

TOWNSHIP OF NUTLEY, NEW JERSEY

BOARD OF COMMISSIONERS

**Certified
Transcript**

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

1 MADAM CLERK: Tuesday, January 4th,
2 2011. Pursuant to the requirements of
3 the Open Public Meeting Law, Chapter 231,
4 Public Laws, 1975, notice of this meeting
5 was published in the December 2nd, 2010
6 issues of the Nutley Sun, the Journal,
7 the Star Ledger, and the Herald News. A
8 copy of this notice has been posted on
9 the Nutley Town Hall bulletin board, and
10 a copy is on file in the municipal
11 clerk's office.

12 Commissioner Scarpelli?

13 COMMISSIONER SCARPELLI: Here.

14 MADAM CLERK: Commissioner Petracco?

15 COMMISSIONER PETRACCO: Here.

16 MADAM CLERK: Commissioner Evans?

17 COMMISSIONER EVANS: Here.

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

20 MADAM CLERK: Mayor Cocchiola?

21 MAYOR COCCHIOLA: Here.

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

25 MAYOR COCCHIOLA: Commissioner

1 Scarpelli, you want to go over what you
2 have?

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

15 MAYOR COCCHIOLA: Thanks.
16 Commissioner Evans?

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

22 MAYOR COCCHIOLA: Oh, thank you so
23 much.

24 COMMISSIONER EVANS: I just want it
25 on the record.

1 MAYOR COCCHIOLA: You are such a
2 generous guy tonight.

3 COMMISSIONER PETRACCO: Magnanimous.

4 COMMISSIONER EVANS: Just wanted to
5 tell you.

6 MAYOR COCCHIOLA: Wow. Commissioner
7 Petracco?

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

13 COMMISSIONER SCARPELLI: What're the
14 changes here?

15 COMMISSIONER PETRACCO: This
16 (indiscernible).

17 MAYOR COCCHIOLA: (Indiscernible).

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

25 COMMISSIONER EVANS: Yeah, this

1 basically establishes their salaries with
2 a three percent increase pursuant to the
3 contract.

4 COMMISSIONER PETRACCO: Exactly.

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

10 COMMISSIONER SCARPELLI: So, this
11 was for 2010?

12 COMMISSIONER EVANS: This is for
13 2011.

14 MAYOR COCCHIOLA: 11.

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

20 COMMISSIONER PETRACCO:
21 (Indiscernible).

22 COMMISSIONER EVANS: Right, right.

23 COMMISSIONER SCARPELLI: This is
24 based on (indiscernible).

25 COMMISSIONER EVANS: And their

1 (indiscernible).

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

4 COMMISSIONER PETRACCO: 12.

5 COMMISSIONER EVANS: 12.

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

8 COMMISSIONER PETRACCO: Yes,

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

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

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

19 MAYOR COCCHIOLA: Okay.

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

24 COMMISSIONER PETRACCO: Okay, and
25 the second ordinance I have is 3160,

1 another ordinance -- excuse me -- for
2 certain officers and employees of the
3 fire civilian side. And what that is, is
4 a fire inspector trainee, a fire
5 inspector, and a HazMat material response
6 coordinator.

7 COMMISSIONER SCARPELLI: Those are
8 all existing titles?

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

15 COMMISSIONER SCARPELLI: Okay.

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

23 COMMISSIONER PETRACCO: Well, we
24 did -- what we talked about Tom was, when
25 we both worked on that budget, was up to

1 90,000 dollars for the civil positions.
2 So, we -- this gives us the ability,
3 rather than give it out in two positions,
4 if we need three civilians up there, we
5 won't exceed the 90,000, but it will give
6 us the ability to --

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

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

12 MAYOR COCCHIOLA: There is no low
13 range --

14 COMMISSIONER PETRACCO: Right.

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

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

20 COMMISSIONER EVANS: The only thing
21 is that --

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

24 COMMISSIONER EVANS: Yes. My -- the
25 only thing we're still struggling to work

1 through is what the budget will be for
2 11, and given the new cap requirement,
3 and what the restrictions are in growing
4 that in 2012, because of the two percent
5 limit.

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

10 COMMISSIONER EVANS: That's exactly
11 right.

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

14 COMMISSIONER PETRACCO: Right.

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

1 million dollars.

2 COMMISSIONER PETRACCO: Right.

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

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

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

16 COMMISSIONER PETRACCO: Yeah.

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

23 COMMISSIONER PETRACCO: Let me tell
24 you what I'm trying to accomplish here.
25 What I'm trying to accomplish here with

1 the two percent cap also, there's not
2 going to be any way to go back to it, so.

3 Where Public Safety -- we didn't
4 have enough positions filled at that
5 time. If we wait till 2011, or rather
6 2012, with the two percent cap pending,
7 how would we -- if we realize at that
8 point, we don't have enough men there,
9 how would we go back and then plug them
10 in? That's what my concern is.

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

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

22 COMMISSIONER EVANS: The Nutley Sun.

23 COMMISSIONER PETRACCO: You got a
24 copy of it around?

25 COMMISSIONER EVANS: It was last

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

8 COMMISSIONER PETRACCO: Absolutely.

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

14 COMMISSIONER PETRACCO: I agree with
15 this. I agree.

16 COMMISSIONER EVANS: So, all right?

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

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

25 COMMISSIONER EVANS: It depends on

1 how you do it.

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

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

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

23 There will no longer be a time
24 imposed, and they would be able to
25 operate their outdoor café in accordance

1 with the code as it exists today, and if
2 they're on a county road, in accordance
3 with the county policy permit, and
4 obtaining a permit.

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

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

13 MAYOR COCCHIOLA: Yes.

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

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

21 COMMISSIONER EVANS: Yeah.

22 MAYOR COCCHIOLA: Ordinance 3157
23 is -- extends the existing rent control
24 ordinance for one more year. That's all
25 it is. It's a housekeeping item to

1 extending just an ordinance for one year.
2 I also have two resolutions: one
3 authorizing a raffle license for St.
4 Mary's, the other renewal of a liquor
5 license for Sambuco, Sr. And that's all
6 I have.

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

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

1 sharing with municipalities in the
2 county --

3 COMMISSIONER EVANS: Yeah.

4 COMMISSIONER PETRACCO: Okay.

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

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

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

25 MAYOR COCCHIOLA: Yeah, he actually

1 had some other ideas once before, and I
2 told him, you know, hold off when we
3 talk. So, I'm going to give him a call
4 tomorrow.

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

9 MAYOR COCCHIOLA: Rutherford?

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

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

21 MAYOR COCCHIOLA: Oh. All right.
22 And --

23 COMMISSIONER EVANS: Because once
24 we're going to be together on Friday,
25 we'll be able to continue --

1 MAYOR COCCHIOLA: Okay. We'll
2 continue the meeting to Friday?

3 COMMISSIONER EVANS: Okay.

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

9 COMMISSIONER EVANS: Yeah.

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

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

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

24 COMMISSIONER EVANS: We'll see.
25 Yeah, we'll see.

1 MADAM CLERK: Mayor, what time are
2 we considering the meeting that Friday?

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

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

7 MAYOR COCCHIOLA: Do it at 8
8 o'clock.

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

11 MAYOR COCCHIOLA: It's thirty
12 minutes earlier.

13 COMMISSIONER PETRACCO: I can't go
14 to school.

15 COMMISSIONER SCARPELLI: No comment.
16 Can you sign this?

17 MAYOR COCCHIOLA: Yeah. It's time.
18 (Pledge of Allegiance declared)

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

21 MADAM CLERK: Tuesday, January 4th,
22 2011. Pursuant to the requirements of
23 the Open Public Meeting Law, Chapter 231,
24 Public Laws, 1975, notice of this meeting
25 was published in the December 2nd, 2010

1 issues of the Nutley Sun, the Journal,
2 the Star Ledger, and the Herald News. A
3 copy of this notice has been posted on
4 the Nutley Town Hall bulletin board, and
5 a copy is on file in the municipal
6 clerk's office.

