TOWNSHIP OF NUTLEY, NEW JERSEY
BOARD OF COMMISSIONERS

PUBLIC MEETING

TRANSCRIPT OF
PROCEEDINGS:

May 4, 2010
7:04 p.m.

BEFORE:
Mayor Cocchiola
Commissioner Evans
Commissioner Petracco
Commissioner Scarpelli
Commissioner Tucci
Township Clerk Rosario

Job No. NJ258339
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Job No. NJ258339
MAYOR COCCHIOLA: -- read it.

MADAM CLERK: Are we on the record?

MAYOR COCCHIOLA: Yeah.

MADAM CLERK: Tuesday, May 4th, 2010. Pursuant to the requirements of the Open Public Meeting Law, Chapter 231, Public Laws, 1975, notice of this meeting was published in the December 10, 2009 issues of the Nutley Sun, the Journal, the Star Ledger and the Herald News. A copy of this notice has been posted on the Nutley Town Hall bulletin board and a copy is on file in the municipal clerk's office. Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Here.

MADAM CLERK: Commissioner Petracco is on his way.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Here.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Here.

MADAM CLERK: Mayor Cocchiola?

COMMISSIONER PETRACCO: Sorry, I'm late.

MAYOR COCCHIOLA: Feh.

COMMISSIONER PETRACCO: First time in two years. At least some of us --

MAYOR COCCHIOLA: We weren't keeping score.

COMMISSIONER TUCCI: Better check your attendance card.

COMMISSIONER PETRACCO: I was in Montclair at a baseball game. Sorry.

COMMISSIONER TUCCI: Did they at least win?

COMMISSIONER PETRACCO: They sure did.

COMMISSIONER TUCCI: Good. All right.

COMMISSIONER PETRACCO: 7-1.

MAYOR COCCHIOLA: Okay.

Commissioner Scarpelli, what do you have tonight?

COMMISSIONER SCARPELLI: I have nothing on the agenda tonight.

MAYOR COCCHIOLA: Wow.

COMMISSIONER TUCCI: Oh, what a guy.
MAYOR COCCHIOLA: Guy, Commissioner doesn't have nothing.

COMMISSIONER SCARPELLI: See you guys tomorrow.

(Laughter.)

MAYOR COCCHIOLA: Commissioner Evans?

COMMISSIONER EVANS: I have a public hearing regarding handicapped parking on High Street. Also, the ordinance allowing us to create a cap bank, under Ordinance number 3137, which is a sort of a paper entry for our books for future years. And --

COMMISSIONER TUCCI: Excuse me, is that going to remain as part of the new wave?

COMMISSIONER EVANS: We don't know yet, but we're just kind of creating it. It's more likely than not, it will get wiped.

COMMISSIONER TUCCI: Okay.

COMMISSIONER EVANS: So, we're just going to put it there so we can erase it later.
COMMISSIONER TUCCI: Okay.

COMMISSIONER EVANS: And then I have two resolutions for a refund of property taxes. All right. Nothing else, Mayor.

MAYOR COCCHIOLA: Commissioner Tucci?

COMMISSIONER TUCCI: I have two resolutions: one authorizing refunds of tree permits, and one proclaiming May 15th as Arbor Day.

MAYOR COCCHIOLA: Commissioner Petracco?

COMMISSIONER PETRACCO: I just have one resolution: just the funding for the Safe and Security. It's a grant through the State. That's all I have.

MAYOR COCCHIOLA: And I have a report and three resolutions: authorizing video licenses for the American Legion; National Nurses Week; and a raffle license. We may or may not have the award of a contract for solid waste. We will need an executive session at the end of the public meeting to discuss contract negotiations, and we'll
then determine whether or not we're going
to continue the meeting or make an award.

I do want to take a couple of
minutes of -- I guess, about two months
ago, I circulated a draft ordinance
proposed by the Rent Leveling Board. I
did not recirculate it tonight, but I did
ask John Gizzo if he would just give us a
briefing on that ordinance before it's
actually formally presented. I'll move
it after we all have a better
understanding of what the Rent Leveling
Board is asking us to do. Okay.

Mr. Gizzo?

MR. GIZZO: Thank you.

MAYOR COCCHIOLA: You're on.

MR. GIZZO: Good evening. March
12th, I submitted to the Mayor a
proposed -- two resolutions or amendments
to the current Rent Leveling Board's
resolution, dealing with hardship and
dealing also with capital improvement.
The Board, after deliberating for about
eighteen months, had come to a
conclusion, that the current law, as it
exists, is rather ambiguous, and they
didn't quite understand how to apply it
with the language that was currently in it.

So, they worked on the draft language, which I submitted to the Mayor back in March; that was one of my first acts as Rent Leveling Board Attorney.

And, basically, what this new ordinance does is, it clarifies what the old ordinance, essentially, did:
providing for a seven percent return on investment, it more clearly defines what criteria have to be established in order to meet that, it establishes a formula, or a clearer formula, so that hopefully, landlords, as well as the Rent Leveling Board understand exactly what they need to do in applying the hardship increase.

There's a separate section of Section 532.5(d), dealing with capital improvement increase, as well. Also, in this ordinance, it spells out, exactly, the procedures involved for a landlord in noticing the tenants. It also provides,
there's a provision in there, to allow
the Rent Leveling Board to require
escrows to be deposited with the
Township, in the event that the Rent
Leveling Board needs to obtain an expert
to examine the financial records that the
landlords' ultimately will submit.

