Vote</th>
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<th>Commissioner Evans</th>
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<p>|                      | BILL LIST DEPT. TOTALS:     | 76,770.33 | 2,286,590.74 | 44,657.49 | 27,968.33 | 76,328.31 | 2,512,315.20 |</p>
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TOWNSHIP OF NUTLEY
BILL LIST
May 16, 2013

List of payroll submitted for approval by the Board of Commissioners at
their regular meeting of MAY 16, 2013

PAYROLL-REGULAR MAY 10, 2013:
Department of Public Affairs 18,208.49
Department of Revenue & Finance 58,556.05
Department of Public Safety 482,923.77
Department of Public Works 59,464.07
Department of Parks & Public Properties 83,214.53
Department of Recreation Commission 7,284.95
Water Operations 44,412.42
Due To From General Capital 3,519.91
600 SERIES 2,090.36
POLICE OUTSIDE DUTY 16,087.50
C.E.H.A. 103.18
RESERVE FOR DOG LICENSE EXPENSE 617.37
ZONING-PASSAIC/KINGSLAND -7/11 FORTE MGT 150.00
Sub Total 776,632.60

PAYROLL-OVERTIME MAY 10, 2013:
Department of Public Affairs 0.00
Department of Revenue & Finance 240.25
Department of Public Safety 15,779.31
Department of Public Works 2,418.36
Department of Parks & Public Properties 6,311.39
Water Operations 6,843.19
600 Series 0.00
31,592.50

TOTAL PAYROLL: 808,225.10

GRAND TOTAL: 3,320,540.30

The Payroll list in the foregoing schedule includes amounts to be
deducted for:
Federal Withholding Tax 97,855.03
Social Security 24,333.20
N.J. State Tax 28,346.72
Medicare 11,673.13
Wage Execution 3,258.00
Deferred Compensation 22,659.33
Employee Disability Ins. 5,912.26
NOTICE IS HEREBY GIVEN, that the following Ordinance was introduced and passed upon first reading at a regular meeting of the Board of Commissioners, Township of Nutley, Essex County, New Jersey on the 16th day of May 2013 and that said Ordinance will be taken up for further consideration for final passage at a regular meeting of the Board of Commissioners to be held on the 18th day of June, 2013 at 7:00 p.m., or as soon thereafter as said matter can be reached, at which time and place all persons who may interested therein will be given an opportunity to be heard concerning same.

Evelyn Rosario, RMC
Municipal Clerk
Township of Nutley

The Nutley Sun Issue/Thursday, May 23, 2013 Via E-Mail: publicnotices@northjersey.com

Post Bulletin Board
Ordinance No. 3240
Introduced on Thursday, May 16, 2013
Introduced by Commissioner Thomas J. Evans
Public Hearing: June 18, 2013
Advertise in the Nutley Sun Issue of Thursday, May 23, 2013

Ordinance No. 3240
ORDINANCE PROVIDING FOR RECONSTRUCTION OF THE ROADWAY ON BLOOMFIELD AVENUE (SECTION 5), IN THE TOWNSHIP OF NUTLEY, IN THE COUNTY OF ESSEX, NEW JERSEY APPROPRIATING $ 240,000.00 THEREFORE FROM GRANT MONIES RECEIVED FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE COST THEREOF.

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

SECTION 1.

The improvement described in Section 2 of this bond ordinance is hereby authorized to be undertaken by the Township of Nutley, New Jersey as a general improvement. For the improvement or purpose described in Section 2, there is hereby appropriated the sum of $240,000.00 for the improvement or purpose described therein which amount is made available from the Transportation Trust Fund monies received from the New Jersey Department of Transportation.

SECTION 2.

The improvement hereby authorized and the purpose for which the appropriation of grant money is made available is to provide for, BLOOMFIELD AVENUE SECTION 5 including all work and materials necessary therefore or incidental thereto.

SECTION 3.

The capital budget of the Township of Nutley is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

SECTION 4.

