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

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

(Pledge of Allegiance)

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

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

Commissioner, Scarpelli?

COMMISSIONER SCARPELLI: Here.

MS. ROSARIO: Commissioner Petracco?

COMMISSIONER PETRACCO: Here.

MS. ROSARIO: Commissioner Evans?

COMMISSIONER EVANS: Here.
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MS. ROSARIO: Commissioner Tucci?

COMMISSIONER TUCCI: Here.

MS. ROSARIO: Mayor Cocchiola?

MAYOR COCCHIOLA: Here.

MS. ROSARIO: All present, Mayor.

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

MS. ROSARIO: Yes, Mayor. I have four items of correspondence. The first item is correspondence from the North Jersey District Water Supply Commission submitting their meeting/agenda for meeting held January 23rd [sic], 2009; correspondence from the North Jersey District Water Commission supplying their meeting/minutes for meeting held Wednesday, December 17th, 2008. I have correspondence from Enterprise Rent-A-Car. They're seeking permission and I'll read it into the record. "Enterprise Rent-A-Car requests permission to hold a one-day special car sale on April 25th, 2009. The sale will be held in
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conjunction with the proponent federal credit. The sale is not only to the public, only members and employees of the representing credit unions are eligible.

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

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

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

MAYOR COCCHIOLA: I need a motion.

UNIDENTIFIED SPEAKER: Move.
MS. ROSARIO: Commissioner --

MAYOR COCCHIOLA: I need a second.

MS. ROSARIO: Oh, you need a second.

UNIDENTIFIED SPEAKER: Second.

MS. ROSARIO: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MS. ROSARIO: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MS. ROSARIO: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MS. ROSARIO: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MS. ROSARIO: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

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

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

I need an approval and a second, please.

UNIDENTIFIED SPEAKER: Move it.

UNIDENTIFIED SPEAKER: Second.

MS. ROSARIO: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MS. ROSARIO: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MS. ROSARIO: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MS. ROSARIO: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MS. ROSARIO: Mayor Cocchiola?
MAYOR COCCHIOLA: Aye.

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

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

And we can now move on to payment of bills.

MS. ROSARIO: Okay. Tuesday, February 3rd, 2009. Public Affairs, $66,438.37; Revenue and Finance, $6,629,951.05; Public Safety, $22,829.46; Public Works, $141,299.89; Parks and Public Property, $111,078.07. Payroll as of January 23rd, $844,938.98 for a grand total bill of $7,815,964.82. And that's all for bills, Mayor.

UNIDENTIFIED SPEAKER: Approve the bills.

UNIDENTIFIED SPEAKER: Second.

MS. ROSARIO: Commissioner Scarpelli?
COMMISSIONER SCARPELLI: Aye.

MS. ROSARIO: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MS. ROSARIO: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MS. ROSARIO: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MS. ROSARIO: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

MS. ROSARIO: Thank you, Mayor.

MAYOR COCCHIOLA: Thank you.

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

COMMISSIONER EVANS: Yes, Mayor.

I'll read it by title. "An Ordinance to Amend an Ordinance Codified by the Code of the Township of Nutley, Chapter 228\(\text{e}\), Entitled Vehicles and Traffic, Particularly Article VII (Special Zones and Areas), Section 29A Entitled Handicapped Parking, to Add the Locations Set Forth Therein at Valley Road.\(\text{e}\)

I move that this ordinance be passed to a second reading and advertisement in
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the Nutley Sun together with notice required by law. And that further consideration of said ordinance for final passage by the Board of Commissioners be held at its second reading on March 3rd, 2009. So moved.

MR. TUCCI: Second. MS. ROSARIO: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MS. ROSARIO: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MS. ROSARIO: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MS. ROSARIO: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MS. ROSARIO: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

COMMISSIONER EVANS: Thank you, Mayor.

MAYOR COCCHIOLA: Thank you.

Commissioner Petracco, you have a public hearing this evening?

COMMISSIONER PETRACCO: Yes, I do, Mayor. I have the an ordinance to amend
an ordinance to fix the salaries of certain officers and employees of the Township of Nutley, county of Essex, state of New Jersey, effective January 1, 2008.

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

COMMISSIONER PETRACCO: I do, Mayor.

MAYOR COCCHIOLA: Okay.

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

Right now, EMTs -- we have on the public safety side that we budgeted for in 2008 was for the Nutley ambulance rescue squad had in their budget, one, that they now can't afford to pay for through their salary and wage account.
So we're going to pick it up on the public safety side. But to offset this cost, we are moving forward with billing through the Nutley rescue squad. So we're not seeking any additional revenue to this budget at this time. We filled out the billing on the rescue squad -- give the township without any out-of-pocket expense for Nutley residents a way of keeping the services that the rescue squad has.

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

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

COMMISSIONER PETRACCO: I don't
believe that we added to the ordinance.

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

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

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

MAYOR COCCHIOLA: It's online now.

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

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

MR. MOORE: But they weren't paid.
COMMISSIONER PETRACCO: And the ordinance reads per diems and up to seven. Now, again, we kind of are going towards a high bred system with the rescue squad when we go to billing which we're moving forward on. Right now, the Nutley volunteer rescue squad is able to incur that cost for the per diems which they still are and they are budgeted in the 2009 budget and they're going to continue to pay their per diems.

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

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

MAYOR COCCHIOLA: What he's doinge

COMMISSIONER PETRACCO: What is

this --

MR. MOORE: At least pay them. But

you didn't change it because you're not

putting them under 53, which would be the

employees.

MAYOR COCCHIOLA: Mr. Moore, enough,

okay?