In discussing this matter with the
Chairman, I've discovered that apparently
this section of the ordinance hasn't been
used very much in the last twenty years.
But apparently when it did come before
the Board, they really had a difficult
time understanding it. And I read it,
and I understand there's one section that
refers to a seven percent return on
investment. There's another section that
refers to a ten percent return on
investment. So, it seems to have been
poorly drafted, and it also seems that it
was not thoroughly explained as to how
the landlord should go about noticing --
being noticed in this, and what they need
to do.

So, this new proposal deals with the
notice requirements. It deals with escrow, which was not authorized under the previous ordinance. And it spells out more clearly what the expenses are that the landlord needs to show in order to make the hardship requirement. It also indicates for the capital improvement section, where the landlord is entitled to a capital improvement increase and that increase will exist so long as the IRS allows the write offs for those capital improvement increases.

UNIDENTIFIED COMMISSIONER: What is that rate, John?

MR. GIZZO: The --

UNIDENTIFIED COMMISSIONER: The rate of increase that they'll allow on a capital improvement.

MR. GIZZO: Well, under -- capital improvement, I believe, it's based on what -- there is a cap on that, and exactly what that cap, I'd have to check it. I don't recall off the top of my head. I know it's seven percent on the hardship.
UNIDENTIFIED COMMISSIONER: Yup.

MR. GIZZO: And, they can't ask for -- they can't come in -- and what they're entitled to do is they can get their regular increase, and they will get the hardship increase if they meet the criteria. And that has a sunset provision, under the new ordinance, because now it allows -- as long as they can deduct it on their income taxes, once that deduction ends, once the write off ends that will have a sunset provision in it.

They will still get their four or five percent increase depending upon whether or not they provide heat and utilities to the tenants or not. That hasn't changed. So -- I'm sorry, I was looking for your -- to answer your question. And I think it also provides for a fee which was permitted under the previous statute. Ten percent is the max on capital improvement.

UNIDENTIFIED COMMISSIONER: And that's one time?
MR. GIZZO: Yeah.

"In conjunction with any provisions of the Rent Leveling Board to increase rents up to a maximum of ten percent or at the discretion of the Board to increase rents over ten percent, up to the limit set as per guidelines published by the Internal Revenue Service."

So, that's the guidelines that the Board would use.

COMMISSIONER TUCCI: But that's not necessarily a one-time ten percent. Whenever there's a capital improvement, they can go for that exemption.

MR. GIZZO: Whatever the capital improvements are, yes.

COMMISSIONER TUCCI: Right.

MR. GIZZO: Yes. In a given year, let me say that.

COMMISSIONER TUCCI: Right. Um-hum.

COMMISSIONER EVANS: Is there anything that differentiates between, like, a capital improvement that says that, you know, I put a new roof on it --

MR. GIZZO: Right.
COMMISSIONER EVANS: -- or I put, you know, I put new sheet rock up on the walls with some -- you know, I changed the (indiscernible) versus --

MR. GIZZO: There is nothing defined in here as to -- you mean, defining what capital improvement is?

COMMISSIONER EVANS: Well, I'm looking at is, is that, if the landlord, you know, makes those improvements, where basically they don't really change the functionality of the unit, right?

MR. GIZZO: Right.

COMMISSIONER EVANS: Or the kitchen, or things like that.

MR. GIZZO: Right.

COMMISSIONER EVANS: But there -- you know, it's neater, it's cleaner, and so on. You know, I can say that if the rent's 1,000 dollars, they can get ten percent maximum adjustment. The rent's now 1,100 bucks. But, if they go through, and they, like, completely redo the living conditions, that could cost thousands of dollars.
MR. GIZZO: Yes.

COMMISSIONER EVANS: Right? Which seems to me that there's -- there might be some kind of overall harsh constrain on what a landlord can do, when they make those kinds of investment. So, really my question is, is there a differentiation between a major renovation versus a --

MR. GIZZO: No.

COMMISSIONER EVANS: -- minor renovation.

MR. GIZZO: Not in the proposed ordinance. There's no language to that effect. But I would think what you're referring to also, is that if there was a gut of the entire building --

COMMISSIONER EVANS: Yeah, yeah.

MR. GIZZO: -- then I would certainly assume under those conditions, no tenants would be living there. And that when they reoccupy -- if they're new tenants, if the place was empty, that -- the rents would be dictated by market rates.

COMMISSIONER EVANS: By market --
okay, I didn't realize that.

MR. GIZZO: That's correct. And then rent-control would kick in after that.

UNIDENTIFIED COMMISSIONER: Is that in there because other towns, it's not that. Even if you don't have a tenant in there, no one is (indiscernible), you put someone else back there, it's based on the prior rent, which you were getting --

MR. GIZZO: You mean, if you move a tenant out?

UNIDENTIFIED COMMISSIONER: You move a tenant out --

MR. GIZZO: And then move him back in?

UNIDENTIFIED COMMISSIONER: You renovate a hundred percent, you move a tenant back, you could only add ten percent of what the existing rate was.

MR. GIZZO: Well, I think if that's an existing tenant, I think then, it would be governed by that Rent Control Ordinance. But if, what Commissioner Evans is saying, if the building is empty
and they redo everything, gut the inside, interior, put new roof, windows, bathrooms, kitchens, and then they rent it out, and these are new tenants coming in, market rate's going to dictate that. I don't see that happening, quite frankly, too much. I mean, I think apartments, if they are updated, they're updated as tenants vacate. But --

COMMISSIONER EVANS: But even if a tenant vacates, I'm just making sure I understand, under our current ordinance, if an existing tenant vacates a unit, and even with, you know, they spruce it up with some paint and things like that. And a new tenant comes in, not the previous tenant but a new tenant comes in, market prevails at that point then, too.

