

**Township of Nutley
Board of Commissioners
Meeting Minutes
Tuesday, July 6, 2010
7:00 P.M**

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

OPEN PUBLIC MEETING STATEMENT:

Evelyn Rosario, Municipal Clerk, read the following statement: Pursuant to the requirements of the Open Public Meeting Law (Chapter 231, P.L.1975), notice of this meeting was published in the December 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.

ROLL CALL:

Commissioner Scarpelli	- Present
Commissioner Petracco	- Present
Commissioner Evans	- Present
Commissioner Tucci	- Present
Mayor Cocchiola	- Present

Kevin P. Harkins, Esq., Township Attorney Absent/Excused
Richard Grodeck, Esq., Present

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

A regular meeting of the Board of Commissioners of the Township of Nutley was held in the 3rd floor Commission Chambers and called to order. Adequate notification was published in the official newspapers of the Township of Nutley. All present joined in the Pledge of Allegiance to the Flag. Roll call was taken.

OPEN PUBLIC MEETING STATEMENT:

Evelyn Rosario, Municipal Clerk, read the following statement: Pursuant to the requirements of the Open Public Meeting Law (Chapter 231, P.L.1975), notice of this meeting was published in the December 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.

ROLL CALL:

Commissioner Scarpelli	- Present
Commissioner Petracco	- Present
Commissioner Evans	- Present
Commissioner Tucci	- Present
Mayor Cocchiola	- Present

Kevin P. Harkins, Esq., Township Attorney Absent/Excused
Richard Grodeck, Esq., Present

At this point in the meeting the following resolution was introduced and adopted.

No. 180-10

WHEREAS, the Nutley High School Varsity Softball Team finished their season with a 21-10 record, wining 11 out of their last 13 games; and

WHEREAS, the Nutley High School Varsity Softball Team won the North 2 Group 3 Sectional Championship with a 2-1 win over South Plainfield, and the Northern New Jersey Group 3 Championship with a 6-0 win over Paramus; and

WHEREAS, the 2010 Nutley High School Varsity Softball Team is the first team to qualify for the State Group 3 finals since 1995;

WHEREAS, the Nutley High School Varsity Softball Team, consisting of, Marissa Restaino, Katherine Segall, Kayla Huegel, Heather Williams, Rebecca Youssef, Tonianne DeMatteo, Angelica Midolo, Raquel Mecca, Victoria Malanga, Jaimie Towey, Tina De Falco, Lauren Iradi, Cassandra Petretta, Tara Petrucelli, Kristen Mattia, Eileen Purcell, and Madison Goldenberg demonstrated exceptional talent, dedication and sportsmanship throughout the season; and

WHEREAS, the Nutley High School Varsity Softball Team's Head Coach, LuAnn Zullo, has been chosen as the Star Ledger "Coach of the Year";

NOW, THEREFORE BE IT RESOLVED, that the Board of Commissioners, of the Township of Nutley, congratulates the Nutley High School Softball Team and Coaches for their outstanding record and performance during the 2010 season.

Introduced by Mayor Cocchiola and Commissioner Tucci, seconded by Commissioner Scarpelli. All ayes on a roll call vote.

MINUTES:

None.

COMMUNICATIONS/CORRESPONDENCE: (3)

Social Affair Permit/Holy Family Church/September 23-26, 2010

Social Affair Permit/Nutley Academic Booster Club/October 16, 2010

Requesting Permission/Holy Family Church/Money Wheel Raffle/Sunday, September 23, 2010

It was the consensus of the Governing Body to approve the communications/correspondence listed above.

REPORT(1)

Mayor Cocchiola submitted the Department of Public Affairs report for the month of June 2010.

BILLS:

Evelyn Rosario, Municipal Clerk read the following departmental summary of bills for the approval of the Board of Commissions. (bill list attached to minutes)

Department of Public Affairs	\$	386,355.11
Department of Revenue & Finance	\$	2,001,956.46
Department of Public Safety	\$	32,356.45
Department of Public Works	\$	91,867.06
Department of Parks & Public Property	\$	535,573.87
Payroll as of June 25, 2010	\$	841,626.40
Bill List Grand Total	\$	3,889,735.35

Motion to approve the bills by Commissioner Evans, seconded by Commissioner Tucci. All ayes on a roll call vote.

