TOWNSHIP OF NUTLEY, NEW JERSEY
BOARD OF COMMISSIONERS

PUBLIC MEETING

TRANSCRIPT OF PROCEEDINGS:

Certified Transcript

January 26, 2010
7:30 p.m.

BEFORE:
Mayor Cocchiola
Commissioner Evans
Commissioner Scarpelli
Commissioner Tucci

Job No.: DG2d1697
MADAM CLERK: Could everyone please stand for the flag salute?

(Pledge of Allegiance is recited)

MAYOR COCCHIOLA: Madam Clerk, for the benefit of those who were not in caucus could you please reread the Sunshine notice?

MADAM CLERK: Yes, Mayor. Pursuant to the requirements of the Open Public Meeting Law, Chapter 231, Public Laws, 1975, notice of this meeting was published in the December 10, 2009 issues of Nutley Sun, the Journal, the Star Ledger and the Herald News. A copy of this notice has been posted on the Nutley Town Hall bulletin board and a copy is on file in the municipal clerk's office.

COMMISSIONER SCARPELLI: Here.

MADAM CLERK: Commissioner Petracco is absent. Commissioner Evans?

COMMISSIONER EVANS: Here.

MADAM CLERK: Commissioner Tucci

COMMISSIONER TUCCI: Here.

MADAM CLERK: Mayor Cocchiola?
MAJOR COCCHIOLA: Here.

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

MAJOR COCCHIOLA: Thank you, before we begin tonight we did receive some notification that a very dear friend of all of ours, Joe McGinnis (he) is in very dire shape this evening. Were -- were not even sure he'll make it through the night. Generally, we do a moment of silence but I'd like to ask everyone to join us in a moment of reflection and prayer for Joe, a dear friend of ours.

(Moment of reflection)

MAJOR COCCHIOLA: Thank you. Madam Clerk you can move on to correspondence please?

MADAM CLERK: Yes, Ma'am. I have two items of communication this evening. The first one is the -- from the Nutley Irish American Association submitting the following correspondence, "The 32nd annual Nutley St. Patrick's Day parade in memory of John V. Kelly is scheduled to
take place on March 6, 2010. As in past years, arrangements are in place to utilize the Holy Family parking lot as an assembly area with the parade lined up on Evergreen Avenue and Brookline Avenue. The parade is scheduled to step off at 1:00 p.m.

Thank you for your continued support and cooperation.

Mayor, I need a -- a motion and a second to memorialize the uh --

UNIDENTIFIED SPEAKER: Move it

UNIDENTIFIED SPEAKER: Second

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Ayee

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Ayee

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Ayee

MADAM CLERK: Mayor Cocchiola?

MAYOR COCCHIO: Ayee

MADAM CLERK: And my last item is a petition to extend license premises from the Nutley Elk's Lodge for their Ste
Patrick's Day parade events to be held on March 6th, 2010, between the hours of 10:00 a.m. and midnight. And I need a motion and a second.

MAYOR COCCHIOLA: Need a motion.
UNIDENTIFIED SPEAKER: Move it.
UNIDENTIFIED SPEAKER: Second.
MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.
MADAM CLERK: Commissioner Evans?
COMMISSIONER EVANS: Aye.
MADAM CLERK: Commissioner Tucci?
COMMISSIONER TUCCI: Aye.
MADAM CLERK: Mayor Cocchiola?
MAYOR COCCHIOLA: Aye. We can move onto reports Commissioner Tucci?

COMMISSIONER TUCCI: Yes, I have a shade tree report for the months of November and December of 2009.
MAYOR COCCHIOLA: Thank you and payment of bills.
MADAM CLERK: Yes, Mayor. Tuesday January 26th, 2010, Public Affairs $268,337.36, Revenue and Finance
$3,107,649.69, Public Safety $192,089.72, Public Works $200,615.58, Parks and Public Property $825,288.08, payroll as of January 22, 2010, $735,195.53, for a grand total bill list of $5,329,175.96.

And that's all for bills Mayor.

UNIDENTIFIED SPEAKER: Move the bills.

UNIDENTIFIED SPEAKER: Second.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

MADAM CLERK: Thank you, Mayor.

MAYOR COCCHIOLA: Thank you.

Commissioner Petracco is absent this evening, Commissioner Scarpelli were you going to handle his ordinance introduction?

COMMISSIONER SCARPELLI: Sure.
ORDINANCE NUMBER 3133, AN ORDINANCE TO
AMEND AN ORDINANCE CODIFIED IN THE CODE
OF THE TOWNSHIP IN THE CODE OF THE
TOWNSHIP OF NUTLEY, CHAPTER 228 ENTITLED
VEHICLES AND TRAFFIC, PARTICULARLY
ARTICLE II PARKING ON CERTAIN STREETS,
SECTION 14, ENTITLED "PARKING PROHIBITED
DURING CERTAIN HOURS", THEY HAVE THE
LOCATIONS SET FORTH THEREIN.

I move the ordinance be passed to a
second reading advertised in Nutley Sun
together with the notice required by law
and that further consideration of said
ordinance for final passage be held by
the Board of Commissioners at second
reading on February 16th, 2010. I move
the ordinance.

UNIDENTIFIED SPEAKER: Seconded

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Ayee

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Ayee

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Ayee
MADAM CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Ayee Commissioner Evans.

COMMISSIONER EVANS: Thank you Mayor, an ordinance which I'd introduce by title adding two handicapped spots and eliminating another all of which qualify under -- under the statues.

AN ORDINANCE TO AMEND AN ORDINANCE CODIFIED IN THE CODE OF THE TOWNSHIP OF NUTLEY CHAPTER 228 ENTITLED VEHICLES AND TRAFFIC PARTICULARLY ARTICLE VII (SPECIAL ZONES AND AREAS) SECTION 29A ENTITLED HANDICAPPED PARKING TO ADD & DELETE THE LOCATIONS SET FORTH THEREIN" (Kingsland Street, Ohlson Avenue and Valley Road) I move that this ordinance be passed to a second reading and advertised in the Nutley Sun together with the notice required by law and that further consideration of said ordinance for final passage by the Board of Commissioners be held at its second reading on February 16th, 2010, so moved.

UNIDENTIFIED SPEAKER: Second
MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Ayee

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Ayee

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Ayee

MADAM CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye. Commissioner Scarpelli you have the first hearing for public hearing this evening.

COMMISSIONER SCARPELLI: ORDINANCE NUMBER 3128e ORDINANCE TO AMEND AN ORDINANCE FOUND IN CHAPTER 700 NUTLEY CODE, ENTITLED TERMINOLOGY/DEFINITIONS, WORDS USAGE SECTION 700-3, PERMITTED USES IN B-1, B-2, B-3, B-3A AND B-4 ZONING DISTRICT SECTION 700-15, 16, 17, 18 AND 19.

What this ordinance does is define discount stores and limit them within a 1000 feet of each other.

MAYOR COCCHIOLA: Is there any member of the public that would like to address the Board with respect to this...
ordinance? You can come forward.

MRe VICCARESE: Good evening Mayor and Commissioners. My name is Al Viccarese (ph.)e I am one of the owners of the property located at 240 Franklin Avenue, and joining me tonight is Ben Viccarese and Mr. Nickolas Mazola (ph.). Also with us tonight is Steve Wolf, representative of the Family Dollar store, he will also be making a presentation of behalf of JNC Incorporated and the Family Dollar store.

I'd like to open by saying this is my third presentation to all members of the town council speaking of the Family Dollar stores lease and letter of intent that has already been signed.

The Family Dollar store is a neighborhood variety store. It is a Fortune 400 company listed on the New York Stock Exchange, boasting one of the strongest balance sheets of any company of any listing on the New York Stock Exchange.

They have been in business since
1959. They have nationwide over 6700 stores. They are very much recognized as a community-conscious company, very generous in giving to charitable causes, both locally and those put forward to other causes in the community.

They have and will continue to experience growth and taking advantage of opportunities as our country continues to come to grips with difficult financial environments which are both recognized as a financial — in a financial community and by our (indiscernible)".

The Family Dollar Store will provide employment opportunities to local community. They will also offer convenient shopping for residential homes as well as senior citizens located less than two blocks away and they will offer shopping and very competitive price points which Mrs. Wolfe will speak about.

Recently, on January 5th, 2010, Mr. and Mrs. Mazola submitted a land use approval to the Town of Nutley. Property to be leased by Family Dollar Store was
noted on the application. The State of New Jersey requires us to have approval or denial within ten business days from the time of the application submission. We have not heard till this day as to whether that application's been approved or note. The State of New Jersey (indiscernible) ordinance says is therefore approved, because we have been outside of the ten day window.

In trying to respect and get attention to this matter, Mr. Mazola and I called Dave Berry who unfortunately, was out of the office for personal reasons and before that him leaving early in the day told us that we would have a land use approval approved by 12 o'clock yesterday afternoon. We gave him Mr. Mazola's phone number if there were any issues or concerns that he would have. We never received a phone call; Mr. Mazola went back down to the town hall to inquire, which was the time he found out Mrs. Berry had to leave for the day.

