TOWNSHIP OF NUTLEY, NEW JERSEY
BOARD OF COMMISSIONERS

PUBLIC MEETING

TRANSCRIPT OF

PROCEEDINGS:

January 4th, 2011

7:00 p.m.

BEFORE:

Mayor Cocchiola
Commissioner Evans
Commissioner Petracco
Commissioner Scarpelli
Commissioner Tucci - Absent/Excused

Township Clerk Rosario
Job No. NJ314018
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MADAM CLERK: Tuesday, January 4th, 2011. Pursuant to the requirements of the Open Public Meeting Law, Chapter 231, Public Laws, 1975, notice of this meeting was published in the December 2nd, 2010 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?

COMMISSIONER PETRACCO: Here.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Here.

MADAM CLERK: Commissioner Tucci is absent/excused at this time.

MADAM CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Here.

MADAM CLERK: All present Mayor, with the exception of Commissioner Tucci who is absent/excused.

MAYOR COCCHIOLA: Commissioner
Scarpelli, you want to go over what you have?

COMMISSIONER SCARPELLI: I have a change order for the paving of Hillside Crescent, which is mostly to increase concrete with. I have to say it came -- the finished product came (indiscernible) -- I have to thank the CDBG for wanting to do that project. Naming, you know, Michael Luzzi, Public Works Manager, which that's just a reintroduction -- a redesignation. And naming Sal Ferraro, Recycling Coordinator. That's all I have, Mayor.

MAYOR COCCIOLA: Thanks.

Commissioner Evans?

COMMISSIONER EVANS: I just have an award of a contract to Millennium Strategies for our grant services. And I'd be happy to read Commissioner Tucci's resolutions.

MAYOR COCCIOLA: Oh, thank you so much.

COMMISSIONER EVANS: I just want it on the record.
MAYOR COCCHIOLA: You are such a generous guy tonight.

COMMISSIONER PETRACCO: Magnanimous.

COMMISSIONER EVANS: Just wanted to tell you.

MAYOR COCCHIOLA: Wow. Commissioner Petracco?

COMMISSIONER PETRACCO: Okay. Ordinance no. 3158 we're going to pull. Then I have another ordinance to fix the salaries of certain officers. That's number 3159.

COMMISSIONER SCARPELLI: What're the changes here?

COMMISSIONER PETRACCO: This (indiscernible)a.

MAYOR COCCHIOLA: (Indiscernible)a.

COMMISSIONER PETRACCO: Okay. Oh, I'm sorry, this is for the fire department, all our firemen/HazMat/First Responders. So, this was the ordinance that I think we should have introduced in probably October, got (indiscernible). Yup.

COMMISSIONER EVANS: Yeah, this
basically establishes their salaries with a three percent increase pursuant to the contract.

COMMISSIONER PETRACCO: Exactly.

COMMISSIONER EVANS: The longevity adjustments that they get, and therefore, the recalculation out of the longevity amounts and the calculation of (indiscernible) --

COMMISSIONER SCARPELLI: So, this was for 2010?

COMMISSIONER EVANS: This is for 2011.

MAYOR COCCHIOLA: 11.

COMMISSIONER EVANS: This is for the coming year. Under their contract, they're entitled to base pay adjustment of three percent. Anybody, you know -- they have (indiscernible) --

COMMISSIONER PETRACCO:

(Indiscernible)a.

COMMISSIONER EVANS: Right, right.

COMMISSIONER SCARPELLI: This is based on (indiscernible).

COMMISSIONER EVANS: And their
(indiscernible).

MAYOR COCCHIOLA: Their contracts expire at the end of 2011 or 2012?

COMMISSIONER PETRACCO: 12.

COMMISSIONER EVANS: 12.

COMMISSIONER SCARPELLI: So, this represents a three percent increase?

COMMISSIONER PETRACCO: Yes,

COMMISSIONER EVANS: Yes. It actually represents more than a three percent increase because of the way the actual calculation works, but the annual base adjustment is -- starts at three percent.

COMMISSIONER SCARPELLI: Okay. Do you have a copy of it here?

COMMISSIONER EVANS: In 2012, it's three and a half percent.

MAYOR COCCHIOLA: Okay.

COMMISSIONER EVANS: Okay. But just to make sure -- you know, it's all disclosed is that the fire department took a zero percent increase in 2009.

COMMISSIONER PETRACCO: Okay, and the second ordinance I have is 3160,
another ordinance -- excuse me -- for
certain officers and employees of the
fire civilian side. And what that is, is
a fire inspector trainee, a fire
inspector, and a HazMat material response
coordinator.

COMMISSIONER SCARPELLI: Those are
all existing titles?

COMMISSIONER PETRACCO: Right now,
no. But we're doing -- this gives us the
ability if we're going to go forward with
this, is try to civilianize that front,
instead of using fire fighters, what we
traditionally did.

COMMISSIONER SCARPELLI: Okay.

COMMISSIONER EVANS: Just for my own
clarification, I thought we had agreed,
or I understood we were going to have
thirty-one sworn firemen with two
civilians? And this would provide for
three. So, just help me with my
understanding.

COMMISSIONER PETRACCO: Well, we
did -- what we talked about Tom was, when
we both worked on that budget, was up to
90,000 dollars for the civil positions. So, we -- this gives us the ability, rather then give it out in two positions, if we need three civilians up there, we won't exceed the 90,000, but it will give us the ability to --

COMMISSIONER EVANS: Well, if I look at the salary -- the range, the upper range that you quote is 142,000, not 90.

COMMISSIONER PETRACCO: Where are you looking? Oh, up to here.

MAYOR COCCHIOLA: There is no low range --

COMMISSIONER PETRACCO: Right.

MAYOR COCCHIOLA: -- because you don't have a low range on the third.

COMMISSIONER PETRACCO: Again, that says up to, so we could start at whatever, you know, I --

COMMISSIONER EVANS: The only thing is that --

COMMISSIONER PETRACCO: The range, the top range passes that.

COMMISSIONER EVANS: Yes. My -- the only thing we're still struggling to work
through is what the budget will be for
11, and given the new cap requirement,
and what the restrictions are in growing
that in 2012, because of the two percent
limit.

COMMISSIONER PETRACCO: And also the
other side of that is if you don't have
it in there, then you won't be able to
ever capture it again.

COMMISSIONER EVANS: That's exactly
right.

COMMISSIONER EVANS: So, we have to
get it right on the base.

COMMISSIONER PETRACCO: Right.

COMMISSIONER EVANS: Right? but if
we get it in there, and we fill those
spots, there's a cost associated which --
what I'm looking at is the two sides, is
how do we stay within the two percent
cap, and how do we keep the overall tax
rate increase down, recognizing that to
achieve the parity that we're trying to
get to for 11, which is a two percent cap
with a two percent tax increase, we're
working to identify how we can save 1.1
million dollars.

COMMISSIONER PETRACCO: Right.

COMMISSIONER EVANS: And, so, with the contract negotiations going the way they did, and remain unresolved, we have a huge question mark around that even with the level of the layoffs that were done, so I'm just -- what I'm looking at with this, is I'm just concerned that we're not committing to more dollars than we can afford.

COMMISSIONER PETRACCO: No, we're not. So, we're only committing --

COMMISSIONER EVANS: I don't know the answer to that.

COMMISSIONER PETRACCO: Yeah.

COMMISSIONER EVANS: No, seriously, I don't. It was more a rhetorical question, and that right now I don't know what all the budgets look like in relation to what the potential cost increase is.

COMMISSIONER PETRACCO: Let me tell you what I'm trying to accomplish here. What I'm trying to accomplish here with
the two percent cap also, there's not
going to be any way to go back to it, so.

Where Public Safety -- we didn't
have enough positions filled at that
time. If we wait till 2011, or rather
2012, with the two percent cap pending,
how would we -- if we realize at that
point, we don't have enough men there,
how would we go back and then plug them
in? That's what my concern is.

COMMISSIONER EVANS: I understand
the point. That's obviously the delicate
balance that we're trying to play. We
have a significant question mark, right?
I think if I quote the paper correctly,
the PBA thought that our offer was
"ridiculous", is the word that the paper
used, so --

COMMISSIONER PETRACCO: I didn't
read that word. What paper was that in,
Commissioner?

COMMISSIONER EVANS: The Nutley Suna

COMMISSIONER PETRACCO: You got a
copy of it around?

