

PUBLIC MEETING) TRANSCRIPT OF
) PROCEEDINGS:

7:02 p.m.

Township Clerk Rosario

TOWNSHIP OF NUTLEY, NEW JERSEY
BOARD OF COMMISSIONERS

Certified
Transcript

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PUBLIC MEETING) TRANSCRIPT OF
) PROCEEDINGS:
)

April 6, 2010

7:02 p.m.

BEFORE:

Mayor Cocchiola - absent/excused
Deputy Mayor Evans
Commissioner Petracco
Commissioner Scarpelli
Commissioner Tucci

Township Clerk Rosario

1 DEPUTY MAYOR EVANS: Evelyn?

2 MADAM CLERK: Pursuant to the
3 requirements of the Open Public Meeting
4 Law, Chapter 231, Public Laws, 1975,
5 notice of this meeting was published in
6 the December 10, 2009 issues of the
7 Nutley Sun, the Journal, the Star Ledger
8 and the Herald News. A copy of this
9 notice has been posted on the Nutley Town
10 Hall bulletin board and a copy is on file
11 in the municipal clerk's office.
12 Commissioner Scarpelli?

13 COMMISSIONER SCARPELLI: Here.

14 MADAM CLERK: Commissioner Petracco?

15 COMMISSIONER PETRACCO: Here.

16 MADAM CLERK: Commissioner Evans?

17 DEPUTY MAYOR EVANS: Here.

18 MADAM CLERK: Commissioner Tucci?

19 COMMISSIONER TUCCI: Here.

20 MADAM CLERK: Mayor Cocchiola is
21 absent/excused this evening.

22 Commissioner Evans will preside over the
23 meeting as Deputy Mayor Evans, and Kevin
24 Harkins is also absent/excused this
25 evening. Alan Genitempo is present as

1 our counsel this evening.

2 DEPUTY MAYOR EVANS: Okay. So,
3 let's go. Commissioner Scarpelli, what
4 do you have?

5 COMMISSIONER SCARPELLI: I have
6 various reports. I have a resolution to
7 endorse the municipal Recycling Tonnage
8 Grant Application, and designate Patty
9 Davis as the Recycling Coordinator. I
10 got a transfer sick days to Louis Luzzi.
11 And I have a service agreement with AXA
12 Equitable. That's all I have, Deputy
13 Mayor.

14 DEPUTY MAYOR EVANS: Commissioner
15 Petracco?

16 COMMISSIONER PETRACCO: I have two
17 resolutions: one's to authorize a bid
18 for police uniforms, and another is to
19 appoint volunteers to the fire
20 department, three volunteers. That's all
21 I have, Mr. Deputy Mayor.

22 DEPUTY MAYOR EVANS: All right.
23 Since the Mayor's not here, would you
24 mind reading her two raffle resolutions?

25 COMMISSIONER PETRACCO: Sure.

1 DEPUTY MAYOR EVANS: Thank you.

2 COMMISSIONER PETRACCO: Okay.

3 DEPUTY MAYOR EVANS: They're short.
4 Commissioner Tucci?

5 COMMISSIONER TUCCI: I have two
6 resolutions: one authorizing a bid
7 advertisement for what I hope will be the
8 end of the Underground Storage Tank
9 Closure Project, which has been going on
10 for at least ten years; and, an award for
11 a fair and open contract for a Risk
12 Manager, for insurance, to Walter Searle.
13 I just have one question: what is this
14 service agreement, Commissioner Scarpelli
15 with AXA?

16 COMMISSIONER SCARPELLI:
17 (indiscernible) Commissioner Evans?

18 DEPUTY MAYOR EVANS: It's the third
19 compensation for adding another provider
20 for the employee deferred 457 Plans.
21 It's -- you know, we had noticed --

22 COMMISSIONER TUCCI: Is it just for
23 Public Works, or is it for everybody?

24 DEPUTY MAYOR EVANS: It's for the
25 town. It's for the town.

1 COMMISSIONER SCARPELLI: He's got a
2 conflict.

3 DEPUTY MAYOR EVANS: I have a
4 conflict. I can't read it.

5 COMMISSIONER TUCCI: Oh.

6 DEPUTY MAYOR EVANS: That's it.

7 COMMISSIONER TUCCI: Just curious,
8 thanks. Thank you, gentlemen. That's
9 all I have.

10 DEPUTY MAYOR EVANS: I have an
11 ordinance for introduction relating to
12 handicapped parking, as well as an
13 ordinance introduction establishing a cap
14 bank for appropriations, which -- it's
15 just enabling us to -- for future years,
16 if we can't meet the appropriation cap,
17 we can use the bank in order to do that.
18 Since we did hit it at this year, we
19 don't need that money, but it's just
20 establishing the bank as a paper entry,
21 for subsequent years.

22 I have a Public Hearing on a -- stop
23 signs that are being added to Freeman
24 Place, Myrtle Avenue, Oakcrest Place, and
25 Sylvan Place. There's just a Public

1 Hearing on that.

2 And tonight we have the budget
3 introduction, as well as I have a refund
4 of overpaying of taxes. So, the big item
5 for tonight is the placed statute, we
6 need to introduce the budget tonight.
7 So, anything else?

8 COMMISSIONER TUCCI: We need to
9 close for anything?

10 DEPUTY MAYOR EVANS: Anything?

11 UNIDENTIFIED COMMISSIONER:
12 (Indiscernible).

13 DEPUTY MAYOR EVANS: As we present
14 in the budget, I mean, we all worked very
15 hard on it, so I think that, well,
16 tonight's only the introduction. If you
17 feel you as though you would like to
18 comment relating to the budget, please
19 feel free to do so, to recognize the work
20 that everybody did to achieve the result
21 we're at. Okay?

22 UNIDENTIFIED COMMISSIONER: Okay.

23 UNIDENTIFIED COMMISSIONER: Go
24 inside. Outside, inside. Somewhere.

25 UNIDENTIFIED COMMISSIONER: Sounds

1 like a plan.

2 (Off the record from 7:07 p.m.-7:09 p.m.)

3 (Audio occasionally fades out and words
4 are indiscernible, 7:09 p.m.-7:57 p.m.)

5 MADAM CLERK: Tuesday, April 6th,
6 2010. Pursuant to the requirements of
7 the Open Public Meeting Law, Chapter 231,
8 Public Laws, 1975, notice of this meeting
9 was published in the December 10, 2009
10 issues of the Nutley Sun, the Journal,
11 the Star Ledger and the Herald News. A
12 copy of this notice has been posted on
13 the Nutley Town Hall bulletin board and a
14 copy is on file in the municipal clerk's
15 office. Commissioner Scarpelli?

16 COMMISSIONER SCARPELLI: Here.

17 MADAM CLERK: Commissioner Petracco?

18 COMMISSIONER PETRACCO: Here.

19 MADAM CLERK: Commissioner Evans?

20 DEPUTY MAYOR EVANS: Here.

21 MADAM CLERK: Commissioner Tucci?

22 COMMISSIONER TUCCI: Here.

23 MADAM CLERK: Mayor Cocchiola is
24 absent/excused at this time.

25 Commissioner Evans will preside over the

1 meeting as Deputy Mayor Evans.

2 DEPUTY MAYOR EVANS: We don't have
3 any minutes, so we'll go to
4 Communications and Correspondence.

5 MADAM CLERK: Yes, we have three
6 items. I will read the three items, and
7 then as we normally do, we'll do one call
8 and one vote.

9 The first one is a social affair
10 permit from the Nutley Family Service
11 Bureau for an event to be held on June
12 5th. The next one is from the Nutley Ice
13 Hockey Booster Club, requesting
14 permission to hold a street fair on
15 Sunday, June 20th, between the hours of
16 10 a.m. and 5 p.m. The last one is from
17 the Rotary Club of Nutley, requesting a
18 Sunday raffle on August 1st, 2010. And
19 those are the three items of
20 Communication for this evening.

