

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, January 6, 2009  
7:00 p.m.

BEFORE:

- JOANNE COCCHIOLA, Mayor
- THOMAS J. EVANS, Commissioner
- ALPHONSE PETRACCO, Commissioner
- JOSEPH P. SCARPELLI, Commissioner

ALSO PRESENT:

- KEVIN P. HARKINS, ESQ.,
- MUNICIPAL ATTORNEY

Job No. : 200661

1 Nutley Twp Board of Commissioners - 1/6/09

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

4 (Pledge of Allegiance)

5 MAYOR COCCHIOLA: Madam Clerk, can  
6 you please read the Sunshine Notice?

7 THE CLERK: Yes, Mayor.

8 Tuesday, January 6, 2009, pursuant  
9 to the requirements of the Open Public  
10 Meeting Law, (Chapter 231 P.L. 1975),  
11 notice of this meeting was published in  
12 the December 18, 2008 issues of the  
13 Nutley Sun, the Journal, the Star Ledger  
14 and the Herald News. A copy of this  
15 notice has been posted on the Nutley Town  
16 Hall bulletin board and a copy is on file  
17 in the Municipal Clerk's Office.

18 Commissioner Scarpelli?

19 COMMISSIONER SCARPELLI: Here.

20 THE CLERK: Commissioner Petracco?

21 COMMISSIONER PETRACCO: Here.

22 THE CLERK: Commissioner Evans?

23 COMMISSIONER EVANS: Here.

24 THE CLERK: Commissioner Tucci is  
25 absent, excused at this time. Mayor

1 Nutley Twp Board of Commissioners - 1/6/09  
2 Cocchiola?

3 MAYOR COCCHIOLA: Here.

4 THE CLERK: All present, Mayor, with  
5 the exception of Commissioner Tucci.

6 MAYOR COCCHIOLA: Thank you. We can  
7 move on to correspondence.

8 THE CLERK: Yes, Mayor. I have one  
9 item of correspondence. I have meeting  
10 minutes from the North Jersey District  
11 Water Supply Commission for their meeting  
12 held November 26, 2008e And that's all  
13 for communications, Mayor.

14 MAYOR COCCHIOLA: Thank you. And  
15 bills?

16 THE CLERK: Yes, Mayor. Bill list,  
17 January 6, 2009:

18 Public Affairs, \$376,467.75; Revenue  
19 and Finance, \$3,0305,20.50; Public  
20 Safety, \$0.00; Public Works, \$298,098.99;  
21 Parks and Public Property \$373,446.85.  
22 Payroll as of December 23, 2008,  
23 \$734,979.50. For a grand total bill list  
24 of \$4,078,234.09e

25 And that's all for bills, Mayor.

1 Nutley Twp Board of Commissioners - 1/6/09

2 UNIDENTIFIED SPEAKER: Move the  
3 bills.

4 UNIDENTIFIED SPEAKER: Second.

5 THE CLERK: Commissioner Scarpelli?

6 COMMISSIONER SCARPELLI: Aye.

7 THE CLERK: Commissioner Petracco?

8 COMMISSIONER PETRACCO: Aye.

9 THE CLERK: Commissioner Evans?

10 COMMISSIONER EVANS: Aye.

11 THE CLERK: Mayor Cocchiola?

12 MAYOR COCCHIOLA: Aye.

13 THE CLERK: Thank you, Mayor.

14 MAYOR COCCHIOLA: Thank you. I also  
15 want to note, for the record, that I have  
16 a report for the Department of Public  
17 Affairs monthly activities for December  
18 2008e That will be incorporated in the  
19 record for this eveninge

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

22 COMMISSIONER EVANS: Yes, which I'll  
23 read by title, 3090. An ordinance to  
24 amend an ordinance codified in the code  
25 of the Township of Nutley, Chapter 228,

1 Nutley Twp Board of Commissioners - 1/6/09  
2 entitled Vehicles and Traffic,  
3 particularly Article II, Parking of  
4 certain streets, Section 14 entitled  
5 Parking Prohibited During Certain Hours,  
6 to add the location set forth therein.

7 I move that this ordinance be passed  
8 to a second reading and advertised in the  
9 Nutley Sun, together with a notice  
10 required by law. And that further  
11 consideration of said ordinance for final  
12 passage by the Board of Commissioners be  
13 held at its second reading on February 3,  
14 2009.

