





1           MAYOR COCCHIOLA: Will everyone  
2 please stand for the flag salute?

3           (Pledge of Allegiance declared)

4           MAYOR COCCHIOLA: Madam Clerk, for  
5 the record could you please reread the  
6 Sunshine Notice?

7           MADAM CLERK: Tuesday, May 17th,  
8 2011 Pursuant to the requirements of  
9 the Open Public Meeting Law, Chapter 231,  
10 Public Laws, 1975, notice of this meeting  
11 was published in the December 2nd, 2010  
12 issues of the Nutley Sun, the Journal,  
13 the Star Ledger, and the Herald News. A  
14 copy of this notice has been posted on  
15 the Nutley Town Hall bulletin board, and  
16 a copy is on file in the municipal  
17 clerk's office.

18           Commissioner Scarpelli?

19           COMMISSIONER SCARPELLI: Here.

20           MADAM CLERK: Commissioner Petracco?

21           COMMISSIONER PETRACCO: Here.

22           MADAM CLERK: Commissioner Evans?

23           COMMISSIONER EVANS: Here.

24           MADAM CLERK: Commissioner Tucci?

25           COMMISSIONER TUCCI: Here.

1 MADAM CLERK: Mayor Cocchiola?

2 MAYOR COCCHIOLA: Heree

3 MADAM CLERK: All present, Mayor.

4 MAYOR COCCHIOLA: Thank you. We  
5 have some very special guests here this  
6 evening for a very special person, so  
7 Commissioner Evans, I'm going to turn the  
8 floor over to youe

9 COMMISSIONER EVANS: Thank you,e  
10 Mayore I have the honor to read a  
11 resolution tonight recognizing the  
12 retirement of Violet O'Halloran, also  
13 known as Vicki, and her many years of  
14 service to the townshipe So, it is with  
15 sadness as well as joy, I recognize  
16 Vicki's transition and state the  
17 following:

18 On behalf of the board of  
19 commissioners whereas Violet O'Halloran,  
20 also known as Vicki, is a proud mother of  
21 two sons Michael and Joseph and seven  
22 grandchildren, Samantha, Kelly, Jenna,  
23 Joell, Julian, Joseph, and Adrian --  
24 Aden, excuse me, Adene And, whereas, in  
25 1963, Vicky married Joseph Birch (ph.)

1 O'Halloran and moved to Nutley and has  
2 been active in our community ever since  
3 And, whereas Vicki began her career in  
4 the township of Nutley on April 8th, 1985  
5 working as a crossing guarde

6 And, whereas on May 17th, 1987,  
7 Vicki was promoted holding the title of  
8 clerk typist for the director of public  
9 affairs, Carmen A. Orechio(ph.)e Ah,  
10 whereas, on June 7th, 1987, Vicki was  
11 appointed to the director of welfare for  
12 the township of Nutley and whereas on  
13 June 21, 1996, Vicki transferred to the  
14 Department of Public Safety as senior  
15 clerk typist and then to senior clerk  
16 stenographer, and whereas on May 22nd,  
17 2008e Vicki transferred to the code  
18 enforcement department and worked with  
19 Thomas J. Evans, director of the  
20 Department of Revenue and Finance, and  
21 whereas, on March 31st, 2011, Vicki  
22 retired from the Revenue and Finance  
23 department after 25 years of dedicated  
24 service to the township of Nutleye

25 And, now, therefore be it resolved

1 by the Board -- by the Mayor and the  
2 Board of Commissioners of the of the  
3 Township of Nutley, County of Essex,  
4 State of New Jersey, that Violet  
5 O'Halloran's longstanding and dedicated  
6 service to the township of Nutley and its  
7 residents is hereby recognized, and be it  
8 further resolved that the gratitude of  
9 this community is hereby extended to  
10 Violet for her twenty-five years of  
11 service to the township of Nutley. So  
12 moved.

13 UNIDENTIFIED COMMISSIONER: Second.

14 MADAM CLERK: Commissioner  
15 Scarpelli?

16 COMMISSIONER SCARPELLI: Vicki,  
17 congratulations. Good luck in your  
18 retirement. Thank you for your service  
19 and good health. Aye.

20 MADAM CLERK: Commissioner Petracco?

21 COMMISSIONER PETRACCO:  
22 Congratulations. Aye

23 MADAM CLERK: Commissioner Evans?

24 COMMISSIONER EVANS: Absolutely,  
25 aye.

1 MADAM CLERK: Commissioner Tucci?

2 COMMISSIONER TUCCI: Vicki, thank  
3 you for not only what you've done for us  
4 for all those wonderful years, but for  
5 also sending us your two sons. Thank  
6 you. God bless you and congratulationse  
7 Aye.

8 MADAM CLERK: Mayor Cocchiola?

9 MAYOR COCCHIOLA: Vicki, I did not  
10 know that you started out as a crossing  
11 garde I think you hold a record for all  
12 the, you know -- the most different jobs  
13 in the township of Nutley, which means  
14 you probably know the most about  
15 everything.

16 I want to thank you as well. I  
17 think we're going to all miss seeing you  
18 all the time in the office and around  
19 town every day. But, we'll -- we'll see  
20 you socially, which I'm happy about and I  
21 thank you for all your years of service,  
22 as welle I vote yes.

23 MS. O'HALLORAN: Thank youe

24 (Pause)

25 MAYOR COCCHIOLA: Vické, are you

1 sure you don't want to say anything else?  
2 It's your last chance.

3 MS. O'HALLORAN: No, I can always  
4 come back.

5 MAYOR COCCHIOLA: Thanks everyone  
6 for coming. (Indiscernible). Okay,  
7 we're going to move back to business now,  
8 and we'll move right on to payment of  
9 bills.

10 MADAM CLERK: Mayor, Tuesday, May  
11 17th, 2011 bill list:  
12 Public Affairs \$184,674.00,  
13 Revenue & Finance \$2,223,349.84,  
14 Public Safety \$20,750.47,  
15 Public Works \$56,544.64,  
16 Parks & Public Property \$65,285.46,  
17 Payroll as of May 13th,  
18 \$679,890.79, for a grand total bill list  
19 of \$3,230,494.90. And that's all for  
20 bills, Mayor.

21 UNIDENTIFIED COMMISSIONER: Move the  
22 bills.

23 UNIDENTIFIED COMMISSIONER: Second.

24 MADAM CLERK: Commissioner  
25 Scarpelli?

1 COMMISSIONER SCARPELLI: Ayee

2 MADAM CLERK: Commissioner Petracco?

3 COMMISSIONER PETRACCO: Ayee

4 MADAM CLERK: Commissioner Evans?

5 COMMISSIONER EVANS: Ayee

6 MADAM CLERK: Commissioner Tucci?

7 COMMISSIONER TUCCI: Ayee

8 MADAM CLERK: Mayor Cocchiola?

9 MAYOR COCCHIOLA: Ayee

10 MADAM CLERK: Thank you, Mayore

11 MAYOR COCCHIOLA: Thank youe For  
12 introduction, Commissioner Scarpelli, do  
13 you want to go first?

14 COMMISSIONER SCARPELLI: Yes,  
15 Mayore I have two ordinances for  
16 introduction, both on storm -- or watere  
17 Let's see -- this is ordinance number  
18 3169, Refuse Containers Dumpster  
19 Ordinancese I move this ordinance be  
20 passed to a second reading advertised in  
21 Nutley Sun together with notice required  
22 by law and that further consideration of  
23 said ordinance for final passage be -- by  
24 the board of commissioners be held on the  
25 second reading on -- do we have a date on

1 that, Madam Clerk?

2 MADAM CLERK: June 21st, 2011e

3 COMMISSIONER SCARPELLI: June 21st,  
4 2011e So movede

5 UNIDENTIFIED COMMISSIONER: Seconde

6 MADAM CLERK: Commissioner  
7 Scarpelli?

8 COMMISSIONER SCARPELLI: Ayee

9 MADAM CLERK: Commissioner Petracco?

10 COMMISSIONER PETRACCO: Ayee

11 MADAM CLERK: Commissioner Evans?

12 COMMISSIONER EVANS: Ayee

13 MADAM CLERK: Commissioner Tucci?

14 COMMISSIONER TUCCI: Ayee

15 MADAM CLERK: Mayor Cocchiola?

16 MAYOR COCCHIOLA: Ayee

17 COMMISSIONER SCARPELLI: Ordinance

18 number 3170, Private Storm Drain Inlet

19 Retrofitting Ordinancee I move this

20 ordinance be passed to a second reading

21 advertised in Nutley Sun together with

22 notice required by law and that further

23 consideration of said ordinance for final

24 passage by the board of commissioners be

25 held at the second reading on June 27th,

1 2011. I move the ordinance.

2 UNIDENTIFIED COMMISSIONER: Second.

3 MADAM CLERK: Commissioner

4 Scarpelli?

5 COMMISSIONER SCARPELLI: Aye.

6 MADAM CLERK: Commissioner Petracco?

7 COMMISSIONER PETRACCO: Aye.

8 MADAM CLERK: Commissioner Evans?

9 COMMISSIONER EVANS: Ayee

10 MADAM CLERK: Commissioner Tucci?

11 COMMISSIONER TUCCI: Aye.

12 MADAM CLERK: Mayor Cocchiola?

13 MAYOR COCCHIOLA: Aye.

14 MAYOR COCCHIOLA: Commissioner

15 Evans?

16 COMMISSIONER EVANS: Thank you,

17 Mayor. I have an amendment to an

18 ordinance regarding a retail

19 establishment's modifying the hours of

20 operation from 11 p.m. to 12 midnight at

21 the suggestion of the commissioners and

22 the mayor, as well as with the support of

23 the planning -- planning board. I'll

24 read by title: Ordinance number 3168,

25 And ordinance to amend an ordinance

1 codified in the township of Nutley code,  
2 Chapter 538 entitled retail  
3 establishments, particularly section 538e  
4 1a. I move that this ordinance be passed  
5 to a second reading advertised in Nutley  
6 Sun together with notice required by law  
7 and that further consideration of said  
8 ordinance for final passage by the board  
9 of commissioners be held at its second  
10 reading on June 21, 2011. So moved.

11 UNIDENTIFIED COMMISSIONER: Second.

12 MADAM CLERK: Commissioner  
13 Scarpelli?

14 COMMISSIONER SCARPELLI: Aye.

15 MADAM CLERK: Commissioner Petracco?

16 COMMISSIONER PETRACCO: Aye.

17 MADAM CLERK: Commissioner Evans?

18 COMMISSIONER EVANS: Aye.

19 MADAM CLERK: Commissioner Tucci?

20 COMMISSIONER TUCCI: Aye.

21 MADAM CLERK: Mayor Cocchiola?

22 MAYOR COCCHIOLA: Aye. And, I have  
23 an ordinance to introduce this evening,  
24 entitled ordinance to amend chapter 532,  
25 article 1, section 532-5A and 532-5D

1 entitled rent control hardship rent  
2 increase; capital improvement or service  
3 charge surchargee I move that this  
4 ordinance be passed to a second reading  
5 advertised in Nutley Sun together with  
6 notices that are required by law and that  
7 further consideration for final passage  
8 by the board of commissioners be held at  
9 its second reading on June 21ste So  
10 move

11 UNIDENTIFIED COMMISSIONER: Seconde

12 MADAM CLERK: Commissioner  
13 Scarpelli?

14 COMMISSIONER SCARPELLI: Aye

15 MADAM CLERK: Commissioner Petracco?

16 COMMISSIONER PETRACCO: Aye

17 MADAM CLERK: Commissioner Evans?

18 COMMISSIONER EVANS: Aye

19 MADAM CLERK: Commissioner Tucci?

20 COMMISSIONER TUCCI: Aye

21 MADAM CLERK: Mayor Cocchiola?

22 MAYOR COCCHIOLA: Aye And  
23 Commissioner Evans, public hearing --

24 COMMISSIONER EVANS: Yese

25 MAYOR COCCHIOLA: -- on ordinance

1 3164.