Also, in a letter which Mrs. Berry
sent to my home on the 11th of January, he asked for three additional pieces of information which were either available for the town, one being a survey. The footprint for that building has not been changed in over thirty-five years; therefore, the survey that is on file and the survey of which you compute your tax liability to us has never changed.

So the survey on file is the survey that could've been used. And, in providing other information, we asked some other local Nutley residents -- actually provide that survey to Mrs. Berry which done on the 14th.

I followed up with a call in addressing two other issues, one which was basement use. Mayor Cocchiola and Mrs. Scarpelli and Mrs. Harkins (when I met with you, Mrs. Harkins and Mayor on two occasions and Mrs. Scarpe1li, on one occasion, I was pretty emphatic about stating that the basement would not be used and was never intended to be used by the Family Dollar Storee. The prints that
were submitted on the 5th indicated as such.

The last point was loading and unloading. We will comply with the Ordinance of Nutley that states what we're allowed to load and unload. The Family Dollar Store which had been done in the past and in other communities will be more than happy to work with the town of Nutley in either unloading their merchandise early in the morning, off-peak hours, similar to other businesses in the town that are in a zoning area of which this building is and is approved for retail.

So, to recap briefly, the land use permit and the ordinance of what this building is owned for fits like glove. The loading and unloading, Family Dollar Store and we the owners are happy to work with you in complying with the ordinance that's currently written permitting loading and unloading and will go further in accommodating to the best of our abilities with scheduling just as
everyone else does in the town of Nutley on Franklin Avenue and other locations in early morning deliveries off-peak hours so that there's no disruptions to either Franklin Avenue or side streets, accommodate the loading up of merchandise, at the same time providing no disruptions to the property.

MAJOR COCCHIOLA: Mrs. Viccarese if I might -- I thank you for -- for your presentation, but -- and I can tell you that I'm not really sure that all of us sitting here are privy to the details of whatever went on with the Code Enforcement Department and -- and -- and that's not really what we're here for tonight.

What's happening tonight is we're considering an ordinance which establishes a ban with one type of store within a certain distance of another, not unlike other ordinances that this board has considered before. So I -- I guess, while I appreciate what you're saying I'd like to know what your comments are then
about this particular ordinance that --
that the governing body may be -- may
have some feelings about the -- what it's
down -- the characteristics of its
downtown, the future of its downtown,
particularly at a time when were at a
master plan process, reviewing our master
plan, reviewing our zoning laws,
reviewing everything about our township
because our people want us to.

So I guess my -- what I'm asking you
is the -- we -- what happened with the
Code Enforcement Department is not what
we're considering tonight. And we're
not -- we're not commenting on any
particular company, in fact it -- I don't
think anyone would be critical of a
dollar store, we've -- I'm sure everybody
in this room probably has shopped in one
and that's not what we're here for.

We're not talking about a particular
store or particular company. We're
talking about a philosophy of a governing
body of the people that we serve, that we
care about our downtown, we care about
the future of our downtown, we care about
the future of our town and the downtown
is a pretty important town of that.

This ordinance doesn't even just
speak to the downtown; it speaks to
various business districts throughout the
Township of Nutley. So, I think that's
what we're here to -- to discuss tonight
and if you have your -- if you have
thoughts particularly about that we'd be
happy to hear them.

MR. VICCARESE: So, the zoning of
the building is currently allows
(indiscernible) of which we are going to
be signing the lease renting out the
space --

MAYOR COCCHIOLA: I -- I don't know
that to be true right nowe. I would have
to have council or -- or --

MR. VICCARESE: Well, we could --
for the record we can assume that the
building and the location is properly
zoned for retail.

MAYOR COCCHIOLA: For -- and I don't
know what the -- the description that you
just gave me about the loading and
unloading, we've had discussions about
the loading unloading and where that can
be done, I'm not sure -- and I -- I have
no knowledge right now of whether or not
that can even be accomplished on the
streets.

There were -- there were things that
you discussed with me, there were things
that you discussed with Commissioner
Scarpelli, particular to dumpsters and
things that you would need for the
restaurant for your facilities but I
don't know right now that -- and what
you're saying might be true but I am not
certain that the Code Enforcement
Department has passed on all of those
aspects of -- of this building.

MR. VICCARESE: In an effort of full
disclosure and total transparency Mayor,
the meeting that we had with Mrs. Harkins
and Mr. Scarpelli there were discussions
about the type of clientele that you were
concerned with, with having a Family
Dollar Store in this town. So when
you're -- when you're indicating for the public that you were not singling out the Family Dollar Store --

MAYOR COCCHIOLA: No, that's -- I think you're wrong --

MR. VACCARESE: -- I would -- I would like -- I would like --

MAYOR COCCHIOLA: -- with that.

MR. VACCARESE: -- I would like to state that it was very specifically geared toward -- in an attempt to be transparent with the town --

MAYOR COCCHIOLA: And in an attempt to be transparent --

MR. VACCARESE: I'm going to state that -- Excuse me -- Excuse me Mayor, can I, please?

MAYOR COCCHIOLA: Certainly.

MR. VACCARESE: There was -- there were discussions and were comments made that were inappropriate and that I took great offense to, particularly around the north ward, up north.

MAYOR COCCHIOLA: No, the comments -- and -- and specifically
recall some of the comments that were
made that were spe -- specific to the
fact that we did not want a downtown
similar to other downtowns that had one
discount or retail store after another.
That was not our vision for the downtown
and it was very specific as to that.
I did ask you -- and I did ask you
where -- what locations the Family Dollar
Store had throughout New Jersey and I'd
like you to answer that.

MR. VICCARESE: And Mr. Wolf will
answer that.

MAYOR COCCHIOLA: And I -- I --

MR. VICCARESE: And he will answ --
he will also speak to the other 6700
stores that are across the United States.

MAYOR COCCHIOLA: I asked about New
Jersey though and that was my -- and that
that -- that was you and I speaking.

MR. VICCARESE: And he -- and he
will speak to that. But at that meeting
let the public also know that there
were -- there were indications that the
cconcerns of the element --
MAJOR COCCHIOLOA: Are you making an allegation Mr. Viccarese?

MR. VICCARESE: I am not -- I am just -- I am just -- I mean, Mrs Harkins was at the meeting --

MAJOR COCCHIOLOA: Because --

MR. VICCARESE: -- and Mr. Scarpelli, I'm not making an allegation.

COMMISSIONER SCARPELLI: Mr. Viccarese I was at the meeting but -- but --

MAJOR COCCHIOLOA: I don't that's appropriate and I don't think that's faire.

COMMISSIONER SCARPELLI: -- before we engage in that matter I think we really have two different things going on here. One, consideration of this ordinance, which is pretty simple. It's a definition of a discount store and then it limits the distance between discount stores. That's separate and apart from Mrs Viccarese's comments regarding the zoning permit and separate and apart from Family Dollar itself, it -- certainly if
you want to indulge him and allow him to speak as to the Family Dollar Store here, that's -- that's up to you.

With respect to the zoning permit I can tell you, I don't know what was submitted, when it was submitted, whether it was approved, denied, whether there were conditions, so you know I don't that's appropriate for us to discuss.

I mean, I -- I'm happy to talk to Mr. Berry about it. I know he had a death in the family and wasn't available for the past day or two. And I will -- I will speak to him about it.

MAYOR COCCHIOLA: And I -- I would ask counsel to also research whether or not in light of the fact that in -- that this ordinance had been introduced and I'm not sure what date that was, whether or not it would be appropriate to issue a permit in light of the fact that this governing body was considering the ordinance. I don't know the answer to that and I'd ask counsel to -- to take a look at that.
MR. HARKINS: I'll take a look at that, Mayor.

MAYOR COCCHIOLA: Thank you.

UNIDENTIFIED SPEAKER: Mayor, I have a question, it's not on -- on the topic of this Public Hearing but Mrs. Antendello (pne) is here. Mrs. Berry is out due to a death in the family so understand that his response to you is driven by a family emergency that we respect.

MR. VICCARESE: In all due respect to this evidence, yesterday was day thirteen it was out of time with the ten day requirement.

UNIDENTIFIED SPEAKER: Well, 'cause I'm --

MR. VICCARESE: But that's --

UNIDENTIFIED SPEAKER: -- I'm raising the point was that Mr. Andendello is here with -- 'cause we keep on hearing the ten day rule.

COMMISSIONER SCARELLI: Well, but I think the --

UNIDENTIFIED SPEAKER: I just thought maybe he might -- he can clarify.
that either tonight, but I'm sure that could be cleared up because I'm certain we're not in violation.

COMMISSIONER SCARPELLI: And I think the rule is -- first of all I think it's a ten business day rule. I'm not entirely clear on the rule but I think its ten business day rule --

MR. VICCARESE: But --

COMMISSIONER SCARPELLI: -- but -- but like I said I don't know when it was submitted -- when it was submitted, what was submitted, that they asked for more information, does that restart the time? I don't know. I -- I really don't know. But I'd find out and I'd speak to Mr. Berry about it.

MR. VICCARESE: Can I introduce Mr. Wolf to speak on behalf of the Family Dollar?

