TOWNSHIP OF NUTLEY, NEW JERSEY
BOARD OF COMMISSIONERS

PUBLIC MEETING

December 30th, 2010
8:30 a.m.

BEFORE:
Mayor Cocchiola
Commissioner Evans
Commissioner Petracco
Commissioner Scarpelli - Absent/Excused
Commissioner Tucci

Township Clerk Rosario
Job No. NJ314016
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Township Clerk Rosario
Job No. NJ314016
MADAM CLERK: Thursday, December 30th, 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 is absent/excused.

Commissioner Petracco?

COMMISSIONER PETRACCO: Here.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Here.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Here.

MADAM CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Here.

Do we have a bill list today?

MADAM CLERK: No bill list.

MAYOR COCCHIOLA: Okay.

Commissioner Petracco, when you read your
resolutions, can you do Commissioner Scarpelli's as well?

COMMISSIONER PETRACCO: Sure.

MAYOR COCCHIOLA: Okay.

Commissioner Evans?

COMMISSIONER EVANS: I have three resolutions: one for property tax overpayment; another one reappointing Nisivoccia & Company, our auditors for the coming year; and another reappointing Piro, Zinna for Tax Counsel.

MAYOR COCCHIOLA: I'm going to abstain from that, because Mr. Cifelli represents my husband.

COMMISSIONER EVANS: That's fine.

MAYOR COCCHIOLA: Commissioner Tucci?

COMMISSIONER TUCCI: I just have a transfer of appropriations.

MAYOR COCCHIOLA: Mr. Petracco?

COMMISSIONER PETRACCO: I have the two corrected resolutions from the last meeting, and I'll read -- Commissioner Scarpelli just has a leave of absence.

That's it.
MAYOR COCCHIOLA: I have the services contract for the midwife who does the health screenings for women; the appointment of a constable; authorizing some video licenses; and the appointments for next year, through the reorganization date of -- Kevin Harkins, Alan Genitempo, and Angelo Servidio; and also the appointment resolution for CDBG representatives, myself and Kathy Rempusheski for 2011. And that's all I have.

UNIDENTIFIED SPEAKER: Mayor, can I get an executive session after this, a short one?

MAYOR COCCHIOLA: Yeah. Let's go on the record, and get this done --

UNIDENTIFIED SPEAKER: Okay.

MAYOR COCCHIOLA: -- and then we'll move into executive session. Okay?

(Pledge of Allegiance declared)

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

MADAM CLERK: Thursday, December 30th, 2010. Pursuant to the requirements
of the Open Public Meeting Law, Chapter 231, Public Laws, 1975, notice of this meeting was published in the December 10, 2009 issues of the Nutley Sun, the Journal, the Star Ledger, and the Herald News. A copy of this notice has been posted on the Nutley Town Hall bulletin board, and a copy is on file in the municipal clerk's office.

Commissioner Scarpelli is absent/excused.

Commissioner Petracco?

COMMISSIONER PETRACCO: Here.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Here.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Here.

MADAM CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Here.

The only item of business we have this morning is the reading of resolutions, so we'll start with you, Commissioner Petracco.

(Audio fades out; words indiscernible)

COMMISSIONER PETRACCO: Mayor, I'll
read Commissioner Scarpelli's first.

Be it resolved by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that Frank DeBlasio, employee of the Department of Public Works requires an unpaid leave of absence effective January 1st, 2011 though June 30th, 2011.

COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

COMMISSIONER PETRACCO: (Indiscernible) are mine.

Whereas, the Township of -- Office of Emergency Management has been (indiscernible) Urban Areas Security Initiative (UASI-Local Share) CFDA no. 97.008, Award no. 2009-SS-T9 (indiscernible) Management. The subgrant
consisting of a total amount of 52,549 dollars (indiscernible) purpose of 

enhancing Nutley's (indiscernible) 

ability to prevent, protect against --

recover from acts of terrorism, natural 

disasters, other catastrophic events and 

emergencies; and

Whereas, the subgrant award 

corporates all conditions and 

representations contained or made in 

application and notice of award no. 2009- 

SS (indiscernible) --

Now, therefore, be it resolved that 

the Board of Commissioners of the 

Township of Nutley, New Jersey, herewith 

accepts the award of the FFY09 Homeland 

Security Emergency Management Performance 

Grant Program Subgrant in the amount of 

52,459 dollars (indiscernible) Federal 

Funds from the (indiscernible) Police 

Office of Emergency Management; and

Be it further resolved, that the 

Township of Nutley Director of Public 

Safety (indiscernible) Financial 

(indiscernible) Township Chief Fiscal
Officer and Township Director of Emergency Management are authorized to sign appropriate subgrant award documents; and

Be it further resolved that the copies of the resolution (indiscernible) Jersey Police, Office of Emergency Management, the Township of Nutley, Director of Public Safety, the Town Chief Financial Officer (indiscernible) Township Office of Emergency Management, and Office of the Treasurer.

I move the resolution.

COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

COMMISSIONER PETRACCO: Whereas, the Township of Nutley wishes to purchase HazMat gear and equipment from an
authorized vendor under the State of New Jersey Cooperative Purchasing Program; and

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

Whereas, Gen-El Safety and Industrial Products LLC, 96a (indiscernible) Randolph, New Jersey, has been awarded New Jersey State contract no. 74022 for HazMat gear and equipment for the period of 5/1/09 to 4/30/11; and

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

Whereas, funds are available from the trust account T-15-909-912, and have been certified by the Chief Financial Officer, said certification being attached to this resolution; and

Whereas, N.J.A.C. 5:34-7.29 requires that the purchases made under (indiscernible) Purchase Program,
individually or (indiscernible) statutory limit of 21,000, be it authorized by
resolution;

Now, therefore, be it resolved by the Board of Commissioners (indiscernible) Gen-El be awarded a contract for purchase of HazMat gear and equipment in accordance with the State (indiscernible) no. 74022.

COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

COMMISSIONER PETRACCO: That's all I have.

MAYOR COCCHIOLA: Thank you.

Commissioner Evans?

COMMISSIONER EVANS: Be it resolved, by the Board of Commissioner 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 $22,328.41 for said properties:

Block 3904, Lot 7, $1,516.93; Block 7606, Lot 9, $2,400.07; Block 8300, Lot 7, $5,680.37; Block 8302, Lot 12, $2,551.85; Block 8401, Lot 31, $1,917.85; Block 8606, Lot 18, $2,220.90; Block 9204, Lot 25, $2,436.59; Block 9502, Lot 13, $2,216.05; Block 9700, Lot 10, $1,387.80.

COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

COMMISSIONER EVANS: Whereas, the Township of Nutley has a need to acquire services of a Registered Municipal
Accountant to conduct an annual audit of the Township's books, accounts and financial transactions within five months after the close of its fiscal year as a non-fair and open Contract pursuant to the provisions of N.J.S.A. 19:44 A-20.4 or 20.5, as appropriate; and

Whereas, the Chief Financial Officer has determined and certified in writing that the value of the aggregate services provided by the vendor for the year will exceed 17,500 dollars; and

Whereas, Nisivoccia & Company Certified Public Accountants and Consultants, 5 Emery Road, Randolph, New Jersey has submitted a fee schedule for providing such services, the total amount which is not to exceed 139,944 dollars; and

Whereas, Nisivoccia & Company LLP Certified Public Accountants and Consultants, has completed and submitted a Business Entity Disclosure Certification which certifies that they have not made any reportable
contributions to a political or candidate committee in the Township of Nutley in the previous one year, and that the contract will prohibit them from making any reportable contributions through the term of the contract; and

Whereas, funds are available from account 1-01-222-200 and 1-05-706-200, 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 authorizes the Mayor to enter into a contract with Nisivocci & Company LLP Certified Public Accountants and Consultants; and

Be it further resolved that the Business Disclosure Entity Certification and the Determination of Value will be placed on file with this resolution.

So move.

COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.
MADAM CLERK: Commissioner Evans?
COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Tucci?
COMMISSIONER TUCCI: Aye.

MADAM CLERK: Mayor Cocchiola?
MAYOR COCCHIOLA: Aye.

COMMISSIONER EVANS: Whereas, the Township of Nutley has a need to acquire the services of an Attorney as Municipal Tax Counsel to provide legal counsel services concerning "Municipal Tax Appeals" in the Township of Nutley as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.a or 20.5, as appropriate; and

Whereas, the Tax Assessor has determined and certified in writing that the value of the aggregate services provided by the vendor for the year will exceed $17,500; and

Whereas, Angelo Cifelli, Esq. of the Law Firm of Piro, Zinna, Cifelli, Paris & Genitempo, 360 Passaic Avenue, Nutley, New Jersey has submitted a fee schedule for providing such services, the total of
which is not to exceed 22,750 dollars;
and

Whereas, Angelo Cifelli, Esq. of the Law Firm of Piro, Zinna, Cifelli, Paris & Genitempo has completed and submitted a Business Entity Disclosure Certification which certifies that they have not made any reportable contributions to a political or candidate committee in the Township of Nutley in the previous one year, and (indiscernible) will prohibit them from making any reportable contributions through (indiscernible) contract; and

Whereas, funds are available from account no. 1-01-204-200 and have been certified by the chief financial officer, said (indiscernible) resolution,

Now, therefore, be it resolved (indiscernible) Board of Commissioners of the Township of Nutley authorizes the Mayor to enter into a contract with Angelo Cifelli, Esq. of the Law Firm of Piro, Zinna, Cifelli, Paris & Genitempo; and
Be it further resolved, that the
Business Disclosure Entity Certification
and the Determination of Value be placed
on file with this resolution.

So moved.

COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: I'll abstain, due
to conflict. Mr. Cifelli represents my
husband, and Commissioner Evans, I'll ask
you to execute that contract? 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 provision of R.S. 40A:4-58, the
following transfer of appropriations in
the 2000 Budget be and the same are
hereby authorized and approved in the Department of Parks and Public Property:
from Group Insurance 35,000 to Parks and Playgrounds Other Expenses 20,000;
Recreation Other Expenses 15,000; for a total of 35,000.

I move the resolution.

COMMISSIONER EVANS: Second.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

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

MAYOR COCCHIOLA: Thank you.

Whereas, the Department of Public Affairs, through the Nutley Health Department provides health promotion screenings to residents at little or no cost to residents;

Whereas, Noreen P. McManus, CNM, is
certified to provide cervical and breast
cancer screening and education;

Whereas, the Local Public Contract
Law permits the award of contracts for
certain professional services without
competitive bidding.

Therefore, be it resolved by the
Board of Commissioners of the Township of
Nutley, the term of the contract is from
January 1st, 2011 through December 31st,
2011. The amount to be paid by voucher
will be 55 dollars per hour, per clinic
session which shall be once per month.
The Certified Nurse Midwife will provide
malpractice and liability insurance;

Be it further resolved the contract
is awarded without competitive bidding as
a "Professional Service" in accordance
with the Local Public Contracts Law;

Be it further resolved that a copy
of the resolution, as well as the
Contract, shall be placed on file with
the Clerk and a notice in accordance with
the Local Public Contracts Law in the
form attached hereto shall be published
in the Nutley Sun.