7 Commissioner Scarpelli?

8 COMMISSIONER SCARPELLI: Here.

9 MADAM CLERK: Commissioner Petracco?

10 COMMISSIONER PETRACCO: Here.

11 MADAM CLERK: Commissioner Evans?

12 COMMISSIONER EVANS: Here.

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

15 MADAM CLERK: Mayor Cocchiola?

16 MAYOR COCCHIOLA: Here.

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

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

24 MADAM CLERK: Yes, Mayor. Tuesday,
25 January 4th, 2011:

1 Public Affairs \$358,842.75,
2 Revenue & Finance \$2,132,812.64,
3 Public Safety \$0.00,
4 Public Works \$8,276.22,
5 Parks & Public Property \$429,591.23,
6 Payroll as of January 7th, 2011,
7 \$731,332.19,
8 for a grand total bill list of
9 \$3,660,855.03.

10 And that's all for bills, Mayor.

11 COMMISSIONER EVANS: Move the bills.

12 COMMISSIONER SCARPELLI: Second.

13 MADAM CLERK: Commissioner
14 Scarpelli?

15 COMMISSIONER SCARPELLI: Aye.

16 MADAM CLERK: Commissioner Petracco?

17 COMMISSIONER PETRACCO: Aye.

18 MADAM CLERK: Commissioner Evans?

19 COMMISSIONER EVANS: Aye.

20 MADAM CLERK: Commissioner -- Mayor
21 Cocchiola?

22 MAYOR COCCHIOLA: Aye.

23 MADAM CLERK: Thank you, Mayor.

24 That's all for bills.

25 MAYOR COCCHIOLA: Thank you.

1 Commissioner Petracco for introduction,
2 Ordinance 3159:

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

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

18 MADAM CLERK: February 1st.

19 COMMISSIONER PETRACCO: February
20 1st.

21 COMMISSIONER SCARPELLI: Second.

22 MADAM CLERK: Commissioner
23 Scarpelli?

24 COMMISSIONER SCARPELLI: Aye.

25 MADAM CLERK: Commissioner Petracco?

1 COMMISSIONER PETRACCO: Aye.

2 MADAM CLERK: Commissioner Evans?

3 COMMISSIONER EVANS: Aye.

4 MADAM CLERK: Mayor Cocchiola?

5 MAYOR COCCHIOLA: Aye.

6 COMMISSIONER PETRACCO: Ordinance
7 no. 3160:

8 An Ordinance to fix the salaries of
9 certain officers and employees of the
10 Township of Nutley, County of Essex,
11 State of New Jersey, effective January
12 1st, 2011.

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

24 COMMISSIONER SCARPELLI: Second.

25 MADAM CLERK: Commissioner

1 Scarpelli?

2 COMMISSIONER SCARPELLI: Aye.

3 MADAM CLERK: Commissioner Petracco?

4 COMMISSIONER PETRACCO: Aye.

5 MADAM CLERK: Commissioner Evans?

6 COMMISSIONER EVANS: Aye.

7 MADAM CLERK: Mayor Cocchiola?

8 MAYOR COCCHIOLA: Aye.

9 COMMISSIONER PETRACCO: That's all I
10 have.

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

22 This change in the ordinance will
23 remove that restriction and allow the
24 operation of an outdoor café, weather
25 permitting, at any time during the year,

1 as long as the ordinance -- all the
2 provisions of the existing ordinance are
3 complied with, and the policy of the
4 county is complied with as well.

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

10 COMMISSIONER SCARPELLI: Second.

11 MADAM CLERK: Commissioner
12 Scarpelli?

13 COMMISSIONER SCARPELLI: Aye.

14 MADAM CLERK: Commissioner Petracco?

15 COMMISSIONER PETRACCO: Aye.

16 MADAM CLERK: Commissioner Evans?

17 COMMISSIONER EVANS: Aye.

18 MADAM CLERK: Mayor Cocchiola?

19 MAYOR COCCHIOLA: Aye.

20 And I move the ordinance.

21 COMMISSIONER SCARPELLI: Second.

22 MADAM CLERK: Commissioner
23 Scarpelli?

24 COMMISSIONER SCARPELLI: Aye.

25 MADAM CLERK: Commissioner Petracco?

1 COMMISSIONER PETRACCO: Abstain
2 (indiscernible).

3 MADAM CLERK: Commissioner Evans?

4 COMMISSIONER EVANS: Aye.

5 MADAM CLERK: Mayor Cocchiola?

6 MAYOR COCCHIOLA: Aye.

7 Ordinance no. 3157 is the -- an
8 ordinance that continues the existing
9 provisions of the rent control ordinance
10 for one more year, expiring December
11 31st, 2011.

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

17 COMMISSIONER SCARPELLI: Second.

18 MADAM CLERK: Commissioner
19 Scarpelli?

20 COMMISSIONER SCARPELLI: Aye.

21 MADAM CLERK: Commissioner Petracco?

22 COMMISSIONER PETRACCO: Aye.

23 MADAM CLERK: Commissioner Evans?

24 COMMISSIONER EVANS: Aye.

25 MADAM CLERK: Mayor Cocchiola?

1 MAYOR COCCHIOLA: Aye.

2 And I move the ordinance.

3 COMMISSIONER SCARPELLI: Second.

4 MADAM CLERK: Commissioner

5 Scarpelli?

6 COMMISSIONER SCARPELLI: Aye.

7 MADAM CLERK: Commissioner Petracco?

8 COMMISSIONER PETRACCO: Aye.

9 MADAM CLERK: Commissioner Evans?

10 COMMISSIONER EVANS: Aye.

11 MADAM CLERK: Mayor Cocchiola?

12 MAYOR COCCHIOLA: Aye.

13 Resolutions, Commissioner Scarpelli.

14 COMMISSIONER SCARPELLI: Whereas,
15 the Township of Nutley has entered into a
16 contract with D&L Paving, Inc., P.O. Box
17 507, Nutley, New Jersey, for a project
18 known as Hillside Crescent Repaving for
19 an original contract amount of
20 \$107,273.56; and

21 Whereas, Engineering Services has
22 recommended the attached Change Order No.
23 1 in the amount of \$9,211.10 dated
24 December 17th, 2010 for additional work;
25 and

1 Whereas, funds are available from T-
2 19-909-901 from monies received via grant
3 from CDBG in the amount of \$9,211.10, and
4 have been certified by the Chief
5 Financial Officer, said certification
6 attached to this resolution;

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

17 I move the resolution.

18 COMMISSIONER PETRACCO: Second.

19 MADAM CLERK: Commissioner
20 Scarpelli?

21 COMMISSIONER SCARPELLI: Aye.

22 MADAM CLERK: Commissioner Petracco?

23 COMMISSIONER PETRACCO: Aye.

24 MADAM CLERK: Commissioner Evans?

25 COMMISSIONER EVANS: Aye.

1 MADAM CLERK: Mayor Cocchiola?

2 MAYOR COCCHIOLA: Aye.

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

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

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

19 I move the resolution.

20 COMMISSIONER PETRACCO: Second.

21 MADAM CLERK: Commissioner
22 Scarpelli?

23 COMMISSIONER SCARPELLI: Aye.

24 MADAM CLERK: Commissioner Petracco?

25 COMMISSIONER PETRACCO: Aye.

1 MADAM CLERK: Commissioner Evans?

2 COMMISSIONER EVANS: Aye.

3 MADAM CLERK: Mayor Cocchiola?

4 MAYOR COCCHIOLA: Aye.

5 COMMISSIONER SCARPELLI: Whereas,
6 the Mandatory Source Separation and
7 Recycling Act, Public Law 1987, c.102,
8 has established a recycling fund from
9 which tonnage grants may be made to
10 municipalities in order to encourage
11 local source separation and recycling
12 programs; and

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

19 Whereas, such a resolution should
20 designate the individual authorized to
21 ensue that the application is properly
22 completed and timely filed.