At this point in the meeting Commissioner Evans gave a power point presentation entitled "Financial Implication of the New Jersey CAP" (Presentation attached to official minutes)

ORDINANCE INTRODUCTIONS:

None.

ORDINANCE PUBLIC HEARINGS (1)

Commissioner Petracco/Ordinance No. 3142

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

(Grant Avenue/Washington Avenue/Spurr Place)

Ordinance No. 3142 was introduced for second reading by Commissioner Petracco, seconded by Commissioner Scarpelli. Commissioner Petracco read by title only.

Motion to open the public hearing by Mayor Cocchiola seconded by Commissioner Petracco. All ayes.

Anthony Capriglione, 143 Whitford Ave., expressed his concerns concerning prohibiting parking on the south side of Grant Avenue, he feels that this would affect the local businesses in that area as there would not be adequate parking for the customers.

Mr. Jack Barry, Traffic Safety Coordinator came forward and gave a brief description of this ordinance ,he stated that in the past, several complaints have been received by the Police Department regarding the parking in this area, parking on both sides of the street makes it difficult for two vehicles to pass and drive. A petition was signed by 17 residents in the area requesting that the Township consider eliminating parking on the south side of Grant Avenue due to the great demand of parking from the businesses in the area which makes it difficult for two vehicles to pass through this street.

Kelly Delasco, 80 Grant Ave., came forward and stated that she is aware of an incident where a resident needed the assistance of an ambulance, the emergency vehicle had difficulty turning onto the street due to vehicles parked on both sides of the street. She is in favor of this ordinance.

Motion to close the public hearing by Commissioner Petracco, seconded by Commissioner Scarpelli. All Ayes.

Motion to adopt on second and final reading by Commissioner Petracco, seconded by Commissioner Scarpelli. All ayes on a roll call vote.

RESOLUTIONS:

No. 177-10

Resolution: Approval to submit a grant application and execute a grant agreement with the New Jersey Department of Transportation for the 2011 Municipal Aid Application for Bloomfield Avenue Improvements.

WHEREAS, the Township of Nutley continues to develop projects that will improve access and maintenance on public roads; and

WHEREAS, the Township of Nutley's Engineering Department has provided plans specifically designed to address and improve traffic flow/safety issues and maintenance on our roads; and

WHEREAS, the Township of Nutley has submitted plans to the State of New Jersey, Department of Transportation for Municipal Aid and will continue to do so in the future; and

WHEREAS, the Township of Nutley has identified Bloomfield Avenue from Centre Street to Harrison Street in desperate need of repair;

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

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2011 Nutley Township-00021 to the New Jersey Department of Transportation on behalf of the Township of Nutley.

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

Introduced by Commissioner Scarpelli, seconded by Commissioner Petracco. All ayes on a roll call vote.

No. 183-10
AMENDATORY RESOLUTION

WHEREAS, Resolution No. 100-10 was adopted on April 6, 2010 and as Amended on April 22, 2010; and

WHEREAS, Resolution No. 100-10 is further amended to include the names of the contractors solicited and responding as follows: The Hartford, 200 Hopmeadow Street, Simbury, CT; Nationwide Retirement Solutions, 5900 Parkwood Place, Dublin OH, and AXA Equitable, 500 Plaza Drive, Secaucus, NJ 07094 and to identify the Township attorney as the Local Plan Administrator for the administration of the Plan.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that except as otherwise provided by law, Resolution 100-10 as amended is hereby adopted.

Introduced by Commissioner Scarpelli, seconded by Commissioner Petracco. All ayes on a roll call vote. All ayes on a roll call vote. Commissioner Evans and Mayor Cocchiola abstained due to conflict.

