TOWNSHIP OF NUTLEY BOARD OF COMMISSIONERS

Tuesday, September 3, 2013
7:00 PM

Job No. NJ1735382

Transcribed by: Sheri Monroe

Veritext/NJ Reporting Company
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COMMISSIONERS PRESENT:
Commissioner Joseph P. Scarpelli
Commissioner Mauro G. Tucci
Commissioner Thomas J. Evans (absent/excused)
Commissioner Steven Rogers
Mayor Alphonse Petracco
PROCEEDINGS

MR. PETRACCO: Okay. Madam Clerk?

THE CLERK: Yes, Mayor.

Tuesday, September 3, 2013 -- pursuant to the requirements of the Open Public Meeting Law, chapter 231 Public Laws 1975, notice of this meeting was published in the December 13th, 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.

Commissioner Rogers?

MR. ROGERS: Here.

THE CLERK: Commissioner Tucci?

MR. TUCCI: Here.

THE CLERK: Commissioner Evans is absent/excused this evening.

Commissioner Scarpelli?

MR. SCARPELLI: Here.

THE CLERK: Mayor Petracco?

MR. PETRACCO: Here.

THE CLERK: All present, Mayor, with the exception of Commissioner Evans who is absent/excused this evening.

MR. PETRACCO: Thank you.

Before we get started tonight can we please just have a moment of silence for our troops who are serving
overseas and abroad.

(Silence)

Thank you. Okay. We're going to take some things out of order tonight -- well, let me go over the minutes. I'm sorry, Madam Clerk.

THE CLERK: We have no minutes this evening, Mayor.

MR. PETRACCO: Communications and correspondence?

THE CLERK: Yes. We have two items under communications and correspondence. The first one is an application been submitted by the Boy Scouts of America for an application for a social affair permit to the State of New Jersey Division of ABC for an event to be held on October 18, 2013. I need a motion and a second, please.

UNIDENTIFIED MALE: Move.

UNIDENTIFIED MALE: Second.

THE CLERK: Commission Rogers?

MR. ROGERS: Aye.

THE CLERK: Commissioner Tucci?

MR. TUCCI: Aye.

THE CLERK: Commissioner Scarpelli?

MR. SCARPELLI: Aye.

THE CLERK: Mayor Petracco?

MR. PETRACCO: Aye.

THE CLERK: And the second item is a communication
from (indiscernible) who is Mary Costa (phonetic) notified
the Board of Commissioners information concerning the
determination & Award of General Obligation Bond Sale that
took place on August 29th, 2013 for 4,000,000.

The notification doesn’t require a first or a
second or roll call, but in order to notify the Board of
Commissioners (indiscernible)

And that’s all for communications and
correspondence.

MR. PETRACCO: Thank you. Okay. And seeing no
reports, we’ll move on to bills.

THE CLERK: Yes, Mayor. As of Tuesday, September
5th, 2013, Public Affairs $20,051, Revenue & Finance
$2,774,773, Public Safety $82,493, Public Work
$100,217, Parks & Public Property $615,415, Payroll as
of August 30th, 2013 $792,592.25 for a grand total bills of
$3,550,946.00. And that’s all for bills this evening,
Mayor.

MR. PETRACCO: Move the bills.

UNIDENTIFIED MALE: Second.

THE CLERK: Commissioner Rogers?

MR. ROGERS: Aye.

THE CLERK: Commissioners Tucci?

MR. TUCCI: Aye.

THE CLERK: Commissioner Scarpelli?
MR. SCARPELLI: Aye.

THE CLERK: Mayor Petracco?

MR. PETRACCO: Aye.

THE CLERK: Thank you, Mayor.

MR. PETRACCO: Okay. Now, we're going to take something out of order. Commissioner Tucci, would you like to go first?

MR. TUCCI: Yes, thank you, Mayor.

Going back some years once our children were done playing Little League Baseball they would just naturally gravitate to Senior League. Then for whatever reason the Senior League numbers weren't what they should have been and Senior League no longer existed.

When you have people that you work with that listen to what people in town want and what our children need we have a positive result like we're going to witness this evening.

Frank Demao (phonetic) my new Director of Recreation always listening to people, always talking to people about programs that we have and programs that we need and what we can do better. In speaking to some of our parents, came to me and said, you know, we really need to reestablish our 7th and 8th grade baseball program and here in Nutley our Senior League was an internal league, we never went outside of Nutley. He said I want to change it a
little bit if that's okay, I'd like it to be a travel team so we can take our most talented and our brightest and best and continue to cultivate them into some of the finest baseball players in the State of New Jersey.

Well, we were smart enough to listen to Frank on this occasion, we reestablished this team and this team tonight is here to be honored because of the outstanding season or outstanding performance in honor of their season.

So, I'd like to present this resolution not only to all the players and their parents, but also to my Director of Recreation for an excellent recommendation and this reads as follows,

Whereas, the 14U Elite Baseball Team has enjoyed and outstanding inaugural season, posting an overall record of 20 wins and 7 losses; and

Whereas, the members of the 14U Elite Baseball Team are Michael Purcell, John Lewis, Jake Ramezzana, Seth Antonicello, Sean Bernardo, Marty Higgins, Gregory Dahl, Sabino Coppola IV, Mark Charles, John Kruse, Devin Ortiz, Doug Edert, Anthony Berardinelli; and

Whereas, Head Coach John Isabella, along with Assistant Coach Dominick Auriemma who were also outstanding Nutley High School Baseball Players, worked tirelessly to train and guide these athletes; and

Whereas, the members of the 14U Elite Baseball
Team were the Montville Travel Baseball League Champions with a record of 11-1;

Now therefore, be it resolved, that the Board of Commissioners of the Township of Nutley, County of Essex, join with the citizens of Nutley to honor and congratulate the members and coaches of the 14U Elite Baseball Team, for their exceptional efforts and accomplishments.

I proudly move this resolution.

MR. SCARPELLI: Second.

THE CLERK: Commissioner Rogers?

MR. ROGERS: Aye.

THE CLERK: Commissioner Tucci?

MR. TUCCI: Aye.

THE CLERK: Commissioner Scarpelli?

MR. SCARPELLI: Aye.

THE CLERK: Mayor Petracco?

MR. PETRACCO: Aye.

MR. TUCCI: Would you please come forward?

(Applause)

MR. PETRACCO: Mr. Scarpelli?

MR. SCARPELLI: Yes, Mayor. It is my pleasure and honor to read this resolution for Loretta Kwapniewski, a long time employee of the township and one of our most conscientious employees.

Whereas, Loretta Kwapniewski has been a Nutley
resident for 58 years and has a 19 year-old son, Michael; and

Whereas, Loretta was employed by the Township of Nutley, Parks and Public Property Department as a part-time Official and Playground Director from 1966 to 1972; and

Whereas, Loretta started as a full-time Recreation Supervisor from 1972 through 2003; and

Whereas, Loretta then started as a Water Meter Reader with the Department of Public Works from 2003 through 2013; and

Whereas, Loretta has worked with the Township of Nutley for 46 years and in that time has helped institute programs for girls and women and helped expand the recreation programs; and

Whereas, Loretta was also a softball official for 25 years for the men and women softball league; and

Now, therefore, be it resolved by the Mayor and the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey that the significant and professional contributions of Loretta Kwapniewski of the Township of Nutley be hereby recognized. The Board of Commissioners wish you all the happiness and good health to Loretta and her son Michael; and

Be it further resolved, that the gratitude of this community be hereby extended to Loretta Kwapniewski for her
distinguished contributions and service to the Township of Nutley. I move the resolution.

MR. ROGERS: Second.

(Applause)

THE CLERK: Commissioner Rogers?

MR. ROGERS: Aye.

THE CLERK: Commissioner Tucci?