21 UNIDENTIFIED COMMISSIONER: Move it.

22 UNIDENTIFIED COMMISSIONER: Second.

23 MADAM CLERK: Commissioner
24 Scarpelli?

25 COMMISSIONER SCARPELLI: Madam

1 Clerk, I know that we've worked on a
2 application for street fairs and events
3 of that nature.

4 MADAM CLERK: Yes.

5 COMMISSIONER SCARPELLI: Have they
6 been given -- Has the Ice Hockey Booster
7 Club been given that application?

8 MADAM CLERK: The application has
9 not yet been finalized by the entire
10 governing body. What I will do is send
11 them a letter, indicating that the
12 application will be forwarded to them as
13 soon as possible, letting them know that
14 this application has to be submitted and
15 completed prior to the event.

16 COMMISSIONER SCARPELLI: All right.
17 It's because the June 20th date, we're
18 getting close to, I just want to make
19 sure that all the departments at least
20 get a chance to see what's going to be
21 required of them, and sign off on it,
22 before we go forward. I know that there
23 are some changes in my department with
24 street fairs and the like, as far as
25 providing cleanup.

1 MADAM CLERK: Okay.

2 COMMISSIONER SCARPELLI: It was
3 usually been done for nothing, but in the
4 current times, we can't do that any
5 longer.

6 MADAM CLERK: Would you like for me
7 to defer it, or --

8 COMMISSIONER SCARPELLI: No, we can
9 put it on the agenda.

10 MADAM CLERK: Okay, I will ask --

11 COMMISSIONER SCARPELLI: I'll vote
12 yes.

13 MADAM CLERK: Thank you.

14 Commissioner Petracco?

15 (No audible response.)

16 MADAM CLERK: Commissioner Tucci?

17 COMMISSIONER TUCCI: Aye.

18 MADAM CLERK: Deputy Mayor Evans?

19 DEPUTY MAYOR EVANS: Aye.

20 MADAM CLERK: Thank you. That's all
21 that I have for this evening.

22 DEPUTY MAYOR EVANS: (Indiscernible)
23 Reports -- Scarpelli?

24 COMMISSIONER SCARPELLI: -- various
25 reports for 2010.

1 MADAM CLERK: There's a report for
2 the Mayor, as well.

3 DEPUTY MAYOR EVANS: Report from the
4 Department of Public -- bills?

5 MADAM CLERK: Yes. The list,
6 Tuesday, April 6th, 2010:
7 Public Affairs \$477,735.05,
8 Revenue & Finance \$5,447,764.26,
9 Public Safety \$114,651.13,
10 Public Works \$144,728.06,
11 Parks & Public Property \$612,912.94,
12 Payroll as of April 1st, 2010,
13 \$778,005.28,
14 for a grand total bill list of
15 \$7,575,796.72.
16 And that's all for bills.

17 UNIDENTIFIED COMMISSIONER: --
18 bills.

19 UNIDENTIFIED COMMISSIONER: Second.

20 MADAM CLERK: Commissioner
21 Scarpelli?

22 COMMISSIONER SCARPELLI: Aye.

23 MADAM CLERK: Commissioner Petracco?
24 (No audible response.)

25 MADAM CLERK: Commissioner Tucci?

1 COMMISSIONER TUCCI: Aye.

2 MADAM CLERK: Deputy Mayor Evans?

3 DEPUTY MAYOR EVANS: Aye.

4 MADAM CLERK: That's all for bills,
5 Mayor. Thank you.

6 DEPUTY MAYOR EVANS: -- Ordinance
7 introductions tonight, we have two.
8 They're both in my area, so I'll read
9 them by title:

10 "AN ORDINANCE TO AMEND AN ORDINANCE
11 CODIFIED IN THE CODE OF THE TOWNSHIP OF
12 NUTLEY, CHAPTER 228, ENTITLED VEHICLES
13 AND TRAFFIC, PARTICULARLY ARTILE VII,
14 SECTION 29A, ENTITLED HANDICAPPED
15 PARKING, TO ADD LOCATIONS SET FORTH --".

16 This ordinance be passed to a second
17 reading and advertised in the Nutley Sun
18 together -- required by law, and further
19 consideration of said ordinance for final
20 passage by the Board of -- be held at its
21 second reading on May 4th, 2010.

22 UNIDENTIFIED COMMISSIONER: Second.

23 MADAM CLERK: Commissioner
24 Scarpelli?

25 COMMISSIONER SCARPELLI: Aye.

1 MADAM CLERK: Commissioner Petracco?

2 COMMISSIONER PETRACCO: Aye.

3 MADAM CLERK: Commissioner Tucci?

4 COMMISSIONER TUCCI: Aye.

5 MADAM CLERK: Deputy Mayor Evans?

6 DEPUTY MAYOR EVANS: Aye.

7 Second ordinance 3137, it's to --

8 "AN ORDINANCE TO EXCEED THE MUNICIPAL
9 BUDGET APPROPRIATION LIMITS AND ESTABLISH
10 A CAP BANK".

11 This bank is a paper entry. While
12 we did not need to -- actually, we're
13 below the cap limit as per the
14 calculation this year, we're allowed to
15 establish a memo -- as what this
16 represents. That this ordinance be
17 passed to a second reading and advertised
18 in the Nutley Sun together with a notice
19 required by law, and then further
20 consideration of said ordinance for final
21 passage by the Board of -- be held at its
22 second reading on May 4th, 2010. So
23 moved.

24 UNIDENTIFIED COMMISSIONER: Second.

25 MADAM CLERK: Commissioner

1 Scarpelli?

2 COMMISSIONER SCARPELLI: Aye.

3 MADAM CLERK: Commissioner Petracco?

4 COMMISSIONER PETRACCO: Aye.

5 MADAM CLERK: Commissioner Tucci?

6 COMMISSIONER TUCCI: Aye.

7 MADAM CLERK: Deputy Mayor Evans?

8 DEPUTY MAYOR EVANS: Aye.

9 Public Hearings, we have one
10 tonight, in my area, Ordinance 3135.
11 That's relates to the addition of stop
12 signs and yield intersections for Freeman
13 Place, Myrtle Avenue, Oakcrest Place and
14 Sylvan Place. Would anyone like to speak
15 before --

16 MR. BARRY: My name is John Barry.
17 I'm the Traffic Safety Coordinator for
18 the Township. Mayor, Commissioners, this
19 ordinance was put together as a result of
20 some comments made by citizens and also
21 after an investigation by the Township
22 Engineer and myself looking at the
23 accidents that we've had.

24 These four intersections are all
25 uncontrolled intersections, that is,

1 there was -- there were no stop signs,
2 yield signs, or anything else to control
3 the traffic, other than the statutory
4 rules of the road, to yield. The first
5 vehicle is supposed to yield -- you're
6 supposed to yield to the right of a
7 vehicle. The first one there has the
8 right to go through, but conditions have
9 deteriorated to the point that it was
10 necessary to put up stop signs. And as
11 such I'll provide to the Clerk, a
12 certification from the Township Engineer
13 that states: "Therefore in the interest
14 of pedestrian and vehicular traffic
15 safety, I approve the designation of the
16 intersections listed above as stop
17 intersections, and recommend adoption of
18 the amendment". Thank you.

19 DEPUTY MAYOR EVANS: Would anyone
20 else like to comment? Move to close the
21 Public Hearing.

22 UNIDENTIFIED COMMISSIONER: Second.

23 MADAM CLERK: Commissioner
24 Scarpelli?

25 COMMISSIONER SCARPELLI: Aye.

1 MADAM CLERK: Commissioner Petracco?

2 (No audible response.)

