

**Township of Nutley  
Board of Commissioners  
Meeting Minutes  
Tuesday, May 16, 2013  
7:00 P.M**

A workshop meeting of the Board of Commissioners of the Township of Nutley was held in the 3<sup>rd</sup> 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.

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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

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ALSO PRESENT:  
Alan Genitempo, Esq.  
Kevin P. Harkins, Esq.

P R O C E E D I N G S

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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?

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

6           COMMISSIONER SCARPELLI: Moved.

7           COMMISSIONER TUCCI: Second.

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

10           Commissioner Rogers?

11           COMMISSIONER ROGERS: Aye.

12           MADAM CLERK: Commissioner Tucci?

13           COMMISSIONER TUCCI: Aye.

14           MADAM CLERK: Commissioner Evans?

15           COMMISSIONER EVANS: Aye.

16           MADAM CLERK: Commissioner Scarpelli?

17           COMMISSIONER SCARPELLI: Aye.

18           MADAM CLERK: The next item I have is an  
19 application for a permit for a social affair for alcoholic  
20 beverages to be served at an event to be held June 1st,  
21 2013. The name of the organization is the Nutley Volunteer  
22 Emergency & Rescue Squad.

23           COMMISSIONER TUCCI: Move it.

24           COMMISSIONER ROGERS: Second.

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

1 Commissioner Rogers.

2 Commissioner Rogers?

3 COMMISSIONER ROGERS: Aye.

4 MADAM CLERK: Commissioner Tucci?

5 COMMISSIONER TUCCI: Aye.

6 MADAM CLERK: Commissioner Evans?

7 COMMISSIONER EVANS: Aye.

8 MADAM CLERK: Commissioner Scarpelli?

9 COMMISSIONER SCARPELLI: Aye.

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

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

14 MADAM CLERK: Yes, Mayor.

15 Bill list Thursday, May 16th, 2013. Public  
16 Affairs, \$76,770.33; Revenue and Finance, \$2,286,590.74;  
17 Public Safety, \$44,657.49; Public Works, \$27,968.33; Parks  
18 and Public Property, \$76,328.31. Payroll as of May 10th,  
19 2013, \$808,225.10, for a grand total bill list of  
20 #320,540.30, and that's all for bills this evening, Mayor.

21 COMMISSIONER EVANS: Thank you.

22 Move the bills.

23 UNIDENTIFIED SPEAKER: Second.

24 MADAM CLERK: Commissioner Rogers?

25 COMMISSIONER ROGERS: Aye.

1 MADAM CLERK: Commissioner Tucci?

2 COMMISSIONER TUCCI: Aye.

3 MADAM CLERK: Commissioner Evans?

4 COMMISSIONER EVANS: Aye.

5 MADAM CLERK: Commissioner Scarpelli?

6 COMMISSIONER SCARPELLI: Aye.

7 MADAM CLERK: Thank you, Mayor.

8 COMMISSIONER EVANS: Ordinance introductions -- I  
9 have one, 3240 recognizing the receipt of grant monies for  
10 an extension of the road improvements on Bloomfield Avenue.

11 I move that this ordinance be passed to a second  
12 reading and be advertised in the Nutley Sun together with  
13 the notice required by law and that further consideration of  
14 said ordinance for final passage by the board of  
15 commissioners be held at its second reading on Tuesday,  
16 June 18th, 2013.

