TOWNSHIP OF NUTLEY, NEW JERSEY
BOARD OF COMMISSIONERS

Certified Transcript

PUBLIC MEETING

TRANSCRIPT OF

PROCEEDINGS:

December 7th, 2010

7:00 p.m.

BEFORE:

Mayor Cocchiola
Commissioner Evans
Commissioner Petracco
Commissioner Scarpelli
Commissioner Tucci

Township Clerk Rosario

Job No. NJ303158
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Job No. NJ303158
MAYOR COCCHIOLA: Evelyn, you want to go on the record?

MADAM CLERK: Okay. Tuesday, December 7th, 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 10th, 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?

COMMISSIONER SCARPELLI: Here.

MADAM CLERK: 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.

MAYOR COCCHIOLA: Thank you.
Commissioner Scarpelli, you want to start this evening?

COMMISSIONER SCARPELLI: Yeah, I have four resolutions. The first one is to suspend meter parking for December 13th through the 25th, in conjunction with the Chamber of Commerce to promote shopping in town for the holidays. I have a change order to purchase water meters.

I have an award of a contract to purchase a hot box for pot hole repair, which will thus recycle some of our asphalt, which will decrease some of the cost, and allows it to stay heated, which will make for better repairs, so, it should work out both ways. And I have a transfer. In addition, I have a communication that we need to discuss. So, we can do that afterwards, whenever you want.

MAYOR COCCHIOLA: No, I thought it was here.

FEMALE SPEAKER: (Indiscernible).

MAYOR COCCHIOLA: Yeah. Tom?
Commissioner Evans, I'm sorry.

COMMISSIONER EVANS: Yeah. I have this brochure that Commissioner Tucci gave me, which I'd like to read into the record.

COMMISSIONER TUCCI: The whole brochure? Did you go to sleep at 7 o'clock last night?

COMMISSIONER EVANS: I have two public hearings. An ordinance, the first is a bond ordinance for 63,000 dollars in total cost, which is updating one of our switches across the Township. So, I was -- it wasn't included in the original capital budget by mistake.

And I have a public hearing on an elimination of a parking spot of Spurr Place at the request of the owners. It's a very short curb line, which they want prohibit parking, because it's not enough -- it's not sufficient to park a car there, and it extends into their driveway. So, they just want to eliminate the parking, and they recognize they won't be able to park there either.
COMMISSIONER SCARPELLI: Which street is that, Tom?

COMMISSIONER EVANS: Spurr Place.

COMMISSIONER SCARPELLI: Spurr.

COMMISSIONER EVANS: So, I just have that. And then I have three resolutions: on our 2009 Corrective Action Plan, which is contained from our audit; refunds of overpayment of water charges; and overpaying of property taxes.

And I have -- I need five minutes in executive. I -- a personal matter.

MAYOR COCCHIOLA: Okay.

Commissioner Tucci?

COMMISSIONER TUCCI: I have two resolutions this evening: one's a transfer of appropriations, and the second is billed as recognition of a recreation soccer program. It's actually an individual, but it is a surprise, so we just listed it this way. It's for Ed Dougherty, who's out there.

MAYOR COCCHIOLA: Oh.

COMMISSIONER TUCCI: And that's all I have. Yeah, so, we wanted it to be a
surprise for him. He put in twenty-five years with the program.

MAYOR COCCHIOLA: Wow.

COMMISSIONER EVANS: Oh, wow.

COMMISSIONER TUCCI: So, he has no clue --

MAYOR COCCHIOLA: What a great -- that's really cool.

COMMISSIONER TUCCI: -- that this happening. So, it's a nice thing. And Sal Azzinnari's here, and Billy Haddock.

MAYOR COCCHIOLA: Very nice.

COMMISSIONER TUCCI: I also need a date to hold our public official's education --

COMMISSIONER EVANS: To the MEL?

COMMISSIONER TUCCI: -- seminar from the MEL, exactly.

COMMISSIONER EVANS: Okay, good.

COMMISSIONER TUCCI: So, whatever date -- if you want to think about it, and we'll talk about it at the next meeting. Or if you want to do something now, after the holidays, preferably in January, we can do it the way we did it.
last time. We can do it here, before our meeting; usually it only takes an hour. Or we can schedule it at the Parks Department, or wherever. Okay?

MAYOR COCCHIOLA: Yeah. If you can --

UNIDENTIFIED COMMISSIONER: We need an executive, too.

COMMISSIONER TUCCI: And we need an executive session just to bring everyone up to speed on negotiations.

COMMISSIONER EVANS: You get better attendance if you serve food.

COMMISSIONER TUCCI: We can't afford food. You know that.

UNIDENTIFIED COMMISSIONER: BYO.

COMMISSIONER TUCCI: What're we going to serve, (indiscernible)?

COMMISSIONER SCARPELLI: Maybe I can find in my heart to bring a tray.

COMMISSIONER TUCCI: And that's all I have.

COMMISSIONER EVANS: That's a pepper cookie, right? Type of cracker, hard, very hard.
COMMISSIONER TUCCI: It's like a pretzel, yeah.

MAYOR COCCHIOLA: Commissioner Petracco?

COMMISSIONER PETRACCO: I just have two resolutions tonight. I have the one for Dave Wilson, who's retiring, and I have a grant of medical leave for Ms. Donatello.

COMMISSIONER SCARPELLI: What's her first name?

MAYOR COCCHIOLA: Meredith.

COMMISSIONER PETRACCO: Meredith Donatello. Yup. That's all I have.

MAYOR COCCHIOLA: Okay. I have an ordinance to introduce that will -- right now our outdoor café ordinance allows our business establishments that are approved, to have outdoor café dining. The time period is April 1st through October 31st. And with the weather changing, there have been citations issued, I guess, in the past year, or summonses, or maybe, warning letters issued, when there's a nice day in March,
and a business owner might put their
tables out. There've been problems with
that, because the law says that it can't
be that way.

So, in my discussions with several
business owners, I can't really
understand why that is. If the -- as
long as the establishment is -- goes
through the process it has to go through
normally to become an establishment that
has outdoor dining, it shouldn't really
matter to us, if the weather's nicer --
if there happens to be a beautiful day in
February, and they've complied with the
rules, with respect to the number of
tables they have to have, which they're
being inspected to do anyway, and they're
not -- there's no change, other than, if
it happens to be a nice day, and they
want to serve their dining outdoors, on a
day other than between April and November 1st.

It makes all the sense in the world
to allow them to do that. I don't really
see why we should care. Obviously,
they're not going to do it when there's a foot of snow. And they're not going to do it when people don't want to come and sit outside, if it's too cold. But if a day's nice enough to allow that, I think they should have the discretion to that. I've spoken to some of them. I've had the Planning Board review that proposal, and they have accepted and approved it, subject to any rules by the county with respect to county roads, which, you know, a business owner would have to comply with, if there was a separate ruling by the county in that sense, for a business owner to have to --

COMMISSIONER EVANS: Yeah.

MAYOR COCCHIOLA: -- comply with that. So, it changes nothing, other than not imposing a time frame in which you are permitted to do that.

COMMISSIONER TUCCI: I think there's only a time frame in there because we model it after one of the surrounding towns, so it really doesn't make sense. I think it makes a lot of sense to change
it to this way.

COMMISSIONER EVANS: Yeah, I
don't -- I agree. I don't think I have
an issue with that. The only thing I
have is just thinking is that weather
conditions are different. Sidewalk
conditions are different. And, so, to
the extent that there's an increased
safety risk, and that I don't -- I really
wouldn't want to have the town to assume
greater risk as a result of them having
it outside, so. So, as long as we're not
assuming great risk, or we're indemnified
against that risk, I'm fine.

MAYOR COCCHIOLA: Well, they --
there are insurance requirement --
there's a whole -- the way the ordinance
currently -- the way the code currently
reads, there's insurance requirements.
I'm pretty sure there's some
indemnification language in there as
well, I'll recheck it. But, yeah --

COMMISSIONER EVANS: Yeah, as long
as -- just given the fact that --

MAYOR COCCHIOLA: I mean, it is --
yeah.

COMMISSIONER EVANS: -- weather conditions are different. That's all.

COMMISSIONER TUCCI: Yeah, I don't have any exposure at all. We're permitting. We're not dictating that they have to do it, if they want to do it the summer. Yeah.

COMMISSIONER EVANS: Yeah, just --

COMMISSIONER TUCCI: But we can double check it, but I think we're fine.

COMMISSIONER EVANS: Whatever that is, I'm fine.

MAYOR COCCHIOLA: Okay. The other ordinance I have to introduce is our rent controlled ordinance -- our rent controlled provisions in the code. It's sunsets on December 31st, so we have to re-up it for another year. So, the second ordinance just extends the current rent control provisions for one more year.

I also have a number of resolutions, one designating the official newspapers for 2011. The clerk has asked me to move
this resolution, because Friday, December 31st, is the recognized day to celebrate New Year's Day.

COMMISSIONER TUCCI: Okay.

MAYOR COCCHIOLA: I think it's --

that's the way it is universally. That's why I didn't have a problem with this one.

COMMISSIONER EVANS: Is this on the calendar? Just because of the calendar?

MAYOR COCCHIOLA: Yes, because the calendar -- it's a Saturday. New Year's Day is a Saturday. So, it's -- Friday is the recognized --

COMMISSIONER SCARPELLI: And it's in 2010, so --

MAYOR COCCHIOLA: It's in 2010.