COMMISSIONER EVANS: It was last
week's paper. It was last week's paper. Said it was ridiculous. So, and -- so,
I'm concerned, you know, obviously a lot
of stuff is up in the air, so as long as
we are not planning on filling, you know,
all three of these positions immediately,
and that we can agree --

COMMISSIONER PETRACCO: Absolutely.

COMMISSIONER EVANS: -- that they
won't be filled until we know for
certain, you know, where we are
financially, then I would have less
concern.

COMMISSIONER PETRACCO: I agree with
this. I agree.

COMMISSIONER EVANS: So, all right?

COMMISSIONER SCARPELLI: We should
also recognize that three positions,
although may not affect the public safety
budget, it could always affect the
overall tax increase with pension and
insurance costs, so.

COMMISSIONER PETRACCO: Well, some
on them wouldn't --

COMMISSIONER EVANS: It depends on
how you do it.

COMMISSIONER PETRACCO: Yeah, and that's exactly what we're trying to get away from, Joe, is plug in firemen into these positions, where you're obligated through contracts and pensions and health costs.

So, you know, when Tom and I spoke, as we've been working on this work in progress, as if you want to call it, I mean, I think we both see the necessity to keep firemen and police in firemen and police roles, and where we can civilianize to save that salary, that's what the plan is to do. And I think that's all I have, Mayor, if --

MAYOR COCCHIOLA: Okay. And I have two public hearings tonight. One on the Café Ordinance, which removes the restriction of time, where there was a time limitation as to when the outdoor café was permitted to operate.

There will no longer be a time imposed, and they would be able to operate their outdoor café in accordance
with the code as it exists today, and if they're on a county road, in accordance with the county policy permit, and obtaining a permit.

This was reviewed by the code enforcement department, and they had only just some very minor comments that, so, it's gone through every channel -- also approved by the (indiscernible)a.

COMMISSIONER PETRACCO: Mayor, I am going to abstain from that for obvious reasons.

MAYOR COCCHIOLA: Yes.

COMMISSIONER PETRACCO: Can you just, for the record, it's okay with the county as well?

MAYOR COCCHIOLA: Yes. As long as they get approved -- if they're on a county road, they still have to get a permit. That was always required.

COMMISSIONER EVANS: Yeah.

MAYOR COCCHIOLA: Ordinance 3157 is -- extends the existing rent control ordinance for one more year. That's all it is. It's a housekeeping item to
extending just an ordinance for one year.
I also have two resolutions: one
authorizing a raffle license for St.
Mary's, the other renewal of a liquor
license for Sambuco, Sr. And that's all
I have.

Does anyone have a need for
executive session? So, everybody
remember that Friday at 8:30 is the
meeting with the Mayor of Belleville and
the Mayor of Bloomfield, to begin a
shared services discussions that will
expand -- Commissioner Scarpelli has been
good enough to start to compile our own
list of what shared services we have.

COMMISSIONER SCARPELLI: Yeah, I
emailed everybody today about anything
that you're already sharing services
with, or is mutual aid, or I don't know
if we do any sharing of any inspectors,
but if anything you're doing, just get it
to me, and this way I can put it into
some sort of form. We can have it for
that meeting, to: you know, one, so we
all know what services we're already

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sharing with municipalities in the county --

COMMISSIONER EVANS: Yeah.

COMMISSIONER PETRACCO: Okay.

COMMISSIONER SCARPELLI: -- and the Board of Ed. In addition, I'm going to put together a packet on some of the shared service documents that are out there through the state, which kind of identifies areas we can look at, some of the ways to go about implementing, so we'll have something at least to hand out. I don't know if anybody else is coming besides the Mayors.

MAYOR COCCHIOLA: Victor Canning's coming from Belleville, and somebody else is coming from Bloomfield. I was thinking afterwards that I wonder if I should have invited Al Greco in Clifton? I can give him a call tomorrow and see if he's free.

COMMISSIONER SCARPELLI: We certainly did -- in public works we shared some things.

MAYOR COCCHIOLA: Yeah, he actually
had some other ideas once before, and I told him, you know, hold off when we talk. So, I'm going to give him a call tomorrow.

COMMISSIONER EVANS: I know we're share, you know, the sub code inspectors. You know, we share those with Belleville and Rutherford.

MAYOR COCCHIOLA: Rutherford?

COMMISSIONER SCARPELLI: So, can you that -- email me that, and I'll put it in some form of format. I might as well have something to hand out, and something to do to go forward with.

COMMISSIONER EVANS: The other thing is, Ro is working on the temporary budget for 2011, and it's not ready for tonight. So, I think I'd like to continue the meeting, so we can approve that later in the week.

MAYOR COCCHIOLA: Oh. All right. And --

COMMISSIONER EVANS: Because once we're going to be together on Friday, we'll be able to continue --
MAYOR COCCHIOLA: Okay. We'll continue the meeting to Friday?

COMMISSIONER EVANS: Okay.

MAYOR COCCHIOLA: We also, I don't know, I guess at our next public meeting, we need to continue our discussions on your, you know, some of the analyses that you did and where we're going. That's --

COMMISSIONER EVANS: Yeah.

MAYOR COCCHIOLA: -- where the budget discussion, but that's (indiscernible).

COMMISSIONER EVANS: Yeah. And I'd like to have, for the next meeting, have George Librizzi visit (indiscernible). I'd like to talk about the work that he's seeing in terms of what's going on with the assessed values.

MAYOR COCCHIOLA: We were supposed to have that presentation by David Grubb at the next meeting, at 6 o'clock, we were coming early? Well, we'll do Dave, and we'll do whatever.

COMMISSIONER EVANS: We'll see. Yeah, we'll see.
MADAM CLERK: Mayor, what time are we considering the meeting that Friday?

COMMISSIONER EVANS: Yeah, I think it's only for that one item.

COMMISSIONER SCARPELLI: Let's do it at 8 o'clock.

MAYOR COCCHIOLA: Do it at 8 o'clock.

MADAM CLERK: So, 8 o'clock to do that temporary budget, okay.

MAYOR COCCHIOLA: It's thirty minutes earlier.

COMMISSIONER PETRACCO: I can't go to school.

COMMISSIONER SCARPELLI: No comment. Can you sign this?

MAYOR COCCHIOLA: Yeah. It's time.

(Pledge of Allegiance declared)

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

MADAM CLERK: Tuesday, January 4th, 2011. Pursuant to the requirements of the Open Public Meeting Law, Chapter 231, Public Laws, 1975, notice of this meeting was published in the December 2nd, 2010
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?

COMMISSIONER PETRACCO: Here.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Here.

MADAM CLERK: Commissioner Tucci is absent/.excused at this time.

MADAM CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Here.

MADAM CLERK: All present, Mayor, with the exception of Commissioner Tucci, who is absent/excused.

MAYOR COCCHIOLA: Thank you. There are no minutes to approve this evening, and we have no correspondence, so we can move right on to payment of bills.

MADAM CLERK: Yes, Mayor. Tuesday, January 4th, 2011:
Public Affairs $358,842.75,
Revenue & Finance $2,132,812.64,
Public Safety $0.00,
Public Works $8,276.22,
Parks & Public Property $429,591.23,
Payroll as of January 7th, 2011,
$731,332.19,
for a grand total bill list of
$3,660,855.03.

And that's all for bills, Mayor.

COMMISSIONER EVANS: Move the bills.
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 -- Mayor Cocchiola?

MAYOR COCCIOLA: Aye.
MADAM CLERK: Thank you, Mayor.

That's all for bills.

MAYOR COCCIOLA: Thank you.
Commissioner Petracco for introduction,
Ordinance 3159:

COMMISSIONER PETRACCO: Ordinance to
fix the salaries of certain officers and
employees of the Township of Nutley,
County of Essex, State of New Jersey,
effective January 1, 2011.

Be it ordained by the Board of
Commissioners of the Township of Nutley,
in the County of Essex, New Jersey. This
ordinance to be passed a second reading
and advertised in the Nutley Sun together
with the notice required by law and that
further consideration of said ordinance
for final passage by the Board of
Commissioners to be held at its second
reading on --

MADAM CLERK: February 1st.

COMMISSIONER PETRACCO: February
1st.

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: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

COMMISSIONER PETRACCO: Ordinance no. 3160:

An Ordinance to fix the salaries of certain officers and employees of the Township of Nutley, County of Essex, State of New Jersey, effective January 1st, 2011.