The purposes described in Section 2 of this bond ordinance are not current expenses. They are all improvements that the Township may lawfully undertake as general improvements and no part of the costs thereof has been or shall be specially assessed on property specially benefited thereby.

SECTION 5.

This ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by law.
Township of Nutley
Essex County
One Kennedy Drive
Nutley, New Jersey 07110

FINAL ADOPTION OF ORDINANCE
ORDINANCE NO. 3236

NOTICE IS HEREBY GIVEN, that the following Ordinance was approved for final adoption by the Board of Commissioners Township of Nutley, Essex County, New Jersey at a meeting held on Thursday, May 16, 2013.

"AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED "AN ORDINANCE TO FIX THE SALARIES OF CERTAIN OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF NUTLEY, COUNTY OF ESSEX, STATE OF NEW JERSEY, EFFECTIVE JANUARY 1, 2013." (Principal Clerk Typist/DPW)

ALL "AYES" ON A ROLL CALL VOTE

Commissioner Rogers "AYE"
Commissioner Tucci "AYE"
Commissioner Evans "AYE"
Commissioner Scarpelli "AYE"
Mayor Petracco "Absent/Excused"

Evelyn Rosario, RMC, CMC
Municipal Clerk

Nutley Sun Issue/Thursday, May 23, 2013/Via E-Mail: publicnotices@northjersey.com
Ordinance No. 3236
Introduced by Commissioner Joseph P. Scarpelli
Introduced on: Thursday, April 25, 2013
Public Hearing: Thursday, May 16, 2013
Advertise in the Nutley Sun Issue of Thursday, May 2, 2013

Ordinance No. 3236
"AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED "AN ORDINANCE TO FIX THE SALARIES OF CERTAIN OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF NUTLEY, COUNTY OF ESSEX, STATE OF NEW JERSEY, EFFECTIVE JANUARY 1, 2013." (Principal Clerk Typist/DPW)

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

SECTION 1: The salaries of certain officers and employees, either permanent or temporary, as the case may be, of the Township of Nutley, herein mentioned, shall be as follows:

DEPARTMENT OF PUBLIC WORKS & WATER

<table>
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<tr>
<th>TITLE</th>
<th>BASE SALARY MINIMUM</th>
<th>BASE SALARY MAXIMUM</th>
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<tr>
<td>Principal Clerk Typist</td>
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The annual salaries of the employees of the Departments of Public Works, Water, Parks and Public Property, excepting office employees, shall be on the basis of forty (40) hours per week. When overtime is required, it shall be paid on a "time and one-half" basis. The provisions for overtime as stated in this paragraph shall not apply to the Public Works Superintendent, Municipal Engineer, Construction Code Official/Zoning and Superintendent of Parks/Recreation.

SECTION 2: Payment of vacation time in advance may be made upon request in writing to the Treasurer at least one month in advance of the pay period requested. Written request must be approved by the Department Head before submission to the Treasurer.

SECTION 3: All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed and this ordinance shall take effect twenty (20) days after final passage in accordance with the law.

SECTION 4: To the extent not set forth herein, all total salaries per annum will include longevity as set forth in Nutley Municipal Code Chapter 103.
NOTICE IS HEREBY GIVEN, that the following Ordinance was approved for final adoption by the Board of Commissioners Township of Nutley, Essex County, New Jersey at a meeting held on Thursday, May 16, 2013.

"AN ORDINANCE TO AMEND CHAPTER 685 OF THE CODE OF THE TOWNSHIP OF NUTLEY, ENTITLED "WATER" ADDING ARTICLE II "WATER CONSERVATION GUIDELINES" AND ARTICLE III "PROHIBITION OF CERTAIN USES OF WATER DURING EMERGENCY CONDITIONS"

ALL "AYES" ON A ROLL CALL VOTE

Commissioner Rogers  "AYE"
Commissioner Tucci  "AYE"
Commissioner Evans  "AYE"
Commissioner Scarpelli  "AYE"
Mayor Petracco  "Absent/Excused"

