

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Commissioner Thomas J. Evans *Date:* October 16, 2018
Seconded by: Commissioner Mauro Tucci *No.* 230-18


WHEREAS, the Code Enforcement Department received a zoning permit fee in the amount of \$75.00 from Sheldon & Glory Nidhan for property located at 197 Van Winkle Avenue; and

WHEREAS, Sheldon & Glory Nidhan are not moving forward with the sale of their home; and

WHEREAS, the Zoning Official has determined that the fee of \$75.00 shall be refunded to Sheldon & Glory Nidhan;

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 Treasurer is authorized to refund the Zoning Permit fee in the amount of \$75.00 to Sheldon & Glory Nidhan.

. . .

I, , Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the
 Eleni Pettas
 foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held October 16, 2018

<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: _____ Commissioner Thomas J. Evans _____ *Date:* _____ October 16, 2018 _____
Seconded by: _____ Commissioner Mauro G. Tucci _____ *No.* _____ 231-18 _____

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 overpayments of the water charges in the amount of **\$3,772.58** for the following accounts:

Block & Lot/Qual.	Address	Amount/Year
9302/10	19 BAYARD STREET	3,772.58/2018

. . .

I, Eleni Pettas, 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 _____ October 16, 2018 _____

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

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: _____ Commissioner Alphonse Petracco *Date:* _____ October 16, 2018
Seconded by: _____ Commissioner Steven L. Rogers *No.* _____ 232-18

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount;

SECTION 1:

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year **2018** in the sum of \$ **5,284.40**, which item is now available as a revenue from the **Reserve for Bullet Proof Vest Program** pursuant to the provisions of statute;

SECTION 2:

BE IT FURTHER RESOLVED, that a like sum of \$ **5,284.40** be and same is hereby appropriated under the caption of:

General Appropriations


(A) Operations-Excluded from 5% CAPS

Reserve for Bullet Proof Vest Program

OTHER EXPENSES.....\$ 5,284.40

BE IT FURTHER RESOLVED, that the Township Clerk forward two (2) certified copies of this resolution to the Director of Local Government Services.

. . .

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 _____ October 16, 2018

<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: Mayor Joseph P. Scarpelli *Date:* October 16, 2018
Seconded by: Commissioner Mauro G. Tucci *No.* 233-18

WHEREAS, bids for the Nairn Place Roadway Improvement Project were received and opened on Wednesday, September 26, 2018; and


WHEREAS, AJM Contractors, Inc., 300 Kuller Road, Clifton, New Jersey, 07011, was the low bidder; and

WHEREAS, the Base Bid for the Nairn Place Roadway Improvement Project is in the amount of \$143,811.00 for a total bid amount of \$143,811.00; and

WHEREAS, funds are available from Account No. G-04-104-401/Ordinance No. 3345A in the amount of \$143,811.00 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 AJM Contractors, Inc., not to exceed \$143,811.00 and that the Mayor and Township Clerk are hereby authorized to enter into and sign said contract 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 October 16, 2018

<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: Mayor Joseph P. Scarpelli *Date:* October 16, 2018
Seconded by: Commissioner Mauro G. Tucci *No.* 234-18


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

Rotary Club of Nutley	License No. 35-18 Off-Premise Merchandise Raffle	Saturday, December 1, 2018
HSA Fairview of Bloomfield	License No. 36-18 On-Premise Merchandise Raffle	Friday, November 30, 2018
HSA Fairview of Bloomfield	License No. 37-18 On-Premise 50/50 Cash Raffle	Friday, November 30, 2018
Good Shepherd Academy	License No. 38-18 On-Premise Merchandise Raffle	Sunday, November 18, 2018
Good Shepherd Academy	License No. 39-18 On-Premise 50/50 Cash Raffle	Sunday, November 18, 2018

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 raffle licenses.

. . .

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 October 16, 2018

<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: _____ Commissioner Steven L. Rogers _____ *Date:* _____ October 16, 2018 _____
Seconded by: _____ Commissioner Alphonse Petracco _____ *No.* _____ 235-18 _____

WHEREAS, polio mainly affects children under the age of 5; and

WHEREAS, there is no cure for Polio but it is preventable with a vaccine; and

WHEREAS, polio cases have dropped by 99.9 percent since 1988 and the world stands on the threshold of eradicating the disease; and

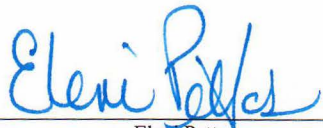
WHEREAS, if polio is not eradicated within 10 years, as many as 200,000 children could be paralyzed by it each year. A polio-free world will be a safer world for children everywhere;

NOW THEREFORE BE IT RESOLVED that the Board of Commissioners, in the Township of Nutley, County of Essex, State of New Jersey, recognize October 24, 2018 as

WORLD POLIO DAY

and commends the global network of the Rotary Organization, including the Nutley Rotary Club, in their efforts to build awareness, fundraise, and encourage governments to donate to and support polio eradication efforts around the world.

. . .