COMMISSIONER SCARPELLI: -- it's in 2011.

MAYOR COCCHIOLA: We have not discussed the 2011 holiday schedule yet, but this needed to be done in order for us to complete the year. So, I said that I would introduce that resolution. With no -- I'm not making any commitments as
to anything else that I have to say about holidays in this point in time.

I have a transfer of some appropriations. We're authorizing a place-to-place liquor license transfer from Papillion to the Corporation at 350 Passaic Avenue.

COMMISSIONER SCARPELLI: It's Cerreto's? You said transfer from --

MAYOR COCCHIOLA: He's transferring Cerreto's. I'm sorry -- Papillion to what -- yeah, what will be -- what Cerreto's is going to become is going to be a different restaurant.

COMMISSIONER SCARPELLI: Oh, okay.

MAYOR COCCHIOLA: Correct, I'm sorry.

COMMISSIONER EVANS: What's it going to become?

MAYOR COCCHIOLA: I don't if that's -- certainly that's all. I don't want to say.

I need to authorize a raffle license. And I also have one late edition, which is the CDBG resolution,
that we have to do today.

COMMISSIONER TUCCI: Dun, dun, dun, dun.

MAYOR COCCHIOLA: The only projects that we have --

FEMALE SPEAKER: (indiscernible).

MAYOR COCCHIOLA: -- three road paving projects. Is that the order that you wanted them in?

FEMALE SPEAKER: That's the way I read them, so.

MAYOR COCCHIOLA: Okay. It's our annual CDBG approval resolution for the three projects that we're going to submit. And the only one's we received are three road projects. Correct?

COMMISSIONER SCARPELLI: Yeah.

MAYOR COCCHIOLA: Okay. And they are: Edgar Place --

COMMISSIONER SCARPELLI: Edgar Place, Vreeland Avenue, and Coppola and Gonnelli Streets.

FEMALE SPEAKER: (indiscernible).

COMMISSIONER SCARPELLI: What?

FEMALE SPEAKER: Is it okay with the
order you wanted?

COMMISSIONER SCARPELLI: Yeah.

MAYOR COCCHIOLA: Yeah, I got it.

Okay. And that's all I have.

Okay, let's talk a bit, before we go into executive session, the -- we received a letter from Riverside Community Church. They're interested in having a "First Night" on New Years Eve, which is Friday, a holiday. And they have requested our permission. They've also made several -- they've done some outreach to several of us asking for some help. I guess we wanted to discuss that.

COMMISSIONER PETRACCO: Yeah, I could just put in a little information, that I think. I met with Donny, who's the Pastor, Donny Flynn, and also Josh, but I don't know his last name. But at any rate, they're looking to do something with possibly a road closure. They were thinking about having it just in their parking lot, on the corner of Union Ave. and Hancox.

I recommended to them, rather than
closing the front Vreeland Avenue, especially on New Years Eve Night with, you know, that traffic might be light, or Hancox Avenue, I recommended that maybe they do it on Princeton. I don't think it's going to be a big event, because of the time frame that, you know, is ticking away on them. They're just trying to put this all together. I'm looking at it as more like maybe a block party kind of atmosphere.

COMMISSIONER EVANS: Is this strictly for the parish?

COMMISSIONER PETRACCO: No, they're going to put in the local newspapers. They've asked us if we'd be able to hang up a banner, maybe on the oval (indiscernible). They want to partner up with the community. They were trying to get some -- you know, a little exposure out of it. It's going to be free to the community. Everybody's going to be welcomed. It's going to be a dry affair, absolutely no alcohol allowed. They're looking for donations also. They
explained to me. I said I would talk to our governing body.

MAYOR COCCHIOLA: They went to the right guy.

COMMISSIONER PETRACCO: Yeah, they went to the right guy. Actually they were asking about the popcorn machine too, more. But I don't think it's, at this point, anything that's going to be too extravagant. It's expensive for the church?

COMMISSIONER TUCCI: Popcorn's very expensive.

COMMISSIONER PETRACCO: Oh, but they're really great people. I, you know, haven't been to some --

COMMISSIONER EVANS: The machine's free; the popcorn's three grand.

COMMISSIONER PETRACCO: Yeah. But you know, I don't know if you guys know Don Flynn. I mean, he's a --

MAYOR COCCHIOLA: I do.

COMMISSIONER PETRACCO: -- a really fantastic person. Very community oriented. And I don't think this year
would be a big bang, you know, per se, but if it grows, then, I think, our involvement would even be more, as far as the policing that we discussed prior. I would handle this more as a block party, you know, where it's barrels and you know, they kind of police themselves in. It's a church function. And I think the first year they're going to get mostly, you know, they're own people that belong to the church. So, you know, I think it'll be nice. You know --

COMMISSIONER SCARPELLI: In his communication, he wanted a partner with the Public Works Department. I think it's a great idea for him to have it --

COMMISSIONER PETRACCO: You do?

COMMISSIONER SCARPELLI: -- not to be partnered with it. I don't want -- we're not interested in partnering.

COMMISSIONER EVANS: So, he's asking for what? You know, obviously, permission to close the street?

COMMISSIONER PETRACCO: He's asking for permission, you know, and what our --
MAYOR COCCHIOLA: To have the event.

COMMISSIONER PETRACCO: -- you know, to have the event. What was the town that they were talking about? Obviously, Montclair has [indiscernible].

COMMISSIONER EVANS: We're not sponsoring this, it's just --

COMMISSIONER PETRACCO: No, we're not sponsoring this.

COMMISSIONER EVANS: It's sponsored by the church.

COMMISSIONER PETRACCO: So, I mean, to me, it's -- I think it's just a church party. I mean, that's how I'm looking at it.

COMMISSIONER SCARPELLI: As long as it's an independent thing, and we're not committing to manpower, or --

COMMISSIONER PETRACCO: Absolutely not.

COMMISSIONER SCARPELLI: Fine with me.

COMMISSIONER TUCCI: Or dollars.

COMMISSIONER SCARPELLI: Well, let's get them a ven application, and --
MAYOR COCCHIOLA: Okay, so I'll --

COMMISSIONER SCARPELLI: -- see what
they're going to need.

MAYOR COCCHIOLA: Chicken franchise.

COMMISSIONER PETRACCO: Chicken
franchise, yeah. So, again, you know,
having a relationship with him --

COMMISSIONER TUCCI: It seems like a
nice idea.

COMMISSIONER PETRACCO: -- I trust
him.

COMMISSIONER TUCCI: He's a very
nice man.

COMMISSIONER PETRACCO: He's great.

COMMISSIONER SCARPELLI: It's a nice
idea.

MAYOR COCCHIOLA: You could get him
the nut.

COMMISSIONER PETRACCO: Tom's going
to -- he might donate his time and DJ,
was it, Tom?

COMMISSIONER EVANS: Yeah.

MAYOR COCCHIOLA: Joe, you still
have the nut? Give him the nut.

COMMISSIONER SCARPELLI: The nut? I
don't know where the nut is
(indiscernible)a.

COMMISSIONER EVANS: I was going to
do a series of show tunes.

COMMISSIONER PETRACCO: Show tunes?
Sorry, what else?

MAYOR COCCHIOLA: Oh, two more
things. One, I put this message up on
the employee portal because I have an
opportunity, because if there's twenty­
five people -- twenty-five municipal
employees, who would -- are interested in
quitting smoking, I have an opportunity
to get some grant money and to enroll
them in a program. I don't know if there
are twenty-five employees who smoke, but
if anybody, you know -- I need to know
right away. That's why I put up on the
portal.

COMMISSIONER PETRACCO: Twenty-five
that need the program, though.

MAYOR COCCHIOLA: If I get, you
know, twenty-five names together --

COMMISSIONER TUCCI: There's about
thirty, forty, I think is more round.
MAYOR COCCHIOLA: -- I have an opportunity to get some grant money for that. And the other thing is the shared services summit that we're going to be having with Belleville and Bloomfield.

COMMISSIONER SCARPELLI: The date?

MAYOR COCCHIOLA: I tossed out two dates: Friday, January 7th, and Friday, January 21st. They would be morning meetings. There would be a morning meeting on one of those dates. I stayed away from the long weekend --

COMMISSIONER SCARPELLI: I know. Yeah, yeah.

MAYOR COCCHIOLA: -- because you thought you might go away. It will be sunshined --

COMMISSIONER TUCCI: I'm sorry, what was the second date? The 7th, and the what?

MAYOR COCCHIOLA: The twenty -- two weeks after the 7th, the 21st.

MADAM CLERK: Mayor, what was this for again, I'm sorry?

MAYOR COCCHIOLA: We've invited the
Mayor of Belleville and the Mayor of Bloomfield, and whoever they would like to bring with them to a meeting where we would discuss the concept of shared services in greater detail than we ever have in the past.

COMMISSIONER EVANS: In the morning, you said, Mayor?

MAYOR COCCHIOLA: Morning meeting. Could you do it at either of those?

COMMISSIONER EVANS: On both of those dates, I'm free up until 10:30.

MAYOR COCCHIOLA: Yeah, we would work -- assuming we're going to be done by 10 o'clock. We'll start at maybe 8:30. It would be the first meeting, and then we would identify -- if there's public works issues, then the public works people can work with Commissioner Scarpelli from there. But this would just be a first general meeting. It will need to sunshined.