17 So moved.

18 UNIDENTIFIED SPEAKER: Second.

19 MADAM CLERK: Commissioner Rogers?

20 COMMISSIONER ROGERS: Aye.

21 MADAM CLERK: Commissioner Tucci?

22 COMMISSIONER TUCCI: Aye.

23 MADAM CLERK: Commissioner Evans?

24 COMMISSIONER EVANS: Aye.

25 MADAM CLERK: Commissioner Scarpelli?

1 COMMISSIONER SCARPELLI: Aye.

2 COMMISSIONER EVANS: Mr. Scarpelli, public  
3 hearings?

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

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

13 UNIDENTIFIED SPEAKER: Move to close the public  
14 hearing.

15 UNIDENTIFIED SPEAKER: Second.

16 MADAM CLERK: Commissioner Rogers?

17 COMMISSIONER ROGERS: Aye.

18 MADAM CLERK: Commissioner Tucci?

19 COMMISSIONER TUCCI: Aye.

20 MADAM CLERK: Commissioner Evans?

21 COMMISSIONER EVANS: Aye.

22 MADAM CLERK: Commissioner Scarpelli?

23 COMMISSIONER SCARPELLI: Aye.

24 UNIDENTIFIED SPEAKER: Move the ordinance.

25 UNIDENTIFIED SPEAKER: Second.

1 MADAM CLERK: Commissioner Rogers?

2 COMMISSIONER ROGERS: Aye.

3 MADAM CLERK: Commissioner Tucci?

4 COMMISSIONER TUCCI: Aye.

5 MADAM CLERK: Commissioner Evans?

6 COMMISSIONER EVANS: Aye.

7 MADAM CLERK: Commissioner Scarpelli?

8 COMMISSIONER SCARPELLI: Aye.

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

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

17 UNIDENTIFIED SPEAKER: Move to close the public  
18 hearing.

19 UNIDENTIFIED SPEAKER: Second.

20 MADAM CLERK: Commissioner Rogers?

21 COMMISSIONER ROGERS: Aye.

22 MADAM CLERK: Commissioner Tucci?

23 COMMISSIONER TUCCI: Aye.

24 MADAM CLERK: Commissioner Evans?

25 COMMISSIONER EVANS: Aye.

1 MADAM CLERK: Commissioner Scarpelli?

2 COMMISSIONER SCARPELLI: Aye.

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

5 COMMISSIONER ROGERS: Yes, Deputy Mayor.

6 Resolution number 135-13.

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

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

15 Section 1 -- NOW, THEREFORE BE IT RESOLVED, that  
16 the Board of Commissioners of the Township of Nutley, County  
17 of Essex, New Jersey, hereby requests the Director of the  
18 Division of Local Government Services to approve the  
19 insertion of an item of revenue in the budget of the year  
20 2013 in the sum of \$18,718.00, which item is now available  
21 as a revenue from the fiscal year 2012 Assistance to  
22 Firefighters Grant Program pursuant to the provisions of  
23 statute;

24 Section 2 -- BE IT FURTHER RESOLVED, that a like  
25 sum of \$18,718.00 be and same is hereby appropriated under

1 the caption of General Appropriations (A) Operations-  
2 Excluded from five percent caps fiscal year 2012 Assistance  
3 to Firefighters Grant -- \$18,718.00.

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

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

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

15 So moved.

16 COMMISSIONER TUCCI: Second.

17 MADAM CLERK: Commissioner Rogers?

18 COMMISSIONER ROGERS: Aye.

19 MADAM CLERK: Commissioner Tucci?

20 COMMISSIONER TUCCI: Aye.

21 MADAM CLERK: Commissioner Evans?

22 COMMISSIONER EVANS: Aye.

23 MADAM CLERK: Commissioner Scarpelli?

24 COMMISSIONER SCARPELLI: Aye.

25 COMMISSIONER EVANS: Thank you, Steve.

1 Commissioner Scarpelli?

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

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

6 WHEREAS, D&L Paving Contractors, 68~~4~~ Franklin  
7 Avenue, Nutley, New Jersey, was the low bidder; and

8 WHEREAS, the Base Bid for the 2012 Roadway  
9 Improvements is the amount of \$324,~~8~~71.~~4~~4 and Alternate Bid  
10 number 1 in the amount of \$30,~~5~~42.~~4~~2, for a total bid amount  
11 of \$355,~~3~~13.~~6~~6; and

12 WHEREAS, funds are available from Ordinance number  
13 3027A in the amount of \$11,~~9~~25.~~0~~0; Ordinance number 2114A in  
14 the amount of \$2,977.~~8~~0, Ordinance number 3183A in the  
15 amount of \$34,~~4~~28.~~2~~9, and Ordinance number 3213A in the  
16 amount of \$305,~~9~~82.~~5~~7 and have been certified by the Chief  
17 Financial Officer, said certification being attached to this  
18 resolution;

19 NOW, THEREFORE BE IT RESOLVED, by the Board of  
20 Commissioners of the Township of Nutley, County of Essex,  
21 State of New Jersey, that a contract be awarded to D&L  
22 Paving Contractors not to exceed \$355,~~3~~13.~~6~~6 and that the  
23 Mayor and the Township Clerk are hereby authorized to enter  
24 into and sign said contract for the Township of Nutley.