Evelyn Rosario, RMC, CMC
Municipal Clerk

Nutley Sun Issue/Thursday, May 23, 2013/Via E-Mail:
publicnotices@northjersey.com
Ordinance No. 3237
Introduced by Commissioner Joseph P. Scarpelli
Introduced on Thursday, April 25, 2013
Public Hearing: Thursday, May 16, 2013
Advertise in the Nutley Sun Issue of Thursday, May 2, 2013

Ordinance No. 3237
"AN ORDINANCE TO AMEND CHAPTER 685 OF THE CODE OF THE
TOWNSHIP OF NUTLEY, ENTITLED "WATER" ADDING ARTICLE II
"WATER CONSERVATION GUIDELINES" AND ARTICLE III
"PROHIBITION OF CERTAIN USES OF WATER DURING EMERGENCY
CONDITIONS"

WHEREAS, the water supplies within the Township of Nutley should be protected to afford the greatest beneficial use to the Township of Nutley's citizens and businesses, which depend on current water supplies for their livelihood, health, welfare, and economic production; and

WHEREAS, the water resources associated with the Township of Nutley have been threatened in the past due to drought conditions; and

WHEREAS, there exists a need to restrict certain uses of water not essential to the health, welfare and safety of the Township of Nutley in order to avert or lessen the impact of such shortages; and

WHEREAS, taking steps to ensure clean, wholesome, and adequate water supplies is a high priority in protecting the health, safety, and welfare of Township of Nutley's citizens;

WHEREAS, pursuant to N.J.S.A. 40:48-2, the Township of Nutley has the power to adopt ordinances necessary and proper for the protection of persons and property, and the preservation of the public health, safety and welfare;

BE IT ORDAINED by the Board of Commissioners of the Township of Nutley in the County of Essex, State of New Jersey that Chapter 685 of the Code of the Township of Nutley, is amended to add Articles II and III as follows:

ARTICLE II Outdoor Landscape Water Conservation Guidelines
(§ 685-11 - § 685-15)

§ 685-11 Water Use Guidelines
Water Conservation Guidelines apply to all users in the Township of Nutley at all times regardless of source of supply (e.g. public water supplies, well or ground water, lakes, streams, or ponds) unless expressly exempt in § 685-15, Exemptions. Such water use shall conform to the following Outdoor Water Use Guidelines:

A. Lawn watering with a hose or hose-end sprinkler
1. Properties may only water two days per week to coincide with trash pickup days;
2. Watering may only be conducted between the hours of 6:00 a.m. and 9 a.m. or between 5:00 p.m. and 8:00 p.m.; and
3. The watering of any single area may not exceed thirty minutes per day;
4. Flowers and shrubs may be watered as needed with a hand held hose equipped with an automatic shut-off nozzle;
5. Vehicles may be washed any day with a hand held hose equipped with an automatic shut-off nozzle;
6. No hose or hose end watering may be permitted when it is raining.

B. Irrigating lawns and landscapes with automatic irrigation systems equipped with a conventional irrigation controller (this includes all systems that do not gave a “SMART” controller as defined in Section C.
1. Properties may only irrigate two days per week to coincide with trash pickup days;
2. Irrigation may only be conducted between the hours of 12:00 midnight and 10:00 a.m.;
3. Operation of any irrigation zone equipped with spray (mist) heads may not exceed 15 minutes per zone. Operation of any irrigation zone equipped with rotary sprinkler heads may not exceed 50 minutes per zone;