3 MADAM CLERK: Commissioner Tucci?

4 COMMISSIONER TUCCI: Aye.

5 MADAM CLERK: Deputy Mayor Evans?

6 DEPUTY MAYOR EVANS: Aye. Move the
7 ordinance.

8 UNIDENTIFIED COMMISSIONER: Second.

9 MADAM CLERK: Commissioner
10 Scarpelli?

11 COMMISSIONER SCARPELLI: Aye.

12 MADAM CLERK: Commissioner Petracco?

13 COMMISSIONER PETRACCO: Aye.

14 MADAM CLERK: Commissioner Tucci?

15 COMMISSIONER TUCCI: Aye.

16 MADAM CLERK: Deputy Mayor Evans?

17 (No audible response.)

18 DEPUTY MAYOR EVANS: -- resolutions,
19 Commissioner Scarpelli.

20 COMMISSIONER SCARPELLI: Whereas,
21 the Mandatory Source Separation and
22 Recycling Act, P.L. 1987, Chapter 102,
23 has established a recycling fund from
24 which tonnage grants may be made to
25 municipalities in order to encourage

1 local source separation and recycling
2 programs. And, whereas, it is the intent
3 and the spirit of the Mandatory Source
4 Separation and Recycling Act to use the
5 tonnage grants to develop new municipal
6 recycling programs and to continue and to
7 expand existing programs. And, whereas,
8 such a resolution should designate the
9 individual authorized to ensure that the
10 application is properly completed and
11 timely filed.

12 Now, therefore, be it resolved, by
13 the Board of Commissioners of the
14 Township of Nutley, County of Essex,
15 State of New Jersey, that the Township of
16 Nutley hereby endorses the submission of
17 the 2009 Municipal Recycling Tonnage
18 Grant Application to the New Jersey
19 Department of Environmental Protection
20 and designates Patricia A. Davis,
21 Recycling Coordinator, Township of
22 Nutley, to ensure that the application is
23 properly filed. I move the resolution.

24 COMMISSIONER PETRACCO: Second.

25 MADAM CLERK: Commissioner

1 Scarpelli?

2 COMMISSIONER SCARPELLI: Aye.

3 MADAM CLERK: Commissioner Petracco?

4 (No audible response.)

5 MADAM CLERK: Commissioner Tucci?

6 COMMISSIONER TUCCI: Aye.

7 MADAM CLERK: Deputy Mayor Evans?

8 DEPUTY MAYOR EVANS: Aye.

9 COMMISSIONER SCARPELLI: Whereas,
10 Louis Luzzi is employed by the Township
11 of Nutley, Department of Public Works.
12 And, whereas, Louis Luzzi has exhausted
13 all of his available sick leave and other
14 time due. And, whereas, six employees of
15 the Department of Public Works are
16 desirous of transferring a total of forty
17 days of their accumulated sick leave to
18 Louis Luzzi. And, whereas, under the
19 circumstances presented herein and in
20 view of Louis Luzzi's medical situation
21 and his service to the Department of
22 Public Works, the Board of Commissioners
23 are desirous of accommodating this
24 request.

25 Now, therefore, be it resolved by

1 the Board of Commissioners of the
2 Township of Nutley in the County of
3 Essex, New Jersey as follows: the
4 following employees are permitted to
5 transfer days to Louis Luzzi: Loretta
6 Kwapniewski, Eleanore Caprio, Frank
7 Ferry, James Santangelo, William
8 Hamilton, Vita Nole and Ronald Cundiff.
9 All of these employees have provided
10 their consent to said transfers in
11 writing to the Township Clerk. I move
12 the resolution.

13 COMMISSIONER PETRACCO: Second.

14 MADAM CLERK: Commissioner
15 Scarpelli?

16 COMMISSIONER SCARPELLI: Aye.

17 MADAM CLERK: Commissioner Petracco?

18 (No audible response.)

19 MADAM CLERK: Commissioner Tucci?

20 COMMISSIONER TUCCI: Aye.

21 MADAM CLERK: Deputy Mayor Evans?

22 DEPUTY MAYOR EVANS: Aye.

23 COMMISSIONER SCARPELLI: Whereas, in
24 order to attract and retain qualified
25 employees, there exists a need to adopt

1 and implement a Deferred Compensation
2 Plan for employees of the Township of
3 Nutley (hereinafter referred to as
4 "Employer"), which will provide said
5 employees the ability to enhance their
6 financial security at retirement through
7 the accrual of tax benefits as provided
8 by Section 457 of the Federal Internal
9 Revenue Code. Whereas, there is no
10 direct financial cost to the Employer to
11 adopt and implement a Deferred
12 Compensation Plan. And, whereas, the
13 Employer prepared and made available to
14 the providers of deferred compensation
15 services requests for proposals as
16 described herein. And, whereas, the
17 Employer solicited written proposals for
18 a Deferred Compensation Plan and Service
19 Agreement from three contractors
20 providing prototypical plans and service
21 agreements, including AXA Equitable, 500
22 Plaza Drive, Secaucus, New Jersey 07094.
23 The Township Commissioner of Revenue and
24 Finance reviewed the proposal and
25 recommended AXA Equitable because of AXA

1 Equitable's ability to: a) provide
2 continuing consultation to participants;
3 b) provide advice concerning various
4 categories of investment; and c)
5 representatives track record of integrity
6 and comprehensive advice, including
7 financial planning, asset allocation and
8 risk measurement for all participants.

9 Whereas, the Commissioner of Revenue and
10 Finance is hereby designated as the Local
11 Plan Administrator for the administration
12 of the Plan. And, whereas, the Mayor and
13 Commissioner of Revenue and Finance are
14 authorized to execute a Service Agreement
15 with Equitable for the provision of
16 administrative and investment services,
17 and to submit all necessary documents to
18 the Director of the Division of Local
19 Government Services within the State
20 Department of Community Affairs for
21 approval. There has been no collusion,
22 or evidence or appearance of collusion,
23 between any local official and a
24 representative of AXA Equitable in the
25 selection of AXA Equitable as Contractor

1 for the administration of a Service
2 Agreement pursuant to N.J.A.C.5:37-5.7.

3 Township of Nutley is adopting a
4 deferred compensation plan substantially
5 similar to the one on which a favorable
6 Private Letter Ruling has been previously
7 obtained from the Federal Internal
8 Revenue Service, except for provisions
9 added by reason of The Small Business Job
10 Protection Act of 1996, the Taxpayer
11 Relief Act of 2001, and the Economic
12 Growth and Tax Relief Reconciliation Act
13 of 2001. In all such provisions are
14 stated in the plan in terms of similar to
15 the text in those provision in the
16 Internal Revenue Code Section 457,
17 including pertinent applicable treasury
18 regulations. The use of the ruling is
19 for the guidance only and acknowledges
20 that for Internal Revenue Services
21 purposes, the ruling of another Employer
22 is not to be considered precedent.
23 Hereby copy of this resolution may be
24 forwarded to the Director of the Division
25 of Local Government Services with State

1 Department of Community affairs.

2 Now therefore, be it resolved by the
3 Mayor and the Township Commissioners,
4 that a Deferred Compensation Plan
5 provided by AXA Equitable is hereby
6 adopted. I move the resolution.

7 COMMISSIONER PETRACCO: Second.

8 MADAM CLERK: Commissioner
9 Scarpelli?

10 COMMISSIONER SCARPELLI: Just for
11 closure sakes, the AXA Representative in
12 Nutley is a patient of mine, and I've
13 been told by counsel I have no conflict.
14 Yes.