25 Move the resolution.

1 COMMISSIONER ROGERS: Second.

2 MADAM CLERK: Commissioner Rogers?

3 COMMISSIONER ROGERS: Aye.

4 MADAM CLERK: Commissioner Tucci?

5 COMMISSIONER TUCCI: Aye.

6 MADAM CLERK: Commissioner Evans?

7 COMMISSIONER EVANS: Aye.

8 MADAM CLERK: Commissioner Scarpelli?

9 COMMISSIONER SCARPELLI: Aye.

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

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

18 Section 1 -- NOW, THEREFORE BE IT RESOLVED, that  
19 the Board of Commissioners of the Township of Nutley, County  
20 of Essex, New Jersey, hereby requests the Director of the  
21 Division of Local Government Services to approve the  
22 insertion of an item of revenue in the budget of the year  
23 2013 in the sum of \$45,607.38, which item is now available  
24 as a revenue from the Clean Communities Program Grant  
25 pursuant to the provisions of statute;

1           Section 2 -- BE IT FURTHER RESOLVED, that a like  
2           sum of \$45,607.38 be and same is hereby appropriated under  
3           the caption of General Appropriations (A) Operations-  
4           Excluded from five percent caps Clean Communities Program  
5           Grant, -- \$45,607.38.

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

9           I move the resolution.

10          COMMISSIONER ROGERS: Second.

11          MADAM CLERK: Commissioner Rogers?

12          COMMISSIONER ROGERS: Aye.

13          MADAM CLERK: Commissioner Tucci?

14          COMMISSIONER TUCCI: Aye.

15          MADAM CLERK: Commissioner Evans?

16          COMMISSIONER EVANS: Aye.

17          MADAM CLERK: Commissioner Scarpelli?

18          COMMISSIONER SCARPELLI: Aye.

19          That's all I have, Mayor.

20          COMMISSIONER EVANS: Thank you.

21          Commissioner Tucci?

22          COMMISSIONER TUCCI: Yes, thank you, Mayor.

23          BE IT RESOLVED, by the Board of Commissioners of  
24          the Township of Nutley, County of Essex, New Jersey that the  
25          Township Treasurer is hereby authorized to refund tree

1 permit fees collected in consideration of the fact that the  
2 required replacement tree(s) were, in fact, installed per  
3 Shade Tree Ordinance. Payment would come from account C-01-  
4 904-906.

5 The names are Marek Kabat of 87 Alexander Avenue,  
6 \$50; Frances Roselli, 18 Tennis Place, \$110; Anna Pappavich,  
7 24 Friedland Road, \$50; Joseph Apiecello, 276 Walnut Street,  
8 \$50; and Carl Macknell, 201 Lakeside Drive, \$50.

9 I move the resolution.

10 COMMISSIONER EVANS: Second.

11 MADAM CLERK: Commissioner Rogers?

12 COMMISSIONER ROGERS: Aye.

13 MADAM CLERK: Commissioner Tucci?

14 COMMISSIONER TUCCI: Aye.

15 MADAM CLERK: Commissioner Evans?

16 COMMISSIONER EVANS: Aye.

17 MADAM CLERK: Commissioner Scarpelli?

18 COMMISSIONER SCARPELLI: Aye.

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

23 WHEREAS, a continuing need also exists to properly  
24 process claims associated with township business and act as  
25 liaison to the Suburban Essex Joint Insurance Fund,

1 fulfilling all requirements of same; and

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

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

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

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

19 So moved.

20 COMMISSIONER EVANS: Second.

21 MADAM CLERK: Commissioner Rogers?

22 COMMISSIONER ROGERS: Aye.

23 MADAM CLERK: Commissioner Tucci?

24 COMMISSIONER TUCCI: Aye.

25 MADAM CLERK: Commissioner Evans?

1 COMMISSIONER EVANS: Aye.

2 MADAM CLERK: Commissioner Scarpelli?

3 COMMISSIONER SCARPELLI: Aye.

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

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

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

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

19 NOW, THEREFORE BE IT RESOLVED, that the Board of  
20 Commissioners of the Township of Nutley, County of Essex,  
21 State of New Jersey, authorize Commissioner Mauro Tucci to  
22 begin negotiations with other private and/or public  
23 entities, in conjunction with other appropriate  
24 commissioners -- in this case, it would be Commissioner  
25 Scarpelli and Commissioner Evans, to secure an alternate

1 site and satisfy the requirements of the Green Acres  
2 Program.