MR. MOORE: No, it's not enough. At

some time --

MAYOR COCCHIOLA: He explained what

he's doing and you're acting ridiculous

right now.

MR. MOORE: You know, what really

gets me? The town of Galloway and

Belleville -- they realized the cost of

the free volunteer service and they went

to the public safety and they do it. And

now you're sitting here just capriciously

adding people to the payroll as if it was

who cares.

MAYOR COCCHIOLA: I think Mr.
Petracco just explained --

MR. MOORE: Do we pay for the gasoline?

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

MR. MOORE: No, it's not.

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

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

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

MR. MOORE: I didn't ask --

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

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

MAYOR COCCHIOLA: Mr. Harkins, in
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your legal interpretation --

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

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

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

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

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

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

MR. MOORE: That --

COMMISSIONER PETRACCO: But they
always had five there.

MR. MOORE: What they had in regard --

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

MR. MOORE: Effectively --

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

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

COMMISSIONER PETRACCO: Such as?

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

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

MR. MOORE: Would that include --

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

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

COMMISSIONER PETRACCO: I don't understand the question.

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

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

MR. MOORE: And where would that fee
be paid to? Is that going to be paid to 
the town or to the EMTs?

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

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

COMMISSIONER PETRACCO: The billing 
will be to the town?

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

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

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

MAYOR COCCHIOLA: Then why are we 
talking?

COMMISSIONER EVANS: Commissioner,
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may I clarify?

COMMISSIONER PETRACCO: You sure can.

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

MR. MOORE: Yes, I understand that.

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

MR. MOORE: Yes, I understand that.

COMMISSIONER EVANS: So we are in the process of evaluating the need to bill for those services through insurance coverage. The termination of how we will bill, be billed or the billing arrangement, how it will be set up, has not been finalized yet. But at some point in time during this year, we will move forward with a billing service. So
your question is a good one but it's premature in terms of we haven't made the determination how --

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

COMMISSIONER EVANS: That's right.

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

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

COMMISSIONER EVANS: And I was just going to -- absolutely, Commissioner. It's very common for the township to receive that money. All right? We're just in the planning phase of that so we will have the plan. We will be clear as to where the money will go. And as Commissioner Petracco has already articulated is that it will be used to meet general revenue funds to offset the cost of operation.
MR. MOORE: And since we're going to go to the general revenue fund and we do contribute the 70,000 dollars which we now are exceeding that money, the public has a right to the -- by law, has a right to an audit of the emergency squad. That should be made public.

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

The second thing I want to be clear on is that we do not give a payment to the emergency rescue squad as a lump sum...
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payment. What we follow, which is clear in the statute, is an alternative process where they provide us with their request for payment so that actual bills, the supporting documentation and follow a purchase order process so that each transaction is authorized.

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

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

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

COMMISSIONER EVANS: It's on the bill list.

MR. MOORE: Would you show that to me, please?
COMMISSIONER EVANS: If there's one on there, fine.

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

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

MR. MOORE: Absolutely.

COMMISSIONER EVANS: Okay?

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

COMMISSIONER EVANS: So let me be clear.

MR. MOORE: No --

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

MR. MOORE: Four people.

COMMISSIONER EVANS: -- what do you
want to do? Do you want to stop emergency service to the township?

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

COMMISSIONER EVANS: Is that what you're suggesting?

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

COMMISSIONER EVANS: You have --

COMMISSIONER PETRACCO: Commissioner Evans, --

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

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

COMMISSIONER EVANS: There you go.

COMMISSIONER PETRACCO: First of all, you can't just say to the fire department, okay, now you're going to be
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an EMT. There's proper training that has to occur.

MR. MOORE: I understand that.

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

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

COMMISSIONER PETRACCO: Well, I understand very clearly. But I don't understand if I'm telling you that we are not adding anyone. There's always been five. It's just a transfer of funds. It's not going to cost the taxpayer any money because what we're going to is billing. And we're hoping that the billing will generate monies up to 3 or 400,000 dollars which is not our expense to run the ambulance squad. So I think that we're going to offset the general
MR. MOORE: Mr. Orechio, much to his credit, did put the four in there. Now it's five plus per diems. So you're saying to me that you're not adding but you are fee app -- we'll agree to disagree on this one.

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

MR. MOORE: Four. Four.

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

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

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

MR. MOORE: Okay. Then I'll put an open request in tomorrow for that 'cause I have a copy of the ordinance. And it
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says four. Now I don't want to sit here
and beat a dead horse. But at some
point, do you understand the taxpayer's
point of view that you're saying you are
now providing a free service --

COMMISSIONER PETRACCO: I understand
the taxpayer's --

MR. MOORE: -- that costs more
money?

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

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

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

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

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

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

COMMISSIONER PETRACCO: Well, I'll --

MR. HARKINS: Commissioner, I think -- and I'm not sure on this, but just for purposes of this discussion, I think -- you know, it's important to differentiate between the volunteer squad, which is a separate entity and the town. And I think it was just a question of how it was structured and who was
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paying these various EMS employees. I think it might have been (indiscernible) 80056 who were paid by the volunteer squad. The others were paid by the town.

MR. MOORE: Yes.

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

COMMISSIONER PETRACCO: Thank you.

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

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

MR. MOORE: Well, somebody probably took 2008 just as an example and just
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added the column of numbers up and said,
yes, we're going to generate some type of
a revenue.

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

COMMISSIONER PETRACCO: On the
number of calls --

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

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

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

MR. MOORE: Pardon me?