MAJOR COCCHIOLA: Yeah, as long as it -- it -- know you, my point to you Mr. Viccarese is this is not about the Family Dollar Store and I -- and -- I -- I know we've spoken about it. I know their
balance sheet is strong, it's -- it's with no disrespect to the Family Dollar Store but it -- it is about a philosophy as I explained that -- do we want one after another after another in a downtown that we're trying very very hard to -- to make -- to con -- comply with the vision that we have and perhaps our Planning Board have.

MR. VICCARESE: And I am only trying to comply with the town zoning ordinances that are on the record.

MAJOR COCCHIOLA: Understood, if Mr. Wolf wants to address the Board he's -- he's welcome too.

MR. WOLF: Thank you. I won't take a lot of time. Steve Wolf with Family Dollar. I'm the regional manager for Family Dollar of New Jersey, New York, Pennsylvania and Delaware. And I -- and what I'd like to say is we're -- we're not a dollar store. I think that's a -- because our name is Family Dollar we're fifty years old. The name was picked before dollar stores actually
became vogue. So, we're just a -- we're just a small variety store much like Woolworth Stores that used to be throughout the US so, I brought some handouts I'd for you to take a look at if you -- if you have time.

MAYOR COCCHIOLA: Certainly.

MR. WOLF: (Speaking away from Microphone)

Thank you.

MAYOR COCCHIOLA: Thank you.

MR. WOLF: Uh-hum.

UNIDENTIFIED SPEAKER: Thank you.

MAYOR COCCHIOLA: Thank you.

UNIDENTIFIED SPEAKER: Thank you.

MR. WOLF: As you can see by our mix we're really just a -- a very small K-mart or a very small Woolworth Store, I mean, we don't have the -- the breadth of inventory that they have or the mix, but we have every depart -- so it's -- we're very convenient for people who -- who don't want to have to get on the highway and drive twenty minutes to another department store. They can come in and
pick up product at our store.

And I think we provide a -- a nice
service to the community. Our prices our
competitive. We've had a lot of price
shopping against Wal-Mart and K-Mart and
Target and when -- when you get done
we're always within fifty cents or a
dollar of -- of any of the -- the big
discount

So, we're here not to rip people off
like a lot of small convenient stores
are. We're here to provide a service and
I think we do a pretty nice job of it.

You asked where we're at in other
New Jersey markets and we're from Cape
May, Bayshore, Forked River, Camden,
Pennsauken, Trenton, Somerset, Newark,
Orange, East Orange, all the way west and
Washington and Belvidere. So even in
small communities as well as urban
communities wherever we go it's really
just to serve a very small community as a
convenient store.

And that's -- that's basically what
we do; we've got 6700 stores throughout
the US in a lot of different places. I just came down from Lake Placid today because we're putting a store in Lake Placid which is as far north as you can go almost in -- in New York and it's certainly a small community but they don't have any other source to buy our product. They have to drive to Plattsburgh which is thirty miles. So they're very happy to have us come there. And that's really a resort town. It's not a -- they wouldn't want a dollar store as you folks like to -- to call it. But we're not a dollar store we're just a discount store with the name The Family Dollar.

I'd be happy to answer any questions concerning delivery or merchandise mix or store hours, if you have any questions, I don't want to take a lot of your time, but I'd be happy to answer anything you have.

UNIDENTIFIED SPEAKER: Mr. Wolf, I'm sure many of our residents are not familiar with your store so do you have
like a price point, at all?

MRe WOLF: We -- the price points go from fifty cents up to -- as high as fifty dollars. Sometimes we'd have some radios or something that will sell for maybe seventy-five but most of the items are below fifty dollars.

UNIDENTIFIED SPEAKER: I -- I -- I happen to visit one of -- one of your stores on Broadway in Newark and there was shirts there that were, you know, under .99, would that be fair -- you know depiction of what kind of merchandise that you -- you do.

MRe WOLF: We don't -- in the newer store set up we don't have that much clothing but it -- would -- would -- clothing we do have would be socks and underwear and then there'd be some t-shirts that maybe are for sale for -- for men but more infants and -- and girls and boys clothing then would for adults.

UNIDENTIFIED SPEAKER: In -- in Essex County could you give us some of the towns you're located in?
MR. WOLF: We're in Jersey City, Bayonne, Newark, Orange, East Orange, Somerset, Middlesex. I think that's it up north. We only have eightyeight stores in the state.

MAYOR COCCHIO: Mr. Wolf, I'm just looking at this 'cause this must be one -- one of your brochures. Is this the way that most of your stores look on the outside?

MR. WOLF: It is now, yes.

MAYOR COCCHIO: The -- the -- this -- are -- is that -- is that -- that's routine, this is your logo, this is the signage, this is what you usually have?

MR. WOLF: That's the signage. The façade is different. I mean, if -- if it's a buildetoe suit, if we're doing a groundup, which we do a lot of, the that would be the -- the façade but if you're talking about existing space, then we usually conform to whatever the façade already has.

MAYOR COCCHIO: Any questions
Commissioners?

COMMISSIONER SCARPELLI: I just want to reiterate that, you know, although this -- this ordinance may affect, for lack of a better word, the Janette Shop property, it's really not about the Janette Shop property; this is about preserving out downtown. This is about creating a diversity of different businesses in the downtown and it's about a spacing issue of which we have several ordinances already on the books.

MAYOR COCCHIOLA: Mr. Wolf, can I ask you a question too? Are you familiar that directly across the street from the location that you're interested in there already is a -- a discount value and there -- that -- the -- the products in that store are not only dollar products either they're predominantly dollar products but you're familiar that there's a store directly across the street from --

MR. WOLF: Yes, uhuhmen

MAYOR COCCHIOLA: -- from you. And
does that -- that didn't factor into your
analysis as to whether or not you'd want
to open a store across the street from
one --

MR WOLF: Yeah, it -- some of the
product would match up, but not all of
it. I think our mix is -- is large
enough that it wouldn't affect our
business. I -- I wouldn't -- I wouldn't
believe we would affect his business as
well.

MAJOR COCCHIOLA: And what --
what -- when you make a decision to come
to a community, what -- what are the
factors that you rely on in making that
decision, do you -- do a demographic
study, do you -- you know, what -- what
do you utilize to make that decision,
what factors?

MR WOLF: Mostly it's demographic
studies, number of households within a
half mile or -- or a mile depending. If
it's a rural area, it could be larger
than that. If it's an urban that
generally have income, ethnicity --
ethnicity. There's a variety of things that we -- we look at, and competition.

UNIDENTIFIED SPEAKER: One more question Mayor?

MAYOR COCCHIOLA: Uh-hum.

UNIDENTIFIED SPEAKER: Mrs. Wolf, if -- if you -- are you involved in any redevelopments of downtowns at all?

MR. WOLF: Not me personally --

UNIDENTIFIED SPEAKER: I mean --

MR. WOLF: We -- we've gone in some, we've -- we've done that in some towns, yes.

UNIDENTIFIED SPEAKER: Yeah, all right. I mean because like if I were to start a downtown redevelopment, I don't think like that would be one of the stores that I would want as my anchor and just -- just as an observation, I think the Janette Shops always been considered our anchor store of our downtown and all respect to our business it's not what I would personally build there.

MR. WOLF: Where we've actually done it it's been -- we've gone in with a
small grocery store as part of revitalization and -- where they don't have a grocery store or any other department store so we've gone in & we signed them as a coetenante. It's worked out well for -- for the community and for us.

MAYOR Cоччиола: Mr. Wolf you carry groceries is it -- is -- can you get milk at the store as well, I saw there's soda, there's dish detergent there's paper towels --

Мгс. WОLF: Yes.

MAYOR Cоччиола: -- you carry milk and fresh items as well?

Мгс. WОLF: Yes, yes, just -- really just it's a twelve -- twelve foot case, it has some milk, some orange juice, some eggs, some cheese, just a -- just a small amount.

UNIDENTIFIED SPEAKER: Mayor, it's not -- it's not on the ordinance at that is at hand, but just to clarify a question. When you get deliveries, when do they come and how frequent they come,
what size vehicles it comes?

MR. WOLF: Well, we'd get one delivery a week and it's a fifty foot trailer, takes -- generally we would -- I would expect we would have about 1,200 cartons on -- on the trailer, so you get one -- one delivery per week.

UNIDENTIFIED SPEAKER: How long does that take to unload?

MR. WOLF: Probably about two hours, two and a half.

MAJOR COCCHIOLA: Once a week, is that once a week?

MR. WOLF: Once a week, yes.

UNIDENTIFIED SPEAKER: Once a week?

UNIDENTIFIED SPEAKER: And where would those deliveries be made?

MR. WOLF: That's what we're trying to work out. I would -- I would prefer they be made off the rear of the building rather than out on the highway so that the truck could pull into the parking lot; it could unload and have it pull out again.

UNIDENTIFIED SPEAKER: Well, that
would be public property, right, which we
would we'd have to see about doing it if
it's not there, not on public property
where would it go? So one of my -- one
of my question is -- is that fifty foot
trailer going down Vincent Place which
we -- where we have two senior citizens
housing, the library, a high school.