15 So moved.

16 UNIDENTIFIED SPEAKER: Second.

17 THE CLERK: Commissioner Scarpelli?

18 COMMISSIONER SCARPELLI: Aye.

19 THE CLERK: Commissioner Petracco?

20 COMMISSIONER PETRACCO: Aye.

21 THE CLERK: Commissioner Evans?

22 COMMISSIONER EVANS: Aye.

23 THE CLERK: Mayor Cocchiola?

24 MAYOR COCCHIOLA: Aye. And we can  
25 move on to public hearings. Commissioner

1 Nutley Twp Board of Commissioners - 1/6/09  
2 Petracco, ordinance #3086.

3 COMMISSIONER PETRACCO: Yes, Mayor.  
4 My first ordinance is an ordinance to fix  
5 the salaries of certain officers and  
6 employees of the Township of Nutley,  
7 County of Essex, State of New Jersey,  
8 effective January 1st. It's  
9 communication operators. It's regarding  
10 (indiscernible) factors.

11 MAYOR COCCHIOLA: Madam Clerk, that  
12 ordinance was published, correct?

13 THE CLERK: Yes, Mayor. That was  
14 published in the December 18th issue of  
15 the Nutley Sun and duly noted on the  
16 bulletin board.

17 MAYOR COCCHIOLA: Thank you.

18 COMMISSIONER EVANS: I make a motion  
19 that this ordinance be passed and adopted  
20 in accordance with the law.

21 THE CLERK: Mayor, we need to open -

22 -

23 MAYOR COCCHIOLA: We need to open up  
24 the public hearing. Is there any member  
25 of the public that would like to address

1 Nutley Twp Board of Commissioners - 1/6/09  
2 the board with respect to ordinance  
3 #3086?

4 (Pause)

5 MAYOR COCCHIOLA: There is no one.  
6 Is there anyone from the Board of  
7 Commissioners that would like to address  
8 ordinance #3086?

9 UNIDENTIFIED SPEAKER: Just a point  
10 of clarification. Just -- Commissioner,  
11 there's some confusion that this is  
12 linked to an adjustment that is actually  
13 for 2009, just making sure we're real  
14 clear that this is retroactive to  
15 complete fiscal year 2008 and that we  
16 haven't set any salary discussions for  
17 2009 as yet.

18 UNIDENTIFIED SPEAKER: That's  
19 correct.

20 UNIDENTIFIED SPEAKER: Just for  
21 clarification for the record. Thank you.

22 UNIDENTIFIED SPEAKER: You're  
23 welcome.

24 MAYOR COCCHIOLA: Then I need a  
25 motion to close the public hearing.

1 Nutley Twp Board of Commissioners - 1/6/09

2 UNIDENTIFIED SPEAKER: Move we close  
3 the public hearing.

4 UNIDENTIFIED SPEAKER: Second.

5 THE CLERK: Commissioner Scarpelli?

6 COMMISSIONER SCARPELLI: Aye.

7 THE CLERK: Commissioner Petracco?

8 COMMISSIONER PETRACCO: Aye.

9 THE CLERK: Commissioner Evans?

10 COMMISSIONER EVANS: Aye.

11 THE CLERK: Mayor Cocchiola?

12 MAYOR COCCHIOLA: Aye.

13 UNIDENTIFIED SPEAKER: Okay, Mayor -

14 -

15 MAYOR COCCHIOLA: No, now we need a  
16 motion to adopt the ordinance.

17 THE CLERK: To move it.

18 MAYOR COCCHIOLA: You move it,  
19 Commissioner Petracco?

20 COMMISSIONER PETRACCO: Yes.

21 THE CLERK: Okay.

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

25 UNIDENTIFIED SPEAKER: Second.



1 Nutley Twp Board of Commissioners - 1/6/09

2 THE CLERK: Commissioner Scarpelli?

3 COMMISSIONER SCARPELLI: Aye.

4 THE CLERK: Commissioner Petracco?

5 COMMISSIONER PETRACCO: Aye.

6 THE CLERK: Commissioner Evans?

7 COMMISSIONER EVANS: Aye.

8 THE CLERK: Mayor Cocchiola?

9 MAYOR COCCHIOLA: Aye. Ordinance  
10 #3087, Commissioner Petracco?

11 COMMISSIONER PETRACCO: Thank you,  
12 Mayor. An ordinance to amend an  
13 ordinance codified in the Township of  
14 Nutley, Chapter 49, entitled  
15 Establishment and Organization of the  
16 Police Department.