C. Irrigation with systems equipped with a SMART controller
1. To qualify for this provision, the SMART controller must have met the minimum requirements of IA-SWAT protocol testing. Lists of climate-based and sensor based controllers that have successfully completed the protocol testing can be found at
   http://www.irrigation.org/SWAT/industry/ia-tested.asp
2. The property owner must register the SMART controller with the municipality
   a. The municipality will issue a yard placard which the owner must display signifying that the property is irrigated with a SMART controller
3. The SMART controller must be programmed by an EPA WaterSense Partner who holds a New Jersey Landscape Irrigation Contractor Certificate pursuant to NJSA 45:5AA-3.
   a. The SMART controller must be programmed to irrigate between the hours of 12:00 midnight and 10:00 am;
   b. Proper sprinkler head data and accurate soil/plant/irrigation information must be entered;
   c. The SMART controller programming data shall be posted at the controller;
   d. The WaterSense Partner must make a minimum of two site visits after the initial programming to adjust and fine tune the irrigation schedule.
D. Irrigation systems programmed and monitored by an irrigation manager
1. The property owner must designate a qualified person who will be the irrigation manager and register that person with the municipality with defining qualifications.
   i. The municipality will issue a yard placard which the owner must display signifying that the property is irrigated by an irrigation manager.
2. The irrigation manager must be an EPA WaterSense Partner or show evidence of successfully completing one of the approved courses listed below:
   i. Rutgers University Continuing Education Course, *Irrigation Systems: Scheduling*
   ii. Irrigation Association’s online course, *Landscape Irrigation Scheduling.*
   iii. A comparable course offered by a recognized continuing education facility or professional association.
3. A property specific irrigation program shall be developed by the irrigation manager based on plant variety, soil type, exposure, slope, precipitation rate, and irrigation efficiency.
4. Weekly adjustments shall be made to the irrigation schedule based on current evapotranspiration (ET) rates or weather conditions.
5. If it is found that an irrigation manager does not follow any of the terms prescribed in this ordinance, they may be disqualified from acting as a properties irrigation manager.

E. All Automatic Irrigation Systems
1. Shall be equipped with an operational automatic rain sensor device, which disables the system when a predetermined amount of rainfall has occurred. Each rain sensor device shall be capable of and programmed to interrupt the automatic irrigation cycle when \( \frac{1}{4} \) inch of rain has fallen.
2. Any work performed on a system as a result of any inspection made by the homeowner or a professional must be in compliance with the Landscape Irrigation Contractor Certification Act of 1991 (NJSA 45:5AA-3).
3. Flowers and shrubs irrigated with drip or micro irrigation may be watered as needed.

F. All new irrigation systems must comply with the following:
1. The system must be installed by an EPA WaterSense Partner who holds a New Jersey Landscape Irrigation Contractor Certificate pursuant to N.J.S.A. 45:5AA-3.
2. System must comply with the New Jersey Irrigation Best Management Practices.
   i. designing a system that insures sufficient operating pressure at the sprinkler head;
ii. dividing irrigated areas into hydro-zones of turf and plants with similar water requirements;

iii. creating zoning systems according to exposure;

iv. considering the soil type so the sprinkler irrigation precipitation rate is compatible with the soil infiltration rate or dividing the zone runtimes into multiple short cycles;

v. providing separate control of sloped areas;

vi. preventing sprinkler heads from overthrowing onto driveways, roads, and sidewalks;

vii. providing for separate irrigation for parkway strips between curbs and sidewalks that minimizes overthrow onto walks, pavement, and other impervious surfaces;

viii. using pressure regulating technology as necessary to ensure sprinkler heads operate within the manufacturer's recommended range. The pressure regulation may be:

i. a pressure regulation device at the point of connection;

ii. pressure regulation at each remote control valve;

iii. pressure regulation at the sprinkler head;

iv. a combination of the above.

ix. irrigating all flowers and shrubs with drip and/or micro-irrigation;

x. including check valves in low sprinkler heads to prevent low-point drainage;

xi. having a pressure regulating device and wye strainer on each drip/micro control valve.

3. System must have a SMART controller capable of estimating or measuring depletion of available plant soil moisture and operating the irrigation system only to replenish the water as needed while minimizing excess water use.

i. The SMART controller must have undergone SWAT testing and be listed on the Irrigation Association website www.swatirrigation.org.

ii. The SMART controller must be programmed by an EPA WaterSense Partner who holds a New Jersey Landscape Irrigation Contractor Certificate pursuant to NJSA 45:5AA-3.

1. Proper sprinkler head data and accurate soil/plant/irrigation information must be entered;

2. The SMART controller programming data shall be posted at the controller;

3. The WaterSense partner must make a minimum of two site visits after the initial programming to adjust and fine tune the irrigation schedule.