MR. TUCCI: I vote Aye, but I'd also like to say something. Loretta, as you know started in the Parks Department and she was an outstanding colleague. She had the highest ethical standards one could think of. The programs that she managed and created for us over the years were second to none and I'm just as proud as Commissioner Scarpelli this evening, Loretta, to honor you.

MR. SCARPELLI: I didn't vote yet.

MR. TUCCI: We have to finish voting.

MR. SCARPELLI: I don't think you did either.

MR. TUCCI: Aye. Yes.

THE CLERK: Okay. Commissioner Tucci?

MR. TUCCI: Aye.

THE CLERK: Commissioner Scarpelli?

MR. SCARPELLI: Aye.

THE CLERK: Mayor Petracco?

MR. PETRACCO: And before I cast my vote I have to say, Loretta, you are what Nutley is all about to me. You
(indiscernible) I don't know Nutley without you to be perfectly honest with you, but you're what the township is all about and you did a great job here and you will be dearly missed and I very proudly vote Aye.

(Appause)

MR. PETRACCO: Why don't we do the ordinances now.

THE CLERK: Mayor, we have an ordinance introduction this evening on the agenda.

MR. PETRACCO: Yes, for Commissioner Evans. Commissioner Tucci is going to read that.

MR. TUCCI: Yes, thank you, Mayor.

This is an ordinance to amend an ordinance codified in the Code of the Township of Nutley, Chapter 700, entitled Zoning, particularly Article 5, (General Regulations), Section 9 entitled Permitted Uses in R-1 Zoning District & Article 11 (Accessory Buildings, Uses and Fences), Section 71 entitled Fences and Retaining Walls, to delete and amend the requirements set forth therein.

I move that this ordinance be passed to a second meeting and advertised in The Nutley Sun together with the notice required by law and that further consideration of said ordinance for final passage by the Board of Commissioners to be held at its second meeting of --

THE CLERK: Tuesday, October 4th, 2013,

Commissioner.
MR. TUCCI: I move the ordinance.

UNIDENTIFIED MALE: Second.

THE CLERK: Commissioner Rogers?

MR. ROGERS: Aye.

THE CLERK: Commissioner Tucci?

MR. TUCCI: Aye.

THE CLERK: Commissioner Scarpelli?

MR. PETRACCO: He ran downstairs for a minute.

THE CLERK: Mayor Petracco?

MR. PETRACCO: Aye.

And now we have a public hearing also for Commissioner Evans that's going to be read by Commissioner Tucci.

MR. TUCCI: Sure. This is an ordinance amending an ordinance, again codified in the Code of the Township of Nutley, Chapter 228, entitled Vehicles and Traffic, particularly Article 2, (Parking of Certain Streets), Section 13 entitled Parking Prohibited at all to add the location set forth therein and that is Passaic Avenue.

MR. PETRACCO: Is there anyone here this evening that would like to comment on Ordinance Number 3248?

Seeing no one.

MR. TUCCI: I move we close the hearing.

MR. PETRACCO: Second.

THE CLERK: Commissioner Rogers?
MR. ROGERS: Aye.

THE CLERK: Commissioner Tucci?

MR. TUCCI: Aye.

THE CLERK: Commissioner Scarpelli?

MR. SCARPELLI: Aye.

THE CLERK: Mayor Petracco?

MR. PETRACCO: Aye.

MR. TUCCI: I move the ordinance.

MR. PETRACCO: Second.

THE CLERK: Commissioner Rogers?

MR. ROGERS: Aye.

THE CLERK: Commissioner Tucci?

MR. TUCCI: Aye.

THE CLERK: Commissioner Scarpelli?

MR. SCARPELLI: Aye.

THE CLERK: Mayor Petracco?

MR. PETRACCO: Aye.

Commissioner Tucci, are we going to stay with resolutions? Oh, you read yours. Okay, we took that out of order. And now we'll move on to Commissioner Evans.

MR. ROGERS: I will read the resolutions on behalf of Commissioner Evans. Resolution Number 214-13;

Whereas, the Township of Nutley entered into a contract with Total Lawn Care & Landscape Services, LLC, 471 Elizabeth Avenue, Somerset, New Jersey on August 7th, 2012
for property maintenance and brush, grass and weed removal
for a period of one year with an option to renew for two one
year periods;

Whereas, on July 2nd, 2013 the Township of Nutley
Board of Commissioners passed a resolution to extend the
contract with Total Lawn Care and Landscape Services an
additional year from August 7th, 2013 to August 7th, 2014;

Whereas, Total Lawn Care and Landscape Services,
LLC have been unable to meet the terms of their contract and
specifications set forth by the Township of Nutley for
proper maintenance and brush, grass and weed removal and
therefore is a breach of the agreement;

Now, therefore, be it resolved that the Township
of Nutley terminate the contract with Total Lawn Care and
Landscape Services, LLC, 471 Elizabeth Avenue, Somerset, New
Jersey, effective immediately and pay any outstanding
balances due to them after submission of the proper
documentation. So moved.

MR. SCARPELLI: Second.

THE CLERK: Commissioner Rogers?

MR. ROGERS: Aye.

THE CLERK: Commissioner Tucci?

MR. TUCCI: Aye.

THE CLERK: Commissioner Scarpelli?

MR. SCARPELLI: Aye.
THE CLERK: Mayor Petracco?

MR. PETRACCO: Aye.

MR. ROGERS: Resolution 215-13 on behalf of Commissioner Evans.

Whereas, the Township of Nutley has a continuing need for lawn care services consistent with the requirements of our property maintenance ordinance; and

Whereas, the Township of Nutley has a need to appoint an interim provider of these services through December 31st, 2013; and

Whereas, landscapers were permitted to pick up specifications for grass and shrubbery cutting and debris removal services and submit quotes from the Code Enforcement Office effective August 22nd, 2013; and

Whereas, four landscapers picked up specification packages, Brancato Landscaping Contractor, LLC was the only landscaping contractor to return specifications to the Code Enforcement Office; and

Whereas, Brancato Landscaping Contractor, LLC, 105 Ohlson Avenue, Nutley, has agreed to accept the terms of our existing agreement including pricing as follows: .05 per square foot for cutting weeds/grass below 12 inches, .07 per square foot for cutting weeds/grass about 12 inches in height, and $80 per hour for shrub cutting and debris removal; and
Whereas, funds are available from Capital Ordinance 3216 in the amount of $10,000 and that have been certified by the chief financial officer, said certificate being attached to this resolution.

Now, therefore, be it resolved that the Township of Nutley enter into a contract with Brancato Landscaping Contractor, LLC, 105 Ohlson Avenue, Nutley for brush, grass and weed removal until December 31st, 2013. So moved.

MR. SCARPELLI: Second.

THE CLERK: Commissioner Rogers?

MR. ROGERS: Aye.

THE CLERK: Commissioner Tucci?

MR. TUCCI: I abstain.

THE CLERK: Commissioner Scarpelli?

MR. SCARPELLI: Aye.

THE CLERK: Mayor Petracco?

MR. PETRACCO: Aye.

Okay. Commissioner Scarpelli, please.

MR. SCARPELLI: This is a resolution for the submission of a grant contract.

Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Park Avenue Improvement Project.

Now, therefore, be it resolved, that the mayor and commissioners of the Township of Nutley, in the County of
Essex, State of New Jersey, formally approves the grant application for the above stated project.

Be it further resolved that the mayor and clerk are hereby authorized to submit an electronic grant application identified as MA-2014 Nutley Township-00204 to the New Jersey Department of Transportation on behalf of the Township of Nutley.

Be it further resolved that the mayor and clerk are hereby authorized to sign the grant agreement on behalf of the Township of Nutley and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement. I move the resolution.