17 This is regarding to our making  
18 another sixth police lieutenant in the  
19 police department. And I have a few  
20 reasons why, I jotted down, that I'd like  
21 to discuss publicly, if I may.

22 The first thing I'd like to say is  
23 that this is part of a long-term plan.  
24 And this is an effort in cost reduction.

25 Currently, right now, our police

1 Nutley Twp Board of Commissioners - 1/6/09  
2 department has an overtime budget of  
3 \$350,000.00 in 2008, which most likely  
4 we'll exceed the \$400,000.00 mark in  
5 2009.

6 Right now on the weekends and  
7 midnights we have no lieutenants  
8 currently. So we have fifty-two weekends  
9 a year where there is no lieutenants at  
10 all. The reason for this lieutenant's  
11 position is that I want to be able to  
12 replace sergeants on the road. Because  
13 what happens traditionally in the police  
14 department is when a patrolman calls out  
15 sick, we don't have the proper coverage.  
16 We don't have that luxury of having that  
17 lieutenant on because of the work  
18 schedule we have there. We have a five  
19 and two, that means every shift there's a  
20 hole for a lieutenant, on weekends there  
21 is none.

22 So if someone calls in sick, as a  
23 police officer, right now we don't have  
24 enough staff to say to a sergeant, the  
25 sergeant can go on the road and alleviate

1 Nutley Twp Board of Commissioners - 1/6/09  
2 the overtime burden that's put on the  
3 municipality and public safety directly.

4 The cost, I think there was a lot of  
5 talk that people thought we were going to  
6 hire out for that position at a cost of  
7 \$120,000.00 or \$130,000.00, that's not  
8 the case. The case is, is that the total  
9 cost for this position should be  
10 approximately \$11,000.00. Because what I  
11 am doing is I'm looking to promote a  
12 person that is already in-house into that  
13 position.

14 So just to let the public know,  
15 Mayor, a captain is retiring this year at  
16 ten percent longevity. We're going to  
17 replace him with a junior captain at a  
18 four percent longevity. So also there's  
19 a savings there.

20 Also I want to make something clear,  
21 as the Public Safety Director I'm in  
22 charge of both budgets, actually three of  
23 them, fire, police and also the rescue  
24 squad. This year alone we saved well  
25 over \$100,000.00 on the fire side. And

1 Nutley Twp Board of Commissioners - 1/6/09  
2 the reason why we saved that money was  
3 because of not replacing the firefighter  
4 which retired. We also had a litigation  
5 with an individual and when we awarded  
6 that position back we did not do that  
7 with back pay. So we saved well over  
8 \$100,000.00 on the fire side.

9 Now the way I look at this is, we're  
10 saving \$100,000.00 or even more on the  
11 fire side, if we're incurring an  
12 \$11,000.00 expense right now, even though  
13 in the future I think that there's a big  
14 savings there. And another part of the  
15 puzzle I'd like to mention is the reason  
16 why we need a lieutenant is because over  
17 time what we're trying to do is  
18 civilianize the desk. I don't believe  
19 it's wise right now in this economy to  
20 have two police officers on the desk. A  
21 sergeant that works the desk makes  
22 \$90,000.00 a year on the police side.

23 So what I'm trying to do is, I'm  
24 trying to hire civilians at half that  
25 price, approximately in the \$40,000.00

1 Nutley Twp Board of Commissioners - 1/6/09  
2 range, this way we could get these police  
3 back out on the road. And how do you do  
4 that? If we have a lieutenant in house,  
5 like we're proposing to do, it enables us  
6 to put that sergeant on the road when  
7 someone calls in sick, enabling me to cut  
8 down on the overtime budget, which is  
9 ultimately our goal.