MR. GIZZO: That's correct. That's under our current ordinance rules.

COMMISSIONER EVANS: Right, in Nutley. Yeah.

MR. GIZZO: Yes.

COMMISSIONER TUCCI: But there's no
MR. GIZZO: Not in the ordinance as it's been submitted, no. And I think that that's also something that would lie with the discretion of the Board. Now, obviously, if there are major improvements -- because that wasn't defined, quite frankly, under the old -- under the current ordinance --

COMMISSIONER TUCCI: Right.

MR. GIZZO: -- or under the proposed new ordinance. So, I think, the Board definitely has latitude there in defining what a capital improvement is. According to Chairman Boland, I don't think anyone's come in, in many, many years to ask for such an increase. But, for clarity sakes, they wanted to redefine this, and make it more understandable to everybody as to what they can do. But you can't come in and ask for capital improvement, and ask for hardship.

COMMISSIONER EVANS: That was my other question.
MR. GIZZO: You can't. No.

COMMISSIONER EVANS: Okay.

MAYOR COCCHIOLA: Do you think -- do you know, if in other municipalities, capital improvement is defined in their ordinances?

MR. GIZZO: I don't know that answer.

COMMISSIONER TUCCI: Typically, capital improvement is something that has a life expectancy --

MAYOR COCCHIOLA: Yeah, no, I know, but, I mean, if you --

COMMISSIONER TUCCI: -- of at least five years.

MR. GIZZO: Like a new roof.

UNIDENTIFIED COMMISSIONER: Exactly.

MR. GIZZO: If a landlord is going out and spending 50,000 dollars on a new roof, it's a capital improvement.

COMMISSIONER TUCCI: It's usually major components, roofing, plumbing --

COMMISSIONER EVANS: Tax guidelines would set it.

COMMISSIONER TUCCI: Yeah.
COMMISSIONER EVANS: Yeah.

COMMISSIONER TUCCI: I mean, I'm sure there's guidance somewhere.

MR. GIZZO: Well, then, and I think we refer to that as far as the IRS regulations.

COMMISSIONER TUCCI: Yeah, yeah.

MAYOR COCCHIOLA: You know, in leases and other types of legal agreements, a lot of times, there is a definition, but, I guess, if you're leaving it up to the discretion of the Board, it's -- under what scenario would you envision the hiring of an expert?

MR. GIZZO: Well, the ordinance requires the landlord to come in with all kinds of financials to prove that they are not getting a seven percent return on their investment. If the Board felt, in its discretion, that it could not make that decision based on the information that's being provided, or if they came in with their own accountant, and had their accountant present that information, the Board wants the authority to, basically,
say, we would like a separate accountant
to examine that information and to
determine is it accurate.

MAYOR COCCHIOLA: And whose
responsibility would it be to pay for
that?

MR. GIZZO: The tenant -- the
landlord, I'm sorry. The landlord would
be responsible.

COMMISSIONER TUCCI: Is that a
common practice?

MR. GIZZO: Similar to what is done
before the Planning Board or the Zoning
Board, when --

COMMISSIONER TUCCI: No, I know it's
done before those --

MR. GIZZO: Right.

COMMISSIONER TUCCI: I'm saying in
other towns, is that the practice?

MR. GIZZO: In other towns, I'm not
sure. I haven't been able to ascertain
that yet.

COMMISSIONER TUCCI: Because I'm
sure it would happen here, but you always
have the danger --
MR. GIZZO: Right.

COMMISSIONER TUCCI: -- of the Board becoming arbitrary and you know, just moving forward --

MR. GIZZO: Oh, I agree.

COMMISSIONER TUCCI: -- and eating up people's dollars through escrow accounts.

MR. GIZZO: I agree.

COMMISSIONER TUCCI: Which is not something you want to do --

MR. GIZZO: No.

COMMISSIONER EVANS: Agreed.

COMMISSIONER TUCCI: -- because you don't want to, you know, discourage them from making the capital improvements.

COMMISSIONER EVANS: Agreed, agreed.

MR. GIZZO: Right, right. No, I agree. There hasn't been anything that I am aware of in other -- before other Boards, as to whether or not -- but, obviously, the idea that the Board had was they don't want the Town picking up that expense, but they would like to make an informed decision.
So, it's the idea of allowing the Rent Leveling Board to make an informed decision, based on the opinion of an expert, as opposed to just flying by the seat of your pants.

COMMISSIONER TUCCI: Does that expertise presently exist on the Board?

MR. GIZZO: Well, Mr. Kuchta, as a Board member, has a financial background --

MAYOR COCCHIOLA: Dave Grossman's on the Board.

COMMISSIONER TUCCI: And Grossman, Dave Grossman?

MR. GIZZO: And Dave Grossman has a background, yes.

COMMISSIONER TUCCI: Okay, well, then it does have a background. Um-hum. Okay.

MR. GIZZO: So, questions?

MAYOR COCCHIOLA: Any questions anyone? Thank you.

MR. GIZZO: Okay. That's it.

MAYOR COCCHIOLA: That's it.

COMMISSIONERS: Thank you.
MR. GIZZO: Thank you all. Have a good night.

MAYOR COCCHIOLA: Thank you. Anybody else?

(Off the record from 7:18 p.m.-7:20 p.m.)

(Audio occasionally fades out and words are indiscernible, 7:20 p.m.-7:48 p.m.)

MAYOR COCCHIOLA: Would everyone please stand for the flag salute?

(Pledge of Allegiance declared.)