It's an area where there's a lot of
people -- a lot movement and a lot of
traffic and it's a narrower street, it's
a hard time trying to make a left turn
you got one way, a hard right the other
way. I'd be very concerned about having
a tractor trailer on that street being
because -- because of the nature of the
entity of what's there including the
two -- the children and the seniors.

Ms. Viccaro: May I suggest that
you and Ms. Harkins speak to Mr. Berry
will also look at the ordinance that's
currently on the record that allows truck
delivery larger than the fifty foot
trailer code. I'd really appreciate it.

UNIDENTIFIED SPEAKER: Yeah, I would
have a concern it would be on that street. If it's on Franklin Avenue and it's in the front of the building, it's less of a concern, but it's also a safety concern. I'm not raising it based on the nature of the ordinance. It's a safety of the children and the senior citizens that live in that area.

MRe WOLF: We -- we would do it off of Franklin, I would just, I thought that you would prefer us not going off Franklin and having a truck on your main street for a couple of hours. It is only once a week, but still, it is going to take a -- you know, 1,200 cartons, they're not on pallets. They come off one at a time, so it just takes them, you know, it takes a couple hours to unload it.

UNIDENTIFIED SPEAKER: Maybe -- there's other businesses on Franklin Avenue, in fact there was one, actually this morning that had a tractor trailer delivery on Franklin Avenue but it was there early in the morning and they were
generally around the area probably at
eight o'clock in the am.

MRè WOLFè Well -- and we can -- we
can schedule -- you tell us what time you
want us to -- to schedule and we'll make
an honest attempt to do that on each
delivery.

UNIDENTIFIED SPEAKER: Okay.

MAYOR CICCIALIA: Anyone have any
other questions?

MRè VICCARESE: Just one more point
if I could make Mayor? The ordinance
that you're introducing tonight is that
there were two previous meetings in my
attempts and my effort to sit with you
and explain what our intentions were and
they were maybe construed as being
directed at use.

MAYOR CICCIALIA: I don't agree with
that at all Mr. Viccarese, you --
you've met with me --

MRè VICCARESE: I'm just -- I'm
just -- I'm just putting into the
record --

MAYOR CICCIALIA: -- you and Mrè
Mazola had met with me and Mrs. Harkins --

MRS. VICCARÈSE: Yes.

MAYOR COCCIOBA: -- some time ago

and in that very initial conversation I

had with you I said this would be a very

hard sell in this community and I mowed

that on the line to you.

You left it -- you had another

discussion involving Commissioner

Scarpelli, the rest of this Board wasn't

privy to any of that, so they -- you

know, they're, you're -- I think you're

somewhat out of line with that.

You had private discussions with us

where we expressed our opinions about

certain things. We couldn't make any

representations to you. We can't do

that. We're a governing body -- we act as

eighteen. We -- we can't take any action

singly on this Board, not one of us, not

the Mayor and not -- not a single

Commissioner. So I -- I don't -- I don't

know where you're going with that but

I -- I disagree.

MRS. VICCARÈSE: I do appreciate it,
but just for the record I'd like to state
that the ordinance was introduced after
two prior -- two previous meetings with
you Mayor and also a rep -- a
representative including the town
attorney. Thank you.

MAEYOR COCCHIOLA: Thank you.

COMMISSIONER SCARPELLI: Excuse me,
Mr. Viccarese, during those meetings
you -- you know they weren't all one
sided, you also were looking for
concessions from this body weren't you?

MR. VICCARESE: What type of
concessions?

COMMISSIONER SCARPELLI: Curb cuts,
placement of dumpsters --

MR. VICCARESE: Uh --

COMMISSIONER SCARPELLI: --
couple -- four feet of public space --

MR. VICCARESE: So --

COMMISSIONER SCARPELLI: -- moving
the parking spotse I just want to put
that on the record also.

MR. VICCARESE: So -- so that -- but
that's property that's across the street
Mre Scarpelli?

COMMISSIONER SCARPELLI: Excuse me?

MRe VICCARESE: That's the property that we're -- we're referring to which is across the street --

COMMISSIONER SCARPELLI: I'm talking about our meeting.

MRe VICCARESE: -- not the -- right, the meeting --

COMMISSIONER SCARPELLI: So we had our meeting.

MRe VICCARESE: -- the meeting, the curb cuts that you're refereeing to are in relation to the property across the street the building previously occupied by Blockbuster and not the JNC building that we're here discussing this evening.

COMMISSIONER SCARPELLI: We're discussing this ordinance you brought in what you talked about at the meetings. I'm also putting on the record you were also looking for concessions from use Correct?

MRe VICCARESE: Absolutely.
COMMISSIONER SCARPELLI: Thank you.

MAYOR COCCHIO: And I -- and I should probably add that a portion of that meeting was directed to me and Mrs. Rempusheski with respect to the possibility of obtaining CDBG funding for the façade improvement for that building which we were -- had been working on and I -- and I think Mrs. Rempusheski has just recently contacted your president about continuing to work on trying to obtain funding for you to -- to complete the façade of the building, so that was also a portion of that discussion.

MRE. VICCARESE: Absolutely it was.

MAYOR COCCHIO: Anyone else? I -- I think there are other people that would like to speak this evening?

MS. TANGORRA: My name is Carol Tangorra. I live at 43 Colonial Terrace in Nutley. I'm currently vice-chairperson of the Planning Board.

We discussed this ordinance at a recent meeting and I'm happy to say that the Planning Board was very very much in
favor of this ordinance. We feel that it's consistent with our master plan and we feel that it's consistent with discussions we've had about revisions to the master plan.

We feel that encouraging diversity in our downtown area is something that will benefit everybody in town. And the more variety we have in the type of businesses downtown we feel that it would be an advantage for everybody. It would encourage people to really utilize the downtown more and that has to be good for everyone.

MAYOR COCCHIOLA: Ms. Tangorra are you saying then that the Planning Board is in favor of the ordinance did the plan --

MS. TANGORRA: Absolutely.

MAYOR COCCHIOLA: Okay.

MS. TANGORRA: Unanimously so.

MAYOR COCCHIOLA: Thank you, is there anyone else that would like to address the Board?

MS. EISENFEATHER: My name is Anne
Lynne Eisenfelder. I am also a member of the Nutley Planning Board. And I want to reiterate what Ms. Tangorra just said.

When Commissioner Scarpelli brought the ordinance to the Planning Board for discussion everyone was in total agreement that this is something that we would want for Nutley.

Several years ago we did some something similar with nail salons when we realized that were too many of them and this is not what we were looking for the image of our downtowne.

Comparison shopping is something that we look forward to, but we're -- we're thinking of and have always been thinking of retail shopping at perhaps a higher level.

We've had many discussionse. We've had the public come in and speak about what they're looking for in Nutley and we hear things like The Gap store, Talbots. People -- people are looking for better things for Nutleye. We have a good image in our town and we just want to make it
And I'm not just speaking for myself, Mayor, you've been there when the public has come out and expressed what they want Nutley to look like in the next twenty/thirty years. And that's what we're doing now with our master plan and we have to set guidelines and we need to do it in -- through ordinances in some cases. And I think this is an excellent ordinance, it's -- it's expressing what we are looking for.

And I applaud you for doing this and I hope that it will be passed tonight because this is something that Nutley needs and has expressed over and over to use. The kind of downtown that we're looking for that people in this town want it more upscale than it is today.

MAYOR COCCHIOLE: And Mrs. Eisenfelder, is it the usual practice of the Planning Board to review, recommend and approve these types of ordinances to the Board of Commissioners?

MS. EISENFELDER: Absolutely, yes.

MAYOR COCCHIOLE: Did you do that in
this instance as well?

MSE EISENFEDER: Yes.

MAYOR COCCHIOLA: Thank you.

MRE GARRUTO: Good evening, Andy Garruto, 7 Saint Paul's Place. I do commend Commissioner Scarpelli in proposing this ordinance; it demonstrates an interest in fostering a thriving business district in our town which is why I support it.

It's a rational regulation of our business area. It avoids grouping of similar businesses in the same areas which will add variety to the commercial area. The more variety -- more variety means more shoppers will be drawn to our business districts.

It's not saying that you can't have the discount store; it just provides a reasonable space between them. It gives each business a -- a fair opportunity for success and reduces the risk of empty store fronts.

I appreciate this proactive and thoughtful ordinance. It's good for
Nutley. Thank you very much.

Mayor Cocchiola: Thank you, Mrs. Garretto. So anyone else that would like to address the Board this evening?

Ms. Chagnon: Lisa Chagnon, 48 Highland Avenue. I'm just a concerned citizen being in Nutley for seventeen. I just want to put on record that I agree with the ordinance.

We need to start modeling our town similar to those like Mont -- Upper Montclair, Westfield, Ridgewood. Not that they have to be exactly like them, but we need to head in that direction.

I agree with those that came before me and I -- I do have to say that I'm very surprised that those that were involved in Janette Shop want to now put this type of a store in place of Janette Shop when Janette Shop was very highly regarded and -- you know, considered an anchor store in our town. I think they'd want to put another anchor kind of store.

Mayor Cocchiola: Thank you, Mrs. Chagnon. Any questions for Mrs. Chagnon?
or -- any other questions or comments by members of the Board?