3 I move the resolution.

4 COMMISSIONER EVANS: Second.

5 MADAM CLERK: Commissioner Rogers?

6 COMMISSIONER ROGERS: Aye.

7 MADAM CLERK: Commissioner Tucci?

8 COMMISSIONER TUCCI: Aye.

9 MADAM CLERK: Commissioner Evans?

10 COMMISSIONER EVANS: Aye.

11 MADAM CLERK: Commissioner Scarpelli?

12 COMMISSIONER SCARPELLI: Aye.

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

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

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

22 NOW, THEREFORE BE IT RESOLVED, that the Board of  
23 Commissioners of the Township of Nutley, County of Essex,  
24 State of New Jersey that the Township Clerk is authorized to  
25 advertise for sealed bids for the Owens Park Handicapped

1 Accessible Bleachers, bids to be received on Thursday,  
2 June 6th, 2013 at 3:00 p.m. at which time, they'll be  
3 publicly opened and read.

4 I move the resolution.

5 COMMISSIONER EVANS: Second.

6 Kev. go ahead (indiscernible)

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

10 MADAM CLERK: Commissioner Rogers?

11 COMMISSIONER ROGERS: Aye.

12 MADAM CLERK: Commissioner Tucci?

13 COMMISSIONER TUCCI: Aye.

14 MADAM CLERK: Commissioner Evans?

15 COMMISSIONER EVANS: Aye.

16 MADAM CLERK: Commissioner Scarpelli?

17 COMMISSIONER SCARPELLI: Aye.

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

19 I have.

20 COMMISSIONER EVANS: Thank you.

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

23 Would anyone like to (off-mike)

24 UNIDENTIFIED SPEAKER: I have my own. I got my

25 own.

1 UNIDENTIFIED SPEAKER: It's the one short one.

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

4 Before we do that, let me read my resolution.

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

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

15 I so move.

16 COMMISSIONER TUCCI: Second.

17 MADAM CLERK: Commissioner Rogers?

18 COMMISSIONER ROGERS: Aye.

19 MADAM CLERK: Commissioner Tucci?

20 COMMISSIONER TUCCI: Aye.

21 MADAM CLERK: Commissioner Evans?

22 COMMISSIONER EVANS: Aye.

23 MADAM CLERK: Commissioner Scarpelli?

24 COMMISSIONER SCARPELLI: Aye.

25 COMMISSIONER EVANS: Yeah, Thursday, June 13th.

1 MADAM CLERK: Thank you.

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

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

14 COMMISSIONER SCARPELLI: Move to adjourn.

15 COMMISSIONER ROGERS: Second.

16 MADAM CLERK: Commissioner Rogers?

17 COMMISSIONER ROGERS: Aye.

18 MADAM CLERK: Commissioner Tucci?

19 COMMISSIONER TUCCI: Aye.

20 MADAM CLERK: Commissioner Evans?

21 COMMISSIONER EVANS: Aye.

22 MADAM CLERK: Commissioner Scarpelli?

23 COMMISSIONER SCARPELLI: Aye.

24 (Whereupon, these proceedings were concluded at

25 7:16 PM)

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

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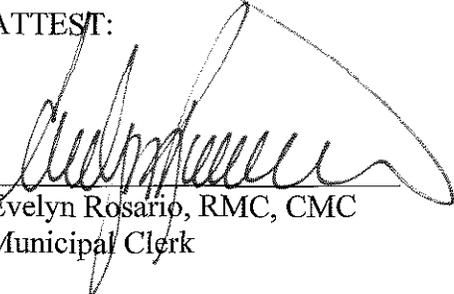
I, Nicole Yawn, certify that the foregoing transcript is a true and accurate record of the proceedings.