MAYOR COCCHIOLA: Madam Clerk, could you please reread the Sunshine Notice?

MADAM CLERK: -- requirements of the Open Public Meeting Law, Chapter 231, Public Laws, 1975, notice of this meeting was published in the December 10, 2009 issues of the Nutley Sun, the Journal, the Star Ledger and the Herald News. A copy of this notice has been posted on the Nutley Town Hall bulletin board and a copy is on file in the clerk's office.

Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Here.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Here.

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MADAM CLERK: Commissioner Evans?
COMMISSIONER EVANS: Here.
MADAM CLERK: Commissioner Tucci?
COMMISSIONER TUCCI: Here.
MADAM CLERK: Mayor Cocchiola?
MAYOR COCCHIOLA: Here.
MADAM CLERK: All present, Mayor.
MAYOR COCCHIOLA: Thank you.

We have no minutes or Correspondence to review this evening. And I have one report to enter into the record. It's a report of the Department of Public Affairs Monthly Activities, for April 2010. We can move on to payment of bills.

MADAM CLERK: Okay, Mayor. Tuesday, May 4th, 2010:
Public Affairs $7,086.08,
Revenue & Finance $6,319,660.05,
Public Safety $7,268.28,
Public Works $16,173.41,
Parks & Public Property $482,548.28,
Payroll as of April 30th, 2010, $738,053.28,
for a grand total bill list of
$7,570,789.38.

And that's all for bills, Mayor.

MAYOR COCCHIOLA: Thank you.

UNIDENTIFIED COMMISSIONER: Second.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

MADAM CLERK: Thank you, Mayor.

MAYOR COCCHIOLA: Thank you.

Commissioner Evans, you have two Public Hearings this evening.

COMMISSIONER EVANS: Yes, Mayor, thank you.

MAYOR COCCHIOLA: You have the floor.

COMMISSIONER EVANS: -- vehicles and -- handicapped parking -- parking in
the High Street area.

MAYOR COCCHIOLA: Is there anyone here this evening that would like to address the Board with respect to this Ordinance number 3136? There is no one.

COMMISSIONER EVANS: Close the Public Hearing.

COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

COMMISSIONER EVANS: Move the ordinance.

COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.
MADAM CLERK: Commissioner Petracco?
COMMISSIONER PETRACCO: Aye.
MADAM CLERK: Commissioner Evans?
COMMISSIONER EVANS: Aye.
MADAM CLERK: Commissioner Tucci?
COMMISSIONER TUCCI: Aye.
MADAM CLERK: Mayor Cocchiola?
MAYOR COCCHIOLA: Aye.
COMMISSIONER EVANS: I have a second ordinance tonight, which is on establishing a municipal cap bank. We are -- under statute, if we are -- can manage our appropriation to within the cap limits, we are allowed to create, what they call, a cap bank, in such, such that in such some time in the future, in twenty-four months, if we need that extra appropriation, we're allowed to use that. It's a statutory memo item. It's not money. It's just a memo transaction. There's a lot of debate on these types of items that exist within the legislature today, given the governor's proposals and stuff. But, we're advised that it's still appropriate to establish
this. This is an ordinance to establish the ability to create the --

MAYOR COCCHIOLA: Is there anyone here this evening that would like to address the Board with respect to this ordinance? There is no one.

COMMISSIONER EVANS: Close the Public Hearing.

COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

Resolutions.

MADAM CLERK: Mayor, we need --

MAYOR COCCHIOLA: I'm sorry; no, he has to move the ordinance.

COMMISSIONER EVANS: Move the
ordinance.

COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

COMMISSIONER EVANS: Thank you, Mayor.

MAYOR COCCHIOLA: Now we can move on to resolutions. Commissioner Petracco?

COMMISSIONER PETRACCO: Thank you.

Whereas, the Township of Nutley, County of Essex, New Jersey, wishes to apply for funding a project under the Safe and Secure Communities Program (Grant P-4609). And, whereas, the Board of Commissioners of the Township of Nutley, in the County of Essex, New Jersey, has
reviewed the accompanying application and has approved said request. And, whereas, the project is a joint effort between the Department of Law and Public Safety and the Township of Nutley, County of Essex, New Jersey, for the purposes described in the application.

Now, therefore, be it is resolved, by the Board of Commissioners of the Township of Nutley, in the County of Essex, New Jersey, that: 1) As a matter of public policy the Township of Nutley, County of Essex, New Jersey, wishes to participate to the fullest extent possible with the Department of Law and Public Safety; 2) The Attorney General of New Jersey will receive funds on behalf of the applicant; 3) The Division of Criminal Justice shall be responsible for the receipt and review of the applications for said funds; 4) The Division of Criminal Justice shall initiate allocations to each application as authorized. I move the resolution.

COMMISSIONER SCARPELLI: Second.
MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

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

MAYOR COCCHIOLA: Thank you.

Commissioner Evans?

COMMISSIONER EVANS: Thank you, Mayor.

Be it resolved, by the Board of Commissioners, of the Township of Nutley, in the County of Essex, State of New Jersey, that the Treasurer be and she is hereby authorized to refund Senior Citizen property tax deductions for the tax year 2009 in the amount of 250 dollars: Block 2402, Lot 12, 250
dollars. So moved.

COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

COMMISSIONER EVANS: Be it resolved, by the Board of Commissioners, of the Township of Nutley, in the County of Essex, New Jersey, that the Treasurer be and she is hereby authorized to refund Veteran property tax deductions for the tax year 2009 in the amount of 1,250 dollars: Block 1705, Lot 3, 250; Block 1900, Lot 9, 250; Block 3904, Lot 12, 250; Block 7701, Lot 10, 250; and Block 9000, Lot 80, 250. So moved.

