TOWNSHIP OF NUTLEY, NEW JERSEY
BOARD OF COMMISSIONERS

PUBLIC MEETING
TRANSCRIPT OF PROCEEDINGS:

March 2, 2010
7:15 p.m.

BEFORE:
Mayor Cocchiola
Commissioner Evans
Commissioner Petracco
Commissioner Scarpelli - Absent/Excused
Commissioner Tucci
Township Clerk Rosario
Job No. NJ258324
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MAYOR COCCHIOLA: Could we get going?

MADAM CLERK: Yes. Mayor, are we ready with everything?

MAYOR COCCHIOLA: Yes.

MADAM CLERK: Tuesday, March 2nd, 2010. 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 the Nutley Sun, the Journal, the Star Ledger and the Herald News. A copy of this notice has been posted on the Nutley Town Hall bulletin board and a copy is on file in the municipal clerk's office. Commissioner Scarpelli is absent. Commissioner Petracco?

COMMISSIONER PETRACCO: Here.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Here.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Here.

MADAM CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Here.

MADAM CLERK: All present, Mayor,
with the exception of Commissioner Scarpelli.

MAYOR COCCHIOLA: Thanks.

Commissioner Scarpelli just has one report that I'll just mention and move into the record.

UNIDENTIFIED COMMISSIONER: And he's absent/excused?

MAYOR COCCHIOLA: He's absent/excused. Commissioner Evans, okay?

UNIDENTIFIED COMMISSIONER: I was just interested.

COMMISSIONER EVANS: I just have an introduction of an ordinance to add some stops -- stop signs and -- at certain intersections. And I have two resolutions: one, to refund some COAH fees in the amount of 550 dollars, and the other is the reappointment of Mark Hendricks for appraisal services to do tax court appeals, added assessments which we do each year.

UNIDENTIFIED COMMISSIONER: Is one of those intersections Monsignor Owens
and St. Mary's Place?

COMMISSIONER EVANS: Yeah.

UNIDENTIFIED COMMISSIONER: Good.

COMMISSIONER EVANS: Yeah, I just read that.

MAYOR COCCHIOLA: Mr. Tucci?

COMMISSIONER TUCCI: I have two resolutions: Once again, awarding the contract for the elevator in the Public Safety Building. Seems like we do this every couple of meetings.

UNIDENTIFIED COMMISSIONER: Yes.

COMMISSIONER TUCCI: I think we got it right this time.

UNIDENTIFIED COMMISSIONER: Thank you.

COMMISSIONER TUCCI: And second, is a resolution just basically restating that the Nutley Emergency Rescue Squad is an additional insured under the Township's insurance. And that's it.

MAYOR COCCHIOLA: Mr. Petracco?

COMMISSIONER PETRACCO: I have one author -- one resolution, excuse me, to transfer sick time, and I have another
resolution for -- to authorize an
agreement -- maintenance of computer
hardware. And that's all I have.

MAYOR COCCHIOLA: I have one report
for our monthly activities for February.
And two resolutions: one, for raffle
licenses, and one, commemorating March as
Women's History Month. And that is all I
have. And that's it. So, we can move
inside?

UNIDENTIFIED COMMISSIONER: Yup.

MAYOR COCCHIOLA: Anybody have
anything else? Parade is Saturday;
everybody has their instructions, right?
(Off the record from 7:18 p.m.-7:22 p.m.)
(Audio occasionally fades out and words
are indiscernible, 7:22 p.m.-7:40 p.m.)

MAYOR COCCHIOLA: Madam Clerk, can I
ask you to please reread the Sunshine
Notice?

MADAM CLERK: Yes, Mayor. Tuesday,
March 2nd, 2010. 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 the Nutley Sun, the Journal, the Star Ledger and the Herald News. A copy of this notice has been posted on the Nutley Town Hall bulletin board and a copy is on file in the municipal clerk's office.
Commissioner Scarpelli is absent/excused.
Commissioner Petracco?

COMMISSIONER PETRACCO: Here.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Here.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Here

MADAM CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Here.