Be it ordained by the Board of Commissioners of the Township of Nutley, in the County of Essex, New Jersey. I move that the ordinance be passed to a second reading and advertised in the Nutley Sun together with the notice required by law and further consideration of said ordinance for final passage by the Board of Commissioners to be held at its second reading on February 1st, 2011. I move the ordinance.

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: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

COMMISSIONER PETRACCO: That's all I have.

MAYOR COCCHIOLA: Thank you. I have a public hearing this evening on Ordinance no. 3156, which is an ordinance to amend an existing ordinance for outdoor cafes and sidewalk cafes. This ordinance -- currently the outdoor café ordinance limits the ability for the business owner to establish an outdoor café, pursuant to the existing ordinance -- it limits it from April to November.

This change in the ordinance will remove that restriction and allow the operation of an outdoor café, weather permitting, at any time during the year,
as long as the ordinance -- all the provisions of the existing ordinance are complied with, and the policy of the county is complied with as well.

Is there any member of the public that would like to address the Board with respect to this ordinance? There is no one. So, I will move that the public hearing be closed.

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: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

And I move the ordinance.

COMMISSIONER SCARPELLI: Second.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Commissioner Petracco?
COMMISSIONER PETRACCO: Abstain (indiscernible).

MADAM CLERK: Commissioner Evans?
COMMISSIONER EVANS: Aye.

MADAM CLERK: Mayor Cocchiola?
MAYOR COCCHIOLA: Aye.

Ordinance no. 3157 is the -- an ordinance that continues the existing provisions of the rent control ordinance for one more year, expiring December 31st, 2011.

Is there any member of the public that would like to address the Board with respect to this ordinance no. 3157? There is no one. So, I will move that the public hearing be closed.

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: Mayor Cocchiola?
MAYOR COCCHIOLA: Aye.
And I move the ordinance.
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: Mayor Cocchiola?
MAYOR COCCHIOLA: Aye.

Resolutions, Commissioner Scarpelli.

COMMISSIONER SCARPELLI: Whereas,
the Township of Nutley has entered into a contract with D&L Paving, Inc., P.O. Box 507, Nutley, New Jersey, for a project known as Hillside Crescent Repaving for an original contract amount of $107,273.56; and

Whereas, Engineering Services has recommended the attached Change Order No. 1 in the amount of $9,211.60 dated December 17th, 2010 for additional work; and
Whereas, funds are available from T-19-909-901 from monies received via grant from CDBG in the amount of $9,211.10, and have been certified by the Chief Financial Officer, said certification attached to this resolution.

Now, therefore, be it resolved by the Board of Commissioners in the Township of Nutley, County of Essex, State of New Jersey, that the Change Order No. 1, as attached, is a change from the contract previously made by the Township of Nutley with D&L Paving, for the project known as Hillside Crescent Repaving is hereby authorized and approved.

I move the resolution.

COMMISSIONER PETRACCO: Second.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.
MADAM CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

COMMISSIONER SCARPELLI: Whereas, N.J.S.A. 40A:9-154.6 the Public Works Association of New Jersey provides the schooling along with Rutgers the State University of New Jersey to certify Public Works Manager License; and

Whereas, Michael Luzzi has attended classes and is a licensed certified Public Works Manager.

Therefore, be it resolved by the Board of Commissioners, Township of Nutley, County of Essex, State of New Jersey that the Township of Nutley be and is hereby authorize that Michael Luzzi is hereby named the Public Works Manager for the Township of Nutley.

I move the resolution.

COMMISSIONER PETRACCO: Second.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.
MADAM CLERK: Commissioner Evans?
COMMISSIONER EVANS: Aye.
MADAM CLERK: Mayor Cocchiola?
MAYOR COCCHIOLA: Aye.

COMMISSIONER SCAPELLI: Whereas, the Mandatory Source Separation and Recycling Act, Public Law 1987, c.102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

Whereas, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

Whereas, such a resolution should designate the individual authorized to ensure that the application is properly completed and timely filed.

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 hereby endorses the submission of the 2010 Municipal Recycling Tonnage Grant Application to the New Jersey Department of Environmental Protection and designates Salvatore Ferraro, Recycling Coordinator, Township of Nutley, to ensure that the application is properly filed.

I move the resolution.

COMMISSIONER PETRACCO: Seconda

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

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

MAYOR COCCHIOLA: Thank you.

Commissioner Evans?

COMMISSIONER EVANS: Thank you,
Mayor.

Whereas, there exists a need to acquire grant writing and consulting services for the grant procurement, state and federal appropriation procurement and alternate financing sources as non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5, as appropriate and

Whereas, the Director of Revenue and Finance has determined and certified in writing that the value of the acquisition will exceed $17,500.00 and

Whereas, the anticipated term of this contract is one year with two one-year options; and

Whereas, the N.J.S.A. 40A:11-5 provides for the award of a contract without public bidding for the provision or performance of a professional service and

Whereas, Millennium Strategies, 60 Roseland Avenue, Caldwell, New Jersey has submitted a proposal to provide the services at 3,333 dollars and
Whereas, Millennium Strategies, has completed and submitted a Business Entity Disclosure Certification which certifies that it has not made any reportable contributions to a political or candidate committee in the Township of Nutley in the previous one year and that the contract will prohibit them from making any reportable contributions through the term of the contract.

Whereas, the contract is in an amount not to exceed 39,996 dollars per year and funds are available from current accounts, subject to the adoption of the 2011 Municipal Budget 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 in the Township of Nutley in the County of Essex, as follows: the Mayor and Clerk are hereby authorized and directed to execute an agreement with Millennium Strategies for 2011 with two one-year
options to renew.

This contract is awarded without competitive bidding in accordance with N.J.S.A. 40A:11-5 of the Local Public Contracts Law. The Business Entity Disclosure Certification and Determination of Value shall be placed on file, and a copy of this resolution, as well as the contracts, shall be placed on file with the Clerk and a notice of this action shall be printed once in the Nutley Sun.

COMMISSIONER SCARPELLI: Second.

MAYOR COCCHIOLA: Commissioner, didn't we -- we went through a procurement process once before, for this, that we did the whole --

COMMISSIONER EVANS: Yeah, the whole bidding process, absolutely.

MAYOR COCCHIOLA: Yeah, right.

COMMISSIONER EVANS: This is just (indiscernible).

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.
MADAM CLERK: Commissioner Petracco?
COMMISSIONER PETRACCO: Aye.
MADAM CLERK: Commissioner Evans?
COMMISSIONER EVANS: Aye.
MADAM CLERK: Mayor Cocchiola?
MAYOR COCCHIOLA: I'm going to vote -- I had a prior conflict which has been removed, and I'm sure of that, so I'm going to vote yes. Okay?
MADAM CLERK: Thank you, Mayor.
MAYOR COCCHIOLA: You're done, right, Commissioner Evans? Okay.

Whereas, a raffle application has been received from the following organization, Saint Mary's Roman Catholic Church, License No. 09a-11, for an off-premise 50/50 cash raffle on June 3rd, 2011;

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, that the aforementioned license is approved and the Municipal Clerk is
authorized to issue the license.

I move that 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: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

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 Nicholas Sambuco, Sr., license no. 0716a 33-026-004 effective July 1st, 2010 through June 30th, 2011.

Be it resolved, that the State of New Jersey, Department of Treasury, Division of Taxation has provided Tax Clearance Certificates for said license.

Be it further resolved, the Director
of the Division Alcoholic Beverage Control has reviewed the Special Ruling petition submitted by Nicholas Sambuco and has considered all the facts and circumstances related to the inactive status of this license and has determined that the licensee has established good cause in accordance with the statutory requirements to warrant an application for renewal of this license for the 2010-2011 term.

Therefore, be it resolved, by the Board of Commissioners in the Township of Nutley, County of Essex, State of New Jersey, that the aforementioned license be and is hereby renewed for the licensing period of July 1st, 2010 through June 30th, 2011.

I move the resolution.

COMMISSIONER EVANS: Second.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Commissioner Petracco?
COMMISSIONER PETRACCO: Aye.

MADAM CLERK: I'm sorry.

Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

Okay, that concludes the regular business portion of our meeting. Is there any member of the public that would like to address the Board?

All members -- 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 comments 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 interests of decorum and/or the expeditious conduct of municipal business are being adversely affected by such dialogue.

Happy New Year, Mr. Magnifico.

MR. MAGNIFICO: I was just coming up to the Board, to say Happy New Year to all the Commissioners and the people of Nutley.