G. Restrictions identified in § 685-17 shall supersede those identified in this Section when the Township of Nutley Board of Commissioners announces a Declaration of Water Emergency.
H. State of New Jersey requirements shall supersede those identified in this Section when more stringent than the Township of Nutley's Water Conservation Guidelines.

§ 685-12 Violations
A. Violators of these guidelines and requirements are subject to fines and penalties as described in § 685-14, Penalties.

B. All water users in the Township of Nutley are urged to read the Department of Public Works Guide to Water Conservation to prevent violations as defined below:
   a. Knowingly or recklessly watering or irrigating or permitting the irrigation of lawn or landscape on owned, leased, or managed property that results in the following:
      i. Watering during any form of precipitation;
      ii. Water leaking from any irrigation equipment;
      iii. Water puddling on landscape or impervious surfaces;
      iv. Water runoff from irrigated property;
      v. Irrigating on days not permitted in this ordinance;
      vi. Irrigating at hours not permitted in this ordinance.

§ 685-13 Enforcement of Water Conservation Guidelines
A. The water use restrictions and automatic rain sensor requirement imposed pursuant to this section shall be enforced by the Department of Public Works. Whenever the Department of Public Works shall find a violation of the water use restrictions, regardless of the source of the water (public supply or private well), the violator will be given a written warning explaining the violation and penalties for a second and third offense as provided in § 685-14.

B. The Department of Public Works shall keep such records as may be reasonable and necessary for the purpose of determining the persons and businesses who have been warned upon a first offense. The Department of Public Works is hereby empowered to write summons for the violation of the water use restrictions imposed pursuant to § 685-11.

§ 685-14 Penalties
After a warning for a first offense in accordance with § 685-12 above, any person or business that thereafter violates the water use restrictions imposed pursuant to § 685-11 shall be subject to a fine up to $250.

§ 685-15 Exemptions
Restrictions in § 685-11 above do not apply to the following:
A. Outdoor water use from rain water harvesting, gray water, or reclaimed water are exempt from the provisions of the ordinance. Use of gray or reclaimed water must have an approved NJPDES permit issued through the NJDEP.
B. Outdoor water use for commercial farms producing harvestable crops, commercial nurseries, sod farms and golf courses are exempt from the provisions of the ordinance.

C. Outdoor irrigation necessary for one day only where treatment with an application of chemicals require immediate watering to preserve an existing landscape or to establish a new landscape;

D. Outdoor irrigation necessary for the establishment of newly sodded lawns or landscaping within the first 21 consecutive days of planting.

E. Visually supervised operation of an irrigation system by a person in compliance with the New Jersey Landscape Irrigation Contractor Certification Act of 1991 (NJSA 45:5AA-1) and at the minimum rate necessary in order to check system condition and effectiveness.

ARTICLE III Prohibition of Certain Uses of Water During Emergency Conditions (§ 685-16 - § 685-22)

§ 685-16 Declaration of Water Emergency
A water emergency shall be declared upon action by resolution of the Governing Body:

A. Whenever the Municipal Engineer in his or her professional judgment finds that emergency conditions exist within the Municipality, he or she shall recommend to the Board of Commissioners that a water emergency be declared. Said recommendation shall contain findings which specify which water use restrictions, if any, contained in § 685-17 below are appropriate. Factors which the Municipal Engineer may consider in making said recommendation include, but are not limited to, the following:

a. Lack of precipitation for an extended period of time;

b. Below-average water levels in municipal streams or other surface water bodies;

c. Declaration of a water emergency by the Governor;

d. Declaration of a water emergency by a surrounding municipality or municipalities;

e. Designation by the New Jersey Department of Environmental Protection of a drought watch or drought warning condition;

f. Below-average water levels in wells monitored by the United States Geological Survey, New Jersey Geological Survey or other wells monitored by agencies of the United States or New Jersey; or

g. Evidence of low or dirty water yields in private wells in the Municipality;

h. Declaration of a water emergency resulting from infrastructure failure or any other Safe Drinking Water emergency issues.
B. Upon receiving such a recommendation, the Board of Commissioners may accept the Municipal Engineer’s recommendation and findings, or any portion thereof, and adopt a resolution declaring a water emergency in the Municipality.

