

TOWNSHIP OF NUTLEY
COUNTY OF ESSEX, NEW JERSEY
BOARD OF COMMISSIONERS

ORIGINAL

RE:)
PUBLIC MEETING) TRANSCRIPT OF
) PROCEEDINGS:
- - - - -)

Township of Nutley Municipal Building
3rd Floor, Commission Chambers
One Kennedy Drive
Nutley, New Jersey 07111
Tuesday, February 3, 2009
7:00 p.m.

BEFORE:

JOANNE COCCHIOLA, Mayor

THOMAS J. EVANS, Commissioner, Revenue
and Finance

ALPHONSE PETRACCO, Commissioner, Public
Safety

JOSEPH P. SCARPELLI, Commissioner, Public
Works

MAURO G. TUCCI, Commissioner, Parks and
Recreation

ALSO PRESENT:

KEVIN P. HARKINS, ESQ., MUNICIPAL
ATTORNEY

Job No.: 200664

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2 MAYOR COCCHIOLA: Would everyone
3 please stand for the flag salute.

4 (Pledge of Allegiance)

5 MAYOR COCCHIOLA: Matt, for the
6 benefit of those who were not in the
7 Caucus, could you please reread the
8 Sunshine notice?

9 MS. ROSARIO: Yes, Mayor. Tuesday,
10 February 3rd, 2009. "Pursuant to the
11 requirements of the Open Public Meeting
12 Law (Chapter 231, P.L. 1975), notice of
13 this meeting was published in the January
14 8, 2009 issues of the Nutley Sun, the
15 Journal, the Star Ledger and the Herald
16 News. A copy of this notice has been
17 posted on the Nutley Town Hall bulletin
18 board and a copy is on file in the
19 municipal clerk's office.

20 Commissioner, Scarpelli?

21 COMMISSIONER SCARPELLI: Here.

22 MS. ROSARIO: Commissioner Petracco?

23 COMMISSIONER PETRACCO: Here.

24 MS. ROSARIO: Commissioner Evans?

25 COMMISSIONER EVANS: Here.

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2 MS. ROSARIO: Commissioner Tucci?

3 COMMISSIONER TUCCI: Here.

4 MS. ROSARIO: Mayor Cocchiola?

5 MAYOR COCCHIOLA: Here.

6 MS. ROSARIO: All present, Mayor.

7 MAYOR COCCHIOLA: Thank you. And we
8 can move on to the correspondence that we
9 received?

10 MS. ROSARIO: Yes, Mayor. I have
11 four items of correspondence. The first
12 item is correspondence from the North
13 Jersey District Water Supply Commission
14 submitting their meeting/agenda for
15 meeting held January ~~23~~²⁸rd [sic], 2009;
16 correspondence from the North Jersey
17 District Water Commission supplying their
18 meeting/minutes for meeting held
19 Wednesday, December 17th, 2008. I have
20 correspondence from Enterprise Rent-A-
21 Car. They're seeking permission and I'll
22 read it into the record. "Enterprise
23 Rent-A-Car requests permission to hold a
24 one-day special car sale on April 25th,
25 2009. The sale will be held in

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2 conjunction with the proponent federal
3 credit. The sale is not only to the
4 public, only members and employees of the
5 representing credit unions are eligible.

6 "The one-day event will run from 9
7 a.m. until 2 p.m. at which time the cars
8 will no longer be for sale. The sale is
9 to be held at the FCU. The location is
10 536 Washington Avenue, Nutley, New
11 Jersey.

12 "There will be approximately forty
13 cars on display at this location.
14 Enterprise Rent-A-Car understands and is
15 knowledgeable of the status governing an
16 offsite sale. Enterprise Rent-A-Car is
17 licensed at Main Avenue and Clifton.
18 Thank you for your consideration."

19 Mayor, I need an approval for this.
20 And if I'm not mistaken, I think this is
21 their third year that they're going to be
22 holding this event and they usually hold
23 it during the month of April.

24 MAYOR COCCHIOLA: I need a motion.

25 UNIDENTIFIED SPEAKER: Move.

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2 MS. ROSARIO: Commissioner --

3 MAYOR COCCHIOLA: I need a second.

4 MS. ROSARIO: Oh, you need a second.

5 UNIDENTIFIED SPEAKER: Second.

6 MS. ROSARIO: Commissioner

7 Scarpelli?

8 COMMISSIONER SCARPELLI: Aye.

9 MS. ROSARIO: Commissioner Petracco?

10 COMMISSIONER PETRACCO: Aye.

11 MS. ROSARIO: Commissioner Evans?

12 COMMISSIONER EVANS: Aye.

13 MS. ROSARIO: Commissioner Tucci?

14 COMMISSIONER TUCCI: Aye.

15 MS. ROSARIO: Mayor Cocchiola?

16 MAYOR COCCHIOLA: Aye.

17 MS. ROSARIO: The next item I have
18 is from the Van Riper House. The Van
19 Riper House, Inc. is seeking board
20 approval to hold its fifteenth annual Van
21 Riper Street Fair on Sunday, September
22 6th, 2009. The fair will take place
23 along Franklin Avenue, between Center and
24 Harrison Streets and along Franklin
25 Avenue along the various side streets

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2 between Center and Harrison Streets.

3 The streets will be closed at 7 a.m.
4 Street fairs organization will be
5 responsible for expenses relating to
6 police and fire security coverage. The
7 fair will feature merchandise and food
8 vendors, musical entertainment and kiddy
9 rides. The funds raised will be for the
10 continuing restoration of the Van Riper
11 House.

12 I need an approval and a second,
13 please.

14 UNIDENTIFIED SPEAKER: Move it.

15 UNIDENTIFIED SPEAKER: Second.

16 MS. ROSARIO: Commissioner
17 Scarpelli?

18 COMMISSIONER SCARPELLI: Aye.

19 MS. ROSARIO: Commissioner Petracco?

20 COMMISSIONER PETRACCO: Aye.

21 MS. ROSARIO: Commissioner Evans?

22 COMMISSIONER EVANS: Aye.

23 MS. ROSARIO: Commissioner Tucci?

24 COMMISSIONER TUCCI: Aye.

25 MS. ROSARIO: Mayor Cocchiola?

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2 MAYOR COCCHIOLA: Aye.

3 MS. ROSARIO: That's all for
4 communications, Mayor.

5 MAYOR COCCHIOLA: Thank you. As we
6 move on to reports, I have one report to
7 enter into the record for the Department
8 of Public Affairs monthly activities for
9 January 2009.

10 And we can now move on to payment of
11 bills.

12 MS. ROSARIO: Okay. Tuesday,
13 February 3rd, 2009. Public Affairs,
14 \$66,438,37; Revenue and Finance,
15 \$6,629,951.05; Public Safety, \$22,329.46;
16 Public Works, \$141,299.89; Parks and
17 Public Property, \$111,07.07. Payroll as
18 of January 23rd, \$844,938.98 for a grand
19 total bill of \$7,815,964.82. And that's
20 all for bills, Mayor.

21 UNIDENTIFIED SPEAKER: Approve the
22 bills.

23 UNIDENTIFIED SPEAKER: Second.

24 MS. ROSARIO: Commissioner
25 Scarpelli?

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2 COMMISSIONER SCARPELLI: Aye.

3 MS. ROSARIO: Commissioner Petracco?

4 COMMISSIONER PETRACCO: Aye.

5 MS. ROSARIO: Commissioner Evans?

6 COMMISSIONER EVANS: Aye.

7 MS. ROSARIO: Commissioner Tucci?

8 COMMISSIONER TUCCI: Aye.

9 MS. ROSARIO: Mayor Cocchiola?

10 MAYOR COCCHIOLA: Aye.

11 MS. ROSARIO: Thank you, Mayor.

12 MAYOR COCCHIOLA: Thank you.

13 Commissioner Evans, you have an ordinance
14 for introduction this evening?

15 COMMISSIONER EVANS: Yes, Mayor.

16 I'll read it by title. "An Ordinance to
17 Amend an Ordinance Codified by the Code
18 of the Township of Nutley, Chapter 228,
19 Entitled Vehicles and Traffic,
20 Particularly Article VII (Special Zones
21 and Areas), Section 29A Entitled
22 Handicapped Parking, to Add the Locations
23 Set Forth Therein at Valley Road."

24 I move that this ordinance be passed
25 to a second reading and advertisement in

1 Nutley Twp Board of Commissioners - 2/3/09
2 the Nutley Sun together with notice
3 required by law. And that further
4 consideration of said ordinance for final
5 passage by the Board of Commissioners be
6 held at its second reading on March 3rd,
7 2009. So moved.

8 MR. TUCCI: Second. MS.

9 ROSARIO: Commissioner Scarpelli?

10 COMMISSIONER SCARPELLI: Aye.

11 MS. ROSARIO: Commissioner Petracco?

12 COMMISSIONER PETRACCO: Aye.

13 MS. ROSARIO: Commissioner Evans?

14 COMMISSIONER EVANS: Aye.

15 MS. ROSARIO: Commissioner Tucci?

16 COMMISSIONER TUCCI: Aye.

17 MS. ROSARIO: Mayor Cocchiola?

18 MAYOR COCCHIOLA: Aye.

19 COMMISSIONER EVANS: Thank you,
20 Mayor.

21 MAYOR COCCHIOLA: Thank you.

22 Commissioner Petracco, you have a public
23 hearing this evening?

24 COMMISSIONER PETRACCO: Yes, I do,
25 Mayor. I have the an ordinance to amend

1 Nutley Twp Board of Commissioners - 2/3/09
2 an ordinance to fix the salaries of
3 certain officers and employees of the
4 Township of Nutley, county of Essex,
5 state of new jersey, effective January 1,
6 2008.

7 MAYOR COCCHIOLA: Is there anyone
8 here this evening -- you want to explain
9 the ordinance before I open this to a
10 public hearing?

11 COMMISSIONER PETRACCO: I do, Mayor.

12 MAYOR COCCHIOLA: Okay.

13 COMMISSIONER PETRACCO: This is an
14 ordinance. What we're trying to obtain
15 here is that the Nutley ambulance squad
16 has basically ran out of funds through
17 tough times with fundraising. And we're
18 trying to keep the number of EMTs in
19 service.

20 Right now, EMTs -- we have on the
21 public safety side that we budgeted for
22 in 2008 was for the Nutley ambulance
23 rescue squad had in their budget, one,
24 that they now can't afford to pay for
25 through their salary and wage account.

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2 So we're going to pick it up on the
3 public safety side. But to offset this
4 cost, we are moving forward with billing
5 through the Nutley rescue squad. So
6 we're not seeking any additional revenue
7 to this budget at this time. We filled
8 out the billing on the rescue squad --
9 give the township without any out-of-
10 pocket expense for Nutley residents a way
11 of keeping the services that the rescue
12 squad has.

13 MAYOR COCCHIOLA: Thank you. Is
14 there any member of the public that would
15 like to address the board with respect to
16 this ordinance?

17 MR. MOORE: Orrie (ph.) Moore, 462
18 Chestnut Street. Commissioner, I realize
19 Commissioner Orechio had made a change
20 before for all times. And I am very
21 opposed to this because you arbitrarily
22 added without any ordinance. And it
23 disturbs me greatly because Mr. Orechio -
24 -

25 COMMISSIONER PETRACCO: I don't

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2 believe that we added to the ordinance.

3 MR. MOORE: Yes, you did, because --

4 COMMISSIONER PETRACCO: No, because
5 the rescue squad was paying that salary.
6 So why would we have to make an ordinance
7 on --

8 MR. MOORE: Under the old Code -- I
9 believe the new Code book is coming out.

10 MAYOR COCCHIOLA: It's online now.

11 MR. MOORE: I just reviewed it
12 downstairs which is identical to this.
13 Under the old one, it says that the
14 maximum of two certified emergency -- may
15 be employed under the term and conditions
16 of employees' qualifications, which Mr.
17 Orechio did make an amendment to it. He
18 added four. I believe you're adding five
19 plus you're adding part-time -- seven
20 part-timers?

21 COMMISSIONER PETRACCO: We're not
22 adding seven part-timers. In fact, the
23 part-timers are already in place. And
24 the or --

25 MR. MOORE: But they weren't paid.

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2 COMMISSIONER PETRACCO: And the
3 ordinance reads per diems and up to
4 seven. Now, again, we kind of are going
5 towards a high bred system with the
6 rescue squad when we go to billing which
7 we're moving forward on. Right now, the
8 Nutley volunteer rescue squad is able to
9 incur that cost for the per diems which
10 they still are and they are budgeted in
11 the 2009 budget and they're going to
12 continue to pay their per diems.

13 But as tough times are upon us, and
14 volunteerism is diminishing, we feel that
15 in the future, we may have to pick up
16 that to provide the service.

17 MR. MOORE: Well, currently, under
18 New Jersey state law, the township is
19 only allowed to give 70,000 dollars
20 which, I believe, we give every year in
21 excess of the 70,000, which requires an
22 ordinance which we have never done. But
23 I'm opposed because Mr. Orechio did put
24 the four in. And the four went through.
25 And now you're adding one plus the per

1 Nutley Twp Board of Commissioners - 2/3/09

2 diems which you should do by ordinance.

3 MAYOR COCCHIOLA: What he's doing.

4 COMMISSIONER PETRACCO: What is
5 this --

6 MR. MOORE: At least pay them. But
7 you didn't change it because you're not
8 putting them under 53, which would be the
9 employees.

10 MAYOR COCCHIOLA: Mr. Moore, enough,
11 okay?

12 MR. MOORE: No, it's not enough. At
13 some time --

14 MAYOR COCCHIOLA: He explained what
15 he's doing and you're acting ridiculous
16 right now.

17 MR. MOORE: You know, what really
18 gets me? The town of Galloway and
19 Belleville -- they realized the cost of
20 the free volunteer service and they went
21 to the public safety and they do it. And
22 now you're sitting here just capriciously
23 adding people to the payroll as if it was
24 who cares.