15 MADAM CLERK: Commissioner Petracco?

16 COMMISSIONER PETRACCO: Aye.

17 MADAM CLERK: Commissioner Tucci?

18 COMMISSIONER TUCCI: Abstain.

19 MADAM CLERK: Deputy Mayor Evans?
ABSTAIN.

20 ~~(No audible response.)~~

21 MADAM CLERK: Okay, the resolution,
22 it's not -- I need a majority of the --

23 DEPUTY MAYOR EVANS: -- find out.

24 UNIDENTIFIED COMMISSIONER: It
25 passes.

1 DEPUTY MAYOR EVANS: I don't know if
2 it passes or not.

3 COMMISSIONER SCARPELLI: That's all
4 I have, Commissioner -- Deputy Mayor.

5 DEPUTY MAYOR EVANS: Thank you. --
6 Petracco?

7 COMMISSIONER PETRACCO: -- resolved
8 by the Board of Commissioner -- County of
9 Essex -- authorized to ad -- available in
10 Purchasing -- bids to be received --

11 COMMISSIONER SCARPELLI: Second.

12 MADAM CLERK: Commissioner
13 Scarpelli?

14 COMMISSIONER SCARPELLI: Aye.

15 MADAM CLERK: Commissioner Petracco?

16 COMMISSIONER PETRACCO: Aye.

17 MADAM CLERK: Commissioner Tucci?

18 COMMISSIONER TUCCI: Aye.

19 MADAM CLERK: Deputy Mayor Evans?

20 DEPUTY MAYOR EVANS: Aye.

21 COMMISSIONER PETRACCO: Be it
22 resolved by the Township of Nutley in the
23 County of Essex -- the following be
24 appointed -- Fire Department effective --
25 Freddy R. Gavidia, Jerome L. --

1 COMMISSIONER SCARPELLI: Second.

2 MADAM CLERK: Commissioner

3 Scarpelli?

4 COMMISSIONER SCARPELLI: Aye.

5 MADAM CLERK: Commissioner Petracco?

6 COMMISSIONER PETRACCO: Aye.

7 MADAM CLERK: Commissioner Tucci?

8 COMMISSIONER TUCCI: Aye.

9 MADAM CLERK: Deputy Mayor Evans?

10 DEPUTY MAYOR EVANS: Aye.

11 Commissioner Tucci? Excuse me --

12 COMMISSIONER PETRACCO: --

13 Cocchiola.

14 Whereas, raffle applications have
15 been -- the following -- and: Rotary
16 Club of Nutley, license number 35-10 --
17 premise Merchandise Raffle August 1st --
18 after having the opposed number --
19 whereas the applications have been -- by
20 the Municipal Clerk -- resolved by the
21 Board of -- State of New Jersey that --
22 aforementioned -- resolution.

23 COMMISSIONER SCARPELLI: Second.

24 MADAM CLERK: Commissioner

25 Scarpelli?

1 COMMISSIONER SCARPELLI: Aye.

2 MADAM CLERK: Commissioner Petracco?

3 COMMISSIONER PETRACCO: Aye.

4 MADAM CLERK: Commissioner Tucci?

5 COMMISSIONER TUCCI: Aye.

6 MADAM CLERK: Deputy Mayor Evans?

7 DEPUTY MAYOR EVANS: Aye.

8 COMMISSIONER PETRACCO: Whereas, an
9 application for a -- Pub LTD -- Pub --
10 whereas, the application -- the Code
11 Enforcement -- whereas, the license
12 fee -- has been paid.

13 Now, therefore, be it resolved by
14 the Board of Commissioners -- Nutley,
15 County of Essex -- license is hereby --
16 Nutley Pub LTD --

17 COMMISSIONER SCARPELLI: Second.

18 MADAM CLERK: Commissioner
19 Scarpelli?

20 COMMISSIONER SCARPELLI: Aye.

21 MADAM CLERK: Commissioner Petracco?

22 COMMISSIONER PETRACCO: Aye.

23 MADAM CLERK: Commissioner Tucci?

24 COMMISSIONER TUCCI: Aye.

25 MADAM CLERK: Deputy Mayor Evans?

1 DEPUTY MAYOR EVANS: Aye. Now,
2 go -- Commissioner Tucci.

3 COMMISSIONER TUCCI: Be it resolved,
4 by the Board of Commissioners of the
5 Township of Nutley, in the County of
6 Essex, New Jersey, that the Township
7 Clerk is hereby authorized to advertise
8 for sealed bids for the 2010 Underground
9 Storage Tank Closure Project. Bids to be
10 received on April 29th, 2010, in the
11 Commission Chambers, Township Hall at 3
12 p.m. at which time they will be publicly
13 opened and read. I move the resolution.

14 COMMISSIONER PETRACCO: Second.

15 MADAM CLERK: Commissioner
16 Scarpelli?

17 COMMISSIONER SCARPELLI: Aye.

18 MADAM CLERK: Commissioner Petracco?

19 COMMISSIONER PETRACCO: Aye.

20 MADAM CLERK: Commissioner Tucci?

21 COMMISSIONER TUCCI: Aye.

22 MADAM CLERK: Deputy Mayor Evans?

23 DEPUTY MAYOR EVANS: Aye.

24 COMMISSIONER TUCCI: Whereas, the
25 Township of Nutley has a need to acquire

1 special professional services for a
2 Consultant and Risk Manager for the
3 Township of Nutley, through a fair and
4 open process pursuant to N.J.S.A.19:44-
5 20.5. And, whereas, C. Walter Searle
6 Insurance, 410 Franklin Avenue, Nutley,
7 New Jersey has completed and submitted a
8 Request for Qualifications for Risk
9 Management which complies with the
10 provisions of N.J.S.A.19:44A-20.5. And,
11 whereas, C. Walter Searle Insurance has
12 provided these services in the past to
13 the Township of Nutley and is
14 particularly suited to provide this
15 service. And, whereas, a contract for
16 the professional risk management
17 consulting services is required in the
18 by-laws of the Suburban Essex Liability
19 Joint Insurance Fund and this contract
20 shall not exceed \$31,152.28 for 2010 and
21 2011, and the funds are available from
22 the Suburban Essex Joint Insurance Fund.

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

1 Jersey authorizes a contract to be
2 entered into with C. Walter Searle
3 Insurance, as described herein.

4 And, be it further resolved that the
5 response to the Request for
6 Qualifications for Risk Manager be placed
7 on file with this resolution. Be it
8 further resolved that a notice of this
9 action shall be printed once in the
10 Nutley Sun in Accordance with the Local
11 Public Contracts Law. I move the
12 resolution.

13 COMMISSIONER SCARPELLI: Second.

14 MADAM CLERK: Commissioner
15 Scarpelli?

16 COMMISSIONER SCARPELLI: Aye.

17 MADAM CLERK: Commissioner Petracco?

18 (No audible response.)

19 MADAM CLERK: Commissioner Tucci?

20 COMMISSIONER TUCCI: Aye.

21 MADAM CLERK: Deputy Mayor Evans?

22 DEPUTY MAYOR EVANS: Aye.

23 COMMISSIONER TUCCI: That's all I
24 have, Deputy Mayor.

25 DEPUTY MAYOR EVANS: All right.

1 Tonight we have -- introduction of the
2 budget for the current calendar year. It
3 will be introduced tonight. The Public
4 Hearing on the budget will be held on May
5 18th, 2010.

6 As it stands tonight, though, some
7 of the highlights that I would share is
8 that we are required to make two tests to
9 stay level: one is the maximum allowable
10 increase with regard to the tax levy, as
11 well as, an appropriation cap. We did
12 meet the levy cap and we were below the
13 appropriation cap requirements for this
14 year. In doing so, what it does reflect,
15 though, is that the overall levy is
16 increasing 7.3 percent, rising out of
17 roughly 3.6 percent reduction in
18 revenues, attributed in part due loss of
19 state aid, as well as, a lower interest
20 and fees for our services, and a 3.7
21 percent increase in appropriations, which
22 is primarily being driven by the
23 increased cost of health care and the
24 increased cost of pensions that we're all
25 dealing with. The other ongoing costs

1 continue to rise, but those cost areas
2 continue to stand out.