C. Such resolution shall be adopted by the Board of Commissioners at any regular, special, adjourned or emergency public meeting of the Board of Commissioners. Such resolution shall specify which of the water use restrictions, if any contained in § 685-17 below are being imposed. Such resolution shall be effective immediately upon publication and shall continue in effect for ninety (90) days, or such lesser time period as may be specified, unless extended or repealed as set for in § 685-18 and § 685-19 below.

§ 685-17 Water Use Restrictions
Upon adoption by the Board of Commissioners of a resolution declaring that a water emergency exists in the Municipality in accordance with § 685-16:

A. All residents/citizens shall be required to observe voluntary indoor conservation measures; and;

B. Water uses and restrictions including but not limited to the below may be included in a Water Emergency Resolution:
   a. The watering of all plant growth, except commercially grown food crops, sod at commercial sod farms and golf courses and nursery stock at nurseries or retail outlets;
   b. The washing of vehicles, except for emergency vehicles and by a commercial enterprise whose primary function is car washing, regardless of whether the operation is mobile or stationary or in those instances where a threat to public health may exist;
   c. The washing of driveways, sidewalks, decks, patios or paved areas;
   d. The serving of water sourced from municipal water supplies, well or ground water, lakes, streams, or ponds in restaurants, clubs, or eating places unless specifically requested by patrons;
   e. The use of fire hydrants by fire companies for testing fire apparatus and for fire department drills except as the Deputy Fire Chief deems necessary in the interest of public safety;
   f. The use of fire hydrants by municipal road departments, contractor, and all others, except as necessary for firefighting or protection purposes;
   g. The use of water for all outdoor recreational purposes;
   h. The washing of outside of dwellings, buildings, or other structures, except windows;
   i. The operation of any ornamental fountain or other structure making a similar use of water except as necessary to preserve or support fish and aquatic life;
   j. The washing of streets via a street sweeper, except in those instances where Reclaimed Water for Beneficial Reuse (RWBR) is authorized under a valid New Jersey Pollutant Discharge Elimination System (NJPDES) Permit.
k. Any other water use activity specified by the Board of Commissioners in the resolution required by § 685-16 above which is reasonable under the circumstances considering the nature and extent of the water emergency.

C. The following restrictions may be imposed on the water uses stated in § 685-17.B:
   a. Limiting all outdoor usage which is not strictly prohibited by this subsection to the hours of 6:00 a.m. and 9:00 a.m. or between 5:00 p.m. and 8:00 p.m.;
   b. Outdoor water usage The watering of any single area shall not exceed thirty minutes per day; and
   c. Any other restriction specified by the Board of Commissioners which is reasonable under the circumstances considering the nature and extent of the water emergency.

D. Any water use restriction imposed pursuant to this subsection may be amended by the Board of Commissioners to add, alter, or delete any restriction in subsection at any time during the water emergency. Said amendment shall be by resolution of the Board of Commissioners.

E. Any water use restriction imposed pursuant to this subsection shall apply equally to both users on privately owned wells and users served by a public water system.

F. Nothing in this subsection shall be read so as to prohibit, restrict or limit water usage where a bona fide health emergency or a danger to public safety exists.

§ 685-18 Duration of Water Emergency
Whenever the Municipal Engineer in his or her professional judgment finds that the emergency drought conditions in the Municipality have abated prior to the expiration of the time period specified in the resolution, he or she shall recommend to the Board of Commissioners that the water emergency cease. Upon such a recommendation to cease, the Board of Commissioners may adopt a resolution declaring the water emergency ended and the water use restrictions identified in § 685-17 inapplicable. Otherwise, at the end of the time period specified in the original resolution, the water use restrictions identified in § 685-17 shall lapse and be inapplicable and unenforceable.