No. 184-10
WHEREAS, the Township of Nutley entered into a collective bargaining agreement with Nutley PBA 33; and
WHEREAS, on April 5th 2010 a Memorandum of Agreement was reached resolving all issues in dispute; and
WHEREAS, the Township of Nutley is desires to enter into a four year contract with PBA Local 33,
NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that the Township of Nutley adopts all

terms and conditions pursuant to the Memorandum of Agreement signed on April 5, 2010.

Introduced by Commissioner Petracco, a motion to second this motion was not offered, therefore resolution number 184-10 was not introduced and not adopted.

No. 172-10

RESOLUTION DETERMINING THE FORM AND OTHER DETAILS OF NOT EXCEEDING

\$3,100,000 BONDS, SERIES 2010, OF THE TOWNSHIP OF NUTLEY IN THE COUNTY OF ESSEX, NEW JERSEY, AND PROVIDING FOR THEIR SALE TO THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST AND THE STATE OF NEW JERSEY PURSUANT TO THE 2010 NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST FINANCING PROGRAM.

WHEREAS, the Township of Nutley (the "Local Unit"), in the County of Essex, New Jersey, has determined that there exists a need within the Local Unit to acquire the Project (the "Project") as defined in each of that certain Loan Agreement (the "Trust Loan Agreement") to be entered into by and between the Local Unit and the New Jersey Environmental Infrastructure Trust (the "Trust") and that certain Loan Agreement (the "Fund Loan Agreement", and together with the Trust Loan Agreement, the "Loan Agreements") to be entered into by and between the Local Unit and the State of New Jersey, acting by and through the New Jersey Department of Environmental Protection (the "State"), all pursuant to the 2010 New Jersey Environmental Infrastructure Trust Financing Program (the "Program");

WHEREAS, the Local Unit has determined to finance the acquisition, construction, renovation or installation of the Project with the proceeds of a loan to be made by each of the Trust (the "Trust Loan") and the State (the "Fund Loan", and together with the Trust Loan, the "Loans") pursuant to the Trust Loan Agreement and the Fund Loan Agreement, respectively;

WHEREAS, to evidence the Loans, each of the Trust and the State require the Local Unit to authorize, execute, attest and deliver the Local Unit's General Obligation Bonds, Series 1, to the Trust in an aggregate principal amount not to exceed \$3,100,000 (the "Trust Loan Bond") and General Obligation Bonds, Series 2, to the State in an aggregate principal amount not to exceed \$3,100,000 (the "Fund Loan Bond", and together with the Trust Loan Bond, the "Local Unit Bonds") pursuant to the terms of the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the Revised Statutes of the State of New Jersey (the "Local Bond Law"), other applicable law and the Loan Agreements; and

WHEREAS, N.J.S.A. 40A:2-27(a)(2) of the Local Bond Law allows for the sale of the Trust Loan Bond and the Fund Loan Bond to the Trust and the State, respectively, without any public offering, and N.J.S.A. 58:11B-9(a) allows for the sale of the Trust Loan Bond to the Trust without any public offering, all under the terms and conditions set forth herein.

NOW, THEREFORE, BE IT RESOLVED by a 2/3 vote of the full membership of the governing body of the Local Unit as follows:

Section 1. In accordance with N.J.S.A. 40A:2-27(a)(2) of the Local Bond Law and N.J.S.A. 58:11B-9(a), the Local Unit hereby sells and awards its (a) Trust Loan Bond in an aggregate principal amount not to exceed \$3,100,000 to the Trust in accordance with the provisions hereof and (b) Fund Loan Bond in an aggregate principal amount not to exceed \$3,100,000 to the State in accordance with the provisions hereof. The Local Unit Bonds have been referred to and are described in bond ordinance #3140 of the Local Unit, which bond ordinance is entitled "BOND ORDINANCE PROVIDING

FOR THE REPLACEMENT OF WATER METERS AND THE RETROFIT OF METER HEADS IN THE TOWNSHIP OF NUTLEY, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING THE AMOUNT OF \$3,100,000 THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$3,100,000 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING PART OF THE COST THEREOF" and was finally adopted by the Local Unit at a meeting duly called and held on June 15, 2010, at which time a quorum was present and acted throughout, all pursuant to the terms of the Local Bond Law and other applicable law.

