

**Township of Nutley  
Board of Commissioners  
Meeting Minutes  
Tuesday, May 6, 2008**

A regular meeting of the Board of Commissioners of the Township of Nutley was held in the 3<sup>rd</sup> floor Commission Chambers and called to order. Adequate notification was published in the official newspapers of the Township of Nutley. All present joined in the Pledge of Allegiance to the Flag. Roll call was taken.

**OPEN PUBLIC MEETING STATEMENT:**

Evelyn Rosario, Municipal Clerk read the following statement, "Pursuant to the requirements of the Open Public Meetings Law (Chapter 271, P.L. 1975), notice of this meeting was published in the December 13, 2007 issues of the Nutley Sun, the Journal, the Star Ledger and the Herald News. A copy of this notice has been posted on the Nutley Town Hall bulletin board and a copy is on file in the Municipal Clerk's Office.

**ROLL CALL:**

Commissioner Evans	- Present
Commissioner Tucci	- Present
Commissioner Orechio	- Present
Commissioner Scarpelli	- Present
Mayor Cocchiola	- Present

At this point in the meeting the following resolutions were introduced and duly adopted.

NO. 129-08 WHEREAS, Samantha Henning is an honor student and a junior at Nutley High School; and

WHEREAS, Samantha is a member of the Concert Choir, PINK, Drama Club, Democratic Club and recently portrayed "Anybodys" in the Nutley High School musical "West Side Story": and

WHEREAS, Samantha has worked professionally since age 9 and has been studying acting at New Jersey Performing Arts Center for the past six years; and

WHEREAS, The Governor's Awards in Arts Education were designed to promote awareness and appreciation of the arts by recognizing the outstanding arts achievements of students, educators and other leaders in New Jersey; and

WHEREAS, Samantha has been chosen to receive the Governor's Award in Arts Education for Outstanding Promise and Excellence in Acting, which she will receive on May 21, 2008 at the War Memorial in Trenton;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, hereby join with Samantha Henning's parents, Robin and Neil, her sisters, Kirsten and

Pamela, her friends and the citizens of Nutley in congratulating Samantha Henning, with great pride, on this outstanding achievement.

Introduced by Mayor Cocchiola, seconded by Commissioner Evans. All ayes.

NO. 130-08 WHEREAS, Dominic Mainiero is a resident of The Township of Nutley and a 3<sup>rd</sup> grade student at Lincoln School; and

WHEREAS, Dominic is the son of Lou and Joyleen Mainiero; and

WHEREAS, Dominic is a product of the Nutley Recreation Wrestling Program and belongs to the Scorpions School of Wrestling Club in Paterson, New Jersey; and

WHEREAS, Dominic has traveled the country with the wrestling club and is a 2 time New Jersey State Champion, a 6 time National Champion, a 2 time Cliff Keen World Champion, The Cliff Keen Trinity Award Winner and a member of the Cliff Keen World All-Star Team.

NOW THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the Township of Nutley, County of Essex, join with the Citizens of Nutley to honor and congratulate Dominic Mainiero for his outstanding success.

Introduced by Commissioner Tucci, seconded by Commissioner Evans. All ayes.

NO. 131-08 WHEREAS, the Department of Public Affairs announced the Township's participation in the 2008 Louis Bay II Future Municipal Leaders Competition, sponsored by the League of Municipalities, to advance the virtues of elected and volunteer positions in municipal government, while raising awareness of municipal government; and

WHEREAS, the Department of Public Affairs participated by inviting high school juniors and seniors planning to further their education after high school; and

WHEREAS, Arielle Scarpelli's essay was chosen as the Township's municipal entry into the competition and has been awarded a state finalist; and

NOW, THEREFORE BE IT RESOLVED, that the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, congratulate Ms. Scarpelli for her participation and recognition in the Township's municipal portion of the 2008 Louis Bay II Future Municipal Leaders Scholarship Competition.

Introduced by Mayor Cocchiola, seconded by Commissioner Tucci. All ayes.