MR. HARKINS: It was an analysis
provided --

MR. MOORE: Somebody had to do an
analysis to obtain this ordinance. What
this ordinance was -- somebody had to do
an analysis on paper. You just can't
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capriciously say oh, we're going to make money on it which is going to cover the expenses and have no documentation to support to opinion.

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

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

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

MR. MOORE: I will, tomorrow. Guaranteed.

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

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

MR. MULCHENTEN: Ken Mulchenten, 44 Chestnut Street. If I'm permitted to ask some questions -- and I'll ask them -- I'm not going to hold anybody to figures.
If it's all right, Mayor, I'd like to address Commissioner Evans first --

MAYOR COCCHIOLA: Certainly.

MR. MULCHENTEN: -- on this ordinance.

MAYOR COCCHIOLA: Thank you, sir.

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

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

MR. MULCHENTEN: Money. How much?

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

MR. MULCHENTEN: Okay. That's what I wanted to hear. If we all consider that personally, I'm a recipient of the
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services of the First Aid squad. I love them and I won't let anybody touch them.

COMMISSIONER EVANS: Okay.

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

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

MR. MULCHENTEN: Ahh, yes, the -- COMMISSIONER EVANS: Okay?

MR. MULCHENTEN: -- dubious general fund.

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

MR. MULCHENTEN: I understand that.

COMMISSIONER EVANS: It is designated that because it is separated
from the Appropriation budget which is managed by each one of us as commissioners. The monies that go into that fund are used to offset the amount of the operating costs of the township that have to be collected from residents. So using that money to then offset to, say, specifically, give it to the First Aid squad would, in turn, increase the tax levy.

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

COMMISSIONER EVANS: Right, exactly.

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

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

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

MR. MULCHENTEN: Yes, sir.

COMMISSIONER EVANS: It's about enabling them to continue as a volunteer service, right, and to provide the
support that our township needs. On average, the First Aid squad handles fifteen calls a day, seven to eight of those are done during the day. All right? And so there is a need for that service in our township that continues to be supported.

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

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

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

COMMISSIONER EVANS: I agree.

MR. MULCHENTEN: please, think of my suggestion. I'm not asking you to decide anything tonight. But when you talk about budgets, when you talk about your plans for the future for this town, once again, the First Aid squad cannot survive at their present course. We need them. I need them. I've offered a way. You have excess money. When it goes into the general fund -- and I'm very aware of what happens to the general fund. I've been through five commissioners before who were playing games with the general fund. So, no, if you can take out, let's say --
COMMISSIONER EVANS: I'm sorry. I absolutely disagree with you. And I actually don't want to take objection to it loudly, but I assure you, with this commission body, and under my role --

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

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

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

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

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

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

MR. MULCHENTEN: That's the problem.

COMMISSIONER EVANS: But don't --

MR. MULCHENTEN: Nobody wants to account for it.

COMMISSIONER EVANS: All right. But
I'm being clear because I want to make sure, your question may be referring to something that's ancient. But it's not referring to this board.

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

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

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

COMMISSIONER EVANS: The state. By statute, the maximum amount we are allowed to give the First Aid squad -- by statute.
MR. MULCHENTEN: And I appreciate that.

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

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

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

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

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

MR. MULCHENTEN: Okay. Thank you.

MAYOR COCCHIOLA: Thank you, Mr.
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Mulchenten. Is there anyone else that would like to address the board with respect to this —

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

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

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

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

MR. MOORE: So how would this
increase -- because you're going to seven part-timers per diem and you're adding one full-time.

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

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

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

MR. MOORE: It's a question of -- if you have a Residency law by the former commissioner for four and now all of a sudden, well, it's five plus we're going
to add per diems up to seven.

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

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

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

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

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

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

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

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

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

MR. MOORE: Good.
MAYOR COCCHIOLA: Thank you. Is there anyone else that would like to address the board with respect to Ordinance number 3080? I need a motion to close.

COMMISSIONER PETRACCO: I make a motion to close.

COMMISSIONER EVANS: Second.

MS. ROSARIO: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MS. ROSARIO: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MS. ROSARIO: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MS. ROSARIO: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MS. ROSARIO: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

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

UNIDENTIFIED SPEAKER: Second.

MS. ROSARIO: Commissioner
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Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MS. ROSARIO: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MS. ROSARIO: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MS. ROSARIO: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MS. ROSARIO: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye. Thank you.

Mr. Evans, public hearing on Ordinance number 3090.

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

MAYOR COCCHIOLA: Is there anyone that would like to address the board with respect to Ordinance number 3090?

There's no one.

COMMISSIONER EVANS: Motion to close.

COMMISSIONER TUCCI: Second.

COMMISSIONER SCARPELLI: Aye.
MS. ROSARIO: Commissioner Petracco?
COMMISSIONER PETRACCO: Aye.

MS. ROSARIO: Commissioner Evans?
COMMISSIONER EVANS: Aye.

MS. ROSARIO: Commissioner Tucci?
COMMISSIONER TUCCI: Aye.

MS. ROSARIO: Mayor Cocchiola?
MAYOR COCCHIOLA: Aye.

COMMISSIONER EVANS: Move the ordinance.

COMMISSIONER TUCCI: Second.
COMMISSIONER SCARPELLI: Aye.

MS. ROSARIO: Commissioner Petracco?
COMMISSIONER PETRACCO: Aye.

MS. ROSARIO: Commissioner Evans?
COMMISSIONER EVANS: Aye.

MS. ROSARIO: Commissioner Tucci?
COMMISSIONER TUCCI: Aye.

MS. ROSARIO: Mayor Cocchiola?
MAYOR COCCHIOLA: Aye. Thank you.