Section 2. The Chief Financial Officer of the Local Unit (the "Chief Financial Officer") is hereby authorized to determine, in accordance with the Local Bond Law and pursuant to the terms and conditions established by the Trust and the State under the Loan Agreements and the terms and conditions hereof, the following items with respect to the Trust Loan Bond and the Fund Loan Bond:

- (a) The aggregate principal amounts of the Trust Loan Bond and the Fund Loan Bond to be issued;
- (b) The maturity and annual principal installments of the Local Unit Bonds, which maturity shall not exceed 40 years;
- (c) The date of the Local Unit Bonds;
- (d) The interest rates of the Local Unit Bonds;
- (e) The purchase price for the Local Unit Bonds; and
- (f) The terms and conditions under which the Local Unit Bonds shall be subject to redemption prior to their stated maturities.

Section 3. Any determination made by the Chief Financial Officer pursuant to the terms hereof shall be conclusively evidenced by the execution and attestation of the Local Unit Bonds by the parties authorized under Section 4(c) hereof.

Section 4. The Local Unit hereby determines that certain terms of the Local Unit Bonds shall be as follows:

- (a) The Trust Loan Bond shall be issued in a single denomination and shall be numbered R-1. The Fund Loan Bond shall be issued in a single denomination and shall be numbered R-2;
- (b) The Local Unit Bonds shall be issued in fully registered form and shall be payable to the registered owners thereof as to both principal and interest in lawful money of the United States of America; and
- (c) The Local Unit Bonds shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under official seal or facsimile thereof affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Local Unit Clerk.

Section 5. The Trust Loan Bond and the Fund Loan Bond shall be substantially in the form set forth in the Trust Loan Agreement and the Fund Loan Agreement, respectively.

Section 6. The law firm of Carella, Byrne, Cecchi, Olstein, Brody & Agnello, P.C. is hereby authorized to arrange for the printing of the Local Unit Bonds, which law firm may authorize McCarter & English, LLP, bond counsel to the Trust and the State for the Program, to arrange for same. The Local Unit auditor is hereby authorized to

prepare the financial information necessary in connection with the issuance of the Local Unit Bonds. The Mayor, the Chief Financial Officer and the Local Unit Clerk are hereby authorized to execute any certificates necessary or desirable in connection with the financial and other information.

Section 7. The terms of the Local Unit Bonds authorized to be set forth by the Chief Financial Officer in accordance with Section 2 hereof shall be ratified by the affirmative vote of 2/3 of the full membership of the governing body of the Local Unit.

Section 8. The Mayor and the Chief Financial Officer are hereby severally authorized to execute any certificates or documents necessary or desirable in connection with the sale of the Local Unit Bonds, and are further authorized to deliver same to the Trust and the State upon delivery of the Local Unit Bonds and the receipt of payment therefor in accordance with the Loan Agreements.

Section 9. This resolution shall take effect immediately.

Section 10. Upon the adoption hereof, the Local Unit Clerk shall forward certified copies of this resolution to Carella, Byrne, Cecchi, Olstein, Brody & Agnello, P.C., bond counsel to the Local Unit, and Richard T. Nolan, Esq., McCarter & English, LLP, bond counsel to the Trust.

Introduced by Commissioner Evans, seconded by Commissioner Tucci. All ayes on a roll call vote.