25 MAYOR COCCHIOLA: I think Mr.

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2 Petracco just explained --

3 MR. MOORE: Do we pay for the
4 gasoline?

5 MAYOR COCCHIOLA: -- that he's
6 adding one --

7 MR. MOORE: No, it's not.

8 MAYOR COCCHIOLA: -- with the
9 possibility in the future --

10 MR. MOORE: It's adding one per
11 seven diems.

12 MAYOR COCCHIOLA: -- having to
13 possibly add up to seven. And he gave an
14 explanation as to why he's doing it and
15 he gave an explanation as to where --

16 MR. MOORE: I didn't ask --

17 MAYOR COCCHIOLA: -- the funding
18 would come from in the future. Do you
19 have any other questions?

20 MR. MOORE: Yes, I do, because the
21 four that were put in by law, which is
22 what you should be doing, you can't
23 arbitrarily add one and seven per diems
24 at fourteen dollars per hour.

25 MAYOR COCCHIOLA: Mr. Harkins, in

1 Nutley Twp Board of Commissioners - 2/3/09

2 your legal interpretation --

3 MR. HARKINS: Well, I don't think
4 it's arbitrary. I think --

5 MAYOR COCCHIOLA: -- is there
6 anything incorrect with this ordinance?

7 MR. HARKINS: Yeah. And I think
8 this is the ordinance that he's
9 addressing is exactly what Commissioner
10 Petracco is talking about. So I think
11 we're okay.

12 COMMISSIONER PETRACCO: And
13 actually, just to clarify that one more
14 time for you. I don't feel like we are
15 adding one. That number five has already
16 been put in place. It's just --

17 MR. MOORE: No, it hasn't. That's
18 why I'm opposed to it. It's not. Under
19 the Orechio ordinance, it was four full-
20 time employees as EMTs.

21 COMMISSIONER PETRACCO: It was four
22 full-time employees that the public
23 safety department was budgeting for.

24 MR. MOORE: That --

25 COMMISSIONER PETRACCO: But they

1 Nutley Twp Board of Commissioners - 2/3/09

2 always had five there.

3 MR. MOORE: What they had in
4 regard --

5 COMMISSIONER PETRACCO: But the
6 rescue squad was paying that extra salary
7 out of there. That's what I want you to
8 be clear on. I am not adding anything to
9 the squad.

10 MR. MOORE: Effectively --

11 COMMISSIONER PETRACCO: But in the
12 future, I could tell you this. The only
13 thing that is in our favor is that we are
14 going to bill them to offset this tax
15 burden on the residents. But as
16 volunteerism goes down, if you want an
17 ambulance to come to somebody's house
18 that's in need, we're going to have to
19 put this in place.

20 MR. MOORE: Well, maybe there's an
21 alternative.

22 COMMISSIONER PETRACCO: Such as?

23 MR. MOORE: Well, such as a lot of
24 the times -- as I mentioned, Galloway and
25 Belleville, they went to the fire

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2 department.

3 COMMISSIONER PETRACCO: We are
4 already in the process of training our
5 fire department to be first responders.
6 So that's something that was never done
7 in the township --

8 MR. MOORE: Would that include --

9 COMMISSIONER PETRACCO: Well, they
10 can't transport. They could be first on
11 the accident scene.

12 MR. MOORE: And how is this billing
13 going to be arranged as an offset to the
14 taxpayers?

15 COMMISSIONER PETRACCO: I don't
16 understand the question.

17 MR. MOORE: I'm sorry. Did you say
18 you were going to bill -- I mis --

19 COMMISSIONER PETRACCO: We are
20 moving in that direction towards billing
21 for a rescue squad which we are going to
22 charge a fee, like many other towns are
23 doing now, to offset the cost of this
24 service.

25 MR. MOORE: And where would that fee

1 Nutley Twp Board of Commissioners - 2/3/09

2 be paid to? Is that going to be paid to
3 the town or to the EMTs?

4 COMMISSIONER PETRACCO: No. The
5 money will go into the general fund.

6 MR. MOORE: So, in other words,
7 they're going to provide the service,
8 we're going to pay for it and all the
9 billing would be to the town, is that
10 correct?

11 COMMISSIONER PETRACCO: The billing
12 will be to the town?

13 MR. MOORE: In other words, who
14 would receive -- in this case, if they
15 went to Mrs. Shuster's house and they had
16 to pick her up and you say it'd be a
17 fifty dollar fee, let's say, who receives
18 that fee?

19 MAYOR COCCHIOLA: I don't think
20 that's set up yet, is it?

21 COMMISSIONER PETRACCO: It's not set
22 up. It's not --

23 MAYOR COCCHIOLA: Then why are we
24 talking?

25 COMMISSIONER EVANS: Commissioner,

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2 may I clarify?

3 COMMISSIONER PETRACCO: You sure
4 can.

5 COMMISSIONER EVANS: A couple
6 things. The emergency rescue squad has
7 been providing a free service to the
8 township since the fifties.

9 MR. MOORE: Yes, I understand that.

10 COMMISSIONER EVANS: Okay. And as
11 Commissioner Petracco mentioned is that
12 the cost of operation as well as the
13 volunteer rate, donations and everything
14 else, are decreasing around the cost
15 of --

16 MR. MOORE: Yes, I understand that.

17 COMMISSIONER EVANS: So we are in
18 the process of evaluating the need to
19 bill for those services through insurance
20 coverage. The termination of how we will
21 bill, be billed or the billing
22 arrangement, how it will be set up, has
23 not been finalized yet. But at some
24 point in time during this year, we will
25 move forward with a billing service. So

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2 your question is a good one but it's
3 premature in terms of we haven't made the
4 determination how --

5 MR. MOORE: Well, if your plan is --
6 somewhere you have to have a plan who's
7 going to receive the money.

8 COMMISSIONER EVANS: That's right.

9 MR. MOORE: Well, I know it's right.
10 But --

11 COMMISSIONER PETRACCO: Can I answer
12 that? Typically, all right, in other
13 municipalities, the township receives the
14 money.

15 COMMISSIONER EVANS: And I was just
16 going to -- absolutely, Commissioner.
17 It's very common for the township to
18 receive that money. All right? We're
19 just in the planning phase of that so we
20 will have the plan. We will be clear as
21 to where the money will go. And as
22 Commissioner Petracco has already
23 articulated is that it will be used to
24 meet general revenue funds to offset the
25 cost of operation.

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2 MR. MOORE: And since we're going to
3 go to the general revenue fund and we do
4 contribute the 70,000 dollars which we
5 now are exceeding that money, the public
6 has a right to the -- by law, has a right
7 to an audit of the emergency squad. That
8 should be made public.

9 COMMISSIONER EVANS: Yeah. Why
10 don't you pause there? So let me clarify
11 for you what is actually required versus
12 what you're saying. One, by statute,
13 there's a minimum amount that we can give
14 which is 70,000 dollars without requiring
15 a review. It can go up to currently
16 104,000 dollars a year. The additional
17 review can be done by audit or it's
18 authorized to be done by the treasurer,
19 right, of the department or the chief
20 financial officer of the department. It
21 does not have to be independent. So I
22 would correct you on that.

23 The second thing I want to be clear
24 on is that we do not give a payment to
25 the emergency rescue squad as a lump sum

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2 payment. What we follow, which is clear
3 in the statute, is an alternative process
4 where they provide us with their request
5 for payment so that actual bills, the
6 supporting documentation and follow a
7 purchase order process so that each
8 transaction is authorized.

9 MR. MOORE: I'm sorry. I missed
10 that. Your bill payment, did you pay
11 that supplementally other than the bill
12 payment? 'Cause I've never seen that.

13 COMMISSIONER EVANS: You won't see a
14 payment to the emergency rescue squad.
15 You'll see a payment to a vendor for
16 whatever the purchase is. But you won't
17 see a payment to the emergency rescue
18 squad because --

19 MR. MOORE: But I haven't seen that.
20 So I wouldn't be able to differentiate
21 where the 70,000 dollar is going.

22 COMMISSIONER EVANS: It's on the
23 bill list.

24 MR. MOORE: Would you show that to
25 me, please?

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2 COMMISSIONER EVANS: If there's one
3 on there, fine.

4 MR. MOORE: You could go back a
5 year, if you want. You can show it to
6 me.

7 COMMISSIONER EVANS: File an open
8 request on what you would like
9 specifically to see and you'll be
10 provided with the paperwork.

11 MR. MOORE: Absolutely.

12 COMMISSIONER EVANS: Okay?

13 MR. MOORE: But I'm opposed to this
14 because at some point, you have to stop,
15 as Mr. Mulchenten (ph.), to his credit --
16 he has said, this is going to happen and
17 you're adding people. Just because
18 you're --

19 COMMISSIONER EVANS: So let me be
20 clear.

21 MR. MOORE: No --

22 COMMISSIONER EVANS: If you say stop
23 it, as you're saying --

24 MR. MOORE: Four people.

25 COMMISSIONER EVANS: -- what do you

1 Nutley Twp Board of Commissioners - 2/3/09

2 want to do? Do you want to stop
3 emergency service to the township?

4 MR. MOORE: No. What I want to
5 do --

6 COMMISSIONER EVANS: Is that what
7 you're suggesting?

8 MR. MOORE: I want to do is be
9 responsible to say that if it starts with
10 SEED, what it would cost to have the
11 Nutley Fire Department be the first
12 responders. You're now exceeding that
13 cost. It's cheaper to have the Nutley
14 Fire Department do it --

15 COMMISSIONER EVANS: You have --

16 COMMISSIONER PETRACCO: Commissioner
17 Evans, --

18 MR. MOORE: -- than it is to have
19 volunteers.

20 COMMISSIONER PETRACCO: -- I'd like
21 to answer this if you don't mind.

22 COMMISSIONER EVANS: There you go.

23 COMMISSIONER PETRACCO: First of
24 all, you can't just say to the fire
25 department, okay, now you're going to be

1 Nutley Twp Board of Commissioners - 2/3/09
2 an EMT. There's proper training that has
3 to occur.

4 MR. MOORE: I understand that.

5 COMMISSIONER PETRACCO: And you know
6 what? I'm not going to say if we're
7 heading in that direction or not but we
8 are training our fire department in first
9 responders now which never was in history
10 done here.

11 MR. MOORE: Is it possible to
12 understand my objection to this
13 because --

14 COMMISSIONER PETRACCO: Well, I
15 understand very clearly. But I don't
16 understand if I'm telling you that we are
17 not adding anyone. There's always been
18 five. It's just a transfer of funds.
19 It's not going to cost the taxpayer any
20 money because what we're going to is
21 billing. And we're hoping that the
22 billing will generate monies up to 3 or
23 400,000 dollars which is not our expense
24 to run the ambulance squad. So I think
25 that we're going to offset the general

1 Nutley Twp Board of Commissioners - 2/3/09
2 fund.

3 MR. MOORE: Mr. Orechio, much to his
4 credit, did put the four in there. Now
5 it's five plus per diems. So you're
6 saying to me that you're not adding but
7 you are fee app -- we'll agree to
8 disagree on this one.

9 COMMISSIONER PETRACCO: If in
10 2008 -- in 2007, there was five EMTs
11 there --

12 MR. MOORE: Four. Four.

13 COMMISSIONER PETRACCO: There was
14 always five. That's what you're
15 misunderstanding.

16 MR. MOORE: I think what we're
17 missing is prior to your election, it was
18 four. Now there may have been five and
19 one may have been paid.

20 COMMISSIONER PETRACCO: Well, let me
21 say this. When I walked into this
22 office, there was five there.

23 MR. MOORE: Okay. Then I'll put an
24 open request in tomorrow for that 'cause
25 I have a copy of the ordinance. And it

1 Nutley Twp Board of Commissioners - 2/3/09
2 says four. Now I don't want to sit here
3 and beat a dead horse. But at some
4 point, do you understand the taxpayer's
5 point of view that you're saying you are
6 now providing a free service --

7 COMMISSIONER PETRACCO: I understand
8 the taxpayer's --

9 MR. MOORE: -- that costs more
10 money?

11 COMMISSIONER PETRACCO: I understand
12 the taxpayer's point full heartedly here.
13 But I think if you call 911 and you need
14 a police officer or a fire department or
15 an ambulance squad to respond, I think
16 there is a price to pay for safety. And
17 to uphold that --

18 MR. MOORE: The police and fire
19 department are absolutely separate.

20 COMMISSIONER PETRACCO: Okay. Well,
21 if you dial 911 and, like you said
22 before, Sera needs an ambulance, if you
23 want somebody to respond in a timely
24 fashion, I think we need to put the funds
25 in an appropriate spot where we can

1 Nutley Twp Board of Commissioners - 2/3/09
2 provide that service.

3 MR. MOORE: Yes. But when you start
4 to exceed that then you have to start to
5 consider other alternatives.

6 COMMISSIONER PETRACCO: But what
7 you're missing is that the volunteer
8 status, the volunteers in this town, are
9 not what they were. I don't know the
10 exact time but I'll say ten years ago
11 there was no paid EMTs there.

12 MR. MOORE: According to the fire
13 squad under the Ordinance, 23-7, no more
14 than two paid were paid guarantees.
15 That's by ordinance.

16 COMMISSIONER PETRACCO: Well,
17 I'll --

18 MR. HARKINS: Commissioner, I
19 think -- and I'm not sure on this, but
20 just for purposes of this discussion, I
21 think -- you know, it's important to
22 differentiate between the volunteer
23 squad, which is a separate entity and the
24 town. And I think it was just a question
25 of how it was structured and who was

1 Nutley Twp Board of Commissioners - 2/3/09
2 paying these various EMS employees. I
3 think it might have been (indiscernible)
4 80056 who were paid by the volunteer
5 squad. The others were paid by the town.