MADAM CLERK: I need the dates again, Mayor. What dates were you looking at?
MAYOR COCCHIOLA: February -- I'm sorry. January 7th, Friday, and January 21st, Friday. But I don't know which one of those it'll be yet, until I hear back from them.

COMMISSIONER SCARPELLI: It's a great opportunity, I think, for us to examine, you know, what we're already doing together, and what we can do further.

MAYOR COCCHIOLA: And it was Commissioner Scarpelli that brought that idea to my attention. So, I want to give him the credit for that.

COMMISSIONER SCARPELLI: Thank you, thank you.

COMMISSIONER TUCCI: Good idea.

MAYOR COCCHIOLA: Okay, so now we need an executive session?

COMMISSIONER SCARPELLI: Yes.

COMMISSIONER TUCCI: Um-hum.

MAYOR COCCHIOLA: Read the resolution.

MADAM CLERK: Whereas the Board of Commissioners in the Township of Nutley
in the County of Essex desire to proceed to closed executive session.

And a now therefore, be it resolved by the Board of Commissioners, that the Township Commission shall now move into executive session to discuss personnel --

COMMISSIONER EVANS: Contract negotiations and personal. Two separate things.

MADAM CLERK: Contract negotiation and personnel.

COMMISSIONER EVANS: Two separate things.

MADAM CLERK: Okay. Contract negotiations and a personnel matter?

Be it further resolved that the time when such discussions may be disclosed to the public, shall be when and as such disclosure may be made without adversely affecting the Township pending and/or anticipated legal, personnel, contractual matters and other matters within the exceptions provided for by the statute.

COMMISSIONER SCARPELLI: Moved.

MADAM CLERK: I need a second.
COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Ayea

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Ayea

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Ayea

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye. He's planning on opening a sports bar, that's his plan at least, the last time I spoke to him.

COMMISSIONER TUCCI: Who, Joey?

MAYOR COCCHIOLA: I don't know if that's still the --

(Recessed for Executive Session)

(Pledge of Allegiance declared)

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

MADAM CLERK: Yes, Mayor. Tuesday, December 7th, 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?

COMMISSIONER SCARPELLI: Here.

MADAM CLERK: 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.

MAYOR COCCHIOLA: Thank you. We're going to take some items out of order. Thank you for your patience, everyone. Commissioner Petracco, you want to go first?
COMMISSIONER PETRACCO: Tonight we have a retirement, Dave Wilson, who's here tonight. And we have a resolution, which I just cracked the glass, Dave, so I'm hoping that brings you fifty years of good luck in your retirement. So, we'll have to replace that.

Whereas, David A. Wilson joined the Nutley Fire Department on July 9th, 1985; and,

Whereas, in 2007 Inspector Wilson was promoted to the title of Lieutenant, and serviced in that title with distinction; and,

Whereas, Lieutenant Wilson further distinguished himself through the attainment of numerous citations including awards from the Nutley Elks, the Knights of Columbus, the American Red Cross, and Jaycees, the Veterans of Foreign Wars, and the New Jersey Citizens Alliance; and,

Whereas, Lieutenant Wilson served with distinction as Deputy Coordinator/Damage Assessment Coordinator.
for the Township of Nutley Office of Emergency Management and in that capacity recovered significant funds for the Township of Nutley from the Federal Emergency Management Agency.

Whereas, Lieutenant Wilson retired from the Nutley Fire Department on August 31st, 2010;

Therefore, be it resolved by the Board of Commissioners of the Township of Nutley in the County of Essex, State of New Jersey, that Lieutenant Wilson's dedicated and commitment to the safety and welfare of the residents of the Township of Nutley be hereby recognized;

and,

Be it further resolved that the gratitude of this community be hereby extended to Lieutenant David A. Wilson for his twenty-five years of unparalleled service with the Nutley Fire Department.

I move the resolution.

COMMISSIONER SCARPELLI: Second.

MADAM CLERK: Commissioner Scarpelli?
COMMISSIONER SCARBELLI: Aye.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Commissioner Evans?


MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

(Loud applause)

MAYOR COCCHIOLA: I also have a resolution by the Senate and General Assembly, that Assemblyman -- former Assemblyman Scalera, left with us this evening to present to you, Dave. I will quickly read it.

Whereas the Senate and General Assembly of the State of New Jersey are pleased to honor and salute Lieutenant David A. Wilson, a highly esteemed member of his community, who retired from a long and distinguished tenure of service to the Nutley Fire Department on August 31st, 2010; and,
Whereas, David A. Wilson began his praiseworthy fire-fighting career in the Nutley Fire Department, on July 9th, 1985, and he advanced to the rank of Lieutenant in 2007; and,

Whereas, David A. Wilson served with distinction as Deputy Coordinator/Damage Assessment Coordinator for the Township of Nutley, Office of Emergency Management, and he was instrumental in recovering funds for the Township from the federal Emergency Management Agency. And,

Whereas, an array of honors and awards bears witness to the high regard in which Lieutenant David A. Wilson is held by his peers and colleagues, as well as, the community. And,

Whereas, by demonstrating his devotion to the people of Nutley in Essex County, in helping to preserve and protect both their lives and property through his dedication and skill for two and one half decades. Lieutenant David A. Wilson has earned the respect and
admiration of all who knew him. And,

Whereas the strength and success of
the State of New Jersey and the vitality
and effectiveness of our communities
depend in great measure upon superb
public spirited individuals, such as
Lieutenant David A. Wilson.

Now, therefore be it resolved by the
Senate and General Assembly of the State
New Jersey that this legislature hereby
honors Lieutenant David A. Wilson upon
his retirement, commences many valuable
years of service and firefighting, and
extends best wishes for his good health
and happiness. And,

Be it further resolved that a duly
authenticated copy of the resolution
signed by the Senate president and the
Assembly speaker, and attested by the
Senate Secretary, and the Assembly Clerk,
be transmitted to Lieutenant David A.
Wilson.

Congratulations again, Dave.

(Loud applause)

MR. WILSON: Thank you,
Commissioners, thank you, public. I want to thank the Commissioners, both present and past, for the trust and faith they have placed in me, and the opportunity to serve the citizens of Nutley.

When I joined the Nutley First Aid Squad back in 1944, and later, the Nutley Red Cross, as a volunteer, I never dreamed it would lead to such a rewarding career as a Fire Inspector where I could work on fulfilling Maslow's Hierarchy of Needs.

Public sector careers and the people who serve should be cherished and praised by all. They are the people in the trenches protecting our quality of life, be it Public Safety, Public Works, Revenue and Finance, Public Affairs, Parks and Recreations, and Board of Education. They all play an equal part in making Nutley a great town to live, work, play and be educated in.

Township employees pay taxes, volunteer, and feel the same pressures of everyday life and economic turmoil as our
residents do. I also reach out to the public sector family, union and nonunion, to work together with our leaders, and strive for reasonable and fair solutions to every challenge we all face together.

Many people view success as the size of their bank accounts, their cars, their homes, jewelry. But I close with Emerson's view. And he puts success into words that I hope many of you will find inspiring, also. It goes like this:

"To laugh often and much,
To win the respect of intelligent people, and the affection of children,
To appreciate beauty and to find the best in others,
And, to leave the world a better place,
And, to know that even one life has breathed easier because you have lived,
This is to have succeeded."

I thank you all again for the opportunity to serve. It's been a great run.

MAYOR COCCHIOLA: Thank you, Dave.
COMMISSIONER PETRACCO: Thank you, Dave.

(Loud applause)

(Audio fades out; words indiscernible)

MAYOR COCCHIOLA: Thanks again, again. Commissioner Tucci, did you also want to take an item out of order?

COMMISSIONER TUCCI: Yes, Mayor, thank you very much. On our agenda tonight, we have a -- I have an item listed here recognizing the recreation soccer program. That's not entirely correct. I'm, kind of, sort of, recognizing the recreation soccer program, but more importantly, we're here to recognize an individual who has dedicated twenty-five years of his life to our program. And I'd like to read this resolution, and give this man his due. And it reads as follows:

  Whereas, Ed Dougherty has been a resident of the Township of Nutley for the past thirty years, where he and his wife, Mary Lou have raised their three children, Coleen, Michael, and Kevin;
and,

Whereas, the 2010 season has marked Ed Dougherty's twenty-fifth year of being involved in the Nutley Recreation Soccer Program, during which time he has served as a coach, a Division Director, a member of the Board of Directors, and the President of the League; and

Whereas, during the last ten years, Ed has been responsible for coordinating referee assignments for all recreation soccer games; excuse me, and,

Whereas, the true measure of Ed's dedication has been the fact, that for the last nine years, he has not had any children of his own participating in the program. Yet, you would still find Ed every Saturday morning or weekday night at the fields, making sure that all games went off as well as scheduled and that all safety precautions were being followed.

Now, therefore, be it resolved, that the Board of Commissioners of the Township of Nutley, County of Essex, join
with the citizens of Nutley to honor Ed Dougherty, and to recognize the valuable contributions he has made to the Nutley Recreation Soccer Program and the thousands of children who have benefited from his exceptional efforts and dedication. It is with great gratitude and appreciation that I move this resolution.

COMMISSIONER EVANS: Second.

(Loud applause)

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

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. Surprise, Ed.