2 COMMISSIONER EVANS: Yes, Mayor. I  
3 have a public hearing regarding modifying  
4 the hours for a permissible parking on  
5 Chestnut Street by Boonfield (ph.e) Avenue  
6 to limit parking on one side of the  
7 street for the -- during the hours of 8  
8 and 9 in the morning and 3 and 4 in the  
9 afternoon, and to address some of the  
10 particular parking challenges that are in  
11 and around Radclose (ph.è Schoole The --  
12 there were notices that were sent out to  
13 all of the residents notifying of the  
14 consideration of this changee There was  
15 a lot of coordination with the Department  
16 of Public Safety as well as the school  
17 system and the principal at Radclose to  
18 look at this as a way to moderate some of  
19 the traffic congestion.

20 What it basically does is it creates  
21 a curbside drop off for children right by  
22 the school and keeps traffic flowing in  
23 those areas during those periods of time.  
24 So, this is a look at this to help  
25 moderate some of those challenges and do

1 it in a way that doesn't increase risk to  
2 childrene So, (indiscernible) --

3 MAYOR COCCHIOLA: Right, is there  
4 any member of the public that would like  
5 to be heard with respect to ordinance  
6 number 3164?

7 UNIDENTIFIED COMMISSIONER: Close  
8 the public hearinge

9 UNIDENTIFIED COMMISSIONER: Seconde

10 MADAM CLERK: Commissioner  
11 Scarpelli?

12 COMMISSIONER SCARPELLI: Aye

13 MADAM CLERK: Commissioner Petracco?

14 COMMISSIONER PETRACCO: Aye

15 MADAM CLERK: Commissioner Evans?

16 COMMISSIONER EVANS: Aye

17 MADAM CLERK: Commissioner Tucci?

18 COMMISSIONER TUCCI: Aye

19 MADAM CLERK: Mayor Cocchiola?

20 MAYOR COCCHIOLA: Aye

21 UNIDENTIFIED COMMISSIONER: Move the  
22 ordinancee

23 UNIDENTIFIED COMMISSIONER: Seconde

24 MADAM CLERK: Commissioner  
25 Scarpelli?

1 COMMISSIONER SCARPELLI: Aye

2 MADAM CLERK: Commissioner Petracco?

3 COMMISSIONER PETRACCO: Aye

4 MADAM CLERK: Commissioner Evans?

5 COMMISSIONER EVANS: Aye

6 MADAM CLERK: Commissioner Tucci?

7 COMMISSIONER TUCCI: Aye

8 MADAM CLERK: Mayor Cocchiola?

9 MAYOR COCCHIOLA: Aye Okay,

10 resolutione Commissioner Scarpelli?

11 COMMISSIONER SCARPELLI: Be it  
12 resolved by the Board of Commissioners of  
13 the Township of Nutley, County of Essex,  
14 State of New Jersey that the township  
15 clerk is hereby authorized to advertise  
16 for sealed bids for leaf removal and  
17 recycling from our drop off site to be  
18 received on behalf of the board of  
19 commissioners, commission chambers,  
20 township of Nutley, 1 Kennedy Drive,  
21 Nutley, New Jersey on Thursday, June 9th,  
22 2011 at 3 p.m.e prevailing time at which  
23 time at which time it will be open and  
24 reade I move the resolutione

25 UNIDENTIFIED COMMISSIONER: Seconde

1 MADAM CLERK: Commissioner

2 Scarpelli?

3 COMMISSIONER SCARPELLI: Aye

4 MADAM CLERK: Commissioner Petracco?

5 COMMISSIONER PETRACCO: Aye

6 MADAM CLERK: Commissioner Evans?

7 COMMISSIONER EVANS: Aye

8 MADAM CLERK: Commissioner Tucci?

9 COMMISSIONER TUCCI: Aye

10 MADAM CLERK: Mayor Cocchiola?

11 MAYOR COCCHIOLA: Aye

12 COMMISSIONER SCARPELLI: Be it

13 resolved by the Board of Commissioners of

14 the Township of Nutley, County of Essex,

15 State of New Jersey that the township

16 clerk is hereby authorized to advertise

17 for sealed bids to supply water meters

18 and water meter heads in the township of

19 Nutley to be received on behalf of the

20 board of commissioners in the commission

21 chambers, township hall, 1 Kennedy Drive,

22 Nutley, New Jersey on Tuesday, June 21st,

23 2011 at 3 p.m. prevailing time at which

24 time at which time they will be open and

25 read I move the resolution

1 UNIDENTIFIED COMMISSIONER: Second.

2 MADAM CLERK: Commissioner

3 Scarpelli?

4 COMMISSIONER SCARPELLI: Aye.

5 MADAM CLERK: Commissioner Petracco?

6 COMMISSIONER PETRACCO: Aye.

7 MADAM CLERK: Commissioner Evans?

8 COMMISSIONER EVANS: Aye

9 MADAM CLERK: Commissioner Tucci?

10 COMMISSIONER TUCCI: Aye

11 MADAM CLERK: Mayor Cocchiola?

12 MAYOR COCCHIOLA: Aye.

13 COMMISSIONER SCARPELLI: That's all

14 I have, Mayore

15 MAYOR COCCHIOLA: Thank you.

16 Commissioner Petracco?

17 COMMISSIONER PETRACCO: Whereas the

18 township of Nutley has a need to acquire

19 professional services to assist with

20 labor counsel within the Nutley Police

21 Department as a non-fair and open

22 contract pursuant to the provisions of

23 N.J.S.A. 5:34-2.1; and whereas the Chief

24 of Police has determined and certified in

25 writing that the value of the aggregate

1 services provided by the vendor for the  
2 year will exceed \$17,500; and whereas  
3 Ruderman and Glickman, P.C., have  
4 completed and submitted a business entity  
5 discloser certification which certifies  
6 that they have not made any reportable  
7 contributions to a political or candidate  
8 committee in the township of Nutley in  
9 the previous one year, and that the  
10 contract will prohibit them from making  
11 any reportable contributions through the  
12 term of the contract; and whereas, the  
13 township of Nutley recognizes the  
14 specialized and qualitative nature of the  
15 consulting services required as it  
16 pertains to the expertise of the labor  
17 counsel; and whereas the approximate cost  
18 for this twelve month professional  
19 service will be \$30,000; and whereas  
20 funds are available from account 1-01-  
21 012-205 and will be certified by the  
22 chief financial officer upon adoption of  
23 the 2011 budgete

24 Now, therefore be it resolved by the  
25 Board of Commissioners of the Township of

1 Nutley, County of Essex, State of New  
2 Jersey, that pursuant to N.J.S.A. 40A:11-  
3 5(1)(a) and 18 A:18A-5a(2), a contract  
4 for labor counsel to be awarded to  
5 Ruderman and Glickman, P.C., 675 Morris  
6 Avenue, Springfield, New Jersey 07084-  
7 1523 and authorizes the mayor to enter  
8 into a contract with Ruderman and  
9 Glickman, P.C., and be it further  
10 resolved that notice of this award shall  
11 be published in accordance with the lawe

12 Be it further resolved that the  
13 Business Disclosure Entity Certification  
14 and the Determination of Value be placed  
15 on file with this resolutione So movede

16 UNIDENTIFIED COMMISSIONER: Seconde

17 MADAM CLERK: Commissioner

18 Scarpelli?

19 COMMISSIONER SCARPELLI: Ayee

20 MADAM CLERK: Commissioner Petracco?

21 COMMISSIONER PETRACCO: Ayee

22 MADAM CLERK: Commissioner Evans?

23 COMMISSIONER EVANS: Ayee

24 MADAM CLERK: Commissioner Tucci?

25 COMMISSIONER TUCCI: Ayee

1 MADAM CLERK: Mayor Cocchiola?

2 MAYOR COCCHIOLA: Ayee

3 COMMISSIONER PETRACCO: That's all I  
4 havee

5 MAYOR COCCHIOLA: Thank you,  
6 Commissioner Evans?

7 COMMISSIONER EVANS: Thank you,  
8 Mayore I have one resolutione Whereas,  
9 a request has been made by the residents  
10 of Milton Avenue in the Township of  
11 Nutley, County of Essex, New Jersey for  
12 the Township to address concerns relating  
13 to vehicular speed along that roadway,  
14 and whereas, pursuant TO R.S. 39e4-  
15 8.e(9)e subject to the provisions of  
16 R.S.39e4-138e in the case of any street  
17 under municipal or county jurisdiction, a  
18 municipality or county may, without the  
19 approval of the commissioner, and  
20 consistent with the current standards  
21 prescribed by the manual on Uniform  
22 Traffac Control Devices for Streets and  
23 Highways, by ordinance, resolution, or  
24 regulation to reinstate or add parking on  
25 any streete

1 Be it resolved, by the Board of  
2 Commissioners of the Township of Nutley,  
3 County of Essex, New Jersey that Chapter  
4 228 of the Code of the Township of  
5 Nutley, Article 2 Parking on certain  
6 streets, Section 13e parking prohibited  
7 at all times, is amended as follows:  
8 Milton Avenue, Southside location  
9 Bloomfield Avenue to Linn Road to delete  
10 prohibited parkinge

11 Be it further resolved that should  
12 this change have a beneficial effect by  
13 reducing the speeds of motor vehicles on  
14 Milton Avenue, an ordinance will be  
15 introduced to codify said reinstatemente  
16 So move de

17 UNIDENTIFIED COMMISSIONER: Seconde

18 MADAM CLERK: Commissioner

19 Scarpelli?

20 COMMISSIONER SCARPELLI: Ayee

21 MADAM CLERK: Commissioner Petracco?

22 COMMISSIONER PETRACCO: Ayee

23 MADAM CLERK: Commissioner Evans?

24 COMMISSIONER EVANS: Ayee

25 MADAM CLERK: Commissioner Tucci?

1 COMMISSIONER TUCCI: Aye.

2 MADAM CLERK: Mayor Cocchiola?

3 MAYOR COCCHIOLA: Aye. Commissioner  
4 Tucci?

5 COMMISSIONER TUCCI: Yes, thank you,  
6 Mayor. Whereas, in 1949 the legislature  
7 set aside the last Friday of April as  
8 Arbor Day to promote the planting of  
9 trees and to encourage the protection of  
10 our forests from fires and pests that  
11 destroy the beauty and usefulness of our  
12 woodlands; and whereas half of New  
13 Jersey's total land area is forested or  
14 tree covered, and whereas, trees play an  
15 important role in the ecosystem in which  
16 we live, and trees reduce the erosion of  
17 our precious top soil caused by wind and  
18 water, clean the air we breathe and the  
19 water we drink, produce oxygen, provide  
20 habitat for birds and wildlife and  
21 reduce heating and cooling costs by  
22 moderating temperatures and whereas,  
23 trees are a renewable resource giving us  
24 paper for fine literature, wood for  
25 homes, fuel for fires, and countless

1 other wood products; and whereas, trees  
2 provide increased property value,  
3 enhanced economic viability, and  
4 pleasing aesthetic qualities along  
5 streets and properties in municipalities;  
6 and whereas, tree planting in yards and  
7 farms, in school yards and parks, and  
8 along streets and highways creates an  
9 enduring heritage for generations that  
10 follow and whereas, The Township of  
11 Nutley has completed its twenty-fourth  
12 year as a member of Tree City USA; and  
13 whereas, I, Commissioner Mauro U. Tucci,  
14 Director of Parks and Public Property of  
15 the Township of Nutley, do hereby  
16 proclaim May 14, 2011 as Arbor in the  
17 community of Nutley, and urge all  
18 citizens to support efforts to protect  
19 our trees and woodlands and to support  
20 our town's urban forestry program

21 And, further, I urge all citizens to  
22 plant trees to gladden hearts and promote  
23 the well-being of present and future  
24 generations. I move the resolution

25 UNIDENTIFIED COMMISSIONER: Second

1 MADAM CLERK: Commissioner  
2 Scarpelli?

3 COMMISSIONER SCARPELLI: Aye

4 MADAM CLERK: Commissioner Petracco?

5 COMMISSIONER PETRACCO: Aye

6 MADAM CLERK: Commissioner Evans?

7 COMMISSIONER EVANS: Aye

8 MADAM CLERK: Commissioner Tucci?

9 COMMISSIONER TUCCI: Before I vote,  
10 I'd just like to make a note, that this  
11 past Saturday, we had our memorial tree  
12 planting program that Mayor Cocchiola was  
13 very gracious to attend, once again, this  
14 year as she always does. And, it was a  
15 wonderful, wonderful event, once again,  
16 touching the hearts of all of the people  
17 that were there and even I think some of  
18 those just passing by.