23 Now, therefore be it resolved, by
24 the Board of Commissioners of the
25 Township of Nutley, County of Essex,

1 State of New Jersey, that the Township of
2 Nutley hereby endorses the submission of
3 the 2010 Municipal Recycling Tonnage
4 Grant Application to the New Jersey
5 Department of Environmental Protection
6 and designates Salvatore Ferraro,
7 Recycling Coordinator, Township of
8 Nutley, to ensure that the application is
9 properly filed.

10 I move the resolution.

11 COMMISSIONER PETRACCO: Second.

12 MADAM CLERK: Commissioner
13 Scarpelli?

14 COMMISSIONER SCARPELLI: Aye.

15 MADAM CLERK: Commissioner Petracco?

16 COMMISSIONER PETRACCO: Aye.

17 MADAM CLERK: Commissioner Evans?

18 COMMISSIONER EVANS: Aye.

19 MADAM CLERK: Mayor Cocchiola?

20 MAYOR COCCHIOLA: Aye.

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

23 MAYOR COCCHIOLA: Thank you.

24 Commissioner Evans?

25 COMMISSIONER EVANS: Thank you,

1 Mayor.

2 Whereas, there exists a need to
3 acquire grant writing and consulting
4 services for the grant procurement, state
5 and federal appropriation procurement and
6 alternate financing sources as non-fair
7 and open contract pursuant to the
8 provisions of N.J.S.A. 19:44A-20.4 or
9 20.5, as appropriate; and

10 Whereas, the Director of Revenue and
11 Finance has determined and certified in
12 writing that the value of the acquisition
13 will exceed \$17,500.00; and

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

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

22 Whereas, Millennium Strategies, 60
23 Roseland Avenue, Caldwell, New Jersey has
24 submitted a proposal to provide the
25 services at 3,333 dollars; and

1 Whereas, Millennium Strategies, has
2 completed and submitted a Business Entity
3 Disclosure Certification which certifies
4 that it has not made any reportable
5 contributions to a political or candidate
6 committee in the Township of Nutley in
7 the previous one year and that the
8 contract will prohibit them from making
9 any reportable contributions through the
10 term of the contract; and

11 Whereas, the contract is in an
12 amount not to exceed 39, 996 dollars per
13 year and funds are available from current
14 accounts, subject to the adoption of the
15 2011 Municipal Budget and have been
16 certified by the Chief Financial Officer,
17 said certification being attached to this
18 resolution.

19 Now, therefore, be it resolved by
20 the Board of Commissioners in the
21 Township of Nutley in the County of
22 Essex, as follows: the Mayor and Clerk
23 are hereby authorized and directed to
24 execute an agreement with Millennium
25 Strategies for 2011 with two one-year

1 options to renew.

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

13 COMMISSIONER SCARPELLI: Second.

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

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

20 MAYOR COCCHIOLA: Yeah, right.

21 COMMISSIONER EVANS: This is just
22 (indiscernible).

23 MADAM CLERK: Commissioner
24 Scarpelli?

25 COMMISSIONER SCARPELLI: Aye.

1 MADAM CLERK: Commissioner Petracco?

2 COMMISSIONER PETRACCO: Aye.

3 MADAM CLERK: Commissioner Evans?

4 COMMISSIONER EVANS: Aye.

5 MADAM CLERK: Mayor Cocchiola?

6 MAYOR COCCHIOLA: I'm going to
7 vote -- I had a prior conflict which has
8 been removed, and I'm sure of that, so
9 I'm going to vote yes. Okay?

10 MADAM CLERK: Thank you, Mayor.

11 MAYOR COCCHIOLA: You're done,
12 right, Commissioner Evans? Okay.

13 Whereas, a raffle application has
14 been received from the following
15 organization, Saint Mary's Roman Catholic
16 Church, License No. 09-11, for an off-
17 premise 50/50 cash raffle on June 3rd,
18 2011;

19 Whereas, the application has been
20 reviewed and approved by the Municipal
21 Clerk and the Police Department.

22 Therefore, be it resolved by the
23 Board of Commissioners of the Township of
24 Nutley, that the aforementioned license
25 is approved and the Municipal Clerk is

1 authorized to issue the license.

2 I move that resolution.

3 COMMISSIONER SCARPELLI: Second.

4 MADAM CLERK: Commissioner
5 Scarpelli?

6 COMMISSIONER SCARPELLI: Aye.

7 MADAM CLERK: Commissioner Petracco?

8 COMMISSIONER PETRACCO: Aye.

9 MADAM CLERK: Commissioner Evans?

10 COMMISSIONER EVANS: Aye.

11 MADAM CLERK: Mayor Cocchiola?

12 MAYOR COCCHIOLA: Aye.

13 Be it resolved, by the Board of
14 Commissioners of the Township of Nutley,
15 in the County of Essex, State of New
16 Jersey, that renewal of Plenary Retail
17 Consumption Licenses be granted to
18 Nicholas Sambuco, Sr., license no. 0716-
19 33-026-004 effective July 1st, 2010
20 through June 30th, 2011.

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

25 Be it further resolved, the Director

1 of the Division Alcoholic Beverage
2 Control has reviewed the Special Ruling
3 petition submitted by Nicholas Sambuco
4 and has considered all the facts and
5 circumstances related to the inactive
6 status of this license and has determined
7 that the licensee has established good
8 cause in accordance with the statutory
9 requirements to warrant an application
10 for renewal of this license for the 2010-
11 2011 term.

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

19 I move the resolution.

20 COMMISSIONER EVANS: Second.

21 MADAM CLERK: Commissioner
22 Scarpelli?

23 COMMISSIONER SCARPELLI: Aye.

24 MADAM CLERK: Commissioner Petracco?
25 Commissioner Petracco?

1 COMMISSIONER PETRACCO: Aye.

2 MADAM CLERK: I'm sorry.

3 Commissioner Evans?

4 COMMISSIONER EVANS: Aye.

5 MADAM CLERK: Mayor Cocchiola?

6 MAYOR COCCHIOLA: Aye.

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

11 All members -- all persons
12 addressing the Board of Commissioners
13 regarding community concerns should
14 approach the microphone and provide their
15 name and address for the record. Unless
16 further time is granted by the Board,
17 each person shall limit their comments to
18 five minutes. All remarks to the Board
19 and its individual members must be
20 addressed to the Mayor. The Mayor may
21 defer citizen comments to the appropriate
22 member of the Board.

23 Dialogue between citizens and others
24 addressing the Board shall be allowed
25 unless the Mayor, or presiding officer,

1 or the majority of the membership of the
2 Board, shall determine that the interests
3 of decorum and/or the expeditious conduct
4 of municipal business are being adversely
5 affected by such dialogue.

6 Happy New Year, Mr. Magnifico.

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

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

21 COMMISSIONER SCARPELLI: Thanks,
22 Jack.

23 MR. MAGNIFICO: I do have one
24 question, Joe. For many years, since
25 1984, when I bought that building, I have

1 tried to maintain the Park Avenue's
2 curbing, by asking people please not to
3 park trucks, and stuff like that. I
4 don't have to tell you the story.

