

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

**Resolution**

<i>Introduced by:</i>	Commissioner Alphonse Petracco	<i>Date:</i>	March 13, 2017
			Continued from March 7, 2017 Meeting
<i>Seconded by:</i>	Commissioner Mauro G. Tucci	<i>No.</i>	69-17

**SETTLEMENT AGREEMENT**

**BETWEEN**

**THE TOWNSHIP OF NUTLEY AND**

**PBA LOCAL 33 AND PBA LOCAL 33 (SUPERIORS)**

**WHEREAS**, the PBA Local 33 and PBA Local 33 (Superiors) (collectively referred to as “PBA”) filed an Unfair Practice Labor Practice (“UPC”) with the Public Employment Relations Commission against the Respondent, Township of Nutley (“Township”), bearing Docket Nos.: CO-2015-186 and 187, alleging violations of Sections 5.4(a)(1), (5) and (6) of the New Jersey Employer-Employee Relations Act, N.J.S.A. 34-13A-1, et seq., with respect to the successor collective negotiations agreement; and

**WHEREAS**, the parties entered into a Memorandum of Agreement (“MOA”) that was dated September 10, 2013 and ratified by the Township on October 2013;

**WHEREAS**, the MOA set forth the following provisions for new hires: 1. new hires were not entitled to longevity compensation, 2. new hires vacation accumulation is based upon the officer’s years of service with the Township; and 3. New hires shall be entitled to 3 personal days per year;


**WHEREAS**, the Township filed an Answer to the PBA’s UPC with a counter-claim, which alleged, among other things, that PBA members were overpaid for work completed for “outside employment,” totaling \$86,385.00

**WHEREAS**, the Township and PBA (collectively referred to as the “parties”) have reached a mutually acceptable resolution of this matter;

**WHEREAS**, the Township and the PBA denied having violated the New Jersey Employer-Employee Relations Act, Collective Bargaining Agreement and past practice in this matter;

**IT IS HEREBY AGREED**, by the parties, for the consideration set forth herein, as follows:

1. The PBA and SOA agrees to withdraw with prejudice their Unfair Practice Charge bearing Docket Nos.: CO-2015-186 and 187.
2. The parties agree to enter into a successor Collective Negotiations Agreement for a four (4) year term from January 1, 2017 to December 31, 2020, with salary increases of 3% per year.
3. The parties further agree that "New Hires" will be defined in the successor Collective Negotiations Agreement and previously executed MOA as any police officer hired on or after January 1, 2014 and will not be entitled to longevity.
4. The Township will not seek reimbursement from PBA members that were overpaid for work completed for "outside employment," totaling \$86,385.00.
5. The parties agree that all remaining terms and conditions set forth in the MOA and prior collective negotiations agreement shall remain unchanged and intact.
6. By the execution of this Agreement, both parties deny any wrongdoing, particularly violating the New Jersey Employer-Employee Relations Act, State law, the Collective Negotiations Agreement and/or past practice. The parties agree that this is a tentative agreement pending ratification by the PBA Local 33 and PBA Local 33 (Superiors) and the Township of Nutley Board of Commissioners. Upon ratification of this agreement, the terms and conditions herein will become final.

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 March 13, 2017

<i>Record of Vote</i>	<i>Commissioner Steven L. Rogers</i>	<i>Commissioner Mauro G. Tucci</i>	<i>Commissioner Thomas J. Evans</i>	<i>Commissioner Alphonse Petracco</i>	<i>Mayor Joseph P. Scarpelli</i>
<i>Yes</i>		X	X	X	X
<i>No</i>					
<i>Not Voting</i>	X Abstain				
<i>Absent/Excused</i>					

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

**Resolution**

*Introduced by:* Commissioner Alphonse Petracco *Date:* March 13, 2017 Continued  
Meeting of March 7, 2017  
*Seconded by:* Commissioner Steven L. Rogers *No.* 71-17

**WHEREAS**, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances; and

**WHEREAS**, the public body is of the opinion that such circumstance exists; and

**WHEREAS**, the Board of Commissioners of the Township of Nutley, in the County of Essex, and State of New Jersey desires to proceed to closed executive session; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Commissioners of the Township of Nutley move into closed executive session to discuss:

1. Contract Negotiations

**BE IT FURTHER RESOLVED**, that the time when such discussions may be disclosed to the public shall be when and as such disclosure may be made without adversely affecting the Township of Nutley pending and/or anticipated legal, personnel, contractual matters and other matters within the exceptions provided for by statute.

. . .

I, Eleni Pettas, Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that  
Eleni Pettas  
the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held March 13, 2017

<i>Record of Vote</i>	<i>Commissioner Steven L. Rogers</i>	<i>Commissioner Mauro G. Tucci</i>	<i>Commissioner Thomas J. Evans</i>	<i>Commissioner Alphonse Petracco</i>	<i>Mayor Joseph P. 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**

**Resolution**

*Introduced by:* \_\_\_\_\_ *Date:* March 13, 2017 Continued  
Commissioner Alphonse Petracco Meeting of March 7, 2017  
*Seconded by:* \_\_\_\_\_ *No.* 72-17  
Commissioner Steven L. Rogers

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**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Commissioners of the Township of Nutley move into closed executive session to discuss:

1. Contract Negotiations – Prism
2. COAH Litigation

**BE IT FURTHER RESOLVED**, that the time when such discussions may be disclosed to the public shall be when and as such disclosure may be made without adversely affecting the Township of Nutley pending and/or anticipated legal, personnel, contractual matters and other matters within the exceptions provided for by statute.

. . .

I, Eleni Pettas, Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that  
Eleni Pettas  
the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held March 13, 2017

<i>Record of Vote</i>	<i>Commissioner Steven L. Rogers</i>	<i>Commissioner Mauro G. Tucci</i>	<i>Commissioner Thomas J. Evans</i>	<i>Commissioner Alphonse Petracco</i>	<i>Mayor Joseph P. Scarpelli</i>
<i>Yes</i>	X	X	X	X	X
<i>No</i>					
<i>Not Voting</i>					
<i>Absent/Excused</i>					