6 MR. MOORE: Yes.

7 MR. HARKINS: Now, we're switching
8 that, reversing that. And with your idea
9 of implementing this insurance
10 reimbursement, that's going to more than,
11 at least in my opinion, more than
12 adequately cover that. So seems to me
13 that it's a good thing.

14 COMMISSIONER PETRACCO: Thank you.

15 MR. MOORE: Did you do an analysis
16 on that?

17 MR. HARKINS: I did meet and speak
18 with several people as did Commissioner
19 Petracco to do an analysis as
20 Commissioner Evans indicated was still
21 ongoing. We're trying to sort it all
22 out. But all indications are that it's
23 going to be positive.

24 MR. MOORE: Well, somebody probably
25 took 2008 just as an example and just

1 Nutley Twp Board of Commissioners - 2/3/09
2 added the column of numbers up and said,
3 yes, we're going to generate some type of
4 a revenue.

5 MR. HARKINS: Well, it's based on --
6 I mean, they did an analysis based on --

7 COMMISSIONER PETRACCO: On the
8 number of calls --

9 MR. HARKINS: -- and I reviewed it
10 with the number of calls that we
11 typically have, how many of those people
12 would statistically be covered by
13 insurance, what the reimbursements would
14 be. And they arrive --

15 MR. MOORE: I'd like to see that.
16 I'll put in an open --

17 MR. HARKINS: Well, I don't have a
18 copy of it.

19 MR. MOORE: Pardon me?

20 MR. HARKINS: It was an analysis
21 provided --

22 MR. MOORE: Somebody had to do an
23 analysis to obtain this ordinance. What
24 this ordinance was -- somebody had to do
25 an analysis on paper. You just can't

1 Nutley Twp Board of Commissioners - 2/3/09
2 capriciously say oh, we're going to make
3 money on it which is going to cover the
4 expenses and have no documentation to
5 support to opinion.

6 MAYOR COCCHIOLA: Why don't you
7 direct your question to Commissioner
8 Petracco because I don't think Mr.
9 Harkins can answer that.

10 MR. MOORE: Oh, I'm sorry, because
11 Mr. Evans -- all right. I'm sorry. I'd
12 like to see that.

13 COMMISSIONER PETRACCO: If you want
14 to put in an open request --

15 MR. MOORE: I will, tomorrow.
16 Guaranteed.

17 COMMISSIONER PETRACCO: -- I'll be
18 happy to provide whatever it is --

19 MAYOR COCCHIOLA: Is there anyone
20 else that would like to address the board
21 with respect to Ordinance number 3089.

22 MR. MULCHENTEN: Ken Mulchenten, 44
23 Chestnut Street. If I'm permitted to ask
24 some questions -- and I'll ask them --
25 I'm not going to hold anybody to figures.

1 Nutley Twp Board of Commissioners - 2/3/09

2 If it's all right, Mayor, I'd like to
3 address Commissioner Evans first --

4 MAYOR COCCHIOLA: Certainly.

5 MR. MULCHENTEN: -- on this
6 ordinance.

7 MAYOR COCCHIOLA: Thank you, sir.

8 MR. MULCHENTEN: Commissioner, in
9 court fees, fines, reimbursements for
10 athletic fields, whatever we have that we
11 charge out for, in a rough some, how much
12 money does the town of Nutley collect?

13 COMMISSIONER EVANS: In terms of --
14 if the city has fines?

15 MR. MULCHENTEN: Money. How much?

16 COMMISSIONER EVANS: If we pull
17 everything together, all right, including
18 the tax levy, right, the total amount
19 that we collect -- and we collect on
20 behalf of the school board and the
21 county -- is somewhere close to ninety-
22 three million dollars.

23 MR. MULCHENTEN: Okay. That's what
24 I wanted to hear. If we all consider
25 that personally, I'm a recipient of the

1 Nutley Twp Board of Commissioners - 2/3/09
2 services of the First Aid squad. I love
3 them and I won't let anybody touch them.

4 COMMISSIONER EVANS: Okay.

5 MR. MULCHENTEN: But if each
6 department would take a portion of the
7 reimbursements or fines and pool it
8 together, as a suggestion, we could solve
9 the First Aid squad's monetary problems.

10 COMMISSIONER EVANS: The money that
11 we do collect for fines or other
12 services, like for permits that come out,
13 liquor licenses, the different things
14 that you would find, dog and cat
15 licenses, marriage licenses, all that
16 stuff, goes into a general revenue fund.

17 MR. MULCHENTEN: Ahh, yes, the --

18 COMMISSIONER EVANS: Okay?

19 MR. MULCHENTEN: -- dubious general
20 fund.

21 COMMISSIONER EVANS: It's not
22 dubious. It's just the general fund.

23 MR. MULCHENTEN: I understand that.

24 COMMISSIONER EVANS: It is
25 designated that because it is separated

1 Nutley Twp Board of Commissioners - 2/3/09
2 from the Appropriation budget which is
3 managed by each one of us as
4 commissioners. The monies that go into
5 that fund are used to offset the amount
6 of the operating costs of the township
7 that have to be collected from residents.
8 So using that money to then offset to,
9 say, specifically, give it to the First
10 Aid squad would, in turn, increase the
11 tax levy.

12 MR. MULCHENTEN: If we reduced our
13 per department cost, I think what we have
14 to realize here is we are looking at an
15 establishment which, by the way, was
16 established in 1953 --

17 COMMISSIONER EVANS: Right, exactly.

18 MR. MULCHENTEN: For the greater
19 good of the taxpayers, I think this is
20 something you should consider. There's
21 no doubt we need EMTs. The fact that we
22 now have two parents working where the
23 mother used to volunteer time -- I know
24 my parents did. I did. But we can't
25 afford to do that anymore.

1 Nutley Twp Board of Commissioners - 2/3/09

2 COMMISSIONER EVANS: That's correct.

3 MR. MULCHENTEN: We have a need for
4 paying these people irregardless of the
5 mechanics of how Commissioner Petracco
6 wants to do it. I have no issue with
7 that at the moment. I might but not
8 right now. But we just need the money.
9 We need these people. And once again,
10 for the good of the town, for all of us,
11 not for just parks or not for just
12 finance or the other departments. We're
13 all going to have to learn to spend less.
14 But this is one expenditure we cannot
15 cut. I don't want to see it cut.

16 COMMISSIONER EVANS: I'm a little
17 bit confused because, I think, all the
18 conversation tonight is not then about
19 cutting. It's actually been about
20 providing support to an organization that
21 has had a wonderful history.

22 MR. MULCHENTEN: Yes, sir.

23 COMMISSIONER EVANS: It's about
24 enabling them to continue as a volunteer
25 service, right, and to provide the

1 Nutley Twp Board of Commissioners - 2/3/09
2 support that our township needs. On
3 average, the First Aid squad handles
4 fifteen calls a day, seven to eight of
5 those are done during the day. All
6 right? And so there is a need for that
7 service in our township that continues to
8 be supported.

9 So, I think everything you're
10 hearing tonight is about continuing to
11 provide a vital service to our taxpayers
12 and to actually find a way to do that.
13 And one of those ways is to introduce a
14 level of new billing to, in effect, help
15 offset the cost of it.

16 The other thing is, is that I want
17 to reassure you is that every one of the
18 commissioners is currently working on
19 their budget to find ways to reduce every
20 area that we can in terms of spending
21 because we do have to introduce a lower
22 budget this year to offset tax increases
23 to our taxpayers. We are very well aware
24 of that.

25 MR. MULCHENTEN: I understand that,

1 Nutley Twp Board of Commissioners - 2/3/09

2 Commissioner. As I said, I have offered
3 a suggestion for giving a much, much
4 needed organization the operating funds
5 they're seeking. If we keep cutting
6 money, if we keep arguing about it,
7 you're going to dissuade more volunteers.
8 We can't afford to lose even one
9 volunteer in this town. So once again --

10 COMMISSIONER EVANS: I agree.

11 MR. MULCHENTEN: -- please, think of
12 my suggestion. I'm not asking you to
13 decide anything tonight. But when you
14 talk about budgets, when you talk about
15 your plans for the future for this town,
16 once again, the First Aid squad cannot
17 survive at their present course. We need
18 them. I need them. I've offered a way.
19 You have excess money. When it goes into
20 the general fund -- and I'm very aware of
21 what happens to the general fund. I've
22 been through five commissioners before
23 who were playing games with the general
24 fund. So, no, if you can take out, let's
25 say --

1 Nutley Twp Board of Commissioners - 2/3/09

2 COMMISSIONER EVANS: I'm sorry. I
3 absolutely disagree with you. And I
4 actually don't want to take objection to
5 it loudly, but I assure you, with this
6 commission body, and under my role --

7 MR. MULCHENTEN: I didn't say this
8 commission --

9 COMMISSIONER EVANS: -- as the
10 Revenue and Finance commissioner, there
11 is no gamesmanship going on. I assure
12 you of that.

13 MR. MULCHENTEN: I did not say this
14 commission body.

15 COMMISSIONER EVANS: I've been in
16 this seat for five years.

17 MR. MULCHENTEN: We'll go back
18 fifteen or twenty years.

19 COMMISSIONER EVANS: I can't account
20 for that. And --

21 MR. MULCHENTEN: That's the problem.

22 COMMISSIONER EVANS: But don't --

23 MR. MULCHENTEN: Nobody wants to
24 account for it.

25 COMMISSIONER EVANS: All right. But

1 Nutley Twp Board of Commissioners - 2/3/09

2 I'm being clear because I want to make
3 sure, your question may be referring to
4 something that's ancient. But it's not
5 referring to this board.

6 MR. MULCHENTEN: Fine. I'll accept
7 that, Commissioner. But once again, if
8 you each took fifteen percent, if we took
9 fifteen percent of the fines,
10 reimbursements we collected, we add it
11 together, this is constant money. These
12 are people that either use the town
13 services, got a ticket, any number of
14 things. We would have a way of
15 maintaining, supporting and boosting the
16 First Aid squad.

17 COMMISSIONER EVANS: We cannot by
18 statute do what you're suggesting the way
19 you're suggesting to do it.

20 MR. MULCHENTEN: And who's
21 responsible for that statute?

22 COMMISSIONER EVANS: The state. By
23 statute, the maximum amount we are
24 allowed to give the First Aid squad -- by
25 statute.

1 Nutley Twp Board of Commissioners - 2/3/09

2 MR. MULCHENTEN: And I appreciate
3 that.

4 COMMISSIONER EVANS: So we're
5 working through that --

6 MR. MULCHENTEN: You said it was
7 70,000 dollars?

8 COMMISSIONER EVANS: It's a minimum
9 of 70 up to a maximum of 104, which we
10 are doing today through and by way of
11 appropriation using purchase orders.
12 It's the maximum amount we can do.

13 MR. MULCHENTEN: Why can't that be
14 derived by what I'm talking about?

15 COMMISSIONER EVANS: We are deriving
16 that because the monies that we collect
17 is actually going to do that. So I'm a
18 little confused by your point. But I
19 understand the intent of it. And what
20 I'm trying to be clear on is that what
21 we're working on is to do exactly what
22 you're asking but we're trying to follow
23 the statutes in order to get that done.

24 MR. MULCHENTEN: Okay. Thank you.

25 MAYOR COCCHIOLA: Thank you, Mr.

1 Nutley Twp Board of Commissioners - 2/3/09
2 Mulchenten. Is there anyone else that
3 would like to address the board with
4 respect to this --

5 MR. MOORE: Orrie Moore, 462. I'd
6 just like to make a confrontation with
7 Mr. Harkins, if I may. Under
8 tonight's -- this is salary -- fixing
9 salaries. That's the ordinance for this
10 evening, I believe. And the one with Mr.
11 Orechio was Residency because you're
12 hiring new employees and he had the floor
13 put under Residency not under Salaries.
14 So the four EMTs would be under
15 Residency. Do you remember that?

16 MR. HARKINS: I remember it. I
17 don't have the ordinance in front of me.

18 MR. MOORE: It was for four full-
19 time paid employees only. That was it.
20 Because he had to hire -- the initial
21 hiring was for four people -- the current
22 EMTs that they hired were out of town.

23 MR. HARKINS: No. I remember the
24 issue, yeah.

25 MR. MOORE: So how would this

1 Nutley Twp Board of Commissioners - 2/3/09
2 increase -- because you're going to seven
3 part-timers per diem and you're adding
4 one full-time.

5 COMMISSIONER PETRACCO: We're going
6 up to seven. Not seven. Up to seven.
7 So we could have one. We could have
8 none. But we can't go past seven.

9 MR. MOORE: But the only point I'm
10 trying to make is that this is a salary
11 ordinance when Mr. Orechio had four full-
12 time. Now you're adjusting it. You
13 should do this the same way through the
14 Residency. And that is my -- my
15 biggest -- it's a burr in my saddle
16 because you're sitting here just adding
17 people. And you really should do it
18 through the Residency.