Nicole Yawn

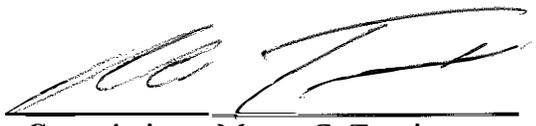
Date: October 1, 2013

**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.**

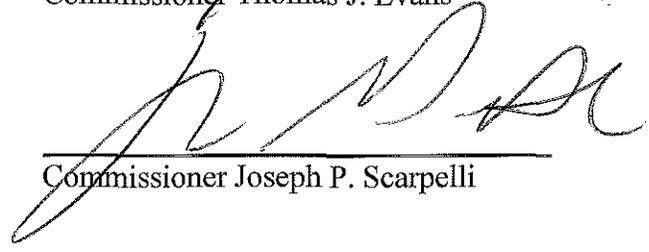
ATTEST:

  
\_\_\_\_\_  
Evelyn Rosario, RMC, CMC  
Municipal Clerk

  
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Commissioner Steven Rogers

  
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Commissioner Mauro G. Tucci

  
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Commissioner Thomas J. Evans

  
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Commissioner Joseph P. Scarpelli

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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 (3<sup>rd</sup>) 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](mailto:publicnotices@northjersey.com)**

**The Herald News Issue/Thursday, May 2, 2013/Via E-Mail:  
[publicnotices@northjersey.com](mailto:publicnotices@northjersey.com)**

**Post Bulletin Board  
Post Website  
Post Town Hall Electronic Board**

BOARD OF COMMISSIONERS  
TOWNSHIP OF NUTLEY, NEW JERSEY

# Resolution

Introduced by: Commissioner Joseph P. Scarpelli

Date: May 16, 2013

Seconded by: Commissioner Mauro G. Tucci

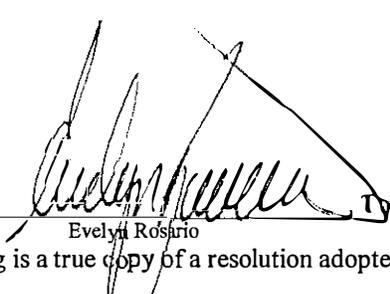
No. 136-13

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

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

TOWNSHIP OF NUTLEY							
BILL LIST							
THURSDAY MAY 16, 2013							
P.O.	VENDOR	PUBLIC AFFAIRS	REVENUE & FINANCE	PUBLIC SAFETY	PUBLIC WORKS	PARKS & PUBLIC PROPERTY	TOTALS
13-00366	POLAND SPRING	21.44					21.44
13-01576	NOREEN MC MANUS, CNM	110.00					110.00
13-01575	FUTURE SANITATION	65,805.55					65,805.55
13-01581	NUTLEY FAMILY SERVICE	5,416.67					5,416.67
13-01582	NUTLEY FAMILY SERVICE	5,416.67					5,416.67
13-01555	TREASURER SCHOOL		2,167,350.00				2,167,350.00
13-01547	CEDE & COMPANY		54,375.00				54,375.00
13-01511	T/N PAYROLL AGENCY ACCT.		33,649.75				33,649.75
13-01525	T/N PAYROLL AGENCY ACCT.		74.95				74.95
13-01488	UPS		8.66	13.14			21.80
13-01529	US BANK CUST PRO CAPITAL		886.60				886.60
13-01180	EXPRESS PRESS		335.00				335.00
13-01566	TRUMP TAJ MAHAL		400.00				400.00
13-01565	TRUMP TAJ MAHAL		400.00				400.00
13-01553	RUBEN & ANA NAPOLES		2,793.36				2,793.36
13-01469	P & A AUTO PARTS		129.00				129.00
13-00593	MILLENIUUM STRATEGIES		3,333.00				3,333.00
13-01589	NJ DEPT OF LABOR		12,858.82				12,858.82
13-01579	US POSTAL SERVICE		4,000.00				4,000.00
13-00594	HENDRICKS APPRAISAL CO		225.00				225.00
13-00501	PIRO,ZINNA,CIFELLI,PARIS		2,839.60				2,839.60
13-00722	PIRO,ZINNA,CIFELLI,PARIS		2,200.00				2,200.00
13-00722	PIRO,ZINNA,CIFELLI,PARIS		732.00				732.00
13-01416	NATIONAL FUEL OIL			13,842.50			13,842.50
13-01418	CABLEVISION			503.16			503.16
11-05463	DASSA HAINES ARCHITECTS			850.00			850.00