NO. 132-08 WHEREAS, Frank J. Patterson has been a Nutley resident since 1971 when he married lifelong resident Barbara Lynn Sorge; and

WHEREAS, Frank was elected to and served as a member of the Board of Education from 1995 to 1998; and

WHEREAS, Frank was honored by the Nutley Jaycees for distinguished service in Civic Affairs in 1999, the Peter C. Scarpelli Civic Association for "Dedication to the Youth and Outstanding Service to the Township of Nutley" and was selected as Rotarian of the Year in 2005; and

WHEREAS, Frank's many years of service to the Township include membership in various organizations: Lincoln School PTA Treasurer, Vice President and President; Nutley Music Boosters President; Nutley Central League (1988-1998); Nutley Historical Society, Nutley Unico, Nutley Elks and the Nutley Family Service Bureau and the Nutley Library Board of Trustees; and

WHEREAS, after many years of residing in the Township and many contributions through his service to the community, Frank and Barbara Lynn will move to Virginia;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey that the significant and professional contributions of Frank Patterson to the Township of Nutley be hereby recognized; and

BE IT FURTHER RESOLVED, that the gratitude of this Community be hereby extended to Frank Patterson for his distinguished contributions and service to the Township of Nutley.

Introduced by Mayor Cocchiola, seconded by Commissioner Orechio. All ayes.

At this point in the meeting Mr. Patterson addressed the Board of Commissioners and public.

Mr. Frank Patterson: It's a dangerous thing to give me a microphone but I would be remiss if I didn't thank the Mayor and the Commissioners collectively and individually. When you do things you enjoy doing, and then you're honored for it, it's a true blessing. I am considered to be a smart person sometimes and I think I've made a few smart decisions. One was to ask Barbara Lynn to marry me, the second was when we decided where we were going to live we selected Nutley, and I've always felt over the years that anything involving children was always a great thing. And from Lincoln School to all the events that were listed, I'm humbled to have them recited. Someone said to me recently, "if everything is so wonderful and you love it here, why are you leaving?" And the honest answer very directly was family is always important. Our oldest son and his wife reside in Virginia Beach. Our youngest son, who is here with us tonight, came back from Virginia Beach to help us pack and we want to be where the family is. And I'm selfishly saying that I'm going to retire. You hit that golden age of 65 and we're going to Williamsburg, Virginia. We have a home. We'll be moving out of Nutley on the 22<sup>nd</sup> closing down there on May 23<sup>rd</sup>, but we'll be back. We're close by. And lastly, I do want to thank my wife, my parents are no longer with me but they've supported me throughout. My father-in-law is not here but my mother-in-law is in the audience tonight and I thank them and we'll miss Nutley but we won't be too far away. Thank you so much.

## **MINUTES:**

On a motion by Commissioner Scarpelli and seconded by Commissioner Orechio the Board of Commissioners December 4, 2007 meeting minutes were approved. All ayes on a roll call vote. (Abstained - Commissioners Evans & Tucci - absent December 4, 2007).

On a motion by Commissioner Evans and seconded by Commissioner Scarpelli the Board of Commissioners December 18, 2007 meeting minutes were approved. All ayes on a roll call vote.

On a motion by Commissioner Evans and seconded by Commissioner Tucci the Board of Commissioners December 31, 2007 meeting minutes were approved. All ayes on a roll call vote. (Abstained - Commissioner Scarpelli - absent December 31, 2007).

On a motion by Commissioner Evans and seconded by Commissioner Scarpelli the Board of Commissioners January 2, 2008 and January 15, 2008 meeting minutes were approved. All ayes on a roll call vote.

On a motion by Commissioner Scarpelli and seconded by Commissioner Orechio the Board of Commissioners February 4, 2008 meeting minutes were approved. All ayes on a roll call vote. (Abstained – Commissioners Evans and Tucci - absent February 4, 2008)

On a motion by Commissioner Scarpelli and seconded by Commissioner Evans the Board of Commissioners February 19, 2008 meeting minutes were approved. All ayes on a roll call vote.

On a motion by Commissioner Tucci and seconded by Commissioner Evans the Board of Commissioners March 4, 2008 meeting minutes were approved. All ayes on a roll call vote. (Abstained – Commissioner Scarpelli – absent March 4, 2008)

On a motion by Commissioner Tucci and seconded by Commissioner Evans the Board of Commissioners March 18, 2008 – continued March 20, 2008 and April 1, 2008 meeting minutes were approved. All ayes on a roll call vote.

## **COMMUNICATIONS/CORRESPONDENCE :**

Evelyn Rosario, Municipal Clerk read the following communications into the record.

Communication: North Jersey District Water Supply Commission April 23, 2008 meeting agenda.

Communication: North Jersey District Water Supply Commission March 26, 2008 meeting minutes

Communication: Montclair State University Police expressing gratitude to Police Chief John U. Holland and the members of the Township of Nutley's Police Department.