MR. DOUGHERTY: I am surprised. I don't have any prepared statement. My
wife and Sal Azzinnari tricked me into coming here tonight.

I'd just like to say a few things. First of all, I want to thank the Board of Commissioners. I want to especially thank Commissioner Tucci and his predecessors, for the Parks and Rec, and everybody in the Parks and Rec, for all their hard work over years. They've been -- they've done a tremendous job.

Three people, though, I want to especially recognize this evening. Two of them are here tonight, and one, unfortunately, is not. And it's the reason I'm standing up here, and if anything, they should have this award, if not, share it with me. One is the gentleman I just mentioned before; he has been the President of the League for many, many, years, about ten years now. And I was the President one time, from maybe the third week in August to the third week in September, your life is ruined. But we do it for one reason and one reason only, and that is for the
benefit of the youngsters, and that's Sal Azzinnari. And he's done a fabulous job, and I'd like you to recognize him.

I'd also like to recognize a person that -- many nights I come home, leave the house, run to the soccer field, and microwaves are wonderful things, but my wife has put up with me for twenty-five years. She's put up with me, because she knows that I love volunteering my time, and helping out the youngsters of this beautiful town we're in. And so, I thank her.

And the last person, like I said, unfortunately, is no longer with us, but he meant an awful lot to me, and got me started in this, and volunteer my time, and I'm speaking of the late Commissioner Frank Cocchiola. I wouldn't be standing here today, if it weren't for that man. Make no bones about it.

He was -- politics aside -- he's one of the nicest people I ever had the pleasure of working with. He convinced me to volunteer my time, and told me I
would get a lot of satisfaction out of it. And trust me, I did get much satisfaction. I enjoyed every minute of the twenty-five years I've done it for. So, on a personal note, I would ask the Mayor if she would let her lovely mother know, that I was thinking of him tonight, and he meant an awful lot to me.

MAYOR COCCHIOLA: Thank you.

MR. DOUGHERTY: So, again, Board of Commissioners, for the fine award.

MAYOR COCCHIOLA: Thank you.

COMMISSIONER TUCCI: Thank you, Ed.

(Loud applause)

(Audio fades out; words indiscernible)

MALE SPEAKER: Do you have a copy of the resolution?

MR. DOUGHERTY: Thank you.

MAYOR COCCHIOLA: Okay. We can -- thank you everyone for coming.

COMMISSIONER TUCCI: Thank you, Sal and Bill.

MAYOR COCCHIOLA: We can move on to our regular business, which would be approval of meeting minutes.
MADAM CLERK: Mayor, I have several minutes: May 18th, June 1st, June 4th, June 15th, June 30th, July 6th, July 20th, August 3rd, and August 17th.

MAYOR COCCHIOLA: I need a motion.

COMMISSIONER EVANS: Move the minutes.

COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

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: That's all for minutes, Mayor.

MAYOR COCCHIOLA: Thank you. And in Correspondence?

MADAM CLERK: Mayor, correspondence for Riverside Community Church,
requesting permission for a "First Night Event" on New Years Eve, between Hancox and Conover. This matter was discussed in workshop session and it was the consensus of the governing body that I submit an event application for further review.

MAYOR COCCHIOLA: We need a motion on the approval of the Riverside Community Church request.

UNIDENTIFIED COMMISSIONER: I'll move it.

UNIDENTIFIED COMMISSIONER: Second.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Question.

One question. That's going to be -- we're going to ask them to move that, though, not on Union Avenue, right?

COMMISSIONER PETRACCO: Right.

COMMISSIONER SCARPELLI: Okay. Aye.

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: That's all for Communications and Correspondence, Mayor.

MAYOR COCCHIOLA: We have a little technical problem up here. We don't have the bill list.

MADAM CLERK: We do have a bill list, Mayor, yes. No reports, but we do have a --

MAYOR COCCHIOLA: But we don't.

COMMISSIONER EVANS: It's not in our folder.

MAYOR COCCHIOLA: Do you want to just hold that?

COMMISSIONER TUCCI: Can we come back to it?

MAYOR COCCHIOLA: Yeah, we'll come back to it. You have the checklist. We'll hold that, and we'll come back to that.

MADAM CLERK: Okay, Mayor.

MAYOR COCCHIOLA: We could move on
to ordinances for introduction. I have
an ordinance to introduce, entitled an
Ordinance to Amend Chapter 532 of the
Code of the Township of Nutley*, entitled
"Rent Control, Section 532a14: When
Effective: Termination of Provisions*.a
I move that the ordinance be passed
to a second reading, advertised in the
Nutley Sun, together with the notices
that are required by law, and that
further consideration of the ordinance
for final passage, by the Board, be held
at its second reading on December -- I'm
sorry, January 4th, 2011.

Move it.

MADAM CLERK: I need a second.

COMMISSIONER TUCCâ: Second.

MADAM CLERK: Commissioner

Scarpelli?

COMMISSIONER SCARPELLI: Aye.

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.

I have a second ordinance for introduction this evening, Ordinance No. 3156, entitled, "AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED OUTDOOR CAFES AND SIDEWALK CAFES SPECIFICALLY, SECTION V 700-41(V)".

I move that the ordinance be passed to a second reading, advertised in the Nutley Sun, together with the notice required by law, and that further consideration of the ordinance for final passage, by the Board, be held at its second reading on January 4th, 2011, and I will note two items.

Number one, that Commissioner Evans will be doing some investigation into additional zoning provisions that might need to be addressed in order to pass this. We're not sure if that's the case, or not. And also, the Planning Board has indicated, with their approval of this ordinance that we check into some county
restrictions on county roads, with respect to outdoor cafes. I move the resolution.

COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

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.

Public hearings, Commissioner Evans?

COMMISSIONER EVANS: Thank you, Mayor. The first Public Hearing is number 3153, regarding a Bond Ordinance for 63,000 dollars relating to replacing the -- and upgrading the switches across the town for our computer network.

MAYOR COCCHIOLA: Is there anyone here this evening that would like to address the Board with respect to
Ordinance Noa 3153? There's no onea

COMMISSIONER EVANS: Close the Public Hearinga

COMMISSIONER TUCCI: Seconda

MRa VERDI: Robert Verdia 303 Hillside.

What's specifically is that for?

COMMISSIONER EVANS: In each of the buildingsa for the computer networka, which is connected to our telephones, which makes the whole thing worka you have a switch -- are you familiar -- if you have a computer at home, in the back there's a pluga These switches have -- are beyond their usagea They just have to be replaced as far as maintenancea

MRa VERDI: This has nothing to do with any equipment to televise these meetings?

COMMISSIONER EVANS: Noa

MRa VERDI: Thank youa

MAYOR COCCHIOLA: Is there anyone else who would like to address the Board?

There is no onea

COMMISSIONER EVANS: Move to close
the Public Hearing.

COMMISSIONER TUCCI: I'll second it again.

COMMISSIONER EVANS: Move the ordinance, please.

COMMISSIONER TUCCI: Second.

MAYOR COCCHIOLA: Wait a minute. We need a vote on the closure of the public hearing.

MADAM CLERK: Do we have a first and a second for that?

MAYOR COCCHIOLA: Yes.

COMMISSIONER EVANS: We do.

MADAM CLERK: Okay. Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

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. Now, you can move the ordinance.
COMMISSIONER EVANS: Move the ordinance.

COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

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: The second public hearing tonight is 3155, and this is to eliminate a parking -- a little portion of Spurr Place, where there's a limited curb line, at the request of the owner.

MAYOR COCCHIOLA: Is there anyone here who would like to address the Board with respect to this ordinance, which is Ordinance No. 3155?

COMMISSIONER EVANS: Close the
Public Hearing.

COMMISSIONER Tucci: Second.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

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: Move the ordinance.

COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

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.

Okay, we can move on to resolutions. Commissioner Scarapelli?

COMMISSIONER SCARPELLI: Whereas, the Department of Public Works announces there will be free two hour metered parking from December 13th, 2010 through December 25th, 2010;

Whereas, the suspension of metered parking during the holiday is a Nutley tradition to promote our business districts and support local merchants;

Whereas, the free two hour parking will allow ample time for residents to take the opportunity to leisurely walk and "Shop Nutley First";

Now, therefore, be it resolved, by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, and wishes you a Happy and Holiday season.

I move the resolution.

COMMISSIONER PETRACCO: Second.

MADAM CLERK: Commissioner
Scarpelli?

COMMISSIONER SCARPELLI: Aye.

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 SCARPELLI: Whereas,
bids for a purchase of a 2010 three ton portable diesel asphalt heating unit with dump capability were received and opened on Wednesday, October 27th, 2010;

   Whereas, Trius, Inc.a 50a49 Industrial Road, Farmingdale, New Jersey 07727 was the low bidder in the amount of 18,383 dollars;

   Whereas, funds are available from Account No. 408-200 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 a contract be
awarded to Trius, Inc. not to exceed
18,383 dollars, and that the Mayor and
Township Clerk are hereby authorized to
enter into and sign said contract for the
Township of Nutley.
I move the resolution.
COMMISSIONER PETRACCO: Second.
MADAM CLERK: Commissioner
Scarpelli?
COMMISSIONER SCARPELLI: Aye.
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 SCARPELLI: Be it
resolved by the Board of Commissioners in
the Township of Nutley, County of Essex,
New Jersey, that in accordance with the
provision of R.S. 40A:4-58, the following transfers of appropriations in the 2010 budget be and the same are hereby authorized and approved: from Water Salary and Wages $50,000 dollars to Water Operating Expenses, $50,000 dollars; from Road Repair Maintenance Salary and Wages, to Road Repair Maintenance Other Expenses, $15,000 dollars; from Sewer Salary and Wages, to Sewer O&E, $30,000 dollars, for a total of $95,000 dollars.