§ 685-19 Extension of Water Emergency Time Period
If at the expiration of the time period specified in the resolution, the Municipal Engineer in his or her professional judgment finds that the emergency drought conditions have not abated, he or she shall recommend to the Board of Commissioners that the water emergency remain in effect. Said recommendation shall specify the duration of the extension. Whenever the Board of Commissioners has received such a recommendation, it may accept the Municipal Engineer's recommendation and findings, or any portion thereof, and adopt a resolution to extend the water emergency. Said resolution shall specify the duration of the extension, which shall not be for more than ninety (90) days.

§ 685-20 Notice
Reasonable attempts shall be made to notify citizens and residents of the Municipality of the existence of a water emergency, the restrictions imposed, and the penalties for violations.

§ 685-21 Enforcement of Water Use Restrictions
The water use restrictions imposed pursuant to § 685-17 shall be enforced during a water emergency by the Department of Public Works. Whenever the Department of Public Works shall find a violation of the water use restrictions, regardless of the source of the water, the violator shall be given a written warning explaining the penalties for a second and third offense as provided in § 685-22. The Department of Public Works shall keep such records as may be reasonable and necessary for the purpose of determining the persons and businesses who have been warned upon a first offense. The Department of Public Works is hereby empowered to write summons for the violation of the water use restrictions imposed pursuant to this section.

§ 685-22 Penalties
After a warning for a first offense in accordance with § 685-21 above, any person or business that thereafter violates the water use restrictions imposed pursuant to § 685-17 shall be subject to a fine up to $250.
BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey that the Township Treasurer is hereby authorized to refund a tree permit fee collected, in consideration of the fact that the required replacement tree(s) were installed, per Shade Tree Preservation Ordinance. Payment would come from account C-01-904-906:

Marek Kabat 87 Alexander Ave $50.00
Frances Roselli 18 Tennis Place $100.00
Anna Pappavich 24 Friedland Rd $50.00
Joseph Apiecello 276 Walnut St $50.00
Carl Macknell 201 Lakeside Dr $50.00
Resolution

Introduced by: Commissioner Mauro G. Tucci
Seconded by: Commissioner Thomas J. Evans

Date: May 16, 2013
No. 132-13

WHEREAS, a continuing need exists in the Department of Parks and Public Property to properly manage, update and enroll township employees in the township sponsored Health Benefits program; and

WHEREAS, a continuing need also exists to properly process claims associated with township business and act as liaison to the Suburban Essex Joint Insurance Fund (JIF), fulfilling all requirements of same; and

WHEREAS, specialized expertise and training are required to satisfy and keep the township in good standing with the JIF, the Municipal Excess Liability Fund (MEL) and any and all professionals associated with the funds;

WHEREAS, funds are made available and earmarked for such activities;

NOW THEREFORE BE IT RESOLVED; by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that Commissioner Mauro G. Tucci is hereby authorized to issue stipends to appropriate personnel responsible for the administration of insurance related matters in an amount not to exceed $10,000.00 per year.

Evelyn Rosato

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 16, 2013.

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WHEREAS, the State of New Jersey, Department of Environmental Protection, Green Acres Program has determined that the recycling staging area at Owens Park constitutes a diversion of park land; and

WHEREAS, it has also been determined by the State of New Jersey that the cell tower located at the same site also constitutes a diversion of park land; and

WHEREAS, it has also been determined by the State of New Jersey that both must be removed or relocated to areas not included in our park system and contained in the ROSI; and

WHEREAS, reimbursement for improvements funded by the State of New Jersey thru the Green Acres Program at Owens Park cannot be made until the above noted issues are resolved;

NOW THEREFORE BE IT RESOLVED, that the Board of Commissioners of the township of Nutley, County of Essex, State of New Jersey, authorize Commissioner Mauro G. Tucci to begin negotiations with other private and or public entities, in conjunction with other appropriate Commissioners, to secure an alternate site and satisfy the requirements of the Green Acres Program.
Resolution

Introduced by: Commissioner Mauro G. Tucci

Seconded by: Commissioner Thomas J. Evans

Date: May 16, 2013

No. 134-13

WHEREAS, completion of the Owens Park Improvements includes a complete handicapped accessible bleacher system; and