19 COMMISSIONER PETRACCO: We're not
20 adding people. It's just a question of
21 mechanics.

22 MR. MOORE: It's a question of -- if
23 you have a Residency law by the former
24 commissioner for four and now all of a
25 sudden, well, it's five plus we're going

1 Nutley Twp Board of Commissioners - 2/3/09
2 to add per diems up to seven.

3 MAYOR COCCHIOLA: Mr. Moore, so now
4 you're saying that you want the residency
5 ordinance to conform with this?

6 MR. MOORE: I want to see the EMT?
7 I have a right to that position.

8 MAYOR COCCHIOLA: Mr. Harkins, why
9 don't you take a look at the residency
10 ordinance and see if it can be amended?
11 And if it does --

12 MR. HARKINS: I will. I don't think
13 it's -- it limits it to four.

14 MAYOR COCCHIOLA: -- we'll take care
15 of that.

16 MR. HARKINS: But I'll take a look
17 at it.

18 MR. MOORE: It hasn't been updated
19 downstairs and it's not updated here
20 either.

21 MR. HARKINS: I'll take a look at it
22 tomorrow morning.

23 MAYOR COCCHIOLA: We're going to
24 take a look at it.

25 MR. MOORE: Good.

1 Nutley Twp Board of Commissioners - 2/3/09

2 MAYOR COCCHIOLA: Thank you. Is
3 there anyone else that would like to
4 address the board with respect to
5 Ordinance number 3089? I need a motion
6 to close.

7 COMMISSIONER PETRACCO: I make a
8 motion to close.

9 COMMISSIONER EVANS: Second.

10 MS. ROSARIO: Commissioner
11 Scarpelli?

12 COMMISSIONER SCARPELLI: Aye.

13 MS. ROSARIO: Commissioner Petracco?

14 COMMISSIONER PETRACCO: Aye.

15 MS. ROSARIO: Commissioner Evans?

16 COMMISSIONER EVANS: Aye.

17 MS. ROSARIO: Commissioner Tucci?

18 COMMISSIONER TUCCI: Aye.

19 MS. ROSARIO: Mayor Cocchiola?

20 MAYOR COCCHIOLA: Aye.

21 COMMISSIONER PETRACCO: I make a
22 motion that this ordinance be passed and
23 adopted in accordance with the law.

24 UNIDENTIFIED SPEAKER: Second.

25 MS. ROSARIO: Commissioner

1 Nutley Twp Board of Commissioners - 2/3/09
2 Scarpelli?

3 COMMISSIONER SCARPELLI: Aye.

4 MS. ROSARIO: Commissioner Petracco?

5 COMMISSIONER PETRACCO: Aye.

6 MS. ROSARIO: Commissioner Evans?

7 COMMISSIONER EVANS: Aye.

8 MS. ROSARIO: Commissioner Tucci?

9 COMMISSIONER TUCCI: Aye.

10 MS. ROSARIO: Mayor Cocchiola?

11 MAYOR COCCHIOLA: Aye. Thank you.

12 Mr. Evans, public hearing on Ordinance
13 number 3090.

14 COMMISSIONER EVANS: This ordinance
15 relates to prohibited parking on Centre
16 Street for the morning hours between 8
17 and noon.

18 MAYOR COCCHIOLA: Is there anyone
19 that would like to address the board with
20 respect to Ordinance number 3090?
21 There's no one.

22 COMMISSIONER EVANS: Motion to
23 close.

24 COMMISSIONER TUCCI: Second.

25 COMMISSIONER SCARPELLI: Aye.

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2 MS. ROSARIO: Commissioner Petracco?

3 COMMISSIONER PETRACCO: Aye.

4 MS. ROSARIO: Commissioner Evans?

5 COMMISSIONER EVANS: Aye.

6 MS. ROSARIO: Commissioner Tucci?

7 COMMISSIONER TUCCI: Aye.

8 MS. ROSARIO: Mayor Cocchiola?

9 MAYOR COCCHIOLA: Aye.

10 COMMISSIONER EVANS: Move the
11 ordinance.

12 COMMISSIONER TUCCI: Second.

13 COMMISSIONER SCARPELLI: Aye.

14 MS. ROSARIO: Commissioner Petracco?

15 COMMISSIONER PETRACCO: Aye.

16 MS. ROSARIO: Commissioner Evans?

17 COMMISSIONER EVANS: Aye.

18 MS. ROSARIO: Commissioner Tucci?

19 COMMISSIONER TUCCI: Aye.

20 MS. ROSARIO: Mayor Cocchiola?

21 MAYOR COCCHIOLA: Aye. Thank you.

22 Ordinance number 3087A and Ordinance
23 number 3088 are both mine, public
24 hearings this evening. Both are
25 housekeeping ordinances.

1 Nutley Twp Board of Commissioners - 2/3/09

2 Ordinance number 3087A cleans up an
3 error in the 2008 salary ordinance.

4 Apparently, the 2008 salary ordinance,
5 last year's ordinance, did not have the
6 correct and budgeted information for the
7 township attorneys in it. We didn't
8 realize that until the end of the year.
9 So we have to backtrack now and amend the
10 ordinance and clean it up so that it's
11 correct.

12 Is there any member of the public
13 that would like to address the board with
14 respect to Ordinance number 3087A? There
15 is no one so I'm going to make a motion
16 to close this public hearing.

17 UNIDENTIFIED SPEAKER: Move it.

18 COMMISSIONER SCARPELLI: Aye.

19 MS. ROSARIO: Commissioner Petracco?

20 COMMISSIONER PETRACCO: Aye.

21 MS. ROSARIO: Commissioner Evans?

22 COMMISSIONER EVANS: Aye.

23 MS. ROSARIO: Commissioner Tucci?

24 COMMISSIONER TUCCI: Aye.

25 MS. ROSARIO: Mayor Cocchiola?

1 Nutley Twp Board of Commissioners - 2/3/09

2 MAYOR COCCHIOLA: Aye. And I move
3 the ordinance.

4 COMMISSIONER EVANS: Second.

5 COMMISSIONER SCARPELLI: Aye.

6 MS. ROSARIO: Commissioner Petracco?

7 COMMISSIONER PETRACCO: Aye.

8 MS. ROSARIO: Commissioner Evans?

9 COMMISSIONER EVANS: Aye.

10 MS. ROSARIO: Commissioner Tucci?

11 COMMISSIONER TUCCI: Aye.

12 MS. ROSARIO: Mayor Cocchiola?

13 MAYOR COCCHIOLA: Aye. Ordinance
14 number 3088 is another housekeeping
15 ordinance which, effectively, amends the
16 2009 salary ordinance -- or effective
17 January 1st, 2009. And what it does is
18 it changes -- it doesn't change the
19 salary. It changes the way the salary is
20 paid to Mr. Harkins is actually paid.

21 Is there any member of the public
22 that would like to comment on this
23 ordinance or address the board, Ordinance
24 number 3088? There's no one so I'm going
25 to make a motion to close the public

1 Nutley Twp Board of Commissioners - 2/3/09
2 hearing.

3 UNIDENTIFIED SPEAKER: Move it.

4 COMMISSIONER SCARPELLI: Aye.

5 MS. ROSARIO: Commissioner Petracco?

6 COMMISSIONER PETRACCO: Aye.

7 MS. ROSARIO: Commissioner Evans?

8 COMMISSIONER EVANS: Aye.

9 MS. ROSARIO: Commissioner Tucci?

10 COMMISSIONER TUCCI: Aye.

11 MS. ROSARIO: Mayor Cocchiola?

12 MAYOR COCCHIOLA: Aye. I move it,
13 the ordinance.

14 COMMISSIONER TUCCI: Second.

15 MS. ROSARIO: Commissioner
16 Scarpelli?

17 COMMISSIONER SCARPELLI: Aye.

18 MS. ROSARIO: Commissioner Petracco?

19 COMMISSIONER PETRACCO: Aye.

20 MS. ROSARIO: Commissioner Evans?

21 COMMISSIONER EVANS: Aye.

22 MS. ROSARIO: Commissioner Tucci?

23 COMMISSIONER TUCCI: Aye.

24 MS. ROSARIO: Mayor Cocchiola?

25 MAYOR COCCHIOLA: Aye. And that

1 Nutley Twp Board of Commissioners - 2/3/09

2 concludes the public hearing this
3 evening. Commissioner Scarpelli, you
4 have a resolution?

5 COMMISSIONER SCARPELLI: "Whereas,
6 there exists a need for specialized
7 professional services for a Sanitary
8 Sewer Collection System Operator in the
9 Township of Nutley, County of Essex,
10 State of New Jersey; and

11 "Whereas, funds are available from
12 09-01-420-209, and have been certified by
13 the Chief Financial Officer, said
14 certification being attached to this
15 resolution; and

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

22 "Now Therefore, Be it Resolved by
23 the Board of Commissioners of the
24 Township of Nutley, County of Essex,
25 State of New Jersey as follows:

1 Nutley Twp Board of Commissioners - 2/3/09

2 "1. A Contract shall be entered into
3 between the Township of Nutley and
4 Phiacore Inc., P.O. Box 7, Caldwell, New
5 Jersey 07006 to be retained to provide
6 services necessary for the day to ay
7 operation of the municipality for an
8 annual fee not to exceed \$3,000.00.

9 "2. The Contract is awarded without
10 competitive bidding as a "Professional
11 Service" in accordance with Local Public
12 Contract Laws (N.J.S.A. 40a: 11-1, et
13 seq.), and is for a service performed by
14 a person(s) authorized by law to practice
15 a recognized professional that is
16 regulated by law.

17 "3. A copy of this resolution as
18 well as the Contract shall be placed on
19 file with the Township Clerk.

20 "4. A notice in accordance with the
21 Local Public Contracts Law of New Jersey
22 in the form attached hereto shall be
23 published in the Nutley Sun."

24 I move the resolution.

25 COMMISSIONER ~~EVANS~~: Second.

~~Petracco~~

1 Nutley Twp Board of Commissioners - 2/3/09

2 MS. ROSARIO: Commissioner

3 Scarpelli?

4 COMMISSIONER SCARPELLI: Aye.

5 MS. ROSARIO: Commissioner Petracco?

6 COMMISSIONER PETRACCO: Aye.

7 MS. ROSARIO: Commissioner Evans?

8 COMMISSIONER EVANS: Aye.

9 MS. ROSARIO: Commissioner Tucci?

10 COMMISSIONER TUCCI: Aye.

11 MS. ROSARIO: Mayor Cocchiola?

12 MAYOR COCCHIOLA: Aye.

13 COMMISSIONER SCARPELLI: "BE IT

14 RESOLVED by the Board of Commissioners,
15 Township of Nutley, County of Essex, New
16 Jersey, in accordance with the provision
17 of R.S. 40A:4-59 that the following
18 transfer(s) of 2008 Appropriation
19 Reserves be and the same are hereby
20 authorized and approved:

21 "Water Operation Salary and Wages,
22 1000 dollars to Water Operations Other
23 Expenses, 1,000 dollars."

24 COMMISSIONER SCARPELLI: I move the
25 resolution.

1 Nutley Twp Board of Commissioners - 2/3/09

2 COMMISSIONER ~~EVANS~~: Second.
Petracco

3 MS. ROSARIO: Commissioner

4 Scarpelli?

5 COMMISSIONER SCARPELLI: Aye.

6 MS. ROSARIO: Commissioner Petracco?

7 COMMISSIONER PETRACCO: Aye.

8 MS. ROSARIO: Commissioner Evans?

9 COMMISSIONER EVANS: Aye.

10 MS. ROSARIO: Commissioner Tucci?

11 COMMISSIONER TUCCI: Aye.

12 MS. ROSARIO: Mayor Cocchiola?

13 MAYOR COCCHIOLA: Aye.

14 COMMISSIONER SCARPELLI: That's all
15 I have, Mayor. Thank you. Mr. Petracco?

16 COMMISSIONER PETRACCO: "WHEREAS,
17 the State of New Jersey intends to
18 construct Route 21 Hwy Park Avenue
19 Interchange, Safety Improvements within
20 the Township of Nutley; and

21 "WHEREAS, the project proposed by
22 the State of New Jersey Department of
23 Transportation may require the limited
24 use of municipal police as Traffic
25 Directors for work zone safety operations

1 Nutley Twp Board of Commissioners - 2/3/09
2 supplementing the traffic control plan
3 established under the contract for
4 construction of the project; and

5 "WHEREAS, the State of New Jersey
6 Department of Transportation has
7 requested the Township of Nutley enter
8 into a Police Agreement for use of
9 Township officers as Traffic Directors;
10 and

11 "WHEREAS, the costs incurred by the
12 Township of Nutley for use of its
13 officers in connection with the State
14 construction project shall be paid
15 directly to the Township of Nutley, by
16 the State of New Jersey Department of
17 Transportation pursuant to the agreement
18 attached hereto;

19 "NOW, THEREFORE, BE IT RESOLVED by
20 the Board of Commissioners of the
21 Township of Nutley, County of Essex,
22 State of New Jersey, that the Director of
23 Public Safety, Alphonse Petracco, and the
24 Chief of Police, John Holland and the
25 Township Clerk, Evelyn Rosario, are

1 Nutley Twp Board of Commissioners - 2/3/09
2 hereby authorized to execute an agreement
3 between the State of New Jersey
4 Department of Transportation and the
5 Township of Nutley to provide Police
6 Officers as Traffic Directors;

7 "BE IT FURTHER RESOLVED that the
8 Board of Commissioners of the Township of
9 Nutley authorizes Chief John Holland and
10 Deputy Chief Paul Mascolo to submit and
11 execute State Payment Vouchers, PV-C, on
12 behalf of agreement signatory."

13 COMMISSIONER PETRACCO: I move the
14 resolution.

15 COMMISSIONER SCARPELLI: Second.

16 MS. ROSARIO: Commissioner
17 Scarpelli?

18 COMMISSIONER SCARPELLI: Aye.

19 MS. ROSARIO: Commissioner Petracco?

20 COMMISSIONER PETRACCO: Aye.

21 MS. ROSARIO: Commissioner Evans?

22 COMMISSIONER EVANS: Aye.

23 MS. ROSARIO: Commissioner Tucci?

24 COMMISSIONER TUCCI: Aye.

25 MS. ROSARIO: Mayor Cocchiola?

1 Nutley Twp Board of Commissioners - 2/3/09

2 MAYOR COCCHIOLA: Aye.

3 COMMISSIONER PETRACCO: "BE IT

4 RESOLVED, by the Board of Commissioners

5 of the Township of Nutley, County of

6 Essex, New Jersey, that in accordance

7 with the provision of R.S. 40A: 4-59, the

8 following transfer(s) of 2008

9 Appropriation Reserves be and the same

10 are hereby authorized and approved:

11 "First Aid O/E, \$850.00; First Aid
12 Salary and Wage, \$850.00."