19 But, I would be remiss if I didn't  
20 recognize the Mayor's dad, former  
21 commissioner Frank Cocchiola, of the  
22 parks department, who not only started  
23 the memorial tree program with Mrs  
24 Anthony Biandi (she) some nineteen years  
25 ago, but also put Nutley on the track to

1 becoming a tree city. So, once again  
2 Mayor, I thank you for that

3 MAYOR COCCHIOLA: Thank you,  
4 Commissioner.

5 COMMISSIONER TUCCI: And, I proudly  
6 vote yes.

7 MADAM CLERK: Mayor Cocchiola?

8 MAYOR COCCHIOLA: Aye.

9 COMMISSIONER TUCCI: Whereas, the  
10 Township of Nutley entered into a  
11 collective bargaining agreement with  
12 Teamsters Local 97, representing Parks  
13 and Public Property, and Public Works  
14 employees; and whereas, on November 23rd,  
15 2010 after agreeing to mediation, the  
16 issues in dispute were not substantially  
17 resolved; and whereas, the negotiation  
18 process continued with union  
19 representatives and the Directors of the  
20 respective departments; and whereas, the  
21 Township of Nutley is desirous of  
22 entering into a four year contract with  
23 Teamsters Local 97.

24 Now, therefore be it resolved, in  
25 accordance with the language changes

1 agreed upon with the mediator and Union  
2 representation, as modified, is advised  
3 of the following:

4 One, percentage increase will be  
5 2.25% for 2009, 2.25% for 2010, 1.75% for  
6 2011, and 1.75% for 2012e Item number  
7 two, Lincoln's Birthday will be  
8 eliminated as a paid holidaye Longevity  
9 will be eliminated for all new employees,  
10 as of the date of this resolution. And,  
11 in item four, Article V. Section 3, will  
12 be eliminated relative to the earned  
13 personal day for every six months within  
14 a calendar year without the use of sick  
15 leavee Be it further resolved, that this  
16 resolution shall take effect immediatelye

17 I would just like to thank my  
18 colleague Commissioner Scarpelli, for all  
19 the hard work that he put in, in getting  
20 to this resolution, and the men and women  
21 of not only the Parks department, but of  
22 the Public Works department who are  
23 cognizant of where we are financially;  
24 they're cognizant of what their  
25 responsibilities are and despite going

1 from 2009 to date without a collective  
2 bargaining agreement, continued to  
3 perform their duties in a very excellent  
4 mannere I very proudly move this  
5 resolutione

6 UNIDENTIFIED COMMISSIONER: Second,  
7 and echo the commissioner's remarkse

8 MADAM CLERK: Commissioner  
9 Scarpelli?

10 COMMISSIONER SCARPELLI: Ayee

11 MADAM CLERK: Commissioner Petracco?

12 COMMISSIONER PETRACCO: Ayee

13 MADAM CLERK: Commissioner Evans?

14 COMMISSIONER EVANS: Aye.

15 MADAM CLERK: Commissioner Tucci?

16 COMMISSIONER TUCCI: Ayee

17 MADAM CLERK: Mayor Cocchiola?

18 MAYOR COCCHIOLA: Ayee

19 COMMISSIONER TUCCI: That's all I  
20 have, Mayore

21 MAYOR COCCHIOLA: Thank youe I  
22 think this is the last time I'm going to  
23 have to do a resolution like this,  
24 because next time we can do the holiday  
25 schedule, but -- be it resolved by the

1 Board of Commissioners of the  
2 Township of Nutley, County of Essex,  
3 State of New Jersey that the following  
4 day shall be considered a paid holiday:  
5 Monday, May 30~~e~~ 2011, Memorial Day. I  
6 move the resolution.

7 UNIDENTIFIED COMMISSIONER: Seconde

8 MADAM CLERK: Commissioner  
9 Scarpelli?

10 COMMISSIONER SCARPELLI: Aye

11 MADAM CLERK: Commissioner Petracco?

12 COMMISSIONER PETRACCO: Aye.

13 MADAM CLERK: Commissioner Evans?

14 COMMISSIONER EVANS: Aye

15 MADAM CLERK: Commissioner Tucci?

16 COMMISSIONER TUCCI: Aye

17 MADAM CLERK: Mayor Cocchiola?

18 MAYOR COCCHIOLA: Aye. Whereas,  
19 Washington Elementary School, the third  
20 public school to be built in the Nutley  
21 School district was established in 1911,  
22 and is celebrating its 100th Anniversary  
23 this year; and whereas, the original  
24 school building consisted of two stories  
25 and housed nine classrooms and an

1 auditorium, for children in kindergarten  
2 through eighth grade; and whereas, Susan  
3 Lockhart was the first acting principal  
4 and founder of the Nutley Family Service  
5 Bureau; and whereas, Washington  
6 Elementary School laid the foundation for  
7 numerous generations of many noteworthy  
8 Nutleyites such as the Orechio family,  
9 Cocchiola family, Viola family and  
10 Ritacco family, and whereas, Washington  
11 Elementary School is proud to have  
12 consistently employed dedicated,  
13 compassionate, empowering teachers and  
14 principals who have enriched the lives of  
15 the students and families alike.

16 Therefore, be it resolved that the  
17 Mayor and the Board of Commissioners of  
18 the Township of Nutley, join the entire  
19 community of Nutley in celebrating the  
20 100th anniversary of Washington  
21 Elementary School and wish continued  
22 success to Principal Jones, his staff,  
23 students, and families, and all those who  
24 have been touched by this institutione I  
25 move the resolutione

1 UNIDENTIFIED COMMISSIONER: Seconde

2 MADAM CLERK: Commissioner

3 Scarpelli?

4 COMMISSIONER SCARPELLI: Ayee

5 MADAM CLERK: Commissioner Petracco?

6 COMMISSIONER PETRACCO: I would just  
7 like to say that I am also a product of  
8 Washington (indiscernible). I believe  
9 they're having their celebration  
10 (indiscernible) --

11 MAYOR COCCHIOLA: On Sunday, from  
12 noon to 4 o'clock.

13 COMMISSIONER PETRACCO: 4 o'clock,  
14 so if we could get that message out,  
15 (indiscernible) to have some party there,  
16 and I proudly vote yese

17 MADAM CLERK: Commissioner Evans?

18 COMMISSIONER EVANS: Ayee

19 MADAM CLERK: Commissioner Tucci?

20 COMMISSIONER TUCCIE Ayee

21 MADAM CLERK: Mayor Cocchiola?

22 MAYOR COCCHIOLA: Ayee Yes, and  
23 everyone please put that on your  
24 calendar, Washington school alum's and  
25 nonalum's, as welle

1           Whereas, raffle applications have  
2           been received from the following  
3           organizations: VFW Post #493 Stuart E.  
4           Edgar, License Number 31-11, for an on-  
5           premise Pull Tab, July 10th, 2011 through  
6           July 10th, 2012; Radcliffe School PTO,  
7           License Number 35-11, for an off-premise  
8           50/50 cash raffle, June 9th, 2011; Holy  
9           Family Catholic Church, License Number  
10          36-11 and 37-11, for on-premise money  
11          Money Wheel and on-premise 50/50 cash  
12          raffle, September 22nd through September  
13          25th, 2011; Holy Family Catholic Church,  
14          License Number 38-11, for off-premise  
15          50/50 cash raffle, September 25th, 2011  
16          and Rotary Club of Nutley, for License  
17          Number 39-11, on-premise Tricky Tray  
18          Raffle July 10, and whereas, the  
19          applications have been reviewed and  
20          approved by the Municipal Clerk and the  
21          Police Department. Therefore, be it  
22          resolved by the Board of Commissioners of  
23          the Township of Nutley, County of Essex,  
24          that the licenses are approved and the  
25          municipal clerk is authorized to issue

1 the licensese I move the resolution.

2 UNIDENTIFIED COMMISSIONER: Seconde

3 MADAM CLERK: Commissioner

4 Scarpelli?

5 COMMISSIONER SCARPELLI: Aye

6 MADAM CLERK: Commissioner Petracco?

7 COMMISSIONER PETRACCO: Aye

8 MADAM CLERK: Commissioner Evans?

9 COMMISSIONER EVANS: Aye

10 MADAM CLERK: Commissioner Tucci?

11 COMMISSIONER TUCCI: Aye

12 MADAM CLERK: Mayor Cocchiola?

13 MAYOR COCCHIOLA: Aye That

14 concludes the regular business portion of

15 our meetinge Is there any member of the

16 public that would like to address the

17 board? There's no one?

18 UNIDENTIFIED COMMISSIONER: Move to

19 adjourn.

20 UNIDENTIFIED COMMISSIONER: Seconde

21 MADAM CLERK: Commissioner

22 Scarpelli?

23 COMMISSIONER SCARPELLI: Aye.

24 MADAM CLERK: Commissioner Petracco?

25 COMMISSIONER PETRACCO: Aye

1 MADAM CLERK: Commissioner Evans?

2 COMMISSIONER EVANS: Ayee

3 MADAM CLERK: Commissioner Tucci?

4 COMMISSIONER TUCCI: Ayee

5 MADAM CLERK: Mayor Cocchiola?

6 MAYOR COCCHIOLA: Ayee

7 (End of audio)

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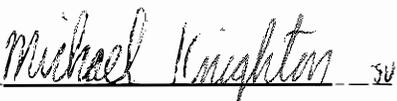
C E R T I F I C A T I O N

I, Michael Knighton, hereby certify that the foregoing is a true and correct transcription, to the best of my ability, of the sound recorded proceedings submitted for transcription.

I further certify that I am not employed by nor related to any party to this action.

In witness whereof, I hereby sign this date:

August 1, 2011

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Michael Knighton

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

I, Michael Knighton, hereby certify that the foregoing is a true and correct transcription to the best of my ability, of the sound recorded proceedings submitted for transcription.

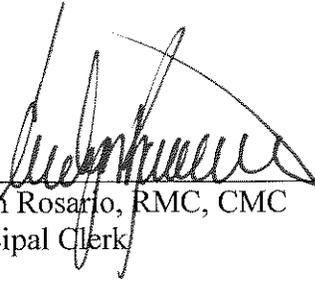
I further certify that I am not employed by nor related to any party to this action.

In witness whereof, I hereby sign this date:  
August 1, 2011

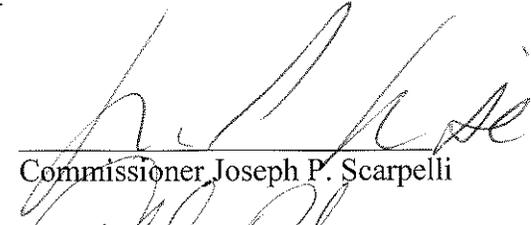
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Michael Knighton

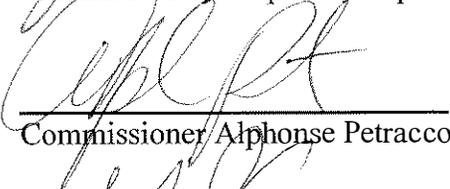
**May 17, 2011 Meeting Transcription approved by the Board of Commissioners of the Township of Nutley at their meeting held on Tuesday September 6, 2011.**



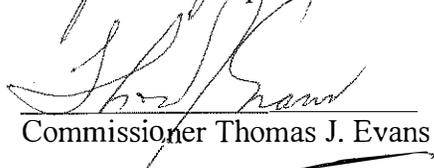
Evelyn Rosario, RMC, CMC  
Municipal Clerk