Ordinance number 3087A and Ordinance number 3088 are both mine, public hearings this evening. Both are housekeeping ordinances.
Ordinance number 3087A cleans up an error in the 2008 salary ordinance. Apparently, the 2008 salary ordinance, last year's ordinance, did not have the correct and budgeted information for the township attorneys in it. We didn't realize that until the end of the year. So we have to backtrack now and amend the ordinance and clean it up so that it's correct.

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

UNIDENTIFIED SPEAKER: Move it.
COMMISSIONER SCARPELLI: Aye.
MS. ROSARIO: Commissioner Petracco?
COMMISSIONER PETRACCO: Aye.
MS. ROSARIO: Commissioner Evans?
COMMISSIONER EVANS: Aye.
MS. ROSARIO: Commissioner Tucci?
COMMISSIONER TUCCI: Aye.
MS. ROSARIO: Mayor Cocchiola?
MAYOR COCCHIOLA: Aye. And I move the ordinance.

COMMISSIONER EVANS: Second.
COMMISSIONER SCARPELLI: Aye.
MS. ROSARIO: Commissioner Petracco?
COMMISSIONER PETRACCO: Aye.
MS. ROSARIO: Commissioner Evans?
COMMISSIONER EVANS: Aye.
MS. ROSARIO: Commissioner Tucci?
COMMISSIONER TUCCI: Aye.
MS. ROSARIO: Mayor Cocchiola?
MAYOR COCCHIOLA: Aye. Ordinance number 3088 is another housekeeping ordinance which, effectively, amends the 2009 salary ordinance -- or effective January 1st, 2009. And what it does is it changes -- it doesn't change the salary. It changes the way the salary is paid to Mr. Harkins is actually paid.

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

UNIDENTIFIED SPEAKER: Move it.

COMMISSIONER SCARPELLI: Aye.

MS. ROSARIO: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MS. ROSARIO: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MS. ROSARIO: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MS. ROSARIO: Mayor Cocchiola?

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

COMMISSIONER TUCCI: Second.

MS. ROSARIO: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MS. ROSARIO: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MS. ROSARIO: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MS. ROSARIO: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MS. ROSARIO: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye. And that
concludes the public hearing this evening. Commissioner Scarpelli, you have a resolution?

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

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

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

"Now Therefore, Be it Resolved by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey as follows:
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"1. A Contract shall be entered into between the Township of Nutley and Phiacore Inc., P.O. Box 7, Caldwell, New Jersey 07006 to be retained to provide services necessary for the day to day operation of the municipality for an annual fee not to exceed $3,000.00.

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

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

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

I move the resolution.

COMMISSIONER EVANS Second.
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MS. ROSARIO: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MS. ROSARIO: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MS. ROSARIO: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MS. ROSARIO: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MS. ROSARIO: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

COMMISSIONER SCARPELLI: "BE IT RESOLVED by the Board of Commissioners, Township of Nutley, County of Essex, New Jersey, in accordance with the provision of R.S. 40A:4-59 that the following transfer(s) of 2008 Appropriation Reserves be and the same are hereby authorized and approved:

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

COMMISSIONER SCARPELLI: I move the resolution.
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COMMISSIONER EVANS: Second.

MS. ROSARIO: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MS. ROSARIO: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MS. ROSARIO: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MS. ROSARIO: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MS. ROSARIO: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

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

COMMISSIONER PETRACCO: "WHEREAS, the State of New Jersey intends to
construe Route 21 Hwy Park Avenue
Interchange, Safety Improvements within
the Township of Nutley; and

"WHEREAS, the project proposed by
the State of New Jersey Department of
Transportation may require the limited
use of municipal police as Traffic
Directors for work zone safety operations
supplementing the traffic control plan established under the contract for construction of the project; and

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

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

"NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that the Director of Public Safety, Alphonse Petracco, and the Chief of Police, John Holland and the Township Clerk, Evelyn Rosario, are
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hereby authorized to execute an agreement between the State of New Jersey Department of Transportation and the Township of Nutley to provide Police Officers as Traffic Directors;

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

COMMISSIONER PETRACCO: I move the resolution.

COMMISSIONER SCARPELLI: Second.

MS. ROSARIO: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MS. ROSARIO: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MS. ROSARIO: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MS. ROSARIO: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MS. ROSARIO: Mayor Cocchiola?
MAYOR COCCHIOLA: Aye.

COMMISSIONER PETRACCO: "BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey, that in accordance with the provision of R.S. 40A: 4-59, the following transfer(s) of 2008 Appropriation Reserves be and the same are hereby authorized and approved:

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

I move the resolution.

COMMISSIONER SCARPELLI: Second.

MS. ROSARIO: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MS. ROSARIO: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MS. ROSARIO: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MS. ROSARIO: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MS. ROSARIO: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye. Commissioner
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Evans?

COMMISSIONER EVANS: Thank you, Mayor.

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

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

"NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that the Tax Collector be authorized to charge the aforementioned fee at a rate of $20.00
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per check or other written instrument for
all checks received for insufficient
funds; and,

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

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

So moved.

COMMISSIONER TUCCI: Second.

MS. ROSARIO: Commissioner
Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MS. ROSARIO: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MS. ROSARIO: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MS. ROSARIO: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MS. ROSARIO: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.
COMMISSIONER EVANS: The next resolution relates to the payment of delinquent taxes. We are required by statute to charge a minimum interest rate of eight percent for delinquencies. We have charged a rate as high as eighteen percent when the accounts are extended. We're now reducing that rate to the minimum in light of the economic environment.