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

13 They park there for Dunkin' Donuts.
14 I know that. They come into my lot for
15 Dunkin' Donuts. But I'm starting to get
16 worried, because like today, when I went
17 out, you know, a car was parked there,
18 and I really couldn't see, you know,
19 people coming up Park Avenue. It worries
20 me about some of my tenants and patients,
21 et cetera, et cetera, because mostly --
22 unfortunately, we don't have the same
23 number of tenants in my building, but we
24 have an active building, and I just don't
25 want an accident. All right?

1 I really -- I understand that things
2 are -- that negotiations are going along
3 with our people, for the young people of
4 our town. That's good. I appreciate to
5 see that, only because they're our
6 future. I told you that before.

7 And Mr. Evans, I thank you for, if
8 you will, when you can, I saw George
9 today, whatever you can do to get those
10 taxes down. I think I'm the highest
11 paid -- highest tax person in this town,
12 92,000 dollars, that's a lot of bread.
13 And having lost 18,000 dollars, one
14 tenant, is going to hurt me. George said
15 to me, what? There's nothing I can do.

16 Well, you know, that's nice, but I
17 do employ -- I don't employ, but the
18 people that have their businesses in my
19 building all employ -- all employ Nutley,
20 Nutley residents. And fortunately for
21 me, they are all young people. They'll
22 be around a long time for you, to help
23 you in the future. My building will be
24 there, long after I'm gone, because the
25 kids got it, that's the way it's been set

1 up.

2 I just -- thank you all again, what
3 you've done over this snow. And God
4 bless, and have a Happy New Year.

5 COMMISSIONER SCARPELLI: Happy New
6 Year, Jack.

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

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

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

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

23 MAYOR COCCHIOLA: The meeting will
24 not be adjourned this evening. We'll be
25 continuing the meeting until 8 o'clock

1 a.m. on Friday morning.

2 Thank you, everyone.

3 (End of audio)

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C E R T I F I C A T I O N

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

ORIGINAL.

)
PUBLIC MEETING) TRANSCRIPT OF
) PROCEEDINGS:
)

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

**Certified
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January 7th, 2011

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BEFORE:

Mayor Cocchiola

Commissioner Evans

Commissioner Petracco

Commissioner Scarpelli

Commissioner Tucci

Township Clerk Rosario

Job No. NJ314018

1 MADAM CLERK: Mayor, Friday, January
2 7th, 2011. This is a continued meeting
3 of Tuesday, January 4th, 2011. I'll do a
4 quick roll call.

5 Commissioner Scarpelli?

6 COMMISSIONER SCARPELLI: Here.

7 MADAM CLERK: Commissioner Petracco?

8 COMMISSIONER PETRACCO: Here.

9 MADAM CLERK: Commissioner Evans?

10 COMMISSIONER EVANS: Here.

11 MADAM CLERK: Commissioner Tucci?

12 COMMISSIONER TUCCI: Here.

13 MADAM CLERK: Mayor Cocchiola?

14 MAYOR COCCHIOLA: Here.

15 MADAM CLERK: All present Mayor.

16 Mayor, we have four resolutions on this
17 morning for introduction.

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

20 COMMISSIONER EVANS: No.

21 COMMISSIONER TUCCI: No, I have a
22 transfer.

23 MAYOR COCCHIOLA: All right.

24 COMMISSIONER EVANS: So, does
25 Commissioner Scarpelli. I also gave you

1 a handout, which -- a summons that I'm
2 going to have George come and talk to all
3 the commissioners about -- but just --
4 and I gave you this information to read;
5 you can look at it, but it basically
6 shows, that based upon the work that he
7 did to monitor assessed values in Nutley,
8 that overall our assess value base is
9 reducing by seventy-six million dollars.

10 So, it's three billion-7 and change,
11 down by seventy-six million. The impact
12 of this is that assessed -- houses
13 assessed for 351,000 dollars are now
14 going -- the basic average assessment is
15 342,000 dollars. That's a reduction of
16 9,000 dollars per household. The effect
17 of that is, basically, is that there's
18 about 3,400 homes in Nutley, that have --
19 that comprise that seventy-six million
20 dollar decrease. It means, though, that
21 there's another cross-section of homes
22 which is about 5,800 or so, that did not
23 get a reduction in value.

24 So, the implication is, for some
25 it's good, in that they get a lower

1 assess value. For others, it's more
2 significant in that the cost base -- our
3 cost base isn't reducing; it's rising.
4 So, they're going to get a shift of their
5 burden of the tax plus they're going to
6 get --

7 MAYOR COCCHIOLA: Their increase.

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

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

23 I pushed George on that, and he's
24 very comfortable that we're not in that
25 space. He basically says the New Jersey

1 laws require him to do it. The Essex
2 County Tax Board is requiring him to do
3 it. And so, anyway, he's --

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

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

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

13 COMMISSIONER EVANS: Yes.

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

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

24 And so, if we don't collect it in
25 tax, it's just coming out of the tax

1 base. There's towns that have been hit
2 with significant bills to pay, as a
3 result, and have had it bonded, in order
4 to pay the debt back to the people that
5 were overcharged.

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

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

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

13 COMMISSIONER EVANS: Exactly, yeah,
14 exactly.

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

17 COMMISSIONER EVANS: Exactly. So --

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

21 COMMISSIONER EVANS: Exactly.

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

25 COMMISSIONER EVANS: So, I agree

1 with everything you're saying, because
2 I'm concerned about the volatility -- I'm
3 concerned about the fact whether the
4 assessed value went down or not, you may
5 not have had the income to support this
6 shift in the burden that you're going to
7 get. There are seniors that are affected
8 by -- and so, is this the right time to
9 do this?

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

17 MAYOR COCCHIOLA: Okay.

18 COMMISSIONER EVANS: But unless we
19 can influence that in a constructive way,
20 without -- not politically, because it
21 (indiscernible) independent, I'd like to
22 come to a resolution this -- I'm saying
23 to you what the burden's going to be on
24 the taxpayers. Which means that, a house
25 that has no shift in value before they

1 get this year's increase, their taxes on
2 average, for about 342,000, will go up
3 200 bucks.

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

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

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

18 COMMISSIONER TUCCI: So, it's either
19 agree with this, or come up with a half a
20 million dollars.

21 COMMISSIONER EVANS: But the point
22 is, we're going to have to deal with the
23 shifting of the rate, and we while
24 mitigate it for some, we'll never be able
25 to offset it completely. And, but, there

1 are people out there -- and where the
2 bottom line is, is that where it goes is
3 that if your assessed value is down, then
4 what this is saying is that you should
5 pay your fair share of tax.

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

12 COMMISSIONER TUCCI: Well, I
13 understand that.

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

17 COMMISSIONER TUCCI: Right.

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

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

1 COMMISSIONER EVANS: Right.

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

6 COMMISSIONER EVANS: Oh, absolutely.
7 Easily.

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

11 COMMISSIONER EVANS: And I agree.

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

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

1 COMMISSIONER TUCCI: Okay.

2 COMMISSIONER SCARPELLI:

3 (Indiscernible) resolutions.

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

7 COMMISSIONER SCARPELLI:

8 (Indiscernible) for a transfer.

9 Be it resolved, by the Board of
10 Commissioners of the Township of
11 Nutley, County of Essex, New Jersey that
12 in accordance with provisions R.S. 40A:4-
13 59, the following transfers of 2010
14 Appropriation Reserves be and the same
15 are hereby authorized and approved: from
16 Engineering Operating Expenses to Road
17 Repair & Maintenance Operating Expenses,
18 40,000 dollars.