I move the resolution.

COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

Whereas, Christobal "Chris" Mazzini, 51 Passaic Avenue, Nutley, New Jersey has applied for a constable license; and

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

Therefore, be it resolved by the Board of Commissioners of the Township of Nutley, that Chris Mazzini be appointed as Constable No. 15 for a one year term, beginning December 22nd, 2010.

Move the resolution.

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 for renewal of a video game licenses has been received from Park Pub, 789 Bloomfield Avenue;

Whereas, the application has been reviewed by the Code Enforcement Department and the Office of the Clerk; and

Whereas, the license fee of three hundred dollars has been paid.

Therefore be it resolved by the Board of Commissioners of the Township of Nutley, that the license is hereby approved and the Municipal Clerk is authorized to issue the video game license to the Park Pub.

Move the resolution.

COMMISSIONER EVANS: Second.

MADAM CLERK: Commissioner Petracco?
COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

Be it resolved by the Board of Commissioners of the Township of Nutley, County of Essex, that Kevin Harkin be reappointed Township Attorney for the Township of Nutley, effective January 1st, 2011, expiring May 15th, 2012.

Move the resolution.

COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

Be it resolved by the Board of Commissioners of the Township of Nutley,
that Alan Genitempo be reappointed Assistant Municipal Township Attorney, Municipal Prosecutor for the Township of Nutley, effective January 1st, 2011, expiring May 15th, 2012.

Move the resolution.

COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

Be it resolved by the Board of Commissioners of the Township of Nutley, that Angelo Servidio be reappointed Public Defender for the Township of Nutley, effective January 1st, 2011, expiring May 15th, 2012.

Move the resolution.

COMMISSIONER TUCCI: Second.

Second.

MADAM CLERK: Commissioner Petracco?
COMMISSIONER PETRACCO: Aye.
MADAM CLERK: Commissioner Evans?
COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Tucci?
COMMISSIONER TUCCI: Aye.

MADAM CLERK: Mayor Cocchiola?
MAYOR COCCHIOLA: Aye.

Be it resolved by the Board of
Commissioners of the Township of Nutley,
that Joanne Cocchiola and Kathy
Rempusheski be appointed as
representatives of the Community
Development Block Grant Committee
expiring December 31st, 2011.

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

Is there any member of the public
that would like to address the Board? I don't have the statement to read, but basically the statement indicates that we ask -- come on up, Mr. Verdi -- that we ask everyone to try to limit their comments to five minutes and address your comments through the Mayor to the appropriate representative of the Board.

Good morning, Mr. Verdi.

MR. VERDI: Robert Verdi, 303 Hillside. My first question is for Commissioner Evans. What is the total dollar amount that the Town has to cut the budget by?

COMMISSIONER EVANS: We're trying to achieve -- against what we are forecasting as our expenses -- try and achieve a two percent tax increase. We need to (indiscernible) 1.1 million (indiscernible).

MR. VERDI: My next question is -- any commissioner can answer this -- what is the total number of employees to be laid off collectively?

MAYOR COCCHIOLA: Do we know that at
this point in time? Or, we'll probably
know that shortly.

COMMISSIONER PETRACCO: Well, we
don't have a number by department.

MAYOR COCCHIOLA: I don't know that
we have it -- I have none to be laid off.
My termination came mid-year, and I had a
resignation, a retirement. I don't
know --

MR. VERDI: Actually that date is
December 30th (indiscernible) -- do we
have to wait until December 31st to find
out the number?

MAYOR COCCHIOLA: I think we'll
working --

MR. VERDI: There were notices.

COMMISSIONER PETRACCO: Right now, I
mean it's pending what the notifications
were (indiscernible) eligible.

MR. VERDI: You have a number,
Commissioner Evans for your department?

COMMISSIONER EVANS: For my
department? No. No one's being laid off
in my department.

MR. VERDI: Mr. Tucci?
COMMISSIONER TUCCI: I noticed four people. I'm able to save two laborers. Two are going to be laid off, three part-timers, a seasonal person, and various cuts throughout my lines.

MR. VERDI: Well, what's the number when you add it up?

COMMISSIONER TUCCI: It you add it up, I mean, I said, four were noticed, two were laid off, three part-timers and a seasonal.

MR. VERDI: Well, can't you just tell me the total?

COMMISSIONER TUCCI: Can't you add?

MR. VERDI: I'm asking you to tell me the total.

COMMISSIONER TUCCI: Well, I will start again. Two and three is five, okay? And then a seasonal is six.

MR. VERDI: Thank you.

COMMISSIONER TUCCI: Okay?

MR. VERDI: It would have been easier if you just told me the total.

Mayor Cocchiola, you have none, correct?

MAYOR COCCHIOLA: I have no layoffs.
Commissioner Petracco?

MR. VERDI: Nine (indiscernible) and (indiscernible) what in the total picture, what is the total savings, collectively, for all departments, salary-wise, benefit-wise, whatever? Collectively.

MAYOR COCCHIOLA: I can tell you that when I did my calculations, Mr. Verdi, based on my termination and retirement, it was between eight and ten percent in salaries that I saved in my department.

MR. VERDI: And, so, where is the difference going to be made up? Your total that you have to reduce the budget by?

COMMISSIONER EVANS: We are looking at a range of things, part of that is through contract negotiations and concessions associated with that, part of it was an ask of the fire department for a concession on their part -- a piece of that, not a big piece, but a piece of that.
The terminations themselves contributed to that, and where I can get -- do things in a different way to save even more against that, so it's a combination of the savings of personnel, changes in the funding formula for 11 and 12, plus other areas where we can pull some money.