UNIDENTIFIED SPEAKER: Move to close the public hearing?

UNIDENTIFIED SPEAKER: Seconde

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Ayee

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Ayee

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Ayee

MADAM CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Ayee

UNIDENTIFIED SPEAKER: Move the ordinance?

UNIDENTIFIED SPEAKER: Seconde

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Ayee

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Ayee

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Ayee

MADAM CLERK: Mayor Cocchiola?
MAYOR COCCHIOLA: Aye. Moving on to Ordinance number 3127. It's an ordinance to amend Chapter 320 of the Code of the Township of Nutley, Section 320-4 entitled "Vital Statistics Fees".

What this ordinance does is fix the rate for birth/death/marriage certificate of domestic partnership and civil union transcripts from the Bureau of Vital Statistics at ten dollars per copy which is in conformance with -- with what other municipalities are doing.

Is there any member of the public that would like to address the Board with respect to this ordinance?

I move the public hearing be closed.

UNIDENTIFIED SPEAKER: Seconded.

MADAM CLERK: Commissioner Scarpeilli?

COMMISSIONER SCARPEILLI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Mayor Cocchiola?
MAJOR COCCHIOLA: Aye Move the ordinance

UNIDENTIFIED SPEAKER: Second?

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye

MADAM CLERK: Mayor Cocchiola?

MAJOR COCCHIOLA: Aye Ordinance number 3129 entitled, "AN ORDINANCE TO ESTABLISH MANDATORY AFFORDABLE HOUSING DEVELOPMENT FEES AND AN AFFORDABLE HOUSING TRUST FUND."

This is an ordinance that was recommended to us from the Planning Board. It imposes a nonresidential development fee of two and a half percent and permits the collection of COAH fees.

I -- I will comment that we are aware that the legislature has introduced a bill eliminating the council on affordable housing. We don't know where
that's going to go in the interim.

However, this ordinance is necessary for us to be able to collect the development fees at this time.

Is there any member of the public that would like to address the Board with respect to this ordinance?

I move the public hearing be closed.

UNIDENTIFIED SPEAKER: Second.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye. I move the ordinance.

UNIDENTIFIED SPEAKER: Second.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.
MADAM CLERK: Commissioner Tueei?
COMMISSIONER TUCCI: Aye.
MADAM CLERK: Mayor Cocehiola?
MAYOR COCEHIOLA: Aye. Resolutions, Commissioner Scarpeelli for you and Commissioner Petraeco?
COMMISSIONER SCARPELLI: I'll do both of them Mayore.
MAYOR COCEHIOLA: Thank youe.
COMMISSIONER SCARPELLI: Whereas, there exists a need for specialized professional services for sanitary sewer collection system operator in the Township of Nutley, County of Essex, State of New Jersey;
Whereas, funds are available from 10-01e420-209 have been certified by the chief financial officer, said certification be attached to this resolution.
Whereas, the public contracts law requires that notice with respect to the contracts for professional services awarded without competitive bids must be publicly advertised.
Now, therefore be resolved that a Board of Commissioner Township of Nutley, County of Essex, State of New Jersey, as follows:

1. Contracts shall be entered in between the Township of Nutley and Phiacore Incorporated, PO Box 7, Caldwell, New Jersey 07006 to be retained to provide services necessary for the day-to-day operations of the municipality for the annual fee not to exceed $3,000.

2. The contract is awarded without competitive bid as a professional service in accordance with the local public contract laws and is for a service performed by a person(s) authorized by law to practice a recognized professional service as regulated by law.

3. A copy of the resolution as well as the contract shall be placed on file with the township clerk.

4. A notice in accordance with the local public contracts law shall be posted in the Nutley Sun.
And move to resolution

UNIDENTIFIED SPEAKER: Seconde

MADAM CLERK: Commissioner

Scarpeelli?

COMMISSIONER SCARPELLI: Ayee

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Ayee

MADAM CLERK: Commissioner Tucci?

COMMISSIONER Tucci: Ayee

MADAM CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Ayee

COMMISSIONER SCARPELLI: Here,

resolved by the Board of Commissioners

Township of Nutley, County of Essex, New

Jersey that in accordance with the

provision of RS 48:4-59, the following

transfer(s) of 2009 appropriation

reserves be and the same are hereby

authorized and approved:

From Water Operations salary and

wages $3,000, to Passaic Valley Water

$3,000 I move the resolution

UNIDENTIFIED SPEAKER: Seconde

MADAM CLERK: Commissioner

Scarpeelli?
COMMISSIONER SCARELLI: Ayee
MADAM CLERK: Commissioner Evans?
COMMISSIONER EVANS: Ayee
MADAM CLERK: Commissioner Tucci?
COMMISSIONER TUCCI: Ayee
MADAM CLERK: Mayor Cocchiola?
MAYOR COCCHIOLA: Ayee

COMMISSIONER SCARELLI: Whereas,

the Township of Nutley supports the
development and installation of traffic
calming measures as means of managing
traffic speeds on all streets within the townshiep;

Whereas, the proper installations of
yield to pedestrian in crosswalk signs
on/or within public streets has been
demonstrated to be an effective means of
improving pedestrian safety;

And, whereas, the intersection of
Franklin Avenue and Church Street is
under the jurisdiction of Essex County as
determined by the Essex County engineers,
and meets New Jersey Department of
Transportation standards for installation
of "Yield to Pedestrian" signs;
And, whereas, the condition to the placement of the "Yield to Pedestrian" signs on county roads, County of Essex requires the municipality accept responsibility for installation, maintenance and/or replacement of such signs on county roads within the municipality;

Now, therefore, it be resolved that the Board of Commissioners Township of Nutley, County of Essex, New Jersey that the township accept responsibility for the installation, maintenance, replacement, all costs related to it all "Yield to Pedestrian" signs installed, or to be installed on county roads within the township and the Township of Nutley agrees to hold the County of Essex harmless for any claims placed in such signs in county roadways within the Township of Nutley I move the resolution.

UNIDENTIFIED SPEAKER: Sec "

UNIDENTIFIED SPEAKER: Seconde

MADAM CLERK: Commissioner
Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Ayee

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Ayee

MADAM CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Ayee

COMMISSIONER SCARPELLI: Whereas the Township of Nutley wishes to purchase two 2010 Ford Crown Victoria police cars from an authorized vendor under the Morris County Cooperative Purchasing Program;

Whereas, the purchase of goods and services by local contracting units authorized by the local public contracts law;

And whereas, Warnock Fleet, 175 Route 10, East Hanover, New Jersey, is an authorized vendor under the Morris County Cooperative Purchasing Program;

Whereas, the projected costs for the purchase of two 2010 Ford Crown Victoria police cars is not expected to exceed $48,887.40.
Whereas, the utilization of this contract is recommended on the grounds that it represents the best price available;

Whereas, funds are available from account 10-01-332-200 and have been certified by the chief financial officer, said certification be attached to this resolution;

And, whereas, N.J.A.C. 5:4:7 requires the purchase made under the Morris County Cooperative Purchasing Program which individually or collectively exceeds the statutory limit of $21,000 be authorized by resolution,

Now, it therefore be resolved that the Board of Commissioners, Township of Nutley that Warnock Fleet be awarded the contract for purchase of two Ford Crown Victoria police cars in accordance with local public contracts law.

I move the resolution.

UNIDENTIFIED SPEAKER: Second.

MADAM CLERK: Commissioner
Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Ayee

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Ayee

MADAM CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Ayee

MAYOR COCCHIOLA: That's all I have Mayor.

MAYOR COCCHIOLA: Thank you, Commissioner Evans?

COMMISSIONER EVANS: Thank you Mayor.

Resolution appointing David Berry, zoning official.

Whereas, among other things, it is the duty -- duty of the zoning officer to enforce the township zoning ordinance, keep a record of all applications for zoning permits and a record of all permits issued in, conditions imposed, if any, under the Site Plan Ordinance;

And, whereas, David Berry has certified -- has been certified as the
zoning official for the township.

Now, therefore, be resolved by the governing body of the Township of Nutley in the County of Essex that David Berry is hereby appointed Zoning Official of the Township of Nutley pursuant to and accordance with the code of the Township of Nutley.

So moved.

UNIDENTIFIED SPEAKER: Seconded.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Ayee.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Ayee.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Ayee.

MADAM CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Ayee.

COMMISSIONER EVANS: Be it resolved -- be it resolved by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey that the treasurer being chief hereby authorized to refund overpayments
of property taxes in the amount of $2,111,90 for the year 2010 for the following accounts, Block 2, Lot 5304, $2,111,90.

So Moved.

UNIDENTIFIED SPEAKER: Second.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPETTI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

COMMISSIONER EVANS: Whereas, the Township of Nutley pursuant to N.J.S.A. 48:1-11 may by resolution and without advertising for bids purchase any goods or services under an approved County Cooperative Purchasing Program.