COMMISSIONER TUCCI: Second.
MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Commissioner Petracco?

(No audible response.)

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

COMMISSIONER EVANS: Thank you, Mayor.

MAYOR COCCHIOLA: Commissioner Tucci?

COMMISSIONER TUCCI: Yes.

Be it resolved, by the Board of Commissioners of the Township of Nutley, in the County of Essex, New Jersey, that the Township Treasurer is hereby authorized to refund a tree permit fee collected, in consideration of the fact that the required replacement tree was installed, and that's per Shade Tree Preservation Ordinance. Payment would
come from account C-01-904-906: First one, to Tony Ann Farro, 16 Sunset Drive East, in the amount of 50 dollars; and the second, to Lois McLellan, 63 Plymouth Road, in the same amount. I move the resolution.

COMMISSIONER EVANS: Second.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Commissioner Petracco?

(No audible response.)

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

COMMISSIONER TUCCI: 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 breathe 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 twenty-third year, as a member of Tree
City, USA.

And, whereas, I, Commissioner Mauro Tucci, Director of Parks and Public Property of the Township of Nutley, do hereby proclaim May 15, 2010 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. I move the resolution.

COMMISSIONER EVANS: Second.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Commissioner Petracco?

(No audible response.)

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Mayor Cocchiola?
MAYOR COCCHIOLA: Aye.

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

MAYOR COCCHIOLA: Whereas,

applications for two video game licenses have been received from the American Legion Post 70, 45 Franklin Avenue, Nutley, New Jersey. Whereas, the applications have been reviewed by the Code Enforcement Department and the Office of the Municipal Clerk. More as, the license fee of 600 dollars, 300 dollars for each machine, has been paid.

Now, therefore, be it resolved, by the Board of Commissioners of the Township of Nutley, County of Essex, that the licenses are hereby approved and the Municipal Clerk is authorized to issue the video game licenses to the American Legion Post 70. Move the resolution.

COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Commissioner Petracco?
COMMISSIONER PETRACCO: Aye.
MADAM CLERK: Commissioner Evans?
COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Tucci?
COMMISSIONER TUCCI: Aye.

MADAM CLERK: Mayor Cocchiola?
MAYOR COCCHIOLA: Aye.

Whereas, National Nurses Week is celebrated annually from May 6th, also known as National Nurses Day, through May 12th, the birthday of Florence Nightingale, the founder of modern nursing. Whereas, the nearly 3.1 million registered nurses in the United States comprise our nation's largest health care profession. Whereas, the depth and breath, of the registered nursing profession meets the different and emerging health care needs of the American population in a wide range of settings. And, whereas, the cost-effective, safe and quality health care services provided by registered nurses will be an ever more important component of the US health care delivery system in
the future.

Therefore, be it resolved, that the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, hereby designates the week of May 6th through 12th, 2010, as Nurse Week in the Township of Nutley. Be it further resolved, that the Board of Commissioners and the citizens of the Township of Nutley recognize the importance of nurses and their role in providing quality healthcare for the public. Move the resolution.

COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.
Whereas, a raffle application has been received from the Nutley Irish American Alliance, license number 38-10 for an off-premise 50/50 cash raffle, July 24th, 2010. Whereas, the application has been reviewed and approved by the Municipal Clerk and the Police Department.

Therefore, be it resolved, by the Board of Commissioners of the Township of Nutley, County of Essex, that the aforementioned license is approved and the Municipal Clerk is authorized to issue the license. I move the resolution.

COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Commissioner Petracco?

(No audible response.)

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.
MADAM CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

I'm going to hold my final resolution until the conclusion of executive session. And for now, we'll take public comment now, before the Board goes into executive session. Is there anyone who would like to address the Board this evening?

All persons addressing the Board of Commissioners regarding -- come up, Ms. Manderichio -- regarding community concerns should approach the microphone and provide their name and address for the record. Unless further time is granted by the board, each person shall limit their address to five minutes. All remarks to the Board and its individual members must be addressed to the Mayor. The Mayor may defer citizen comments to the appropriate member of the Board. Dialogue between citizens and others addressing the Board shall be allowed unless the Mayor or presiding officer or the majority of the membership of the
Board shall determine that the interest of decorum and/or expeditious conduct of the municipal business are being adversely affected by such dialogue.

Ms. Manderichio, you need to put your name and address on the record.

MS. MANDERICHIO: -- Manderichio, 19 Brookline Avenue, Nutley, New Jersey. Tonight, I was supposed to be at Mayor Cocchiola's office -- regarding stray cats and -- I have been attempting to work with her department since the middle of July of last year -- regarding the so-called population explosion -- one minute we are allocated funds, the next minute we have no funds.

Everybody in her office, Thomas Restaino, Joe Petti, and JoAnn along with Kathy, know what I've been doing, as far as feeding them to get them to know me, capturing them, sending them up to Montclair Animal Shelter, having them spayed, if they can not be adopted out, at my expense.

There is a neighbor behind me who
has taken upon himself to shoot them with BB guns, and poison them. I could not get him on video or on tape, bragging how he's poisoning them. But it's -- Mayor Cocchiola's office is well aware of this. This meeting was canceled tonight; I was not aware of it. That's why I'm here tonight.