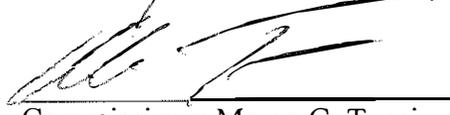
Commissioner Joseph P. Scarpelli



Commissioner Alphonse Petracco



Commissioner Thomas J. Evans



Commissioner Mauro G. Tucci



Mayor Joanné Cocchiola

TOWNSHIP OF NUTLEY							
BILL LIST							
TUESDAY MAY 17, 2011							
P.O.	VENDOR	PUBLIC AFFAIRS	REVENUE & FINANCE	PUBLIC SAFETY	PUBLIC WORKS	PARKS & PUBLIC PROPERTY	TOTALS
11-01919	NHS PROJECT GRADUATION	1,500.00					1,500.00
11-01159	CDW GOVERNMENT INC	125.00	125.00	250.00	125.00	125.00	750.00
11-01570	MICRO STRATEGIES INC	660.00	660.00	660.00	660.00	660.00	3,300.00
11-01815	JOSEPH CAPELLO	26.25					26.25
11-01789	KEVIN OBRIEN	50.00					50.00
11-01786	PATRICE MCMAHON DVM	100.00					100.00
10-05503	NJ PLANNING OFFICIALS	156.00					156.00
11-01611	WEST GROUP	197.52					197.52
11-01491	ORIENTAL TRADING	30.96					30.96
11-01814	JOANNE PENN	115.00					115.00
11-01859	FUTURE SANITATION	65,805.55					65,805.55
11-01657	RUTGERS, STATE UNIVERSITY	184.00					184.00
11-01935	NOREEN MC MANUS,CNM	192.50					192.50
11-01936	MAFP	75.00					75.00
11-01937	NEWARK BETH ISRAEL MED.	108.00					108.00
11-01938	ESSEX CNTY UTILITIES AUTH.	96,969.46					96,969.46
11-01987	NJ MEADOWLANDS COMM.	7,047.29					7,047.29
11-01988	NUTLEY FAMILY SERVICES	5,416.67					5,416.67
11-01831	RUDERMAN & GLICKMAN	1,250.00					1,250.00
11-01832	RUDERMAN & GLICKMAN	1,900.00					1,900.00
11-01841	NEXTEL	85.02					85.02
11-01490	MOUNTAIN XPRESS PROMOT.	1,910.60					1,910.60
11-01612	K & K TROPHY MART	442.50					442.50
11-01763	SETANTA PUBLISHING	249.00					249.00
11-01675	W.B. MASON	77.68					77.68

TOWNSHIP OF NUTLEY							
BILL LIST							
TUESDAY MAY 17, 2011							
P.O.	VENDOR	PUBLIC AFFAIRS	REVENUE & FINANCE	PUBLIC SAFETY	PUBLIC WORKS	PARKS& PUBLIC PROPERTY	TOTALS
11-01793	TREASURER SCHOOL MONEY		2,088,000.00				2,088,000.00
11-01849	T/N PAYROLL AGENCY ACCT.		28,659.13				28,659.13
11-01655	SHERATON ATLANTIC CITY		148.19				148.19
11-01679	PATERSON STAMP WORKS		32.97				32.97
11-00097	MAJOR LEAGUE AUTO SPA		5.00				5.00
11-01796	NJ STATE DEPT HLTH.SERVICES		1,294.80				1,294.80
11-01618	HEWLETT PARKARD CORP		267.67				267.67
11-01795	DAVID A WILSON		504.00				504.00
11-01794	DAVID A WILSON		525.00				525.00
11-01664	VITAL COMMUNICATIONS		35.00				35.00
11-01567	WEST GROUP		27.00				27.00
11-00400	HENDRICKS APPRAISAL CO		375.00				375.00
11-01948	STATE DEPT. OF LABOR		37,769.20				37,769.20
11-01850	ACCOUNTEMPS		1,336.80				1,336.80
11-01916	ACCOUNTEMPS		1,069.44				1,069.44
11-01912	ISAAC MORADI		15,035.88				15,035.88
11-01913	EMPIRE TAX FUND		20,788.49				20,788.49
11-01914	MOORING TAX ASSET GROUP		2,596.99				2,596.99
11-01824	BEVERLY FIORE		58.94				58.94
11-00085	MILLENIUM STRATEGIES		3,333.00				3,333.00
11-00406	VITAL COMMUNICATIONS		250.00				250.00
11-01961	EOS ENERGY VENTURES		675.80				675.80
11-01962	US BANK CUST FOR PRO CAPT.		489.07				489.07
11-01963	US BANK CUST FOR PRO CAPT.		575.77				575.77
11-01964	ROBERT DEL VECCHIO PENSION		415.20				415.20
11-01965	POJANOWSKI & TRAWINSKI PC		6,640.92				6,640.92

TOWNSHIP OF NUTLEY							
BILL LIST							
TUESDAY MAY 17, 2011							
P.O.	VENDOR	PUBLIC AFFAIRS	REVENUE & FINANCE	PUBLIC SAFETY	PUBLIC WORKS	PARKS& PUBLIC PROPERTY	TOTALS
11-01967	EDWARD & TRICIA WATTS		2,105.55				2,105.55
11-01968	ANDREA BECK		1,884.89				1,884.89
11-01969	JERC PARTNERS,III		2,000.00				2,000.00
11-01697	HOME DEPOT		364.58				364.58
11-01635	W.B. MASON CO		85.71				85.71
11-01572	W.B. MASON CO		125.69				125.69
11-01619	W.B. MASON CO		265.87				265.87
11-01966	DAVID & JAYNE AMICO		3,617.05				3,617.05
11-01979	ROBERT DEL VECCHIO PENSION		1,050.96				1,050.96
11-01980	KAVITA & G. CHAINANI		155.28				155.28
11-01683	AT & T MOBILITY			52.23			52.23
11-00570	FIREFIGHTER ONE			2,135.56			2,135.56
11-00109	NBC AUTO PARTS			1,862.21			1,862.21
11-01741	MCAA OF NJ			90.00			90.00
11-01548	ACTION INTERPRETING			468.00			468.00
11-01439	CHESTNUT RIDGE FOAM			639.72			639.72
11-01438	PETER ANDOLINO			549.00			549.00
11-01584	CERTIFIED SPEEDOMETER SERV.			726.00			726.00
11-01628	MATTHEW BENDER			1,104.98			1,104.98
11-01723	NJ STATE ASSOC. CHIEF POLICE			120.00			120.00
11-01116	FLEMINTON CAR & TRUCK			10.04			10.04
11-01212	FLEMINTON CAR & TRUCK			590.64			590.64
11-01674	MOONEY-GENERAL PAPER			94.43			94.43
11-01728	MOBILE TECH			1,038.00			1,038.00
11-01738	MOBILE TECH			80.00			80.00
11-01627	DELL MARKETING			2,624.50			2,624.50

TOWNSHIP OF NUTLEY							
BILL LIST							
TUESDAY MAY 17, 2011							
P.O.	VENDOR	PUBLIC AFFAIRS	REVENUE & FINANCE	PUBLIC SAFETY	PUBLIC WORKS	PARKS& PUBLIC PROPERTY	TOTALS
11-01739	LORCO PETROLEUM SERVICE			445.20			445.20
11-01722	PATERSON STAMP WORKS			77.42			77.42
11-00117	MAJOR LEAGUE AUTO SPA			100.00			100.00
11-00207	INHALATION THERAPY			48.40			48.40
11-00107	MIKES SERVICE			90.00			90.00
11-01746	TREASURER NJ FIRE SAFETY			100.00			100.00
11-01689	AT & T MOBILITY			2,445.79			2,445.79
11-00193	NICOLETTE TOWING			24.00			24.00
11-01943	AT & T MOBILITY			60.71			60.71
11-00210	V.E.RALPH & SON			15.54			15.54
11-01585	VISUAL COMPUTER SOLUTION			750.00			750.00
11-01631	CERTIFIED SPEEDMETER			744.00			744.00
11-01626	FLEMINGTON CAR			254.66			254.66
11-01737	FLEMINGTON CAR			100.00			100.00
11-01394	FLEMINGTON CAR			285.54			285.54
11-01575	FLEMINGTON CAR			263.24			263.24
11-01742	BULLETT HOLE			162.73			162.73
11-00308	LAWMEN SUPPLY CO			868.87			868.87
11-01740	V.E.RALPH & SON			819.06			819.06
11-01459	PEPPERMINT PUPPETEERS				975.00		975.00
11-01539	RUTGERS STATE UNIVERSITY				130.00		130.00
11-00045	SUPERIOR DISTRBUTORS				101.40		101.40
11-01427	NEWARK ASPHALT				1,982.20		1,982.20
11-00042	NEWARK ASPHALT				1,991.00		1,991.00
11-01531	BAKER PERSONNEL/TEMPS				400.00		400.00
11-00041	AUTO ZONE				80.43		80.43

TOWNSHIP OF NUTLEY							
BILL LIST							
TUESDAY MAY 17, 2011							
P.O.	VENDOR	PUBLIC AFFAIRS	REVENUE & FINANCE	PUBLIC SAFETY	PUBLIC WORKS	PARKS& PUBLIC PROPERTY	TOTALS
11-00041	AUTO ZONE				6.76		6.76
11-00041	AUTO ZONE				92.54		92.54
11-01616	NORTHEAST AUTOMOTIVE				507.26		507.26
11-01484	ORIENTAL TRADING				99.89		99.89
11-01544	RHOMAR IND.				2,256.71		2,256.71
11-01047	RHOMAR IND.				865.12		865.12
11-01647	STEWART BUSINESS SYSTEM				843.46		843.46
11-01178	DELL MARKETING				2,091.74		2,091.74
11-00050	ROBERTS & SON				33.00		33.00
11-01764	PSE & G				16.81		16.81
11-01335	STONE IND.				506.92		506.92
11-00035	AMERICAN HOSE				52.50		52.50
11-01339	BUSCH SYSTEMS				1,343.30		1,343.30
11-01636	MOBILE TECH				60.00		60.00
11-01253	HEWLETT PACKARD CORP				411.75		411.75
11-00918	PETER ANDOLINO				431.50		431.50
11-01127	PETER ANDOLINO				44.50		44.50
11-01128	PETER ANDOLINO				178.95		178.95
11-01807	CABLEVISION				81.71		81.71
11-01672	WORRALL COMM.				26.00		26.00
11-00047	VIOLA BROTHERS				140.54		140.54
11-01923	JAMES SANTANGELO				60.00		60.00
11-00046	TILCON NJ				331.04		331.04
11-00030	GRAINGER				95.11		95.11
11-00030	GRAINGER				75.54		75.54
11-00038	DELUXE INTL TRUCK				50.66		50.66

TOWNSHIP OF NUTLEY							
BILL LIST							
TUESDAY MAY 17, 2011							
P.O.	VENDOR	PUBLIC AFFAIRS	REVENUE & FINANCE	PUBLIC SAFETY	PUBLIC WORKS	PARKS & PUBLIC PROPERTY	TOTALS
11-00933	MAJOR LEAGUE AUTO SPA				6.00		6.00
11-00037	BRADLEY TIRE				75.00		75.00
11-01817	NUTLEY SIGN LLC				557.00		557.00
11-00443	PENNONI ASSOCIATES, INC				440.00		440.00
11-00443	PENNONI ASSOCIATES, INC				2,250.00		2,250.00
11-00443	PENNONI ASSOCIATES, INC				330.00		330.00
11-00443	PENNONI ASSOCIATES, INC				770.00		770.00
11-00443	PENNONI ASSOCIATES, INC				550.00		550.00
10-04878	CLIFFSIDE BODY CORP				5,769.00		5,769.00
11-01390	THOMPSON FABRICATING				11,125.00		11,125.00
11-01527	BADGER METER				10,689.50		10,689.50
11-01391	BEN SHAFER				6,586.80		6,586.80
11-01623	ATHENIA MASON				98.00		98.00
11-00405	VITAL COMMUNICATIONS				150.00		150.00
<b>11-01848</b>	<b>SAL ELECTRIC</b>					<b>11,200.00</b>	<b>11,200.00</b>
11-00005	ATHENIA MASON					35.50	35.50
11-00005	ATHENIA MASON					53.50	53.50
11-00017	ABLE PAINT					186.38	186.38
11-00127	CABLEVISION LIGHTPATH					3,174.84	3,174.84
11-00025	P & A AUTO PARTS					89.30	89.30
11-00025	P & A AUTO PARTS					266.31	266.31
11-01669	PSE & G					17.34	17.34
11-01668	PSE & G					343.61	343.61
11-01725	PSE & G					4.38	4.38
11-00023	STORR TRACTOR					128.71	128.71
11-01603	STATE OF NJ					110.00	110.00