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

MAYOR COCCHIOLA: Thank you. I think there's some minutes to approve?

MADAM CLERK: Yes, Mayor. I have meeting minutes for meeting held October 6th, October 20th, November 5th, November 17th, December 1st, December 15th, and December 31st.
COMMISSIONER TUCCI: I'll move it.
COMMISSIONER PETRACCO: Second.
MADAM CLERK: Commissioner Scarpelli is absent. Commissioner Petracco?
COMMISSIONER PETRACCO: Aye.
MADAM CLERK: Commissioner Evans?
COMMISSIONER EVANS: Evelyn, there's a couple that I signed that --
MADAM CLERK: Okay, Commissioner, I'll make a -- Commissioner Tucci?
COMMISSIONER TUCCI: Aye.
MADAM CLERK: Mayor Cocchiola?
MAYOR COCCHIOLA: Aye.
All right. Let's move on to corr --
MADAM CLERK: Okay, Mayor, I have correspondence from the Van Riper House, Inc., seeking board approval to hold their 16th Annual Street Fair on Sunday, September 5th, 2010.
MAYOR COCCHIOLA: Mr. Hawkins (ph.), can we read them all, and then -- make one motion? Okay.
MADAM CLERK: Yeah.
MR. HAWKINS: If I can send just --
MADAM CLERK: Okay.
MR. HAWKINS: List them, maybe, just C, D, E, F and read them off, and I'll approve them.

MADAM CLERK: Okay, Mayor. So, under "Communications and Correspondence", A through F, Mayor, do you want me to just read them all --

MAYOR COCCHIOLA: Yes, please.

MADAM CLERK: -- and then do the vote?

MAYOR COCCHIOLA: Yes, please. Yes.

MADAM CLERK: Okay. The next -- item B, it's from the Holy Family Church, seeking approval to hold their 19th Annual Italian Festival, Thursday through Sunday, September 23rd through the 26th. Holy Family looking to hold a 50/50 raffle on Sunday, September 26th, 2010. Holy Family looking to hold a hourly 50/50 raffle on September 23rd through Sunday, September 26th. I have an application for a special permit affair for the Nutley Masonic Lodge Number 25, having a wine tasting on April 9, 2010. And I have the Nutley Elks Lodge
requesting permission to hold raffles
March 12th, 2010 through March 12th, 2011. And that's all for
"Correspondence", Mayor.

MAYOR COCCHIOLA: Motion to grant permission.

UNIDENTIFIED COMMISSIONER: Move it.
UNIDENTIFIED COMMISSIONER: Second.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Yes, aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

MADAM CLERK: Thank you, Mayor.

MAYOR COCCHIOLA: Thank you. We have two reports to enter into the record this evening: one of Commissioner Scarpelli's Department of Public Works reports for the months of October through January, and the Department of Public Affairs Monthly Activities report for
February.

MADAM CLERK: Bill List, Tuesday, March 2nd, 2010:

Public Affairs $105,036.71,
Revenue & Finance $2,134,433.02,
Public Safety $92,409.45,
Public Works $110,833.53,
Parks & Public Property $740,483.53,
Payroll as of March 5th, 2010,
$752,560.69,
for a grand total bill list of $3,935,756.93.

And that's all for bills, Mayor.

UNIDENTIFIED COMMISSIONER: Move the bills.

UNIDENTIFIED COMMISSIONER: Second.

MADAM CLERK: Commissioner Petracco?
COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Commissioner Evans?
COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Tucci?
COMMISSIONER TUCCI: Aye.

MADAM CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

MADAM CLERK: Thank you, Mayor.
MAYOR COCCHIOLA: Thank you.

Commissioner Evans, you have an ordinance.

COMMISSIONER EVANS: Yes, Mayor, thank you.