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 _____ October 16, 2018 _____

<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: _____ Commissioner Mauro G. Tucci _____ *Date:* _____ October 16, 2018 _____
Seconded by: _____ Commissioner Thomas J. Evans _____ *No.* _____ 236-18 _____

WHEREAS, the Township of Nutley has a need to acquire specialized professional services as a fair an open contract pursuant to the provision of N.J.S.A. 19:44 A-20.5; and

WHEREAS, the Requests for Qualification for Township Forester were received and opened on Wednesday, October 8, 2018;


WHEREAS, the most responsible and responsive request for qualifications was from The Shade Tree Department LLC, John Linson, P.O. Box 6089 – WOB, West Orange, New Jersey 07052; and

WHEREAS, The Shade Tree Department LLC, John Linson, NJ Certified Tree Expert #198 has provided these services in the past to the Township of Nutley and is particularly suited to provide continued service; and

WHEREAS, the term of this contract is for a one year period commencing on October 1, 2018 and continue through September 30, 2019; and

WHEREAS, the contract is not to exceed \$22,000.00 and funds are available from account 8-01-512-200 in the amount of \$5,505.00 and 9-01-512-200 in the amount of \$16,495.00; funds 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, Stat of New Jersey, that a contract be awarded to The Shade Tree Department, LLC, John Linson as described herein. The response to the Request for Qualification be placed on file with this resolution, and a notice of this action shall be printed once in the Nutley Sun in accordance with the Local Public Contracts Law.

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 _____ October 16, 2018 _____

<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: Commissioner Alphonse Petracco *Date:* October 16, 2018
Seconded by: Commissioner Steven L. Rogers *No.* 237-18

BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey that Anthony Borino, an employee in the Department of Public Safety, be granted a medical leave of absence without pay effective September 5, 2018 through December 5, 2018.

. . .

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 October 16, 2018

<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: Mayor Joseph P. Scarpelli on behalf of the Board of Commissioners *Date:* October 16, 2018
Seconded by: Commissioner Mauro G. Tucci *No.* 238-18

WHEREAS, over the past decade, the New Jersey Council on Affordable Housing (“COAH”) has failed to adopt constitutionally compliant Third Round Rules that have withstood judicial scrutiny; and

WHEREAS, on March 10, 2015, the New Jersey Supreme Court issued a decision in the case entitled In re Adoption of N.J.A.C. 5:96 and 5:97 ex rel. New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) (“Mt. Laurel IV”), whereby the Court terminated COAH’s jurisdiction to administer and approve municipalities’ affordable housing plans, determined that trial courts would reassert primary jurisdiction over the same, and directed interested municipalities to petition the Court for immunity while constitutionally compliant housing plans were prepared; and

WHEREAS, on or about July 7, 2015, the Township of Nutley (the “Township”) filed a declaratory judgment action in the case entitled In the Matter of the Application of the Township of Nutley for A Determination of Mount Laurel Compliance, bearing Docket No. ESX-L-4800-15 (the “Township’s DJ Action”) seeking a declaration of its compliance with the Mount Laurel doctrine and the Fair Housing Act of 1985, N.J.S.A. 52:27D-301, et seq., in accordance with Mt. Laurel IV, and also petitioned the Court for temporary immunity from builder’s remedy lawsuits; and

WHEREAS, the Township was subsequently granted temporary immunity from builder’s remedy actions and continues to enjoy immunity to date; and

WHEREAS, the Township has engaged in multiple mediation sessions with Fair Share Housing Center (“FSHC”) and the Court-appointed Special Master and has reached an agreement that will resolve the entirety of the Township’s Prior Round and Third Round (1987-2025) affordable housing obligation; and

WHEREAS, the Township recognizes that the settlement of Mt. Laurel litigation is favored because it avoids delays and the expense of trial and results more quickly in the construction of homes for lower-income households; and

WHEREAS, at this time and at this particular point in the process resulting from the Supreme Court’s Mt. Laurel IV decision, when fair share obligations have yet to be finally determined, it is appropriate for the parties to arrive at a settlement of those obligations using a mutually-agreed upon process for determining those obligations in the context of a settlement rather than litigation; and

WHEREAS, pursuant to the parties’ settlement negotiations, FSHC will support the Township’s approach to meeting its Prior Round and Third Round Mt. Laurel obligation, as detailed therein, and request that the trial court with jurisdiction over the Township’s DJ Action find that it is fair to the interests of lower-income households in New Jersey and entitles the Township to protection from Mt. Laurel litigation for a period through July 1, 2025; and

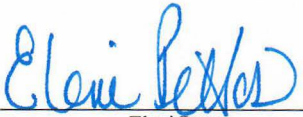
WHEREAS, the parties have agreed to enter into a written settlement agreement to memorialize the terms and conditions of settlement, as well as the respective obligations of the parties; and

WHEREAS, the parties recognize that the settlement agreement must be reviewed by the Court in accordance with the requirements of Morris County Fair Housing Council v. Boonton Township, 197 N.J. Super. 359, 364 (Law Div. 1984), aff'd o.b., 209 N.J. Super. 108 (App. Div. 1986) and East/West Venture v. Borough of Fort Lee, 286 N.J. Super. 311, 328 (App. Div. 1996), and that, in order to approve the settlement, the Court must find that it adequately protects the interests of lower-income persons for whom the affordable units proposed by this settlement are to be built; and

WHEREAS, the Board of Commissioners finds that it is prudent to enter into a settlement agreement with FSHC to avoid the time and expense of continued litigation.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, as follows:

1. That the aforesaid recitals are hereby adopted and incorporated herein as if repeated in full; and
2. That the Mayor be and is hereby authorized to execute, and the Township Clerk be and is hereby authorized to witness, a settlement agreement resolving the Township's DJ Action, in a form and content acceptable to counsel for the Township; and
3. That the Township administration, planner, and counsel for the Township be and are hereby authorized to undertake all reasonable and necessary steps to effectuate the foregoing; and
4. This Resolution shall take effect immediately.

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 October 16, 2018

<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: Commissioner Mauro G. Tucci *Date:* October 16, 2018
Seconded by: Commissioner Steven L. Rogers *No.* 239-18

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 to move into closed executive session to discuss:

1. Litigation
2. 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, , 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 October 16, 2018

<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>					