I move the resolution.

COMMISSIONER PETRACCO: Second.

MADAM CLERK: Commissioner Scarpetelli?

COMMISSIONER SCARPELLI: Aye.

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 SCARPELLI: Whereas --
I have one more, Mayor.

Whereas, the Township of Nutley has entered into a contract with L/B Water Service, Incorporated, 4101 Sylon Boulevard, Hainesport, New Jersey 08036, authorizing the purchase of 5/8th x 1/2" Badger Water Meters for an original contract amount of 30,000 dollars; and,

Whereas, Change Order No. 1 in the amount of 28,280 dollars is needed for the purchase of additional water meters;

Whereas, funds are available from Account No. 0-05-702-213 in the amount of 4,200 dollars and Account 0-05-702-224 in the amount of 3,500 dollars, and Ordinance No. 3152 in the amount of 20,580, and have been certified by the Chief Financial Officer, said certification attached to the resolution;

Now, therefore, be it resolved by the Board of Commissioners in the Township of Nutley, County of Essex, State of New Jersey, that the Change Order No. 1 in the amount of 28,280 dollars is a change from the contract.
previously made by the Township of Nutley
with L/B Water Service, Incorporated, for
the purchase of additional water meters,
and is hereby authorized and approved.

    I move the resolution.

COMMISSIONER PETRACCO: Second.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

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 SCARPELLI: That's all

I have, Mayor.

MAYOR COCCHIOLA: Thank you.

Commissioner Petracco?

COMMISSIONER PETRACCO: Be it
resolved by the Board of Commissioners of
the Township of Nutley, County of Essex,
State of New Jersey, that Meredith
Donatello, an employee in the Department of Public Safety, be granted an extended medical leave of absence without pay effective October 30th, 2010 through April 15th, 2011.

I move the resolution.

COMMISSIONER SCARPELLI: Second.

MADAM CLERK: Commissioner Scarpe11a?

COMMISSIONER SCARPELLI: Aye.

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: That's all I have.

MAYOR COCCHIOLA: Thank you.

Commissioner Evans?

COMMISSIONER EVANS: Thank you, Mayor. Madam Clerk, do you want to read the billa?
MADAM CLERK: Move to read the bills?

MAYOR COCCHIOLA: Um-hum.

MADAM CLERK: Tuesday, December 7th, 2010:

Public Affairs $27,554.18,
Revenue & Finance $2,616,019.03,
Public Safety $53,620.55,
Public Works $71,789.77,
Parks & Public Property $473,910.83,
Payroll as of November 24th, 2010, $846,936.40,
for a grand total bill list of $4,234,018.06.

And that's all for bills, Mayor.

COMMISSIONER EVANS: Move the bills.
COMMISSIONER TUCCI: Second.
MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

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.

COMMISSIONER EVANS: Resolution, my resolutions now, Mayor.

Whereas, all local government units must prepare and submit a Corrective Action Plan as part of the annual audit process in accordance with OMB A-133 and 98-01;

Now, therefore, be it resolved by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that the attached Corrective Action Plan for the audit year 2009 is hereby approved.

Be it further resolved, that a copy of this Corrective Action Plan be kept on file in the Township Clerk's Office and one certified copy to be submitted to Director of the Division of Local Government Services.

So moved.

COMMISSIONER TUCCI: Second.
MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

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: Be it resolved, by the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey, that the Township Clerk -- Township Treasurer is hereby authorized to refund overpayment of water charges on the following accounts: Block 4101, Lot 8, $230.29; Block 5701, Lot 50 for $118.62 for a total of $348.91.

COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

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: 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 overpayment of property taxes in the amount of $1,414.72 for Block 120A, Lot 2, Qualifier C42A5, for the year 2010.

So moved.

COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

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: Thank you, Mayor.

MAYOR COCCHIOLA: Thank you.

Commissioner Tucci?

COMMISSIONER TUCCI: Yes.

Be it resolved, by the Board of Commissioners of the Township of Nutley, in the County of Essex, New Jersey, that in accordance with the provisions of R.A. 40A:4-58a, the following transfers of appropriations in the 2010 budget be and the same are hereby authorized and approved in the Department of Parks and Public Property: from Parks and Playgrounds Salary and Wages, $13,000; from Shade Tree Salary and Wages, $2,000; and from Group Insurance $20,000 dollars, totaling $35,000 dollars; to Parks and Playgrounds Other Expenses, $3,000; Public Buildings and Grounds Salary and Wages, $20,000; Public Buildings and Grounds
Other Expenses, 10,000; Shade Tree Commission Other Expenses, 1,000; Senior Citizen Transport Other Expenses, 1,000, for a total of 35,000.

I move the resolution.

COMMISSIONER EVANS: Second.

MADAM CLERK: Commissioner Scarpeilli?

COMMISSIONER SCARPELLI: Aye.

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 TUCCI: That's all I have, Mayor.

MAYOR COCCHIOLA: Thank you.

Be it resolved, by the Board of Commissioners in the Township of Nutley, County of Essex, State of New Jersey, that the following newspapers are hereby designated as the official newspapers for

I move that resolution.

COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARBELLI: Aye.

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.

Be it resolved by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that Friday, December 31st, 2010, shall be considered a paid holiday for New Year's Day.

I move the resolution.

COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner
COMMISSIONER SCARPELLI: Aye.

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, an application has been filed for a place-to-place transfer of plenary retail consumption License No. 0716-33-011-005, issued to Papillion LLC trading as Black Market Bar and Bistro, for premises heretofore located at 338 Passaic Avenue, Nutley, New Jersey, 07110;

Is this correct? Okay. I'm sorry.

Whereas, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term;

Therefore, be it resolved, that the
Township of Nutley Governing Body does hereby approve, effective December 13th, 2010, the place-to-place transfer of the aforesaid plenary retail consumption licensed premises, from its former location, 338 Passaic Avenue, Nutley, New Jersey, and does hereby direct the Municipal Clerk to endorse the license certificate as follows: "This license, subject to all of its terms and conditions, is hereby transferred to premises located at 350 Passaic Avenue, Nutley, New Jersey."

I move the resolution.

COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

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, a raffle application has been received from Saint Mary's Roman Catholic Church, License No. 08-11, for an on-premise merchandise raffle, January 7th, 2011;

Whereas, the application has 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, that the aforementioned license is approved and the Municipal Clerk is authorized to issue the license.

I move the resolution.

COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

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 COCCHİOLA: Aye.

Be it resolved by the Board of Commissioners of the Township of Nutley County of Essex, that the Township of Nutley shall apply for Community Development Block Grant (CDBG) monies for the year 2011; and,

Whereas, public hearings regarding the Community Development Block Grant Program were held on November 23rd and December 2nd, 2010, at which time applications for grants were accepted;

Therefore, be it resolved, that the Township of Nutley submits the following applications for funding for 2011:

number one, resurfacing and reconstruction of Edgar Place, from Vreeland Avenue to the Roadway, for $149,533.65; number two, Vreeland Avenue, Reconstruction and Resurfacing, $149,202.90; and number three, Coppola Street, Gonnelli Street, resurfacing, $116,020.80.

I move the resolution.
COMMISSIONER Tucci: Second.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

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.

Be it resolved, by the Board of Commissioners of the Township of Nutley, County of Essex, that in accordance with the provisions of 40A:4-58a, the following transfer of appropriations in the 2010 budget be and the same are hereby authorized and approved: from Garbage and Trash, 35,000 to Health Department O&E, for a total of 35,000.

I move the resolution.

COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner Scarpelli?
COMMISSIONER SCARPELLi: Aye.

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. Is there anyone here this evening that would like to address the Board?

(Audio fades out; words indiscernible)

MAYOR COCCHIOLA: Oh, I'm sorry, yes. It's not in my file.

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 interests of decorum and/or the expeditious conduct of municipal business are being adversely affected by such dialogue.

Good evening, Mr. Verdi.

MR. VERDI: Robert Verdi, 303 Hillside. This is to Commissioner Scarpelli. I noticed last Saturday that your department was picking up leaves bags of leaves. Okay? And I understand that the reason you do that is in the event of inclement weather all the leaves are picked up, and you don't fall behind in schedule. That's fine. But at this time of financial crisis, let me ask you this question: do they get paid time and a half for that?

COMMISSIONER SCARPELLI: Yes.
MR. VERDI: Okay. Is that a budgeted overtime?

COMMISSIONER SCARPELLI: Yes.

MR. VERDI: Okay. That's fine and dandy. But my -- here's a little food for thought. I know recycling has to be done, okay? But maybe for the month of November, we could do recycling every other week, and those --

COMMISSIONER SCARPELLI: Unfortunately, Mr. Verdi, we have some holidays that are in there. And that --

MR. VERDI: I under -- let me finish.

COMMISSIONER SCARPELLI: Okay, go ahead.