## **REPORTS:**

Commissioner Tucci submitted the Shade Tree Department March 2008 monthly progress reports.

## **BILLS:**

Evelyn Rosario, Municipal Clerk read the following departmental summary of bills for the approval of the Board of Commissions (bill list attached to minutes).

Department of Public Affairs	\$ 146,394.15
Department of Revenue & Finance	\$ 6,227,561.24
Department of Public Safety	\$ 222,890.14
Department of Public Work	\$ 116,577.29
Department of Parks & Recreation	\$ 492,463.08

Payroll as of April 18, 2008	
Regular	\$ 685,248.63
Overtime	\$ 15,799.91
Payroll as of May 2, 2008	
Regular	\$ 696,785.89
Overtime	\$ 21,130.28
Bill List Grand Total	\$ 8,624,850.61

Motion to approve the minutes by Commissioner Evans seconded by Commissioner Tucci. All Ayes on a roll call vote.

**ORDINANCE PUBLIC HEARING:**

Ordinance No. 3060

“AN ORDINANCE TO AMEND CHAPTER 145 OF THE CODE OF THE TOWNSHIP OF NUTLEY ENTITLED “LIBRARY, FREE PUBLIC”

Ordinance No. 3060 was introduced for second reading by Mayor Cocchiola, seconded by Commissioner Evans. Mayor Cocchiola read by title only.

Motion to open the public hearing by Mayor Cocchiola, seconded by Commissioner Evans. All Ayes on a roll call vote.

No public comment.

Motion to close the public hearing by Mayor Cocchiola, seconded by Commissioner Orechio. All ayes

Motion to adopt on second and final reading by Mayor Cocchiola, seconded by Commissioner Scarpelli. All ayes on a roll call vote.

**RESOLUTIONS:**

No.133-08 BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey that the Township Treasurer is hereby authorized to refund overpayment of water charges on the following account(s):

Block 5304 Lot 14	125 Raymond Avenue	\$ 147.52
Block 5100 Lot 9	100 Joerg Avenue	\$ 61.17
Block 1000 Lot 1	536 Coventry Drive	\$ 723.30
Block 1803 Lot 20	148 Lakeside Drive	\$ 176.20
Total		<u>\$1,108.28</u>

Introduced by Commissioner Evans, seconded by Commissioner Tucci. All ayes.

No. 135-08 WHEREAS, Mr. Richard Quimby, has filed an application for a Property Tax Exemption for a Disabled Veteran with proper supporting documentation thus making him eligible for an exemption on property taxes as of January 31, 2007.

WHEREAS, Mr. Quimby having satisfied his property tax obligations for the year 2007 now reflects an overpayment of \$6,493.12 for said year.

WHEREAS, Mr. Quimby having satisfied his property tax obligations for the year 2008 now reflects an overpayment of \$1,770.88 for said year.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, hereby authorize the Township Treasurer to issue a check in the amount of \$8,264.00 to Mr. Richard Quimby, 26 Cedar Street, Nutley, NJ 07110, also known as Block 5304, Lot 33; and,

BE IT FINALLY RESOLVED, that a certified copy of this Resolution be forwarded to the Township Treasurer and Tax Collector.

Introduced by Commissioner Evans, seconded by Commissioner Tucci. All ayes.

NO. 134-08 WHEREAS, on March 25, 2008 the Office of the Municipal Clerk received from Mr. Tareq M. Abu Shnaiq an ice cream vendor license application along with the \$100.00 application fee; and

WHEREAS, Mr. Shnaiq has requested in writing to withdraw his application and has also requested the application fee be refunded to him.

BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, in the County of Essex, State of New Jersey, that the Treasurer be and she is hereby authorized to refund Mr. Tareq M. Abu Shnaiq the vendor application fee of \$100.00.

Introduced by Commissioner Evans, seconded by Commissioner Tucci. All ayes.

136-08 WHEREAS, N.J.S.A. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount;

SECTION 1:

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2008 in the sum of \$500.00, which item is now available as a revenue from the 2008 Local Arts Program Grant pursuant to the provisions of statute;

SECTION 2:

BE IT FURTHER RESOLVED, that a like sum of \$2,000.00 be and same is hereby appropriated under the caption of:

General Appropriations

(A) Operations-Excluded from 5% CAPS

2008 Local Arts Program Grant .....\$ 500.00

BE IT FURTHER RESOLVED, that the Township Clerk forward two (2) certified copies of this resolution to the Director of Local Government Services

Introduced by Commissioner Tucci, seconded by Commissioner Orechio. All ayes.