MR. VERDI: And here's my final point. Two departments are involved in layoffs, two aren't. And I ask you for Commissioner Scarpelli, how many are being laid off?

MAYOR COCCHIOLA: I believe he had some layoffs.

MR. VERDI: Okay, the number's not important. My point is this. You want concessions from the police and fire, okay? I was on the contract negotiation committee. We made a concession. We took a zero the first year.

COMMISSIONER EVANS: You did.

MR. VERDI: And Commissioner Petracco came to us and said, and I quote, that each department -- "the
departments are asking for a zero increase for that year, across the board". Okay? Everybody has to take a zero. We did. We stepped up to the plate.

Now, the Parks Department was offered a percentage for the year. That we took as zero; DPW the same. Okay? So, my question is, if you told us two years ago that no one was asking for a raise -- you were absolutely broke; there was no money -- two years later, where does the money come to offer your departments that two percent -- where we took the zero -- plus retro.

COMMISSIONER EVANS: Just to be clear, nine union employees took a zero as well.

MR. VERDI: Congratulations to that.

COMMISSIONER EVANS: The fire department was not the only one to take a zero in that year.

MR. VERDI: Okay, so --

COMMISSIONER EVANS: And so, the other side is that the offer from the
Town is a zero. And in the labor negotiations, the various unions are refusing to take a zero --

MR. VERDI: I understand. But do you think it's fair --

COMMISSIONER EVANS: -- the arbitration --

MR. VERDI: But do you think it's fair that we took the zero as a concession. Then you come back to us and ask us to make more concessions, when no other department made a concession in that year. And you're offering them a percentage. I don't want to see money from anybody's plate, believe me. I think every department should get a raise. They work their tails off, especially the last couple of days, okay?

But I just don't think it's fair for public safety to take the brunt. It should be fair across the board. Everybody should be equal. We're all town employees.

COMMISSIONER EVANS: Safety is not taking the brunt.
MR. VERDI: Well, if we're having nine layoffs, then -- Mayor Cocchiola's department is having none, and you're having none, and Commissioner Tucci is having whatever number he added up, okay? I don't think it's fair.

COMMISSIONER EVANS: No, no, I agree. I thank you for raising the point, because your question was a narrow question. You asked me if I was terminating anyone.

You didn't ask me what I did in my department to fully reduce my costs. You didn't ask me about the payroll manager that I don't have and didn't replace. You didn't ask me about the purchasing agent who I don't have and didn't replace. You didn't ask me about the retirement in my assessor's office, and I took somebody out of the code department to put down there to reduce my head count. You didn't ask me any of those questions.

I've been reducing my costs in my department for five years. And if you
want it on a percentage of those salaries
compared to what the public safety
salaries are, it's a significant
reduction of costs. So, I agree with
you. I absolutely agree with you. No
one should be asked to give up something
at the sacrifice of others who have been
given -- others have given. So, I agree
with you. I absolutely agree with you,
but --

MR. VERDI: Well, how about this,
Commissioner? How about all the people
that are hired back part-time? How is
that reducing costs?

COMMISSIONER EVANS: No medical
benefits associated with that. No
pension associated with that. And when I
hire somebody back -- which I assume
you're referring to my hiring in the code
department -- when I hire somebody back
part-time who can provide a service with
no benefits, and a specific service, not
a fulltime hire, and a seasonal hire,
you're suggesting that that somehow is
more expensive and not cost effective for
this Township? Especially, to manage taxes? I disagree with you.

MR. VERDI: How about this? We have a person in the fire department who has the same credentials, could do the same job. So, if that person left and you're not paying his salary in benefits, and we have somebody that's already getting salary and benefits, but can do his job, how can that part-time position of 21,000 dollars, or whatever it is, be more cost effective than letting that guy do the job. You want -- you said you want to do shared service, and duplicate services, well --

COMMISSIONER EVANS: What I did -- so, if you want to go down this path, what I did was separate fire sub code from fire prevention. The bulk of the responsibility is fire prevention, and that rests with the fire department. I have a person in my code department who's certified to do fire sub code work at their current salary.

I have another person who's just
about there to get the license. I have a
temporary need to cover a service part-
time for the major buildings in town, for
major construction, which is what I'm
doing. And when that's done, it will
terminate. There is no position; it's
being eliminated.

MR. VERDI: Well, if that's the
case, then fine, but --

COMMISSIONER EVANS: Thank you very
much. Thank you for agreeing for us.

MAYOR COCCHIOLA: Mr. Verdi,
nobody's here to -- look, we don't want
to argue with you. This Board of
Commissioners has spent, not just --
pretty much the entire year trying to
shave costs. What Commissioner Evans has
done in the past couple of weeks, with
respect to crunching numbers, and trying
with the rest of the members of this
Board have done to try to save jobs is --
I haven't seen anything like it.

We've been serving on this board for
the same amount of years, since I've been
on this Board -- the collective
collaborative effort to help people and save money. We're exhausted by it. If you think for one minute that we are not still trying at this moment and when we walk into that room, to keep trying, we are.

We have a menu of things that we need to try to accomplish, so that we do not increase taxes in this community more than two percent to the residents. And at the same time, we're trying to save everyone's job. I mean, you -- you're angry but, I mean, sit on this side of the table and watch how much time and effort we've been putting into this.

MR. VERDI: I appreciate it. But sit on this side of the table, Mayor, and go into the fire house and see guys near tears. At December 31st with little babies, they have no health benefits. They have no job. This is their career. They put a lot of time and effort and money to get that job.