You know, this past snow -- I always say I'm proud of this town -- did, you all did, she went out, which I had to do unfortunately, and it was pretty miserable out. But our town made the other towns look sick. I'm proud of that. I'm proud of you people for doing it. I complain to you when I don't like things, so I'm going thank you for when you do things right.

COMMISSIONER SCARPELLI: Thanks, Jack.

MR. MAGNIFICO: I do have one question, Joe. For many years, since 1984, when I bought that building, I have
tried to maintain the Park Avenue's curbing, by asking people please not to park trucks, and stuff like that. I don't have to tell you the story.

That -- I don't expect it today; I don't expect it tomorrow, with what we're going through monetarily. But if you can, if you can, and when you can, I would appreciate putting a curb in there, for nothing else, as a deterrent for people trying to constantly parking on that end of the area.

They park there for Dunkin' Donuts. I know that. They come into my lot for Dunkin' Donuts. But I'm starting to get worried, because like today, when I went out, you know, a car was parked there, and I really couldn't see, you know, people coming up Park Avenue. It worries me about some of my tenants and patients, et cetera, et cetera, because mostly -- unfortunately, we don't have the same number of tenants in my building, but we have an active building, and I just don't want an accident. All right?
I really -- I understand that things are -- that negotiations are going along with our people, for the young people of our town. That's good. I appreciate to see that, only because they're our future. I told you that before.

And Mr. Evans, I thank you for, if you will, when you can, I saw George today, whatever you can do to get those taxes down. I think I'm the highest paid -- highest tax person in this town, 92,000 dollars, that's a lot of bread. And having lost 18,000 dollars, one tenant, is going to hurt me. George said to me, what? There's nothing I can do.

Well, you know, that's nice, but I do employ -- I don't employ, but the people that have their businesses in my building all employ -- all employ Nutley, Nutley residents. And fortunately for me, they are all young people. They'll be around a long time for you, to help you in the future. My building will be there, long after I'm gone, because the kids got it, that's the way it's been set.
I just -- thank you all again, what you've done over this snow. And God bless, and have a Happy New Year.

COMMISSIONER SCARPELLI: Happy New Year, Jack.

MAYOR COCCHIOLA: Happy New Year, Jack. Is there anyone else that would like to address the Board?

Commissioner Scarpelli, let me also just add, that I did receive a call from the Governor's office earlier in the week, asking how we made out. And I told him that we were probably a model community, in terms of having that snow cleared.

The DPW workers did an outstanding job. Under the circumstances, it was really -- you should really be proud of them.

COMMISSIONER SCARPELLI: They worked long and hard, and I am proud of them.

MAYOR COCCHIOLA: The meeting will not be adjourned this evening. We'll be continuing the meeting until 8 o'clock.
a.m. on Friday morning.

Thank you, everyone.

(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:
February 23, 2011.

Karen Schiffmiller
AAERT Certified Electronic Transcriber
CET**D 570
TOWNSHIP OF NUTLEY, NEW JERSEY
BOARD OF COMMISSIONERS

PUBLIC MEETING

January 7th, 2011
8:00 a.m.

BEFORE:
Mayor Cocchiola
Commissioner Evans
Commissioner Petracco
Commissioner Scarpelli
Commissioner Tucci

Township Clerk Rosario
Job No. NJ314018
TOWNSHIP OF NUTLEY, NEW JERSEY

BOARD OF COMMISSIONERS

PUBLIC MEETING

January 7th, 2011

8:00 a.m.

BEFORE:
Mayor Cocchiola
Commissioner Evans
Commissioner Petracco
Commissioner Scarpelli
Commissioner Tucci

Township Clerk Rosario

Job No. NJ314018

Veritext/NJ Reporting Company

800-227-8440
973-410-4040
MADAM CLERK: Mayor, Friday, January 7th, 2011. This is a continued meeting of Tuesday, January 4th, 2011. I'll do a quick roll call.

Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Here.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Here.

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, we have four resolutions on this morning for introduction.

MAYOR COCCHIOLA: Commissioner -- are they all yours, Commissioner Evans?

COMMISSIONER EVANS: No.

COMMISSIONER TUCCI: No, I have a transfer.

MAYOR COCCHIOLA: All right.

COMMISSIONER EVANS: So, does Commissioner Scarpelli. I also gave you
a handout, which -- a summons that I'm going to have George come and talk to all the commissioners about -- but just -- and I gave you this information to read; you can look at it, but it basically shows, that based upon the work that he did to monitor assessed values in Nutley, that overall our assess value base is reducing by seventy-six million dollars.

So, it's three billion-7 and change, down by seventy-six million. The impact of this is that assessed -- houses assessed for 351,000 dollars are now going -- the basic average assessment is 342,000 dollars. That's a reduction of 9,000 dollars per household. The effect of that is, basically, is that there's about 3,400 homes in Nutley, that have -- that comprise that seventy-six million dollar decrease. It means, though, that there's another cross-section of homes which is about 5,800 or so, that did not get a reduction in value.

So, the implication is, for some it's good, in that they get a lower
assess value. For others, it's more significant in that the cost base -- our cost base isn't reducing; it's rising. So, they're going to get a shift of their burden of the tax plus they're going to get --

MAYOR COCCHIOLA: Their increase.

COMMISSIONER EVANS: -- their increase. So, it's a double hit.

So, I want George to come and talk to the commissioners about the work that was done, how it was prepared. I have raised with him the question in my own mind is that has the market become too volatile to actually go through this annual adjustment of the tax base. So, there's -- in order to drive fair and equitable distribution, are we basically pushing the formula so tight that by trying to achieve stability, we're creating instability, because of the volatility of the marketplace.

I pushed George on that, and he's very comfortable that we're not in that space. He basically says the New Jersey
laws require him to do it. The Essex County Tax Board is requiring him to do it. And so, anyway, he's --

MAYOR COCCHIOLA: Why is he required to do it now, when we weren't required to do it ten years ago?

COMMISSIONER EVANS: Because the Essex County Tax Board wasn't pushing it ten years ago, basically.

MAYOR COCCHIOLA: Is it law, or is it policy -- I mean, this is going to be a significant increase --

COMMISSIONER EVANS: Yes.

MAYOR COCCHIOLA: -- for more than half of homes in Nutley. So, why do we have -- I mean, why do we have to do this now?

COMMISSIONER EVANS: Because the other side of it is, the house -- all the houses that are entitled to a reduction in value will appeal. And when they get that reduction, we're going to have to refund them the money.

And so, if we don't collect it in tax, it's just coming out of the tax
base. There's towns that have been hit with significant bills to pay, as a result, and have had it bonded, in order to pay the debt back to the people that were overcharged.

COMMISSIONER SCARPELLI: I understand that, Tom, but I don't --

COMMISSIONER EVANS: So, that's all the mechanics of it. It's --

COMMISSIONER SCARPELLI: I don't imagine that they weren't doing this reassessment three --

COMMISSIONER EVANS: Exactly, yeah, exactly.

COMMISSIONER SCARPELLI: -- or two years like we've been doing.

COMMISSIONER EVANS: Exactly. So --

COMMISSIONER SCARPELLI: So, our volatility -- our shift may not be that extreme --

COMMISSIONER EVANS: Exactly.

COMMISSIONER SCARPELLI: -- that -- to meet all the criteria for tax (indiscernible).

COMMISSIONER EVANS: So, I agree
with everything you're saying, because
I'm concerned about the volatility -- I'm
concerned about the fact whether the
assessed value went down or not, you may
not have had the income to support this
shift in the burden that you're going to
get. There are seniors that are affected
by -- and so, is this the right time to
do this?

I have raised the argument with him
that it's not, and so what I've asked him
to do is to come and present to the Board
of Commissioners what he's done, and so
we can all have the opportunity to
challenge the direction of where this is
going.

MAYOR COCCHIOLA: Okay.

COMMISSIONER EVANS: But unless we
can influence that in a constructive way,
without -- not politically, because it
(indiscernible) independent, I'd like to
come to a resolution this -- I'm saying
to you what the burden's going to be on
the taxpayers. Which means that, a house
that has no shift in value before they
get this year's increase, their taxes on average, for about 342,000, will go up 200 bucks.

For those that assessed higher than that, their base adjustment's going to go up higher. So, that conceivably, there could be -- when you fully load the tax rate with the County and the Board, there are people out there that this year could see, you know, a tax increase on their base of over 1,000 dollars.

COMMISSIONER TUCCI: What's the shortfall on the left here? What does that increase represent in dollars?