NO. 137-08 WHEREAS, in 1949 the legislature set aside the last Friday of April as Arbor Day to promote the planting of trees and to encourage the protection of our forests from fires and pests that destroy the beauty and usefulness of our woodlands; and

WHEREAS, half of New Jersey's total land area is forested or tree covered; and

WHEREAS, trees play an important role in the ecosystem in which we live, and trees reduce the erosion of our precious topsoil caused by wind and water, clean the air we breath and the water we drink, produce oxygen, provide habitat for birds and wildlife and reduce heating and cooling costs by moderating temperature; and

WHEREAS, trees are a renewable resource giving us paper for fine literature, wood for homes, fuel for fires, and countless other wood products; and

WHEREAS, trees provide increased property value, enhanced economic viability, and pleasing aesthetic qualities along streets and properties in municipalities; and

WHEREAS, tree planting in yards and farms, in school yards and parks, and along streets and highways creates an enduring heritage for generations that follow; and

WHEREAS, The Township of Nutley has completed its' 21<sup>ST</sup> year as a member of Tree City USA; and

WHEREAS, I, Commissioner Mauro G. Tucci, Director of Parks and Public Property of the Township of Nutley, do hereby proclaim May 10, 2008 as **ARBOR DAY** in the community of Nutley, and urge all citizens to support efforts to protect our trees and woodlands and to support our town's urban forestry program, and

Further, I urge all citizens to plant trees to gladden hearts and promote the well-being of present and future generations

Introduced by Commissioner Tucci, seconded by Commissioner Evans. All ayes.

NO. 138-08 WHEREAS, N.J.S.A. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item in the budget

of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount;

SECTION 1:

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2008 in the sum of \$4,000.00, which item is now available as a revenue from the Click It Or Ticket Grant pursuant to the provisions of statute; and

SECTION 2:

BE IT FURTHER RESOLVED, that a like sum of \$4,000.00 be and same is hereby appropriated under the caption of:

General Appropriations  
    (B) Operations-Excluded from 5% CAPS  
        Click It Or Ticket Grant  
            Police

Salaries & Wages.....\$4,000.00

BE IT FURTHER RESOLVED, that the Township Clerk forward two (2) certified copies of this resolution to the Director of Local Government Services

Introduced by Commissioner Orechio, seconded by Commissioner Scarpelli. All ayes.

At this point in the meeting Evelyn Rosario, Municipal Clerk exited the Commission Chambers,

Ms. Sharon L. Bozza, Assistant to the Municipal Clerk continued the meeting.

NO. 139-08 WHEREAS, the Township of Nutley agrees that the construction of a traffic signal is warranted at the intersection of Kingsland Street (Essex County Roadway 644) and Bloomfield Avenue; and

WHEREAS, a Norfolk Southern railroad crossing bisects the intersection; and

WHEREAS, meetings have been conducted with representatives from the Township of Nutley and the

County of Essex regarding this intersection; and

WHEREAS, all parties agreed that with proper signage to ensure the safety of pedestrians and motorists, signal improvement should be implemented; and

WHEREAS, all parties agree that a permanent solution is required:

NOW, THEREFORE BE IT RESOLVED that the Board of Commissioner of the Township of Nutley request that a Diagnostic Team meeting be scheduled with all parties as soon as possible; and

BE IT FURTHER RESOLVED that a copy of this resolution be sent to the New Jersey Department of Transportation, Norfolk Southern Railroad, the County of Essex, and The RBA Group, the engineering consultant assigned to this project

Introduced by Commissioner Orechio, seconded by Commissioner Scarpelli. All ayes.