COMMISSIONER EVANS: Absolutely.

MR. VERDI: Okay?
MAYOR COCCHIOLA: And it's my understanding that there was actually some sort of compromise offered that was going to help everybody, every existing employee of the fire department.

COMMISSIONER TUCCI: Excuse me, Mayor. There were two. There was the one that Commissioner Evans put forth, and there was the one that I submitted to Commissioner Petracco.

MAYOR COCCHIOLA: I mean there's time.

COMMISSIONER TUCCI: And the purpose was not -- if I might continue -- and the purpose was not just to take back. The purpose and the intention, all right, was to try and save all the people that were going to be laid off in public safety. So, in addition to the six or seven on how we count them this morning you and I, all right, I also have three positions that have not been filled. All right? And a budget that's been flat for items that I control since 2008.

So, I can understand your concern.
We share that same concern. All right? It's not about taking; it's about coming to some middle ground so that hopefully we can save these jobs. Nobody wants to see anybody get laid off. But, unfortunately, under certain circumstances, and unless we can agree on different things, we may have no other choice.

MR. VERDI: Don't you think I realize that all five of you have tried very diligently to solve the problem, okay?

COMMISSIONER TUCCI: Well, it doesn't always come across that way, Bob.

MR. VERDI: Well, that --

COMMISSIONER TUCCI: I'll be honest with you. It doesn't always come across that way.

MR. VERDI: You know me a long time.

COMMISSIONER TUCCI: I know you absolutely, I know you a long time.

MR. VERDI: Right? And other this time, did you ever see me up at this podium? No. Because my heart's breaking
for these guys.

COMMISSIONER TUCCI: And so is ours.

MR. VERDI: All right?

COMMISSIONER TUCCI: Understand something. The authority, all right, to manage the department rests with each commissioner. All right? And the circumstance of public safety, it rests with Commissioner Petracco. With his approval, Commissioner Evans and myself and the Mayor and Commissioner Scarpelli have offered different suggestions and different options to try to mitigate this whole layoff. All right?

I mean, this is the first time ever, the Mayor said it, we're sitting here ten years, she and I. All right? We have never ever done this before. You never have seen a Board of Commissioners come together like you have now to try and solve this. And we're still not stopping. I mean, we're in the final hours, but if there's some type of agreement that we can come to that satisfies our tax needs, and the needs of
the people that are scheduled to be laid off, then that's where we want to be. I mean it's that simple.

MR. VERDI: Well, just to reiterate, you're looking at a guy who's been through it. All right? Not pleasant. Okay? I appreciate your efforts.

COMMISSIONER PETRACCO: Bob, before you leave, I'd just like to make a comment. I, you know (indiscernible) the situation that we're under, especially in the fire department, which I recognized at the last rally, you know (indiscernible) fire (indiscernible) the fire department is not operating at ideal number. We've already made significant cuts in public safety, from what I walked into and what the challenges were.

So, not only are you frustrated, but, as the Public Safety Director, I'm frustrated, too. But, again, when I met with the unions, that (indiscernible) coming back, why should we, we already did, you know. We're in the mess that we're in together. We'll solve it
together and (indiscernible) it's, you
know (indiscernible) and no, we don't
really want to hear it, it just makes it
hard for everyone.

And you know, what I said to Jack
Magnifico at the last meeting, I'm not a
magician, you know. We have tax payers
screaming right now, saying, how dare
you? How can we raise the taxes two
percent and hold on to what we have?
They're out there screaming about a two
percent increase.

So, again, we're not magicians up
here. You know, everyone needs to bend a
little bit, quite frankly, we didn't get
that -- I didn't get that cooperation.
And I know you guys already did a lot and
gave back, and all that stuff, but we're
in the situation today, now.

MR. VERDI: I can give you a lot of
ways that you can save money in the fire
department, which we're not going to get
into here now, right?

COMMISSIONER PETRACCO: Right, right.
MR. VERDI: But you also have to remember, with me going March 1st, you're six down. All right? With pending layoffs, whatever the number is? You're right, you're below bare minimum.

COMMISSIONER PETRACCO: Bob, it's like I said, it's -- I agree a hundred percent, and it's far from ideal. I agree with you. But again, you know -- government, you know, like in business, when you have a hundred dollars to spend, that means two hundred dollars. That's what I'm trying to stop, because people are being forced out of their homes.

(Indiscernible)a.

So, it's not ideal, but again, I don't have a magic wand to wave at the problem, you know? Commissioner Evans and I and (indiscernible) I'd like say, thank both of you for your help. You know? Saturday morning I was with Commissioner Evans, 9 o'clock in the morning until 1:30.

MR. VERDI: No doubt in my mind.

COMMISSIONER PETRACCO: Missed my
kid's games and all that stuff. You know what? Coming up with a plan, and have the FMBA president and the PBA president saying, you could beat that drum all you want, we're not opening up the contract. After a while, it's why are we wasting our time? (indiscernible) again, look, what has to happen to get to this two percent. You guys live in the town -- you do, I should say. Okay? Are you ready for another 1,000 dollar increase? Because I'm not.

MR. VERDI: Right. No way. My taxes are too high now.

COMMISSIONER PETRACCO: I'm not. So, rather than hurt 200 hundred families after there, we have to start with a couple and hopefully who we will retire. And, you know, there are people eligible to retire in public safety, maybe this wouldn't have to happen. But, you can't force (indiscernible) that was another option. Take that option.

So, again, you know, we're doing the best we can with (indiscernible) -- it's
not an ideal situation, and like I said, I applaud the fire department. I'm an advocate of the career guys, as you know. But there are costs that are associated with that. People are at their limit (indiscernible) unfortunate.