Attach To Official Minutes

TOWNSHIP OF NUTLEY							
BILL LIST							
THURSDAY MAY 16, 2013							
P.O.	VENDOR	PUBLIC AFFAIRS	REVENUE & FINANCE	PUBLIC SAFETY	PUBLIC WORKS	PARKS & PUBLIC PROPERTY	TOTALS
11-05463	DASSA HAINES ARCHITECTS			1,050.00			1,050.00
13-01273	SPOHRER COMPRESSOR			371.15			371.15
13-01019	GRIFFITH SHADE CO			688.00			688.00
13-00696	THE SIGN POST			457.50			457.50
13-00783	SELECTIVE BUSINESS MACH			160.70			160.70
13-01556	TURNOUT UINIFORMS			12.00			12.00
13-01557	TURNOUT UINIFORMS			60.00			60.00
13-01558	TURNOUT UINIFORMS			36.00			36.00
13-01572	ROBERT VERY			50.00			50.00
13-00101	NBC AUTO PARTS			535.68			535.68
13-00103	P & A AUTO PARTS			721.39			721.39
13-01450	MOBILE TECH			2,187.00			2,187.00
12-05175	LAWMEN SUPPLY			3,056.04			3,056.04
13-01165	FOSTER & CO			450.00			450.00
13-041168	PETE ANDOLINO			549.00			549.00
13-01454	JOSEPH RICCIARDI PAINTS			89.90			89.90
13-01439	JERSEY POWE EQUIPMENT			112.00			112.00
13-01500	JSEMS POMACO			200.00			200.00
13-00102	NICOLETTE TOWING			24.00			24.00
13-01536	PENNONI ASSOC			110.00			110.00
13-01537	PENNONI ASSOC			900.00			900.00
13-01538	PENNONI ASSOC			450.00			450.00
13-01539	KASLER ASSOC			1,850.00			1,850.00
13-01540	KASLER ASSOC			1,900.00			1,900.00
13-01541	KASLER ASSOC			1,250.00			1,250.00
13-01542	KASLER ASSOC			450.00			450.00

TOWNSHIP OF NUTLEY							
BILL LIST							
THURSDAY MAY 16, 2013							
P.O.	VENDOR	PUBLIC AFFAIRS	REVENUE & FINANCE	PUBLIC SAFETY	PUBLIC WORKS	PARKS & PUBLIC PROPERTY	TOTALS
13-01470	A.C. MOORE			39.53			39.53
13-01484	LISA CASSILLI			66.30			66.30
13-01473	NUTLEY PARK SHOPRITE			10.00			10.00
13-01141	AT & T MOBILITY			2,951.46			2,951.46
13-01402	AT & T MOBILITY			2,955.04			2,955.04
13-01253	QUALITY COMMUNICATION			3,056.00			3,056.00
12-04639	NJ EMEGENCY VEHICLES			2,650.00			2,650.00
12-03155	PENNONI ASSOC.				3,137.98		3,137.98
13-00452	PENNONI ASSOC.				660.00		660.00
13-00452	PENNONI ASSOC.				2,250.00		2,250.00
12-01024	PENNONI ASSOC.				4,983.15		4,983.15
13-00039	ATHENIA MASON				35.50		35.50
13-01493	CABLEVISION				86.72		86.72
13-00062	TILCON NJ				140.70		140.70
13-01348	PASSAIC VALLEY WATER COM				1,417.00		1,417.00
13-01106	AMERICNA HOSE				2,085.00		2,085.00
13-01133	DISPLAYS 2 GO				1,055.28		1,055.28
13-01349	TRUIS OF NJ				96.00		96.00
12-04048	MARINA PERNA				3,973.00		3,973.00
13-01569	MARINA PERNA				501.00		501.00
12-04048	MARINA PERNA				4,023.00		4,023.00
12-04048	MARINA PERNA				3,404.00		3,404.00
13-01608	NJMVC				120.00		120.00
13-00814	PRINCETON HOSTED SOLUT.					3,353.75	3,353.75
13-01602	LOIS PLINIO					60.00	60.00
13-01269	NICOLETTE TOWING					400.00	400.00