NO. 140-08 WHEREAS, pursuant to N.J.S.A. 26:3A2-21 et seq., the County of Essex, through its County Health Department is obligated to provide a County Environmental Health Act (hereinafter referred to as "CEHA") work program for meeting environmental health performance standards throughout the County and to have such work program certified by the State Department of Environmental Protection; and

WHEREAS, the County of Essex, through its County Health Department is desirous of providing a unified CEHA work program which will provide for County wide hazardous materials emergency responses through the Township of Nutley's Hazardous Materials Emergency Response Team; and

WHEREAS, the Township of Nutley and the County of Essex have agreed to apply for SHARE (Sharing Available Resources Efficiently) assistance through the State of New Jersey SHARE Program in the amount of \$110,000. to assist with the implementation of a shared CEHA work program; and

WHEREAS the Township of Nutley has trained personnel qualified to carry out CEHA activities within Essex County relating to hazardous materials/emergency response in accordance with the aforesaid work plan; and

WHEREAS, the Township of Nutley has agreed to be the lead agency in this endeavor with all powers and responsibilities clearly delineated through a signed Share Services Agreement; and

WHEREAS, the Township of Nutley is acknowledging and accepting the responsibility of acting as applicant for this grant on behalf of the County of Essex; and

WHEREAS, the State of New Jersey has made SHARE assistance available to assist local units to study, develop and implement new shared and regional services; and

WHEREAS, the purpose of this grant is to promote shared services between communities through the establishment of a shared CEHA work program that would be beneficial to both local units; and

WHEREAS, the Township of Nutley agrees to execute a Shared Services Agreement in order to implement a shared CEHA work program;

NOW, THEREFORE, BE IT RESOLVED by the Township of Nutley that the Township does hereby join with the County of Essex in applying for a grant for the purpose of a shared CEHA work program.

Introduced by Commissioner Orechio, seconded by Commissioner Tucci. All ayes.

NO. 141-08 WHEREAS, pursuant to N.J.S.A. 26:3A2-21 et seq., the County of Essex, through its County Health Department is obligated to provide a County Environmental Health Act (hereinafter referred to as "CEHA") work program for meeting environmental health performance standards throughout the County and to have such work program certified by the State Department of Environmental Protection; and

WHEREAS, the County of Essex, through its County Health Department is desirous of providing a unified CEHA work program which will provide for County wide hazardous materials emergency responses through the Township of Nutley's Hazardous Materials Emergency Response Team; and

WHEREAS the Township of Nutley has trained personnel qualified to carry out CEHA activities within Essex County relating to hazardous materials/emergency response in accordance with the aforesaid work plan; and

WHEREAS, the Township of Nutley has agreed to be the lead agency in this endeavor with all powers and responsibilities clearly delineated through a signed Share Services Agreement; and

NOW, THEREFORE, BE IT RESOLVED, that the Township of Nutley agrees to execute a Shared Services Agreement between the County of Essex and the Township of Nutley in order to provide Hazardous Materials Emergency Response in accordance with the CEHA Agreement.

Introduced by Commissioner Orechio, seconded by Commissioner Evans. All ayes.

NO. 142-08 WHEREAS, Chapter 177, entitled "Property Maintenance" of the Code of the Township of Nutley, Article II "Residential Premises", Section 10 "Structural Soundness" states "Every dwelling and accessory structure and every part thereof shall be kept structurally sound and in a state of good repair to avoid safety, health or fire hazards" and

WHEREAS, a change of ownership for a residential structure located at 24 Evelyn Place, Nutley, New Jersey was made on September 21, 2007, and this change of ownership was made without the issuance of Certificate of Occupancy as required by the Code of the Township of Nutley, and

WHEREAS, the Code Enforcement Department of the Township of Nutley has inspected the property, numerous violation notices have been issued and no response has been received from the owner,

WHEREAS, the Township Attorney served notice on the owner of the property on April 29, 2008 to abate the present conditions or the Township of Nutley will take

such action as to make the premises safe, and no response was received from the owner as of this date, and

WHEREAS, a Notice of Unsafe Structure was issued to the owner of 24 Evelyn Place as a result of the condition of the detached garage, on May 5, 2008, and

WHEREAS, the Board of Commissioners of the Township of Nutley may authorize the abatement of property, and the costs of such abatement shall become a lien against said premises collectible as provided by law, and

WHEREAS, bids have been received to demolish the detached garage located at 24 Evelyn Place, Nutley, New Jersey, now therefore

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF NUTLEY that the Mayor and the Township Clerk be authorized to enter into a contract with Empire Construction, Inc., 49 East Centre Street, Nutley, New Jersey 07110 to demolish and remove the detached garage at 24 Evelyn Place at a cost of no more than two thousand seven hundred (\$2,700.00) dollars, and the cost of said contract shall become a lien against said premises.

Introduced by Commissioner Orechio, seconded by Commissioner Scarpelli. All ayes.