MR. VERDI: Wish you all happy New Year.

COMMISSIONER PETRACCO: Thank you.

MAYOR COCCHIOLA: Thanks, Mr. Verdi. Is there anyone else who would like to address the Board? We need a motion to move into executive session for matters involving personnel.

Mr. Hund, you want to come up?

CAPTAIN HUND: Yeah.

MAYOR COCCHIOLA: Captain Hund, I'm sorry.

CAPTAIN HUND: That's all right.

Good morning, John Hund, Nutley, FMBA delegate.

Commissioner Tucci, you said that your department has been flat. The fire department is down five, soon to be six through retirements, and our budget has
actually gone down, both our salary account and our operating expenses. As you know, I was the administrative captain. I did that budget with Deputy Chief Scarlera, Deputy Chief Giuliano, and I can tell you that our budget is down, down, down, and we're still facing four layoffs, twelve and half percent cut in our manpower.

We're doing more now than ever. We're doing first responder; we're out there trying to save lives on the street, as well as in a fire, and our manpower's being cut, and we can't operate safely if we have these cuts. So, I'm asking you to go back and look at a way to cut some other frivolous spending that there may in town -- and there are some, and we all know that -- to find the money to save these four jobs.

And the other thing I want to say is -- lost my train of thought, I'm sorry. It's just -- it's that -- we're giving -- oh -- any concessions that we've been asked for have to be tied to a
no layoff clause, and it hasn't happened. That's why we can't accept any concessions. It has to specifically say in writing, "this will prevent layoffs." This will stop layoffs. There will be no layoffs.

COMMISSIONER TUCCI: I'm telling you, you have to get to --

CAPTAIN HUND: Just like the state of New Jersey -- just like the state of New Jersey --

COMMISSIONER TUCCI: Excuse me, excuse me. You have to get to that point, John.

CAPTAIN HUND: We've been told --

COMMISSIONER TUCCI: The whole purpose -- let me finish. The whole purpose of the proposals was to get to no layoffs. Otherwise, why go through the whole exercise?

CAPTAIN HUND: But in writing we need to say, there will be no layoffs. Just like the state of New Jersey did.

COMMISSIONER TUCCI: And John, and at the end of the day when you have an
agreement, you have it in writing, that there will be no layoffs if X, Y, and Z can occur.

CAPTAIN HUND: We were told --

COMMISSIONER TUCCI: That's the whole intention.

CAPTAIN HUND: We were told we can't get that in writing.

COMMISSIONER TUCCI: Then what you have there is a failure to communicate. And I tend to disagree with you --

CAPTAIN HUND: That's why we're here this morning to make sure we're communicating.

COMMISSIONER TUCCI: If you look at the public safety budget, all right? Over the last four or five years, it has not gone down in total.

CAPTAIN HUND: I can't speak for the public safety budget.

COMMISSIONER TUCCI: Okay.

CAPTAIN HUND: I can speak for the fire department budget, and that's the budget that I'm concerned with. That's the budget that I'd like to see funded.
Okay? I'd love to see everybody's budget funded, but I can tell you that we're doing more now than ever, and we're doing it with less people than ever -- than in many recent years. Okay? Because we're got less people.

MAYOR COCCHIOLA: Captain Hund, so has every -- actually employee in the Township of Nutley in every department is doing, probably double, than what they used to do, because we've reduced our staff so much, that -- I understand the significance of Public Safety, and that your saving lives. I truly understand that, but understand that in every department, people who've gotten no raises for several years, have also had to take on a whole lot more and do more with less. So, it's every department being affected.

COMMISSIONER PETRACCO: Hey, Captain, how can we give you a written guarantee, which Governor Christie (indiscernible) -- what if he cuts our state aid again, then what happens? How
can we give you something in writing? What guarantees do you get in any other job in the country? People have been noticed on Friday. You're losing your job, get your box, and walk out of here. How can you -- what guarantees are there in life?

I don't understand how I can say to you guys, yeah, we're going to give you in writing that there's not going to be any layoffs. There's not going to be -- how -- what are we -- are we God now? Do I know? If I had that crystal ball, there wouldn't be a problem with Nutley, because we would all hit the Mega Millions, it would be over.

MAYOR COCCHIOLA: Can I ask a question, though?

COMMISSIONER PETRACCO: Come on. You guys are asking for something that's impossible, that's --

MAYOR COCCHIOLA: If they take the deal -- Commissioner Evans, if they take -- I mean, their worse scenarios with different circumstances. If they
took the deal for 2011, why could that representation not be made for 2011? We would know --

COMMISSIONER PETRACCO: We could, but not for 2012, that what they asked for.

COMMISSIONER EVANS: It's a point of clarification, that's the question I was going to ask, that the request that you've made, is that for the current year? Saying, the current employees that are targeted for layoffs, that this would reinstate them, or are you saying, for purposes of clarification, that you want in writing that there will not be ever any future layoffs?

CAPTAIN HUND: Well, obviously it would never be forever, it would be for a term. If we give up something in 2011, it will be for 2011. And just like Governor Corzine's deal with --

COMMISSIONER EVANS: But John -- so, for the employees that are currently slated to be laid off, you're asking for confirmation? 
COMMISSIONER PETRACCO:
Commissioner, can I just answer?
Commissioner, let me interrupt you for
one second. First of all, first of all,
we're not going to negotiate
(indiscernible) --

CAPTAIN HUND: No, I'm not
negotiating; I'm just saying we just want
something in writing.

COMMISSIONER PETRACCO: Okay. Now,
let me say this to you.