No. 173-10

RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF LOAN AGREEMENTS TO BE EXECUTED BY THE TOWNSHIP OF NUTLEY AND EACH OF THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST AND THE STATE OF NEW JERSEY, ACTING BY AND THROUGH THE DEPARTMENT OF ENVIRONMENTAL PROTECTION, AND FURTHER AUTHORIZING THE EXECUTION AND DELIVERY OF AN ESCROW AGREEMENT, ALL PURSUANT TO THE 2010 NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST FINANCING PROGRAM

WHEREAS, the Township of Nutley (the "Local Unit"), in the County of Essex, New Jersey, has determined that there exists a need within the Local Unit to acquire the Project (the "Project") as defined in each of that certain Loan Agreement (the "Trust Loan Agreement") to be entered into by and between the Local Unit and the New Jersey Environmental Infrastructure Trust (the "Trust") and that certain Loan Agreement (the "Fund Loan Agreement", and together with the Trust Loan Agreement, the "Loan Agreements") to be entered into by and between the Local Unit and the State of New Jersey, acting by and through the New Jersey Department of Environmental Protection (the "State"), all pursuant to the 2010 New Jersey Environmental Infrastructure Trust Financing Program (the "Program");

WHEREAS, the Local Unit has determined to finance the acquisition, construction, renovation or installation of the Project with the proceeds of a loan to be made by each of the Trust (the "Trust Loan") and the State (the "Fund Loan", and together with the Trust Loan, the "Loans") pursuant to the Trust Loan Agreement and the Fund Loan Agreement, respectively;

WHEREAS, to evidence the Loans, each of the Trust and the State require the Local Unit to authorize, execute, attest and deliver the Local Unit's \$3,100,000 Bonds, Series 1, to the Trust in an aggregate principal amount not to exceed \$3,100,000 (the "Trust Loan Bond") and \$3,100,000 Bonds, Series 2, to the State in an aggregate principal amount not to exceed \$3,100,000 (the "Fund Loan Bond", and together with the Trust

Loan Bond, the "Local Unit Bonds") pursuant to the terms of the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the Revised Statutes of the State of New Jersey (the "Local Bond Law"), other applicable law and the Loan Agreements; and

WHEREAS, the Trust and the State have expressed their desire to close in escrow the making of the Loans, the issuance of the Local Unit Bonds and the execution and delivery of the Loan Agreements, all pursuant to the terms of an Escrow Agreement (the "Escrow Agreement") to be entered into by and among the Trust, the State, the Local Unit and the escrow agent named therein.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Local Unit as follows:

Section 1. The Trust Loan Agreement, the Fund Loan Agreement and the Escrow Agreement (collectively, the "Financing Documents") are hereby authorized to be executed and delivered on behalf of the Local Unit by either the Mayor or the Chief Financial Officer in substantially the forms attached hereto as Exhibits A, B and C, respectively, with such changes as the Mayor or the Chief Financial Officer (each an "Authorized Officer"), in their respective sole discretion, after consultation with counsel and any advisors to the Local Unit (collectively, the "Local Unit Consultants") and after further consultation with the Trust, the State and their representatives, agents, counsel and advisors (collectively, the "Program Consultants", and together with the Local Unit Consultants, the "Consultants"), shall determine, such determination to be conclusively evidenced by the execution of such Financing Documents by an Authorized Officer as determined hereunder. The Local Unit Clerk is hereby authorized to attest to the execution of the Financing Documents by an Authorized Officer of the Local Unit as determined hereunder and to affix the corporate seal of the Local Unit to such Financing Documents.

Section 2. The Authorized Officers of the Local Unit are hereby further severally authorized to (i) execute and deliver, and the Local Unit Clerk is hereby further authorized to attest to such execution and to affix the corporate seal of the Local Unit to, any document, instrument or closing certificate deemed necessary, desirable or convenient by the Authorized Officers or the Local Unit Clerk, as applicable, in their respective sole discretion, after consultation with the Consultants, to be executed in connection with the execution and delivery of the Financing Documents and the consummation of the transactions contemplated thereby, which determination shall be conclusively evidenced by the execution of each such certificate or other document by the party authorized hereunder to execute such certificate or other document, and (ii) perform such other actions as the Authorized Officers deem necessary, desirable or convenient in relation to the execution and delivery thereof.

Section 3. This resolution shall take effect immediately.

Section 4. Upon the adoption hereof, the Local Unit Clerk shall forward certified copies of this resolution to Carella, Byrne, Cecchi, Olstein, Brody & Agnello, P.C., attention Arthur T. Vanderbilt, II, bond counsel to the Local Unit, and Richard T. Nolan, Esq., McCarter & English, LLP, bond counsel to the Trust.