COMMISSIONER EVANS: This -- it's about three -- excuse me, about half a million dollars.

COMMISSIONER TUCCI: So, it's either agree with this, or come up with a half a million dollarsa

COMMISSIONER EVANS: But the point is, we're going to have to deal with the shifting of the rate, and we while mitigate it for some, we'll never be able to offset it completely. And, but, there
are people out there -- and where the bottom line is, is that where it goes is that if your assessed value is down, then what this is saying is that you should pay your fair share of tax.

If we don't adjust it down, that means a houses that -- the group that did lose value, will pay more tax, because they -- because of the fact that they are assessed for an amount that's higher than what they should be assessed for.

COMMISSIONER TUCCI: Well, I understand that.

COMMISSIONER EVANS: Which then they're going to drive -- they're going to go for appeals.

COMMISSIONER TUCCI: Right.

COMMISSIONER EVANS: So, it's this whole debate that it sets up, and there are -- and there's costs associated with the appeals, too.

COMMISSIONER TUCCI: Well, the 198 isn't a true number anyway, because, again, I don't know where those six houses are at 342,000.
COMMISSIONER EVANS: Right.

COMMISSIONER TUCCI: So, we're looking at three or four before the County, before the schools, and the schools are going to put out --

COMMISSIONER EVANS: Oh, absolutely. Easily.

COMMISSIONER TUCCI: -- another question, and I mean, there's a lot of discussion that we need to have.

COMMISSIONER EVANS: And I agree.

COMMISSIONER TUCCI: Thank you for raising it on this fine snowy morning.

COMMISSIONER EVANS: But -- so anyways, so, I asked George to come and I think we need to do that. It needs to be done at a public session. And we need to raise it. And I also want to share (indiscernible) -- I was mention it to Joe, is that I've got a call into Joan Darfy (ph.) to better get more information on it. But I got this yesterday afternoon. I thought that it would be helpful if you guys all had it too.
COMMISSIONER TUCCI: Okay.

COMMISSIONER SCARPELLI:

(Indiscernible) resolutions.

MAYOR COCCHIOLA: Yeah, let's get the resolutions done, because our guest will be here soon.

COMMISSIONER SCARPELLI:

(Indiscernible) for a transfer.

Be it resolved, by the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey that in accordance with provisions R.S. 40A:4-59, the following transfers of 2010 Appropriation Reserves be and the same are hereby authorized and approved: from Engineering Operating Expenses to Road Repair & Maintenance Operating Expenses, 40,000 dollars.

COMMISSIONER EVANS: Second.

COMMISSIONER SCARPELLI: I move the resolution.

COMMISSIONER EVANS: 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 SCARPELLI: That's all I have, Mayor.

MAYOR COCCHIOLA: Thank you.

Commissioner Evans?

COMMISSIONER EVANS: Whereas, New Jersey Statutes 40A:4-19 provides that where debt service is to be paid in 2010 prior to adoption of the final 2011 Budget, temporary appropriations should be made for the amount of the amount of debt service in such the manner and time therein provided;

Whereas, the date of this resolution is subsequent to December 20th, 2010; and

Whereas, debt service becomes due during the first six months of 2011;

Now, therefore, be it resolved, by
the Board of Commissioners of the Township of Nutley, that the following temporary appropriations be made:

Interest on Bonds, 75,500 dollars;
N.J.E.I.T. Trust Principal & Interest, 19,250 dollars; N.J.E.I.T. Fund Principal, 12,500 dollars for a total debt service of 107,250 dollars.

So moved.

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 EVANS: Whereas, 40a:4-19 Local Budget Law provides that where any contracts, commitments or payments are due to be made prior to the final
adoption of the 2011 Budget, temporary appropriations are to be made for the purposes and amounts required in the manner and time therein provided and

Whereas, the date of this resolution is within the first thirty days of 2011; and;

Whereas, the total appropriations in the 2010 Budget, less appropriations made for capital improvement, debt service, and public assistance are as follows:

Current Fund $41,078,967.03, Water Utility $4,074,200 dollars.

Whereas, twenty-six and one-quarter percent of the total appropriations in the 2010 Budget less appropriations for capital improvement fund, debt service, public assistance in the said 2010 Budget is as follows: Current Fund $10,783,228.85, Water Utility $1,065,477.50.

Now, therefore, be it resolved, by the Board of Commissioners of the Township of Nutley, in the County of Essex, New Jersey, the following
temporary appropriations be made and that
a certified copy of this resolution
transmitted to the Chief Financial
Officer for her records: General
Appropriations within the cap --

COMMISSIONER TUCCI: As listed.

COMMISSIONER EVANS: Yes, I was
going say that as listed will be fine.
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 TUCCI: We'll just keep
going then.

Be it resolved, by the Board of
Commissioners of the Township of Nutley,
County of Essex, New Jersey that in accordance with the provision of R.S. 40A:4-59, the following transfer of 2010 Appropriation Reserves be and the same are hereby authorized and approved in the Department of Parks and Public Property: from Parks and Playgrounds Salary and Wages, 1,500; to Shade Tree Other Expenses, 1,500.

I move the resolution.

COMMISSIONER EVANS: 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 SCARPELLI: Good morning, you all.

IN UNISON: Good morning.
MAYOR COCCHIOLA: Hey, how you doing? Welcome. Well, we're almost done, right?

MADAM CLERK: We need a motion to adjourn, Mayor.

MAYOR COCCHIOLA: No, no, no, we're coming. We need a motion --

COMMISSIONER SCARPELLI: I just have two things. One, an EIT loan for the water meters that we've gotten indications that we're in line for March, February to receive that money. And on the theme money, for (indiscernible), we received free confirmation that we received both grants that we applied for, a total comes to 2.4 million, so.

COMMISSIONER TUCCI: Excellent.

COMMISSIONER EVANS:

Congratulations.

COMMISSIONER TUCCI: Very nice.

COMMISSIONER PETRACCO:

(Indiscernible)

MAYOR COCCHIOLA: We had no choice.

COMMISSIONER EVANS: Federal appropriations.
MAYOR COCCHIOLA: (indiscernible)
resolution.

COMMISSIONER SCARPELLI: Move to
adjourn.

COMMISSIONER PETRACCO: Second.

MADAM CLERK: Can I have a second,
please?

MAYOR COCCHIOLA: Hold on, let me
just (indiscernible) --

MADAM CLERK: Seconded by
Commissioner Petracco. 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.

(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:
February 23, 2011.

Karen Schiffmiller
AAERT Certified Electronic Transcriber
CET**D 570
The Board of Commissioners entered Executive Session at 9:20 A.M. and exited at 9:55 A.M.

ADJOURNMENT:

Motion to adjourn by Commissioner Scarpelli, seconded by Commissioner Tucci. Meeting adjourned at 10:00 A.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 (Absent/Excused at the January 4, 2011, Present at the continued meeting of January 7, 2011)

X
Mayor Jeanne Cocchiola
# TOWNSHIP OF NUTLEY

## BILL LIST

**TUESDAY JANUARY 4, 2011**

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<td>8,276.22</td>
<td>429,591.23</td>
<td>2,929,522.84</td>
<td></td>
</tr>
</tbody>
</table>
List of payroll submitted for approval by the Board of Commissioners at their regular meeting of JANUARY 4, 2010:

**PAYROLL-REGULAR JANUARY 7, 2011:**

<table>
<thead>
<tr>
<th>Department</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of Public Affairs</td>
<td>21,685.35</td>
</tr>
<tr>
<td>Department of Revenue &amp; Finance</td>
<td>51,440.20</td>
</tr>
<tr>
<td>Department of Public Safety</td>
<td>416,895.78</td>
</tr>
<tr>
<td>Department of Public Works</td>
<td>60,781.27</td>
</tr>
<tr>
<td>Department of Parks &amp; Public Properties</td>
<td>70,193.40</td>
</tr>
<tr>
<td>Department of Recreation Commission</td>
<td>3,686.65</td>
</tr>
<tr>
<td>Department of Rec Comm Adult Day Care Center</td>
<td>3,908.81</td>
</tr>
<tr>
<td>Water Operations</td>
<td>37,073.83</td>
</tr>
<tr>
<td>Due To From General Capital</td>
<td>3,591.00</td>
</tr>
<tr>
<td>600 Series</td>
<td>7,438.50</td>
</tr>
<tr>
<td>C.E.H.A.</td>
<td>0.00</td>
</tr>
<tr>
<td>ACC-U-VAC</td>
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</tr>
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</table>