TOWNSHIP OF NUTLEY							
BILL LIST							
THURSDAY MAY 16, 2013							
P.O.	VENDOR	PUBLIC AFFAIRS	REVENUE & FINANCE	PUBLIC SAFETY	PUBLIC WORKS	PARKS & PUBLIC PROPERTY	TOTALS
13-00855	CABLEVISION LIGHTPATH					3,034.18	3,034.18
13-01610	MCGRAW COMM					2,305.00	2,305.00
13-01472	HESS CORP					674.47	674.47
13-01601	NOREEN HAVERON					479.41	479.41
13-00371	POLAND SPRING					51.60	51.60
13-00370	POLAND SPRING					60.67	60.67
13-01471	NATIONAL TERMINAL					7,762.92	7,762.92
13-01414	NATIONAL TERMINAL					803.44	803.44
13-01419	NATIONAL TERMINAL					817.01	817.01
13-00024	GRAINGER					82.78	82.78
13-00624	ABADEL PEST					125.00	125.00
13-00830	TERRE CO					228.00	228.00
13-00023	CONTEMPORARY GLASS					3.30	3.30
13-01438	CONTEMPORARY GLASS					126.90	126.90
13-00647	BEYER FORD					32,325.00	32,325.00
13-01404	STATE OF NJ DEPT LABOR					260.00	260.00
13-00027	VIOLA BROTHERS					1,914.42	1,914.42
13-01275	FRANKLIN CENTRAL COMM					1,551.00	1,551.00
13-01231	STATE CHEMICAL SOLUTION					880.37	880.37
12-05263	R & R TROPHY					2,376.00	2,376.00
13-00743	SAL ELECTRIC					662.78	662.78
13-01183	SAL ELECTRIC					346.29	346.29
13-01300	STEVE'S CARBURETOR					100.00	100.00
13-01357	STRUCTURAL STONE					722.95	722.95
13-01294	TRICO EQUIPMENT					1,248.20	1,248.20
13-01234	ACCURATE DOOR					196.80	196.80





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
<b>Sub Total</b>	<b>776,632.60</b>

**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
	<b>31,592.50</b>

**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

**Township of Nutley  
Essex County**

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

**ORDINANCE INTRODUCTION**

**ORDINANCE NO. 3240**

**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 16<sup>th</sup> 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 18<sup>th</sup> 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](mailto: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**

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

**Evelyn Rosario, RMC, CMC  
Municipal Clerk**

**Nutley Sun Issue/Thursday, May 23, 2013/Via E-Mail: [publicnotices@northjersey.com](mailto: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**

<b>TITLE</b>	<b>BASE SALARY MINIMUM</b>	<b>BASE SALARY MAXIMUM</b>
Principal Clerk Typist	\$10,000.00	\$45,000.00

**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.**

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

**FINAL ADOPTION OF ORDINANCE  
ORDINANCE NO. 3237**

**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**

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

**Evelyn Rosario, RMC, CMC  
Municipal Clerk**

**Nutley Sun Issue/Thursday, May 23, 2013/Via E-Mail:  
[publicnotices@northjersev.com](mailto:publicnotices@northjersev.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 have 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:
  - 1. a pressure regulation device at the point of connection;
  - 2. pressure regulation at each remote control valve;
  - 3. pressure regulation at the sprinkler head;
  - 4. 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](http://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;
  - 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.

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

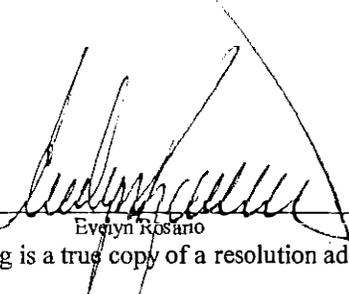
**Resolution**

*Introduced by:* Commissioner Mauro G. Tucci *Date:* May 16, 2013  
*Seconded by:* Commissioner Thomas J. Evans *No.* 128-13

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

. . .