10 One other thing I'd like to touch on  
11 too is September 11, 9/11; it's already  
12 eight years away. And I think, as a  
13 society, we forget exactly what happened  
14 that day. Our memories go blank. If  
15 something really hits this township we  
16 have to be prepared. In order to be  
17 prepared we have to have the right  
18 staffing. And obviously there's a cost  
19 to pay for protection and there's a cost  
20 to pay for our children to be able to  
21 walk down the avenue. But again, I'm not  
22 doing this to raise the cost; I'm doing  
23 it to reduce our overtime budget which I  
24 really believe this does.

25 But again, when 9/11 hit everybody

1 Nutley Twp Board of Commissionerse- 1/6/09  
2 was screaming protect us at any cost. We  
3 threw millions and millions and billions  
4 of dollars across our country as a  
5 society into homeland security. Right  
6 now I'm asking for \$11,000.00, not to  
7 spend but to reduce our costs after  
8 saving the township well over  
9 \$100,000.00. So I don't look at it as  
10 the police, fire budget or rescue. I  
11 believe that public safety is one budget  
12 that I'm in charge of and I think that  
13 there's a great savings there to move  
14 into the future.

15 So again, recapping, I'd just like  
16 to say that right now the initial cost is  
17 \$11,000.00. We are not hiring someone  
18 out there for \$120- or \$130,000.00. We  
19 have a captain that's retiring so it's  
20 just a promotion but it gives us the  
21 luxury of being able not to be in an  
22 overtime situation right off the bat if  
23 somebody calls in sick.

24 And that's all I have, Mayor, on  
25 that topic.

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2 MAYOR COCCHIOLA: Is there any  
3 member of the public that would like to  
4 address the board with respect to this  
5 ordinance, #3087?

6 MR. RUSSO: Hi. Mike Russo, 11  
7 Beach Street. Commissioner Evans, I read  
8 on a local website over the weekend that  
9 you're opposed to this, is there any  
10 truth to that rumor or to that article?

11 COMMISSIONER EVANS: I was never  
12 asked about that article. So I have not  
13 commented on -- I did not make that  
14 comment.

15 MR. RUSSO: Okay. Are you in favor  
16 of this position?

17 COMMISSIONER EVANS: We're not going  
18 to vote this tonight but I have questions  
19 about it that I'm going to ask as well.  
20 The -- in part is understanding whether  
21 or not there's any other officers of rank  
22 that can be moved around from other  
23 positions that already exist that aren't  
24 currently on the street that maybe could  
25 be moved into an operations spot where

1 Nutley Twp Board of Commissioners - 1/6/09  
2 they can control the street. I just have  
3 a question on that, that I'd like to have  
4 answered tonight.

5 Also, the other question I had,  
6 which is probably at the root of yours,  
7 is that we're talking about an  
8 advancement of a sergeant to a  
9 lieutenant's position, which creates a  
10 sergeant's vacancy which would be filled.  
11 Does that create a cascade that says at  
12 the entry level am I also adding a  
13 patrolman. So my increase in the overall  
14 headcount of the police department or am  
15 I just really doing a promotion. It was  
16 a question in my mind, for clarification,  
17 as to when you think of the cascade of  
18 that. So is the effect of this  
19 \$11,000.00 increase just as a promotional  
20 increase or is there also the salary,  
21 benefits and other associated by adding a  
22 patrolman to the force and therefore  
23 increasing overall headcount. Which,  
24 they start out at a low salary but then  
25 they move up by steps.



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2 So given the financial environment  
3 that we're in, that I have questions  
4 about making sure that if this is going  
5 to help us, that it's clear that we can  
6 actually save money as a result of it.  
7 I'm all for making decisions that are for  
8 public safety, public interest, but also  
9 that it just be real clear that we're  
10 saving money along the way.

11 MR. RUSSO: Thank you.

12 MAYOR COCCHIOLA: Is there any other  
13 member of the public that would like to  
14 address the board this evening? Any  
15 other commissioners? Commissioner  
16 Scarpelli, any other comments?  
17 Commissioner Evans, do you have any other  
18 question?

19 MR. EVANS: My question was,  
20 Commissioner Petracco, your comments were  
21 directed to the cost of the promotion of  
22 \$11,000.00.

23 COMMISSIONER PETRACCO: Uh-huh.

24 COMMISSIONER EVANS: So we're  
25 promoting a sergeant to a lieutenant spot

1 Nutley Twp Board of Commissioners - 1/6/09  
2 by adding to the additional lieutenant  
3 rank. So there's an increase as a result  
4 of that.