**Sub Total** 676,694.79

**PAYROLL-OVERTIME JANUARY 7, 2011**

<table>
<thead>
<tr>
<th>Department</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of Public Affairs</td>
<td>257.14</td>
</tr>
<tr>
<td>Department of Revenue &amp; Finance</td>
<td>150.30</td>
</tr>
<tr>
<td>Department of Public Safety</td>
<td>20,188.49</td>
</tr>
<tr>
<td>Department of Public Works</td>
<td>15,554.31</td>
</tr>
<tr>
<td>Department of Parks &amp; Public Properties</td>
<td>6,450.94</td>
</tr>
<tr>
<td>Water Operations</td>
<td>12,036.22</td>
</tr>
<tr>
<td>600 Series</td>
<td>0.00</td>
</tr>
</tbody>
</table>

**Sub Total** 54,637.40

**TOTAL PAYROLL:** 731,332.19

**GRAND TOTAL:** 3,660,855.03

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

Federal Withholding Tax  97,713.59
Social Security 15,496.13
N.J. State Tax 26,003.34
Medicare 10,350.77
Wage Execution 4,287.58
Deferred Compensation 25,087.90
Employee Disability Ins. 3,996.52
Ordinance No. 3159
Introduced by Commissioner Petracco
Introduced on January 4, 2011
Public Hearing February 1, 2011
Advertise in the Nutley Issue of January 13, 2011

AN ORDINANCE TO FIX THE SALARIES OF CERTAIN OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF NUTLEY, COUNTY OF ESSEX, STATE OF NEW JERSEY, EFFECTIVE JANUARY 1, 2011.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF NUTLEY, IN THE COUNTY OF ESSEX, NEW JERSEY, AS FOLLOWS:

SECTION 1: The salaries of certain officers and employees of the Fire Department, either permanent or temporary, as the case may be, of the Township of Nutley, herein mentioned, shall be as follows:

<table>
<thead>
<tr>
<th>TITLE</th>
<th>BASE SALARY PER ANNUM</th>
<th>LONGEVITY OR YEARS OF SERVICE</th>
<th>LONGEVITY AMOUNT</th>
<th>14 PAID HOLIDAYS</th>
<th>TOTAL SALARY</th>
</tr>
</thead>
<tbody>
<tr>
<td>DEPUTY CHIEF</td>
<td>$148,570.68</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CAPTAIN/HAZMAT/FIRST RESPONDER</td>
<td>$118,755.58</td>
<td>8%</td>
<td>$9,500.45</td>
<td>$6,906.09</td>
<td>$135,162.12</td>
</tr>
<tr>
<td>CAPTAIN/HAZMAT/FIRST RESPONDER</td>
<td>$121,255.58</td>
<td>8%</td>
<td>$9,700.44</td>
<td>$7,051.48</td>
<td>$138,007.50</td>
</tr>
<tr>
<td>LT/HAZMAT/FIRST RESPONDER</td>
<td>$101,517.03</td>
<td>10%</td>
<td>$10,151.70</td>
<td>$6,012.93</td>
<td>$117,681.66</td>
</tr>
<tr>
<td>LT/HAZMAT/FIRST RESPONDER / OEM</td>
<td>$105,217.03</td>
<td>6%</td>
<td>$6,313.02</td>
<td>$6,005.46</td>
<td>$117,535.52</td>
</tr>
<tr>
<td>LT/HAZMAT/FIRST RESPONDER</td>
<td>$101,517.03</td>
<td>8%</td>
<td>$8,121.36</td>
<td>$5,903.61</td>
<td>$115,542.00</td>
</tr>
<tr>
<td>LT/HAZMAT/FIRST RESPONDER</td>
<td>$101,517.03</td>
<td>6%</td>
<td>$6,091.02</td>
<td>$5,794.28</td>
<td>$113,402.33</td>
</tr>
<tr>
<td>LT/HAZMAT/FIRST RESPONDER</td>
<td>$93,427.69</td>
<td>6%</td>
<td>$5,605.66</td>
<td>$5,312.13</td>
<td>$104,345.49</td>
</tr>
<tr>
<td>FIREFIGHTER/HAZMAT/FIRST RESPONDER</td>
<td>$84,278.48</td>
<td>10%</td>
<td>$8,427.85</td>
<td>$4,991.88</td>
<td>$97,698.21</td>
</tr>
<tr>
<td>FIREFIGHTER/HAZMAT/FIRST RESPONDER</td>
<td>$84,278.48</td>
<td>8%</td>
<td>$6,742.28</td>
<td>$4,901.12</td>
<td>$95,921.88</td>
</tr>
<tr>
<td>FIREFIGHTER/HAZMAT/FIRST RESPONDER/FPB</td>
<td>$86,278.48</td>
<td>6%</td>
<td>$5,176.71</td>
<td>$4,924.51</td>
<td>$96,379.70</td>
</tr>
<tr>
<td>FIREFIGHTER/HAZMAT/FIRST RESPONDER</td>
<td>$84,278.48</td>
<td>6%</td>
<td>$5,056.71</td>
<td>$4,810.36</td>
<td>$94,145.55</td>
</tr>
<tr>
<td>FIREFIGHTER/HAZMAT/FIRST RESPONDER</td>
<td>$84,278.48</td>
<td>4%</td>
<td>$3,371.14</td>
<td>$4,719.59</td>
<td>$92,369.21</td>
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<tr>
<td>FIREFIGHTER/HAZMAT/FIRST RESPONDER</td>
<td>$84,278.48</td>
<td>2%</td>
<td>$1,685.57</td>
<td>$4,628.83</td>
<td>$90,592.88</td>
</tr>
<tr>
<td>FIREFIGHTER/HAZMAT/FIRST RESPONDER</td>
<td>$84,278.48</td>
<td>5th year</td>
<td>$4,538.07</td>
<td>$88,816.55</td>
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</tr>
<tr>
<td>FIREFIGHTER/HAZMAT/FIRST RESPONDER</td>
<td>$80,273.48</td>
<td>4th year</td>
<td>$4,322.42</td>
<td>$84,595.90</td>
<td></td>
</tr>
<tr>
<td>FIREFIGHTER/HAZMAT/FIRST RESPONDER</td>
<td>$76,268.41</td>
<td>3rd year</td>
<td>$4,106.76</td>
<td>$80,375.17</td>
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<tr>
<td>FIREFIGHTER/HAZMAT/FIRST RESPONDER</td>
<td>$62,307.36</td>
<td>2nd year</td>
<td>$3,355.01</td>
<td>$65,662.37</td>
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</tr>
<tr>
<td>FIREFIGHTER/HAZMAT/FIRST RESPONDER</td>
<td>$48,347.00</td>
<td>1st year</td>
<td>$2,603.30</td>
<td>$50,950.30</td>
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<tr>
<td>ACADEMY RATE</td>
<td>$25,000.00</td>
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<td></td>
</tr>
</tbody>
</table>

DEPARTMENT OF PUBLIC SAFETY
AN ORDINANCE TO FIX THE SALARIES OF CERTAIN OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF NUTLEY, COUNTY OF ESSEX, STATE OF NEW JERSEY, EFFECTIVE JANUARY 1, 2011.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF NUTLEY, IN THE COUNTY OF ESSEX, NEW JERSEY, AS FOLLOWS:

SECTION 1: The salaries of certain officers and employees of the Fire Department, either permanent or temporary, as the case may be, of the Township of Nutley, herein mentioned, shall be as follows:

DEPARTMENT OF PUBLIC SAFETY

<table>
<thead>
<tr>
<th>Title</th>
<th>Base Salary per Annum</th>
<th>Total Salary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fire Inspector Trainee</td>
<td>$25,000 - $35,000</td>
<td>$25,000 - $35,000</td>
</tr>
<tr>
<td>Fire Inspector</td>
<td>$35,000 - $55,000</td>
<td>$35,000 - $55,000</td>
</tr>
<tr>
<td>Hazardous Materials Response Coordinator</td>
<td>up to $52,000</td>
<td>up to $52,000</td>
</tr>
</tbody>
</table>

Section 2: All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed and this ordinance shall take effect twenty (20) days after publication and after final passage in accordance with the law.
NOTICE IS HEREBY GIVEN, that the following Ordinance was approved for final adoption by the Board of Commissioners Township of Nutley, Essex County, New Jersey at a meeting held on Tuesday, January 4, 2011.

"AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED OUTDOOR CAFES AND SIDWALK CAFES SPECIFICALLY, ARTICLE VII, SECTION 700-41 V"

ALL "AYES" ON A ROLL CALL VOTE
Commissioner Scarpelli "AYE"
Commissioner Petracco "ABSTAINED"
Commissioner Evans "AYE"
Commissioner Tucci "AYE"
Mayor Cocchiola "AYE"

Evelyn Rosario, RMC, CMC
Municipal Clerk

Nutley Sun Issue/Thursday, January 13, 2011/Via E-Mail:
publiCnotices@northjersey.com
Ordinance No. 3156
Introduced by Mayor Joanne Cocchiola
Introduced on December 7, 2010
Public Hearing January 4, 2011
Advertise in the Nutley Sun Issue of Thursday, December 16, 2010

Ordinance No. 3156
AN ORDINANCE TO AMEND AN ORDINANCE
ENTITLED OUTDOOR CAFES AND SIDWALK
CAFES SPECIFICALLY, ARTICLE VII, SECTION 700-41 V

BE IT ORDAINED by the Board of Commissioners of the Township of Nutley, that Paragraph V of Section 700-41 is omitted and replaced with the following:

V. Cafes shall be permitted to operate throughout the calendar year.

[Explanatory Note: this amendment was approved by the Planning Board and eliminates the April 1 to November 1 date restriction for operating an outdoor café.]
Township of Nutley
Essex County
One Kennedy Drive
Nutley, New Jersey 07110

FINAL ADOPTION OF ORDINANCE
ORDINANCE NO. 3157

NOTICE IS HEREBY GIVEN, that the following Ordinance was approved for final adoption by the Board of Commissioners Township of Nutley, Essex County, New Jersey at a meeting held on Tuesday, January 4, 2011.

“AN ORDINANCE TO AMEND CHAPTER 532 OF THE CODE OF THE TOWNSHIP OF NUTLEY, ENTITLED RENT CONTROL, SECTION 532-14: WHEN EFFECTIVE: TERMINATION OF PROVISIONS.”

ALL “AYES” ON A ROLL CALL VOTE
Commissioner Scarpelli “AYE”
Commissioner Petracco “AYE”
Commissioner Evans “AYE”
Commissioner Tucci “AYE”
Mayor Cocchiola “AYE”

Evelyn Rosario, RMC, CMC
Municipal Clerk

Nutley Sun Issue/Thursday, January 13, 2011/Via E-Mail: publicnotices@northjersey.com
Ordinance No. 3157
Introduced by Mayor Joanne Cocchiola
Introduced on Tuesday, December 7, 2010
Public Hearing Tuesday, January 4, 2011
Advertised in the Nutley Sun Issue of Thursday, December 16, 2010

Ordinance No. 3157
AN ORDINANCE TO AMEND CHAPTER 532 OF THE CODE OF THE TOWNSHIP OF NUTLEY, ENTITLED RENT CONTROL, SECTION 532-14: WHEN EFFECTIVE: TERMINATION OF PROVISIONS

Section 532-14 of the Code of the Township of Nutley is hereby amended to reflect a termination date of December 31, 2011

1. REPEALER. All ordinances or parts of ordinance which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

2. EFFECTIVE DATE. This ordinance shall take effect immediately upon the expiration of twenty (20) after passage and publication as required by law.
WHEREAS, the Township of Nutley has entered into a contract with D&L Paving, Inc., P.O. Box 507, Nutley, New Jersey 07110, for a project known as Hillside Crescent Repaving for an original contract amount of $107,273.56; and

WHEREAS, Engineering Services has recommended the attached Change Order #1 in the amount of $9,211.10 dated December 17, 2010 for additional work; and

WHEREAS, funds are available from T-19-909-901 from monies received via grant from CDBG in the amount of $9,211.10 and have been certified by the Chief Financial Officer, said certification attached to this resolution;

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners in the Township of Nutley, County of Essex, State of New Jersey, that the Change Order No. 1, as attached, is a change from the contract previously made by the Township of Nutley with D&L Paving, for the project known as Hillside Crescent Repaving is hereby authorized and approved.
Resolution

Introduced by: Commissioner Joseph Scarpelli ______________________ Date: January 4, 2011
Seconded by: Commissioner Alphonse Petracco ____________________ No. 2-11

Whereas, N.J.S.A. 40A:9-154.6g.et.seq. the Public Works Association of New Jersey provides the schooling along with Rutgers the State University of New Jersey to certify Public Works Manager License; and

Whereas, Michael Luzzi has attended classes and is a licensed certified Public Works Manager;

Now Therefore, Be It Resolved by the Board of Commissioners, Township of Nutley, County of Essex, State of New Jersey that the Township of Nutley be and is hereby authorize that Michael Luzzi is hereby named the Public Works Manager for the Township of Nutley.

I, ________ Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held __January 4, 2011__

<table>
<thead>
<tr>
<th>Record of Vote</th>
<th>Commissioner Scarpelli</th>
<th>Commissioner Petracco</th>
<th>Commissioner Evans</th>
<th>Commissioner Tucci</th>
<th>Mayor Cocchiola</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>No</td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Not Voting</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Absent/Excused</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>
WHEREAS, the Mandatory Source Separation and Recycling Act, P.L.1987, c.102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, such a resolution should designate the individual authorized to ensure that the application is properly completed and timely filed.

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 hereby endorses the submission of the 2010 Municipal Recycling Tonnage Grant Application to the New Jersey Department of Environmental Protection and designates Salvatore Ferraro, Recycling Coordinator, Township of Nutley, to ensure that the application is properly filed.

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 _________________.

<table>
<thead>
<tr>
<th>Record of Vote</th>
<th>Commissioner Scarpelli</th>
<th>Commissioner Petracco</th>
<th>Commissioner Evans</th>
<th>Commissioner Tucci</th>
<th>Mayor Cocchiola</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>No</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Not Voting</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Absent/Excused</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>
WHEREAS, there exists a need to acquire grant writing and consulting services for grant procurement, state and federal appropriation procurement and alternate financing sources as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5, as appropriate; and

WHEREAS, the Director of Revenue and Finance has determined and certified in writing that the value of the acquisition will exceed $17,500.00; and

WHEREAS, the anticipated term of this contract is one (1) year with two (2) one (1) year options; and

WHEREAS, N.J.S.A. 40A:11-5 provides for the award of a contract without public bidding for the provision or performance of professional services; and

WHEREAS, Millenium Strategies, LLC, 60 Roseland Avenue, Caldwell, NJ 07006 has submitted a proposal to provide the services for $3,333.00 per month; and

WHEREAS, Millenium Strategies, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that it has not made any reportable contributions to a political or candidate committee in the Township of Nutley in the previous one (1) year and that the Contract will prohibit them from making any reportable contributions through the term of the Contract; and

WHEREAS, the Contract is in an amount not to exceed $39,996.00 per year and funds are available from current account, subject to the adoption of the 2011 Municipal Budget 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 in the Township of Nutley in the County of Essex, as follows:

1. The Mayor and Clerk are hereby authorized and directed to execute an agreement with Millenium Strategies for 2011 with two (2) one (1) year options to renew.

2. This contract is awarded without competitive bidding in accordance with N.J.S.A. 40A:11-5 of the Local Public Contracts Law.

3. The Business Entity Disclosure Certification and Determination of Value shall be placed on file.

4. A copy of this Resolution, as well as the contracts, shall be placed on file with the Clerk and a notice of this action shall be printed once in the Nutley Sun.

[Signatures]

I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held January 4, 2011.
WHEREAS, a raffle application has been received from the following organization; and

<table>
<thead>
<tr>
<th>Saint Mary's Roman Catholic Church</th>
<th>License No. 09-11 Off-Premise 50/50 Cash Raffle</th>
<th>June 3, 2011</th>
</tr>
</thead>
</table>

WHEREAS, the application has 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 license is approved and the Municipal Clerk is authorized to issue the license.

I, Evelyn Rosario, Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held January 4, 2011.

<table>
<thead>
<tr>
<th>Record of Vote</th>
<th>Commissioner ScarPELLI</th>
<th>Commissioner Pettracco</th>
<th>Commissioner Evans</th>
<th>Commissioner Tucci</th>
<th>Mayor Cocchiola</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>No</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Not Voting</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Absent/Excused</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>
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 Nicholas J. Sambuco, Sr., license number 0716-33-026-004 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 said license.