Introduced by Commissioner Evans, seconded by Commissioner Tucci. All ayes on a roll call vote.

No. 174-10

RESOLUTION OF THE TOWNSHIP OF NUTLEY IN THE COUNTY OF ESSEX, NEW JERSEY, DECLARING ITS OFFICIAL INTENT TO REIMBURSE EXPENDITURES FOR PROJECT COSTS FROM THE

PROCEEDS OF DEBT
OBLIGATIONS IN CONNECTION WITH ITS
PARTICIPATION IN THE 2010 NEW JERSEY
ENVIRONMENTAL INFRASTRUCTURE TRUST
FINANCING PROGRAM

WHEREAS, the Township of Nutley in the County of Essex, New Jersey (the 'Borrower') intends to acquire, construct, renovate and/or install the project more fully described in Exhibit A attached hereto (the "Project");

WHEREAS, the Borrower intends to finance the Project with debt obligations of the Borrower (the "Project Debt Obligations") but may pay for certain costs of the Project (the "Project Costs") prior to the issuance of the Project Debt Obligations with funds of the Borrower that are not borrowed funds;

WHEREAS, the Borrower reasonably anticipates that obligations, the interest on which is excluded from gross income under Section 103 of the Internal Revenue Code of 1986, as amended (the 'Code'), will be issued by the Borrower to finance the Project on a long-term basis by making a loan to the Borrower with the proceeds of the Issuer's obligations (the "Project Bonds"); and

WHEREAS, the Borrower desires to preserve its right to treat an allocation of proceeds of the Project Debt Obligations to the reimbursement of Project Costs paid prior to the issuance of the Project Debt Obligations as an expenditure for such Project Costs to be reimbursed for purposes of Sections 103 and 141 through 150, inclusive, of the Code.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borrower as follows:

Section 1. The Borrower reasonably expects to reimburse its expenditure of Project Costs paid prior to the issuance of the Project Debt Obligations with proceeds of its Project Debt Obligations.

Section 2. This resolution is intended to be and hereby is a declaration of the Borrower's official intent to reimburse the expenditure of Project Costs paid prior to the issuance of the Project Debt Obligations with the proceeds of a borrowing to be incurred by the Borrower, in accordance with Treasury Regulations § 150-2.

Section 3. The maximum principal amount of the Project Debt Obligations expected to be issued to finance the Project is \$3,100,000.

Section 4. The Project Costs to be reimbursed with the proceeds of the Project Debt Obligations will be "capital expenditures" in accordance with the meaning of Section 150 of the Code.

Section 5. No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulations § 1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Code. The proceeds of the Project Bonds used to reimburse the Borrower for Project Costs, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds", including "sinking funds", "pledged funds" or funds subject to a "negative pledge" (as such terms are defined in Treasury Regulations §1.148-1), of the Project Debt Obligations or another issue of debt obligations of the Borrower, other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulations §1.148-1).

Section 6. All reimbursement allocations will occur not later than 18 months after the later of (i) the date the expenditure from a source other than the Project Debt Obligations is paid, or (ii) the date the Project is "placed in service" (within the meaning of Treasury

Regulations §1.150-2) or abandoned, but in no event more than 3 years after the expenditure is paid.

Section 7. This resolution shall take effect immediately.

Introduced by Commissioner Evans, seconded by Commissioner Tucci. All ayes on a roll call vote.

No. 176-10

WHEREAS, N.J.S.A. 5:34-7 authorizes contracting units to establish a Commodity Resale System, and

WHEREAS, The Township of Nutley, County of Essex, New Jersey, has established a Commodity Resale System for the resale of gasoline which must be renewed every five (5) years; and

WHEREAS, the Township of Nutley is the Lead Agency for the Commodity Resale System with the Nutley Board of Education

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners, of the Township of Nutley, County of Essex, New Jersey, that it hereby authorizes the Renewal of the Commodity Resale System; and the Township of Nutley will continue serving as the lead agency; and the Nutley Board of Education will continue as its member; and it shall be known as the Nutley Cooperative Petroleum System;

BE IT FURTHER RESOLVED, that a copy of Request for Registration Renewal of a Commodity Resale System (Cooperative Purchasing Form CP -2060) shall be filed with the Director of Local Government Services, Department of Community Affairs.