COMMISSIONER EVANS: I just want for
one clarification.

COMMISSIONER PETRACCO: First of
all, if we said to you -- you're not the
guy that can make that decision. Your
not the FMBA president.

CAPTAIN HUND: No, no, that would be
a membership vote, Director.

COMMISSIONER PETRACCO: Absolutely.
I have spoken to your FMBA president. He
told me, he's -- they're not willing to
make a concession. So, you're really not
the person that we should be negotiating
with. And I don't think that this is an
environment to negotiate.

    CAPTAIN HUND: I'm not asking to negotiate; I'm just asking that --

    COMMISSIONER PETRACCO: Let me -- John, please. Let me finish. Okay? If you'd like to talk to me after the meeting, I will be willing to talk to you. But if I said to you, okay, right now, I guarantee you, there's not going to be any layoffs in 2012 -- which, I'm the Public Safety Commissioner, I can't make you that promise, okay?

    And I can tell you out loud today, that promise cannot be granted, because I'm going to go back on my word once I commit to that, and then have something happen with State Aid or something in 2012. There's no guarantees. So, if you'd like to talk to me after the meeting about it, I'd be willing to listen. But this isn't the forum to negotiate, and you're not the guy that we should be negotiating with.

    CAPTAIN HUND: All I'm saying is, if we're going to make concessions, it's got
to have the quid pro quo in writing.

Thank you for your time and happy New Year.

MAYOR COCCHIOLA: Thank you, Captain Hund. Is there anyone else who would like to address the board? All right, we need a motion to move into executive session.

MADAM CLERK: Whereas the Board of Commissioners of the Township of Nutley, in the County of Essex, desires to proceed to closed executive session; and

Now, therefore, be it resolved by the Board of Commissioners, that the Township Commissioners shall now move into executive session to discuss 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 need a motion and a second.

COMMISSIONER EVANS: Second. Oh, motion.

COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

(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:
February 22, 2011.

Karen Schiffmiller
AAERT Certified Electronic Transcriber
CET**D 570
Board of Commissioners Meeting Minutes December 30, 2010

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

ADJOURNMENT:

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

ATTEST:

Evelyn Rosario, RMC, CMC
Municipal Clerk

[Signatures of Commissioners and Mayor]

Commissioner Joseph P. Scarpelli (Absent/Exused)
Commissioner Alphonse Petracco
Commissioner Thomas J. Evans
Commissioner Mauro G. Tucci
Mayor Joanne Cocchiola
BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Commissioner Petracco FOR Commissioner Scarpelli

Seconded by: Commissioner Mauro G. Tucci

Date: December 30, 2010

No. 303-10

BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey that Frank DeBlasio, employee of the Department of Public Works requires an unpaid leave of absence effective January 1, 2011 through June 30, 2011.

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 30, 2010.

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WHEREAS, the Township of Nutley, Office of Emergency Management has been awarded the Urban Areas Security Initiative (UASI-Local Share) CFDA #97.008, Award #2009-SS-T9-0082 from the New Jersey State Police Office of Emergency Management. The Subgrant, consisting of a total amount of $52,549.88, is for the purpose of enhancing Nutley Township’s ability to prevent, protect against, respond to and recover from acts of terrorism, natural disasters and other catastrophic events and emergencies; and

WHEREAS, the subgrant award incorporates all conditions and representations contained or made in application and notice of award #2009-SS-T9-0082; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Nutley, New Jersey here with accepts the award of the FFY09 Homeland Security Emergency Management Performance Grant Program Subgrant in the amount of $52,459.88 Federal Funds from the New Jersey State Police, Office of Emergency Management; and

BE IT FURTHER RESOLVED that the Township of Nutley Director of Public Safety, the Township Chief Fiscal Officer and the Township Director of Emergency Management are authorized to sign the appropriate subgrant award documents; and

BE IT FURTHER RESOLVED that copies of this Resolution shall be forwarded to the New Jersey State Police, Office of Emergency Management; the Township of Nutley, Director of Public Safety; the Township’s Chief Financial Officer; the Township Office of Emergency management and Office of the Treasury.

I, Evelyn Rosano, 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 30, 2010.

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WHEREAS, the Township of Nutley wishes to purchase HazMat gear and equipment from an authorized vendor under the State of New Jersey Cooperative Purchasing Program; and

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

WHEREAS, Gen-El Safety and Industrial Products LLC, 961 Route 10 east, Randolph, NJ, has been awarded NJ State Contract #74022 for HazMat gear and Equipment for the period 5/1/09 to 4/30/11; and

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

WHEREAS, funds are available from Trust account T-15-909-912 and have been certified by the chief financial officer, said certification being attached to this resolution; and

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

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Nutley that Gen-El be awarded a contract for the purchase of HazMat gear and equipment in accordance with State Contract #74022.
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 $22,328.41 for said property:

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I, Evelyn Rosenberg, 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 30, 2010.