NO. 143-08 WHEREAS, Resolution 259-07 adopted at the commission meeting of October 16, 2007 for a purchase of Passaic Valley Water Commission Interconnect Radio Flow Readings or approved equal; and

WHEREAS, the bids were received on November 8, 2007 at 3:00 pm prevailing time, at which they were opened and read

WHEREAS, funds were not available;

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, all bids are rejected.

Introduced by Commissioner Scarpelli, seconded by Commissioner Orechio. All ayes.

NO. 144-08 Be It Resolved, by the Board of Commissioners of the Township of Nutley, in the County of Essex, State of New Jersey that the Township Clerk be and she is hereby authorized to advertise for sealed bids for the purchase of Passaic Valley Water Commission Interconnect Radio Flow Readings or approved equal, in the Township of Nutley, to be received on behalf of the Board of Commissioners in the Commission Chambers, Township Hall, Kennedy Drive, Nutley NJ, on Friday, May 30, 2008 at 3:00 P.M. prevailing time, at which time they will be opened and read.

Introduced by Commissioner Scarpelli, seconded by Commissioner Tucci. All ayes.

NO. 145-08 WHEREAS, Bids for Resurfacing of Passaic Avenue Section 3 for paving of street, sidewalk and curb replacement were received and opened on April 10, 2008; and

WHEREAS, D&L Paving Contractors, Inc., PO Box 507, Nutley, New Jersey 07110 was the low bidder with a total price of \$170,704.87; and

WHEREAS, the funds are available from Ordinance #3053 from monies received via a grant from New Jersey Department of Transportation and have been certified by the Chief Financial Officer, said certification being attached to this resolution;

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that a contract be awarded to D&L Contractors, Inc., not to exceed \$ 170,704.87 and that the Mayor and Township Clerk are hereby authorized to enter into and sign said contract for the Township of Nutley.

Introduced by Commissioner Scarpelli, seconded by Commissioner Orechio. All ayes.

NO. 146-08 WHEREAS, N.J.S.A. 40A:11-5(1)(5) provides an exception to public bidding for the marketing of recyclable material through a recycling program; and

WHEREAS, the Township of Nutley has received and reviewed proposals for the marketing of recyclable materials; and

WHEREAS, Galaxy Recycling Incorporated, 3 New York Avenue, Jersey City, New Jersey, 07307 is identified as a Class A facility by the New Jersey Department of Environmental Protection; and

WHEREAS, the proposal received by Galaxy Recycling Incorporated is most favorable to the Township of Nutley and would pay the Township a floor price of NEWS #6 at \$100.00 per ton, Commingled at a fixed rate of \$20.00 per ton, with a three year contract, effective July 1, 2008.

NOW, THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, as follows: The Mayor and Clerk are hereby authorized to execute the attached agreement with Galaxy Recycling Incorporated; and the contract is awarded without public bidding in accordance with N.J.S.A. 40a-11-5(1)(5); and a copy of the resolution, as well as the contract shall be placed on file with the clerk and notice of the action shall be printed once in the Nutley Sun.

Introduced by Commissioner Scarpelli, seconded by Commissioner Orechio. All ayes.

NO. 147-08 WHEREAS, food allergy reactions cause 30,000 visits to the emergency room and 150 deaths each year. The deaths are caused by individuals unknowingly eating a food containing an ingredient to which they are allergic, and

WHEREAS, children are the largest group affected by food allergies. Researchers estimate 12 million Americans have food allergies. Symptoms of an allergic reaction can include hives, difficulty breathing, swelling of the mouth and throat, gastrointestinal distress, a drop in blood pressure, and loss of consciousness; and

WHEREAS, eight foods cause 90% of all food allergy reactions. These foods are shellfish, fish, milk, eggs, tree nuts, peanuts, soy, and wheat, and

WHEREAS, there is no cure for potentially fatal food allergies. Strict avoidance of the offending food is the only way to prevent a reaction, and

WHEREAS, anaphylaxis is a sudden, severe allergic reaction involving major organs in the body simultaneously. In severely allergic individuals it can cause death in a matter of minutes, and

WHEREAS, eating in restaurants and at school are the situations posing the highest risk for people with food allergies. Often, wait staff and cafeteria staff are not aware of the ingredients used to prepare the food they are serving, and they are unprepared to handle a reaction, and

WHEREAS, the Department of Public Affairs, in conjunction with The Food Allergy Initiative (FAI) and The Food Allergy & Anaphylaxis Network (FAAN), national non-profit organizations, wish to educate the public about food allergies and anaphylaxis and will offer an educational program featuring a speaker from the Pediatric Allergy and Immunology Department of Mount Sinai School of Medicine on May 6<sup>th</sup>;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey that the week of May 11<sup>th</sup> through May 17<sup>th</sup> be proclaimed

#### FOOD ALLERGY AWARENESS WEEK

And the Board of Commissioners encourages the residents of the Township of Nutley to participate in the educational programs being offered by the Township.