Introduced by Commissioner Evans, seconded by Commissioner Tucci. All ayes on a roll call vote. Commissioner Scarpelli No Vote, was not present during roll call.

No. 179-10

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 overpayment of property taxes in the amount of \$2,266.23 for the said year.

BLOCK LOT	ADDRESS	AMOUNT – YEAR
2802 7	37 North Spring Garden Ave.	\$2266.23 – 2010

Introduced by Commissioner Evans, seconded by Commissioner Tucci. All ayes on a roll call vote. Commissioner Scarpelli No Vote, was not present during roll call.

No. 171-10

WHEREAS, sealed bids were received on June 9, 2010 for the 2010 Underground Storage Tank Closure Project; and

WHEREAS, Aurora Environmental Inc., 1102 Union Ave., Union Beach, N.J. 07735 was the low bidder at \$34,920.00; and

WHEREAS, funds are available from Capital Ordinance# 3116B and have been certified by the Chief Financial Officer, said certification being attached to this resolution;

NOW THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the township of Nutley, County of Essex, State of New Jersey, that a contract be awarded to Aurora Environmental, not to exceed \$34,920.00 and that the Mayor and Township Clerk be and they are hereby authorized to enter into and sign said contract for the township of Nutley.

Introduced by Commissioner Tucci, seconded by Commissioner Evans. All ayes on a roll call vote.

No. 175-10

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

Holy Family Catholic Church	License No. 40-10 "On-Premise Money Wheel "	September 23-26, 2010
Rotary Club of Nutley	License No. 41-10 "Off-Premise 50/50Cash Raffle "	November 18, 2010
Italian American Heritage Committee Festa Italiana	License No. 42-10 "Off – Premise 50/50 Cash Raffle "	September 12, 2010

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 the aforementioned licenses are approved and the Municipal Clerk is authorized to issue the licenses.

Introduced by Mayor Cocchiola, seconded by Commissioner Scarpelli. All ayes on a roll call vote.

No. 178-10

WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

WHEREAS, The Township of Nutley strives to save tax dollars, assure clean land, air and water, improve working and living environments; and

WHEREAS, Township of Nutley is participating in the Sustainable Jersey Program; and

WHEREAS, one of the purposes of the Sustainable Jersey Program is to provide resources to municipalities to make progress on sustainability issues, and they have created a grant program called the Sustainable Jersey Small Grants funded by Wal-Mart;

THEREFORE, the Board of Commissioners of the Township of Nutley has determined that the Township should apply for the aforementioned Grant.

THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the Township of Nutley, State of New Jersey, authorize the submission of the aforementioned Sustainable Jersey Grant funded by Wal-Mart.

Introduced by Mayor Cocchiola, seconded by Commissioner Tucci. All ayes on a roll call vote.

No. 181-10

BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, in the County of Essex, State of New Jersey, that renewal of Plenary Retail Consumption Licenses be granted to the following licensees effective July 1, 2010 through June 30, 2011.

BE IT RESOLVED, that the State of New Jersey, Department of Treasury, Division of Taxation has provided Tax Clearance Certificates for each establishment listed below for this renewal period.

BE IT FURTHER RESOLVED, that these establishments have been inspected by the Board of Health, Fire Department and Code Enforcement Department of the Township of Nutley and are in satisfactory condition.

East Green Jade Corp. T/A The Green Jade INACTIVE LICENSE	224 Franklin Avenue	0716-33-016-009	\$1,719.36
South Side Grill LLC T/A Ritacco's Midtown Bar & Grill	223A Franklin Avenue	0716-33-027-009	\$1,719.36

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey that the Municipal Clerk be and she is hereby directed and authorized to issue said licenses for the licensing period of July 1, 2010 through June 30, 2011.