WHEREAS, authorization is necessary to go out to bid; and

WHEREAS, funding for said project is contingent upon passage of the 2013 Nutley Capital Improvement Budget and the approval of the Townships 2013 Essex County CDBG allocation;

NOW THEREFORE BE IT RESOLVED, that the Board of Commissioners of the Township of Nutley, County of Essex State of New Jersey that the Township clerk is authorized to advertise for sealed bids for the Owens Park Handicapped Accessible Bleachers, bids to be received on Thursday, June 6, 2013 at 3:00 pm (prevailing time) at which time they will be publicly opened and read.

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 16, 2013

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BE IT RESOLVED by the Board of Commissioners, of the Township of Nutley, County of Essex, New Jersey, that the Municipal Clerk be and is hereby authorized and directed to advertise for a request for quotes (RFQ's) for "Bond Counsel"

BE IT FURTHER RESOLVED, that the request for quotes (RFQ's) shall be due on Thursday, June 13, 2013 at 3:00 P.M. addressed to Evelyn Rosario, Municipal Clerk, Nutley Township Hall, One Kennedy Drive, Nutley, NJ, 07110.
WHEREAS, Bids for 2012 Roadway Improvements were received and opened on April 25, 2013; and

WHEREAS, D&L Paving Contractors, 681 Franklin Avenue, Nutley, NJ 07110, was the low bidder; and

WHEREAS, Base Bid for the 2012 Roadway Improvements is the amount of $324,771.14 and Alternate Bid# 1 in the amount of $30,542.42, for a total bid amount of $355,313.56; and

WHEREAS, funds are available from Ordinance #3027A in the amount of $11,925.00, Ordinance #3114A in the amount of $2,977.70, Ordinance #3183A in the amount of $34,428.29 and Ordinance #3213A in the amount of $305,982.57 and have been certified by the Chief Financial Officer, said certification being attached to this resolution;

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that a contract be awarded to D&L Paving Contractors, not to exceed $355,313.56 and that the Mayor and Township Clerk are hereby authorized to enter into and sign said contract for 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 May 16, 2013.
BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Commissioner Joseph P. Scarpelli Date: May 16, 2013
Seconded by: Commissioner Steven Rogers No. 131-13

WHEREAS, N.J.S.A. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount;

SECTION 1:
NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2013 in the sum of $45,607.38, which item is now available as a revenue from the Clean Communities Program Grant pursuant to the provisions of statute; and

SECTION 2:
BE IT FURTHER RESOLVED, that a like sum of $45,607.38 be and same is hereby appropriated under the caption of:

General Appropriations
(A) Operations-Excluded from 5% CAPS
Clean Communities Program Grant ...............$ 45,607.38

BE IT FURTHER RESOLVED, that the Township Clerk forward two (2) certified copies of this resolution to the Director of Local Government Services

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 16, 2013

Record of Vote

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WHEREAS, N.J.S.A. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount;

SECTION 1:
NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2013 in the sum of $18,718.00, which item is now available as a revenue from the FY 2012 Assistance to Firefighters Grant Program pursuant to the provisions of statute;

SECTION 2:
BE IT FURTHER RESOLVED, that a like sum of $18,718.00 be and same is hereby appropriated under the caption of:

General Appropriations
(A) Operations-Excluded from 5% CAPS
FY 2012 Assistance to Firefighters Grant......$ 18,718.00

SECTION 3:
BE IT FURTHER RESOLVED, that the above is the result of revenues available for the FY 2012 Assistance to Firefighters Grant Program;

BE IT FURTHER RESOLVED, that the municipal matching share for the FY 2012 Assistance to Firefighters Grant Program in the amount of $2,079.00 is included in the 2013 adopted budget in accordance with the grant agreement and is hereby appropriated for said purpose;

BE IT FURTHER RESOLVED, that the Township Clerk forward two (2) certified copies of this resolution to the Director of Local Government Services

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 16, 2013

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