MR. VERDI: All right? Maybe we could recycle every other week, and then the odd week, your employees could pick up the leaves. Now, my pick up is on Thursday. We had a holiday; it was Thanksgiving. All right? I didn't find it any inconvenient to go two weeks. I just put everything in a bag, and held it for the following week. If that would
save a couple of bucks to the town, maybe you should consider that.

COMMISSIONER SCARPELLI: Well, we'll take that under consideration, but consider that when you go every other week with recycling, it's a lot heavier to pick up, which slows us down. There's a reason that it's down every week. We'll take everything under consideration, but those leaves have to get picked up before it snows.

MR. VERDI: I understand that.

COMMISSIONER SCARPELLI: And you should know that better than anybody.

MR. VERDI: Yes, I know that.

COMMISSIONER SCARPELLI: Better than anybody. The same people who pick up the recycling are the same people who pick up the leaves; they're the same people who plow the snow. They're the same people who fill the pot holes same people who clean the catch basins. There's not a crew of guys that are just waiting around to pick up leaves. So when they're doing leaves, they're not
doing something else.

MR. VERDI: I'm not saying -- I'm a (indiscernible); I know how hard they work. But that's not my point here. My point is, it was just a suggestion.

COMMISSIONER SCARPPELLI: I'll take that under consideration.

MR. VERDI: Mayor Cocchiola, just out of curiosity, okay? The oval looks fine. But out of curiosity, what happened to the cherry blossom trees?

MAYOR COCCHIOLA: The trees, the squirrels ate through some of the lights up there, and to conserve dollars this year, Mr. Verdi, I did not have them replaced or fixed.

MR. VERDI: Fine, thank you.

Commissioner Tucci?

COMMISSIONER TUCCI: Yes, sir.

MR. VERDI: Last time I was here, I said there was a bond being floated for whatever amount for swings. Okay? I just didn't mean specifically swings. Okay? Is there a bond being floated for park equipment?
COMMISSIONER TUCCI: There is a -- as part of our annual capital program, a portion of that bond does go for para and recreation equipment.

MR. VERDI: Okay, fine. Does that include the Creative Playground Reconstruction -- that in it?

COMMISSIONER TUCCI: Yup, part of that was, in fact, from our previous capital years --

MR. VERDI: Okay, here's my question.

COMMISSIONER TUCCI: -- not from this one.

MR. VERDI: Okay, here's my question on that.

COMMISSIONER TUCCI: Go ahead.

MR. VERDI: Because I was a part of it.

COMMISSIONER TUCCI: Um-hum.

MR. VERDI: That was all volunteer work and fundraising. Was that correct?

COMMISSIONER TUCCI: Correct.

MR. VERDI: Okay. Now, we had a hazard with that, so it had to be torn
1 down.

COMMISSIONER TUCCI: Right.

MR. VERDI: Okay. My question is, at this time, financial crisis wise, why did we replace a program that was originally funded at no cost to the taxpayer, and now we are redoing that when we have other parks in this town that the citizens and their children can use? All right? And they've all been redone beautifully, the county as well as yours, okay?

And I know it might be a little inconvenient to travel from that end of town to another end of town, but I just think it would be financially prudent that maybe if we eliminated the hazard, and we just held off on that portion of the bond, okay, maybe we could have saved a buck here and there.

COMMISSIONER TUCCI: Your point is well-taken. However, the bond -- the money from the bonds that funded that improvement, all right, were bonds that were floated prior to the financial
crásás, all right? And -- as I'm sure you're aware, because you've been around a long time.

Our parks system here was set up very well years ago, whereby we all have neighborhood parks. That neighborhood, in particular, all right, was very eager to get a playground back there, because there are considerable amount of children there. But that was not funded as part of this bond ordinance. And as I've said before, we only spend what we absolutely need. That money was budgeted years prior, all right?

And we also purchased the equipment at the end of the year, at a fifty percent reduction from GameTime. So, we take every measure to save every dollar. But as I'm sure you're aware, we're all cognizant of the fact that we need to watch every penny that we spend, in order to save jobs and to be fair with our employees and our tax payers. But we also cannot stop doing the things that make this town the place that it is.
MRa VERDI: Okay --

COMMISSIONER TUCCI: So, keeping that in mind, we are cognizant of thata
I am very keenly aware of every dollar that we spenda We had a concert planned;
we had inclement weather; we did not reschedule that, all right,
intentionally, to try and save those dollars. It's a little bit of money, but as you've said at the last meeting, a little bit here, a little bit there,
eventually it adds up to a lot of moneya

MR. VERDI: Thank you. Commissioner Petracco and Commissioner Evans, last commission meeting, Commissioner Evans said you had seen or requested to see Petra -- Commissioner Petracco's budgeta Okay? Have you two met on that?

COMMISSIONER PETRACCO: Well, we've been -- actually Commissioner Evans met with the PBA and the FMBA, trying to come up with --

MR. VERDI: All righta My question is because we had a meeting tonight and we were told that no one's come back with
anything concrete suggestion to avert the layoffs, avoid the layoffs. I mean, today is what? December 7th. The layoffs go into affect December 31st. Time is of the essence. I mean --

COMMISSIONER PETRACCO:

(Indiscernible) and I were supposed to meet again tomorrow.

MR. VERDI: All right. Just wanted to know.

COMMISSIONER EVANS: Just for purposes of being clear (indiscernible).

(Audio fades out; words indiscernible)

MR. VERDI: My condolences, I know that.

(Audio fades out; words indiscernible)

MR. VERDI: Last thing I'd like to say is, it is not intent to rake anybody over the coals, or to embarrass any one commissioner, my purpose to see if we all can come together and find a way to save the five police officers and the four firemen from being laid off. Like I stated at the last commission meeting, I was laid off. It's not pleasant.
Believe me, it's not pleasant. Well, if all of yous can come together and find a solution to save money, a drop in the bucket here, a drop in the bucket there, to save these guys' jobs, that's my intent.

COMMISSIONER PETRACCO: I think we're all working very diligently on that, Bob. We are, you know, also concerned about the Parks and Rec people that are being laid off, the DPW people.

So, it's, you know, it's (indiscernible) -- very good.

MR. VERDI: Yeah, thank you.

MAYOR COCCHIOLA: Thank you.

Is there anyone else who would like to address the Board this evening? Then we need a motion to adjourn.

UNIDENTIFIED COMMISSIONER: Move to adjourn.

UNIDENTIFIED COMMISSIONER: Second.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLEI: Aye.

MADAM CLERK: Commissioner Petracco?
COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Ayea

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:
December 27, 2010.

Karen Schiffmiller (CET**D-570)
AAERT Certified Electronic Transcriber
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:

December 27, 2010.

Karen Schiffmiller (CET*AD-570)
AAERT Certified Electronic Transcriber
December 7, 2010 Meeting Transcription approved by the Board of Commissioners of the Township of Nutley at their meeting held on Tuesday February 15, 2011.

Evelyn Rosato, RMC, CMC
Municipal Clerk

Commissioner Joseph P. Scarpelli

Commissioner Alphonse Petracco

Commissioner Thomas J. Evans

Commissioner Mauro G. Tucci

Mayor Joanne Cocchiola
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**PAYROLL-REGULAR NOVEMBER 24, 2010:**
- Department of Public Affairs: $21,171.61
- Department of Revenue & Finance: $51,409.37
- Department of Public Safety: $420,647.25
- Department of Public Works: $59,372.55
- Department of Parks & Public Properties: $209,938.13
- Department of Recreation Commission: $2,638.41
- Department of Rec.Comm.Adult Day Care Center: $2,267.24
- Water Operations: $36,621.40
- Due To From General Capital: $3,325.10
- 600 Series: $7,289.68
- C.E.H.A.: $127.62
- ACC-U-VAC: $0.00

**Sub Total:** $814,808.36

**PAYROLL-OVERTIME NOVEMBER 24, 2010:**
- Department of Public Affairs: $0.00
- Department of Revenue & Finance: $451.59
- Department of Public Safety: $10,384.82
- Department of Public Works: $13,773.47
- Department of Parks & Public Properties: $1,443.49
- Water Operations: $6,074.67
- 600 Series: $0.00

**Sub Total:** $32,128.04

**TOTAL PAYROLL:** $846,936.40

**GRAND TOTAL:** $4,234,018.06

The Payroll list in the foregoing schedule includes amounts to be deducted for:
- Federal Withholding Tax: $121,321.49
- Social Security: $27,917.75
- N.J. State Tax: $32,421.90
- Medicare: $11,893.79
- Wage Execution: $4,287.58
- Deferred Compensation: $26,946.05
- Employee Disability Ins.: $2,652.39
Ordinance No. 3156
Introduced by Mayor Joanne Cocchiola
Introduced on December 7, 2010
Public Hearing January 4, 2011
Advertise in the Nutley Sun Issue of Thursday, December 16, 2010

Ordinance No. 3156
AN ORDINANCE TO AMEND AN ORDINANCE
ENTITLED OUTDOOR CAFES AND SIDEWALK
CAFES SPECIFICALLY, Section V 700-41(V)

BE IT ORDAINED by the Board of Commissioners of the Township of Nutley, that Paragraph V of Section 700-41 is omitted and replaced with the following:

V. Cafes shall be permitted to operate throughout the calendar year.

[Explanatory Note: this amendment was approved by the Planning Board and eliminates the April 1 to November 1 date restriction for operating an outdoor café.]
Ordinance No. 3157
Introduced by Mayor Joanne Cocchiola
Introduced on Tuesday, December 7, 2010
Public Hearing Tuesday, January 4, 2011
Advertised in the Nutley Sun Issue of Thursday, December 16, 2010

Ordinance No. 3157
AN ORDINANCE TO AMEND CHAPTER 532 OF THE CODE OF THE TOWNSHIP OF NUTLEY, ENTITLED RENT CONTROL, SECTION 532-14: WHEN EFFECTIVE: TERMINATION OF PROVISIONS

Section 532-14 of the Code of the Township of Nutley is hereby amended to reflect a termination date of December 31, 2011

1. REPEALER. All ordinances or parts of ordinance which are inconsistent herewith are hereby repealed to the extent of such inconsistency.
2. EFFECTIVE DATE. This ordinance shall take effect immediately upon the expiration of twenty (20) after passage and publication as required by law.
Bond Ordinance No. 3153
BOND ORDINANCE PROVIDING FOR VOICE AND DATA NETWORK UPGRADES IN AND BY THE TOWNSHIP OF NUTLEY, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING $63,000 THEREFOR, AND AUTHORIZING $59,850 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING PART OF THE COST THEREOF.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF NUTLEY, IN THE COUNTY OF ESSEX, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Township of Nutley, New Jersey as a general improvement. For the improvement or purpose described in Section 3, there is hereby appropriated the sum of $63,000, including the sum of $3,150 as the down payment required by the Local Bond Law. The down payment is now available for capital improvement purposes in the Capital Improvement Fund.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of $59,850 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.
Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued, are voice and data network upgrades, including all work and materials necessary therefor or incidental thereto, all pursuant to plans and specifications on file with the Township, which plans and specifications are hereby approved.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with the bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8(a). The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale, and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description,
the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained, and the name of the purchaser.

Section 5. The capital budget of the Township of Nutley is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 6. Any grants or moneys received by the Township for any purpose set forth in Section 3 hereof are hereby appropriated for said purpose set forth in Section 3 hereof and shall be applicable either to the direct payment of the cost of such purpose or to the payment or reduction of the obligations issued or authorized herein. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 7. The following additional matters are hereby determined, declared, recited, and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. It is an improvement or purpose that the Township may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 7 years.
(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and bond anticipation notes provided in this bond ordinance by $59,850 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding $5,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 8. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 9. This bond ordinance shall take effect 20 days after publication thereof after final adoption, as provided by the Local Bond Law.
ORDINANCE NO. 3155
INTRODUCED BY COMMISSIONER EVANS
INTRODUCED ON NOVEMBER 9, 2010
PUBLIC HEARING DECEMBER 7, 2010
ADVERTISE IN THE NUTLEY SUN ISSUE OF THURSDAY, NOVEMBER 18, 2010

ORDINANCE NO. 3155
AN ORDINANCE TO AMEND AN ORDINANCE CODIFIED IN THE CODE OF THE TOWNSHIP OF NUTLEY, CHAPTER 228, ENTITLED VEHICLES AND TRAFFIC, PARTICULARLY ARTICLE II (PARKING OF CERTAIN STREETS), SECTION 13 ENTITLED “PARKING PROHIBITED AT ALL TIMES” TO ADD THE LOCATIONS SET FORTH THEREIN.

BE IT ENACTED by the Board of Commissioners of the Township of Nutley that Section 13 of Chapter 228 of the Code of the Township of Nutley, entitled Parking on Certain Streets, is hereby amended to set forth the ADDITION of the following locations:

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<tr>
<th>Name of Street</th>
<th>Side</th>
<th>Location</th>
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<tr>
<td>Spurr Place</td>
<td>East</td>
<td>From 103 north of Ellen Street, North for 15 feet</td>
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BE IT FURTHER ENACTED that all other terms and conditions and locations in Section 13 and Chapter 228 shall remain as heretofore set forth in the Code of the Township of Nutley, except where such a reading would not give meaning to and further the application of this amendment. In such case and in such event, the terms and conditions shall have a meaning consistent with the intent of this amendment; and
BE IT FURTHER ENACTED that the within ordinance shall become effective after passage and publication, pursuant to law.

Statement
The driveway aprons for 4 Spurr Place and 12 Spurr Place are separated by 15 feet of curbing. Fifteen feet is substandard and insufficient to park a vehicle without blocking one or both driveways. Residents requested this prohibition.
Resolution

Introduced by: Commissioner Joseph P. Scarpelli  Date: December 7, 2010
Seconded by: Commissioner Mauro G. Tucci  No. 267A-10

WHEREAS, the Board of Commissioners of the Township of Nutley, in the County of Essex, and State of New Jersey desires to proceed to closed executive session; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Nutley that the Township Commission shall now move into closed executive session to discuss:

1. Contract Negotiations
2. Personnel Matters

BE IT FURTHER RESOLVED, that the time when such discussions may be disclosed to the public shall be when and as such disclosure may be made without adversely affecting the Township of Nutley pending and/or anticipated legal, personnel, contractual matters and other matters within the exceptions provided for by statute.

I, Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held, December 7, 2010.

<table>
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<tr>
<th>Record of Vote</th>
<th>Commissioner Scarpelli</th>
<th>Commissioner Petracco</th>
<th>Commissioner Evans</th>
<th>Commissioner Tucci</th>
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Resolution

Introduced by: Commissioner Joseph P. Scarpelli Date: December 7, 2010
Seconded by: Commissioner Alphonse Petracco No. 267-10

WHEREAS, the Department of Public Works announces there will be free two hour metered parking from December 13, 2010 through December 25, 2010; and

WHEREAS, the suspension of metered parking during the holiday is a Nutley tradition to promote our business district and support local merchants; and

WHEREAS, the free two hour parking will allow ample time for residents to take the opportunity to leisurely walk and “Shop Nutley First”;

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, wishes you a Happy, Healthy Holiday Season.

Record of Vote

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WHEREAS, the Township of Nutley has entered into a contract with L/B Water Service, Inc., 4101 Sylon Boulevard, Hainsport, New Jersey 08036, authorizing the purchase of 5/8 x 1/2” Badger Water Meters for an original contract amount of $30,000.00; and

WHEREAS, Change Order #1 in the amount of $28,280.00 is needed for the purchase of additional water meters; and

WHEREAS, funds are available from Account #0-05-702-213 in the amount of $4,200.00 and Account #0-05-702-224 in the amount of $3,500.00 and Ordinance #3152 in the amount of $20,580.00 and have been certified by the Chief Financial Officer, said certification attached to this resolution;

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners in the Township of Nutley, County of Essex, State of New Jersey, that the Change Order #1 in the amount of $28,280.00, is a change from the contract previously made by the Township of Nutley with L/B Water Service Inc., for the purchase of additional water meters is hereby authorized and approved.

Evelyn Rosati, 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 December 7, 2010.

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WHEREAS, Bids for the purchase of a 2010 Three(3) Ton Portable Diesel Asphalt Heating Unit with Dump Capability were received and opened on Wednesday, October 27, 2010; and

WHEREAS, Trius, Inc., 5049 Industrial Road, Farmingdale, New Jersey 07727 was the low bidder in the amount of $18,383.00; and

WHEREAS, funds are available from Account #408-200 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 a contract be awarded to Trius, Inc., not to exceed $18,383.00 and that the Mayor and Township Clerk are hereby authorized to enter into and sign said contract for the Township of Nutley.

I, _________________________________, Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held __December 7, 2010__.
Resolution

Introduced by: Mayor Joanne Cocchiola Date: December 7, 2010
Seconded by: Commissioner Mauro G. Tucci No. 270-10

BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that the Township of Nutley shall apply for Community Development Block Grant (CDBG) monies for the year 2011; and

WHEREAS, public hearings regarding the Community Development Block grant Program were held on November 23, 2010 and December 2, 2010, at which time applications for grants were accepted;

NOW, THEREFORE, BE IT RESOLVED that the Township of Nutley submits the following applications for funding for 2011;

1. Department of Public Works Resurfacing/Reconstruction Edgar Place $149,533.65
2. Department of Public Works Resurfacing/Reconstruction Vreeland Avenue $149,202.90
3. Department of Public Works Resurfacing/Reconstruction Coppola Street and Gonnelli Street from Franklin Avenue to Ernest Street $116,020.30

I, Evelyn Rosario, Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held December 7, 2010.

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Resolutions

Introduced by: Commissioner Alphonse Petracco
Seconded by: Commissioner Joseph P. Scarpelli

WHEREAS, David A. Wilson joined the Nutley Fire Department on July 9, 1985; and,

WHEREAS, in 2007 Inspector Wilson was promoted to the title of Lieutenant, and served in that title with distinction; and,

WHEREAS, Lieutenant Wilson further distinguished himself through the attainment of numerous citations including awards from the Nutley Elks, the Knights of Columbus, the American Red Cross, the Jaycees, the Veterans of Foreign Wars and the New Jersey Citizens Alliance; and

WHEREAS, Lieutenant Wilson served with distinction as Deputy Coordinator/Damage Assessment Coordinator for the Township of Nutley Office of Emergency Management and in that capacity recovered significant funds for the Township of Nutley from the Federal Emergency Management Agency.