MR. ROGERS: Second.
THE CLERK: Commissioner Rogers?
MR. ROGERS: Aye.
THE CLERK: Commissioner Tucci?
MR. TUCCI: Aye.
THE CLERK: Commissioner Scarpelli?
MR. SCARPELLI: Aye.
THE CLERK: Mayor Petracco?
MR. PETRACCO: Aye.
MR. ROGERS: Approval to submit a grant application and execute a grant contract with New Jersey Department of Transportation for the funding of new
sidewalks on Washington Avenue.

Now, therefore, be it resolved that the mayor and commissioners of the Township of Nutley formally approve the grant application for the above stated project.

Be it further resolved that the mayor and municipal clerk are hereby authorized to submit an electronic grant application identified as SST-2014eNutley Township-00835 to the New Jersey Department of Transportation on behalf of the Township of Nutley.

Therefore, be it resolved that the mayor and municipal clerk are hereby authorized to sign the grant agreement on behalf of the Township of Nutley and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement. I move the resolution.

MR. ROGERS: Second.
THE CLERK: Commissioner Rogers?
MR. ROGERS: Aye.
THE CLERK: Commissioner Tucci?
MR. TUCCI: Aye.
THE CLERK: Commissioner Scarpelli?
MR. SCARPELLI: Aye.
THE CLERK: Mayor Petracco?
MR. PETRACCO: Aye.
MR. ROGERS: That’s all I have, Mayor.
MR. PETRACCO: Thank you.

Whereas, raffle applications have been received from the following organizations; and Rotary Club of Nutley, License Number 55-13 Off Premise 50/50 cash raffle, November 21st, 2013. St. Mary's RC Church, License Number 56-13 Pull Tab, January 7th, 2014 through December 30th, 2014, every Tuesday. St. Mary's RC Church, License Number 57-13 Bingo, January 7th, 2014 through December 30th, 2014, every Tuesday.

Whereas, the applications have been reviewed and approved by the municipal clerk and the police department.

Now, therefore be it resolved by the Board of Commissioners, Township of Nutley, County of Essex, that the licenses are approved and the municipal clerk is authorized to issue the licenses. I move the resolution.

MR. TUCCI: Second.

THE CLERK: Commissioner Rogers?

MR. ROGERS: Aye.

THE CLERK: Commissioner Tucci?

MR. TUCCI: Aye.

THE CLERK: Commissioner Scarpelli?

MR. SCARPELLI: Aye.

THE CLERK: Mayor Petracco?

MR. PETRACCO: Aye.

And my final resolution I will read is jointly
with Commissioner Tucci, we'll produce it together.

MR. TUCCI: Thank you, Mayor.

MR. PETRACCO: 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 of quotes (RFQ's) for Special Redevelopment Counsel.

Be it further resolved that the request for the quotes, (RFQ's) shall be due on Friday, September 13th, 2013 at 3:00 p.m. addressed to Evelyn Rosario, Municipal Clerk, Nutley Township Hall, One Kennedy Drive, Nutley, New Jersey, 07110. I move the resolution.

UNIDENTIFIED MALE: Second.

THE CLERK: Commissioner Rogers?

MR. ROGERS: Aye.

THE CLERK: Commissioner Tucci?

MR. TUCCI: Aye.

THE CLERK: Commissioner Scarpelli?

MR. SCARPELLI: Aye.

THE CLERK: Mayor Petracco?

MR. PETRACCO: Aye.

Okay. That concludes our business portion of the meeting. Is there anyone this evening that would like to approach the Board of Commissioners? Please come up.

Please state your name and address for the record. We'll
get to every one of you, okay. You can come first, sir.

Oh, okay, excuse me, Madam Clerk will just read
one statement into the record.

THE CLERK: All persons addressing the Board of
Commissioners regarding community concerns should approach
the microphone and provide their name and address for the
record.

Unless further time is granted by the Board, each
person shall limit their address to five minutes. All
remarks to the Board and its individual members must be
addressed to the mayor. The mayor defer citizen comments to
the appropriate member of the Board.

Follow up between citizens and others addressing
the Board should be (indiscernible). Your name and address,
please.

MR. STAFFORD: My name is George Stafford, I live
at 16 Kitchell Avenue in Wharton, New Jersey and I appear
tonight before the Board as the Outreach Director for the
New Jersey Highlands Coalition.

I have with me a resolution of support for the New
Jersey 2004 Highlands Water Protection Act and it is the
opinion of The Coalition that the act is under a severe
pressure to make changes.

And as your community, according to the U.S.
Geological Survey, receives between 50 and 75 percent of its
drinking water from The Highlands, this is of concern to you. There is a lot of pressure on The Highland Council to make changes to do work arounds, have exemptions and various things.

There is also a minority report questioning the scientific basis for The Highlands Act and the regulations that Highlands Act put forth. One of these is increase in the allowable nitrate levels in ground water, which of course becomes drinking water for the 244 communities in Northern Central New Jersey that receive their water from The Highlands.

That represents some 5,000,000 people in the State of New Jersey who get some or all of their water from Highland sources.

The Highlands Council meets in The Highlands, there's a great deal of pressure from property owners and people who come to meetings. I was directed by The Highlands to reach out to different communities to show that their support for The Highlands Act, we don't get much of that at council meetings, from the receiving communities like yours.

I use to be a town councilman in my hometown for ten years, they had a resolution that they wanted me to bring forth that was 950 words long, three pages. Being an old town councilman, I edited that down to about 165 words.
and it just basically says that you support the tenants of
The Highlands Act of 2004, which basically asked the
council, which is 15 members for people in The Highlands and
counties that are represented in The Highlands, to do a
balancing act between property rights and the development
rights of the people in The Highlands and the development
rights and water rights of the people who receive their
water from The Highlands.

We don't want the balance to tip in favor of the
people in The Highlands when there are so many people in the
State of New Jersey that depends on The Highlands for water.

So, just to give you an example, if you pave over
an acre or roof over acre in The Highlands, given that we
get about 45 inches in a normal year, but that acre will
produce 4,000,000 gallons of runoff if it's paved over.

If it's not paved over and it's a recharge area
then a large percentage of that water is going to go into
ground water that's going to come to people who the water in
a way that it can be utilized.

Runoff water, as we all know -- I'd like to say
that bodies like this, you get water one of two ways from
The Highlands, you either get it out of the tap or it comes
through your basement window.

So, we want to have, obviously, more coming out of
the tap and less in the basement window so that's what this
resolution is all about.

On the resolution is my contact information, email and telephone. You can call me if you have any questions or if I can enlighten you further or if you’d like me to come back or communicate anything you’d like to do.

I’m also going to leave in my little packet here some flyers on our First Annual Highlands Festival that we’re having on the 21st and 22nd of this month.

There’s also a map here which indicates whether the receiving towns and where the towns in The Highlands are and which towns in Essex County get their water and how much they get. So if I can leave this with your clerk for distribution to you, I’ll be happy to do that.

(Pause)

MR. STAFFORD: If you have any questions now, I’d be happy to answer them, if not I’d be more than happy to get back to you at a future date. And if at a future meeting you could put this on your agenda and consider it, we’d appreciate that.

MR. PETRACCO: I don’t have any questions, but in our form of government, Mr. Scarpelli is in charge of our water.

MR. SCARPELLI: I’ll take a look at the information. Make sure, Madam Clerk, you can get that out to everybody so we can take a look at it.
MR. STAFFORD: If you have a question, please call me or email me, that’s not a problem.

MR. PETRACCO: Okay. Thanks so much for coming.

MR. STAFFORD: I think I got it under five --

MR. PETRACCO: You got it under your time limit.

MR. STAFFORD: Thank you very much. I appreciate your time.

MR. PETRACCO: Thanks again. Anyone else?

(Pause)

MS. GRAZIANO: My name is Lori Graziano and I live at 25 Wilson Street.

MR. GRAZIANO: I’m Sam Graziano and I live at 25 Wilson Street, Nutley, New Jersey. We’re here with our bird problem. Mr. Rogers and Mr. Tucci knows all about it, which they’re doing nothing about it.