3 I want to also commend my fellow
4 commissioners because it was not easy
5 trying to strike a budget this year as
6 you can imagine, given the nature of the
7 costs we had to deal with and the actions
8 by the state with regard to the
9 reductions in aid. So, having said that,
10 the municipal increase is expected on
11 average -- and on average means a house
12 assessed at 350,000 dollars -- the
13 increase for the coming year will be 151
14 dollars per that household. So, if
15 you're above that assessment, it'll be a
16 little more. If you're below that
17 assessment, it'll be a little bit less
18 for this coming year.

19 Before we -- I read the required
20 resolution, would offer to any of the
21 commissioners --

22 COMMISSIONER SCARPELLI: Thank you,
23 Deputy Mayor. I would like to say I'm
24 very proud that for the second year in a
25 row, that the Department of Public Works

1 budget will be under the previous year.
2 I venture to say that hasn't happened in
3 a long time. That means we're operating
4 in 2010, below 2008 money.

5 Since taking office, I've reduced
6 about four positions in the Department.
7 This year, through retirement, we reduced
8 to a fifth position. In addition, we
9 also moved a full time worker to a part
10 time position. Some of our technology
11 initiatives have allowed us to reduce
12 work force in other departments.

13 We reorganized the engineering
14 department last year. That allowed us to
15 return some money at the end of the year,
16 which will help with tax relief somewhere
17 down the line. Although in generating
18 some of things, we have not cut services.

19 As we know, we expanded our
20 recycling program to include plastics 1
21 through 7 and corrugated cardboard and
22 household batteries. This spring --
23 these next two weeks, we'll be doing a
24 spring clean up throughout the township,
25 which we're cleaning up brush and leaves

1 that are left over from the winter. We
2 also have a shredding day on April 17th,
3 from 10 to 2, Municipal Lot 1. This will
4 allow our residents to dispose of some of
5 the items that may be sensitive in a role
6 that also we get some recycling credit
7 for. And we're also having a compost
8 day on June 5th, with conjunction with
9 Public Affairs, to educate the public on
10 the benefits of composting.

11 All these initiatives are to reduce
12 our cost of disposal and our solid
13 wastes. In light of the (indiscernible),
14 budgetary challenges were hard. And I'm
15 proud to say that the men and women of
16 the Public Works Department did an
17 excellent job during the winter cleaning
18 up the snow. This is a very lean budget.
19 I want everyone to pray that we don't
20 have any snow in November or December.

21 So, I congratulate my colleagues as
22 we sharpened our pencils, and trimmed our
23 budget, so we'd have a minimum impact on
24 the tax payers. Thank you.

25 COMMISSIONER PETRACCO: Thank you,

1 Commissioner Scarpelli. I'd just like to
2 thank all my people -- ~~Re Costa~~ having
3 the largest budget here, trying to
4 maintain -- I think -- acting as
5 professionals -- for upcoming years --
6 and -- through attrition -- hard numbers,
7 but we can and -- priorities, but, less
8 of a priority -- I know -- ~~Costa~~,
9 again --

10 COMMISSIONER TUCCI: Thank you,
11 Deputy Mayor. I'd also like to thank
12 everyone in my department for everything
13 that we were able to control. We came in
14 flat again this year for the third year
15 in a row.

16 I'd like to congratulate my
17 colleagues on all the hard work that was
18 put into this and especially Commissioner
19 Evans and his staff for all that they've
20 done in presenting us with different
21 scenarios, so we could get to where we
22 are. And we're especially proud of
23 managing and controlling the increase in
24 health insurance and liability insurance,
25 which presented us with numbers that were

1 pretty astronomical, somewhere around
2 twenty percent, just in group health.
3 And we were able to mitigate most of that
4 again, by instituting controls and by
5 monitoring pretty much on a daily basis
6 what we spend, and how we spend it, and
7 how we go about managing that account.

8 This was a very difficult budget
9 year. I'm very pleased with where we are
10 right now. Next year will also be
11 presenting another challenge to us, so --
12 with the caps projected at coming from
13 four percent to two and a half percent.
14 So, as I'm sure Commissioner Evans has
15 said time and time again, this is a
16 budget for 2010, but it is also looking
17 ahead to 2011. So, however we can
18 mitigate any increases for our people, we
19 obviously are going to do that and spend
20 only what we absolutely need to. Thank
21 you.

22 DEPUTY MAYOR EVANS: Thank you. And
23 just some specific comments regarding
24 Revenue and Finance. We've had
25 established some changes in practice with

1 regard to personnel over the years, in
2 creating flexible work arrangements and
3 part time arrangements, where we can
4 achieve that with -- we had a retirement
5 in our clerk's office, which we've chosen
6 not to replace. And in this past year
7 for this budget, we've actually
8 temporarily consolidated the functions of
9 the purchasing agent and payroll manager
10 under our treasurer, so, as a way to
11 preserve our ability to control costs as
12 we go forward. So, from a personnel
13 side, we're doing everything we can to
14 continue to slow the growth in taxes and
15 manage it well. And that's always being
16 balanced by the fact is we have a lot of
17 statutory requirements and reporting
18 requirements, and those deadlines haven't
19 changed; departments haven't been
20 relieved. So, we're trying to get
21 through that.

22 In addition, we also manage the --
23 not only the operating budget but the
24 capital plan for the Township. And this
25 past fall, we were able to restructure

1 our debt, reducing our interest rate on
2 outstanding debt from 4.65 percent down
3 to 3 percent, which in this particular
4 budget year has actually reduced our debt
5 service by 113,000 dollars.

6 And, some of you may acknowledge
7 that we did reassess, as part of our
8 maintenance program, the property values
9 in the Township. What's important about
10 that, it's twofold: one it keeps the
11 values current with the nature of market
12 conditions, so that never again do we
13 have to, you know, face a revaluation
14 that cost the town almost a million
15 dollars to do.

16 The more important part about that
17 is, is that the assessed value ratio is a
18 component of the county tax allocation.
19 So, last year, by making some
20 adjustments, we were able to eliminate a
21 county tax increase, which on average,
22 saved every household about eighty-two
23 dollars. We expanded that adjustment
24 this year with the expectation that it
25 will continue to offset the Essex County

1 tax burden. So, we're expecting that
2 while there are increases in costs at the
3 county level, Nutley would not have to
4 bear the full brunt of it. I don't know
5 the percentage yet. But, it gives us an
6 indication of how we're trying to manage.

7 And that's not possible without the
8 support of all of the commissioners
9 recognizing that we have to manage our
10 expenditures, not just on the operating
11 side, but on the county -- plan. To put
12 down a perspective, Nutley has a debt
13 ceiling of 148 million dollars. Our
14 current outstanding debt stands at
15 roughly 12 million dollars. So, we are,
16 from that standpoint, the bond rating
17 companies and those that look at us, see
18 Nutley as a very well managed town. Our
19 bond rating is actually an A-minus
20 rating, which enables us to get very
21 attractive rates when we need to borrow.
22 So, we're very concerned and monitor that
23 very closely, because a change in that
24 rate will increase the cost of our
25 borrowing, so, when we need to borrow.

1 So, with that, the Mayor isn't here
2 tonight, but I would also share that
3 within her department, she worked very
4 hard to achieve her flat budget. She has
5 a variable in that the garbage contract
6 is still outstanding, and we recognize
7 that in this budget. So, everyone was at
8 the table, and everyone has worked very
9 hard to achieve this -- so, with that,
10 I'll read the budget notice. After this
11 evening, the budget packet itself will be
12 available at the clerk's office in the
13 morning. I think, if I stand correctly,
14 Ro, but it will be at the library, as
15 well. It's already at the library. So,
16 it's available for review by the public
17 in those locations.