TOWNSHIP OF NUTLEY							
BILL LIST							
TUESDAY MAY 17, 2011							
P.O.	VENDOR	PUBLIC AFFAIRS	REVENUE & FINANCE	PUBLIC SAFETY	PUBLICe WORKS	PARKS& PUBLIC PROPERTY	TOTALS
11-01673	VERIZON					188.88	188.88
11-01765	VERIZON					202.37	202.37
11-01677	VERIZON					338.12	338.12
11-01743	VERIZON CABS					1,095.83	1,095.83
11-01709	CABLEVISION					59.90	59.90
11-01708	BLUE RIBBON FUEL					2,198.70	2,198.70
11-01119	BLUE RIBBON FUEL					644.00	644.00
11-01705	HESS CORP					1,654.04	1,654.04
11-01816	NOREEN HAVERON					436.68	436.68
11-01648	ATLANTIC,TOMORROWS OFF.					868.22	868.22
11-01684	AT & T MOBILITY					48.70	48.70
11-01687	AT & T MOBILITY					513.86	513.86
11-00024	GRANT SUPPLIES					95.85	95.85
11-00024	GRANT SUPPLIES					42.54	42.54
11-00012	NORTHEAST AUTO					26.40	26.40
11-00012	NORTHEAST AUTO					151.00	151.00
11-00012	NORTHEAST AUTO					175.44	175.44
10-05137	METUCHEN CENTER-TEAM SPTS					1,498.60	1,498.60
11-01671	METUCHEN CENTER-TEAM SPTS					165.30	165.30
10-05136	TRIPLE CROWN SPORTS					2,330.00	2,330.00
10-05262	BEN SHAFFER					4,488.00	4,488.00
11-01213	ECONOMY PAPER					84.00	84.00
11-01226	W.B. MASON					489.65	489.65
11-01237	FRANKLIN CENTRAL COMM					1,524.00	1,524.00
11-01641	RELIABLE WOOD PRODUCTS					1,200.00	1,200.00
11-01406	AQUA-MIST IRRIGATION					154.00	154.00

TOWNSHIP OF NUTLEY							
BILL LIST							
TUESDAY MAY 17, 2011							
P.O.	VENDOR	PUBLIC AFFAIRS	REVENUE & FINANCE	PUBLIC SAFETY	PUBLIC WORKS	PARKS & PUBLIC PROPERTY	TOTALS
11-01644	MOBILE TECH					136.47	136.47
11-01666	MOBILE TECH					60.00	60.00
11-01074	CLARKSVILLE SOD					1,500.00	1,500.00
11-01245	SHIFFLER					182.56	182.56
11-01701	SAL ELECTRIC					3,010.05	3,010.05
11-01617	CLIFFSIDE BODY CORP					136.65	136.65
11-01610	DELTA PRODUCTS					297.28	297.28
11-01473	BSN SPORTS					319.46	319.46
11-01463	PIONEER PAINT					2,010.00	2,010.00
11-00027	WEST ESSEX BLDG.SUPPLY					176.04	176.04
11-00022	VIOLA BROTHERS					1,946.41	1,946.41
11-00022	VIOLA BROTHERS					480.62	480.62
11-00022	VIOLA BROTHERS					42.06	42.06
11-01667	J & D IRONWORKS					750.00	750.00
11-01927	LEONARDO VESPUCCI					692.40	692.40
11-01928	ADELE MUELLER					579.00	579.00
11-01929	MAUREEN LA MAGRA					579.00	579.00
11-00015	COMPLETE SAW SERVICE					309.00	309.00
11-01950	SUSANNA ERDOS					1,158.00	1,158.00
11-01951	VINCENT SISTO					1,355.40	1,355.40
11-01952	THOMAS GARDINER					1,158.00	1,158.00
11-01246	MAINIERO'S SPORTS					510.00	510.00
11-01485	MAINIERO'S SPORTS					2,167.50	2,167.50
11-01771	JOYLEEN MAINIERO					40.00	40.00
11-01772	OLIVAI DEFLURI					25.00	25.00
11-01770	LISA POLEWKA					25.00	25.00

TOWNSHIP OF NUTLEY							
BILL LIST							
TUESDAY MAY 17, 2011							
P.O.	VENDOR	PUBLIC AFFAIRS	REVENUE & FINANCE	PUBLIC SAFETY	PUBLIC WORKS	PARKS & PUBLIC PROPERTY	TOTALS
11-01767	TONIA MULLANY					30.00	30.00
11-01768	MARTINA NG					60.00	60.00
11-01769	BRIAN MARTIN					20.00	20.00
11-01766	MERCY RODRIGUEZ					30.00	30.00
11-01518	RUNWAY RAPIDS WATER PARK					300.00	300.00
11-01867	MARK PERKINS					110.00	110.00
11-01902	MARK PERKINS					220.00	220.00
11-01903	SCOTT BROWN					55.00	55.00
11-01904	ALBERTO ZACCHINO					165.00	165.00
11-01905	SHAUN LACEY					220.00	220.00
11-01906	DENNIS MCCARRITY					165.00	165.00
11-01907	AARON SCHAFFEL					110.00	110.00
11-01908	RENEE RUTH					55.00	55.00
11-01891	CHRIS WEINSTEIN, SR					50.00	50.00
11-01892	ANTHONY PERGOLA					100.00	100.00
11-01872	ANTHONY PERGOLA					102.00	102.00
11-01893	ANDY DEPCZEK					100.00	100.00
11-01899	ANDY DEPCZEK					136.00	136.00
11-01895	MIKE CORTESE					110.00	110.00
11-01934	MIKE CORTESE					66.00	66.00
11-01896	ANGELO STRAFACE					44.00	44.00
11-01897	VINCENT CIALLELLA					110.00	110.00
11-01930	VINCENT CIALLELLA					66.00	66.00
11-01898	THOMAS CLARKE					66.00	66.00
11-01931	THOMAS CLARKE					44.00	44.00
11-01900	CHARLES BINGHAM					48.00	48.00

TOWNSHIP OF NUTLEY							
BILL LIST							
TUESDAY MAY 17, 2011							
P.O.	VENDOR	PUBLIC AFFAIRS	REVENUE & FINANCE	PUBLIC SAFETYe	PUBLIC WORKS	PARKS & PUBLIC PROPERTY	TOTALS
11-01901	MIKE FERRARO					88.00	88.00
11-01894	MIKE FERRARO					88.00	88.00
11-01233	MONTCLAIR LACROSSE					600.00	600.00
11-01868	LOIS PLINIO					53.46	53.46
11-01869	ULTIMATE ENTERTAINMENT					495.00	495.00
11-01870	MARK SCHRIEBER					68.00	68.00
11-01873	ANDREW ZOPPI					204.00	204.00
11-01874	MICHAEL CALIA					34.00	34.00
11-01875	DAVID MICHAUD					102.00	102.00
11-01877	PAUL YANICAK					204.00	204.00
11-01881	PAUL YANICAK					102.00	102.00
11-01876	DENNIS BUCKLEY					68.00	68.00
11-01884	DENNIS BUCKLEY					102.00	102.00
11-01887	STEVE GLASSMAN					102.00	102.00
11-01890	STEVE GLASSMAN					50.00	50.00
11-01862	MARY FENUI					74.85	74.85
11-01863	LORI ROBINSON					35.00	35.00
11-01864	KATHERINE TEIXERA CHRISHE					25.00	25.00
11-01865	MELISSA EXELBERTH					30.00	30.00
11-01866	AMY CROFTON					130.00	130.00
11-01878	AMERICAN BISTRO					2,400.00	2,400.00
11-01879	TERESA MORRISON					35.00	35.00
11-01880	DONNA MUZZICATO					35.00	35.00
11-01882	PATRICIA ROSAS					35.00	35.00
11-01885	PATRICIA ROSAS					30.00	30.00
11-01883	ANTHONY LOPOMO					30.00	30.00



**TOWNSHIP OF NUTLEY  
BILL LIST  
May 17, 2011**

**List of payroll submitted for approval by the Board of Commissioners at their regular meeting of MAY 17, 2011:**

**PAYROLL-REGULAR MAY 13, 2011:**

Department of Public Affairs	21,123.57
Department of Revenue & Finance	49,504.12
Department of Public Safety	412,243.29
Department of Public Works	54,178.61
Department of Parks & Public Properties	70,832.98
Department of Recreation Commission	1,344.00
Water Operations	38,576.14
Due To From General Capital	3,325.10
600 Series	1,964.13
C.E.H.A.	611.04
ACC-U-VAC	0.00
<b>Sub Total</b>	<b>653,702.98</b>

**PAYROLL-OVERTIME MAY 13, 2011**

Department of Public Affairs	0.00
Department of Revenue & Finance	708.78
Department of Public Safety	13,126.02
Department of Public Works	1,700.57
Department of Parks & Public Properties	3,015.88
Water Operations	7,636.56
600 Series	
<b>Sub Total</b>	<b>26,187.81</b>

**TOTAL PAYROLL: 679,890.79**

**GRAND TOTAL: 3,230,494.90**

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

Federal Withholding Tax	86,504.04
Social Security	14,301.67
N.J. State Tax	23,304.29
Medicare	9,764.73
Wage Execution	4,327.58
Deferred Compensation	25,043.90
Employee Disability Ins.	3,934.19

**Ordinance No. 3169**

**Introduced by Commissioner Joseph P. Scarpelli**

**Introduced on May 17, 2011**

**Public Hearing June 21, 2011**

**Advertise in the Nutley Sun Issue of Thursday, May 26, 2011**

**Ordinance No. 3169**

**“Refuse Containers-Dumpster Ordinance”**

**SECTION I. Purpose:**

An ordinance requiring dumpsters and other refuse containers that are outdoors or exposed to stormwater to be covered at all times and prohibits the spilling, dumping, leaking, or otherwise discharge of liquids, semi-liquids or solids from the containers to the municipal separate storm sewer system(s) operated by the Township of Nutley and/or the waters of the State so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

**SECTION II. Definitions:**

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

- a. Municipal separate storm sewer system (MS4) – a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Township of Nutley or other public body, and is designed and used for collecting and conveying stormwater.
- b. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- c. Refuse container – any waste container that a person controls whether owned, leased, or operated, including dumpsters, trash cans, garbage pails, and plastic trash bags.
- d. Stormwater – means water resulting from precipitation (including rain and snow) that runs off the land’s surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.
- e. Waters of the State – means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

**SECTION III. Prohibited Conduct:**

Any person who controls, whether owned, leased, or operated, a refuse container or dumpster must ensure that such container or dumpster is covered at all times and shall prevent refuse from spilling out or overflowing.

Any person who owns, leases or otherwise uses a refuse container or dumpster must ensure that such container or dumpster does not leak or otherwise discharge liquids, semi-liquids or solids to the municipal separate storm sewer system(s) operated by the Township of Nutley.

**SECTION IV. Exceptions to Prohibition:**

- a. Permitted temporary demolition containers;
- b. Litter receptacles (other than dumpsters or other bulk containers)
- c. Individual homeowner trash and recycling containers;
- d. Refuse containers at facilities authorized to discharge stormwater under a valid NJPDES permit;
- e. Large bulky items (e.g., furniture, bound carpet and padding, white goods placed curbside for pickup.)

**SECTION V. Enforcement:**

This ordinance shall be enforced by the Township of Nutley Department of Public Works, Stormwater Coordinator and or the Municipal Engineer.

**SECTION VI. Penalties:**

Any person(s), corporation, or entity that is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed \$500.00 per offense. Each day for which a violation of this article occurs shall be considered a separate offense.

**SECTION VII. Severability:**

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

**SECTION VIII. Effective date:**

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

**Ordinance No. 3170**

**Introduced by Commissioner Joseph P. Scarpelli**

**Introduced on May 17, 2011**

**Public Hearing June 21, 2011**

**Advertise in the Nutley Sun Issue of Thursday, May 26, 2011**

**Ordinance No. 3170**

**"Private Storm Drain Inlet Retrofitting Ordinance"**

**SECTION I. Purpose:**

An ordinance requiring the retrofitting of existing storm drain inlets which are in direct contact with repaving, repairing, reconstruction, or resurfacing or alterations of facilities on private property, to prevent the discharge of solids and floatables (such as plastic bottles, cans, food wrappers and other litter) to the municipal separate storm sewer system(s) operated by the Township of Nutley so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

**SECTION II. Definitions:**

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- a. Municipal separate storm sewer system (MS4)– a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Township of Nutley or other public body, and is designed and used for collecting and conveying stormwater.
- b. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- c. Storm drain inlet- an opening in a storm drain used to collect stormwater runoff and includes, but is not limited to, a grate inlet, curb-opening inlet, slotted inlet, and combination inlet.
- d. Waters of the State – means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

### **SECTION III. Prohibited Conduct:**

No person in control of private property (except a residential lot with one single family house) shall authorize the repaving, repairing (excluding the repair of individual potholes), resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen), reconstructing or altering any surface that is in direct contact with an existing storm drain inlet on that property unless the storm drain inlet either:

1. Already meets the design standard below to control passage of solid and floatable materials; or
2. Is retrofitted or replaced to meet the standard in Section IV below prior to the completion of the project.