We keep calling you, Mr. Tucci -- we call Mr. Tucci, I’ll get back to you, we don’t hear. Rogers is a little better, we call him, he says okay, he calls you, but then they do nothing.

We’re sitting up here, we got a whole neighborhood with birds -- birds, birds, birds. (Indiscernible) The birds -- I can’t open the windows on my house, I can’t put my air conditioners on, I’ve got a wife who sleeps with oxygen, but nobody seems to care.

Every time we complain, you send the town out
there, they cut a couple of branches and oh, they’ll keep quiet now. The problem -- Mr. Rogers, when you became commissioner, you came over to me and said, Mr. Graziano, this is my baby, don’t worry about nothing. You know what, you’ve made me -- there’s crap all over the neighborhood. The two of you don’t do nothing.

Mr. Tucci, the big park man, I look out my window and I look across the street at that park, it’s a shame. The weeds are knee high, the (indiscernible) has got grass in it and you do nothing. I wonder what’s going on. Are you going to satisfy us or are you just going to ignore us like you’ve been doing? What have you got to say for yourselves?

MR. TUCCI: Are you done?

MR. GRAZIANO: Go ahead.

MR. TUCCI: Are you done? Because I’d like to respectfully answer you. Number 1, we’ve been fighting this battle for the last two or three years. We’ve sent the Fire Department up there to spray the Starlings. And the issue I’m hearing is that we have thousands of Starlings that nest in the trees.

We’ve called the DEP, we’ve called -- we’ve even contacted some private firms, is to disrupt them otherwise they keep coming back.

MR. GRAZIANO: Whatever you’re doing isn’t --
MR. TUCCI: Let me finish. Let me finish. I listened to you, just please listen to me.

We sent the Fire Department there, the Fire Department sprayed them and they would fly away and they come back and they keep coming back.

Then what we did in conjunction with Commissioner Rogers is, we bought some chemical sprayers that are not harmful to any of the residents but they’re annoying to the Starlings and we put them up there and they’re still up there and that worked for a little while. It didn’t solve the problem, absolutely.

Then what we did is we purchased four sound devices --

MR. GRAZIANO: Where? I don’t see anything (indiscernible) --

MR. TUCCI: Mr. Graziano, please, I know you a long time. Let me finish. I’ll be happy to listen to anything you have to say and any suggestions you have.

I don’t wake up every morning and say, how can I aggravate the people, I listen to them, but how can I keep the Starlings there so that they annoy you and the people on Romano Street and everywhere else? Okay. That’s not why we do these jobs, all right.

But we put the sound devices in, spent I’m going to say just short of $10,000 with the batteries that are
located up in the trees, that worked for a little while.

Unfortunately, it did not solve the problem. I'll
absolutely admit to that.

Then what we did, we don't go and cut a few
branches, we sent a crew in there and we thinned out that
whole tree line and to say that I never responded to you and
never came to your house is just not true. Because I've
been there, I've talked to you, I've received your letters,
some that were kind of nice, some that were not so nice.
But it didn't deter anything, didn't stop anything from
continuing on.

We have a couple of more options that we're
exploring now to try and get rid of them and it's not all
the Starlings, it's the Starlings and the Geese in the
parks, which do make a mess. Our people do go out, they do
clean the Bocci Court, they clean the fountain, they clean
the bench. Maybe we don't have enough people to do it every
day or as often as we would like to, but there is an effort.
You're not being ignored and short of cutting down that
entire tree line, which I understand is your latest
suggestion, which I can tell you is not going to happen, we
need to find another option.

The two latest options that we have and we've been
researching this, one is to hire a falconer who comes with
several Falcons to scare them away because they're natural
predators. The danger with that is, if there are any small
dogs or any small animals in the area they may also attack
them, so not a real attractive option.

The other is to employ an outfit out of Montana
that sends out drones to disrupt them and scare them away.
The problem is from where your house is and where the tree
line begins we scare them, they just keep going back further
and as soon as we stop they come right back.

If you have a reasonable recommendation on how we
can get rid of them, I’d be more than happy to, but for you
to stand there and say that we just ignored you and we
didn’t do anything is just not true.

MS. GRAZIANO: I’d like to speak now.

MR. TUCCI: Please.

MS. GRAZIANO: What I have to say is, last week I
read in the Nutley Sun how Nutley (indiscernible) not
allowing people to smoke in the alley way (indiscernible) we
need clean air across the street from where I live. My
daughter came down with Asthma, my eyes are irritated
(indiscernible) I go home from work with my eyes
(indiscernible) my son can’t breathe, he has a heart
condition, my mother has a heart condition.

(No audio)

MS. GRAZIANO: They go away in the winter. They
fly away, they come back every year, so what’s it solving?
It isn’t solving anything. I’ve spoken to a million people about this (indiscernible) chemicals? I don’t recall any chemicals.

(No audio)

MS. GRAZIANO: I am not asking you to cut down the trees. I love the park, I would love to play Bocci Ball, I love that Bocci Ball Court (indiscernible). You can’t go over there, you can’t sit there. People who live on Romano Street, their decks, the street, everything is covered in feces.

I have to go out in my good clothes for work, spray down my car every morning; is that really necessary? I take my -- I don’t have health insurance for my -- I have to go all the way to Philadelphia to take my children to special doctors for their health reasons which I believe is because of the (indiscernible).

(No audio)

MR. TUCCI: Mrs. Graziano, I don’t want anyone’s child to drink out of any water fountain that isn’t 100 percent sanitized. We don’t want you to wake up every morning and come out and rinse your car off because of the birds. But we have a situation that we’re trying to resolve. There is no easy answer. Are you recommending that I hire a company to just exterminate them and kill them all, kill thousands of birds; is that what you want me to
do?

MS. GRAZIANO: I’m recommending that you
(indiscernible)
(No audio)

MR. GRAZIANO: You talk like this has been going
on for two years, this has been going on for eight years.
For eight years. How much more can we stand?

MR. TUCCI: And what has occurred for eight years?
You’re going to stand there and say you were ignored for
eight years?

MR. GRAZIANO: The birds have still been there.
Nothing has --

MR. TUCCI: Mr. Graziano, you live across the
street from a park, that’s where birds live.

MR. GRAZIANO: No --

MR. TUCCI: I recognize the fact and understand
that it’s an intolerable situation that we’re trying to
resolve. Unfortunately, this is a force of nature. There
is no easy answer. It’s not because of an unwillingness to
resolve it.

(No audio)

MR. TUCCI: We have begun to thin out the trees,
we continue to thin out the trees. We continue to thin out
the trees. We have many trees in town that we need to
address, many dangerous situations. And I’m not saying that
this can't develop into a dangerous situation as far as health is concerned, that's why Commissioner Rogers and the Health Department are monitoring it.

MR. GRAZIANO: We've been living on promises and everybody saying, we're doing this, we're doing that --

(No audio)

MR. PETRACCO: Commissioner Rogers wanted to say a few words if he can.

MR. ROGERS: Mr. Graziano, every phone call, every phone call that you made to me, did I not call back?

MR. GRAZIANO: You did call back, but nothing has --

MR. ROGERS: Let me finish. Every phone call you made to me before I called you, I called Commissioner Tucci and him and I collaborated on this every single time -- and I'm not talking about one phone call, I'm talking about a lot of phone calls.

Every letter and I think there's one or two and also calls from some of your relatives, every single communication to me I responded to and I'll tell you how I responded, not only through a phone call or a letter or an email, but I called Mr. Tucci, all hours of the day, on Sunday or at 6:00 in the morning, while everyone was sleeping, I suppose, and we would look at the area, at 7:00 at night, at 8:00 at night. When I found out the birds were
flying from one area of town to your section of town at
about seven or 8:00 at night, I stood out there with
Commissioner Tucci and we were waiting for the birds. We
wanted to see actually where they were coming from.