13 I move the resolution.

14 COMMISSIONER SCARPELLI: Second.

15 MS. ROSARIO: Commissioner

16 Scarpelli?

17 COMMISSIONER SCARPELLI: Aye.

18 MS. ROSARIO: Commissioner Petracco?

19 COMMISSIONER PETRACCO: Aye.

20 MS. ROSARIO: Commissioner Evans?

21 COMMISSIONER EVANS: Aye.

22 MS. ROSARIO: Commissioner Tucci?

23 COMMISSIONER TUCCI: Aye.

24 MS. ROSARIO: Mayor Cocchiola?

25 MAYOR COCCHIOLA: Aye. Commissioner

1 Nutley Twp Board of Commissioners - 2/3/09
2 Evans?

3 COMMISSIONER EVANS: Thank you,
4 Mayor.

5 "WHEREAS, P.L. 1990, Chapter 105
6 supplementing Title 40 of the New Jersey
7 State Revised Statutes has been enacted
8 to allow a municipality the authority to
9 impose a service charge to be added on an
10 account which was by check or other
11 written instrument returned for
12 insufficient funds; and,

13 "WHEREAS, whenever an account is
14 owing a municipality for tax, special
15 assessment, water, or other municipal
16 charges, the service charge authorized by
17 this section shall be included on
18 whatever list of delinquent accounts is
19 prepared for the enforcement of liens.

20 "NOW, THEREFORE, BE IT RESOLVED by
21 the Board of Commissioners of the
22 Township of Nutley, County of Essex,
23 State of New Jersey, that the Tax
24 Collector be authorized to charge the
25 aforementioned fee at a rate of \$20.00

1 Nutley Twp Board of Commissioners - 2/3/09
2 per check or other written instrument for
3 all checks received for insufficient
4 funds; and,

5 "BE IT FURTHER RESOLVED, that the
6 Tax Collector may require future payments
7 to be tendered in cash or cashier's
8 check; and,

9 "BE IT FINALLY RESOLVED, that a
10 certified copy of this resolution be
11 forwarded to the Township Treasurer, Tax
12 Collector and Auditor."

13 So moved.

14 COMMISSIONER TUCCI: Second.

15 MS. ROSARIO: Commissioner
16 Scarpelli?

17 COMMISSIONER SCARPELLI: Aye.

18 MS. ROSARIO: Commissioner Petracco?

19 COMMISSIONER PETRACCO: Aye.

20 MS. ROSARIO: Commissioner Evans?

21 COMMISSIONER EVANS: Aye.

22 MS. ROSARIO: Commissioner Tucci?

23 COMMISSIONER TUCCI: Aye.

24 MS. ROSARIO: Mayor Cocchiola?

25 MAYOR COCCHIOLA: Aye.

1 Nutley Twp Board of Commissioners - 2/3/09

2 COMMISSIONER EVANS: The next
3 resolution relates to the payment of
4 delinquent taxes. We are required by
5 statute to charge a minimum interest rate
6 of eight percent for delinquencies. We
7 have charged a rate as high as eighteen
8 percent when the accounts are extended.
9 We're now reducing that rate to the
10 minimum in light of the economic
11 environment.

12 "WHEREAS, R.S.54:4-67 permits the
13 governing body of each municipality to
14 fix the rate of interest to be charged
15 for non-payment of taxes or assessment
16 subject to any abatement or discount for
17 the late payment of taxes provided by
18 law; and

19 "WHEREAS, R.S.54:4-67 has been
20 amended to permit the fixing of said rate
21 of 8% per annum on the first \$1500.00 of
22 the delinquency and 8% [sic] per annum on
23 any amount in excess of \$15000.00;

24 "NOW, THEREFORE, BE IT RESOLVED by
25 the Board of Commissioners of the

1 Nutley Twp Board of Commissioners - 2/3/09
2 Township of Nutley, County of Essex,
3 State of New Jersey, as follows:

4 "The Tax Collectors is hereby
5 authorized and directed to charge 8% per
6 annum on taxes becoming delinquent after
7 the due date, subject to any abatement or
8 discount for the late payment of taxes
9 provided by law.

10 "Effective January 1, 2009,
11 quarterly tax payment made by cash, check
12 or money order shall have a ten day grace
13 period.

14 "Any payments not made in accordance
15 with section two of this resolution shall
16 be charged interest from the due date, as
17 set forth in section one of this
18 resolution."

19 So moved.

20 COMMISSIONER TUCCI: Second.

21 MS. ROSARIO: Commissioner
22 Scarpelli?

23 COMMISSIONER SCARPELLI: Aye.

24 MS. ROSARIO: Commissioner Petracco?

25 COMMISSIONER PETRACCO: Aye.

1 Nutley Twp Board of Commissioners - 2/3/09

2 MS. ROSARIO: Commissioner Evans?

3 COMMISSIONER EVANS: Aye.

4 MS. ROSARIO: Commissioner Tucci?

5 COMMISSIONER TUCCI: Aye.

6 MS. ROSARIO: Mayor Cocchiola?

7 MAYOR COCCHIOLA: Aye.

8 COMMISSIONER EVANS: "WHEREAS, R.S.

9 40A:5-17 allows for the cancellation of
10 property tax credits or delinquent
11 amounts in the amount of less than
12 \$10.00; and

13 "WHEREAS, the governing body may
14 authorize the Tax Collector to process,
15 without further action on their part, any
16 cancellation of property tax credits or
17 delinquencies of less than \$10.00;

18 "NOW, THEREFORE, BE IT RESOLVED by
19 the Board of Commissioners of the
20 Township of Nutley, County of Essex,
21 State of New Jersey, hereby authorize the
22 Tax Collector to cancel said amounts as
23 deemed necessary."

24 So moved.

25 COMMISSIONER ~~PETRACCO~~ Second.
Tucci

1 Nutley Twp Board of Commissioners - 2/3/09

2 MS. ROSARIO: Commissioner

3 Scarpelli?

4 COMMISSIONER SCARPELLI: Aye.

5 MS. ROSARIO: Commissioner Petracco?

6 COMMISSIONER PETRACCO: Aye.

7 MS. ROSARIO: Commissioner Evans?

8 COMMISSIONER EVANS: Aye.

9 MS. ROSARIO: Commissioner Tucci?

10 COMMISSIONER TUCCI: Aye.

11 MS. ROSARIO: Mayor Cocchiola?

12 MAYOR COCCHIOLA: Aye.

13 COMMISSIONER EVANS: "BE IT RESOLVED

14 by the Board of Commissioners of the

15 Township of Nutley in the County of

16 Essex, State of New Jersey that the

17 Treasurer be and she is hereby authorized

18 to refund Senior Citizen property tax

19 deductions for the tax year 2008 in the

20 amount of \$1,500.00. The below listed

21 taxpayers are eligible to receive \$250.00

22 each:

23 Block 5003, Lot 12, 250 dollars;

24 Block 5800, Lot 10; Block 5801, Lot 23;

25 Block 7601, Lot 8; Block 8200, Lot 3;

1 Nutley Twp Board of Commissioners - 2/3/09

2 Block 8901, Lot 24 all receive 250
3 dollars."

4 So moved.

5 COMMISSIONER ~~SCARPELLI~~: Second.

Tucci

6 MS. ROSARIO: Commissioner

7 Scarpelli?

8 COMMISSIONER SCARPELLI: Aye.

9 MS. ROSARIO: Commissioner Petracco?

10 COMMISSIONER PETRACCO: Aye.

11 MS. ROSARIO: Commissioner Evans?

12 COMMISSIONER EVANS: Aye.

13 MS. ROSARIO: Commissioner Tucci?

14 COMMISSIONER TUCCI: Aye.

15 MS. ROSARIO: Mayor Cocchiola?

16 MAYOR COCCHIOLA: Aye.

17 COMMISSIONER EVANS: "BE IT RESOLVED

18 by the Board of Commissioners of the

19 Township of Nutley in the County of

20 Essex, State of New Jersey that the

21 Treasurer be and she is hereby authorized

22 to refund Veteran property tax deductions

23 for the tax year 2008 in the amount of

24 \$3,750.000. The below listed taxpayers

25 are eligible to receive \$250.00 each."

1 Nutley Twp Board of Commissioners - 2/3/09

2 Block 1000, Lot 1, C5035; 1400, Lot
3 1, C1088; Block 1705, Lot 1; Block 2001,
4 Lot 1; Block 2203, Lot 14; Block 3904,
5 Lot 8; Block 5800, Lot 10; Block 5801,
6 Lot 23; 6703, Lot 1; Block 6703, Lot 1
7 [sic]; Block 7500, Lot 12; Block 7606,
8 Lot 20; Block 8200, Lot 3; Block 8301,
9 Lot 21; Block 8304, Lot 17 all received
10 250 dollars.

11 So moved.

12 COMMISSIONER ^{Tucci} ~~SCARPELLI~~: Second.

13 MS. ROSARIO: Commissioner
14 Scarpelli?

15 COMMISSIONER SCARPELLI: Aye.

16 MS. ROSARIO: Commissioner Petracco?

17 COMMISSIONER PETRACCO: Aye.

18 MS. ROSARIO: Commissioner Evans?

19 COMMISSIONER EVANS: Aye.

20 MS. ROSARIO: Commissioner Tucci?

21 COMMISSIONER TUCCI: Aye.

22 MS. ROSARIO: Mayor Cocchiola?

23 MAYOR COCCHIOLA: Aye.

24 COMMISSIONER EVANS: "WHEREAS,
25 several Block and Lots throughout the

1 Nutley Twp Board of Commissioners - 2/3/09
2 Township have been combined with existing
3 Block and Lots; and

4 "WHEREAS, the preliminary billing
5 for said years still exist on the
6 accounts in the Tax Collector's Office
7 which must be cancelled.

8 "NOW, THEREFORE, BE IT RESOLVED by
9 the Board of Commissioners of the
10 Township of Nutley, the County of Essex,
11 State of New Jersey, that the following
12 billing for the eliminated Blocks and
13 Lots be cancelled for said years."

14 Block 19, Lot 3; \$477.63. All the
15 years I'm going to talk about will be for
16 the year 2006. Block 23, Lot 12,
17 \$274.05; Block 32, Lot 80, \$125.28; Block
18 42, Lot 38, \$285.79; Block 49, Lot 4,
19 \$508.95; Block 117, Lot 7, \$78.30; Block
20 166, Lot 27, \$3,994.00; Block 206, Lot
21 50, \$121.36; Block 210.02, Lot 21,
22 \$32.30; Block 219, Lot 30, \$2,372.49;
23 Block 227, Lot 78.01, \$109.62; Block 357,
24 Lot 24, \$391.50; Block 362, Lot 1,
25 \$281.88; Block 370, Lot 7, \$117.45; Block

1 Nutley Twp Board of Commissioners - 2/3/09

2 391, Lot 25, \$571.78.

3 So moved.

4 COMMISSIONER ^{Tucci} SCARPELLI: Second.

5 MS. ROSARIO: Commissioner
6 Scarpelli?

7 COMMISSIONER SCARPELLI: Aye.

8 MS. ROSARIO: Commissioner Petracco?

9 COMMISSIONER PETRACCO: Aye.

10 MS. ROSARIO: Commissioner Evans?

11 COMMISSIONER EVANS: Aye.

12 MS. ROSARIO: Commissioner Tucci?

13 COMMISSIONER TUCCI: Aye.

14 MS. ROSARIO: Mayor Cocchiola?

15 MAYOR COCCHIOLA: Aye.

16 COMMISSIONER EVANS: "WHEREAS, a
17 County Board Judgment was favorably
18 awarded to Block 8300, Lot 19 for the
19 year 2008; and

20 "WHEREAS, such judgment has resulted
21 in an overpayment of 2008 property taxes
22 in the amount of \$2,073.87 of which the
23 property owner has received a refund;

24 "NOW, THEREFORE, BE IT RESOLVED by
25 the Board of Commissioners of the

1 Nutley Twp Board of Commissioners - 2/3/09
2 Township of Nutley, County of Essex,
3 State of New Jersey, hereby authorize the
4 Township Treasurer to issue a check in
5 the amount of \$21.03 for interest due to
6 the above overpayment to Ms. Sera
7 Shuster, 462 Chestnut Street, Nutley, NJ.

8 "BE IT FINALLY RESOLVED that a
9 certified copy of this Resolution be
10 forwarded to the Tax Collector, Township
11 Treasurer, and property owner.

12 So moved.

13 COMMISSIONER ^{Tucci} ~~SCARPELLI~~: Second.

14 MS. ROSARIO: Commissioner
15 Scarpelli?

16 COMMISSIONER SCARPELLI: Aye.

17 MS. ROSARIO: Commissioner Petracco?

18 COMMISSIONER PETRACCO: Aye.

19 MS. ROSARIO: Commissioner Evans?

20 COMMISSIONER EVANS: Aye.

21 MS. ROSARIO: Commissioner Tucci?

22 COMMISSIONER TUCCI: Aye.

23 MS. ROSARIO: Mayor Cocchiola?

24 MAYOR COCCHIOLA: Aye.

25 COMMISSIONER EVANS: "BE IT RESOLVED

1 Nutley Twp Board of Commissioners - 2/3/09
2 by the Board of Commissioners of the
3 Township of Nutley, in the County of
4 Essex, New Jersey that the Township
5 Treasurer be and she is hereby authorized
6 to refund Lou Malfitano, 560 Mountain
7 Avenue, North Caldwell, NJ 07006, in the
8 amount of \$500.00 for a refund of the
9 deposit for demolition of a detached
10 garage at 203 Satterthwaite Avenue.
11 Building Inspector William Spiezio made
12 the inspection of the premises on March
13 16, 2007 and found the structure was
14 demolished and the land cleared and
15 cleaned in accordance with local and
16 state codes. Paid by check number 10277
17 on January 11, 2006."