19 COMMISSIONER EVANS: Second.

20 COMMISSIONER SCARPELLI: I move the
21 resolution.

22 COMMISSIONER EVANS: Second.

23 MADAM CLERK: Commissioner
24 Scarpelli?

25 COMMISSIONER SCARPELLI: Aye.

1 MADAM CLERK: Commissioner Petracco?

2 COMMISSIONER PETRACCO: Aye.

3 MADAM CLERK: Commissioner Evans?

4 COMMISSIONER EVANS: Aye.

5 MADAM CLERK: Commissioner Tucci?

6 COMMISSIONER TUCCI: Aye.

7 MADAM CLERK: Mayor Cocchiola?

8 MAYOR COCCHIOLA: Aye.

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

11 MAYOR COCCHIOLA: Thank you.

12 Commissioner Evans?

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

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

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

25 Now, therefore, be it resolved, by

1 the Board of Commissioners of the
2 Township of Nutley, that the following
3 temporary appropriations be made:
4 Interest on Bonds, 75,500 dollars;
5 N.J.E.I.T. Trust Principal & Interest,
6 19,250 dollars; N.J.E.I.T. Fund
7 Principal, 12,500 dollars; for a total
8 debt service of 107,250 dollars.

9 So moved.

10 COMMISSIONER SCARPELLI: Second.

11 MADAM CLERK: Commissioner
12 Scarpelli?

13 COMMISSIONER SCARPELLI: Aye.

14 MADAM CLERK: Commissioner Petracco?

15 COMMISSIONER PETRACCO: Aye.

16 MADAM CLERK: Commissioner Evans?

17 COMMISSIONER EVANS: Aye.

18 MADAM CLERK: Commissioner Tucci?

19 COMMISSIONER TUCCI: Aye.

20 MADAM CLERK: Mayor Cocchiola?

21 MAYOR COCCHIOLA: Aye.

22 COMMISSIONER EVANS: Whereas, 40a:4-
23 19 Local Budget Law provides that where
24 any contracts, commitments or payments
25 are due to be made prior to the final

1 adoption of the 2011 Budget, temporary
2 appropriations are to be made for the
3 purposes and amounts required in the
4 manner and time therein provided; and

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

8 Whereas, the total appropriations in
9 the 2010 Budget, less appropriations made
10 for capital improvement, debt service,
11 and public assistance are as follows:
12 Current Fund \$41,078,967.03, Water
13 Utility 4,074,200 dollars.

14 Whereas, twenty-six and one-quarter
15 percent of the total appropriations in
16 the 2010 Budget less appropriations for
17 capital improvement fund, debt service,
18 public assistance in the said 2010 Budget
19 is as follows: Current Fund
20 \$10,783,228.85, Water Utility
21 \$1,065,477.50.

22 Now, therefore, be it resolved, by
23 the Board of Commissioners of the
24 Township of Nutley, in the County of
25 Essex, New Jersey, the following

1 temporary appropriations be made and that
2 a certified copy of this resolution
3 transmitted to the Chief Financial
4 Officer for her records: General
5 Appropriations within the cap --

6 COMMISSIONER TUCCI: As listed.

7 COMMISSIONER EVANS: Yes, I was
8 going say that as listed will be fine.
9 So moved.

10 COMMISSIONER TUCCI: Second.

11 MADAM CLERK: Commissioner
12 Scarpelli?

13 COMMISSIONER SCARPELLI: Aye.

14 MADAM CLERK: Commissioner Petracco?

15 COMMISSIONER PETRACCO: Aye.

16 MADAM CLERK: Commissioner Evans?

17 COMMISSIONER EVANS: Aye.

18 MADAM CLERK: Commissioner Tucci?

19 COMMISSIONER TUCCI: Aye.

20 MADAM CLERK: Mayor Cocchiola?

21 MAYOR COCCHIOLA: Aye.

22 COMMISSIONER TUCCI: We'll just keep
23 going then.

24 Be it resolved, by the Board of
25 Commissioners of the Township of Nutley,

1 County of Essex, New Jersey that in
2 accordance with the provision of R.S.
3 40A:4-59, the following transfer of 2010
4 Appropriation Reserves be and the same
5 are hereby authorized and approved in the
6 Department of Parks and Public Property:
7 from Parks and Playgrounds Salary and
8 Wages, 1,500; to Shade Tree Other
9 Expenses, 1,500.

10 I move the resolution.

11 COMMISSIONER EVANS: Second.

12 MADAM CLERK: Commissioner
13 Scarpelli?

14 COMMISSIONER SCARPELLI: Aye.

15 MADAM CLERK: Commissioner Petracco?

16 COMMISSIONER PETRACCO: Aye.

17 MADAM CLERK: Commissioner Evans?

18 COMMISSIONER EVANS: Aye.

19 MADAM CLERK: Commissioner Tucci?

20 COMMISSIONER TUCCI: Aye.

21 MADAM CLERK: Mayor Cocchiola?

22 MAYOR COCCHIOLA: Aye.

23 COMMISSIONER SCARPELLI: Good
24 morning, you all.

25 IN UNISON: Good morning.

1 MAYOR COCCHIOLA: Hey, how you
2 doing? Welcome. Well, we're almost
3 done, right?

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

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

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

17 COMMISSIONER TUCCI: Excellent.

18 COMMISSIONER EVANS:
19 Congratulations.

20 COMMISSIONER TUCCI: Very nice.

21 COMMISSIONER PETRACCO:
22 (Indiscernible)

23 MAYOR COCCHIOLA: We had no choice.

24 COMMISSIONER EVANS: Federal
25 appropriations.

1 MAYOR COCCHIOLA: (indiscernible)
2 resolution.

3 COMMISSIONER SCARPELLI: Move to
4 adjourn.

5 COMMISSIONER PETRACCO: Second.

6 MADAM CLERK: Can I have a second,
7 please?

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

10 MADAM CLERK: Seconded by
11 Commissioner Petracco. Commissioner
12 Scarpelli?

13 COMMISSIONER SCARPELLI: Aye.

14 MADAM CLERK: Commissioner Petracco?

15 COMMISSIONER PETRACCO: Aye.

16 MADAM CLERK: Commissioner Evans?

17 COMMISSIONER EVANS: Aye.

18 MADAM CLERK: Commissioner Tucci?

19 COMMISSIONER TUCCI: Aye.

20 MADAM CLERK: Mayor Cocchiola?

21 MAYOR COCCHIOLA: Aye.

22 (End of audio)
23
24
25

C E R T I F I C A T I O N

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

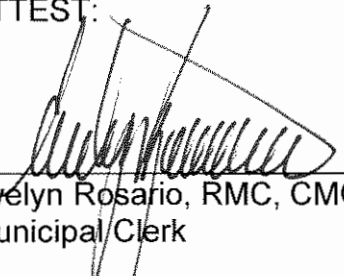
Board of Commissioners Meeting Minutes January 4, 2011 & Continued Meeting of January 7, 2011.

The Board of Commissioners entered Executive Session at 9:20 A.M. and exited at 9:55 A.M.

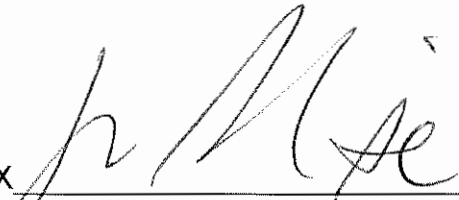
ADJOURNMENT:

Motion to adjourn by Commissioner Scarpelli, seconded by Commissioner Tucci.
Meeting adjourned at 10:00 A.M.