But what I'm concerned about is this, to say we've
done nothing is not true, is not true and it's unfair to us.
And look, I've said to you, you have legitimate concerns and
you do. I've said to you, this is a tough situation.

I've had my health officers go up there, I've had
my health officer call Canada, call another country to find
out if we could get some experts in to help us with this and
the common denominator of all the experts that I called said
this, Mr. Rogers, you're dealing with nature and it is a
tough nut to crack.

But what I would share with you tonight is exactly
what Mr. Tucci offered to you, we have done a lot and we
intend to do more. It's an experiment, it's a work in
progress. We're fighting nature. There's nothing I can do
to fight nature and to try to win that battle now, perhaps
there's a technology, perhaps there's something there that
we're unaware of yet, but we're going to track it down.

But please don't come before the public and lead
people to believe that we've done nothing, that's not true.

(No audio)

MR. ROGERS: -- nothing that's succeeded yet.
What are you doing about it? And the answer is, we haven’t ignored this and we don’t intend to ignore. And to answer your question, go to the experts, we have. We’ve made phone calls, I just shared with you, we made a phone call to Canada, I did personally.

Because, I’m curious myself, I want to know how we can conquer this problem. You know, I was a police officer here for 38 years and 38 years ago I remember we had the same problem up in the Spring Garden section, there were Starlings up there and at that time they tried everything, including having police officers go out and shoot hundreds of birds down out of the trees. Shoot them out of the trees. Even shooting them didn’t solve the problem.

So, please, believe me, we’re not ignoring it. We’re doing everything we could. Continue to make your calls, continue -- and I’m sure Commissioner Tucci will -- it’s not a problem when you call. Call, let us know your concerns.

As far as Romano Street is concerned, we’ve been there too and I’ve spoken to the owner of that house and he has a problem.

MR. GRAZIANO: When was the last time you were there?

MR. ROGERS: I was there Friday.

MR. GRAZIANO: You were there Friday?
MR. ROGERS: I was there Friday, yes.

MR. GRAZIANO: How does the Bocci Court look?

MR. ROGERS: The Bocci Court does not look good. It doesn't look good.

(Speaking simultaneously)

MR. ROGERS: Tell me, give me a suggestion. Maybe I've missed something, do you have an idea? Okay. Let's hear it.

MS. GRAZIANO: Fine. Summer is almost over (indiscernible) thin out the tree lines, cut them back, cut them down. Because I've lived there all my life and --

MR. ROGERS: Mrs. Graziano --

MS. GRAZIANO: Let me finish, please.

MR. ROGERS: Okay. Go ahead.

MS. GRAZIANO: Never had a problem with the birds. Seven years ago is when I noticed (indiscernible).

He must be turning over in his grave -- what is going on there because (indiscernible) Bocci Ball Court -- nobody can use it. Everybody brags about the parks in Nutley, how gorgeous they are, we have nice parks, they're taken care of -- (indiscernible).

Why can't they come and thin it out? I don't understand what (indiscernible).

MR. ROGERS: We even talked about -- and this is kind of out of the box, but this is what -- we talked about
even putting a giant net over the darn trees to prevent them from coming. But we’ve tried and we’ve thought about everything and we’re going to continue to do that, but it’s a tough nut to -- it’s nature. It’s like trying to fight a hurricane, it’s touch.

MR. TUCCI: And we will continue to thin out the trees. Once we can get in there, as far as we can get in, we will get in -- I just sent another young man to school to learn how to climb. We were a little handicapped for awhile, our main climber was out and eventually retired on disability. Now we have a new young man that’s learning how to climb, that we’re going to send him there to thin the trees out and do everything possible to rectify the situation.

(Speaking simultaneously)

MR. TUCCI: It’s a question of hitting on what’s going to work and, unfortunately, so far everything we’ve done have not deterred the birds from coming back, but we’re not stopping.

Whether you see us or not, we’re not stopping, we’re going to continue until eventually we rectify this. We don’t want you or anybody else to be in an unhealthy situation. We don’t want any of our parks -- and yes, I am Mr. Parks and I wear that label proudly because each and every one of our parks are gorgeous.
We have a problem right now in your area, across the street from your house and we also have a Geese problem that we’re trying to deal with, but again, these are forces of nature. They’re not easy problems to overcome. It’s not like a dead tree in front of house that we can come in and remove and rectify the situation and make it safe.

MS. GRAZIANO: And there are dead trees there that are not removed.

MR. PETRACCO: Mr. Graziano —

(speaking simultaneously)

MR. TUCCI: We can go back and forth all night long. If someone has a credible recommendation or can help us in any way we’re willing to listen.

(no audio)

MR. FINNELLY: Dave Finnelly, 25 Wilson Street. I’ve been a tree man for 20 years. I’ve been in Parks & Recreation for 20 years (indiscernible) and there is a solution,

I’ve checked into. Bird Doctor, they had a problem with the European Starlings in Washington Township up the parkway with the firehouse, bird droppings all over. They did the gas treatments and it stopped.

MR. TUCCI: What happened with the -- what is the gas treatment? Explain to us what that is?

MR. FINNELLY: Non-lethal to humans, it’s just a deterrent to the European Starlings, it gets rid of them.
The success rate is great.

MR. TUCCI: I would love to get that information from you and if that's a solution that will work --

MR. FINNELLY: You can get it right online, it's Bird Doctor.

MR. TUCCI: We've been online --

MR. FINNELLY: They're right out of Paramus.

MR. TUCCI: I will call them first thing tomorrow morning. Thank you.

MR. FINNELLY: You're welcome.

MR. KANE: My name is Timothy Kane, 53 Wilson Street. I appreciate the time to speak about this. I support their concern, my neighbors concern about the Starlings. They're an invasive species, they don't belong here. Eradicating them wouldn't break my heart. Save the Geese, though, they taste delicious. Thank you.

The thing is that I've lived in this house for 13 years, my wife grew up there. We used to be able to watch the fireworks from our house, the tree line is overgrown. I would support topping the trees, thinning them out significantly.

There's other solutions, but I think you need more than one solution. They're an airborne hazard. Jet airplanes are just 100 feet above them. God forbid one of those airplanes sucks in 40 of those thousand birds, it's
coming down in somebody’s backyard.

It is a big, big problem. I know the Geese are an issue, but this is huge. It’s stinks. You can’t walk your dog. I got a lab, the dog finds dead birds all over the place. It’s not healthy, it isn’t getting better and I think there’s more than one solution that needs to be applied to this situation. Thinning out the trees will help. I believe the gassing issue will help. Eradicating them completely -- they’re everywhere.

They come from Kearny, they come from down by Clairmont Hospital, they come from the golf course, they come from everywhere, but they roost here. This is where they come to roost.

MR. PETRACCO: Why is that? Do you know that?

MR. KANE: Because it’s a desirable location for them. You get rid of the desirable location, they will move someplace and it will be somebody else’s problem. I’m not suggesting that we kick the can down the road. Thinning out the trees will help us, but eradicating them as a pest will help everybody. Thank you.

MR. PETRACCO: Thank you.

Is there anyone else this evening?
Sure, come up.

Please state your name and address for the record.

MR. DUNN: My name is Gary Dunn, I live at 22
MR. DUNN: Thank you.

MR. TROCCO: And Mr. Dunn, just for your information, we can absolutely trim those trees back.

MR. PETRACCO: Thank you.

My only concern here -- we're trying to win a war, we've got to try to win a battle. And the only battle I'm asking for is for my fence. The trees are overhanging and the two cars are completely getting bombarded.

It seems that they've gotten immune to the ones we've been using. Now, my only concern is -- maybe different distress calls. We could try some different distress calls.

And the only battle I'm asking for is for my fence. The trees are overhanging and the two cars are getting bombarded.

Now, my only concern is -- maybe different distress calls. We could try some different distress calls.

MR. DUNN: Thank you.
MR. TUCCI: We've done it before and we can do it again and continue.