Introduced by Mayor Cocchiola, seconded by Commissioner Evans. All ayes.

NO. 148-08 WHEREAS the Zoning Board received \$3,000.00 escrow deposit from Primax Properties for property at 25 Washington Avenue for engineering services, and

WHEREAS this application for Land Use has been withdrawn a refund of escrow money is due to the applicant, Primax Properties.

WHEREAS the Planning Board has reviewed and determined the remaining escrow balance of \$385.35 to Primax Properties

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, NJ, that the above amount to be refunded to Primax Properties.

Introduced by Mayor Cocchiola, seconded by Commissioner Orechio. All ayes.

NO. 149-08 WHEREAS the Planning Board received \$1,500.00 escrow deposit from PAUL AND REGINA SCUTTI for property at 36 Weston Street for engineering

services, and

WHEREAS PENNONI ASSOC., INC. (Township Engineer) has reviewed the final mylar and plans submitted for compliance with the New Jersey map Filing Law (Chapter 258), and

WHEREAS the Nutley Planning Board has reviewed and determined the remaining escrow balance of \$990.00 to PAUL AND REGINA SCUTTI.

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, NJ, that the above amount to be refunded to Paul AND REGINA SCUTTI.

Introduced by Mayor Cocchiola, seconded by Commissioner Scarpelli. All ayes.

NO. 150-08 WHEREAS, "National Nurses Week", begins May 5 and ends May 11, 2008; and

WHEREAS, there are nearly 2.9 million registered nurses in the United States, and 2.4 million of them are actively employed; and

WHEREAS, there are more than 240,000 advanced practice nurses in the United States; and

WHEREAS, their work touches all aspects of patient care, whether it is in the emergency room, operating room, doctor's office, neighborhood clinic, schools and battlefields;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, hereby designate the week of May 5<sup>th</sup> through May 11<sup>th</sup>, 2008, as "Nurses Week" in the Township of Nutley; and

BE IT FURTHER RESOLVED that the Board of Commissioners and the citizens of the Township of Nutley recognize the importance of Nurses and their role in providing quality healthcare for the public.

Introduced by Mayor Cocchiola, seconded by Commissioner Orechio. All ayes.

NO. 151-08 WHEREAS, Peter C. Scarpelli has served on the Board of Commissioners in the Township of Nutley since 1983; and

WHEREAS, Peter C. Scarpelli has served as Director of the Department of Public Works for twenty five years; and

WHEREAS, Peter pioneered the recycling program in Nutley and has worked to make it the successful program it is today; and

WHEREAS, Peter C. Scarpelli was elected Mayor in 2000 and established programs and events such as "Family Day" and "Swing Night" which have become traditional

celebrations in the community; and

WHEREAS, Peter C. Scarpelli is well known as a loving husband, father and grandfather, capable colleague and loyal friend; and

WHEREAS, Peter will be missed by his colleagues on the Board and the employees of the Township of Nutley upon his retirement;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the Board of Commissioners of the township of Nutley, County of Essex, State of New Jersey, that the highest tribute with the deepest respect be paid to Peter C. Scarpelli for his many years of service and contributions to our great community; and

BE IT FURTHER RESOLVED that the Board of Commissioners wish Peter C. Scarpelli the best of health, continued success and an enjoyable life in any and all of his future endeavors.

Introduced by Mayor Cocchiola, seconded by Commissioner Tucci. All ayes.

The Mayor asked for comments from the Board and from the public about Commissioner Scarpelli.

Commissioner Evans: Commissioner Scarpelli, Pete, as you know, as I've had opportunities to share my respect with working for you and the honor and privilege it's been. I just find myself in a position to have one more time to reiterate the fact that since I've finished my first term as Commissioner, you've been a ready and able advisor. You've coached me many times. You've given me the insight that I think any senior leader would want to give to a junior member of the Commission. So being a freshman Commissioner, having had the ability to receive your advice and counsel has been invaluable. I enjoyed also the fact that you tell me some of the stories about my dad, which I didn't know about, some of which he didn't want me to know but some of them were very enjoyable so since my dad passed away in 1988 actually I've been able to refresh memories of someone I miss and love very dearly. So thank you for all that you've done. It's been a pleasure working with you on our many projects, especially solving our water problem in Nutley and I wish you all the best.