"WHEREAS, R.44:67 permits the governing body of each municipality to fix the rate of interest to be charged for non-payment of taxes or assessment subject to any abatement or discount for the late payment of taxes provided by law and

"WHEREAS, R.44:6-67 has been amended to permit the fixing of said rate of 8% per annum on the first $1500.00 of the delinquency and 8% [sic] per annum on any amount in excess of $1500.00;

"NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the
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Township of Nutley, County of Essex,
State of New Jersey, as follows:

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

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

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

So moved.

COMMISSIONER TUCCI: Second.

MS. ROSARIO: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MS. ROSARIO: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.
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MS. ROSARIO: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MS. ROSARIO: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MS. ROSARIO: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

COMMISSIONER EVANS: "WHEREAS, R.S. 40A:5-17 allows for the cancellation of property tax credits or delinquent amounts in the amount of less than $10.00; and

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

"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 Tax Collector to cancel said amounts as deemed necessary."

So moved.

COMMISSIONER Tucci: Second.

Tucci
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MS. ROSARIO: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MS. ROSARIO: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MS. ROSARIO: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MS. ROSARIO: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MS. ROSARIO: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

COMMISSIONER EVANS: "BE IT RESOLVED by the Board of Commissioners of the Township of Nutley in the County of Essex, State of New Jersey that the Treasurer be and she is hereby authorized to refund Senior Citizen property tax deductions for the tax year 2008 in the amount of $1,500.00. The below listed taxpayers are eligible to receive $250.00 each:

Block 5003, Lot 12, 250 dollars;
Block 5800, Lot 10; Block 5801, Lot 23;
Block 7601, Lot 8; Block 8200, Lot 3;
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Block 8901, Lot 24 all receive 250 dollars.

So moved.

COMMISSIONER SCARPELLI: Second

MS. ROSARIO: Commissioner

Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MS. ROSARIO: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MS. ROSARIO: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MS. ROSARIO: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MS. ROSARIO: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

COMMISSIONER EVANS: "BE IT RESOLVED

by the Board of Commissioners of the

Township of Nutley in the County of

Essex, State of New Jersey that the

Treasurer be and she is hereby authorized

to refund Veteran property tax deductions

for the tax year 2008 in the amount of

$3,650.00. The below listed taxpayers

are eligible to receive $250.00 each."
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Block 1000, Lot 1, C5035; 1400, Lot 1, C1088; Block 1705, Lot 1; Block 2001, Lot 1; Block 2203, Lot 14; Block 3904, Lot 8; Block 5800, Lot 10; Block 5801, Lot 23; 6703, Lot 1; Block 6703, Lot 1

[sic] Block 7500, Lot 12; Block 7606, Lot 20; Block 8200, Lot 3; Block 8301, Lot 21; Block 8304, Lot 17 all received 250 dollars.

So moved.

COMMISSIONER Tucci: Second.

MS. ROSARIO: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MS. ROSARIO: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MS. ROSARIO: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MS. ROSARIO: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MS. ROSARIO: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

COMMISSIONER EVANS: "WHEREAS,

several Block and Lots throughout the
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Township have been combined with existing Block and Lots; and

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

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

Block 19, Lot 3; $427.63. All the years I'm going to talk about will be for the year 2006. Block 23, Lot 12, $274.05; Block 32, Lot 80, $125.28; Block 42, Lot 38, $285.79; Block 49, Lot 4, $508.95; Block 117, Lot 7, $78.30; Block 166, Lot 27, $3,694.00; Block 206, Lot 50, $121.36; Block 210.02, Lot 21, $32.30; Block 219, Lot 30, $2,172.49; Block 227, Lot 78.01, $109.62; Block 357, Lot 24, $391.50; Block 362, Lot 1, $281.88; Block 370, Lot 7, $117.45; Block
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391, Lot 25, $571.78.

So moved.

COMMISSIONER Tucci: Second.

MS. ROSARIO: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MS. ROSARIO: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MS. ROSARIO: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MS. ROSARIO: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MS. ROSARIO: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

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

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

"NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the
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Township of Nutley, County of Essex,
State of New Jersey, hereby authorize the
Township Treasurer to issue a check in
the amount of $21.03 for interest due to
the above overpayment to Ms. Sera
Shuster, 462 Chestnut Street, Nutley, NJ.

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

So moved.

COMMISSIONER Tucci

COMMISSIONER SCARPELLI Second.

MS. ROSARIO: Commissioner

Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MS. ROSARIO: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MS. ROSARIO: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MS. ROSARIO: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MS. ROSARIO: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

COMMISSIONER EVANS: "BE IT RESOLVED
by the Board of Commissioners of the Township of Nutley, in the County of Essex, New Jersey that the Township Treasurer be and she is hereby authorized to refund Lou Malfitano, 560 Mountain Avenue, North Caldwell, NJ 07006, in the amount of $500.00 for a refund of the deposit for demolition of a detached garage at 203 Satterthwaite Avenue. Building Inspector William Spiezio made the inspection of the premises on March 16, 2007 and found the structure was demolished and the land cleared and cleaned in accordance with local and state codes. Paid by check number 10277 on January 11, 2006.

So moved.

COMMISSIONER TUCCI: Second.

MS. ROSARIO: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MS. ROSARIO: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MS. ROSARIO: Commissioner Evans?
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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 35@-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 35@-08 inadvertently indicated a base bid of $5@,000.00; and

"WHEREAS, the correct bid is $4@,112.00;

"NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex that the correct base bid is $4@,112.00."

So moved.

COMMISSIONER TUCCI: Second.