ATTEST:



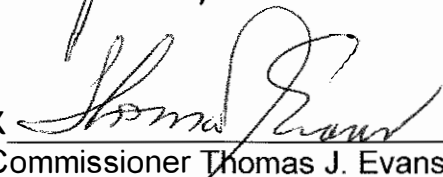
Evelyn Rosario, RMC, CMC
Municipal Clerk

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 Joanne Cocchiola

TUESDAY JANUARY 4, 2011

Official Minutes

TOWNSHIP OF NUTLEY
BILL LIST
January 4, 2011

List of payroll submitted for approval by the Board of Commissioners at their regular meeting of JANUARY 4, 2010:

PAYROLL-REGULAR JANUARY 7, 2011:

Department of Public Affairs	21,685.35
Department of Revenue & Finance	51,440.20
Department of Public Safety	416,895.78
Department of Public Works	60,781.27
Department of Parks & Public Properties	70,193.40
Department of Recreation Commission	3,686.65
Department of Rec.Comm.Adult Day Care Center	3,908.81
Water Operations	37,073.83
Due To From General Capital	3,591.00
600 Series	7,438.50
C.E.H.A.	0.00
ACC-U-VAC	0.00
Sub Total	676,694.79

PAYROLL-OVERTIME JANUARY 7, 2011

Department of Public Affairs	257.14
Department of Revenue & Finance	150.30
Department of Public Safety	20,188.49
Department of Public Works	15,554.31
Department of Parks & Public Properties	6,450.94
Water Operations	12,036.22
600 Series	0.00
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

Ordinance No. 3159

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

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

Ordinance No. 3160
Introduced by Commissioner Petracco
Introduced on January 4, 2011
Public Hearing February 1, 2011
Advertise in the Nutley Sun Issue of January 13, 2011

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 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

<u>Title</u>	<u>Base Salary per Annum</u>	<u>Total Salary</u>
Fire Inspector Trainee	\$25,000- \$35,000	\$25,000 -\$35,000
Fire Inspector	\$35,000 - \$55,000	\$35,000 - \$55,000
Hazardous Materials Response Coordinator	up to \$52,000	up to \$52,000

Section 2: All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed and 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.

**Township of Nutley
Essex County
One Kennedy Drive
Nutley, New Jersey 07110**

**FINAL ADOPTION OF ORDINANCE
ORDINANCE NO. 3156**

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 SIDEWALK

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: HWEN 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.

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Commissioner Joseph Scarpelli *Date:* January 4, 2011

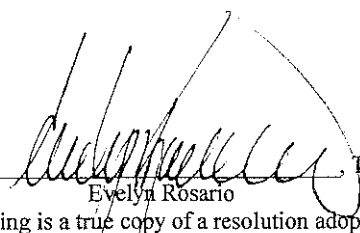
Seconded by: Commissioner Alphonse Petracco *No.* 1-11

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.

I,  Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the
Evelyn Rosario

foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held January 4, 2011.

<i>Record of Vote</i>	<i>Commissioner Scarpelli</i>	<i>Commissioner Petracco</i>	<i>Commissioner Evans</i>	<i>Commissioner Tucci</i>	<i>Mayor Cocchiola</i>
<i>Yes</i>	X	X	X		X
<i>No</i>					
<i>Not Voting</i>					
<i>Absent/Excused</i>				X	

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

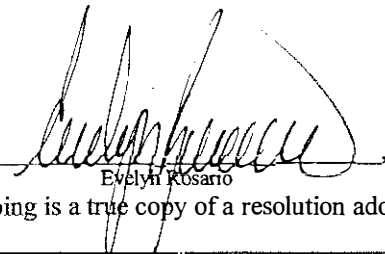
Introduced by: Commissioner Joseph Scarpelli *Date:* January 4, 2011

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__.

. . .

<i>Record of Vote</i>	<i>Commissioner Scarpelli</i>	<i>Commissioner Petracco</i>	<i>Commissioner Evans</i>	<i>Commissioner Tucci</i>	<i>Mayor Cocchiola</i>
<i>Yes</i>	X	X	X		X
<i>No</i>					
<i>Not Voting</i>					
<i>Absent/Excused</i>				X	

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Commissioner Joseph P. Scarpelli *Date:* January 4, 2011

Seconded by: Commissioner Alphonse Petracco *No.* 3-11

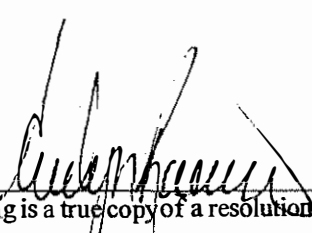
WHEREAS, the Mandatory Source Separation and Recycling Act, P.L.1987, c.102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

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 ensue 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 January 4, 2011.

<i>Record of Vote</i>	<i>Commissioner Scar pelli</i>	<i>Commissioner Petracco</i>	<i>Commissioner Evans</i>	<i>Commissioner Tucci</i>	<i>Mayor Cocchiola</i>
<i>Yes</i>	X	X	X		X
<i>No</i>					
<i>Not Voting</i>					
<i>Absent/Excused</i>				X	

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Commissioner Thomas J. Evans *Date:* January 4, 2011
Seconded by: Commissioner Joseph P. Scarpelli *No.* 4-1.1

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

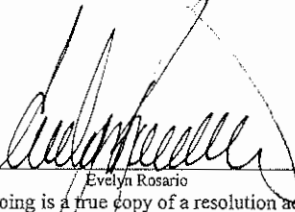
WHEREAS, Millenium Strategies, LLC, 60 Roseland Avenue, Caldwell, NJ 07006 has submitted a proposal to provide the services for \$3,333.00 per month; and

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.

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.

<i>Record of Vote</i>	<i>Commissioner Scarpelli</i>	<i>Commissioner Petracco</i>	<i>Commissioner Evans</i>	<i>Commissioner Tucci</i>	<i>Mayor Cocchiola</i>
<i>Yes</i>	X	X	X		X
<i>No</i>					
<i>Not Voting</i>					
<i>Absent/Excused</i>				X	

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

Resolution

Introduced by: Mayor Ioanne Cocchiola *Date* January 4, 2011

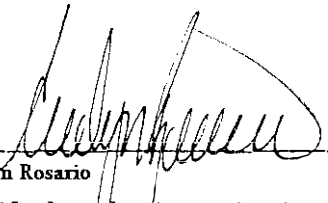
Seconded by: Commissioner Joseph P. Scarpelli No. 5-11

WHEREAS, a raffle application has been received from the following organization; and

Saint Mary's Roman Catholic Church	License No. 09-11 Off-Premise 50/50 Cash Raffle	June 3, 2011
------------------------------------	--	--------------

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,  Township Clerk of the Township of Nutley, Essex County, NJ, do hereby
Evelyn Rosario
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.

<i>Record of Vote</i>	<i>Commissioner Scarpelli</i>	<i>Commissioner Petracco</i>	<i>Commissioner Evans</i>	<i>Commissioner Tucci</i>	<i>Mayor Cocchiola</i>
<i>Yes</i>	X	X	X		X
<i>No</i>					
<i>Not Voting</i>					
<i>Absent/Excused</i>				X	

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY
Resolution

Introduced by: Mayor Joanne Cocchiola *Date:* January 4, 2011

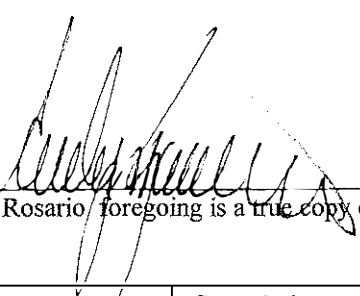
Seconded by: Commissioner Thomas J. Evans *No.* 6-11

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.