Commissioner Tucci: Mr. Scarpelli, the last eight years have been a privilege working with you. You've not only been an outstanding colleague, and outstanding guiding hand, I have to say that you will go down as one of the finest mayors this Township has ever had. The way you kept everyone in the loop, the way you kept everyone informed, and just your very easy-going approachable way, made governing this Township very enjoyable. Your 25 years of experience have helped us through many situations. I'm just very proud not only to call you a colleague but also to call you a friend. And for those of you who don't know, the Scarpelli family and the Tucci family go back many, many years. And I hope we continue that relationship. I know we will and I wish you and your family all the best now and always.

Commissioner Orechio: I've served along next to Peter almost a quarter of a century and I found him to be a very outstanding and dedicated department official. Certainly when he

was mayor, he executed so well celebrating our 100<sup>th</sup> anniversary. We've had these Swing sessions that he sponsored on Franklin Avenue for a number of years that proved to be outstanding as well as very attractive to our townspeople. But more than that, you have expressed the way a typical individual who gives of himself because of the town he loves. And I know you've demonstrated that time and time again. And I just wish you all the luck in all your endeavors.

Mayor Cocchiola: Well this kind of night really brings back some touching memories for me because I lived through it with my dad. I'm thinking back to the 100<sup>th</sup> year anniversary when we all sat up here together thanks to the tribute that Mayor Scarpelli put together that evening. I have to say Pete that there are things that I thank you for that you probably don't even know but when I was running for office, when we appeared together, how kind you were to me and the things you said to me and how mentoring you were to me, always talking about how my dad did that for you in prior years and I so appreciated that. There were moments that I can remember about you that were so touching when Joe ran for freeholder and the excitement, just the look on your face, just things I will never forget. I loved serving my first term with you as the mayor. As Commissioner Tucci said, you were fair, you were wonderful, you were great to all of us. I had a wonderful introduction to municipal government because of you and I thank you so much for that. I understand what your years of service have meant to this community because I watched my own father do it and I think your family is very lucky to have you as a role model. Look what you've produced. I think it's a credit to you and to Helen and we are very proud of that and very thankful to have worked together for you for these past 8 years. I thank you.

Commissioner Scarpelli: Thank you. Thank you very, very much. My colleagues, I look back here and I see my DPW guys came in, my family back there, my Public Works family and my family in the front. 25 years is a long time. I really prepared a speech but I thought I was going to do that on the 20<sup>th</sup>, but I've enjoyed my 25 years. I think that you when it's time, and it's time. So I really enjoyed serving. I enjoyed what I had to do for the Township of Nutley. I cleaned out my whole desk today...done! I'm very, very pleased and very, very happy to serve, and I thank you very much.

**MEETING OPEN TO PUBLIC**  
**PUBLIC COMMENTS:**

(?): Commissioners, I would just like to say that I think I speak on behalf of the department that under your direction we appreciated all the latitude you gave us to do our job and after 25 years of service you've now become a legacy joining the likes of Commissioners Orechio and Cocchiola and Chenoweth and Lucy. You've done an excellent job and we thank you for being there for us. It's now time, as you said, to enjoy yourself. I expect to see you on the golf course but remember I still get strokes. Enjoy whatever you're going to do, you and your family and we wish you the very best

Jack (?): Peter, you and I have had our differences for 25-30 years but you know what? You're a great man when it comes to what you did. As a businessman, you always took care of my needs as they were required or not required, you did them anyway and I appreciate that. And as a town membership and owner of a home, etc. etc., you were more than good for this town you've been great for this town. God bless you.

Mayor Cocchiola invited everyone to a reception and celebration to honor Commissioner Scarpelli following the meeting.

**AJOURNMENT:**

Motion to adjourn by Commissioner Scarpelli, seconded by Commissioner Evans.  
Meeting adjourned at 7:53 P.M.

ATTEST:

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Evelyn Rosario, RMC  
Municipal Clerk

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Mayor Joanne Cocchiola

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Commissioner Thomas J. Evans

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Commissioner Mauro G. Tucci

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Commissioner Carmen A. Orechio

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Commissioner Peter C. Scarpelli

Prepared by:

*Linda Posternock*

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