### **SECTION IV. Design Standard:**

Storm drain inlets identified in Section III above shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section 3 below.

1. Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:
  - a. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or
  - b. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater basin floors.

2. Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.
3. This standard does not apply:
  - a. Where the municipal engineer agrees that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards;

- b. Where flows are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
  - 1. A rectangular space four and five-eighths inches long and one and one-half inches wide (this option does not apply for outfall netting facilities); or
  - ii. A bar screen having a bar spacing of 0.5 inches.
- c. Where flows are conveyed through a trash rack that has parallel bars with one-inch (1") spacing between the bars; or
- d. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

**SECTION V. Enforcement:**

This ordinance shall be enforced by the Township of Nutley Department of Public Works, Stormwater Coordinator and or the Municipal Engineer.

**SECTION VI. Penalties:**

Any person(s), corporation, or entity that is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed \$500.00 for each storm drain inlet that is not retrofitted to meet the design standard. Each day for which a violation of this article occurs shall be considered a separate offense.

**SECTION VII. Severability:**

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

**SECTION VIII. Effective date:**

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Ordinance # 3168

Introduced by Commissioner Thomas J. Evans

Introduced on May 17, 2011

Public Hearing June 21, 2011

Advertise in the Nutley Sun Issue of Thursday, May 26, 2011

Ordinance No. 3168

AN ORDINANCE TO AMEND AN ORDINANCE  
CODIFIED IN THE TOWNSHIP OF NUTLEY  
CODE, CHAPTER 538 ENTITLED RETAIL  
ESTABLISHMENTS, PARTICULARLY SECTION  
538-1(A)

BE IT ORDAINED by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that Chapter 538-1(A) of the Code of the Township of Nutley is modified to delete "11:00 p.m." and replace it with "12:00 a.m."

Ordinance No. 3167  
Introduced on May 17, 2011  
Introduced by Mayor Joanne Cocchiola  
Public Hearing June 21, 2011  
Advertise in the Nutley Sun Issue of Thursday, May 26, 2011

**ORDINANCE NO. 3167**

**AN ORDINANCE TO AMEND CHAPTER 532, ARTICLE I, SECTION 532-5A AND 532-5D ENTITLED "RENT CONTROL HARDSHIP RENT INCREASE; CAPITAL IMPROVEMENT OR SERVICE CHARGE SURCHARGE"**

**Chapter 532, Article I, Section 532-5**

**Hardship Rent Increases**

A. Under this Section, an owner or landlord may make application to the Rent Leveling Board (the "Board) for increased rents in a building based on economic hardship relating to that building.

**Allowable Seven Percent (7%) Return On Investment; and Examples**

1. A return on investment is allowed equal to 7% of the total equalized value of land and building (as per the County Equalization Ratio) after taking into account income and expenses, provided that no increase in rent, including any increase allowed under chapter 532-2C, shall exceed 15% of the present rent at one time. A hardship increase in excess of 15% shall be held in abeyance and shall be allowed in six-month intervals until the entire hardship increase is implemented. In the event that a landlord cannot realize a return on his property equal to 7% of the total assessed valuation of land and building after taking into account income and expenses based on the annexed formula, the Rent Leveling Board may grant the landlord a hardship rent increase for good cause shown.

If the return on investment is less than 7%, a landlord may apply to the Board for an increase in rent to achieve a 7% return on investment.

2. Any such increase in rent granted hereunder shall be capped at a maximum of 15% provided that no increase in rent, including any increase allowed under chapter 532-2C, shall exceed 15% of the present rent at one time. A hardship increase in excess of 15% shall be held in abeyance and shall be allowed in six-month intervals until the entire hardship increase is implemented.

Example# 1:

Equalized value of land and building = \$1,000,000.00  
Net operating expense current year = \$65,000.00  
Gross income average for years 1 through 2 = \$100,000.00

Net income (\$100,000.00 less \$65,000.00) = \$35,000.00

7% ROI on \$1,000,000.00 = \$70,000.00

The ratio between \$70,000.00 permissible 7% ROI and \$35,000.00 actual ROI is 1 to 2. The actual ROI is 3.5%. Landlord is therefore entitled to a 3.5% rent increase to reach the 7% ROI.

Example # 2:

Equalized value of land and building = \$1,000,000.00

Net operating expense current year = \$55,000.00

Gross income average for years 1 through 2 = \$100,000.00

Net income (\$100,000.00 less \$55,000.00) = \$45,000.00

7% ROI on \$1,000,000.00 = \$70,000.00

The ratio between \$70,000.00 permissible 7% ROI and \$45,000.00 actual ROI is approximately 1 to 1 ½ (or 0.642). The actual ROI is 4.5 %. Landlord is therefore entitled to a 2.5% rent increase to reach the 7% ROI.

Example # 3:

Equalized value of land and building = \$1,000,000.00

Net operating expense current year = \$50,000.00

Gross income average for years 1 through 2 = \$120,000.00

Net income (\$120,000.00 less \$50,000.00) = \$70,000.00.

7% ROI on \$1,000,000.00 = \$70,000.00

The ratio between \$70,000.00 permissible 7% ROI and \$70,000.00 actual ROI is 1 to 1. The actual ROI is 7%. Landlord is therefore not entitled to a hardship rent increase.

**Base Rent; Notice; Anticipated Income; and Professionally prepared Documentation.**

3. Any hardship increase granted pursuant to this section shall be included in the base rent for the calculation of any actual charges or rent increases.

4. All affected tenants shall be notified by the landlord in writing of any hardship increase, the duration thereof and the amount of the increase in rent apportioned to each and proof of such

written notice must be presented to the Board in the manner required by the Board as conditions precedent and subsequent to any rent increases pursuant to this section.

5. As part of the application for relief, the landlord shall submit to the Board its anticipated income for the period of relief annually, considering all automatic increases to base rent that may come due during said period. Anticipated income shall include, but not be limited to, income from residential rents, garage rents, additional facilities and laundry and vending commissions

6. Wherever practicable, the Board may require professionally prepared documentation of any or all pertinent financial data offered in support of an application under this section, except that the Board may exercise its reasonable discretion to waive this requirement if the cost to the applicant, or other considerations, are deemed to outweigh the need and/or the probative value, for such professional certification (s).

**Compliance With Construction Code; Payment Of Taxes;  
and One (1) Application Per Year.**

7. No increase granted pursuant to this section shall take effect until the Township's construction official or his/her designated representative, after a reasonable inspection of the premises, notifies the Board in writing that said premises is in substantial compliance with all of the Township's construction, dwelling and/or maintenance code (s) and any and all, county, state and federal codes, rules, standards or regulations. It shall be the obligation of the landlord to address this issue with the applicable authorities and to obtain the aforesaid writing confirming substantial compliance.

8. No increase granted pursuant to this section shall take effect until the Township's Tax Collector notifies the Board in writing that all property taxes are current, except for arrearages authorized by law, and any tax rebates due have been paid. It shall be the obligation of the landlord to address this issue with the applicable authorities and to obtain the aforesaid writing confirming that all property taxes are current.

9. The Board shall not grant an increased rental to a landlord upon more than one (1) application for any one year.

**Application Fee; and Proof of Service.**

10. The application for rental increase pursuant to this section shall include a flat fee of \$100.00 payable to the Township of Nutley without regard to the number of rental units for which an increase is sought.

11. As a prerequisite to any increase granted pursuant to this section, the landlord shall provide proof of the service of the application and any and all attachments thereto upon each tenant for whom an increase is sought, within ten (10) days of the filing of the application notifying each tenant an application for rent increase has been filed and that the application and

all books and records attendant thereto are available for review at the Township Hall and that a copy of the application and all documents attendant thereto will be provided by the landlord at the landlord's expense to the tenant upon the tenant's request. The proof of service must be in the form of either an executed Affidavit of Service made by a process server (not the landlord) or if by certified mail, the executed return receipt (or so-called "green card"). Upon a failure of the landlord to provide proof of service to the good faith satisfaction of the Board, the Board shall deny application without prejudice upon the completion of the necessary requirements.

**Application Form: Information: Requirements; and Hearing Schedule.**

12. The application for rent increase pursuant to this section shall be on a form specified by the Board and shall be filed with the Board. The following information be filed along with the application:

- (a) A current rent roll which lists the rent for each unit in the building for the current year and for each of the two (2) prior years.
- (b) A detailed operating statement, prepared by a licensed accountant to be true and accurate for the current year and for each of the two (2) prior years.
- (c) Any and all other document or evidence the applicant intends to rely upon.
- (d) Twelve (12) copies of the application and any and all accompanying documents or papers incident thereto shall be filed by the applicant.
- (e) Proof of all federal, state and local taxes having been paid up to date.
- (f) The application fee of \$200.00.

13. If the applicant meets all of the requirements of this section, the Board shall schedule a public hearing on the application no earlier than thirty (30) days and no later than sixty (60) days (unless further extension is consented to by the applicant) after the Board deems the application to be complete. The landlord applicant shall notify all tenants in writing affected thereby of the hearing date no later than ten (10) days after the date is set. The proof of service must be in the form of either an executed Affidavit of Service made by a process server (not the landlord) or if by certified mail, the executed return receipt (or so-called "green card"). Upon a failure of the landlord to provide proof of service to the good faith satisfaction of the Board, the Board shall deny application without prejudice upon the completion of the necessary requirements.

### **Hearing Proof Requirements; Preponderance Of The Evidence.**

14. At the hearing, the landlord applicant will be required to prove the following by a preponderance of the evidence.

- (a) Compliance with all notice requirements.
- (b) That the accounting practices used in the preparation of the operating expenses and statements and any other financial documents submitted are normal and consistent with the applicable IRS Codes and Regulations.
- (c) Reasonable attempts have been made by the landlord to lower, mitigate or eliminate the source of the hardship giving rise to the application.
- (d) Any and all additional or further issues the Board may deem appropriate under the circumstances of any given application for rent increase, each application to be judged in the individual merits of each.
- (e) The Board may establish other further criteria in the execution of its duties as it may deem appropriate from time to time in any given case.
- (f) The Board may require testimony from the landlord and/or from the landlord's professionals (such as but not limited to lawyers, accountants, managing agents and/or insurance professionals).
- (g) The Board shall hear and consider affected tenants who may wish to present writings to the Board as to the application and shall hear and consider affected tenants who may wish to appear and give testimony as to the application.

### **Escrow Fees In The Discretion Of The Board**

15. In the sole discretion of the Board, and if deemed necessary by the Board, the applicant shall forthwith deposit such funds, the amount of which to be determined by the Board for each application, in an amount the Board believes in its judgment to be sufficient to cover and pay for the reasonable and necessary costs and fees of any and all such professional experts in the escrow account maintained by the Treasurer of the Township. The professional expert(s) shall submit vouchers for all reasonable and necessary fees for the professional services rendered, which fees shall be paid from the escrow account in the manner prescribed by N.J.S.A. 40A:5-16 through 40A:5-18 any amendments thereto.

16. The professional expert(s) shall, at the time of submission of any such voucher, forward a copy of same to the applicant and to the Board. In the event the applicant questions the reasonableness of any such voucher, the applicant shall, not later than five (5) days after receipt

of a copy of the voucher, make written protest of such voucher to the Board. In no event shall the Board authorize the payment of any voucher submitted pursuant to this section sooner than ten (10) days from its submission.

17. Any of the aforesaid moneys left in the escrow account upon completion of the application shall be returned to the applicant as soon as practicably possible.

18. Should additional funds be required in the discretion of the Board after the initial funds are exhausted, and such additional funds being deemed necessary by the Board in its discretion, such additional funds shall be paid by the applicant to the Treasurer of the Township and placed in the escrows account.

19. If, in the discretion of the Board, the aforementioned escrow account is deemed necessary for the consideration of any such application (s), the Board shall take no formal action on any application unless and until all escrow funds have been deposited with the Treasurer of the Township in the amount which is to be determined by the Board, and any time limitations set forth in this chapter shall be extended for not more than thirty (3) days until all such escrow funds are deposited with the Treasurer.