18 The Municipal Budget of the Township
19 of Nutley, County of Essex for the Fiscal
20 Year 2010: be it resolved that the
21 following statements of revenues and
22 appropriations shall constitute the
23 Municipal Budget for the year 2010. Be
24 it further resolved, that said budget be
25 published in the Nutley Sun in the issue,

1 April 22nd. The Governing Body of the
2 Township of Nutley does hereby approve
3 the following budget for the year 2010.
4 So moved.

5 COMMISSIONER TUCCI: Second.

6 MADAM CLERK: Commissioner
7 Scarpelli?

8 COMMISSIONER SCARPELLI: Aye.

9 MADAM CLERK: Commissioner Petracco?

10 COMMISSIONER PETRACCO: Aye.

11 MADAM CLERK: Commissioner Tucci?

12 COMMISSIONER TUCCI: Aye.

13 MADAM CLERK: Deputy Mayor Evans?

14 (No audible response.)

15 DEPUTY MAYOR EVANS: Whereas, 40A:4-
16 78b has authorized the Local Finance
17 Board to adopt rules that permit
18 municipalities in sound financial
19 condition to assume the responsibility,
20 normally granted to the Director of the
21 Division of Local Government Services, of
22 conducting the annual budget examination.
23 Whereas, N.J.A.C.5:30-7 was adopted by
24 the Local Finance Board on February 11,
25 1997. And, whereas, pursuant to

1 N.J.A.C.5:30-7.2 through 7.5, the
2 Township has been declared eligible to
3 participate in the program by the
4 Division of Local Governmental Services,
5 and the Chief Financial Officer has
6 determined that the Local Government
7 meets the necessary conditions to
8 participate in the program for the 2010
9 budget year.

10 Now, therefore, be it resolved by
11 the governing body of the Township of
12 Nutley that in accordance with
13 N.J.A.C.5:30-7.6a & 7.6b, and based upon
14 the Chief Financial Officer's
15 certification, the governing body has
16 found the budget has met the following
17 requirements: 1. With reference to the
18 following items, the amounts have been
19 calculated pursuant to law and
20 appropriated as such in the budget: a.
21 Payments of interest and debt redemption
22 charges, deferred charges and statutory
23 expenditures, cash deficit of the
24 preceding year, reserve for uncollected
25 taxes, other reserves and nondisbursement

1 items, any inclusions of amount required
2 for school purposes; 2. That the
3 provisions relating to limitation on
4 increases of appropriations pursuant to
5 N.J.S.A.40A:4-45.2 and appropriation for
6 exceptions to limits on appropriations
7 found by N.J.S.A.40A:4-45.3 are fully met
8 (in effect, complies with the CAP laws);
9 3. That the budget is in such form,
10 arrangement, and content as required by
11 the Local Budget Law and N.J.A.C.5:30-4
12 and 5:30-5; 4. That pursuant to the Local
13 Budget Law all estimates of revenue are
14 reasonable, accurate and correctly
15 stated, items of appropriation are
16 properly net forth, in itemization, form
17 arrangement and content, the budget will
18 permit the exercise of the comptroller
19 function within the municipality; 5. The
20 budget and associated amendments have
21 been introduced and publicly advertised
22 in accordance with the relevant
23 provisions of the Local Budget Law,
24 except that failure to meet the deadlines
25 of N.J.S.A.40A:4-5 shall not prevent such

1 certification; and, 6. All other
2 applicable statutory requirements have
3 been fulfilled.

4 Be it further resolved that a copy
5 of this resolution will be forwarded to
6 the Director of the Division of Local
7 Governmental Services upon --

8 COMMISSIONER TUCCI: Second.

9 MADAM CLERK: Commissioner
10 Scarpelli?

11 COMMISSIONER SCARPELLI: Aye.

12 MADAM CLERK: Commissioner Petracco?

13 COMMISSIONER PETRACCO: Aye.

14 MADAM CLERK: Commissioner Tucci?

15 COMMISSIONER TUCCI: Aye.

16 MADAM CLERK: Deputy Mayor Evans?

17 DEPUTY MAYOR EVANS: Aye.

18 Be it resolved by the Board of
19 Commissioner of the Township of Nutley,
20 in the County of Essex, State of New
21 Jersey, that the Treasurer be and she is
22 hereby authorized to refund overpayments
23 of the property taxes in the amount of
24 \$5,527.28 resulting from a Tax Court
25 judgment as detailed below: Block 6902,

1 Lot 2, \$5,527.28 for the year 2008. So
2 moved.

3 COMMISSIONER TUCCI: Second.

4 MADAM CLERK: Commissioner
5 Scarpelli?

6 COMMISSIONER SCARPELLI: Aye.

7 MADAM CLERK: Commissioner Petracco?
8 (No audible response.)

9 MADAM CLERK: Commissioner Tucci?

10 COMMISSIONER TUCCI: Aye.

11 MADAM CLERK: Deputy Mayor Evans?

12 DEPUTY MAYOR EVANS: Thank you.

13 That concludes the formal business of
14 the -- for tonight. Madam Clerk, would
15 you read the statement for the Public
16 Hearing?

17 MADAM CLERK: Yes. All persons
18 addressing the Board of Commissioners
19 regarding community concerns should
20 approach the microphone and provide their
21 name and address for the record. Unless
22 further time is granted by the board,
23 each person shall limit their address to
24 five minutes. All remarks to the Board
25 and its individual members must be

1 addressed to the Mayor. The Mayor may
2 defer citizen comments to the appropriate
3 member of the Board. Dialogue between
4 citizens and others addressing the Board
5 shall be allowed unless the Mayor or
6 presiding officer or the majority of the
7 membership of the Board determine that
8 the interest of decorum and/or
9 expeditious conduct of the municipal
10 business are being adversely affected by
11 such dialogue.

12 MR. MOORE: Rory Moore, 462 Chestnut
13 Street. Mr. Petracco, I heard about the
14 police and fire union had a forensic
15 accountant review the books. Is that
16 correct?

17 COMMISSIONER PETRACCO: I think that
18 they --

19 DEPUTY MAYOR EVANS: Excuse Mr.
20 Moore -- Mr. Genitempo -- are we in a
21 position to comment regarding those
22 negotiations?

23 MR. MOORE: It wasn't about a
24 negotiations, it was about a forensic
25 audit that --

1 DEPUTY MAYOR EVANS: That's an
2 aspect of it. I'm just asking --

3 MR. MOORE: Aspect, oh, now I --

4 DEPUTY MAYOR EVANS: Excuse me, I'm
5 asking for clarification from our
6 counsel.

7 MR. GENITEMPO: Part of the
8 negotiation -- a question I wasn't sure
9 about --

10 MR. MOORE: Is it -- did they have a
11 forensic accountant come in as a part of
12 negotiations? Am I understanding that
13 correctly?

14 DEPUTY MAYOR EVANS: -- but, thank
15 you. Please reserve --

16 MR. MOORE: I'll defer on that. Mr.
17 Evans, the vote for the AXA resolution,
18 Mr. Tucci, you recused it. Am I correct?

19 COMMISSIONER TUCCI: I'm sorry?

20 MR. MOORE: You recused. You
21 abstained from that vote.

22 COMMISSIONER TUCCI: I abstained,
23 yes.

24 MR. MOORE: You abstained from the
25 vote?

1 DEPUTY MAYOR EVANS: I did.

2 MR. MOORE: And, Mr. Scarpelli, you
3 said -- I didn't understand what you
4 said. You said you had a patient that
5 was involved?

6 COMMISSIONER SCARPELLI: That the
7 AXA Representative in Nutley is a patient
8 of mine.

9 MR. MOORE: So, did you recuse
10 yourself?

11 COMMISSIONER SCARPELLI: No, I did
12 not. I voted yes.

13 MR. MOORE: You didn't? Okay. I
14 was just wondering. So, we wait for the
15 Mayor to come back in order to vote on
16 that. Is that correct?