BE IT FURTHER RESOLVED, the Director of the Division Alcoholic Beverage Control has reviewed the Special Ruling petition submitted by Nicholas Sambuco and has considered all the facts and circumstances related to the inactive status of this license and has determined that the licensee has established good cause in accordance with the statutory requirements to warrant an application for renewal of license number 0716-33-026-004 for the 2010-2011 license term.

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 license be and is hereby renewed for the licensing period of July 1, 2010 through June 30, 2011.
BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution
(Continued meeting of January 4, 2011)

Introduced by: Commissioner Thomas J. Evans  Date: January 7, 2011
Seconded by: Commissioner Joseph P. Scarpelli  No. 7-11

WHEREAS, New Jersey Statutes 40A: 4-19 provides that where debt service is to be paid in 2010 prior to the time of the final adoption of the 2011 Budget, temporary appropriations should be made for the amount of such debt service in the manner and time therein provided;

WHEREAS, the date of this resolution is subsequent to December 20, 2010; and

WHEREAS, debt service will become due during the first six months of 2011;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, that the following temporary appropriations be made:

CURRENT FUND

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>INTEREST ON BONDS 1-01-816-200</td>
<td>75,500.00</td>
</tr>
<tr>
<td>N.J.E.I.T.-TRUST-PRINCIPAL &amp; INTEREST</td>
<td>19,250.00</td>
</tr>
<tr>
<td>1-01-819-253</td>
<td></td>
</tr>
<tr>
<td>N.J.E.I.T.-FUND-PRINCIPAL</td>
<td>12,500.00</td>
</tr>
<tr>
<td>1-01-820-251</td>
<td></td>
</tr>
</tbody>
</table>

TOTAL DEBT SERVICE $107,250.00

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 January 7, 2011 (Continued Meeting of January 4, 2011).

<table>
<thead>
<tr>
<th>Record of Vote</th>
<th>Commissioner Scarpetti</th>
<th>Commissioner Petracco</th>
<th>Commissioner Evans</th>
<th>Commissioner Tucci</th>
<th>Mayor Cocchiola</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>No</td>
<td></td>
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WHEREOF, the date of this resolution is within the first thirty (30) days of 2011; and

WHEREOF, the total appropriations in the 2010 Budget, less appropriations made for capital improvement fund, debt service, and public assistance are as follows:

- Current Fund: $41,078,967.03
- Water Utility: $4,074,200.00

WHEREOF, twenty-six and one-quarter percent of the total appropriations in the 2010 Budget less appropriations for capital improvement fund, debt service, and public assistance in the said 2010 Budget is as follows:

- Current Fund: $10,783,228.85
- Water Utility: $1,065,477.50

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, in the County of Essex, New Jersey, the following temporary appropriations be made and that a certified copy of this resolution transmitted to the Chief Financial Officer for her records:

8. GENERAL APPROPRIATIONS
   (A) Operations Within “CAPS”

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<tr>
<th>DEPARTMENT OF PUBLIC AFFAIRS</th>
<th>TEMPORARY APPROPRIATIONS</th>
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<td>Mayor &amp; Director of Public Affairs S/W</td>
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**DEPARTMENT OF PUBLIC SAFETY**

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<td>Item Description</td>
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**DEPARTMENT OF PUBLIC WORKS**

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**Department Total** $745,351.00

### DEPARTMENT OF PARKS & PUBLIC PROPERTY

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<td>Recreation Committee of Nutley O/E</td>
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**Department Total** $2,573,623.00

### UTILITIES

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<td>1-01529-200</td>
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<td>Sanitation: Passaic Valley Sewer Commission O/E</td>
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</tr>
<tr>
<td>Matching Funds-Municipal Alliance Program O/E</td>
<td>$1,428.00</td>
<td></td>
</tr>
<tr>
<td>1-01-619-200</td>
<td></td>
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<tr>
<td>Community Environmental Health Act S/W</td>
<td>$27,900.00</td>
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<tr>
<td>1-01-628-100</td>
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<tr>
<td>TOTAL APPROPRIATIONS -EXCLUDED FROM “CAPS”</td>
<td>$1,211,823.00</td>
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<tr>
<td>TOTAL GENERAL APPROPRIATIONS</td>
<td>$10,783,228.85</td>
<td></td>
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<tr>
<td>APPROPRIATIONS FOR WATER UTILITY</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Operating:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Salaries &amp; Wages</td>
<td>$358,875.00</td>
<td></td>
</tr>
<tr>
<td>1-05-701-100</td>
<td>$36,000.00</td>
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</tr>
<tr>
<td>1-05-702-100</td>
<td>$322,875.00</td>
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<tr>
<td>Other Expenses</td>
<td>$49,000.00</td>
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</tr>
<tr>
<td>1-05-701-200</td>
<td>$4,500.00</td>
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<tr>
<td>1-05-702-200</td>
<td>$46,500.00</td>
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<tr>
<td>North Jersey District Water Supply Comm.</td>
<td>$305,000.00</td>
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</tr>
<tr>
<td>1-05-703-200</td>
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<td></td>
</tr>
<tr>
<td>Town of Kearny Water</td>
<td>$66,000.00</td>
<td></td>
</tr>
<tr>
<td>1-05-715-200</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Description</td>
<td>Amount</td>
<td></td>
</tr>
<tr>
<td>--------------------------------------------------</td>
<td>--------------</td>
<td></td>
</tr>
<tr>
<td>City of Newark N.J. Water Purchase</td>
<td>32,500.00</td>
<td></td>
</tr>
<tr>
<td>Passaic Valley Water Commission</td>
<td>129,950.00</td>
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</tr>
<tr>
<td>Annual Audit</td>
<td>15,015.00</td>
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<tr>
<td>Group Insurance Plans for Employees</td>
<td>54,075.00</td>
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</tr>
<tr>
<td>Deferred Charges and Statutory Expenditures</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Statutory Expenditures</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Contributed To:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Social Security System (O.A.S.I.)</td>
<td>55,062.50</td>
<td></td>
</tr>
<tr>
<td>Total Water Utilities Appropriations</td>
<td>$1,065,477.50</td>
<td></td>
</tr>
</tbody>
</table>

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 January 7, 2011 (Continued Meeting of January 4, 2011).

<table>
<thead>
<tr>
<th>Record of Vote</th>
<th>Commissioner Scarpelli</th>
<th>Commissioner Petracco</th>
<th>Commissioner Evans</th>
<th>Commissioner Yucci</th>
<th>Mayor Cocchiola</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>No</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Not Voting</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Absent/Excused</td>
<td></td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

7
Resolution

(Continued meeting of January 4, 2011)

Introduced by: Commissioner Mauro G. Tucci

Seconded by: Commissioner Thomas J. Evans

Date: January 7, 2011

No. 9-11

BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey that in accordance with the provision of R.S. 40A: 4-59, the following transfer(s) of 2010 Appropriation Reserves be and the same are hereby authorized and approved:

DEPARTMENT OF PARKS & PUBLIC PROPERTY

<table>
<thead>
<tr>
<th>FROM:</th>
<th>TO:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parks &amp; Playgrounds S/W</td>
<td>Shade Tree O/E</td>
</tr>
<tr>
<td>0-01-504-100</td>
<td>9-01-512-200</td>
</tr>
<tr>
<td>$1,500.00</td>
<td>$1,500.00</td>
</tr>
</tbody>
</table>

TOTAL $1,500.00

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 January 7, 2011 (Continued Meeting of January 4, 2011).

Record of Vote

<table>
<thead>
<tr>
<th>Commissioner Scarpetti</th>
<th>Commissioner Petracco</th>
<th>Commissioner Evans</th>
<th>Commissioner Tucci</th>
<th>Mayor Cocchiola</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>No</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Not Voting</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Absent/Excused</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey that in accordance with the provision of R.S. 40A: 4-59, the following transfer(s) of 2010 Appropriation Reserves be and the same are hereby authorized and approved:

<table>
<thead>
<tr>
<th>FROM:</th>
<th>TO:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Engineering Serv. O/E</td>
<td>Road Repair &amp; Maint. O/E</td>
</tr>
<tr>
<td>0-01-404-200</td>
<td>0-01-408-200</td>
</tr>
<tr>
<td>$40,000.00</td>
<td>$40,000.00</td>
</tr>
<tr>
<td>TOTAL</td>
<td>TOTAL</td>
</tr>
<tr>
<td>$40,000.00</td>
<td>$40,000.00</td>
</tr>
</tbody>
</table>

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 __January 7, 2011__ (Continued Meeting of January 4, 2011).