5 COMMISSIONER PETRACCO: Yes.

6 COMMISSIONER EVANS: There's then a  
7 vacancy at the sergeant's level. And so,  
8 is there also going to be a promotion of  
9 the sergeant's level, which will then  
10 create an opening at the patrolmen level,  
11 the cascade. So ultimately what's going  
12 to happen?

13 COMMISSIONER PETRACCO: That's  
14 actually a good question. And what's  
15 going to happen is right now, today, in  
16 the police department we have thirteen  
17 sergeants. The number of sergeants,  
18 commissioner, is not going to change. So  
19 we will have today, whether we make this  
20 promotion or not, the same amount of  
21 sergeants.

22 COMMISSIONER EVANS: So there's a  
23 vacancy at the sergeant level, there will  
24 be a promotion from a patrolman to the  
25 sergeant's level?

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2 COMMISSIONER PETRACCO: Yes.

3 COMMISSIONER EVANS: And so that

4 will create a vacancy at the patrol level  
5 by reducing the patrol force by one. So  
6 there is a vacancy there, is that going  
7 to be replaced?

8 COMMISSIONER PETRACCO: Well let me  
9 say this to you, there's always a  
10 maintenance plan, I would say, as far as  
11 having police in the academy and having  
12 patrolmen being hired, almost every year  
13 As you know, Nutley has only sixty-eight,  
14 including our chief, a squad of sixty-  
15 eight police officers. In our  
16 neighboring towns they're well into the  
17 hundredse Belleville has over a hundred,  
18 Bloomfield has over a hundred, Clifon  
19 has almost 200.

20 Now, also in this plan,  
21 commissioner, I am seeking that in the  
22 next five years, as we know our  
23 neighboring communities and the crime  
24 rate and things that are happening in our  
25 own town, it's evident that sixty-eight

1 Nutley Twp Board of Commissioners - 1/6/09  
2 is, kind of, a low number respectfully to  
3 what's around us. So would I like to see  
4 that number increase? Absolutely. Do I  
5 think that this is the economic climate  
6 for that? No. So we're trying to do  
7 more with less but in order to do more  
8 with less, such as putting the sergeants  
9 on the road -- we have thirteen sergeants  
10 right now.

11 Another interesting fact too, I  
12 don't know if anybody's aware of this, in  
13 1989 we had six captains in our police  
14 department. Today, we have one. In 1977  
15 we had sixteen sergeants in our police  
16 department, 1977; it's a long time ago.  
17 Today, we have thirteen.

18 So I think in order to answer your  
19 question, this is a plan that in effect  
20 if we were to catch up to our neighboring  
21 towns with police officers, and they're  
22 well into the hundreds. Again, we're at  
23 sixtyeight, maybe right now we could use  
24 another ten police officers but maybe  
25 with this plan and being able to get

1 Nutley Twp Board of Commissioners - 1/6/09  
2 police officers from behind the desk and  
3 out into the street and civilianize where  
4 you can, maybe we could get away with  
5 only hiring two this year. So I think  
6 there's a savings there also.

7 COMMISSIONER EVANS: I'm sorry, I'm  
8 just not clear.

9 COMMISSIONER PETRACCO: Go ahead.

10 COMMISSIONER EVANS: So given the  
11 shift that said we're going to have  
12 thirteen sergeants --

13 COMMISSIONER PETRACCO: Well, that's  
14 already there.

15 COMMISSIONER EVANS: I know that. I  
16 know that. And so by adding a sixth  
17 lieutenant, making six, it creates a  
18 sergeant vacancy.

19 COMMISSIONER PETRACCO: Right.

20 COMMISSIONER EVANS: So we're not  
21 reducing the number of sergeants, we're  
22 keeping it at thirteen.

23 COMMISSIONER PETRACCO: We're  
24 keeping exactly where it is but we're not  
25 going to fourteen.

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2 COMMISSIONER EVANS: I understand  
3 that. So the thirteenth sergeant --

4 COMMISSIONER PETRACCO: Yes.

5 COMMISSIONER EVANS: -- right,  
6 that's now open, are we going to promote  
7 someone into that position to fill that  
8 vacancy?