MS. ROSARIO: Commissioner
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Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MS. ROSARIO: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MS. ROSARIO: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MS. ROSARIO: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MS. ROSARIO: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

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

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

"WHEREAS, Nisivocia & Company, LLP
Certified Public Accountants and
Consultants, 5 Emergy Road, Randolph, New
Jersey 07869 has submitted a fee schedule
for providing such services, the total of
which is not to exceed $143,020.00; and

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

"WHEREAS, funds are available from
account 9-01-222-205 & 9-05-706-205 and
have been certified by the chief
financial officer, said certification
being attached to this resolution,
NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Nutley authorizes the Mayor to enter into a contract with Nisivoccia & Company LLP Certified Public Accounts and Consultants; and

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

So moved.

COMMISSIONER TUCCI: Second.
MS. ROSARIO: Commissioner Scarpelli?
COMMISSIONER SCARPELLI: Aye.
MS. ROSARIO: Commissioner Petracco?
COMMISSIONER PETRACCO: Aye.
MS. ROSARIO: Commissioner Evans?
COMMISSIONER EVANS: Aye.
MS. ROSARIO: Commissioner Tucci?
COMMISSIONER TUCCI: Aye.
MS. ROSARIO: Mayor Cocchiola?
MAYOR COCCHIOLA: Aye.
COMMISSIONER EVANS: "WHEREAS, the
Township of Nutley has a need to acquire professional services to assist with real estate appraisals, tax appeals and tax court appearances; and

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

"WHEREAS, the contract is in an amount not to exceed $15,000 and whereas the funds are available in account 9-01-204-200 as evidenced by the Chief Financial Officer's certification attached hereto; and

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

"NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Nutley in the County of Essex, New Jersey, that a contract be awarded to Hendricks Appraisal Company,
"BE IT FURTHER RESOLVED that this contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because the contract is for a service performed by a person(s) authorized by law to practice a recognized profession; and

"BE IT FURTHER RESOLVED that a copy of this resolution, as well as the contract shall be placed on file with the clerk of the Township of Nutley and a notice of this action shall be printed once in the Nutley Sun in accordance with the Local Public Contracts Law."
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MS. ROSARIO: Commissioner Evans?
COMMISSIONER EVANS: Aye.

MS. ROSARIO: Commissioner Tucci?
COMMISSIONER TUCCI: Aye.

MS. ROSARIO: Mayor Cocchiola?
MAYOR COCCHIOLA: Aye.

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

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

"WHEREAS, Hendricks Appraisal Company, LLC, 7 Hutton Avenue, West Orange, NJ 07052 has submitted a fee
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schedule for providing such services, the
total of which is not to exceed
$30,000.00; and

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

"WHEREAS, funds are available from
account 9-01-204200 and have been
certified by the chief financial officer,
said certification being attached to this
resolution;

"NOW, THEREFORE, BE IT RESOLVED that
the Board of Commissioners of the
Township of Nutley authorizes the Mayor
to enter into a contract with Hendricks
Appraisal Company, LLC; and
"BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution."

So moved.

COMMISSIONER TUCCI: Second.

MS. ROSARIO: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MS. ROSARIO: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MS. ROSARIO: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MS. ROSARIO: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MS. ROSARIO: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

COMMISSIONER EVANS: "BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey that in accordance with the provision of R.S. 40-1:4-59, the following transfers of 2008 Appropriation Reserves be and the same
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are hereby authorized and approved:

"From Treasurer's Office Salary and Wage, $2,500.00 to Treasurer's Office O/E, $2,500.00."

So moved.

COMMISSIONER TUCCI: Second.

MS. ROSARIO: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MS. ROSARIO: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MS. ROSARIO: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MS. ROSARIO: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MS. ROSARIO: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

COMMISSIONER EVANS: Mayor, just before I forget, I wanted to just also note that for senior citizens, the property tax freeze program that's offered by the state, they just released new guidance that actually increased the income limit for eligibility for
taxpayers filing for the year 2007 which was due October 31st, 2008. So if you were originally eligible to file but didn't, you are not eligible under this new requirement. But if you are eligible because you weren't originally eligible to file because your income was too high, you now may be able to actually file for that additional tax freeze benefit. And those applications must be in by March 31st, 2009.

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

MAYOR COCCHIOLA: Thank you.

COMMISSIONER EVAN: Thank you, Mayor.

MAYOR COCCHIOLA: Mr. Tucci?

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

"WHEREAS, such services may be acquired as a non-fair and open contract
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pursuant to the provisions of N.J.S.A. 19:44 A-20.4 or 20.5, as appropriate; and

"WHEREAS, Premier Vision Care, P.O. Box 1591, Livingston, N.J. 07039 submitted a proposal indicating that they will provide the services for the sum of $1,688.00; and

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

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

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

I move the resolution.

COMMISSIONER EVANS: Second.

MS. ROSARIO: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.
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MS. ROSARIO: Commissioner Petracco?
COMMISSIONER PETRACCO: Aye.

MS. ROSARIO: Commissioner Evans?
COMMISSIONER EVANS: Aye.

MS. ROSARIO: Commissioner Tucci?
COMMISSIONER TUCCI: Aye.

MS. ROSARIO: Mayor Cocchiola?
MAYOR COCCHIOLA: Aye.

COMMISSIONER TUCCI: "BE IT RESOLVED

by the Board of Commissioners of the
Township of Nutley, County of Essex, New
Jersey that in accordance with the
provisions of R.S. 40A:4-59, the
following transfer (s) of 2008
Appropriations Reserves be and the same
are hereby authorized and approved:

"Department of Parks and Public
Property. From Parks and Playgrounds,
Other Expenses, $3,000.00; Recreation,
Other Expenses, $5,000.00; Public
Buildings and grounds, Salary and Wages,
$850.00; Telephone Services, Other
Expenses, $2,800.00; Utilities,
specifically Electricity, $3,800.00;
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Shade Tree, Other Expenses, $500.00;
To Group Insurance $15,000.00;
Utilities, Fuel Oil, in the amount of $1,000.00; Shade Tree Commission,
Salaries and Wages, in the amount of $850.00, totaling $16,850.00 being moved
from going to the accounts as outlined.