MR. DUNN: Thank you.

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

Seeing no one. I need a motion.

MR. SCARPELLI: Adjourn.

MR. ROGERS: Second.

THE CLERK: Commissioner Rogers?

MR. ROGERS: Aye.

THE CLERK: Commissioner Tucci?

MR. TUCKI: Aye.

THE CLERK: Commissioner Scarpelli?

MR. SCARPELLI: Aye.

THE CLERK: Mayor Petracco?

MR. PETRACCO: Aye.

(Whereupon, these proceedings were concluded at 8:12 PM)
CERTIFICATION

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

Sheri Monroe, CET**00435

Date: September 28, 2013
September 3, 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

Commissioner Steven Rogers

Commissioner Mauro G. Tucci

Commissioner Thomas J. Evans
Absent/Excused

Commissioner Joseph P. Scarpelli

Mayor Alphonse Petracco
TO: Mayor Alphonse Petracco  
Commissioner Joseph P. Scarpelli  
Commissioner Mauro G. Tucci  
Commissioner Steven L. Rogers

FROM: Rosemary Costa, Treasurer, C.F.O.

DATE: September 3, 2013

SUBJECT: Notification of Determination and Award

In accordance with N.J.S.A. 40A: 2-25, I am submitting the certificate of Determination and Award as it pertains to the General Obligation Bond Sale held on August 29, 2013 which will close on September 12, 2013.

Cc: Commissioner Thomas J. Evans
DETERMINATION AND AWARD CERTIFICATE

I, ROSEMARY COSTA, Chief Financial Officer of the Township of Nutley, in the County of Essex, New Jersey (the “Township”), HEREBY CERTIFY as follows:

1. Pursuant to due advertisement, the bids attached hereto as Exhibit A were received by electronic bid at the advertised time and place for the sale of the $4,700,000 General Bonds of 2013 (the “Bonds”) of the Township. Each of said bids is in legally acceptable form, and the check, wire transfer or financial surety bond required by the advertised notice was duly and timely received with respect to each such bid.

2. By virtue of authority conferred upon me by resolution (the “Resolution”) of the governing body of the Township adopted August 6, 2013 and entitled: “Resolution determining the form and other details of $4,700,000 General Bonds of 2013 of the Township of Nutley, in the County of Essex, New Jersey, and providing for their sale”, the Bonds were awarded to Sterne, Agee & Leach, Inc. as purchaser (the “Purchaser”), at the price bid of $4,768,103.

3. The Bonds shall bear interest at the rate or rates per annum specified by the Purchaser in its bid, a copy of which is attached hereto as Exhibit B and by this reference incorporated as if set forth in full herein, and the net interest rate with respect to the Bonds in accordance with such bid is 2.222478%.

4. The Bonds shall mature on the dates and in the principal amounts specified in the Resolution, except that if, and to the extent, provided for in the bid of the Purchaser attached hereto as Exhibit B, certain Bonds shall be aggregated into term Bonds and shall be subject to mandatory sinking fund redemption all as more fully described in the Resolution, the notice of sale for the Bonds and the Purchaser’s bid.
5. I have caused a copy of this certificate to be filed in the office of the Township Clerk as and for the report to the governing body as required by the Resolution.

Rosemary Costa
Chief Financial Officer

Dated: August 29, 2013
EXHIBIT A

Bids of All Bidders
Bid Results

Nutley Twp
$4,700,000 General Bonds of 2013

The following bids were submitted using PARITY® and displayed ranked by lowest NIC. Click on the name of each bidder to see the respective bids.

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*Awarding the Bonds to a specific bidder will provide you with the Reoffering Prices and Yields.

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EXHIBIT B

Bid of Winning Bidder
Sterne, Agee & Leach, Inc - Birmingham, AL's Bid
Nutley Twp
$4,700,000 General Bonds of 2013

For the aggregate principal amount of $4,700,000.00, we will pay you $4,768,1003.00, plus accrued interest from the date of issue to the date of delivery. The Bonds are to bear interest at the following rate(s):

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Total Interest Cost: $639,421.94
Premium: $68,103.00
Net Interest Cost: $571,318.94
NIC: 2.222478

Time Last Bid Received On: 08/29/2013 10:59:18 EDST

This proposal is made subject to all of the terms and conditions of the Official Bid Form, the Official Notice of Sale, and the Preliminary Official Statement, all of which are made a part hereof.

Bidder: Sterne, Agee & Leach, Inc, Birmingham, AL
Contact: Mary Ann Ragan
Title: Sr VP
Telephone: 205-949-3513
Fax: 205-949-3604

Issuer Name: Township of Nutley
Company Name: __________________________

Accepted By: ____________________________ Accepted By: ____________________________

Date: ____________________________ Date: ____________________________

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<td>PUBLIC SAFETY</td>
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<td>PARKS &amp; PUBLIC PROPERTY</td>
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BILL LIST DEPT TOTALS: 20,105.91 2,374,377.43 46,882.69 100,227.77 615,841.55 3,157,435.35
TOWNSHIP OF NUTLEY
BIL LIST
SEPTEMTER 3, 2013

List of payroll submitted for approval by the Board of Commissioners at their regular meeting of SEPTEMBER 3, 2013.

PAYROLL-REGULAR AUGUST 30, 2013:
Department of Public Affairs 16,801.60
Department of Revenue & Finance 57,364.20
Department of Public Safety 414,327.32
Department of Public Works 58,381.78
Department of Parks & Public Properties 74,766.69
Department of Recreation Commission 27,196.00
Water Operations 41,966.55
Due To From General Capital 3,519.91
600 SERIES 76.98
POLICE OUTSIDE DUTY 11,163.75
C.E.H.A. 1,607.63
ACC-U-VAC 35,544.04

Sub Total 742,716.45

PAYROLL-OVERTIME AUGUST 30, 2013:
Department of Public Affairs 0.00
Department of Revenue & Finance 704.29
Department of Public Safety 27,863.30
Department of Public Works 4,755.36
Department of Parks & Public Properties 2,064.17
Water Operations 14,855.68
600 Series 0.00

Sub Total 50,242.80

TOTAL PAYROLL: 792,959.25

GRAND TOTAL: 3,950,394.60

The Payroll list in the foregoing schedule includes amounts to be deducted for:
Federal Withholding Tax 117,078.77
Social Security 26,624.37
N.J. State Tax 27,702.13
Medicare 11,883.94
Wage Execution 3,258.00
Deferred Compensation 45,261.83
Employee Disability Ins. 5,087.44
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 3rd day of September 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 1st day of October, 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, September 12, 2013 Via E-Mail:
publicnotices@northjersey.com

Post Bulletin Board
AN ORDINANCE TO AMEND AN ORDINANCE CODIFIED IN THE CODE OF THE TOWNSHIP OF NUTLEY, CHAPTER 700, ENTITLED ZONING, PARTICULARLY ARTICLE V (GENERAL REGULATIONS), SECTION 9 ENTITLED PERMITTED USES IN R-1 ZONING DISTRICT & ARTICLE XI (ACCESSORY BUILDINGS, USES AND FENCES), SECTION 71 ENTITLED FENCES AND RETAINING WALLS.a, TO DELETE AND AMEND THE REQUIREMENTS SET FORTH THEREIN.

BE IT ENACTED by the Board of Commissioners of the Township of Nutley that Section 9 entitled Permitted uses in R-1 Zoning District be amended as follows:

DELETE

D. A noncommercial swimming pool as an accessory use subject to the following:

(3) An approved fence at least five feet high shall surround such structure and shall contain a gate capable of being securely fastened and locked by the owner, except that above ground pools shall be exempt from this section if it complies with applicable state codes.

ADD

D. A noncommercial swimming pool as an accessory use subject to the following:

(3) An approved fence at least four feet high shall surround such structure and shall contain a gate capable of being securely fastened and locked by the owner, except that above ground pools shall be exempt from this section if it complies with applicable state codes.