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

<i>Record of Vote</i>	<i>Commissioner Scarpelli</i>	<i>Commissioner Petracco</i>	<i>Commissioner Evans</i>	<i>Commissioner Tucci</i>	<i>Mayor Cocchiola</i>
<i>Yes</i>	X	X	X		X
<i>No</i>					
<i>Not Voting</i>					
<i>Absent/Excused</i>				X	

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;

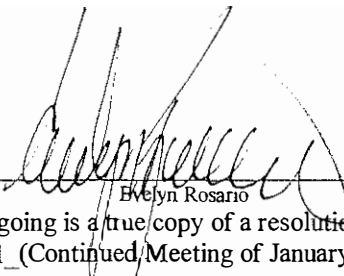
NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, that the following temporary appropriations be made:

CURRENT FUND

INTEREST ON BONDS	75,500.00
1-01-816-200	
N.J.E.I.T.-TRUST-PRINCIPAL & INTEREST	19,250.00
1-01-819-253	
N.J.E.I.T.-FUND-PRINCIPAL	12,500.00
1-01-820-251	

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).

<i>Record of Vote</i>	<i>Commissioner Scarpelli</i>	<i>Commissioner Petracco</i>	<i>Commissioner Evans</i>	<i>Commissioner Tucci</i>	<i>Mayor Cocchiola</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

(Continued Meeting of January 4, 2011)

Introduced by: Commissioner Thomas J. Evans *Date:* January 7, 2011

Seconded by: Commissioner Mauro G. Tucci *No.* 8-11

WHEREAS, 40a: 4-19 Local Budget Law provides that where any contracts, commitments or payments are to be made prior to the final adoption of the 2011 Budget, temporary appropriations 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 (30) days of 2011; and

WHEREAS, 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

WHEREAS, 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"

DEPARTMENT OF PUBLIC AFFAIRS	TEMPORARY APPROPRIATIONS
Mayor & Director of Public Affairs S/W	\$ 709.00
1-01-011-100 118.00	
1-01-102-100 591.00	
Mayor & Director of Public Affairs O/E	394.00
1-01-011-200 131.00	
1-01-102-200 263.00	

DEPARTMENT OF PUBLIC AFFAIRS (Continued)	TEMPORARY APPROPRIATIONS
Dept. of Health-Local Health Agency S/W	112,875.00
1-01-110-100	
Dept. of Health-Local Health Agency O/E	20,082.00
1-01-110-200	
Consumer Protection S/W	1,050.00
1-01-112-100	
Consumer Protection O/E	27.00
1-01-112-200	
Immunization Program O/E	4,463.00
1-01-114-200	
Women's History Month O/E	500.00
1-01-117-200	
Mental Health Program-Contractual O/E	2,625.00
1-01-118-200	
Services of Nutley Family Service Bureau	17,063.00
1-01-120-200	
Animal Regulation O/E	6,563.00
1-01-134-200	
Air Pollution Control-Contract	1,602.00
1-01-136-200	
Garbage & Trash Removal-Contract	653,050.00
1-01-138-200	
Township Attorney S/W	14,175.00
1-01-012-100	
Township Attorney O/E	20,000.00
1-01-012-200	
Municipal Land Use Law (NJSA 40,550-1):	
Board of Adjustment S/W	5,950.00
1-01-014-100	
Board of Adjustment O/E	2,757.00
1-01-014-200	
Planning Board S/W	5,950.00
1-01-015-100	
Planning Board O/E	3,000.00
1-01-015-200	
Rent Leveling Board S/W	1,444.00
1-01-016-100	
Rent Leveling Board O/E	472.00
1-01-016-200	
Celebration of Public Events, Ann. Or Holiday	7,875.00
1-01-018-200	
Municipal Prosecutor S/W	14,175.00
1-01-013-100	
Municipal Prosecutor	27.00
1-01-013-200	
DEPARTMENT TOTAL	\$896,828.00
DEPARTMENT OF REVENUE & FINANCE	TEMPORARY APPROPRIATIONS
Director of Revenue & Finance S/W	\$ 591.00
1-01-202-100	
Director of Revenue & Finance O/E	263.00
1-01-202-200	
Assessment of Taxes S/W	51,188.00
1-01-204-100	

Assessment of Taxes O/E	28,875.00
1-01-204-200	
Collection of Taxes S/W	51,118.00
1-01-206-100	
Collection of Taxes O/E	6,562.00
1-01-206-200	
Treasurer's Office S/W	86,625.00
1-01-208-100	
Treasurer's Office O/E	21,000.00
1-01-208-200	
Township Clerk's Office S/W	29,925.00
1-01-210-100	
Township Clerk's Office O/E	13,125.00
1-01-210-200	
Information Services S/W	34,388.00
1-01-212-100	
Expense, Stationary, & Printing	23,000.00
1-01-220-200	
Annual Audit O/E	21,000.00
1-01-222-200	
Printing & Legal Advertising O/E	3,412.00
1-01-224-200	
N.J.E.I.T Administration Fee O/E	2,670.00
1-01-228-200	
Construction Code Official S/W	83,213.00
1-01-218-100	
Construction Code Official O/E	9,450.00
1-01-218-200	
Admin. Of Twp. Ordinances S/W	61,688.00
1-01-219-100	
Admin. Of Twp. Ordinances O/E	2,625.00
1-01-219-200	
Elevator Inspection Fees	8,662.00
1-01-217-200	
Grant Writer O/E	10,500.00
1-01-209-200	
DEPARTMENT TOTAL	\$ 549,950.00
DEPARTMENT OF PUBLIC SAFETY	TEMPORARY APPROPRIATIONS
Director of Public Safety S/W	\$ 591.00
1-01-302-100	
Director of Public Safety O/E	263.00
1-01-302-200	
Police S/W	2,170,163.00
1-01-308-100	
Police O/E	78,750.00
1-01-308-200	
Police Clothing Allowance	31,500.00
1-01-310-200	

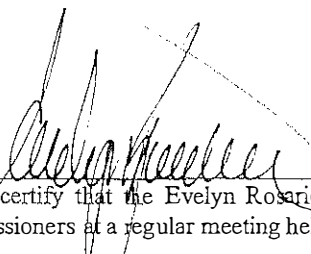
Purchase of Police Vehicles	70,000.00
1-01-332-200	
First Aid Organization O/E	27,300.00
1-01-312-200	
Fire S/W	917,020.00
1-01-314-100	
Fire O/E	26,118.00
1-01-314-200	
Fire Clothing Allowance	15,225.00
1-01-316-200	
Office of Emergency Management S/W	11,085.00
1-01-318-100	
Office of Emergency Management O/E	2,625.00
1-01-318-200	
Public Defender S/W	3,549.00
1-01-324-100	
Public Defender O/E	27.00
1-01-324-200	
Municipal Court S/W	81,964.00
1-01-325-100	
Municipal Court O/E	9,450.00
1-01-325-200	
DEPARTMENT TOTAL	\$ 3,445,630.00
DEPARTMENT OF PUBLIC WORKS	TEMPORARY APPROPRIATIONS
Director of Public Works S/W	\$591.00
1-01-402-100	
Director of Public Works O/E	263.00
1-01-402-200	
Engineering Services & Costs S/W	31,762.00
1-01-404-100	
Engineering Services & Costs O/E	50,636.00
1-01-404-200	
Traffic Maintenance S/W	31,369.00
1-01-406-100	
Traffic Maintenance O/E	4,226.00
1-01-406-200	
Road Repair & Maintenance S/W	186,375.00
1-01-408-100	
Road Repair & Maintenance O/E	35,752.00
1-01-408-200	
Snow Removal S/W	57,000.00
1-01-416-100	
Snow Removal O/E	78,100.00
1-01-416-200	
Sewer Systems S/W	20,475.00
1-01-420-100	
Sewer Systems O/E	7,481.00
1-01-420-200	
Parking Lot & Meter Maintenance S/W	46,725.00
1-01-426-100	
Parking Lot & Meter Maintenance O/E	7,140.00
1-01-426-200	
Weed & Leaf Removal S/W	2,625.00
1-01-418-100	
Weed & Leaf Removal O/E	131.00