17 DEPUTY MAYOR EVANS: Well, we voted
18 on it. We have to resolve it. So, I
19 need to -- I have to take up the matter
20 with legal counsel.

21 COMMISSIONER TUCCI: I believe if
22 you check for Robert's Rules, the
23 abstentions will go to the yes.

24 DEPUTY MAYOR EVANS: Yeah, I just --
25 we need to --

1 COMMISSIONER TUCCI: And I'm not
2 trying to practice law here --

3 DEPUTY MAYOR EVANS: Just, please --
4 I would say that's --

5 MR. GENITEMPO: I'd like the
6 opportunity to double-check that.

7 COMMISSIONER TUCCI: Yes.

8 DEPUTY MAYOR EVANS: It's an
9 unresolved matter as of now.

10 MR. MOORE: It's unresolved.

11 DEPUTY MAYOR EVANS: Correct.

12 MR. MOORE: Are you -- when you just
13 said "Robert's Rules", are you governed
14 by Robert's rules?

15 COMMISSIONER TUCCI: I believe
16 that's the protocol we follow.

17 MR. MOORE: It is.

18 COMMISSIONER TUCCI: Better direct
19 your questions through the Deputy Mayor.
20 I'd be happy to answer.

21 MR. MOORE: You said it.

22 COMMISSIONER TUCCI: Cause you asked
23 it.

24 MR. MOORE: So, as -- am I then to
25 understand that Robert's Rules prevails

1 here?

2 DEPUTY MAYOR EVANS: It would.

3 MR. MOORE: It would.

4 DEPUTY MAYOR EVANS: Well, actually,
5 because it's a deferred compensation
6 plan, there are rules that are very
7 specific to it, because it involves the
8 employees. It does not involve the
9 municipality or use of public funds, but
10 it's the governing. So, again, I yield
11 to legal counsel, so, I -- it remains an
12 unresolved matter.

13 MR. MOORE: That I understand, I --

14 DEPUTY MAYOR EVANS: As it relates
15 to Robert's Rules, it's an unresolved
16 matter because there might be additional
17 requirements that I'm not aware of.

18 MR. MOORE: But Robert's Rules -- my
19 question was of Mr. Tucci, if Robert's
20 Rules prevails? Am I -- is that -- am I
21 understanding that correctly?

22 DEPUTY MAYOR EVANS: You're not
23 understanding my response. They may --

24 MR. MOORE: They may, oh, I see.

25 DEPUTY MAYOR EVANS: -- apply to

1 that particular resolution. I was clear.

2 MR. MOORE: Mr. Evans, you have in
3 your budget in this payable for this
4 month, you have a four account temps.
5 Are they full time or part time?

6 DEPUTY MAYOR EVANS: They're
7 primarily part time.

8 MR. MOORE: Part time.

9 DEPUTY MAYOR EVANS: One of them
10 actually works almost on a full time
11 basis.

12 MR. MOORE: You have one full time
13 and one part time.

14 DEPUTY MAYOR EVANS: Yeah.

15 MR. MOORE: Three part time.

16 DEPUTY MAYOR EVANS: It's one
17 person. One person.

18 MR. MOORE: It's one person, but it
19 has four bills on it.

20 DEPUTY MAYOR EVANS: It's just
21 catching up on the payments.

22 MR. MOORE: So, it's one account
23 temp, not four.

24 DEPUTY MAYOR EVANS: It's one.

25 MR. MOORE: It's one. And you also,

1 in the budget, totally -- there's eleven
2 bills for Peoni (ph.). And the reason I
3 was asking is because -- I don't see a
4 total for it, but just eye balling it, it
5 looks like it's 33,000, for this payroll
6 period. And I believe it was 150, were
7 not to exceed?

8 DEPUTY MAYOR EVANS: It depends if
9 those payments are for -- our treasurer
10 is here. Do you recall offhand what
11 those bill payments are for?

12 MR. MOORE: The resolution was for
13 the total -- the aggregate for 50,000.

14 DEPUTY MAYOR EVANS: Yeah, yeah.
15 But my treasurer is here, so if she can
16 comment on what the payments were for, I
17 can clarify your question. No, he's
18 saying these payments --

19 MR. MOORE: There's eleven. I
20 believe it's about 33,000.

21 DEPUTY MAYOR EVANS: Some of them
22 are in Public Works. Some of them are --

23 MR. MOORE: My question actually
24 was -- I believe the total contract for
25 Peoni was 150,000.

1 COMMISSIONER SCARPELLI: That's for
2 general engineering, Mr. Moore.

3 MR. MOORE: Oh, so there's another
4 one.

5 COMMISSIONER SCARPELLI: Because
6 these could be -- I don't know what these
7 bills are -- I'm pretty -- they could be
8 for the zoning board; they could be for
9 the permit board; they could be for
10 various other projects; they could be for
11 the fire house --

12 MR. MOORE: This is -- what's the
13 total accumulative bill that we're -- for
14 Peoni that we've budgeted for? I believe
15 it was 150, if I understood that
16 correctly?

17 UNIDENTIFIED COMMISSIONER: That's
18 for general engineering.

19 DEPUTY MAYOR EVANS: General
20 engineering. Not for the special project
21 areas, such as their activities --

22 MR. MOORE: Oh, so they can exceed
23 special projects. Is that -- am I
24 understanding that correctly?

25 DEPUTY MAYOR EVANS: If you want to

1 interpret it that way, yes, you can.

2 MR. MOORE: Well, if you just
3 account for everything as a special
4 project, you'll never hit your 150.

5 DEPUTY MAYOR EVANS: Mr. Moore, it's
6 very clear. And I'm going to make it
7 clearer.

8 MR. MOORE: Good.

9 DEPUTY MAYOR EVANS: Peoni has an
10 agreement with the town for general
11 engineering services and -- you can back
12 me up. They also provide services
13 through the Planning Board, or the Board
14 of Adjustment, when a variance or plan
15 comes before the Board, as where when
16 it's required -- engineering services are
17 required associated with that. And the
18 applicant is required to provide an
19 escrow fee for the cost of those
20 services. So those amounts are separate
21 and apart from the engineering services
22 specifically attributed to the Township
23 of Nutley.

24 MR. MOORE: Okay. One other
25 question. I believe that your secretary

1 just completed the clerk's class, and she
2 passed the test.

3 DEPUTY MAYOR EVANS: Not recently, a
4 while ago, yes.

5 MR. MOORE: A while ago. And, is
6 there a reason that we have two town
7 clerks?

8 DEPUTY MAYOR EVANS: We only have
9 one town clerk. We have one town clerk,
10 and we have two people who are registered
11 as municipal clerks. I think it's a
12 pretty good position for the town to be
13 in, don't you?

14 MR. MOORE: Who's the other -- I
15 thought there was only one.

16 DEPUTY MAYOR EVANS: Sorry?

17 MR. MOORE: I thought there was only
18 one. There's two, you said?

19 DEPUTY MAYOR EVANS: Yes, our
20 municipal clerk, he has to be a
21 registered municipal clerk --

22 MR. MOORE: Yes, I understand that.
23 That's not --

24 DEPUTY MAYOR EVANS: -- and there's
25 one additional one.

1 MR. MOORE: Okay. I thought you
2 said there were two additional ones, I
3 misunderstood you. Is there any
4 immediate plans to have any changes in
5 the clerk's office, now that you have
6 two?