9 COMMISSIONER PETRACCO: Yes.

10 COMMISSIONER EVANS: Okay. So then  
11 that means that we are going to reduce  
12 the patrol staff, patrolmen, by one  
13 because we're promoting up to fill that  
14 spot. Doesn't that mean then will you  
15 then -- so my other question is, does  
16 that mean that you will add a patrolman  
17 this year?

18 COMMISSIONER PETRACCO: I'm actually  
19 hoping to add two or three patrolmen.

20 COMMISSIONER EVANS: So is there --  
21 so the other question is, and I  
22 understand the historical perspective and  
23 part of that was looking at the ratio of  
24 supervisory personnel to line personnel  
25 and getting those ratios straightened

1 Nutley Twp Board of Commissioners - 1/6/09  
2 out.

3 COMMISSIONER PETRACCO: Uh-huh.

4 COMMISSIONER EVANS: Al right. So I  
5 know some of that history is related to  
6 adjusting the TOO to reflect that. Okay.  
7 So my question is that then, overall,  
8 we're going to add police officers this  
9 year, this coming year?

10 COMMISSIONER PETRACCO: I would  
11 believe in the upcoming budget in 2009,  
12 and we obviously haven't handed it in, we  
13 are probably going to add -- we're going  
14 to be looking to add two to three  
15 patrolmen. Again, if in this challenging  
16 fiscal time, if that allows us to.

17 COMMISSIONER EVANS: Thank you.

18 COMMISSIONER PETRACCO: You're  
19 welcome.

20 MAYOR COCCHIOLA: I have a follow-up  
21 question. Commissioner Petracco, we just  
22 described the lieutenant moving up to the  
23 sergeant, the patrolman moving up to  
24 sergeant and a new patrolmen, forget the  
25 other additional hires but just that

1 Nutley Twp Board of Commissioners - 1/6/09  
2 sequence, one patrolman moving up, one  
3 sergeant moving up that is all  
4 encompassed in the analysis that there's  
5 only an \$11,000.00 increase? Do you know  
6 what I'm saying?

7 COMMISSIONER PETRACCO: I think our  
8 initial cost is \$11,000.00.

9 MAYOR COCCHIOLA: With the three  
10 movements up, as a result of this one  
11 change there's going to be a movement of  
12 three people.

13 COMMISSIONER PETRACCO: Well, I  
14 don't know that that's going to cover a  
15 new hire in that.

16 MAYOR COCCHIOLA: For the new hire,  
17 then.

18 COMMISSIONER PETRACCO: I mean, if  
19 we hire somebody, obviously, I think they  
20 start out of the academy at \$25,000.00.  
21 But Mayor let me tell you my point also,  
22 is again, the thing I want to stress upon  
23 is this. As a public safety director I'm  
24 in charge of three budgets. And if I  
25 don't replace that firefighter, not to



1 Nutley Twp Board of Commissioners - 1/6/09  
2 say that I'm going to or not, but if I  
3 don't replace that firefighter have I not  
4 saved the township a \$100,000.00 thousand  
5 plus benefits and medical. So there is a  
6 cost -- say there's a \$25,000.00 cost,  
7 still haven't we done our job and saved  
8 \$750,000.00 for the township and protected  
9 the Nutley residents.

10 And the thing I can't stress upon  
11 enough, we have sixty-eight police  
12 officers in this town. Belleville has  
13 over a hundred. Clifton has almost 200.  
14 Bloomfield has well over a hundred. So  
15 I'm not naming towns that are an hour  
16 away from here. I'm not naming locations  
17 down the shore; I'm naming towns that are  
18 neighboring towns.

19 And I'm very confident that I could  
20 find the money throughout the public  
21 safety budget in order to make this  
22 feasible. So I'm looking to save money  
23 in other directions.

24 Also, a very important part of the  
25 puzzle that I think we're missing is that

1 Nutley Twp Board of Commissioners - 1/6/09  
2 the over-time budget is going into the  
3 \$400,000 dollar mark in 2009e If we put  
4 this position in and if we could possible  
5 save \$50,000.00, \$100,000.00, I don't  
6 know the exact number, by civilianizing  
7 the desk. So in other words, this is  
8 part of a plan. This is not just one  
9 position that I'm asking for, it's in  
10 conjunction with a plan that has to be  
11 fulfilled.