Whereas, the Township of Nutley has a need on a timely basis to purchase goods and services utilized -- utilizing the Morris County Cooperative Purchasing
Program;

And, whereas, the Township of Nutley intends to enter into contracts with the attached referenced Morris County contract vendors through this resolution and properly executed contracts which shall be subject to all the conditions applicable to the current Morris County contracts;

Now, therefore, be it resolved that the Township of Nutley authorizes the purchasing agent to purchase certain goods and services from those approved by the county as it -- Morris County Coop vendors on the attached list pursuant to all conditions of individual county contracts;

And where it be -- be further resolved that the governing body of the Township of Nutley pursuant to NJA -- N.J.A.C. 5:80e5.5(b) the certification of available funds shall either ver -- certify the full maximum amount against the budget at the time that the contract is ordered or no contract shall be
chargeable or certified until such time
as the good or services ordered or -- or
otherwise called or prior to placing the
order and certification of availability
of funds is made by the chief financial
officer;

And, be it further resolved that the
duration of the contracts between the
Township of Nutley and the referenced
Morris County Cooperative Purchasing
Program Vendors shall be from January 1,
2010 to -- through December 31st, 2010.

There's an error in the date on the
resolution just I'm correcting as we speake. It was referenced by mistake to
2009e

So moved.

UNIDENTIFIED SPEAKER: Second.
MADAM CLERK: Commissioner
Scarpelli?

COMMISSIONER SCARPELLI: Ayee
MADAM CLERK: Commissioner Evans?
COMMISSIONER EVANS: Ayee
MADAM CLERK: Commissioner Tucci?
COMMISSIONER TUCCI: Ayee
MADAM CLERK: Mayor Cocchiola?

MAJOR COCCHIOLA: Ayee

COMMISSIONER EVANS: Whereas the
Township of Nutley, pursuant to N.J.S.A.
40A:41-12a and N.J.A.C. 5.34-27.29(c),
made by resolution without advertising
for bids, purchase any goods or services
under the State of New Jersey Cooperative
Purchasing Program for any state
contracts entered into on behalf of the
state by the Division of Purchase and
Property and the Department of the
Treasury.

And, whereas, the Township of Nutley
has a need on a timely basis to purchase
goods or services utilizing state
contracts.

And, whereas, the Township of Nutley
intends to enter into contracts with the
attached Referenced State Contract
Vendors through this resolution and
properly executed contracts shall be
subject to all conditions applicable to
the current state contracts.

Now, therefore, be it resolved that
the Township of Nutley authorizes the purchasing agent to purchase certain good or services from those approved New Jersey State Contract Vendors on the attached list pursuant to all conditions of the individual state contracts;

And, be it further resolved, that the governing body of the Township of Nutley pursuant to N.J.A.C. 5:80-5.5(b)(4), the certification of available funds shall either certify the full amount against the budget at the time that the contract is ordered or no contract amount shall be chargeable or certified until such time as the good or services are ordered or otherwise called or prior to placing the order and certification of available funds is made by the chief financial officer;

And, be it further resolved that the duration of the contract between the Township of Nutley and the referenced State Contract Vendors shall be from January 1, 2010 through December 31st, 2010.
So moved.

UNIDENTIFIED SPEAKER: Seconded.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Ayee.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Ayee.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Ayee.

MADAM CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Ayee.

COMMISSIONER EVANS: Thank you, Mayor.

MAYOR COCCHIOLA: Thank you, Commissioner Tucci?

COMMISSIONER Tucci: Yes.

Whereas, the Township of Nutley has the need for insurance coverage on behalf of the township, and

Whereas said services may be acquired as in insurance services pursuant to the provisions of the Local Public Contracts Law N.J.S.A. 48:11e 5(1)(m);

And, whereas, Premier Vision Care,
PO Box 1591, Livingston, New Jersey, submitted a proposal indicating that they would provide the services for a sum of $2,040;

And, whereas, the anticipated term of this contract is from February 1, 2010 to February 1, 2011;

And, whereas, funds are available from account 226-24 and have been certified by the chief financial officer,

Now, therefore, be it resolved by the Board of Commissioners of the Township of Nutley, in the County of Essex in the State of New Jersey as follows:

1. The contract is awarded without competitive bidding as an "Insurance Coverage Purchase" in accordance with Local Public Contract Laws N.J.S.A. 48:11-5@1(m).

2. A copy of this resolution as well as the contract shall be placed on file with the Township Clerk, and

3. A notice in accordance with the Local Public Contracts Law of New Jersey
shall be published in the Nutley Sun.

I move the resolution

UNIDENTIFIED SPEAKER: Second.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

COMMISSIONER TUCCI: Whereas, sealed bids for the complete furnishing and installation of one twin jack oil hydraulic passenger elevator in the Public Safety Building were open and read on November 25th, 2009;

And, whereas, the Township of Nutley desires to substantially revise the specifications for the goods and services;

And, whereas N.J.S.A. 40A:12:13 permits the rejection of all bids under such circumstances;
Now, therefore, be it resolved by the Board of Commissioners of the
Township of Nutley that the bids advertised, received and opened for the
public safety elevator is hereby rejected and

Be it further resolved, that the Township Clerk be and she is hereby
authorized to again advertise for sealed bids for the complete furnishing and
installation of one twin jack oil hydraulic passenger elevator in the
public safety building; and

Be it further resolved, that bids are to be received on Thursday, February
18th, 2010, in the Commission Chambers, Township Hall at 3:00 p.m. at which time
they will be open and read.

I move the resolution.

UNIDENTIFIED SPEAKER: Second.

MADAM CLERK: Commissioner Scarpeelli?

COMMISSIONER SCARPEELLI: Ayee

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Ayee
MADAM CLERK: Commissioner Tucci?
COMMISSIONER TUCCI: Aye.
MADAM CLERK: Mayor Cocchiola?
MAYOR COCCHIO: Aye.
COMMISSIONER TUCCI: That's all I have, Mayor.
MAYOR COCCHIO: Thank you.
Whereas, diseases of the heart are the nation's leading cause of death and stroke is the third leading cause of death.
Whereas, cardiovascular diseases claim the lives of nearly 455,000 Americans each year or about one death per minute;
Whereas, fifty-three percent of all cardiovascular disease death occur in females as compared to forty-seven percent in men, and nearly 30,000 more females then males die from a stroke;
Whereas, in 2009 the estimated direct and indirect cost of cardiovascular disease and stroke is estimated and 475 billion dollars;
Whereas more women die of...
cardiovascular disease than the next five leading causes of death combined, including all cancers;

Whereas, one in two point seven women die from cardiovascular disease;

Whereas, February is designated as American Heart Month;

Whereas, Go Red for Women is the American Heart Association’s national movement to make women aware of their risk for heart disease as leading cause of death for women and to empower women to make choices and take action to reduce that risk;

Whereas, all women should learn their own personal risk for heart disease using tools such as the American Heart Association’s Go Red for Women heart checkup, Go Red Better You, and by talking to their health care provider;

Therefore, let it be resolved that the Board of Commissioners of the Township of Nutley in recognition of the importance of the ongoing fight against
heart disease and stroke hereby proclaim
Friday, February 5th, 2010, to be
"National Wear Red Day for Women" and
urges all citizens to "go red" for the
day and wear red on February 5th, 2010,
to call attention to the magnitude of
cardiovascular disease in women and as a
show of support to fight it, as well as
in recognition of family, friends and
neighbors who have suffered from
cardiovascular disease. By increasing
awareness of the risk factors for this
devastating disease and taking action --
to reduce them we can save
thousands of lives each year.
I move the resolution.

UNIDENTIFIED SPEAKER: Second.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Ayee

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Ayee

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Ayee

MADAM CLERK: Mayor Cocchiola?
MAJOR COCCHIOLA: Aye.

And I might mention also that my office does have the Go Red, Wear Red pins available for anyone who would like to contribute to the American Heart Association and wear red next Friday.

Whereas, raffle applications have been received from the following organizations: Saint Mary's Roman Catholic Church, license number 14-10 for an "Off Premise 50/50 Cash Raffle," June 11th, 2010;

Saint Mary's Roman Catholic Church Rosary Society, license number 15-10, "On Premise Merchandise Raffle," April 9th, 2010;

Saint Mary's Roman Catholic Church, license number 16-10, "On Premise 50/50 Cash Raffle," April 9th, 2010;

Washington School, license number 17-10, for an "On Premise 50/50 Cash Raffle," April 30th, 2010;

Washington School, license number 18-10, for an "On Premise Merchandise Raffle," April 30th, 2010;
Yantacaw School PTO, license number 19-10 and license number 20e10, for "On Premise 50/50 Cash Raffle, on April 9th, 2010, and March 27th 2010.

Whereas, the applications have been reviewed and approved by the Municipal Clerk and the Police Department;

Therefore, be it resolved by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey that the aforementioned licenses are approved and the Municipal Clerk is authorized to issue the licenses.

I move the resolution

UNIDENTIFIED SPEAKER: Second.

MADAM CLERK: Commissioner Scarpeelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

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

There is not --

UNIDENTIFIED SPEAKER: Move to close the public hearing.

MAJOR COCCIOÉ: -- this -- this meeting will not be adjourned, we will --

UNIDENTIFIED SPEAKER: It's going to be continued.

MAJOR COCCIOÉ: -- commence on Friday at 2 o'clock. So the meeting will be continued. There are several business matters that the Board has to address with regard to our garbage hauler. We'll do that on Friday at 2 o'clock. Thank you.