BE IT ENACTED by the Board of Commissioners of the Township of Nutley that Section 71 entitled Fences and Retaining Walls of the Code of the Township of Nutley, is hereby amended to set forth the requirements set forth therein:

Article XI Accessory Buildings, Uses and Fences

§ 700-71. Fences and retaining walls

The yard requirements in this chapter shall not apply to fences and retaining walls. The height and other requirements pertaining to fences and retaining walls shall be as herein set forth.
A. No fences of any type shall be permitted in any front yard.

B. A fence erected along the side lines from the front line of a main structure to the rear line of such structure and within such lines shall not exceed four feet in height and shall be not less than two feet in height and shall be of 50% open construction (i.e., the open spaces in the fence shall be at least the same width of each picket, slat or other construction element of such fence). The setback for any such fence shall be in line with the furthest setback of the adjacent property or the property upon which the fence is being erected, whichever setback is greater.

C. A fence erected along the side lines from the rear line of a main structure to the rear property line and along said rear property line and within such lines shall not exceed six feet in height and not be of solid construction. A stockade fence is hereby deemed to be of solid construction.

D. A fence erected on any corner lot shall conform to the fence requirements for the adjoining properties.

E. If, by the application of the provisions of this chapter, because of the location or position of any interior lots, the owners of lands along a common boundary line are restricted to the erection of fences of one or the other of two maximum heights, then, in such case, notwithstanding such provisions, all owners along said common boundary line shall be permitted to erect a fence of the greater maximum height, provided the fence so erected is the kind or type required by the provisions of this article.

F. No permit shall be issued for the construction of any fence, the apparent purpose of which is to obstruct light and air in relation to adjoining property for any fence which shall constitute a hazard, including but not limited to spike, barbed-wire, electrical fences and “spite” type fences. A spite-type fence is any fence that creates a detrimental impact on adjacent surrounding property owners, such as increased restricted use of a vehicle, creates a safety risk or potential motor vehicle damage.

G. The finished side of the fence, as determined by the Construction Official, shall face toward the direction of the adjoining properties.

H. Notwithstanding the foregoing, a stockade fence with no open construction may be erected in accordance with the location and height limitations contained in Subsection C hereof if the written consent of the adjoining property owner or owners is filed with the Construction Official.

I. Notwithstanding the foregoing, fences in all zones other than residential zones shall not exceed eight feet in height, and front yard fences shall also be permitted in such nonresidential zones, not including residential uses, subject to all other provisions of this chapter not inconsistent herewith.
J. All fences erected in a residential zone shall be located a minimum of four inches (4") in from the property lines for fences that require a foundation. At no time can a fence either above or below ground encroach on the adjacent property.

K. Temporary fences such as snow fences, silt fences, garden fences and construction fences do not need permits.

§ 700-72 Fees.

Fees shall be as per construction permit fee schedule

§ 700-73 Effect of provisions.

The provisions of this article shall be superseded or supplemented by more stringent requirements relative to swimming pools and screening as specified elsewhere in this chapter and Chapter 600, Site Plan Review.
NOTICE IS HEREBY GIVEN, that the following Ordinance was approved for final adoption by the Board of Commissioners Township of Nutley, Essex County, New Jersey at a meeting held on Tuesday, September 3, 2013.

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

ALL "AYES" ON A ROLL CALL VOTE

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

Evelyn Rosario, RMC, CMC
Municipal Clerk

Nutley Sun Issue/Thursday, September 12, 2013/Via E-Mail:
publicnotices@northjersey.com
ORDINANCE No. 3248
INTRODUCED BY COMMISSIONER THOMAS J. EVANS
INTRODUCED ON: AUGUST 6, 2013
PUBLIC HEARING AND ADOPTION: SEPTEMBER 3, 2013

ORDINANCE No. 3248
AN ORDINANCE TO AMEND AN ORDINANCE CODIFIED IN THE CODE OF THE TOWNSHIP OF NUTLEY, CHAPTER 228, ENTITLED VEHICLES AND TRAFFIC, PARTICULARLY ARTICLE II (PARKING OF CERTAIN STREETS), SECTION 13 ENTITLED PARKING PROHIBITED AT ALL TIMES TO ADD THE LOCATION SET FORTH THEREIN.

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

ADD

<table>
<thead>
<tr>
<th>Name of Street</th>
<th>Side</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Passaic Avenue</td>
<td>West</td>
<td>From 35 feet south of the extended south curbline of Hancox Avenue, south for 19 feet.</td>
</tr>
</tbody>
</table>

BE IT FURTHER ENACTED that all other terms and conditions and locations in Section 13 and Chapter 228 shall remain as heretofore set forth in the Code of the Township of Nutley, except where such a reading would not give meaning to and further the application of this amendment. In such case and in such event, the terms and conditions shall have a meaning consistent with the intent of this amendment; and

BE IT FURTHER ENACTED that the within ordinance shall become effective after passage and publication, pursuant to law.
WHEREAS, the 14U Elite Baseball Team has enjoyed an outstanding inaugural season posting an overall record of 20 wins and 7 losses; and

WHEREAS, the members of the 14U Elite Baseball Team are Michael Purcell, John Lewis, Jake Ramezzana, Seth Antonicello, Sean Bernardo, Marty Higgins, Gregory Dahl, Sabino Coppola IV, Mark Charles, John Kruse, Devin Ortiz, Doug Edert, Anthony Berardinelli; and

WHEREAS, head coach John Isabella, along with Assistant Coach Dominick Auriemma worked tirelessly to train and guide these athletes; and

WHEREAS, the members of the 14U Elite Baseball Team were the Montville Travel Baseball League Champions with a record of 11-1; and

NOW THEREFORE, BE IT RESOLVED, that the board of Commissioners of the Township of Nutley, County of Essex, join with the Citizens of Nutley to honor and congratulate the members and coaches of the 14U Elite Baseball Team, for their exceptional efforts and accomplishments.
Resolution

Introduced by: Commissioner Steven Rogers FOR Commissioner Thomas J. Evans
Seconded by: Commissioner Joseph P. Scarpelli

Date: September 3, 2013
No. 214-13

WHEREAS, the Township of Nutley entered into a contract with Total Lawn Care & Landscape Services, LLC, 471 Elizabeth Avenue, Somerset, NJ 08873 on August 7, 2012 for Property Maintenance and Brush, Grass and Weed Removal for a period of one-year with an option to renew for two one-year periods;

WHEREAS, on July 2, 2013 the Township of Nutley Board of Commissioners passed a resolution to extend the contract with Total Lawn Care & Landscape Services, LLC for an additional year from August 7, 2013 to August 7, 2014;

WHEREAS, Total Lawn Care & Landscape Services, LLC has been unable to meet the terms of their contract and specifications set forth by the Township of Nutley for Property Maintenance and Brush, Grass and Weed Removal and therefore is in breach of the Agreement;

NOW THEREFORE, BE IT RESOLVED that the Township of Nutley terminate the contract with Total Lawn Care & Landscape Services, LLC, 471 Elizabeth Avenue, Somerset, NJ 08873, effective immediately, and pay any outstanding balances due to them, after submission of the proper documentation.

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 September 3, 2013.