12 So again, if I don't have that  
13 lieutenant in order to stay in the police  
14 station and supervise that desk and tell  
15 a sergeant what to do. Again, Nutley has  
16 thirteen sergeants. They are the first  
17 line of supervision that we have. A lot  
18 of times there's two sergeants in, that's  
19 when I feel that we could get that  
20 sergeant on the road. But what occurs  
21 some of the times is if you have two  
22 people in charge at the same time, like  
23 most of the time we do and there are two  
24 sergeants, well if something really  
25 happens, who's in charge? That's why I

1 Nutley Twp Board of Commissioners - 1/6/09  
2 really think that the lieutenant's  
3 position is a very important position  
4 because he can then act as a superior  
5 officer, not just a first line defender.

6 COMMISSIONER EVANS: Excuse me,  
7 commissioner. Just a point of  
8 clarification again. You said that the  
9 overtime budget is going over  
10 \$400,000.00?

11 COMMISSIONER PETRACCO:  
12 Commissioner, I'm not positive of the  
13 exact numbers, but if you traditionally  
14 factor in a three to four percent  
15 increase contractually and you do the  
16 math, I think we'll be well into the  
17 400s.

18 COMMISSIONER EVANS: I think it's  
19 important that given the financial  
20 climate that we're in that we do all that  
21 is possible to reduce our costs and truly  
22 reduce them. And so looking at  
23 reductions and increase in costs is part  
24 of that but it truly doesn't actually  
25 reduce the current cost of operation, it

1 Nutley Twp Board of Commissioners - 1/6/09  
2 protects against its increasing cost. So  
3 I would -- I just -- we will obviously  
4 take this up more with the budget  
5 discussions but the rising cost of  
6 overtime is something, clearly, that we  
7 have to control and we all recognize  
8 that.

9 The other question I had is a little  
10 separate from the particular lieutenant's  
11 comment, is that this ordinance does much  
12 more than add a lieutenant. It does have  
13 things in it that I think is reorganizing  
14 some of the attributes of the police  
15 department, would you care to comment?

16 COMMISSIONER PETRACCO: I'm sorry?

17 COMMISSIONER EVANS: The attributes  
18 of the police department and its  
19 operation, would you care to comment on  
20 that?

21 COMMISSIONER PETRACCO: Well, I  
22 actually have the chief here and I'm sure  
23 that he could be very clear on it; my  
24 focus was mostly on this. But I'm pretty  
25 confident that in this ordinance most of

1 Nutley Twp Board of Commissioners - 1/6/09

2 it is just language changes such as I'm  
3 very familiar with one. When I became  
4 the public safety director we had a  
5 grievance from the PVA union according to  
6 the language looking for another  
7 sergeant's position. Because as the  
8 ordinance read, it read that the Nutley  
9 Police Department shall have thirteen  
10 police officers. And what I've gone on  
11 to do is I changed the language that it  
12 gives myself, as the public safety  
13 director, an option. And I rewrote that  
14 to say up to thirteen. So if there's a  
15 day that I feel that we do not need  
16 thirteen sergeants then we'll be able to  
17 say maybe we need ten but I won't get  
18 grief from the union with that.

19 COMMISSIONER SCARPELLI: May I?

20 MAYOR COCCHIOLA: Commissioner  
21 Scarpelli?

22 COMMISSIONER SCARPELLI:

23 Commissioner, you laid out how this will  
24 -- that it will cost us \$11,000.00 and  
25 with reorganizing and civilianizing the

1 Nutley Twp Board of Commissioners - 1/6/09  
2 police desk there'll be a potential  
3 savings. Is there any plan, a year from  
4 now, to relook at this and see if it  
5 didn't save us money looking at it a  
6 different way, potentially?

7 COMMISSIONER PETRACCO: Commissioner  
8 Scarpelli, I would -- if anything that I  
9 did to jeopardize the public's tax money  
10 that we collect here, if it wasn't  
11 working and I commend all of you for your  
12 questions and I appreciate your input, I  
13 absolutely would change. And I'm not  
14 afraid if something's not working. It's  
15 a good point, Commissioner Scarpelli.