That situation is down to now four cats. The ASPCA has been involved; I notified them. -- did not -- allegedly on my part, I know he's doing this, but I can not prove it -- allegations. Notified everybody on his block as far as whoever has a dog. Put it this way, there's a storm coming, and it's already hit. I don't know what else to do; I'm at wits end right now, because, like I said, we have four animals left, I don't want to see them harmed. I'm trying to do the right thing here. And I'm tired of getting lip-service from this department. You got to help here, Joanne. I don't know what to do with this guy.
MAYOR COCCHIOLA: For the benefit of the Board, let me just explain that for probably --

MS. MANDERICHIO: I'm disgusted right now.

MAYOR COCCHIOLA: -- eight, nine, ten months, my department has been working on a situation involving feral cats or stray cats, in the neighborhood of Brookline Avenue. We're trying to make this work for everyone. Numerous members in that area, or numerous neighbors in that area --

MS. MANDERICHIO: No one showed up tonight.

MAYOR COCCHIOLA: Lisa, excuse me a minute, Ms. Manderichio. Mr. Restaino spent the past few days in the hospital, and the meeting had to be canceled. Obviously, I'm here --

MS. MANDERICHIO: No one advised us.

MAYOR COCCHIOLA: He was handling the meeting for me. He was sick and in the hospital; he canceled the meeting.

MS. MANDERICHIO: No one was
advised. Kathy just advised me --

MAYOR COCCHIOLA: Listen to me for
just a minute. I found this out at 5
o'clock.

MS. MANDERICHIO: -- Joe Petti
was -- to cancel the meeting.

MAYOR COCCHIOLA: I'm not going to
argue with you. Let me explain something
to the Board.

MS. MANDERICHIO: I'm not arguing,
either. I don't deal like that. If I
have to cancel something, everyone gets
noticed.

MAYOR COCCHIOLA: What happened
was -- I'm asking you to please be quiet
for a minute. We worked on this
situation. What we tried to do to try to
do something orderly is bring all the
neighbors together to try to appease --
and the neighbors who are continually
complaining about the cats in the
neighborhood -- who've got children,
who've got dogs -- tried to make this
work.

Mr. Restaino was in the hospital
over the weekend. -- had to cancel this meeting. Meeting is not postponed indefinitely; it will be rescheduled. All of your neighbors will be there, and we'll try to work out something acceptable.

MS. MANDERICHIO: I will make sure that --

MAYOR COCCHIOLA: The fact of the matter is, the law does not allow anyone to feed stray cats, period. That's what the law does not allow. We're trying to make a situation palatable for you and your neighbors.

MS. MANDERICHIO: We've gone through this, I understand that.

MAYOR COCCHIOLA: And your neighbors are still complaining.

MS. MANDERICHIO: Who's complaining? The one who's shooting at them with a BB gun.

MAYOR COCCHIOLA: Talk to the Police Department about your neighbor who's allegedly shooting a BB gun.

MS. MANDERICHIO: And?
MAYOR COCCHIOLA: Advise the Police
Department. No one has seen him do it.

MS. MANDERICHIO: I advised the
Police Department. We've already had him
looked up.

MAYOR COCCHIOLA: Okay.

MS. MANDERICHIO: He's got a rifle
on license.

MAYOR COCCHIOLA: All right. Your
problem is that a meeting was canceled
this evening. I just explained to you
that our Public Health Liaison was sick
in the hospital. If that's not an
acceptable excuse for you, I apologize to
you.

MS. MANDERICHIO: Somebody needs to
do something about whoever was supposed
to cancel this meeting.

MAYOR COCCHIOLA: Fine.

MS. MANDERICHIO: Only two people
showed up. Everyone else I spoke to has
already said, gee, everything has been
under control; we haven't had a problem.

MAYOR COCCHIOLA: Well, they haven't
told us that.
MS. MANDERICHIO: Nobody's going to any meetings.

MAYOR COCCHIOLA: When they tell us that -- well, but, Ms. Manderichio, understand, the fact that the matter is, the law does not permit people to feed stray animals outside of their house. More and more accumulate, and it creates a public health hazard.

MS. MANDERICHIO: Let me ask you a question: why do we have our own trap-and-release program, here, in town?

MAYOR COCCHIOLA: That's not a formal program.

MS. MANDERICHIO: If you cannot get them to be adopted out --

MAYOR COCCHIOLA: The trap-neuter-and-release program is not a formal program. It's a program I present to the neighbors. If they accept it, we come in and do it, if there's funding available. It's not an absolute. It's not a necessity. It's not something that anyone is entitled to. It's something I present if there's finding, and if every
neighbor in the surrounding area agrees to it. If they don't and they don't want cats on their property, they're as much a taxpayer as you are.

MS. MANDERICHIO: Oh, I understand that. And we've tried to get them all in a so-called --

MAYOR COCCHIOLA: They will all be in the same room with you when he is recovered from his hospital visit. Thank you very much.

MS. MANDERICHIO: You're welcome. I'm just trying to get some service.

MAYOR COCCHIOLA: Is there anyone else who would like to address the Board this evening? Mr. Riley (ph.).

Congratulations to you.

MR. RILEY: Ben Riley, 22 Raymond Avenue. I'm here tonight before the Commissioners to discuss improving relations between the Board of Education and the Commissioners. First the initiatives to form a new committee, of which Mr. Spasato and myself will be involved in, and hopefully we can meet
the Commissioners monthly to discuss
shared services.

I think at this point in time,
there's a public mandate to have tangible
discussions on -- inefficiencies in our
governments. A few of the items that I
think we could talk about would be joint
personnel, sharing personnel, vehicle
repairs and maintenance, telephone
services, internet services, purchasing,
possibly, sharing personnel with
purchasing, plus parking, snow removal,
water treatment, security, the local
grants and agreements with the
municipality for possibly solar energy.