UNIDENTIFIED SPEAKER: That's a wrap.

(End of audio)
CERTIFICATION

I, Maya Spinner, 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:

March 1, 2010.

Maya Spinner
Resolution

Introduced by: Commissioner Joseph P. Scarpelli  Date: January 26, 2010
Seconded by: Commissioner Evans

Whereas, there exists a need for specialized professional services for a Sanitary Sewer Collection System Operator in the Township of Nutley, County of Essex, State of New Jersey; and

Whereas, funds are available from 10-01-420-209, and have been certified by the Chief Financial Officer, said certification being attached to this resolution; and

Whereas, the Local Public Contracts Law (N.J.S.A. 40A: 11-1, et seq.) requires that notice with respect to Contracts for Professional Services awarded without competitive bids must be publicly advertised;

Now Therefore, Be It Resolved by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey as followse:

1. A Contract shall be entered into between the Township of Nutley and Phiacore Inc., P.O. Box 7, Caldwell, New Jersey 07006 to be retained to provide services necessary for the day to day operation of the municipality for an annual fee not to exceed $3,000.00.
2. The Contract is awarded without competitive bidding as a "Professional Service" in accordance with Local Public Contract Laws (N.J.S.A. 40A: 11-1, et seq.), and is for a service performed by a person(s) authorized by law to practice a recognized professional that is regulated by law.
3. A copy of this resolution as well as the Contract shall be placed on file with the Township Clerk.
4. A notice in accordance with the Local Public Contracts Law of New Jersey shall be published 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 26, 2010.

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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 2009 Appropriation Reserves be and the same are hereby authorized and approved:

**DEPARTMENT OF PUBLIC WORKS & WATER**

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<td>Water Op. S/W</td>
<td>Passaic Valley Water</td>
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<td>9-05-705-200</td>
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Resolution

Recommended by: Commissioner J. Scarpelli FOR Commissioner Petracco Date: January 26, 2010
Seconded by: Commissioner Tucci No. 23-10

Resolution Accepting Responsibility for the Installation, Maintenance and Replacement of “Yield to Pedestrian” Signs on County Roads

WHEREAS, the Township of Nutley supports the development and installation of traffic calming measures as a means of managing traffic speeds on all streets with the Township; and
WHEREAS, the proper installation of “Yield to Pedestrian in Crosswalk” signs on and within public streets has been demonstrated to be an effective means of improving pedestrian safety; and
WHEREAS, the intersection of Franklin Avenue and Church Street is under the jurisdiction of Essex County and has been determined by the Essex County Engineer to meet New Jersey Department of Transportation standards for installation of “Yield to Pedestrian” signs; and
WHEREAS, as a condition to the placement of “Yield to Pedestrian” signs on County Roads, the County of Essex requires that municipalities accept responsibility for installation, maintenance and/or replacement of such signs on County roads within the municipality;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, in the County of Essex, New Jersey that the Township of Nutley accepts responsibility for the installation, maintenance, replacement and all other costs related to all “Yield to Pedestrian” signs installed, or to be installed on County Roads within the Township, and the Township of Nutley agrees to hold the County of Essex harmless from any claims related to placement of such signs on County Roadways within 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 26, 2010.

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WHEREAS, the Township of Nutley wishes to purchase two 2010 Ford Crown Victoria police cars from an authorized vendor under the Morris County Cooperative Purchasing Program; and

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Public Contracts Law, N.J.S.A. 40A:11-12; and

WHEREAS, Warnock Fleet, 175 Route 10, E. Hanover, NJ 07936 is an authorized vendor under the Morris County Cooperative Purchasing Program; and

WHEREAS, the projected cost for the purchase of two 2010 Ford Crown Victoria police cars is expected not to exceed $48,887.40; and

WHEREAS, the utilization of this contract is recommended on the grounds that it represents the best price available; and

WHEREAS, funds are available from account 10-01-332-200 and have been certified by the Chief Financial Officer, said certification being attached to this resolution; and

WHEREAS, N.J.A.C.5:34-7.29 requires that purchases made under the Morris County Cooperative Purchasing Program, which individually or cumulatively exceed the statutory limit of $21,000 be authorized by resolution;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Nutley that Warnock Fleet be awarded a contract for the purchase of two Ford Crown Victoria police cars in accordance with the Local Public Contract Law, N.J.S.A.40A:11-12.

Record of Vote

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BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Commissioner Thomas J. Evans  Date: January 26, 2010
Seconded by: Commissioner Tucci  No. 22-10

RESOLUTION APPOINTING DAVID BERRY ZONING OFFICIAL

WHEREAS, among other things, it is the duty of the Zoning Officer to enforce the Township zoning Ordinance, keep a record of all applications for zoning permits and a record of all permits issued and conditions imposed, if any, under the Site Plan Ordinance; and

WHEREAS, David Berry has been certified as a Zoning Official for the Township.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Nutley in the County of Essex, that David Berry is hereby appointed Zoning Official of the Township of Nutley pursuant to and in accordance with the Code of the Township of Nutley.

[Signature]

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 26, 2010.

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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 property taxes in the amount of $2,211.90 from the year 2010 for the following accounts.

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<tr>
<th>Block &amp; Lot</th>
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<tr>
<td>2 5304</td>
<td>165 Raymond Ave.</td>
<td>$2,211.90</td>
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I, [Township Clerk], 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 26, 2010.

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[Signature]

[Date]: January 26, 2010

No. 24-10
BOARD OF COMMISSIONERS  
Township of Nutley, New Jersey  

Resolution  

Introduced by: t Commissioner Thomas J. Evans t t t t Date: January 26, 2010  

Seconded by: t Commissioner Tucci t t t t t t No. 25-10 t t  

WHEREAS, the Township of Nutley, pursuant to N.J.S.A. 40A:11-11 may by resolution and without advertising for bids, purchase any goods or services under an approved County Cooperative Purchasing Program; and  

WHEREAS, the Township of Nutley has the need on a timely basis to purchase goods or services utilizing the Morris County Cooperative Purchasing Program; and  

WHEREAS, the Township of Nutley intends to enter into contracts with the attached Referenced Morris County Contract Vendors through this resolution and properly executed contracts, which shall be subject to all the conditions applicable to the current Morris County contracts;  

NOW, THEREFORE, BE IT RESOLVED, that the Township of Nutley authorizes the Purchasing Agent to purchase certain goods or services from those approved Morris County Co-op vendors on the attached list, pursuant to all conditions of the individual County contracts; and  

BE IT FURTHER RESOLVED, that the governing body of the Township of Nutley pursuant to N.J.A.C. 5:30-5.5(b), the certification of available funds, shall either certify the full maximum amount against the budget at the time the contract is awarded, or no contract amount shall be chargeable or certified until such time as the goods or services are ordered or otherwise called for prior to placing the order, and a certification of availability of funds is made by the Chief Finance Officer; and  

BE IT FURTHER RESOLVED that the duration of the contracts between the Township of Nutley and the Referenced Morris County Cooperative Purchasing Program Vendors shall be from January 1, 2010 to December 31, 2010  

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 26, 2010.  

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BOARD OF COMMISSIONERS  
Township of Nutley, New Jersey  

Resolution  

Introduced by: Commissioner Thomas J. Evans  
Seconded by: Commissioner Tucci  

Date: January 26, 2010  

WHEREAS, the Township of Nutley, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and  

WHEREAS, the Township of Nutley has the need on a timely basis to purchase goods or services utilizing State contracts; and  

WHEREAS, the Township of Nutley intends to enter into contracts with the attached Referenced State Contract Vendors through this resolution and properly executed contracts, which shall be subject to all the conditions applicable to the current State contracts;  

NOW, THEREFORE, BE IT RESOLVED, that the Township of Nutley authorizes the Purchasing Agent to purchase certain goods or services from those approved New Jersey State Contract Vendors on the attached list, pursuant to all conditions of the individual State contracts; and  

BE IT FURTHER RESOLVED, that the governing body of the Township of Nutley pursuant to N.J.A.C. 5:30-5.5(b), the certification of available funds, shall either certify the full maximum amount against the budget at the time the contract is awarded, or no contract amount shall be chargeable or certified until such time as the goods or services are ordered or otherwise called for prior to placing the order, and a certification of availability of funds is made by the Chief Finance Officer; and  

BE IT FURTHER RESOLVED that the duration of the contracts between the Township of Nutley and the Referenced State Contract Vendors shall be from January 1, 2010 to December 31, 2010  

[Signatures]  

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 26, 2010.  

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BOARD OF COMMISSIONERS
Township of Nutley, New Jersey

Resolution

Introduced by: Commissioner Mauro G. Tucci

Seconded by: Commissioner Thomas Evans

WHEREAS, the Township of Nutley has the need for insurance coverage on behalf of the Township; and

WHEREAS, such services may be acquired as a insurance services pursuant to the provisions of the Local Public Contracts Law N.J.S.A. 40A:11-5 (1)(m); and

WHEREAS, Premier Vision Care, P.O. Box 1591, Livingston, N.J. 07039 submitted a proposal indicating they will provide the services for the sum of $2,040.00; and

WHEREAS, the anticipated term of this contract is from February 1, 2010 to February 1, 2011; and

WHEREAS, funds are available from account #226-245 and have been certified by the Chief Financial Officer.