Ordinance number 3135, which I'll read by title: "AN ORDINANCE TO AMEND AN ORDINANCE CODIFIED IN THE CODE OF THE TOWNSHIP OF NUTLEY, CHAPTER 228, ENTITLED VEHICLES AND TRAFFICS, PARTICULARLY ARTICLE V (THROUGH STREETS; STOP AND YIELD INTERSECTIONS), SECTION 20 ENTITLED STOP INTERSECTIONS, TO ADD THE FOLLOWING LOCATIONS SET FORTH THEREIN". The intersection at Freeman Place and Friedland Road, Myrtle Avenue and Monsignor Owens Place, Oakcrest Place, Poplar -- this ordinance be passed to a second reading and advertised in the Nutley Sun together with a notice -- notice required by law, and then further consideration of said ordinance for final passage by the Board of Commissioners be held -- second reading on April 6th of --

UNIDENTIFIED COMMISSIONER: Second.
MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

Thank you. We have no public hearings this evening.

-- Petracco?

COMMISSIONER PETRACCO: Whereas Anthony Kulzy is employed by the Department of Public Safety. And, whereas, Anthony Kulzy has exhausted all of his available sick leave and other time due. And, whereas, four employees of the Department of Public Safety are desirous of transferring a total of six days of their accumulated sick leave to Anthony Kulzy. And, whereas, under the circumstances presented hereon and in view of Patrolman Kulzy's medical situation and his service to the Department of Public Safety, the Board of
Commissioners are desirous of accommodating this request.

Now, therefore, it be resolved by the Board of Commissioners, Township of Nutley in Essex, New Jersey, as follows: the following employees are permitted to transfer days to Anthony Kulzy: Deputy Chief Paul Mascolo, Officer Isaiah Cardinale, Officer James Baunhuber and Officer John Negra.

-- resolution.

COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER Tucci: Aye.

MADAM CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

COMMISSIONER PETRACCO: Whereas, N.J.S.A. 11-5(1)(dd) allows for an exception to public bidding for the provisions of performance of goods or services -- or the maintenance of
proprietary computer hardware and other
software. And, whereas, Law Soft, Inc.
has completed and submitted a Business
Entity Disclosure Certification which
certifies that they have not made any
reportable contributions to political or
a candidate committee in the Township of
Nutley in the previous one year, and that
the contract will prohibit them from
making any reportable contributions
throughout the term of the contract.
And, whereas, the funds are available
from account number 10-01-308-206, and
have been certified by the Chief
Financial Officer, said certification
being attached to this resolution.

Now, therefore, it be resolved by
the Board of Commissioners of the
Township of Nutley, County of Essex,
State of New Jersey, that the Director of
Public Safety be hereby authorized to
enter into an agreement with Law Soft,
Inc., 164 Rafkind Road, Bloomingdale, New
Jersey 07403, not to exceed 12,700 a year
for the purpose of acquiring required
proprietary computer software support. I move to --

COMMISSIONER EVANS: Second.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye. That's --

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

MAYOR COCCHIOLA: Thank you.

Commissioner Evans?

COMMISSIONER EVANS: Whereas, COAH fees were inadvertently collected for the following locations: Block 5702, Lot 16, 364 Bloomfield Avenue.

Now, therefore -- Board of Commissioners of the Township -- be refunded -- to Don Delli Paoli --

COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.
MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

COMMISSIONER EVANS: Whereas, the Township of Nutley has a need to acquire the services of a professional real estate appraiser to assist with real estate appraisals, tax appeals, and tax court -- complete the necessary procedures to ensure we capture added assessments arising -- activities from -- improvement activities in the Township of Nutley -- open contract pursuant -- N.J.S.A. 19 -- or 20.5, as appropriate. And, whereas, the tax assessor has determined -- value of the aggregate services provided by the vendor -- whereas, Hendricks Appraisal Company, LLC, 7 Hutton Avenue, West Orange, New Jersey has submitted a fee schedule for providing such services -- not to exceed 45 -- appraisal -- LLC -- certification
that certifies that they have not made any reportable -- or candidate committee in the Township of Nutley -- year, and that the contract will prohibit them from making any reportable contributions -- whereas, the funds are available from -- 05 and have been certified -- said certification being -- authorizes the Mayor to enter into a -- with Hendrick's Appraisal Company, LLC; and be it further resolved that the Business -- placed on file with this --

COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

MAYOR COCCHIOLA: Thank you.