Also, I think we are all in
agreement, that elementary ball fields
are in disarray and in need of care, and
hopefully there might be some care that
we could -- together. So, I come here
with hat in hand, looking for your help,
hopefully, five of you feel the same
way. -- forward -- shared services, and
I --

MAYOR COCCHIOLA: I'm going to let
each member of the Board speak -- jobs,
but I think we have always been open --
trying to work together as two boards --
as much as we can -- separate entities,
that shouldn't and don't want to
influence each other -- and work
together -- and I think that we would all
agree that we have -- had the position
that we should -- but, you know, you
would have to work with us in small
groups -- on a approach -- one of us
handled different departments, I think
that would -- that's totally up to you.

MR. RILEY: I appreciate that. I
didn't mean to be unfair in my statement.
Obviously, we already have shared
services with Parks and Recreation with
our ball fields, with DeMuro, with the
basketball program in our school.
Obviously, with Commissioner Scarpelli
and Public Works, with -- I'm saying I
believe that maybe we could really take a
quantum leap forward in these other
areas, and realize efficiencies and cost
savings in doing so.
MAYOR COCCHIOLA: Always room for more, I applaud you for your efforts. Commissioner Evans, any Commissioners want to -- Mr. Riley?

COMMISSIONER SCARPELLI: I welcome the opportunity to work -- obviously, you know, with salt purchase, and other snow removal, we work hand in hand with the Board of Education, presently. But I think we really need a plan to move forward. And that takes more than lip service. That takes sitting down and talking.

MR. RILEY: Right.

COMMISSIONER SCARPELLI: So, I welcome the opportunity. And, however way you want to do this, individually, or groups of two, I don't -- I guess it's up to us how we see --

COMMISSIONER TUCCI: Mayor, if I might? Mr. Riley, I'd also like to thank you for coming and making that offer. As you know, and as you have just said, for years we've been informally sharing services, but there comes a time when we
need to formalize things a bit more, and
I totally agree. We can do more, and we
should do more. All right?

It's one tax dollar, whether it's
your Board, or our Board, and it's one
constituency. So, whatever we can do
collectively to make the quality of life,
not only for our children, but for all of
our residents better in this town, that's
what we're responsible for, and that's
what we're supposed to do. So, thank
you. It's a wonderful gesture you're
making, and it's something that we
absolutely need to follow through on.

COMMISSIONER PETRACCO: Mayor, if I
may also, and Mr. Riley, to thank you for
coming tonight also. As you know, we
shared a trip through the middle school
already together on a Saturday morning
with the residents. I'd just like to
say, that we do have a tactical team in
place, actually Chief John Holland was
going to contact Mr. Zarra tomorrow,
about participating in the drills, for
the safety -- before, for some reason, it
never came to a head.

So, I'm really happy to see you here and that we could really provide some safety plans for -- I would just like to say that, even in the past, the two years that I'm here, it was always taboo for -- you know, to walk into a school or you know, uninvited. And, I'm looking forward to a new Board as well, accepting the help from the Police Department. I really think we could to do a lot of work, good work there together. So, I appreciate you're coming.

COMMISSIONER TUCCI: Sometimes, perception is reality, sometimes not. But those -- those walls down, and I've already spoken to the Superintendent -- we would like the Public Safety Department to be part of that.

MR. RILEY: Thank you for your time. I appreciate it.

MAYOR COCCHIOLA: Thank you. Congratulations to you again, Mr. Riley. Is there anyone else who would like to address the Board this evening?
MR. OHANA: Michael Ohana (ph.) in 228 Chestnut Street. Mayor, do you anticipate voting on the PBA contract anytime soon?

MAYOR COCCHIOLA: It's not listed for us to vote on tonight. In fact, I think we're -- still in deliberation, waiting for some information.

MR. OHANA: Waiting for some --

MAYOR COCCHIOLA: Anyone else like to address the Board? I'm going to entertain a motion to move into executive session. Actually it's my motion to move into executive motion.

COMMISSIONER TUCCI: Jack's here.

COMMISSIONER EVANS: You have one more.

MAYOR COCCHIOLA: I'm sorry, Jack.

MR. MAGNIFICO: I'm back. 160 Park Avenue. Mayor, thank you very much for the help you're giving us on that, what do you call it? You've just brought up something that's very interesting to me. This green -- you've got anything available, like arborvitaes, that we can
get thirty of?

COMMISSIONER TUCCI: I'm sorry, like what?

MR. MAGNIFICO: Arborvitaes trees, that I can get thirty of?

COMMISSIONER TUCCI: I don't know that we have thirty arborvitaes on hand, to --

MR. CAPRIGLIONE: This would be -- it would basically be for our (indiscernible) along the railroad and all that stuff. I'm trying to plant something that looks nice, and would be green --

COMMISSIONER TUCCI: Right.

MR. MAGNIFICO: -- consistently. As opposed to getting summons from the Board of Health and Essex County mosquito people for about our garbage back there, which is what we've been trying to clean up, etcetera, etcetera. So, but arborvitaes would be perfect to mask off that 155 feet. I need thirty of them, if you got them. If you don't, I know where to can get them. I don't know if we
could get any kinds of monies for that.
If we can, we would appreciate it. Okay,
thank you for all time.

COMMISIONER TUCCI: I'd be happy to
look into it for you.

MAYOR COCCHIOLA: Thank you Mr.
Magnifico. I'm going to make a motion
for us to move into executive session to
discuss contract negotiations.

UNIDENTIFIED COMMISSIONER: Second.