20. The Board reserves the right, upon the filing of a proper application under this Section of the Ordinance, to issue a one time surcharge in any twelve (12) month period upon rents which surcharge in the discretion of the Board may be based upon an extraordinary spike or sharp increase in operating expenses.

21. Any such extraordinary spike or sharp increase in operating expenses must be proved by a preponderance of the evidence to the satisfaction of the Board based upon a general spike or sharp increase in operating expenses encountered by landlords generally.

22. The Board shall deny any such request for a surcharge herein unless the applicant or landlord shall meet all of the requirements of Chapter 532, Article I, Section 532-5, by a preponderance of the evidence.

23. Any surcharge issued by the Board shall not exceed the maximum allowable rent increase in Chapter 532, Article I, Section 532-5.

**Chapter 532, Article I, Section 532-5D**

**D. Capital Improvement**

In conjunction with any other provisions for rent increases, herein, a landlord may make application to the Rent Leveling Board (the "Board") to increase rents up to a total maximum of 10% or, at the discretion of the Board, to increase rents over 10%, up to the limit set as per guidelines published by the Internal Revenue Service and which guidelines are current as of the date of the application, per unit, plus any and all other rent increase(s) which may have been granted by the Board pursuant to this Ordinance, to amortize the costs and expenses incurred by the landlord for Capital Improvements as that term is defined herein at Section 532-1

**Capital Improvement Rent Increase Not To Be Imposed For Any More Than The Useful Life Of The Improvement; Shall Not Be Included In Base Rent; and Notification to Tenants Required.**

1. Any Capital Improvement rent increase granted pursuant to this section shall not be imposed for any more than the length of the useful life of the improvement for which an increase is sought on any single application. The landlord may apply for another Capital Improvement rent increase at the expiration of the prior increase pursuant to this section.
2. Any Capital Improvement rent increase granted pursuant to this section **shall** be included in the base rent for the calculation of any annual charges or rent increases.
3. All affected tenants shall be notified by the landlord in writing of any Capital Improvement rent increase, the duration thereof and the amount of the increase, the duration thereof and the amount of the increase in rent apportioned to them and proof of such written notice must be presented to the Board in the manner required by the Board as conditions precedent and subsequent to any rent increase pursuant to this section.

**Applications For Capital Improvement Rent Increase; Anticipated Income; and Professionally Prepared Documentation**

4. Wherever practicable, the Board may require the applicant to obtain and present to the Board professionally prepared documentation of any or all pertinent financial data offered in support of an application under this section, except the Board may exercise its reasonable discretion to waive this requirement if the cost to the applicant, or other considerations, are deemed to outweigh the need and/or the probative value, for such professionally prepared documents.

**Capital Improvement Rent Increase Subject To Construction Code And Subject To Current Property Taxes Being Paid In Full.**

5. No increase granted pursuant to this section shall take effect unless and until the Township's construction official or his/her designated representative, after a reasonable inspection of the premises, notifies the Board in writing said premises is in substantial compliance with all the "Township's construction, dwelling and/or maintenance code(s) and any and all, county, state and federal codes, rules, standards or regulations. It shall be the obligation of the landlord to address this issue with the applicable authorities and to obtain the aforesaid writing confirming substantial compliance and to provide confirmation of same to the Board.
6. No increase granted pursuant to this section shall take effect unless and until the Township's Tax Collector notifies the Board in writing all property taxes are current, except for arrearages

authorized by law, and any tax rebates due have been paid. It shall be the obligation of the landlord to address this issue with the applicable authorities and to obtain the aforesaid writing confirming all property taxes are current and paid in full and to provide confirmation of same to the Board.

#### **Application Filing Fee; and Proof of Service Requirements**

7. The application for Capital Improvement rental increase pursuant to this section shall include a flat fee of \$100.00 payable to the Township of Nutley without regard to the number of rental units for which an increase is sought.
8. As a prerequisite to any Capital Improvement rent increase granted pursuant to this section, the landlord shall provide proof of the service of the application and any and all attachments thereto upon each tenant for whom an increase is sought, within ten (10) days of the filing of the application notifying each tenant an application for a Capital Improvement rent increase has been filed and application and all books and records attendant thereto are available for review at the Township hall and a copy of the application and all documents attendant thereto will be provided by the landlord at the landlord's expense to any tenant upon the tenant's request. The proof of service must be in the form of either an executed Affidavit of Service made by a process server (not the landlord) or if by certified mail, the executed return receipt (or so-called "green card"). Upon a failure of the landlord to provide proof of service to the good faith satisfaction of the Board, the Board shall deny application without prejudice upon the completion of the necessary requirements.

#### **Capital Improvement Rent Increase Application Requirements; and Time Frames For Scheduling of Public Hearing On Application For Capital Improvement Rent Increase.**

9. The application for a Capital Improvement rent increase pursuant to this section shall be on a form specified by the Board and shall be filed with the Board. The following information must be filed along with the application form:
  - (1) Any and all documents or evidence the applicant intends to rely upon,
  - (2) Twelve (12) copies of the application and any and all Accompanying documents or papers incident thereto shall be filed by the applicant
  - (3) Proof of all federal, state and local taxes having been paid up to date, and
  - (4) The application fee for \$100.00
10. If the applicant meets all of the requirements of this section, the Board shall schedule a public hearing on the application no earlier than thirty (30) days and no later than sixty (60) days (unless further extension is consented to be the applicant) after the Board deems the application to be complete. The landlord applicant shall notify all tenants in writing affected thereby of the hearing date no later than ten (10) days after the date is set. The proof of service must be in the form of either an executed Affidavit of Service made by a process server (not the landlord) or if by certified mail, the executed return receipt (or so-called "green card"). Upon failure of the landlord to provide, proof of service to the good faith satisfaction of the Board, the Board shall deny application without prejudice upon the completion of the necessary requirements.

**Capital Improvement Rent Increase Hearing Standards of Proof And  
Necessary Elements For Landlord Applicant To Prove.**

11. At the hearing, the landlord applicant will be required to prove the following by a preponderance of the evidence.
- (a) Compliance with all notice requirements.
  - (b) That the accounting practices used in the preparation of the application are consistent with all current and applicable Internal Revenue Service Codes and Regulations.
  - (c) That the landlord is in full compliance with any and all federal, state, county and/or municipal laws, regulations, building codes and/or standards.
  - (d) Any and all additional or further issues the Board may deem appropriate under the circumstances of any given application for a Capital Improvement rent increase, each application to be judged on the individual merits thereof.
  - (e) The Board may establish other and further criteria in the execution of its duties as it may deem appropriate from time to time in any given case.
  - (f) The Board may require testimony from the landlord and/or from the landlord's professionals (such as but not limited to lawyers, accountants, managing agents and/or insurance professionals).
  - (g) The Board shall hear and consider affected tenants who may wish to present writings to the Board as to the application and shall hear and consider affected tenants who may wish to appear and give testimony as to the application.
  - (h) That the landlord has fully paid up to date any and all federal, state, county and/or municipal taxes, assessments and/or surcharges.

**Escrow Fees In The Discretion Of The Board**

12. In the sole discretion of the Board, and if deemed necessary by the board, the applicant shall forthwith deposit such funds, the amount of which to be determined by the board for each application, in an amount the Board believes in its judgment to be sufficient to cover and pay for the reasonable and necessary costs and fees of any and all such professional experts in the escrow account maintained by the Treasurer of the Township. The professional expert(s) shall submit vouchers for all reasonable and necessary fees for the professional services rendered, which fees shall be paid from the escrow account in the manner prescribed by N.J.S.A. 40A:5-16 through 40A:5-18 or any amendments thereto.

13. The professional expert(s) shall, at the time of submission of any such voucher, forward a copy of same to the applicant and to the Board. In the event the applicant questions the reasonableness of any such voucher, the applicant shall, not later than five (5) days after receipt of a copy of the voucher, make written protest of such voucher to the Board. In no event shall the board authorize the payment of any voucher submitted pursuant to this section sooner than ten (10) days from its submission.
14. Any of the aforesaid moneys left in the escrow account upon completion of the application shall be returned to the applicant as soon as practicably possible.
15. Should additional funds be required in the discretion of the Board after the Initial funds are exhausted, and such additional funds being deemed necessary by the Board in its discretion, such additional funds shall be paid by the applicant to the Treasurer of the Township and placed in the escrow account.
16. If, in the discretion of the Board, the aforementioned escrow account is deemed necessary for the consideration of any such application(s), the Board shall take no formal action on any application unless and until all escrow funds have been deposited with the Treasurer of the Township in the amount which is to be determined by the Board, and any time limitations set forth in this chapter shall be extended for not more than thirty (30) days until all such escrow funds are deposited with the Treasurer.

**ORDINANCE NO. 3164**

**INTRODUCED BY COMMISSIONER THOMAS J. EVANS**

**INTRODUCED ON TUESDAY, APRIL 19, 2011**

**PUBLIC HEARING MAY 17, 2011**

**ADVERTISE IN THE NUTLEY SUN ISSUE OF THURSDAY, APRIL 28, 2011**

**ORDINANCE NO. 3164**

**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 14 ENTITLED "PARKING PROHIBITED DURING CERTAIN HOURS" TO ADD THE LOCATIONS SET FORTH THEREIN.**

**BE IT ENACTED** by the Board of Commissioners of the Township of Nutley that Section 14 of Chapter 228 of the Code of the Township of Nutley, entitled Parking on Certain Streets, is hereby amended to set forth the ADDITION of the following locations:

**ADD**

<b><u>Name of Street</u></b>	<b><u>Side</u></b>	<b><u>Hours</u></b>	<b><u>Location</u></b>
Chestnut Street	South	8:00 am to 9:00 am 3:00 pm to 4:00 pm School Days	Ridge Road to Bloomfield Avenue
Chestnut Street	South	8:00 am to 9:00 am 3:00 pm to 4:00 pm School Days	Bloomfield Avenue to Plain Street

BE IT FURTHER ENACTED that all other terms and conditions and locations in Section 14 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.

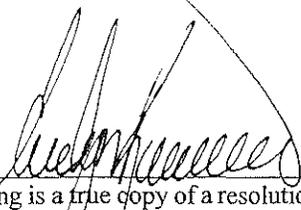
## Resolution

*Introduced by:* Commissioner Joseph P. Scarpelli *Date:* May 17, 2011

*Seconded by:* Commissioner Alphonse Petracco *No.* 115-11

**BE IT RESOLVED** by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that the Township Clerk is hereby authorized to advertise for sealed bids for “Leaf Removal and Recycling from our Drop Off Site” to be received on behalf of the Board of Commissioners, Commission Chambers, Township Hall, One Kennedy Drive, Nutley, NJ, on Thursday, June 9, 2011, at 3:00 P.M. prevailing time, at which time they will be opened and read.

. . .

I,  , Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held \_\_\_\_\_ May 17, 2011 \_\_\_\_\_.

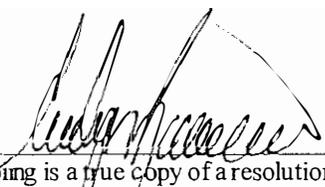
<i>Record of Vote</i>	<i>Commissioner Scarpelli</i>	<i>Commissioner Petracco</i>	<i>Commissioner Evans</i>	<i>Commissioner Tucci</i>	<i>Mayor Cocchiola</i>
<i>Yes</i>	X	X	X	X	X
<i>No</i>					
<i>Not Voting</i>					
<i>Absent/Excused</i>					

## Resolution

*Introduced by:* Commissioner Joseph P. Scarpelli *Date:* May 17, 2011

*Seconded by:* Commissioner Alphonse Petracco *No.* 116-11

**BE IT RESOLVED** by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that the Township Clerk is hereby authorized to advertise for sealed bids to supply Water Meters and Water Meter heads in the Township of Nutley, to be received on behalf of the Board of Commissioners, in the Commission Chambers, Township Hall, 1 Kennedy Drive, Nutley, NJ, on Tuesday, June 21, 2011 at 3:00 P.M. prevailing time, at which time they will be opened and read.

I,  Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held May 17, 2011.