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

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

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

## Resolution

*Introduced by:* Commissioner Mauro G. Tucci *Date:*   t   May 16, 2013   t    
*Seconded by:* Commissioner Thomas J. Evans *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

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

. . .

<i>Record of Vote</i>	<i>Commissioner Rogers</i>	<i>Commissioner Tucci</i>	<i>Commissioner Evans</i>	<i>Commissioner Scar pelli</i>	<i>Mayor Petracco</i>
<i>Yes</i>	X	X	X	X	
<i>No</i>					
<i>Not Voting</i>					
<i>Absent/Excused</i>					X

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

## Resolution

*Introduced by:* Commissioner Mauro G. Tucci *Date:* May 16, 2013  
*Seconded by:* Commissioner Thomas J. Evans *No.* 133-13

**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

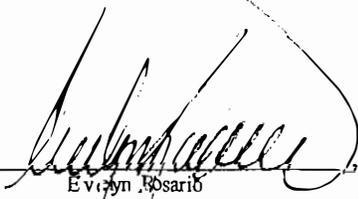
**WHEREAS**, it has also been determined by the State of New Jersey that the cell tower located at the same site also constitutes a diversion of park land; and

**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.

. . .

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

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

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

## Resolution

*Introduced by:* Commissioner Mauro G. Tucci *Date:* May 16, 2013  
*Seconded by:* Commissioner Thomas J. Evans *No.* 134-13

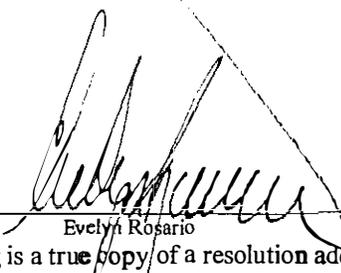
**WHEREAS**, completion of the Owens Park Improvements includes a complete handicapped accessible bleacher system; and

**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.

. . .

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

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

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

## Resolution

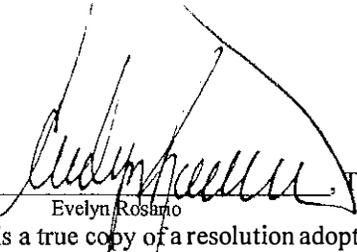
*Introduced by:* Commissioner Thomas J. Evans *Date:* May 16, 2013

*Seconded by:* Commissioner Mauro G. Tucci *No.* 129-13

**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.

. . .

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 on May 16, 2013

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

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

## Resolution

*Introduced by:* Commissioner Joseph P. Scarpelli *Date:* May 16, 2013  
*Seconded by:* Commissioner Steven Rogers *No.* 130-13

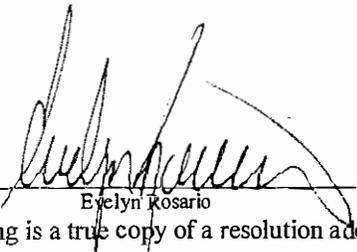
WHEREAS, Bids for 2012 Roadway Improvements were received and opened on April 25, 2013; and

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

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

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

**Resolution**

*Introduced by:* Commissioner Joseph P. Scarpelli *Date:* May 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:**

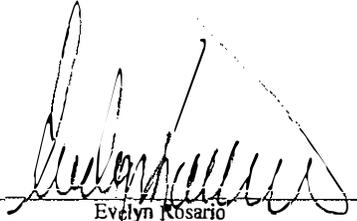
BE IT FURTHER RESOLVED, that a like sum of **\$45,607.38** be and same is hereby appropriated under the caption of:

**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,  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

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

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

**Resolution**

*Introduced by:* Commissioner Steven Rogers FOR Mayor Alphonse Petracco *Date:* May 16, 2013

*Seconded by:* Commissioner Mauro G. Tucci *No.* 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 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**

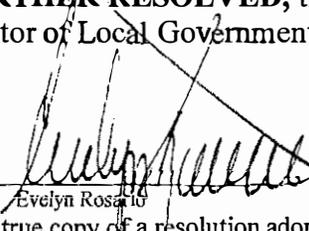
**SECTION 3:**

**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

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