MADAM CLERK: Whereas, the Board of
Commissioners of the Township of Nutley
in the County of Essex, desires to
proceed to closed executive session.

Now, therefore, be it resolved by
the Board of Commissioners that the
Township Commission shall now move into
executive session to discuss: contract
negotiations.

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

I, Karen Schiffmiller, 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:
June 6, 2010.

Karen Schiffmiller
CERTIFICATION

I, Karen Schiffmiller, 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:

June 6, 2010.

Karen Schiffmiller
Board of Commissioners Meeting May 4, 2010.

The Board of Commissioners entered Executive Session at 8:40 P.M. and exited at 9:00 P.M.

At this point in the meeting the following resolution was adopted

Resolution No. 126-10

WHEREAS, the Township of Nutley received sealed bid proposals for the collection, removal and disposal of solid waste matter in the Township of Nutley on April 28, 2010; and

WHEREAS, the Township of Nutley received bid proposals from the following contractors:

1. F. Basso, Jr. Rubbish Removal
   905 Passaic Avenue, East Newark, NJ 07029
2. Future Sanitation, LLC
   80 Liberty Street, Passaic, NJ 07055
3. Interstate Waste Services
   500 N Franklin Turnpike, Ramsey, NJ 07446
4. Joseph Smentkowski, Inc
   75 County Avenue, Secaucus, NJ
5. Marangi Sanitation, Inc
   155 Michigan Avenue, Paterson, NJ 07503
6. Waste Industries
   800 East Grand Street, Elizabeth, NJ 07201
7. Waste Management
   107 Sylvia Street, Ewing, NJ 08628

WHEREAS, the Township of Nutley desires to award a contract for a term of three years with a one year option exercised at the discretion of the municipality wherein said contractor will be obligated to provide collection services in accordance with the bid specifications and the contract; and

WHEREAS, Future Sanitation, Inc. submitted the lowest responsible bid proposal for said services in the amount of $2,369,000; and

WHEREAS, the funds are available from account number 0-01-138-200 and have been certified by the Chief Financial Officer, said certification being attached hereto.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, that Future Sanitation, Inc. whose principal place of business is 80 Liberty Street, Passaic, NJ 07055, be awarded a contract for the collection, removal, disposal of solid waste for a period of three years with a one year option exercised at the discretion of the municipality to begin May 15, 2010.
BE IT FURTHER RESOLVED that the Mayor and Director of Public Affairs and the Township Clerk are authorized to sign such contract on behalf of the Township of Nutley.

Introduced by Mayor Cocchiola, seconded by Commissioner Evans. All Ayes on a roll call vote.

ADJOURNMENT:
Motion to adjourn by Commissioner Petracco, seconded by Commissioner Tucci. Meeting adjourned at 9:05 P.M.

ATTEST:

______________________________
Evelyn Rosario, RMC, CMC
Municipal Clerk

______________________________
Commissioner Joseph P. Scarpelli

______________________________
Commissioner Alphonse Petracco

______________________________
Commissioner Thomas J. Evans

______________________________
Commissioner Mauro G. Tucci

______________________________
Mayor Joanne Cocchiola
ORDINANCE NO. 3136
INTRODUCED BY COMMISSIONER EVANS
INTRODUCED ON APRIL 6, 2010
PUBLIC HEARING MAY 4, 2010
ADVERTISE IN THE NUTLEY SUN ISSUE OF APRIL 15, 2010

ORDINANCE NO. 3136
AN ORDINANCE TO AMEND AN ORDINANCE CODIFIED IN THE CODE OF THE TOWNSHIP OF NUTLEY, CHAPTER 228, ENTITLED VEHICLES AND TRAFFIC, PARTICULARLY ARTICLE VII (SPECIAL ZONES AND AREAS), SECTION 29A ENTITLED HANDICAPPED PARKING, TO ADD THE LOCATION SET FORTH THEREIN.

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

ADD

<table>
<thead>
<tr>
<th>Name of Street</th>
<th>Side</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>High Street</td>
<td>North</td>
<td>Beginning at a point 39 feet west of Funston Place, continuing in an westerly direction for a distance of 20 feet.</td>
</tr>
</tbody>
</table>

BE IT FURTHER ENACTED that all other terms and conditions and locations in Article VII, Section 29A, Chapter 228 shall remain as heretofore set forth in the Code of the Township of Nutley, except where such a reading would not give meaning to and further the application of this amendment. In such case and in such event, the terms and conditions shall have a meaning consistent with the intent of this amendment; and

BE IT FURTHER ENACTED that the within ordinance shall become effective after passage and publication, pursuant to law.
Ordinance No. 3137
Introduced by Commissioner Evans
Introduced on April 6, 2010
Public Hearing May 4, 2010
Advertise in the Nutley Sun Issue of April 15, 2010

Ordinance No. 3137
STATE FISCAL YEAR 2010
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 0.0% unless authorized by ordinance to increase it to 3.5% over the previous year’s final appropriations, subject to certain exceptions; and,

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

WHEREAS, the Commissioners of the Township of Nutley in the County of Essex finds it advisable and necessary to increase its SFY 2010 budget by up to 3.5% over the previous year’s final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Commissioners hereby determines that a 3.5% increase in the budget for said year, amounting to $1,188,991.76 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

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

NOW THEREFORE BE IT ORDAINED, by the Commissioners of the Township of Nutley, in the County of Essex, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the SFY 2010 budget year, the final appropriations of the Township of Nutley shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5%, amounting to $1,188,991.76, and that the SFY 2010 municipal budget for the Township of Nutley be approved and adopted in accordance with this ordinance; and,

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

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

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.