18 So moved.

19 COMMISSIONER TUCCI: Second.

20 MS. ROSARIO: Commissioner
21 Scarpelli?

22 COMMISSIONER SCARPELLI: Aye.

23 MS. ROSARIO: Commissioner Petracco?

24 COMMISSIONER PETRACCO: Aye.

25 MS. ROSARIO: Commissioner Evans?

Nutley Twp Board of Commissioners - 2/3/09

COMMISSIONER EVANS: Aye.

MS. ROSARIO: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MS. ROSARIO: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

COMMISSIONER EVANS: "WHEREAS, a contract for Data Conversion Services was awarded via resolution number 352-08 and duly adopted by the Board of Commissioners of the Township of Nutley at their meeting held on December 15, 2008; and

"WHEREAS, resolution number 352-08 inadvertently indicated a base bid of \$51,000.00; and

"WHEREAS, the correct bid is \$40,412.00;

"NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex that the correct base bid is \$40,412.00."

So moved.

COMMISSIONER TUCCI: Second.

MS. ROSARIO: Commissioner

1 Nutley Twp Board of Commissioners - 2/3/09
2 Scarpelli?

3 COMMISSIONER SCARPELLI: Aye.

4 MS. ROSARIO: Commissioner Petracco?

5 COMMISSIONER PETRACCO: Aye.

6 MS. ROSARIO: Commissioner Evans?

7 COMMISSIONER EVANS: Aye.

8 MS. ROSARIO: Commissioner Tucci?

9 COMMISSIONER TUCCI: Aye.

10 MS. ROSARIO: Mayor Cocchiola?

11 MAYOR COCCHIOLA: Aye.

12 COMMISSIONER EVANS: "WHEREAS, the
13 Township of Nutley has a need to acquire
14 the services of a Registered Municipal
15 Accountant to conduct an annual audit of
16 the Township of Nutley's books, accounts
17 and financial transactions within five
18 (5) months after the close of its fiscal
19 year, as a Non-Fair and Open Contract
20 pursuant to the provisions of N.J.S.A.
21 19:44 A-20.4 or 20.5, as appropriate; and

22 "WHEREAS, the Chief Financial
23 Officers has determined and certified in
24 writing that the value of the aggregate
25 services, provided by the vendor for the

1 Nutley Twp Board of Commissioners - 2/3/09
2 year will exceed \$17,500; and

3 "WHEREAS, Nisivoccia & Company, LLP
4 Certified Public Accountants and
5 Consultants, 5 Emery Road, Randolph, New
6 Jersey 07869 has submitted a fee schedule
7 for providing such services, the total of
8 which is not to exceed \$143,720.00; and

9 "WHEREAS, Nisivoccia & Company LLP
10 Certified Public Accountants and
11 Consultants, has completed and submitted
12 a Business Entity Disclosure
13 Certification which certifies that they
14 have not made any reportable
15 contributions to a political or candidate
16 committee in the Township of Nutley in
17 the previous one year, and that the
18 contract will prohibit them from making
19 any reportable contributions through the
20 term of the contract; and

21 "WHEREAS, funds are available from
22 account 9-01-222-205 & 9-05-706-205 and
23 have been certified by the chief
24 financial officer, said certification
25 being attached to this resolution,

1 Nutley Twp Board of Commissioners - 2/3/09

2 "NOW, THEREFORE, BE IT RESOLVED that
3 the Board of Commissioners of the
4 Township of Nutley authorizes the Mayor
5 to enter into a contract with Nisivoccia
6 & Company LLP Certified Public Accounts
7 and Consultants; and

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

12 So moved.

13 COMMISSIONER TUCCI: Second.

14 MS. ROSARIO: Commissioner
15 Scarpelli?

16 COMMISSIONER SCARPELLI: Aye.

17 MS. ROSARIO: Commissioner Petracco?

18 COMMISSIONER PETRACCO: Aye.

19 MS. ROSARIO: Commissioner Evans?

20 COMMISSIONER EVANS: Aye.

21 MS. ROSARIO: Commissioner Tucci?

22 COMMISSIONER TUCCI: Aye.

23 MS. ROSARIO: Mayor Cocchiola?

24 MAYOR COCCHIOLA: Aye.

25 COMMISSIONER EVANS: "WHEREAS, the

1 Nutley Twp Board of Commissioners - 2/3/09

2 Township of Nutley has a need to acquire
3 professional services to assist with real
4 estate appraisals, tax appeals and tax
5 court appearances; and

6 "WHEREAS, Hendricks Appraisal
7 Company, LLC is particularly suited to
8 provide such services; and

9 "WHEREAS, the contract is in an
10 amount not to exceed \$15,000.00 and
11 whereas the funds are available in
12 account 9-01-204-200 as evidenced by the
13 Chief Financial Officer's certification
14 attached hereto; and

15 "WHEREAS, the Local Public Contracts
16 Law (N.J.S.A. 40A:11-1, et seq.) requires
17 that notice with respect to contracts for
18 "Professional Services" awarded without
19 competitive bids must be publicly
20 advertised;

21 "NOW, THEREFORE, BE IT RESOLVED by
22 the Board of Commissioners of the
23 Township of Nutley in the County of
24 Essex, New Jersey, that a contract be
25 awarded to Hendricks Appraisal Company,

1 Nutley Twp Board of Commissioners - 2/3/09
2 LLC, 7 Hutton Avenue, West Orange, NJ
3 07052; and

4 "BE IT FURTHER RESOLVED that this
5 contract is awarded without competitive
6 bidding as a "Professional Service" in
7 accordance with N.J.S.A. 40A:11-5(1)(a)
8 of the Local Public Contracts Law because
9 the contract is for a service performed
10 by a person(s) authorized by law to
11 practice a recognized profession; and

12 "BE IT FURTHER RESOLVED that a copy
13 of this resolution, as well as the
14 contract shall be placed on file with the
15 clerk of the Township of Nutley and a
16 notice of this action shall be printed
17 once in the Nutley Sun in accordance with
18 the Local Public Contracts Law."

19 So moved.

20 COMMISSIONER TUCCI: Second.

21 MS. ROSARIO: Commissioner
22 Scarpelli?

23 COMMISSIONER SCARPELLI: Aye.

24 MS. ROSARIO: Commissioner Petracco?

25 COMMISSIONER PETRACCO: Aye.

1 Nutley Twp Board of Commissioners - 2/3/09

2 MS. ROSARIO: Commissioner Evans?

3 COMMISSIONER EVANS: Aye.

4 MS. ROSARIO: Commissioner Tucci?

5 COMMISSIONER TUCCI: Aye.

6 MS. ROSARIO: Mayor Cocchiola?

7 MAYOR COCCHIOLA: Aye.

8 COMMISSIONER EVANS: "WHEREAS, the
9 Township of Nutley has a need to acquire
10 the services of a professional real
11 estate appraiser to complete the
12 necessary procedures to ensure we capture
13 added assessments arising from ongoing
14 improvement activities in the Township as
15 a non-fair and open contract pursuant to
16 the provisions of N.J.S.A. 19:44 A-20.4
17 or 20.5, as appropriate; and

18 "WHEREAS, the tax assessor has
19 determined and certified in writing that
20 the value of the aggregate services
21 provided by the vendor for the year will
22 exceed \$17,500; and

23 "WHEREAS, Hendricks Appraisal
24 Company, LLC, 7 Hutton Avenue, West
25 Orange, NJ 07052 has submitted a fee

1 Nutley Twp Board of Commissioners - 2/3/09
2 schedule for providing such services, the
3 total of which is not to exceed
4 \$30,000.00; and

5 "WHEREAS, Hendricks Appraisal
6 Company, LLC has completed and submitted
7 a Business Entity Disclosure
8 Certification which certifies that they
9 have not made any reportable
10 contributions to a political or candidate
11 committee in the Township of Nutley in
12 the previous one year, and that the
13 contract will prohibit them from making
14 any reportable contributions through the
15 term of the contract; and

16 "WHEREAS, funds are available from
17 account 9-01-204-200 and have been
18 certified by the chief financial officer,
19 said certification being attached to this
20 resolution;

21 "NOW, THEREFORE, BE IT RESOLVED that
22 the Board of Commissioners of the
23 Township of Nutley authorizes the Mayor
24 to enter into a contract with Hendricks
25 Appraisal Company, LLC; and

1 Nutley Twp Board of Commissioners - 2/3/09

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

6 So moved.

7 COMMISSIONER TUCCI: Second.

8 MS. ROSARIO: Commissioner
9 Scarpelli?

10 COMMISSIONER SCARPELLI: Aye.

11 MS. ROSARIO: Commissioner Petracco?

12 COMMISSIONER PETRACCO: Aye.

13 MS. ROSARIO: Commissioner Evans?

14 COMMISSIONER EVANS: Aye.

15 MS. ROSARIO: Commissioner Tucci?

16 COMMISSIONER TUCCI: Aye.

17 MS. ROSARIO: Mayor Cocchiola?

18 MAYOR COCCHIOLA: Aye.

19 COMMISSIONER EVANS: "BE IT RESOLVED
20 by the Board of Commissioners of the
21 Township of Nutley, County of Essex, New
22 Jersey that in accordance with the
23 provision of R.S. 40-1:4-59, the
24 following transfer(s) of 2008
25 Appropriation Reserves be and the same

1 Nutley Twp Board of Commissioners - 2/3/09

2 are hereby authorized and approved:

3 "From Treasurer's Office Salary and
4 Wage, \$2500.00 to Treasurer's Office O/E,
5 \$2,500.00."

6 So moved.

7 COMMISSIONER TUCCI: Second.

8 MS. ROSARIO: Commissioner
9 Scarpelli?

10 COMMISSIONER SCARPELLI: Aye.

11 MS. ROSARIO: Commissioner Petracco?

12 COMMISSIONER PETRACCO: Aye.

13 MS. ROSARIO: Commissioner Evans?

14 COMMISSIONER EVANS: Aye.

15 MS. ROSARIO: Commissioner Tucci?

16 COMMISSIONER TUCCI: Aye.

17 MS. ROSARIO: Mayor Cocchiola?

18 MAYOR COCCHIOLA: Aye.

19 COMMISSIONER EVANS: Mayor, just
20 before I forget, I wanted to just also
21 note that for senior citizens, the
22 property tax freeze program that's
23 offered by the state, they just released
24 new guidance that actually increased the
25 income limit for eligibility for

1 Nutley Twp Board of Commissioners - 2/3/09
2 taxpayers filing for the year 2007 which
3 was due October 31st, 2008. So if you
4 were originally eligible to file but
5 didn't, you are not eligible under this
6 new requirement. But if you are eligible
7 because you weren't originally eligible
8 to file because your income was too high,
9 you now may be able to actually file for
10 that additional tax freeze benefit. And
11 those applications must be in by March
12 31st, 2009.

13 So I just wanted to make that out --
14 it is up on our website, telephone, and
15 it will be on the paper.

16 MAYOR COCCHIOLA: Thank you.

17 COMMISSIONER EVANS: Thank you,
18 Mayor.

19 MAYOR COCCHIOLA: Mr. Tucci?

20 COMMISSIONER TUCCI: Yes. "WHEREAS,
21 the Township of Nutley has the need to
22 acquire vision care network plan services
23 on behalf of the Township; and

24 "WHEREAS, such services may be
25 acquired as a non-fair and open contract

1 Nutley Twp Board of Commissioners - 2/3/09
2 pursuant to the provisions of N.J.S.A.
3 19:44 A-20.4 or 20.5, as appropriate; and
4 "WHEREAS, Premier Vision Care, P.O.
5 Box 1591, Livingston, N.J. 07039
6 submitted a proposal indicating that they
7 will provide the services for the sum of
8 \$1,888.00; and

9 "WHEREAS, the anticipated term of
10 this contract is from February 1, 2009 to
11 February 1, 2010; and

12 "WHEREAS, funds are available from
13 account #226-245 and have been certified
14 by the Chief Financial Officer;

15 "NOW, THEREFORE, BE IT RESOLVED that
16 the Board of Commissioners of the
17 Township of Nutley authorizes the
18 Commissioner of Parks and Public Property
19 to enter into a contract with Premier
20 Vision Care."

21 I move the resolution.

22 COMMISSIONER EVANS: Second.

23 MS. ROSARIO: Commissioner
24 Scarpelli?

25 COMMISSIONER SCARPELLI: Aye.

1 Nutley Twp Board of Commissioners - 2/3/09

2 MS. ROSARIO: Commissioner Petracco?

3 COMMISSIONER PETRACCO: Aye.

4 MS. ROSARIO: Commissioner Evans?

5 COMMISSIONER EVANS: Aye.

6 MS. ROSARIO: Commissioner Tucci?

7 COMMISSIONER TUCCI: Aye.

8 MS. ROSARIO: Mayor Cocchiola?

9 MAYOR COCCHIOLA: Aye.

10 COMMISSIONER TUCCI: "BE IT RESOLVED

11 by the Board of Commissioners of the

12 Township of Nutley, County of Essex, New

13 Jersey that in accordance with the

14 provisions of R.S. 40A:4-59, the

15 following transfer (s) of 2008

16 Appropriations Reserves be and the same

17 are hereby authorized and approved:

18 "Department of Parks and Public

19 Property. From Parks and Playgrounds,

20 Other Expenses, \$3,000.000; Recreation,

21 Other Expenses, \$5,900.00; Public

22 Buildings and grounds, Salary and Wages,

23 \$850.00; Telephone Services, Other

24 Expenses, \$2,800.00; Utilities,

25 specifically Electricity, \$3,800.00;

1 Nutley Twp Board of Commissioners - 2/3/09

2 Shade Tree, Other Expenses, \$500.00;

3 To Group Insurance \$15,000.000;

4 Utilities, Fuel Oil, in the amount of

5 \$1,000.00; Shade Tree Commission,

6 Salaries and Wages, in the amount of

7 \$850.00, totaling \$16,850.00 being moved

8 from going to the accounts as outlined."