I move the resolution.

COMMISSIONER EVANS: Second.

MS. ROSARIO: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MS. ROSARIO: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MS. ROSARIO: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MS. ROSARIO: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MS. ROSARIO: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

COMMISSIONER TUCCI: That's all I have.

MAYOR COCCHIOLA: Thank you. "BE IT RESOLVED by the Board of Commissioners of
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the Township of Nutley, County of Essex, New Jersey, that Kevin P. Harkins, Esq., be reappointed as Municipal Attorney for the Township of Nutley effective January 1st, 2009, expiring December 31st, 2009."

I move the resolution.

COMMISSIONER TUCCI: Second.

MS. ROSARIO: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MS. ROSARIO: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MS. ROSARIO: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MS. ROSARIO: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MS. ROSARIO: Mayor Cocchiola?

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

"WHEREAS, Dr. Carter Godwin Woodson
established Black History Week in February of 1926, choosing a month that marks the birthdays of two important men who greatly impacted the American black population, Abraham Lincoln and Frederick Douglass; and

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

"NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Township of Nutley celebrates Black History Month 2009 and honors the many achievements and contributions made by African Americans to our economic, cultural and spiritual development in our Nation, our State and our Township."
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COMMISSIONER PETRACCO: Aye.
MS. ROSARIO: Commissioner Evans?
COMMISSIONER EVANS: Aye.
MS. ROSARIO: Commissioner Tucci?
COMMISSIONER TUCCI: Aye.
MS. ROSARIO: Mayor Cocchiola?
MAYOR COCCHIOLA: Aye. "WHEREAS, coronary heart disease is the number one cause of death of American men and women; and 

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

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

"WHEREAS, February is National Heart
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Health Month; and

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

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

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

"NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Commissioners, Township of Nutley, that in recognition of the importance of the ongoing effort to prevent heart disease, we do hereby proclaim February 2009 as National Heart Health Month and will urge all citizens in Nutley, New Jersey to show their
support for preventing heart disease by wearing red on February 6th, learning more about their heart health, eating a healthy diet and maintaining an active lifestyle.

I move the resolution.

COMMISSIONER TUCCI: Second.

MS. ROSARIO: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MS. ROSARIO: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MS. ROSARIO: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MS. ROSARIO: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MS. ROSARIO: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye. "WHEREAS, an application has been received from the Nutley Parent Advocacy Network, Inc. for an Off-Premise 50/50 Cash Raffle to be held on March 29, 2009 (No. 14-09); and

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

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

I move the resolution.

COMMISSIONER TUCCI: Second.

MS. ROSARIO: Commissioner
Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MS. ROSARIO: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MS. ROSARIO: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MS. ROSARIO: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MS. ROSARIO: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye. "BE IT
RESOLVED, by the Board of Commissioners
of the Township of Nutley, County of
Essex, New Jersey that in accordance with
the provision of R.S. 40A: 4-59, the following transfers of 2008 Appropriation Reserves be and the same are hereby authorized and approved:

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

I move the resolution.

COMMISSIONER TUCCI: Second.

MS. ROSARIO: Commissioner Scarpelli?

COMMISSIONER SCARPELLE: Aye.

MS. ROSARIO: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MS. ROSARIO: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MS. ROSARIO: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MS. ROSARIO: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye. That's all the regular visits for the Board at this time. We'll now open the meeting to the public. Is there any member of the public that would like to address the
board? Let me just read the statement, Mr. Russo.

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

Good evening. How you doing?

MR. RUSSO: Mike Russo, 11 Beach Street. I'll make this real quick
because I'm not feeling too well. I have a specific question regarding town-owned vehicles that are issued to specific employees or in specific departments. I'm not talking about police cars or fire trucks or dump trucks. I'm talking about cars and SUVs that are given to the individuals or the individual departments.

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

When I put this request through about a year and a half ago, there were nine vehicles that fell into that category. Several of them were Durangos. So my question is, I guess a two-part
question: number one, a town doesn't keep track of specific information regarding personal or business use? They don't keep track of the gas that goes into each specific vehicle? They don't keep track of where that vehicle is parked at night?

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

MR. HARKINS: Yeah. I mean, for example, if you ask for a car parked in '92 on the record, (indiscernible) parked at night, (indiscernible) respond to that request because they don't have a document. They may know where it's parked but we don't sit down and write
MR. RUSSO: Okay. Maybe I wasn't specific enough. I have a company car. I need to tell my company where I park that car at night because I'm allowed to use it for personal use. Most of these vehicles, from what I understand, are not allowed for personal use. Which means they cannot go home with the employee. If they did take it home, that would be considered commuting. And that would be considered personal use which would have to be separated from the business use. And any personal use would have to be documented as income.

I also have to submit a mileage log at the end of every month. I have to submit gas receipts at the end of every month. I've got to account for that car. It's a great convenience to me. I love it. But my question is are we not keeping track of how much money we're spending on these Durangos and these
cars? I find that shocking.

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

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

MR. RUSSO: Can I just ask one question?

COMMISSIONER EVANS: Sure.

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

COMMISSIONER EVANS: No. It's
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actually a Jeep Laredo.

MR. RUSSO: Okay. Sorry.