7 DEPUTY MAYOR EVANS: We don't
8 speculate on future plans.

9 MR. MOORE: Oh. I'm glad you're not
10 in charge of the budget.

11 UNIDENTIFIED SPEAKER: Hi, Jack.

12 MR. MAGNIFICO: Jack Magnifico, 160
13 Park Avenue. I got a couple of
14 questions. You know, I was thinking
15 about it. When are we going to do --
16 Park Avenue with about -- the curb?

17 COMMISSIONER SCARPELLI: Are
18 there -- there Duncan Donuts in your
19 building?

20 MR. MAGNIFICO: I put -- You know, I
21 don't mind paying bills -- I'm running
22 out -- we did the curb in front of the
23 building -- Park Avenue --

24 COMMISSIONER SCARPELLI: Up through
25 Duncan Donuts, obviously Duncan Donuts

1 did that. Beyond that, we --

2 MR. MAGNIFICO: Thank you for
3 insisting on that.

4 COMMISSIONER SCARPELLI: -- you
5 know, we had the balance put in there.
6 Welcome back to our meetings, by the way,
7 Mr. Magnifico. It's good to see you back
8 here. As far as Park Avenue, there's no
9 immediate plans to redo that roadway.

10 MR. MAGNIFICO: The only reason I'm
11 concerned about it is, you know -- the
12 trucks seem to have a tendency to drop
13 off and park along there and -- coffee
14 and stuff, anyway -- Mr. Tucci, have we
15 made any progress on the green of the --
16 have we done anything on that? Well,
17 what progress are we making? You know,
18 I'd like to see this town get green.

19 COMMISSIONER TUCCI: We've had an
20 audit that was conducted by an agent of
21 Public Service, where they came in and
22 they evaluated all the buildings and
23 they'll be retrofitting the buildings
24 with energy saving devices, reflectors,
25 lower voltage bulbs.

1 At the next meeting, I expect to
2 present to this board a contract to join
3 the SEM -- which is the equivalent of the
4 Joint Insurance Fund, only in the energy
5 area, whereby we have the opportunity to
6 purchase energy at reduced costs en mass
7 with 3 or 400 other entities.

8 As far as the solar or thermal
9 panels are concerned, there really isn't
10 any funding that's available for that
11 right now. But we're keeping our eye on
12 that, and our grant writer is in fact,
13 exploring different avenues. So, that
14 when that money does become available, we
15 can in fact jump in and apply for that.

16 MR. MAGNIFICO: All right. This is
17 nothing to do with you personally, but I
18 have -- 1990, as you know, been pushing
19 for that because of my building.

20 UNIDENTIFIED COMMISSIONER: Yes, I
21 do. Um-hum.

22 MR. MAGNIFICO: I talked to a number
23 of people, and I'm about ready to go back
24 again -- talk to --

25 UNIDENTIFIED COMMISSIONER: Jack --

1 (indiscernible).

2 MR. MAGNIFICO: Talked to, what do
3 you call it, the solar power that I had
4 talked to. And they informed me that
5 it's going to be a long wait -- if you
6 don't get on the list, so to speak,
7 you're going to be on the end, instead of
8 upfront. That's all I'm asking for is --
9 to see us upfront.

10 UNIDENTIFIED COMMISSIONER: Jack,
11 we've been on the list, from when they
12 first announced it and you'll see many
13 companies, because we've done a lot of
14 investigative work in this area that will
15 offer to come in and actually install
16 those solar panels for us. But the
17 conditions are not really favorable,
18 because they take off a -- exactly -- a
19 large portion of the revenue that we
20 would otherwise receive. So, we need to
21 be very careful. But, we're on the list,
22 in the event that money does become
23 available, and we have been from day one.
24 Thank you, Jack.

25 MR. MAGNIFICO: Mr. Evans, who does

1 the zoning -- the changing of the zoning,
2 well, now I'm talking not for me, I'm
3 talking for AMVETS. Who does the
4 changing of zoning for properties?

5 DEPUTY MAYOR EVANS: It would be
6 through the Planning Board, is the
7 recommendation. We can actually
8 recommend through our code enforcement
9 suggest changes to zoning, but that would
10 come through the Planning --

11 MR. MAGNIFICO: Well, it seems that
12 since -- been involved in a lot of
13 things -- but we didn't realize that from
14 1947, recently, very recently, I
15 assume -- notified -- organization --
16 that the property where I have -- not I
17 have, we have -- 1.6 acres has been zoned
18 residential. I remember in 1990, I came
19 before -- actually -- nobody was here at
20 that -- Mr. Cocchiola, myself, Mr. Smith
21 had agreed that we were going to put a
22 veteran's housing in that area, but we
23 had a problem.

24 Our members had a house at the end
25 on Walnut Street, were going to give us

1 an entrance to get into it, so we
2 could -- the zoning, but membership
3 turned it down. But in the mean time, at
4 that point, it wasn't residential.
5 Right? We used to hold picnics back
6 there, if you know -- I don't know who
7 remembers it, but that's where we used to
8 hold our town picnics.

9 I find out recently, because of --
10 thanks to Mr. Tucci, I got to thank you
11 again. They're trying to implement --
12 trucking area -- cars, our members seeing
13 that we're getting more Iraqi vets,
14 Afghan vets, and some people from -- you
15 know, I've got the census bureau --
16 they're looking for places to park. And
17 I want to keep them in town, because
18 they're employing our people. I've been
19 told that the Zoning Board put down
20 residential. Now, I got to go -- I guess
21 we'll have to change it, I don't know.
22 Now, I just was shocked that we had never
23 gotten a notice about it.

24 DEPUTY MAYOR EVANS: That would be
25 at the time when the Master Plan was

1 revised. It was probably rezoned for
2 residential. I'm speculating a bit. And
3 that it's part of those changes; the
4 AMVETS and its property would be a -- use
5 in its current form. So, if you were to
6 change it, you might have to apply for a
7 variance to do that.

8 MR. MAGNIFICO: I'll have to go
9 through your legal system, whatever we
10 want to fight about?

11 DEPUTY MAYOR EVANS: Through my
12 legal system.

13 MR. MAGNIFICO: Because, I need --
14 not I need, we need. The other thing
15 that you got to remember is the Board has
16 turned the school, the Washington School,
17 into a no-parking zone. Parents, which
18 we gave them permission to come and park
19 their cars there to come and pick up
20 their kids, we not stop them, we love it,
21 because we don't anybody to get killed --
22 we're going to need that space up there.
23 When I go, there are still young men that
24 are going to need it. Okay? So, think
25 about that, guys. God bless.

1 DEPUTY MAYOR EVANS: Thank you,
2 Jack. Would anyone else like to speak
3 tonight on any matter?

4 UNIDENTIFIED COMMISSIONER: Move for
5 adjourn.

6 UNIDENTIFIED COMMISSIONER: Second.

7 MADAM CLERK: Commissioner
8 Scarpelli?

9 COMMISSIONER SCARPELLI: Aye.

10 MADAM CLERK: Commissioner Petracco?

11 COMMISSIONER PETRACCO: Aye.

12 MADAM CLERK: Commissioner Tucci?

13 COMMISSIONER TUCCI: Aye.

14 MADAM CLERK: Deputy Mayor Evans?

15 DEPUTY MAYOR EVANS: Aye.

16 (End of audio)

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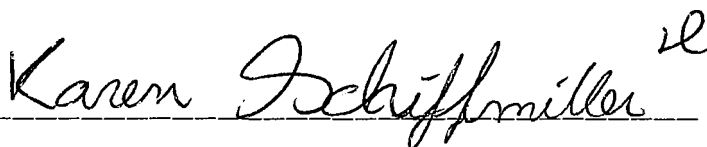
C E R T I F I C A T I O N

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

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

In witness whereof, I hereby sign this
date:

May 28, 2010.

A handwritten signature in cursive script, reading "Karen Schiffmiller", is written over a horizontal line. To the upper right of the signature is a small, stylized mark that appears to be "il".

Karen Schiffmiller