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BOARD OF COMMISSIONERS
Township of Nutley, New Jersey

Resolution

Introduced by: o Commissioner Thomas J. Evans o o o o o o
Seconded by: Commissioner Mauro G. Tucci o o o No. 307-10 o o o o

WHEREAS, the Township of Nutley has a need to acquire the services of a Registered Municipal Accountant to conduct an annual audit of the Township of Nutley's books, accounts and financial transactions within five (5) months after the close of its fiscal year as a Non-Fair and Open Contract pursuant to the provisions of N.J.S.A. 19:44 A-20.4 or 20.5, as appropriate; and

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the aggregate services provided by the vendor for the year will exceed $17,500; and

WHEREAS, Nisivoccia & Company LLP Certified Public Accountants and Consultants, 5 Emery Road, Randolph, New Jersey 07869 has submitted a fee schedule for providing such services, the total of which is not to exceed $139,944.00; and

WHEREAS, Nisivoccia & Company LLP Certified Public Accountants and Consultants, has completed and submitted a Business Entity Disclosure Certification which certifies that they have not made any reportable contributions to a political or candidate committee in the Township of Nutley in the previous one year, and that the contract will prohibit them from making any reportable contributions through the term of the contract; and

WHEREAS, funds are available from account 1-01-222-200 & 1-05-706-200 and have been certified by the chief financial officer, said certification being attached to this resolution,

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Nutley authorizes the Mayor to enter into a contract with Nisivoccia & Company LLP Certified Public Accountants and Consultants, and

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

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 30, 2010.

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BOARD OF COMMISSIONERS
Township of Nutley, New Jersey

Resolution

Introduced by:  Commissioner Thomas J. Evans  o  o  Date:  December 30, 2010

Seconded by:  Commissioner Mauro G. Tucci  o  o  No.  308-10  o  o  

WHEREAS, the Township of Nutley has a need to acquire the services of an Attorney as Municipal Tax Counsel to provide legal counsel services concerning "Municipal Tax Appeals" in the Township of Nutley as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44 A-20.4 or 20.5, as appropriate; and

WHEREAS, the Tax Assessor has determined and certified in writing that the value of the aggregate services provided by the vendor for the year will exceed $17,500; and

WHEREAS, Angelo Cifelli, Jr., Esq. of the Law Firm of Piro, Zinna, Cifelli, Paris & Genitempo, 360 Passaic Avenue, Nutley, New Jersey 07110 has submitted a fee schedule for providing such services, the total of which is not to exceed $22,750.00; and

WHEREAS, Angelo Cifelli, Jr., Esq. of the Law Firm of Piro, Zinna, Cifelli, Paris & Genitempo has completed and submitted a Business Entity Disclosure Certification which certifies that they have not made any reportable contributions to a political or candidate committee in the Township of Nutley in the previous one year, and that the contract will prohibit them from making any reportable contributions through the term of the contract; and

WHEREAS, funds are available from account no. 1-01-204-200 and have been certified by the chief financial officer, said certification being attached to this resolution,

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Nutley authorizes the Mayor to enter into a contract with Angelo Cifelli, Jr., Esq. of the Law Firm of Piro, Zinna, Cifelli, Paris & Genitempo; and

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

[Signature] Township Clerk of the Township of Nutley, Essex County, NJ. do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held December 30, 2010.

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<tr>
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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:

**DEPARTMENT OF PARKS & PUBLIC PROPERTY**

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<tr>
<td>Group Insurance</td>
<td>Parks &amp; Playgrounds O/E</td>
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<td>0-01-226-200</td>
<td>0-01-504-200</td>
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<td>$35,000.00</td>
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<td>Recreation O/E</td>
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<td>0-01-506-200</td>
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BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Mayor Joanne Cocchiola
Seconded by: Commissioner Mauro G. Tucci
Date: December 30, 2010
No. 309-10

WHEREAS, the Department of Public Affairs, through the Nutley Health Department provides health promotion screenings to its residents at little or no cost to residents; and

WHEREAS, Noreen P. McManus, CNM, is certified to provide cervical and breast cancer screening and education, and

WHEREAS, the Local Public Contract Law (NJSA 40A:11-1) permits the award of contracts for certain professional services without competitive bidding:

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, as follows:

(a) The term of the contract is from January 1, 2011 through December 31, 2011
(b) The amount to be paid by voucher will be $55.00 per hour, per clinic session which shall be once per month
(c) The Certified Nurse Midwife will provide malpractice and liability insurance;

BE IT FURTHER RESOLVED that the Contract is awarded without competitive bidding as a “Professional Service” in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a), because it is for service performed by persons authorized by law to practice a recognized profession;

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

Record of Vote

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Resolution

Introduced by: Mayor Joanne Cocchiola  Date: December 30, 2010
Seconded by: Commissioner Alphonse Petracco  No. 310-10

WHEREAS, Christobal “Chris” Mazzini, 51 Passaic Avenue, Nutley, New Jersey 07110 has applied for a constable license; and

WHEREAS, the application has been reviewed 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 Christobal “Chris” Mazzini be appointed as Constable No. 15 for a one year term, beginning December 22, 2010.

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 30, 2010.

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WHEREAS, an application for renewal of a video game licenses has been received from the Park Pub, 789 Bloomfield Avenue (V5-11); and

WHEREAS, the application has been reviewed by the Code Enforcement Department and the Office of the Municipal Clerk; and

WHEREAS, the license fee of three hundred dollars ($300.00 per machine) has been paid.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex that the license is hereby approved and the Municipal Clerk is authorized to issue the video game license to the "Park Pub"
BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey that Kevin Harkins be reappointed Township Attorney for the Township of Nutley, effective January 1, 2011 and expiring May 15, 2012.

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BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey that Alan Genitempo be reappointed Assistant Municipal Township Attorney and Municipal Prosecutor for the Township of Nutley, effective January 1, 2011 and expiring May 15, 2012.
BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey that Angelo Servidio be reappointed Public Defender for the Township of Nutley, effective January 1, 2011 and expiring May 15, 2012.
BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey that Joanne Cocchiola and Kathy Rempusheski be appointed as representatives of the Community Development Block Grant Committee expiring December 31, 2011.

I, Evelyn Rose, 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 30, 2010.

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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. 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, Evelyn R. Gary, 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 30, 2010.

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