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

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

COMMISSIONER EVANS: Gas Boy. So it's just a way of doing that. So there is a record of gas consumption of the vehicle.
To take that to another level, is there something that says when somebody fills up at that gas pump, how much of that gas is used for personal use versus -- or how much is related to personal use or not, those reports are not broken out that way. But there is a record of the actual gas being used that's monitored by each of the commissioners.

Each year, my department will ask each commissioner's department to provide me with whether or not a vehicle was used for personal use. There are vehicles that are sent home specifically to an address to allow for a quick response to the township. But they are not allowed to be moved from that location or used. So once it arrives home, it's parked. And so, there's some activity that relates to that activity. There's also -- because the township has things that are going on day and night, you might find a vehicle that's out on a
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Sunday checking for water flow levels, sewage levels. You can find a municipal vehicle out in the evening going to check the bathrooms at the park across the town because in the summertime, they close later in the evening. So you'll find that ongoing use in the town. But we ask for them to provide -- each commission department to provide my office with a record of personal use because we do impute income when it's determined on the W-2, as I'm sure you would recognize as the standard procedure.

So that I can share with you.

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

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

MR. RUSSO: And where does he work
during the day?

COMMISSIONER SCARPELLI: He works at the municipal garage.

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

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

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

COMMISSIONER PETRACCO: I'm next.

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

COMMISSIONER PETRACCO: I just have two cars that go home. One is for the deputy chief of the fire department which
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is actually -- was purchased who has that fund. That truck -- the reason why he takes it home is because he's on duty twenty-four hours for any Hasmat calls that he takes that vehicle to. And when he takes that vehicle on a Hasmat call, we get refunded by wherever that truck goes for time used and the deputy chief does not put in any reimbursement to itself. The only other car that I have is to Dave Wilson. He's our fire official. Again, he gets called out of his house and he fires anything relating to that. So when he's -- he's basically on call twenty-four hours a day. Actually, this past Sunday he was out on a couple calls. We had a snow blower fire on Raymond Avenue. We had a car fire on Bloomfield Avenue. So he responded to that. That's all I have.

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

MAYOR COCCHIOLA: Mr. Tucci?
COMMISSIONER TUCCI: Okay. I have two vehicles that go home. I believe they're both eight year old Durangos. They have -- the two employees -- one is my superintendent, Mr. Pandolfi. The other is my general supervisor, Mr. Kirk. And when Commissioner speaks about you may see the silver Durango driving through the parks on evenings and weekends, that's because Mr. Kirk, on his own time, because neither of those employees get any overtime, goes around checks the bathrooms and even locks the bathrooms.

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

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

MAYOR COCCHIOLA: Thank you, Mr. Russo. Is there anyone else that would like to address the board this evening?
MR. MOORE: Orrie Moore, 462 Chestnut Street. Commissioner Tucci --

COMMISSIONER TUCCI: Yes?

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

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

MR. MOORE: My specific question -- maybe I was incorrect in asking it. I remember several times asking about the employees' handbook which discusses drugs
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and alcohol abuse. And this evening --
this was presented by the Mel or the JIF?

COMMISSIONER TUCCI: The JIF.

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

COMMISSIONER TUCCI: Correct.

MR. MOORE: -- for three million
dollars.

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

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

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

MR. MOORE: Okay. Will there be --
he said it was an annual meeting. So is there a meeting during the year where they're updating -- you receive an update for drug and alcohol abuse?

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

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

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

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

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

MR. MOORE: Is that going to be -- I believe Commissioner Petracco had brought
up you had to discuss it with the unions. Did you just settle the contract with the police and the firemen? Was that discussed? I believe that was one of the provisions.

COMMISSIONER TUCCI: When we had that demonstration?

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

COMMISSIONER TUCCI: Right.

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

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

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

COMMISSIONER TUCCI: They have not. They're still underway.
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MR. MOORE: Do you have an anticipated time frame for an agreement?

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

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

COMMISSIONER TUCCI: Right.

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

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

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

COMMISSIONER TUCCI: This'll be a townewide policy whereby collective bargaining agreements do not directly address drug and alcohol abuse.
MR. MOORE: I believe the federal government does. And I believe they supersede all contracts.

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

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

COMMISSIONER EVANS: Um-hmm.

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

COMMISSIONER EVANS: Nivacci (ph.)?

Yes.

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

COMMISSIONER EVANS: As part of what he covers and he does have to look at the water utilities, except for
MR. MOORE: No. I'm just trying to read the affidavit that you have. It says "Amount not to exceed" and it lists the amount respectively. And it appears that the fund, his current fund is water operations.

COMMISSIONER EVANS: Yes. Of course, yes.

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

COMMISSIONER EVANS: The water utility is under Revenue and Finances. It's a separate entity which is subject to audits. So part of the fee is appropriately charged to the operating account of the current fund of the water utility of which part of it is appropriately charged to the municipal fund.

MR. MOORE: I called up local finances here that I had a very lengthy
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conversation with --

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

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

MAYOR COCCHIOLA: You can finish --

MR. MOORE: I still have a question.

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

MR. MOORE: I'm trying.

MAYOR COCCHIOLA: Thank you.

MR. MOORE: Okay.

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

MR. MOORE: (indiscernible)e.

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

UNIDENTIFIED SPEAKER: Motion to
adjourn.

COMMISSIONER SCARPHELLI: Seconde

MS. ROSARIO: Commissioner Scarpelli?

COMMISSIONER SCARPHELLI: Aye.

MS. ROSARIO: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MS. ROSARIO: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MS. ROSARIO: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MS. ROSARIO: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

(Meeting adjourned)
CERTIFICATION

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