Introduced by Mayor Cocchiola, seconded by Commissioner Scarpelli. All ayes on a roll call vote.

No. 182-10

WHEREAS, Anthony Capriglione, 143 Whitford Avenue, Nutley, New Jersey 07110 has applied for renewal of Constable No. 17; and

WHEREAS, the application has been reviewed by the Municipal Clerk and 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 Anthony Capriglione be re-appointed as Constable No. 17 for a one year term, beginning September 16, 2010.

Introduced by Mayor Cocchiola, seconded by Commissioner Scarpelli. All ayes on a roll call vote.

MEETING OPEN TO THE PUBLIC

Mayor Cocchiola read the following statement into the record:

All persons addressing the Board of Commissioners regarding community concerns should approach the microphone and provide their name and address for the record. Unless further time is granted by the Board, each person shall limit their address to five (5) 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 interests of decorum and/or the expeditious conduct of municipal business are being adversely affected by such dialogue.

Shari Salkin, 287 Park Avenue, came forward and addressed the Board concerning the bumps on her street, she explained that as truck drive by over the bumps the noise is extremely loud and asked the Board if repairs can be done. Commissioner Scarpelli responded and stated that he will have the road bumps taken care of by Friday. Ms. Sulkin along with another resident/neighbor addressed the Board concerning their property assessment and asked if the property can be re-evaluated as their condominium measures approximately 1200 square feet and their property taxes have increased tremendously.

Commissioner Evans responded and stated that he will ask the Tax Assessor to contact them and review their property assessment.

Jack Magnifico, 160 Park Avenue, asked Commissioner Scarpelli when a curb was going to be placed on Park Avenue. Commissioner Scarpelli responded and stated that Park Avenue is on the list for a curb.

Carmine D'Aloia, 6 Hillside Avenue, expressed his concerns regarding his recent property tax bill and the increase. He explained that his condominium is a converted apartment building and that his unit is approximately 800 square feet. He feels the increase is too high for an 800 square foot unit.

Joseph O'Halloran, Vice President, Nutley PBA, 700 Bloomfield Avenue, commented if the Township is in such a crisis why have two people have been hired in the Department of Public Safety. Mr. O'Halloran continued and stated that the Police Department gets paid for 14 holidays.

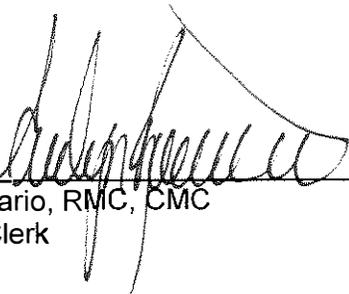
Terri Quirk, 45 Hampton Place, addressed the Board concerning solar powered lighted traffic signs and expressed how she feels this would benefit the Township of Nutley especially at the intersection of Prospect Street and Chestnut Street. Ms. Quirk distributed information regarding solar powered signs and asked the Board to possibly consider this for the Township.

Rory Moore, 462 Chestnut Street, commented that recently the Senate voted down an extension for unemployment benefits and he feels that public employees are gaining more value than employees in the private sector.

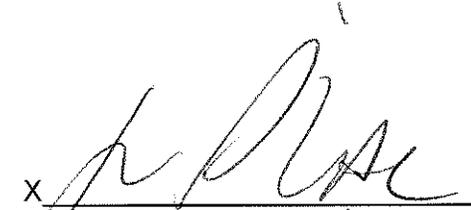
ADJOURNMENT:

Motion to adjourn by Commissioner Scarpelli, seconded by Commissioner Petracco
All ayes on a roll call vote. Meeting adjourned at 9:18 P.M.

ATTEST:



Evelyn Rosario, RMC, CMC
Municipal Clerk

X 

Commissioner Joseph P. Scarpelli

X 

Commissioner Alphonse Petracco

X 

Commissioner Thomas J. Evans

X 

Commissioner Mauro G. Tucci

X 

Mayor Joanne Cocchiola