1-01-419-200	
Leaf Removal Tipping	16,537.00
1-01-422-200	
Recycling Program S/W	161,963.00
1-01-424-100	
Recycling Program O/E	6,200.00
1-01-424-200	
Department Total	\$ 745,351.00
DEPARTMENT OF PARKS & PUBLIC PROPERTY	TEMPORARY APPROPRIATIONS
Director of Parks & Pub Prop S/W	\$ 591.00
1-01-502-100	
Director of Parks & Pub Prop O/E	263.00
1-01-502-200	
Parks & Playgrounds S/W	276,383.00
1-01-504-100	
Parks & Playgrounds O/E	24,714.00
1-01-504-200	
Recreation Committee of Nutley S/W	42,499.00
1-01-506-100	
Recreation Committee of Nutley O/E	7,586.00
1-01-506-200	
Public Buildings & Grounds S/W	98,609.00
1-01-508-100	
Public Buildings & Grounds O/E	24,937.00
1-01-508-200	
Telephone Services S/W	10,002.00
1-01-510-100	
Shade Tree Commission S/W	86,487.00
1-01-512-100	
Shade Tree Commission O/E	10,500.00
1-01-512-200	
Debris Removal	2,756.00
1-01-514-200	
Workers' Compensation Premium	382,302.00
1-01-516-200	
Other Insurance Premium	275,806.00
1-01-522-200	
Group Insurance Plans for Employees	1,300,000.00
1-01-226-200	
Sr. Citizens' Transportation S/W	28,613.00
8-01-017-100	
Sr. Citizens' Transportation /E	1,575.00
8-01-017-200	
Department Total	\$ 2,573,623.00
UTILITIES	TEMPORARY APPROPRIATIONS
Gasoline	\$ 60,000.00
1-01-342-200	
Fuel Oil	15,750.00
1-01-528-200	
Electricity	103,950.00
1-01-529-200	
Street Lighting O/E	87,675.00
1-01-414-200	

Telephone Services O/E	40,068.00
1-01-510-200	
Total Utilities	\$ 307,443.00
TOTAL OPERATIONS (Item 8(A)) WITHIN "CAPS"	\$ 8,518,825.00
B. Contingent	5,250.00
1-01-232-200	
TOTAL OPERATIONS INCLUDING CONTINGENT WITHIN "CAPS"	\$8,524,075.00
E. Deferred Charges and Statutory Expenditures-Municipal Within "CAPS"	TEMPORARY APPROPRIATIONS
(2) Statutory Expenditures, Contribution to:	
P.E.R.S.	\$ 115,689.00
1-01-254-200	
P.E.R.S.	698,019.85
1-01-241-200	
Social Security System (O.A.S.I.)	220,000.00
1-01-242-200	
Consol. Police & Fireman's Pension Fund	11,510.00
1-01-243-200	
Award of Damages to Disabled Policeman (N.J.S.A. 40:47-12.10-12.11)	2,112.00
1-01-246-200	
Total Deferred Charges & Statutory Expenditures Within "CAPS"	\$ 1,047,330.85
H-1 Total General Appropriations for Municipal Purposes Within "CAPS"	\$9,571,405.85
Operations Excluded From "CAPS"	TEMPORARY APPROPRIATIONS
Sanitation: Passaic Valley Sewer Commission O/E	800,000.00
1-01-252-200	
Maintenance of Free Public Library	376,785.00
1-01-019-200	
Municipal Alliance Program O/E	5,710.00
1-01-618-200	
Matching Funds-Municipal Alliance Program O/E	1,428.00
1-01-619-200	
Community Environmental Health Act S/W	27,900.00
1-01-628-100	
TOTAL APPROPRIATIONS -EXCLUDED FROM "CAPS"	\$ 1,211,823.00
TOTAL GENERAL APPROPRIATIONS	\$ 10,783,228.85

APPROPRIATIONS FOR WATER UTILITY	TEMPORARY APPROPRIATIONS
Operating:	
Salaries & Wages	\$ 358,875.00
1-05-701-100 \$ 36,000.00	
1-05-702-100 322,875.00	
Other Expenses	49,000.00
1-05-701-200 4,500.00	
1-05-702-200 46,500.00	
North Jersey District Water Supply Comm.	305,000.00
1-05-703-200	
Town of Kearny Water	66,000.00
1-05-715-200	

City of Newark N.J. Water Purchase	32,500.00
1-05-704-200	
Passaic Valley Water Commission	129,950.00
1-05-705-200	
Annual Audit	15,015.00
1-05-706-200	
Group Insurance Plans for Employees	54,075.00
1-05-707-200	
Deferred Charges and Statutory Expenditures	
Statutory Expenditures	
Contributed To:	
Social Security System (O.A.S.I.)	55,062.50
1-05-722-200	
Total Water Utilities Appropriations	\$ 1,065,477.50

I,  Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the Evelyn Rosario 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).

<i>Record of Vote</i>	<i>Commissioner Scarpelli</i>	<i>Commissioner Petracco</i>	<i>Commissioner Evans</i>	<i>Commissioner Tucci</i>	<i>Mayor Cocchiola</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

(Continued meeting of January 4, 2011)

Introduced by: Commissioner Mauro G. Tucci *Date:* January 7, 2011

Seconded by: Commissioner Thomas J. Evans *No.* 9-11

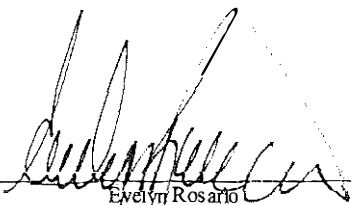
BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey that in accordance with the provision of R.S. 40A: 4-59, the following transfer(s) of **2010 Appropriation Reserves** be and the same are hereby authorized and approved:

DEPARTMENT OF PARKS & PUBLIC PROPERTY

FROM:

TO:

Parks & Playgrounds S/W	Shade Tree O/E
0-01-504-100 \$ 1,500.00	9-01-512-200 \$1,500.00
TOTAL	TOTAL
\$ 1,500.00	\$ 1,500.00

I, 
Evelyn Rosario

. . .

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

<i>Record of Vote</i>	<i>Commissioner Scarpelli</i>	<i>Commissioner Petracco</i>	<i>Commissioner Evans</i>	<i>Commissioner Tucci</i>	<i>Mayor Cocchiola</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

(Continued meeting of January 4, 2011)

Introduced by: Commissioner Joseph P. Scarpelli *Date:* January 7, 2011
Seconded by: Commissioner Thomas J. Evans *No.* 10-11

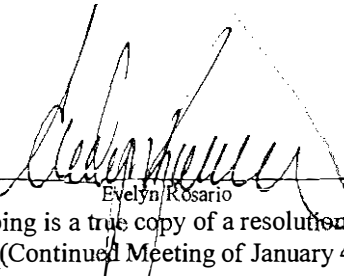
BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey that in accordance with the provision of R.S. 40A: 4-59, the following transfer(s) of **2010 Appropriation Reserves** be and the same are hereby authorized and approved:

FROM:

TO:

Engineering Serv. O/E	Road Repair & Maint. O/E
0-01-404-200 \$40,000.00	0-01-408-200 \$40,000.00
TOTAL \$40,000.00	TOTAL \$40,000.00

. . .

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).

<i>Record of Vote</i>	<i>Commissioner Scarpelli</i>	<i>Commissioner Petracco</i>	<i>Commissioner Evans</i>	<i>Commissioner Tucci</i>	<i>Mayor Cocchiola</i>
<i>Yes</i>	X	X	X	X	X
<i>No</i>					
<i>Not Voting</i>					
<i>Absent/Excused</i>					