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

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

*Attach To Official Minutes*

## Resolution

*Introduced by:* Commissioner Alphonse Petracco *Date:* May 17, 2011  
*Seconded by:* Commissioner Joseph P. Scarpelli *No.* 117-11

WHEREAS, the Township of Nutley has a need to acquire professional services to assist with labor counsel within the Nutley Police Department as a non-fair and open contract pursuant to the provisions of N.J.S.A. 5:34-2.1; and

WHEREAS, the Chief of Police has determined and certified in writing that the value of the aggregate services provided by the vendor for the year will exceed \$17,500; and

WHEREAS, Ruderman & Glickman, P.C. have completed and submitted a Business Entity Disclosure Certification which certifies that they have not made any reportable contributions to a political or candidate committee in the Township of Nutley in the previous one year, and that the contract will prohibit them from making any reportable contributions through the term of the contact; and

WHEREAS, the Township of Nutley recognizes the specialized and qualitative nature of the consulting services required as it pertains to the expertise of the labor counsel; and

WHEREAS, the approximate cost for this twelve month professional service will be \$30,000.00;

WHEREAS, funds are available from account 1-01-012-205 and will be certified by the Chief Financial Officer upon adoption of the 2011 budget;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that pursuant to N.J.S.A. 40A:11-5(1)(a)ii and 18 A:18A-5a(2), a contract for labor counsel be awarded to Ruderman & Glickman, P.C., 675 Morris Avenue, Springfield, NJ 07081-1523 and authorizes the Mayor to enter into a contract with Ruderman & Glickman, P.C.; and

BE IT FURTHER RESOLVED that notice of this award shall be published in accordance with the law.

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

. . .

I, , Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held May 13, 2011.

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

**BOARD OF COMMISSIONERS**  
**TOWNSHIP OF NUTLEY, NEW JERSEY** *Attach To Official Minutes*  
**Resolution**

*Introduced by:* Commissioner Thomas J. Evans *Date* May 17, 2011

*Seconded by:* Commissioner Mauro G. Tucci ee ee ee ee ee ee ee ee ee No. 118 -11

**WHEREAS**, Violet O'Halloran also known as "Vickie" is a proud mother of two sons, Michael and Joseph and seven grandchildren, Samantha, Kelly, Jenna, Joelle, Julianne, Joseph and Aidan; and

**WHEREAS**, in 1963 Vickie married Joseph "Butch" O'Halloran and moved to Nutley and has been active in our community ever since; and

**WHEREAS**, Vickie began her career in the Township of Nutley on April 8, 1985 working as a Crossing Guard; and

**WHEREAS**, on May 17, 1987 Vickie was promoted holding a title of Clerk Typist for the Director of Public Affairs, Carmen A. Orechio ; and

**WHEREAS**, on June 7, 1987 Vickie was appointed the Director of Welfare for the Township; and

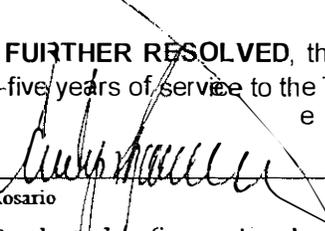
**WHEREAS**, on May 21, 1996 Vickie transferred to the Department of Public Safety as Senior Clerk Typist and then to Senior Clerk Stenographer; and

**WHEREAS**, on May 22, 2008 Vickie transferred to the Code Enforcement Department and worked with Thomas J. Evans the Director of the Department of Revenue and Finance; and

**WHEREAS**, on March 31, 2011, Vickie retired from the Revenue and Finance Department after twenty-five years of dedicated service to the Township of Nutley; and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey that Violet O'Halloran's long and dedicated service to the Township of Nutley and its residents be hereby recognized; and

**BE IT FURTHER RESOLVED**, that the gratitude of this community be hereby extended to Violet O'Halloran for her twenty-five years of service to the Township of Nutley.

I,  Township Clerk of the Township of Nutley, Essex County, NJ, do hereby  
 Evelyn Rosario

certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held May 17, 2011.

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

BOARD OF COMMISSIONERS  
Township of Nutley, New Jersey

Attach To Official Minutes

Resolution

Introduced by: Commissioner Mauro G. Tucci Date: May 17, 2011

Seconded by: Commissioner Alphonse Petracco No. 119-111

**WHEREAS**, in 1949 the legislature set aside the last Friday of April as Arbor Day to promote the planting of trees and to encourage the protection of our forests from fires and pests that destroy the beauty and usefulness of our woodlands; and

**WHEREAS**, half of New Jersey's total land area is forested or tree covered; and

**WHEREAS**, trees play an important role in the ecosystem in which we live, and trees reduce the erosion of our precious topsoil caused by wind and water, clean the air we breath and the water we drink, produce oxygen, provide habitat for birds and wildlife and reduce heating and cooling costs by moderating temperature; and

**WHEREAS**, trees are a renewable resource giving us paper for fine literature, wood for homes, fuel for fires, and countless other wood products; and

**WHEREAS**, trees provide increased property value, enhanced economic viability, and pleasing aesthetic qualities along streets and properties in municipalities; and

**WHEREAS**, tree planting in yards and farms, in school yards and parks, and along streets and highways creates an enduring heritage for generations that follow; and

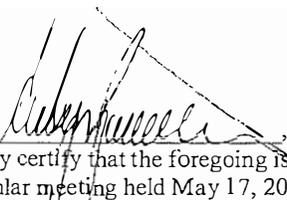
**WHEREAS**, The Township of Nutley has completed its' 24<sup>th</sup> year as a member of Tree City USA; and

**WHEREAS**, I, Commissioner Mauro G. Tucci, Director of Parks and Public Property of the Township of Nutley, do hereby proclaim May 14, 2011 as

**ARBOR DAY**

in the community of Nutley, and urge all citizens to support efforts to protect our trees and woodlands and to support our town's urban forestry program, and

Further, I urge all citizens to plant trees to gladden hearts and promote the well-being of present and future generations.

 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 17, 2011

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

BOARD OF COMMISSIONERS  
TOWNSHIP OF NUTLEY, NEW JERSEY

Attach To Official Minutes

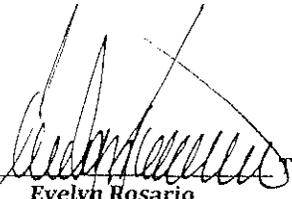
# Resolution

Introduced by: Mayor Joanne Cocchiola Date: May 17, 2011

Seconded by: Commissioner Mauro G. Tucci No. 120-11

**BE IT RESOLVED** by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey that the following day shall be considered a paid holiday:

Monday                      May 30, 2011                      Memorial Day

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 17, 2011.

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

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

Attach To Official Minutes

## Resolution

*Introduced by:* Commissioner Thomas J. Evans      oo oo      *Date:* May 17, 2011

*Seconded by:* Commissioner Mauro G. Tucci      *No.* 121-11

WHEREAS, a request has been made by the residents of Milton Avenue in the Township of Nutley, County of Essex, New Jersey for the Township to address concerns relating to vehicular speed along that roadway, and

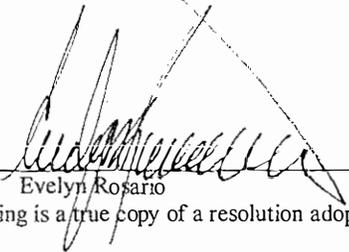
WHEREAS, pursuant TO R.S. 39:4-8.c(9), subject to the provisions of R.S.39:4-138, in the case of any street under municipal or county jurisdiction, a municipality or county may, without the approval of the commissioner, and consistent with the current standards prescribed by the Manual on Uniform Traffic Control Devices for Streets and Highways, by ordinance, resolution, or regulation to reinstate or add parking on any street.

BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey that Chapter 228 of the Code of the Township of Nutley, Article II Parking on Certain Streets, Section 13, Parking prohibited at all times, be amended as follows:

**Delete**

<b>Name of Street</b>	<b>Side</b>	<b>Location</b>
Milton Avenue	South	Bloomfield Avenue to Linn Road

BE IT FURTHER RESOLVED that should this change have a beneficial effect by reducing the speeds of motor vehicles on Milton Avenue, an ordinance will be introduced to codify this parking reinstatement.

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 17, 2011.

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

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

Attach To Official Minutes

## Resolution

Introduced by: Mayor Joanne Cocchiolao oo oo Date: May 17, 2011 o o o

Seconded by: Commissioner Mauro G. Tucci No. 122-11

**WHEREAS**, Washington Elementary School, the third public school to be built in the Nutley School district was established in 1911, and is celebrating its 100<sup>th</sup> Anniversary this year; and

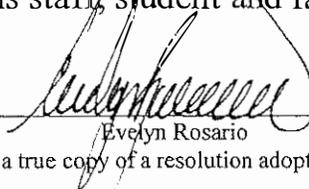
**WHEREAS**, the original school building consisted of two stories and housed nine classrooms and an auditorium, for children in kindergarten through eighth grade; and

**WHEREAS**, Susan Lockhart was the first acting principal and founder of the Nutley Family Service Bureau; and

**WHEREAS**, Washington Elementary School laid the foundation for numerous generations of many noteworthy Nutleyites such as the Orechio family, Cocchiola family, Viola family and Ritacco family; and

**WHEREAS**, Washington Elementary School is proud to have consistently employed dedicated, compassionate, empowering teachers and principals who have enriched the lives of the students and families alike;

**THEREFORE BE IT RESOLVED** that the Mayor and the Board of Commissioners of the Township of Nutley, join the entire community of Nutley in celebrating the 100<sup>th</sup> Anniversary of Washington Elementary School and wish continued success to Principal Jones, his staff, student and families, and all those who have been touched by this institution.

 \_\_\_\_\_, Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the foregoing  
Evelyn Rosario

Is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held May 17, 2011 \_\_\_\_\_.

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

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

Attach To Official Minutes

Introduced by: Mayor Joanne Cocchiola Date May 17, 2011

Seconded by: Commissioner Mauro G. Tucci No. 123-11

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

VFW Post # 493 Stuart E. Edgar	License No. 34-11 On-Premise PULL TAB	July 10 , 2011 thru July 10 2012
Radcliffe School PTO	License No. 35 -11 Off Premise 50/50 Cash Raffle	June 9, 2011
Holy Family Catholic Church	License No. 36-11 On-Premise Money Wheel/Games of Chance	September 22 thru September 25 2011
Holy Family Catholic Church	License No. 37-11 On-Premise 50/50 Cash Raffle	September 22 thru September 25 2011
Holy Family Catholic Church	License No. 38-11 Off-Premise 50/50 Cash Raffle	September 25, 2011
Rotary Club of Nutley	License No. 39-11 On-Premise Tricky Tray Raffle	June 10, 2011

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

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

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

Evelyn Rosario

certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held May 17, 2011.

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

**BOARD OF COMMISSIONERS  
Township of Nutley, New Jersey**

Attach To Official Minutes

**Resolution**

Introduced by: Commissioner Mauro G. Tucci Date May 17, 2011

Seconded by: Commissioner Alphonse Petraaco No. 124-1d

**WHEREAS**, the Township of Nutley entered into a collective bargaining agreement with Teamsters Local 97, representing Parks and Public Property, and Public Works employees; and

**WHEREAS**, on November 23, 2010 after agreeing to mediation, the issues in dispute were not substantially resolved; and

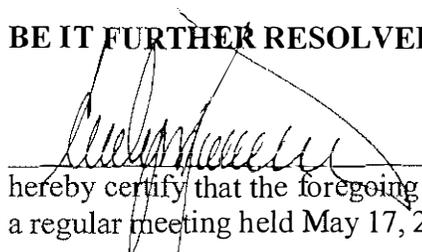
**WHEREAS**, the negotiation process continued with Union representatives and the Directors of the respective departments; and

**Whereas**, the Township of Nutley is desirous of entering into a four year contract with Teamsters Local 97,

**NOW THEREFORE BE IT RESOLVED**, in accordance with the language changes agreed upon with the mediator and Union representation, as modified, is advised of the following:

1. Percentage increase will be 2.25% for 2009  
2.25% for 2010  
1.75% for 2011  
1.75% for 2012
2. Lincoln's Birthday will be eliminated as a paid holiday.
3. Longevity will be eliminated for all new employees, as of the date of this resolution.
4. Article V. Section 3, will be eliminated relative to the earned personal day for every six months within a calendar year without the use of sick leave.

**BE IT FURTHER RESOLVED**, that this resolution shall take effect immediately.

 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 17, 2011.

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