COMMISSIONER TUCCI: Yes. Whereas, sealed bids were received February 18, 2010 for the furnishing and installation
of the twin jack oil hydraulic passenger
elevator in the Nutley Public Safety
Building. And, whereas, Arrow Elevators,
Inc., 4 Cecilia Court, Vernon, New Jersey
was the low bidder at 78,900 dollars;
and, whereas, funds are available from
CDBG-R 2008 (Recovery ACT) 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, the County of Essex,
the State of New Jersey, that a contract
be awarded to Arrow Elevators, Inc., not
to exceed 78,900 -- that the Mayor and
Township Clerk be and they are hereby
authorized to enter into and sign said
contract for the Township of Nutley. I
move the resolution.

COMMISSIONER EVANS: Second.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: I very
happily vote yes for that. Again, again.

MADAM CLERK: Commissioner Evans?
COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

COMMISSIONER TUCCI: Whereas, the Nutley Emergency Rescue Squad, Inc. has been providing Township residents with emergency services for fifty-seven years; and whereas, NVERS and the Township are parties to a Memorandum of Understanding which outlines the respective rights and obligations of each, and provides, among other things, Township discretion to provide financial and other support. Now, therefore, be it resolved by the Board of Commissioners of the Township of Nutley, that the Township restate its intention to have the NVERS named as an additional insured for workers' compensation, general liability, automobile liability, crime, public officials' liability, property and equipment breakdown including auto physical damage and volunteer director.
and officers' liability. I move the resolution.

MADAM CLERK: Commissioner Petracco?
COMMISSIONER PETRACCO: Aye.
MADAM CLERK: Commissioner Evans?
(No audible response)
MADAM CLERK: Commissioner Tucci?
COMMISSIONER TUCCI: Aye.
MADAM CLERK: Mayor Cocchiola?
MAYOR COCCHIOLA: Aye.
COMMISSIONER TUCCI: That's all I have, Mayor.

MAYOR COCCHIOLA: Thank you.

Whereas, raffle applications have been received from the following organizations: Holy Family Catholic Church, license number 26-10 for an on-premise 50/50 hourly cash raffle, September 23rd to 26th, 2010; Nutley Irish American Alliance, Inc., license number 27-10, on-premise 50/50 cash raffle, April 17th, 2010; and, the Nutley Elks Lodge 1290, license number 28-10, for an on-premise instant daily raffle, daily through March 2011. Whereas, the
applications have been reviewed and
approved by the Municipal Clerk -- excuse
me -- 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.

COMMISSIONER TUCCI: Second.
MADAM CLERK: Commissioner Petracco?
COMMISSIONER PETRACCO: Aye.
MADAM CLERK: Commissioner Evans?
COMMISSIONER EVANS: Aye.
MADAM CLERK: Commissioner Tucci?
COMMISSIONER TUCCI: Aye.
MADAM CLERK: Mayor Cocchiola?
MAYOR COCCHIOLA: Aye.
Whereas, in 1988, the month of March
was designated by the United States
Congress as "National Women's History
Month"; and, whereas, National Women's
History Month promotes the teaching of
women's history and the achievements of
women; and, whereas, it is important for
the residents of the Township to
recognize the growing contributions and
achievements of the women of the Township
of Nutley and the State of New Jersey.
Whereas, the Women's Initiative of Nutley
promotes the teaching of women's history,
and the interests of women in our
community, our state and our country.
Whereas, the Women's Initiative of Nutley
will host numerous events ranging from
cultural and educational programs to
social and networking programs during the
month of March. Now, therefore, be it
resolved that the Board of Commissioners
of the Township of Nutley commends the
efforts of the Women's Initiative of
Nutley and its members, and calls upon
all citizens of Nutley to observe the
month of March as Women's History Month
at which time all of the residents may
join in commemorating women, past and
present, who have rendered a service to
our nation, our state and our township.
So moved.
COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner Petracco?
COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Commissioner Evans?
COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Tucci?
COMMISSIONER TUCCI: Aye.