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

1. The Contract is awarded without competitive bidding as an "Insurance Coverage Purchase"
   in accordance with Local Public Contract Laws (N.J.S.A.40A: 11-5 (1)(m)
2. A copy of this resolution as well as the Contract shall be placed on file with the Township Clerk.
3. A notice in accordance with the Local Public Contracts Law of New Jersey shall be published in the Nutley Sun.

______ 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 26, 2010.

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BOARD OF COMMISSIONERS
Township of Nutley, New Jersey

Resolution

Introduced by: Commissioner Mauro G. Tucci Date: January 26, 2010

Seconded by: Commissioner Evans No. 28-10

WHEREAS, sealed bids for the complete furnishing and installation of one twin jack oil hydraulic passenger elevator in the Public Safety Building were opened and read on November 25, 2009; and

WHEREAS, the Township of Nutley desires to substantially revise the specifications for the goods and services; and

WHEREAS, N.J.S.A. 40A:11-13.2 permits the rejection of all bids under such circumstances,

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Nutley that the bid heretofore advertised, received and opened for the Public Safety Elevator is hereby rejected; and

BE IT FURTHER RESOLVED, that the Township Clerk be and is hereby authorized to again advertise for sealed bids for the complete furnishing and installation of one twin jack oil hydraulic passenger elevator in the Public Safety Building; and

BE IT FURTHER RESOLVED, that bids are to be received on Thursday, February 18, 2010, in the Commission Chambers, Township Hall at 3:00 pm (prevailing time) at which time they will be opened and read.

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 26, 2010.

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<td>Absent/Excused</td>
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</tbody>
</table>
WHEREAS, diseases of the heart are the nation's leading cause of death and stroke is the third leading cause of death;

WHEREAS, cardiovascular diseases (CVD) claim the lives of nearly 455,000 American females each year or about one death per minute;

WHEREAS, each year, 53 percent of all cardiovascular disease deaths occur in females, as compared to 47 percent in men, and nearly 30,400 more females than males die from a stroke;

WHEREAS, in 2009 the estimated direct and indirect cost of cardiovascular disease and stroke in the U.S. is estimated at $475 billion;

WHEREAS, more women die of cardiovascular disease than the next five leading causes of death combined, including all cancers;

WHEREAS, one in 2.7 women die from cardiovascular disease that the next five leading causes of death combined, including all cancers;

WHEREAS, February is designated as American Heart Month;

WHEREAS, Go Red For Women® is the American Heart Association’s national movement to make women aware of their risk for heart disease – the leading cause of death for women – and to empower women to make choices and take action to reduce that risk;

WHEREAS, all women should learn their own personal risk for heart disease, using tool such as the American Heart Association’s Go Red For Women Heart Check Up, Go Red Better U and by talking to their healthcare provider;

NOW THEREFORE, LET IT BE RESOLVED, that the Board of Commissioners of the Township of Nutley, in recognition of the importance of the ongoing fight against heart disease and stroke, hereby proclaim Friday, February 5, 2010 to be “National Wear Red Day for Women”

and urges all citizens to “go red” for the day and wear red on February 5, 2010 to call attention to the magnitude of cardiovascular disease in women, and as a show of support to fight it, as well as in recognition of family, friends and neighbors who have suffered from cardiovascular disease. By increasing awareness of the risk factors for this devastating disease and taking action to reduce them, we can save thousands of lives each year.

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 26, 2010
Resolution

Introduced by: Mayor Joanne Cocchiola               Date: January 26, 2010
Seconded by: Commissioner Tucci                   No. 26-10

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

<table>
<thead>
<tr>
<th>Organization</th>
<th>License No.</th>
<th>Type</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>St. Mary's RC Church</td>
<td>14-10</td>
<td>&quot;Off-Premise 50/50 Cash Raffle&quot;</td>
<td>June 11, 2010</td>
</tr>
<tr>
<td>St. Mary's RC Church</td>
<td>15-10</td>
<td>&quot;On-Premise Merchandise Raffle&quot;</td>
<td>April 9, 2010</td>
</tr>
<tr>
<td>Rosary Society</td>
<td>16-10</td>
<td>&quot;On-Premise 50/50 Cash Raffle&quot;</td>
<td>April 9, 2010</td>
</tr>
<tr>
<td>HSA Washington School</td>
<td>17-10</td>
<td>&quot;On-Premise 50/50 Cash Raffle&quot;</td>
<td>April 30, 2010</td>
</tr>
<tr>
<td>HSA Washington School</td>
<td>18-10</td>
<td>&quot;On-Premise Merchandise Raffle&quot;</td>
<td>April 30, 2010</td>
</tr>
<tr>
<td>Yantacaw School/ PTO</td>
<td>19-10</td>
<td>&quot;On-Premise 50/50 Cash Raffle&quot;</td>
<td>April 9, 2010</td>
</tr>
<tr>
<td>Yantacaw School/PTO</td>
<td>20-10</td>
<td>&quot;On-Premise 50/50 Cash Raffle&quot;</td>
<td>March 27, 2010</td>
</tr>
</tbody>
</table>

WHEREAS, the applications have been reviewed and approved by the Municipal Clerk and the Police Department.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey that the aforementioned licenses are approved and the Municipal Clerk is authorized to issue the licenses.

Evelyn Rosato, RMC, CMC, 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 26, 2010.

Record of Vote

<table>
<thead>
<tr>
<th>Record of Vote</th>
<th>Commissioner Scarrelli</th>
<th>Commissioner Petracco</th>
<th>Commissioner Evans</th>
<th>Commissioner Tucci</th>
<th>Mayor Cocchiola</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>X</td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
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<td>No</td>
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<tr>
<td>Not Voting</td>
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<tr>
<td>Absent/Excused</td>
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<td>X</td>
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</tbody>
</table>
A continued meeting of January 26, 2010 was held on Friday, January 29, 2010 at 2:00 P.M.

ROLL CALL:
Commissioner Scarpelli - Present
Commissioner Petracco - Present – Absent/Excused
Commissioner Evans - Present
Commissioner Tucci - Present
Mayor Cocchiola - Present

The following resolutions were adopted:

No. 31-10
WHEREAS, N.J.S.A. 40A:11-6 provides for an exception to public bidding in the event of an emergency affecting the public health, safety or welfare; and

WHEREAS, Scuffy Carting, Inc. which collects solid waste from the Township, is in breach of its contract with the Township and has, after a hearing been declared in default and the Contract terminated; and

WHEREAS, the Mayor has notified the purchasing agent in writing of the need for the performance of the Contract, the notice of the emergency and the need for involving this exception; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that a certified emergency exists as a result of the breach of Contract by Scuffy Contracting, Inc.; and

BE IT FURTHER RESOLVED that the provision of goods and services may be awarded without competitive bidding in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a), because a certified emergency exists; and

BE IT FURTHER RESOLVED that the Mayor of the Township of Nutley is hereby authorized to negotiate and execute Contracts on behalf of the Municipality; and

BE IT FURTHER RESOLVED that a copy of this Resolution, as well as the Contract, shall be placed on file with the Clerk of the
No. 32-10
WHEREAS, the solid waste contract with Scuffy Carting, Inc. has been terminated; and

WHEREAS, an emergency exists affecting the public health; and

WHEREAS, any contract may be negotiated and awarded without bidding therefore when an emergency affecting public health exists and the immediate delivery of services is needed; and

WHEREAS, funds are available for this purpose in an appropriation entitled 0-01-138-200 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 an emergency contract for Solid Waste Removal be awarded to Waste Industries, LLC, 800 East Grand Street, Elizabeth, New Jersey for a period not to exceed 90 days and subject to provision of a bond of a surety company qualified to do business in the State of New Jersey, conditioned on the faithful performance of the contract and for a term equal to the contract period and in an amount of the contract price; insurance for the life of the contract for comprehensive, general and contractual liability insurance, comprehensive automobile liability and works compensation insurance in amounts acceptable to the Board of Commissioners and satisfactory evidence that they are not delinquent in Federal or State taxes and are current in all financial obligations.

BE IT FURTHER RESOLVED that funds in the sum not to exceed $168,000 or $56,000 per month shall be available to respond to such an emergency; and

BE IT FURTHER RESOLVED that a copy of this Resolution, as well as the Contract, shall be placed on file with the Clerk of the Township of Nutley; and a notice in accordance with the Local Public Contracts Law of New Jersey in the form attached hereto shall be published in the Nutley Sun.

Introduced by Mayor Cocchiola, seconded by Commissioner Scarpelli. All ayes on a roll call vote. Commissioner Petracco absent/excused
ADJOURNMENT:
Motion to adjourn by Commissioner Evans, seconded by Commissioner Tucci. Meeting adjourned.

ATTEST:

Evelyn Rosario, RMC
Municipal Clerk

Commissioner Joseph P. Scarpelli
Commissioner Alphonse Petracco
Commissioner Thomas J. Evans
Commissioner Mauro G. Tucci

Mayor Joanne Cocchiola