9 I move the resolution.

10 COMMISSIONER EVANS: Second.

11 MS. ROSARIO: Commissioner

12 Scarpelli?

13 COMMISSIONER SCARPELLI: Aye.

14 MS. ROSARIO: Commissioner Petracco?

15 COMMISSIONER PETRACCO: Aye.

16 MS. ROSARIO: Commissioner Evans?

17 COMMISSIONER EVANS: Aye.

18 MS. ROSARIO: Commissioner Tucci?

19 COMMISSIONER TUCCI: Aye.

20 MS. ROSARIO: Mayor Cocchiola?

21 MAYOR COCCHIOLA: Aye.

22 COMMISSIONER TUCCI: That's all I
23 have.

24 MAYOR COCCHIOLA: Thank you. "BE IT

25 RESOLVED by the Board of Commissioners of

1 Nutley Twp Board of Commissioners - 2/3/09
2 the Township of Nutley, County of Essex,
3 New Jersey, that Kevin P. Harkins, Esq.,
4 be reappointed as Municipal Attorney for
5 the Township of Nutley effective January
6 1st, 2009, expiring December 31st, 2009."

7 I move the resolution.

8 COMMISSIONER TUCCI: Second.

9 MS. ROSARIO: Commissioner
10 Scarpelli?

11 COMMISSIONER SCARPELLI: Aye.

12 MS. ROSARIO: Commissioner Petracco?

13 COMMISSIONER PETRACCO: Aye.

14 MS. ROSARIO: Commissioner Evans?

15 COMMISSIONER EVANS: Aye.

16 MS. ROSARIO: Commissioner Tucci?

17 COMMISSIONER TUCCI: Aye.

18 MS. ROSARIO: Mayor Cocchiola?

19 MAYOR COCCHIOLA: Aye. "WHEREAS,
20 the Board of Commissioners of the
21 Township of Nutley honors the heritage of
22 African Americans and acknowledges their
23 many contributions to our Nation, our
24 State and our Township; and

25 "WHEREAS, Dr. Carter Godwin Woodson

1 Nutley Twp Board of Commissioners - 2/3/09
2 established Black History Week in
3 February of 1926, choosing a month that
4 marks the birthdays of two important men
5 who greatly impacted the American black
6 population, Abraham Lincoln and Frederick
7 Douglass; and

8 "WHEREAS, in the year 1976, the
9 observance was expanded to Black History
10 Month, celebrating freedom, equality and
11 opportunity; and

12 "NOW, THEREFORE, BE IT RESOLVED that
13 the Board of Commissioners of Township of
14 Nutley celebrates Black History Month
15 2009 and honors the many achievements and
16 contributions made by African Americans
17 to our economic, cultural and spiritual
18 development in our Nation, our State and
19 our Township."

20 I move the resolution.

21 COMMISSIONER TUCCI: Second.

22 MS. ROSARIO: Commissioner
23 Scarpelli?

24 COMMISSIONER SCARPELLI: Aye.

25 MS. ROSARIO: Commissioner Petracco?

1 Nutley Twp Board of Commissioners - 2/3/09

2 COMMISSIONER PETRACCO: Aye.

3 MS. ROSARIO: Commissioner Evans?

4 COMMISSIONER EVANS: Aye.

5 MS. ROSARIO: Commissioner Tucci?

6 COMMISSIONER TUCCI: Aye.

7 MS. ROSARIO: Mayor Cocchiola?

8 MAYOR COCCHIOLA: Aye. "WHEREAS,
9 coronary heart disease is the number one
10 cause of death of American men and women;
11 and

12 "WHEREAS, more than 64 million
13 Americans suffer from one or more forms
14 of cardiovascular disease, including high
15 blood pressure, coronary hear disease,
16 congestive heart failure, stroke and
17 congenital heart defects; and

18 "WHEREAS, a combination of heart
19 health nutrition, living a healthy
20 lifestyle and following your healthcare
21 professional's recommendations are all
22 part of reducing an individual's risk for
23 heart disease, heart attack and stroke;
24 and

25 "WHEREAS, February is National Heart

1 Nutley Twp Board of Commissioners - 2/3/09
2 Health Month; and

3 WHEREAS, Go Red for Women is the
4 American Heart Association's national
5 call to increase awareness of heart
6 disease -- the leading cause of death in
7 women -- and to inspire women to take
8 charge of their heart health; and

9 "WHEREAS, February 6, 2009 is
10 National Wear Red Day; and

11 "WHEREAS, the Township of Nutley
12 Department of Public Affairs, through its
13 Health Department, and the American Heart
14 Association are committed to preventing
15 heart disease through public and
16 professional education about the risk
17 factors;

18 "NOW, THEREFORE, BE IT RESOLVED by
19 the Mayor and Board of Commissioners,
20 Township of Nutley, that in recognition
21 of the importance of the ongoing effort
22 to prevent heart disease, we do hereby
23 proclaim February 2009 as National Heart
24 Health Month and will urge all citizens
25 in Nutley, New Jersey to show their

1 Nutley Twp Board of Commissioners - 2/3/09
2 support for preventing heart disease by
3 wearing red on February 6th, learning
4 more about their heart health, eating a
5 healthy diet and maintaining an active
6 lifestyle."

7 I move the resolution.

8 COMMISSIONER TUCCI: Second.

9 MS. ROSARIO: Commissioner
10 Scarpelli?

11 COMMISSIONER SCARPELLI: Aye.

12 MS. ROSARIO: Commissioner Petracco?

13 COMMISSIONER PETRACCO: Aye.

14 MS. ROSARIO: Commissioner Evans?

15 COMMISSIONER EVANS: Aye.

16 MS. ROSARIO: Commissioner Tucci?

17 COMMISSIONER TUCCI: Aye.

18 MS. ROSARIO: Mayor Cocchiola?

19 MAYOR COCCHIOLA: Aye. "WHEREAS, an
20 application has been received from the
21 Nutley Parent Advocacy Network, Inc. for
22 an Off-Premise 50/50 Cash Raffle to be
23 held on March 29, 2009 (No. 14-09); and
24 "WHEREAS, the application has been
25 reviewed and approved by the Municipal

1 Nutley Twp Board of Commissioners - 2/3/09

2 Clerk and the Police Department;

3 "NOW, THEREFORE, BE IT RESOLVED by
4 the Board of Commissioners of the
5 Township of Nutley, County of Essex,
6 State of New Jersey that the license is
7 approved and the Municipal Clerk is
8 authorized to issue the license to the
9 Nutley Parent Advocacy Network, Inc."

10 I move the resolution.

11 COMMISSIONER TUCCI: Second.

12 MS. ROSARIO: Commissioner
13 Scarpelli?

14 COMMISSIONER SCARPELLI: Aye.

15 MS. ROSARIO: Commissioner Petracco?

16 COMMISSIONER PETRACCO: Aye.

17 MS. ROSARIO: Commissioner Evans?

18 COMMISSIONER EVANS: Aye.

19 MS. ROSARIO: Commissioner Tucci?

20 COMMISSIONER TUCCI: Aye.

21 MS. ROSARIO: Mayor Cocchiola?

22 MAYOR COCCHIOLA: Aye. "BE IT
23 RESOLVED, by the Board of Commissioners
24 of the Township of Nutley, County of
25 Essex, New Jersey that in accordance with

1 Nutley Twp Board of Commissioners - 2/3/09
2 the provision of R.S. 40A: 4-59, the
3 following transfer(s) of 2008
4 Appropriation Reserves be and the same
5 are hereby authorized and approved:

6 "From Garbage and Trash Removal to
7 Information Services, Salary and Wages,
8 150,000 dollars."

9 I move the resolution.

10 COMMISSIONER TUCCI: Second.

11 MS. ROSARIO: Commissioner
12 Scarpelli?

13 COMMISSIONER SCARPELLI: Aye.

14 MS. ROSARIO: Commissioner Petracco?

15 COMMISSIONER PETRACCO: Aye.

16 MS. ROSARIO: Commissioner Evans?

17 COMMISSIONER EVANS: Aye.

18 MS. ROSARIO: Commissioner Tucci?

19 COMMISSIONER TUCCI: Aye.

20 MS. ROSARIO: Mayor Cocchiola?

21 MAYOR COCCHIOLA: Aye. That's all
22 the regular visits for the Board at this
23 time. We'll now open the meeting to the
24 public. Is there any member of the
25 public that would like to address the

1 Nutley Twp Board of Commissioners - 2/3/09
2 board? Let me just read the statement,
3 Mr. Russo.

4 "All persons addressing the Board of
5 Commissioners regarding community
6 concerns should approach the microphone
7 and provide their name and address for
8 the record. Unless further time is
9 granted by the Board, each person should
10 limit their address to five minutes. All
11 remarks to the Board and its individual
12 members must be addressed to the Mayor.
13 The Mayor may defer citizens' comments to
14 the appropriate member of the Board.
15 Dialogue between citizens and others
16 addressing the Board shall be allowed
17 unless the Mayor or presiding officer or
18 the majority of the membership of the
19 board shall determine in the interest of
20 decorum or the expeditious conduct of
21 municipal business are being adversely
22 affected by such dialogue."

23 Good evening. How you doing?

24 MR. RUSSO: Mike Russo, 11 Beach
25 Street. I'll make this real quick

1 Nutley Twp Board of Commissioners - 2/3/09

2 because I'm not feeling too well. I have
3 a specific question regarding town-owned
4 vehicles that are issued to specific
5 employees or in specific departments.
6 I'm not talking about police cars or fire
7 trucks or dump trucks. I'm talking about
8 cars and SUVs that are given to the
9 individuals or the individual
10 departments.

11 I got a response to an open request
12 today. And I was a little surprised to
13 hear -- I was looking for specific
14 information on where the vehicles were
15 parked, how much gas was used for each
16 vehicle, what kind of mileage logs were
17 kept. And the response that I got on the
18 open request was "The Township of Nutley
19 does not have any record responsive to
20 your request."

21 When I put this request through
22 about a year and a half ago, there were
23 nine vehicles that fell into that
24 category. Several of them were Durangos.
25 So my question is, I guess a two-part

1 Nutley Twp Board of Commissioners - 2/3/09

2 question: number one, a town doesn't
3 keep track of specific information
4 regarding personal or business use? They
5 don't keep track of the gas that goes
6 into each specific vehicle? They don't
7 keep track of where that vehicle is
8 parked at night?

9 MAYOR COCCHIOLA: Well, they just --
10 Mr. Russo, let's just back track a
11 minute. When you make an open request,
12 what is to be provided back to you are
13 records that are maintained in the
14 ordinary course of business. And so what
15 I'm guessing is that there are no actual
16 records maintained in the ordinary course
17 of business that answers all those
18 questions. Is that correct, Mr. Harkins?

19 MR. HARKINS: Yeah. I mean, for
20 example, if you ask for a car parked in
21 '92 on the record, (indiscernible) parked
22 at night, (indiscernible) respond to that
23 request because they don't have a
24 document. They may know where it's
25 parked but we don't sit down and write

1 Nutley Twp Board of Commissioners - 2/3/09
2 paragraphs and answer questions
3 (indiscernible)

4 MR. RUSSO: Okay. Maybe I wasn't
5 specific enough. I have a company car.
6 I need to tell my company where I park
7 that car at night because I'm allowed to
8 use it for personal use. Most of these
9 vehicles, from what I understand, are not
10 allowed for personal use. Which means
11 they cannot go home with the employee.
12 If they did take it home, that would be
13 considered commuting. And that would be
14 considered personal use which would have
15 to be separated from the business use.
16 And any personal use would have to be
17 documented as income.

18 I also have to submit a mileage log
19 at the end of every month. I have to
20 submit gas receipts at the end of every
21 month. I've got to account for that car.

22 It's a great convenience to me. I
23 love it. But my question is are we not
24 keeping track of how much money we're
25 spending on these Durangos and these

1 Nutley Twp Board of Commissioners - 2/3/09

2 cars? I find that shocking.

3 MAYOR COCCHIOLA: You could probably
4 ask us on an individual basis. I could
5 tell you the two vehicles that are in my
6 department are not allowed for personal
7 use. They're parked in the back. I'm
8 sure I could produce for you how much gas
9 was used by those vehicles. But I don't
10 think there's any chart or any record.
11 Is there, Mr. Evans, that you know?

12 COMMISSIONER EVANS: There is -- and
13 then just for -- also, as the mayor
14 commented, in Revenue and Finance, I have
15 one vehicle. And it does not move from
16 the front of this building when it's
17 after business hours. So it's not -- it
18 doesn't fall into the category for
19 personal use. But --

20 MR. RUSSO: Can I just ask one
21 question?

22 COMMISSIONER EVANS: Sure.

23 MR. RUSSO: Is that the black
24 Durango that's out front?

25 COMMISSIONER EVANS: No. It's

1 Nutley Twp Board of Commissioners - 2/3/09
2 actually a Jeep Laredo.

3 MR. RUSSO: Okay. Sorry.

4 COMMISSIONER EVANS: Okay. The
5 other aspect is that we do have a town
6 gas pump where all the vehicles are
7 filled up. And each vehicle, there is a
8 report of the gas consumption that is
9 used by -- for whoever fills up. There's
10 a report that's generated. And that
11 report is provided to each commissioner
12 for their department monthly for their
13 review. So as far as gas consumption,
14 when gas is used, there is a report that
15 is generated that is just a National --
16 something -- whatever they give -- I
17 don't remember. There's a software
18 program we use that does it. I don't
19 remember --

20 MR. RUSSO: It sounds like a Gas Boy
21 system.

22 COMMISSIONER EVANS: Gas Boy. So
23 it's just a way of doing that. So there
24 is a record of gas consumption of the
25 vehicle.