<table>
<thead>
<tr>
<th>Record of Vote</th>
<th>Commissioner Rogers</th>
<th>Commissioner Tucci</th>
<th>Commissioner Evans</th>
<th>Commissioner Scarpelli</th>
<th>Mayor Petracco</th>
</tr>
</thead>
<tbody>
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WHEREAS, the Township of Nutley has a continuing need for lawn care services consistent with the requirements of our property maintenance ordinance; and

WHEREAS, THE Township of Nutley has a need to appoint an interim provider of these services through December 31, 2013; and

WHEREAS, landscapers were permitted to pick up Specifications for Grass and Shrubbery Cutting and Debris Removal Services and submit quotes from the Code Enforcement Office effective August 22, 2013; and

WHEREAS, four (4) landscapers picked up specification packages. Brancato Landscaping Contractor, LLC was the only Landscaping Contractor to return specifications to the Code Enforcement Office; and

WHEREAS, Brancato Landscaping Contractor, LLC, 105 Ohlson Avenue, Nutley, NJ 07110 has agreed to accept the terms of our existing agreement including pricing as follows: $.05 per square foot for cutting weeds/grass below 12”; $.07 per square foot for cutting weeds/grass about 12” in height; and $80 per hour for shrub cutting and debris removal; and

WHEREAS, funds are available from Capital Ordinance 3216 in the amount of $10,000, and have been certified by the Chief Financial Officer, said certificate being attached to this resolution.

NOW THEREFORE, BE IT RESOLVED, that the Township of Nutley enter into a contract with Brancato Landscaping Contractor, LLC, 105 Ohlson Avenue, Nutley, NJ 07110, for Brush, Grass and Weed Removal, until December 31, 2013.

Record of Vote

<table>
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<tr>
<th>Record of Vote</th>
<th>Commissioner Rogers</th>
<th>Commissioner Tucci</th>
<th>Commissioner Evans</th>
<th>Commissioner Scarpelli</th>
<th>Mayor Petracco</th>
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Resolution

Introduced by: Commissioner Joseph P. Scarpelli  
Seconded by: Commissioner Steven Rogers  
Date: September 3, 2013  
No. 211-13

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Park Avenue Improvement Project.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Commissioners of the Township of Nutley, in the County of Essex, State of New Jersey formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2014 Nutley Township-00204 to the New Jersey Department of Transportation on behalf of the Township of Nutley.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Nutley and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Certified as a true copy of the Resolution adopted by the Commissioners  
On this 3rd day September of, 2013

Clerk  
Evelyn Rosario

My signature and the Clerk's seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

ATTEST AND AFFIX SEAL

Clerk  
Evelyn Rosario

Mayor  
Alphonse Petracco

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 September 3, 2013

<table>
<thead>
<tr>
<th>Record of Vote</th>
<th>Commissioner Rogers</th>
<th>Commissioner Tucci</th>
<th>Commissioner Evans</th>
<th>Commissioner Scarpelli</th>
<th>Mayor Petracco</th>
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Resolution

Introduced by: Commissioner Joseph P. Scarpelli  Date: September 3, 2013
Seconded by: Commissioner Steven Rogers  No. 212-13

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for funding of new sidewalks on Washington Avenue.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Township of Nutley formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk are hereby authorized to submit an electronic grant application identified as SST-2014-Nutley Township-00035 to the New Jersey Department of Transportation on behalf of the Township of Nutley.

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Nutley and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Certified as a true copy of the Resolution adopted by the Council
On this 3rd day of September, 2013

Clerk
Evelyn Rosario

My signature and the Municipal Clerk’s seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

ATTEST AND AFFIX SEAL

Clerk
Evelyn Rosario

Mayor
Alphonse Petracco

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 September 3, 2013

<table>
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<tr>
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WHEREAS, Loretta Kwapniewski has been a Nutley resident for 58 years and has a 19-year-old son Michael; and

WHEREAS, Loretta was employed by the Township of Nutley, Parks and Public Property Department as a part-time Official and Playground Director from 1966 through 1972; and

WHEREAS, Loretta then started as full-time Recreation Supervisor from 1972 through 2003; and

WHEREAS, Loretta then started as a Water Meter Reader with the Department of Public Works from 2003 through 2013; and

WHEREAS, Loretta has worked for the Township of Nutley for 46 years and in that time has helped institute programs for girls and woman and helped expand the recreation programs; and

WHEREAS, Loretta also was a softball official for 25 years for the men and woman softball league; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey that the significant and professional contributions of Loretta Kwapniewski to the Township of Nutley be hereby recognized, the Board of Commissioners wish all the happiness and good health to Loretta and her son Michael; and

BE IT FURTHER RESOLVED, that the gratitude of this Community be hereby extended to Loretta Kwapniewski for her distinguished contributions and service to 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 September 3, 2013.

<table>
<thead>
<tr>
<th>Record of Vote</th>
<th>Commissioner Rogers</th>
<th>Commissioner Tucci</th>
<th>Commissioner Evans</th>
<th>Commissioner Scarpelli</th>
<th>Mayor Petrucco</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>X</td>
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<tr>
<td>Absent/Excused</td>
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</table>
WHEREAS, raffle applications have been received from the following organizations; and

<table>
<thead>
<tr>
<th>Organization</th>
<th>License No.</th>
<th>Description</th>
<th>Dates/Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rotary Club of Nutley</td>
<td>55-13</td>
<td>Off-Premise 50/50 Cash Raffle</td>
<td>November 21, 2013</td>
</tr>
<tr>
<td>St. Mary’s RC Church</td>
<td>56-13</td>
<td>PULL TAB</td>
<td>January 7, 2014 – December 30, 2014</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Every Tuesday</td>
</tr>
<tr>
<td>St. Mary’s RC Church</td>
<td>57-13</td>
<td>BINGO</td>
<td>January 7, 2014 – December 30, 2014</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Every Tuesday</td>
</tr>
</tbody>
</table>

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

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

Record of Vote

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Resolution

Introduced by: Mayor Alphonse Petracco JOINTLY WITH Commissioner Mauro G. Tucci

Seconded by: Commissioner  No. 217-13

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 “Special Redevelopment Counsel”

BE IT FURTHER RESOLVED, that the request for quotes (RFQ's) shall be due on Friday, September 13, 2013 at 3:00 P.M. addressed to Evelyn Rosario, Municipal Clerk, Nutley Township Hall, One Kennedy Drive, Nutley, NJ, 07110.

Record of Vote

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RESOLUTION OF CONTINUING SUPPORT FOR THE GOALS AND PURPOSES OF THE 2004 HIGHLANDS WATER PROTECTION AND PLANNING ACT

WHEREAS, New Jersey Highlands Water Protection and Planning Act (The Highlands Act) was enacted in order to protect the State’s water supplies and other significant resources and

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

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

WHEREAS, (insert name of municipality) is a municipality that receives all or a portion of its drinking water from sources within the Highlands Region; and that (insert name of municipality) relies on the resources of the Highlands to meet the current and future needs of its residents.

NOW, THEREFORE, BE IT RESOLVED that the governing body of (insert name of municipality here) wishes that it be known that we strongly support the goals, policies and objectives of the 2004 Highlands Water Protection and Planning Act and the Highlands Regional Master Plan.

George Stafford, Outreach Director, New Jersey Highlands Coalition

973-615-6321  George@njhighlandscoalition.org

Your Water, Your Future
Highlands Map with Water Dependent Communities.

Key: Darker green areas indicate the Preservation Area of the Highlands

Lighter green areas indicate the Planning or Voluntary Compliance Area.

Red Area receive greater than 75% of their fresh drinking water from the Highlands.

Purple Areas receive 50 to 75%

Dark blue receive 25 to 50%

Light blue receive up to 25%

Areas in white receive no Highlands drinking water

Next page Essex County Towns
- Belleville-over 75%
- Bloomfield-over 75%
- Caldwell-25 to 50%
- Cedar Grove-50 to 75%
- City of Orange up to 25%
- East Orange-none
- Essex Fells up to 25%
- Fairfield 25 to 50%
- Glen Ridge 50 to 75%
- Irvington 25 to 50%
- Livingston up to 25%
- Maplewood 25 to 50%
- Millburn 25 to 50%
- Montclair over 75%
- Newark 50 to 75%
- North Caldwell 25 to 50%
- Nutley 50 to 75%
- Roseland up to 25%
- South Orange none
- Verona over 75%
- West Caldwell 25 to 50%
- West Orange 25 to 50%