WHEREAS, Lieutenant Wilson retired from the Nutley Fire Department on August 31, 2010;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Nutley in the County of Essex, State of New Jersey that Lieutenant Wilson’s dedication and commitment to the safety and welfare of the residents of the Township of Nutley be hereby recognized; and,

BE IT FURTHER RESOLVED that the gratitude of this community be hereby extended to Lieutenant David A. Wilson for his 25 years of unparalleled service with the Nutley Fire Dept.

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 __December 7, 2010___.

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Commissioner Tucci
Resol ution

Introduced by: Commissioner Alphonse Petracco Date: December 7, 2010
Seconded by: Commissioner Joseph P. Scarpelli No. 272-10

BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of
Essex, State of New Jersey that Meredith Donatello, an employee in the Department of Public Safety, be
granted an extended medical leave of absence without pay effective October 30, 2010 through April 15, 2011.

I, Township Clerk, do hereby certify that the
foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held December 7, 2010.

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Resolution

Introduced by: Commissioner Thomas J. Evans  
Date: December 7, 2010

Seconded by: Commissioner Mauro G. Tucci  
No. 273-10

WHEREAS, all local government units must prepare and submit a Corrective Action Plan as part of the annual audit process in accordance with OMB A-133 and 98-01;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey, that the attached Corrective Action Plan for the audit year 2009 is hereby approved.

BE IT FURTHER RESOLVED, that a copy of this Corrective Action Plan is to be kept on file in the Township Clerk’s Office and one certified copy is to be submitted to Director of the Division of Local Government Services.

Record of Vote

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I, Ev yn Bosaro, 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 December 7, 2010.
Resolution

Introduced by: Mayor Joanne Cocchiola ___________________ Date: December 7 2010 ___________________
Seconded by: Commissioner Mauro G. Tucci ___________________ No. 274-10 ___________________

BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that the following newspapers are hereby designated as the official newspapers for advertising for the Township of Nutley, for the year 2011:

The Nutley Sun
One Garret Mountain Plaza
P.O. Box 471
Woodland Park, New Jersey 07424

The Journal Newspaper
463 Valley Road
Maplewood, New Jersey 07040

The Star Ledger
One Star Ledger Plaza
Newark, New Jersey 07102

Herald News
One Garret Mountain Plaza
P.O. Box 471
Woodland Park, New Jersey 07424

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 December 7, 2010.

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BOARD OF COMMISSIONERS  
Township of Nutley, New Jersey  
Resolution

Introduced by: **Mayor Joanne Cocchiola**  
Date: **December 7, 2010**

Seconded by: **Commissioner Mauro G. Tucci**  
No. **275-10**

**BE IT RESOLVED** by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey that Friday December 31, 2010 shall be considered a paid holiday for New Year's Day.

---

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 December 7, 2010.

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BOARD OF COMMISSIONERS
Township of Nutley, New Jersey
Resolution

Introduced by: Mayor Joanne Cocchiola  Date: December 7, 2010

Seconded by: Commissioner Mauro G. Tucci  No. 276-10

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: 4-58, the following transfer(s) of appropriations in the 2010 Budget be and the same are hereby authorized and approved:

DEPARTMENT OF PUBLIC AFFAIRS

<table>
<thead>
<tr>
<th>FROM:</th>
<th>TO:</th>
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</thead>
<tbody>
<tr>
<td>Garbage &amp; Trash 0-01-138-200 $ 35,000.00</td>
<td>Health Department O/E 0-01-160-200 $35,000.00</td>
</tr>
</tbody>
</table>

Total $35,000.00  Total $35,000.00

, 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 December 7, 2010.

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<tr>
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BOARD OF COMMISSIONERS
Township of Nutley, New Jersey
Resolution

Introduced by: Commissioner Mauro G. Tucci Date: December 7, 2010
Seconded by: Commissioner Thomas J. Evans No. 277-10

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: 4-58, the following transfer(s) of appropriations in the 2010 Budget be and the same are hereby authorized and approved:

DEPARTMENT OF PARKS & PUBLIC PROPERTY

<table>
<thead>
<tr>
<th>FROM:</th>
<th>TO:</th>
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</thead>
<tbody>
<tr>
<td>Parks &amp; Playgrounds S/W 0-01-504-101</td>
<td>Parks &amp; Playgrounds O/E 0-01-504-200</td>
</tr>
<tr>
<td>Shade Tree S/W 0-01-512-100</td>
<td>Pub. Bldgs. &amp; Grounds S/W 0-01-508-100</td>
</tr>
<tr>
<td></td>
<td>Shade Tree Comm. O/E 0-01-512-200</td>
</tr>
<tr>
<td></td>
<td>Sr. Citz. Transport O/E 0-01-517-200</td>
</tr>
<tr>
<td>Total</td>
<td>Total</td>
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</table>

$35,000.00

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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: 4-58, the following transfer(s) of appropriations in the 2010 Budget be and the same are hereby authorized and approved:

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<tbody>
<tr>
<td>0-05-701-100</td>
<td>0-05-702-200</td>
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<tr>
<td>$50,000.00</td>
<td>$ 50,000.00</td>
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<tr>
<td>Road Repair &amp; Maint. S/W</td>
<td>Road Repair &amp; Maint. O/E</td>
</tr>
<tr>
<td>0-01-408-100</td>
<td>0-01-408-200</td>
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<tr>
<td>15,000.00</td>
<td>15,000.00</td>
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<tr>
<td>Sewer Sys. S/W</td>
<td>Sewer Sys. O/E</td>
</tr>
<tr>
<td>0-01-420-100</td>
<td>0-01-420-200</td>
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<tr>
<td>30,000.00</td>
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<td>Total</td>
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<tr>
<td>$ 95,000.00</td>
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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 December 7, 2010.

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BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Commissioner Thomas J. Evans             Date: December 7, 2010
Seconded by: Commissioner Mauro G. Tucci                No. 279-10

BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey that the Township Treasurer is hereby authorized to refund overpayment of water charges on the following account(s):

Block 4101 Lot 8    18 Dogwood Lane    $ 230.29
Block 5701 Lot 50   31 Linden Place     118.62

Total                  $ 348.91

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 __December 7, 2010__.

Record of Vote

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<tr>
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BOARDS OF COMMISSIONERS
Township of Nutley, New Jersey

Resolution

Introduced by: Commissioner Mauro G. Tucci Date: December 7, 2010.

Seconded by: Commissioner Thomas J. Evans No. 280-10

WHEREAS, Ed Dougherty has been a resident of the Township of Nutley for the past 30 years, where he and his wife, Mary Lou have raised their three children, Coleen, Michael and Kevin; and

WHEREAS, the 2010 season has marked Ed Dougherty's 25th year of being involved in the Nutley Recreation Soccer Program, during which time he has served as a coach, a Division Director, a member of the Board of Directors and the President of the League; and

WHEREAS, during the last 10 years, Ed has been responsible for coordinating referee assignments for all recreation soccer games; and

WHEREAS, the true measure of Ed's dedication has been the fact, that for the last nine years, he has not had any children of his own participating in the program. Yet, you would still find Ed every Saturday morning or weekday night at the fields, making sure that all games went off as scheduled and that all safety precautions were being followed.

NOW THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the Township of Nutley, County of Essex, join with the Citizens of Nutley to honor Ed Dougherty and to recognize the valuable contributions he has made to the Nutley Recreation Soccer Program and the thousands of children who have benefited from his exceptional efforts and dedication.

_____, 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 December 7, 2010.

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Resolution

Introduced by: Mayor Joanne Cocchiola
Date: December 7, 2010
Seconded by: Commissioner Mauro G. Tucci
No: 281-10

WHEREAS, an application has been filed for a Place-to-Place Transfer of Plenary Retail Consumption License Number 0716-33-014-005, issued to Papillion LLC T/A Black Market Bar & Bistro for premises heretofore located at 338 Passaic Avenue, Nutley, New Jersey 07110;

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term;

NOW, THEREFORE BE IT RESOLVED that the Township of Nutley Governing Body does hereby approve, effective December 13, 2010, the Place-to-Place Transfer of the aforesaid Plenary Retail Consumption licensed premises, from its former location 338 Passaic Avenue, Nutley, New Jersey 07110, and does hereby direct the Municipal Clerk to endorse the license certificate as follow: “This license, subject to all of its terms and conditions, is hereby transferred to premises located at 350 Passaic Avenue, Nutley, New Jersey 07110.”

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 December 7, 2010.

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</table>
WHEREAS, a raffle application has been received from the following organization; and

<table>
<thead>
<tr>
<th>Saint Mary’s Roman Catholic Church</th>
<th>License No. 08-11 On-Premise Merchandise Raffle</th>
<th>January 7, 2011</th>
</tr>
</thead>
</table>

WHEREAS, the application has been reviewed and approved by the Municipal Clerk and the Police Department.

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

I, Evelyn Rosario, Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held December 7, 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 overpayment of property taxes in the amount of $1,414.72 for said property:

<table>
<thead>
<tr>
<th>BLOCK</th>
<th>LOT</th>
<th>Qual.</th>
<th>ADDRESS</th>
<th>AMOUNT – YEAR</th>
</tr>
</thead>
<tbody>
<tr>
<td>1200</td>
<td>2</td>
<td>C4205</td>
<td>442-E River Road</td>
<td>$1414.72 - 2010</td>
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</tbody>
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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 December 7, 2010.

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