1 Nutley Twp Board of Commissioners - 2/3/09

2 To take that to another level, is
3 there something that says when somebody
4 fills up at that gas pump, how much of
5 that gas is used for personal use
6 versus -- or how much is related to
7 personal use or not, those reports are
8 not broken out that way. But there is a
9 record of the actual gas being used
10 that's monitored by each of the
11 commissioners.

12 Each year, my department will ask
13 each commissioner's department to provide
14 me with whether or not a vehicle was used
15 for personal use. There are vehicles
16 that are sent home specifically to an
17 address to allow for a quick response to
18 the township. But they are not allowed
19 to be moved from that location or used.
20 So once it arrives home, it's parked.
21 And so, there's some activity that
22 relates to that activity. There's
23 also -- because the township has things
24 that are going on day and night, you
25 might find a vehicle that's out on a

1 Nutley Twp Board of Commissioners - 2/3/09
2 Sunday checking for water flow levels,
3 sewage levels. You can find a municipal
4 vehicle out in the evening going to check
5 the bathrooms at the park across the town
6 because in the summertime, they close
7 later in the evening. So you'll find
8 that ongoing use in the town. But we ask
9 for them to provide -- each commission
10 department to provide my office with a
11 record of personal use because we do
12 impute income when it's determined on the
13 W-2, as I'm sure you would recognize as
14 the standard procedure.

15 So that I can share with you.

16 MR. RUSSO: Okay. I've heard from
17 two of the commissioners. I wouldn't
18 mind hearing from the other
19 commissioners.

20 COMMISSIONER SCARPELLI: I have one
21 vehicle that goes home. It's my
22 superintendent. He lives in town. Not
23 allowed to use for personal use and it's
24 for emergency accommodations.

25 MR. RUSSO: And where does he work

1 Nutley Twp Board of Commissioners - 2/3/09
2 during the day?

3 COMMISSIONER SCARPELLI: He works at
4 the municipal garage.

5 MR. RUSSO: So the commute from his
6 home to the garage is separated as
7 personal use.

8 COMMISSIONER SCARPELLI: I'm not
9 going to answer the IRS questions because
10 I'm not an accountant. My understanding
11 is if we prohibit personal use as a
12 township that commuting course is
13 included in their base pay. I may be
14 wrong but that's how I understand it.

15 And it does have an insignia on it
16 as the vehicle. And he's out tonight
17 checking the roads for ice.

18 COMMISSIONER PETRACCO: I'm next.

19 COMMISSIONER SCARPELLI: And one
20 more thing, Commissioner, he's a 24/7
21 employee. He gets no overtime. So he's
22 on call all the time.

23 COMMISSIONER PETRACCO: I just have
24 two cars that go home. One is for the
25 deputy chief of the fire department which

1 Nutley Twp Board of Commissioners - 2/3/09
2 is actually -- was purchased who has that
3 fund. That truck -- the reason why he
4 takes it home is because he's on duty
5 twenty-four hours for any Hasmat calls
6 that he takes that vehicle to. And when
7 he takes that vehicle on a Hasmat call,
8 we get refunded by wherever that truck
9 goes for time used and the deputy chief
10 does not put in any reimbursement to
11 itself. The only other car that I have
12 is to Dave Wilson. He's our fire
13 official. Again, he gets called out of
14 his house and he fires anything relating
15 to that. So when he's -- he's basically
16 on call twenty-four hours a day.
17 Actually, this past Sunday he was out on
18 a couple calls. We had a snow blower
19 fire on Raymond Avenue. We had a car
20 fire on Bloomfield Avenue. So he
21 responded to that. That's all I have.

22 And just to note, our chief of
23 police doesn't have a car. He does not
24 take a car home. Just for the record.

25 MAYOR COCCHIOLA: Mr. Tucci?

1 Nutley Twp Board of Commissioners - 2/3/09

2 COMMISSIONER TUCCI: Okay. I have
3 two vehicles that go home. I believe
4 they're both eight year old Durangos.
5 They have -- the two employees -- one is
6 my superintendent, Mr. Pandolfi. The
7 other is my general supervisor, Mr. Kirk.
8 And when Commissioner speaks about you
9 may see the silver Durango driving
10 through the parks on evenings and
11 weekends, that's because Mr. Kirk, on his
12 own time, because neither of those
13 employees get any overtime, goes around
14 checks the bathrooms and even locks the
15 bathrooms.

16 So I have two cars that have home
17 garaging privileges. There is no
18 personal use involved. It's strictly
19 business use. And both are on 24/7 call
20 in case of emergencies.

21 MR. RUSSO: Thank you. You answered
22 all my questions.

23 MAYOR COCCHIOLA: Thank you, Mr.
24 Russo. Is there anyone else that would
25 like to address the board this evening?

1 Nutley Twp Board of Commissioners - 2/3/09

2 MR. MOORE: Orrie Moore, 462

3 Chestnut Street. Commissioner Tucci --

4 COMMISSIONER TUCCI: Yes?

5 MR. MOORE: In the back, you had a
6 presentation this evening prior to the
7 public meeting. I noticed that there was
8 no drugs or alcohol discussed at that
9 meeting. Did I miss part of it?

10 COMMISSIONER TUCCI: The purpose --
11 no, you did not. The purpose of tonight
12 workshop, and that preceded the
13 commission meeting, was for an employee's
14 practices liability, public official's
15 liability requirement through the JIF and
16 through the MEL. And by having the mayor
17 and all the commissioners, we save \$1,250
18 dollars on that premium. And we also
19 have a deductible that's been lowered
20 from 35,000 dollars down to 10,000
21 dollars.

22 MR. MOORE: My specific question --
23 maybe I was incorrect in asking it. I
24 remember several times asking about the
25 employees' handbook which discusses drugs

1 Nutley Twp Board of Commissioners - 2/3/09
2 and alcohol abuse. And this evening --
3 this was presented by the Mel or the JIF?

4 COMMISSIONER TUCCI: The JIF.

5 MR. MOORE: Now I noticed that in
6 there he said something about harassment
7 by volunteers where two Secaucus were
8 sued --

9 COMMISSIONER TUCCI: Correct.

10 MR. MOORE: -- for three million
11 dollars.

12 COMMISSIONER TUCCI: Right. That
13 would fall under employees' practices
14 liabilities.

15 MR. MOORE: Did it rise to the
16 question by anyone of the commissioners
17 to say we should address this drinking or
18 drug abuse?

19 COMMISSIONER TUCCI: We do address
20 those and through the MEL Safety
21 Institute. There are all different types
22 of situations that are addressed.
23 Tonight's was specific to EPL and POL
24 type issues.

25 MR. MOORE: Okay. Will there be --

1 Nutley Twp Board of Commissioners - 2/3/09

2 he said it was an annual meeting. So is
3 there a meeting during the year where
4 they're updating -- you receive an update
5 for drug and alcohol abuse?

6 COMMISSIONER TUCCI: We are in the
7 process of updating our own drug and
8 alcohol --

9 MR. MOORE: I believe that was
10 started in November and this is February.
11 I was just curious if there's an update
12 to it.

13 COMMISSIONER TUCCI: Yeah. Well, we
14 have a draft of the update. And --

15 UNIDENTIFIED SPEAKER: Yeah, we do.
16 And I actually sent it over to Mr. John
17 Tempo who's got a little more expertise
18 in the employment field than I do. But I
19 put a first draft together.

20 COMMISSIONER TUCCI: And we reviewed
21 that and it looked very good. But I
22 guess we're taking look before that
23 becomes actual policy.

24 MR. MOORE: Is that going to be -- I
25 believe Commissioner Petracco had brought

1 Nutley Twp Board of Commissioners - 2/3/09
2 up you had to discuss it with the unions.
3 Did you just settle the contract with the
4 police and the firemen? Was that
5 discussed? I believe that was one of the
6 provisions.

7 COMMISSIONER TUCCI: When we had
8 that demonstration?

9 MR. MOORE: No, no. In November
10 when this came up as an issue, I believe
11 that you were saying that you were in the
12 contract negotiation with the police and
13 fire department.

14 COMMISSIONER TUCCI: Right.

15 MR. MOORE: And I understood that
16 this was going to be part of the overall
17 agreement.

18 COMMISSIONER TUCCI: And I might add
19 that the fire department is very
20 receptive of the drug program in there.

21 MR. MOORE: Have the contract
22 negotiations been settled with the police
23 and fire department?

24 COMMISSIONER TUCCI: They have not.
25 They're still underway.

1 Nutley Twp Board of Commissioners - 2/3/09

2 MR. MOORE: Do you have an
3 anticipated time frame for an agreement?

4 COMMISSIONER TUCCI: No. We have an
5 anticipated agreement, a date --

6 MR. MOORE: No, no. Usually the
7 contract ends December 31st.

8 COMMISSIONER TUCCI: Right.

9 MR. MOORE: And you like to sign it
10 before or shortly thereafter.

11 COMMISSIONER TUCCI: I don't think
12 they've ever been decided shortly after.
13 In Public Safety, they go to binding
14 arbitration which I'm sure aware of. I
15 believe that these contracts could last
16 before they're settled up to maybe longer
17 than a year.

18 MR. MOORE: Okay. So to address my
19 misunderstanding of that, is this going
20 to become a policy where it supersedes
21 all contract negotiations?

22 COMMISSIONER TUCCI: This'll be a
23 town-wide policy whereby collective
24 bargaining agreements do not directly
25 address drug and alcohol abuse.

1 Nutley Twp Board of Commissioners - 2/3/09

2 MR. MOORE: I believe the federal
3 government does. And I believe they
4 supersede all contracts.

5 COMMISSIONER TUCCI: Well, sure.
6 State government supersedes local,
7 federal government supersedes state. You
8 know the pecking order.

9 MR. MOORE: Mr. Evans, I have a
10 question if you can explain it to me.
11 Your affidavit A-09-02. You put it in
12 for this evening? And it was for
13 professional services, fourth annual
14 audit?

15 COMMISSIONER EVANS: Um-hmm.

16 MR. MOORE: Is that the Niveracci
17 (ph.)?

18 COMMISSIONER EVANS: Nivacci (ph.)?
19 Yes.

20 MR. MOORE: So he's being paid out
21 of the funds from the water department.
22 Do I understand this correctly?

23 COMMISSIONER EVANS: As part of what
24 he covers and he does have to look at the
25 water utilities, except for

1 Nutley Twp Board of Commissioners - 2/3/09

2 (indiscernible) --

3 MR. MOORE: No. I'm just trying to
4 read the affidavit that you have. It
5 says "Amount not to exceed" and it lists
6 the amount respectively. And it appears
7 that the fund, his current fund is water
8 operations.

9 COMMISSIONER EVANS: Yes. Of
10 course, yes.

11 MR. MOORE: Wouldn't the proper
12 placement of this into an account be
13 under jurisdiction rather than take it
14 from the water?

15 COMMISSIONER EVANS: The water
16 utility is under Revenue and Finances.
17 It's a separate entity which is subject
18 to audits. So part of the fee is
19 appropriately charged to the operating
20 account of the current fund of the water
21 utility of which part of it is
22 appropriately charged to the municipal
23 fund.

24 MR. MOORE: I called up local
25 finances here that I had a very lengthy

1 Nutley Twp Board of Commissioners - 2/3/09

2 conversation with --

3 MAYOR COCCHIOLA: Mr. Moore, we're
4 asking everyone to keep their comments to
5 five minutes. I'm going to ask you to
6 finish that --

7 MR. MOORE: I'm going to put in an
8 open request for that tomorrow plus the -
9 -

10 MAYOR COCCHIOLA: You can finish --

11 MR. MOORE: I still have a
12 question.

13 MAYOR COCCHIOLA: You can finish
14 your dialogue with Commissioner Evans.

15 MR. MOORE: I'm trying.

16 MAYOR COCCHIOLA: Thank you.

17 MR. MOORE: Okay.

18 MAYOR COCCHIOLA: No. I just said
19 you can finish.

20 MR. MOORE: (indiscernible).

21 MAYOR COCCHIOLA: Okay. Is there
22 anyone else that would like to address
23 the board this evening. I need a motion
24 to close.

25 UNIDENTIFIED SPEAKER: Motion to

1 Nutley Twp Board of Commissioners - 2/3/09

2 adjourn.

3 COMMISSIONER SCARPELLI: Second.

4 MS. ROSARIO: Commissioner
5 Scarpelli?

6 COMMISSIONER SCARPELLI: Aye.

7 MS. ROSARIO: Commissioner Petracco?

8 COMMISSIONER PETRACCO: Aye.

9 MS. ROSARIO: Commissioner Evans?

10 COMMISSIONER EVANS: Aye.

11 MS. ROSARIO: Commissioner Tucci?

12 COMMISSIONER TUCCI: Aye.

13 MS. ROSARIO: Mayor Cocchiola?

14 MAYOR COCCHIOLA: Aye.

15 (Meeting adjourned)

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

I, Lisa Bar-Leib, 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 in the matter of the: PUBLIC MEETING OF THE TOWNSHIP OF NUTLEY BOARD OF COMMISSIONERS.

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

In witness whereof, I hereby sign this date:

May 12, 2009.

Lisa Bar-Leib

Lisa Bar-Leib