MADAM CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye. That concludes the regular business portion of our meeting this evening. Is there any member of the public who would like to address the board? All persons addressing the Board of Commissioners regarding community concerns should approach the microphone and provide their name and address for the record. Unless further time is granted by the board, each person shall limit their comments to five minutes. All remarks to the Board and its individual members must be addressed to the Mayor. The Mayor may defer citizen comments to the appropriate member of the Board. Dialogue between citizens and others addressing the Board
shall be allowed unless the Mayor or
presiding officer or the majority of the
membership of the Board shall determine
that the interest of decorum and/or the
expeditious conduct of municipal business
are being adversely affected by such
dialogue.

MR. MOORE: Rory Moore, 462 Chestnut
Street. Mr. Tucci, I see you're finally
getting your elevator.

COMMISSIONER TUCCI: Well, we hope
to.

MR. MOORE: You have any
alternative? How long do you -- is this
probably going to take, do you have any
idea?

COMMISSIONER TUCCI: For the removal
and installation, I would say, no more
than a month.

MR. MOORE: Is there going to be any
alternative for handicapped going to the
court?

COMMISSIONER TUCCI: It will get
them up there, and they should be able to
access the court at that point.
MR. MOORE: If it gets them up there, would it be able to get them down? I mean, does -- this elevator's --

COMMISSIONER TUCCI: It goes up and down.

MR. MOORE: Well, if the elevator's out of service --

COMMISSIONER TUCCI: Um-hum.

MR. MOORE: -- how else are handicapped individuals going access --

COMMISSIONER TUCCI: If the elevator is out of service, you know, short of hiring a crane to lift somebody up, we would have a problem. But at that point, if we did have a situation like that, I'm sure we could get a couple of officers or firemen or any town employee to actually help folks up; if need be, carry them up. We've done it before, and we'll do it again.

MR. MOORE: Mr. Evans, you have your classic Hendricks, and I see in his proposal, he said that he doesn't anticipate exceeding 30,000 dollars, yet you budgeted for 45. Given your
propensity to watch the costs, can you explain why you're having a difference of 15,000 dollars? (Audio fade) If the vendor says it's only 30,000 dollars, why are we going to budget for 15 -- 45?

COMMISSIONER EVANS: Because there's two amounts, one is -- fortunately, it's not exact -- there was one --

MR. MOORE: But you don't -- you don't have it -- he doesn't have it in his proposal. He has just the --

COMMISSIONER EVANS: It's two separate letters.

MR. MOORE: I --

COMMISSIONER EVANS: It is attached to --

MR. MOORE: Okay.

COMMISSIONER EVANS: -- further detail.

MR. MOORE: Thank you. I can't hear; I'm sorry.

COMMISSIONER EVANS: Read farther. Read more.

MR. MOORE: I did.

MAYOR COCCHIOLA: Is there anyone
else who would like to address the Board this evening? Motion to adjourn.

UNIDENTIFIED COMMISSIONER: Move it.
UNIDENTIFIED COMMISSIONER: Second.
MADAM CLERK: Commissioner Petracco?
COMMISSIONER PETRACCO: Aye.
MADAM CLERK: Commissioner Evans?
COMMISSIONER EVANS: Aye.
MADAM CLERK: Commissioner Tucci?
COMMISSIONER TUCCI: Aye.
MADAM CLERK: Mayor Cocchiola?
MAYOR COCCHIOLA: Aye.

(End of audio)
CERTIFICATION

I, Karen Schiffmiller, hereby certify that the foregoing is a true and correct transcription, to the best of my ability, of the sound recorded proceedings submitted for transcription.

I further certify that I am not employed by nor related to any party to this action.

In witness whereof, I hereby sign this date:
May 23, 2010.

Karen Schiffmiller