16 Another thing that I'm a very big  
17 fan of is when you promote somebody, a  
18 lot of times people get promotions at  
19 their job places and they now think it's  
20 time to do less. Well, people that I  
21 promote the first words that come out of  
22 my mouth is it's not time to do less it's  
23 time to do more.

24 So at the end of this plan, if it's  
25 a year into this, I would not -- let me

1 Nutley Twp Board of Commissioners - 1/6/09

2 repeat that -- I would not be afraid to  
3 demote somebody if this is not a cost  
4 effecting plan.

5 COMMISSIONER SCARPELLI: Thank you.

6 COMMISSIONER PETRACCO: You're  
7 welcome.

8 MAYOR COCCHIOLA: Commissioner  
9 Petracco, I just want to thank you for --  
10 I've had a number of conversations with  
11 you and I want to thank you for  
12 considering my comments in the redrafting  
13 of this ordinance initially. And I  
14 guess, Mr. Russo -- I'm sorry; Mr.  
15 Malkinfin, I'm going to just finish and  
16 then I'm going to allow you.

17 Mr. Russo, you got up and you asked  
18 Commissioner Evans something about what  
19 his thought process was and I guess I'm  
20 going to add to that as well that my  
21 biggest concern was and continues to be,  
22 as you can see all of us have the same  
23 concern, is the creation of a new  
24 position like this going to increase  
25 costs in the future or will it ultimately

1 Nutley Twp Board of Commissioners - 1/6/09

2 save costs. And I've had numerous  
3 discussions with Commissioner Petracco  
4 and I have to rely on his expertise and  
5 his judgment as the director of that  
6 department as I do with every director.  
7 We are all very respectful of each other  
8 and the knowledge and expertise that we  
9 gain by running our departments. I  
10 listened to Commissioner Petracco talk  
11 about this, as we all have, and I can  
12 only be hopeful that there are going to  
13 be cost saving measures with this  
14 reorganization and with promoting someone  
15 else to lieutenant.

16 The challenges that we face, the  
17 five of us, are enormous. As we move  
18 forward it's really -- I'm not really  
19 sure how we're going to do it, we will.  
20 We're going to devote all our time to  
21 making sure that we do the best job that  
22 we can for the taxpayers of this  
23 township. But there's always a concern,  
24 and we should have a concern, about any  
25 ordinance that we have to vote on that



1 Nutley Twp Board of Commissioners - 1/6/09  
2 that could increase costs. And we're at  
3 a crossroads now. We're at a point where  
4 we might have to think about ways to  
5 reduce costs much more significantly than  
6 we have before.

7 So I was just a little concerned  
8 about your comment of just asking  
9 Commissioner Evans because I think we all  
10 have expressed a concern to the  
11 commissioner about what this means for  
12 the future. We really have to move  
13 forward together in a way that we're  
14 going to reduce costs in this township,  
15 not increase them. So that's, I guess --  
16 I just wanted to address that because I  
17 felt that you might have just been asking  
18 one commissioner but I think that we all  
19 share the same concerns about cost in the  
20 future.

21 Mr. Malkinfin, how are you this  
22 evening?

23 MR. MALKINFIN: Fine, thank you  
24 Mayor. Ken Malkinfin, 44 Chestnut  
25 Street. Mayor, may I address

1 Nutley Twp Board of Commissioners - 1/6/09  
2 Commissioner Petracco directly?

3 MAYOR COCCHIOLO: Yes, you may.

4 MR. MALKINFIN: Commissioner, I  
5 understand everything you're saying. I  
6 was a little bit taken aback by your  
7 comment that you want to increase us to  
8 the level of Clifton, Belleville or  
9 Bloomfield's force size. The fact that  
10 we've been able to operate with the  
11 amount of officers we have, says a lot  
12 about people who care about this town,  
13 our police officers and our fire  
14 department.

15 Why in the world would you want to  
16 bring the force up to a hundred or  
17 eighty, ninety, to be -- so we're equal  
18 with them? This town is not equal with  
19 them. That's my personal opinion.

20 COMMISSIONER PETRACCO: I don't  
21 think you understood what I was saying  
22 before. I'm just comparing Nutley to  
23 these other towns. I understand the  
24 fiscal crisis that this country is in  
25 right now and I'm not saying that

1 Nutley Twp Board of Commissioners - 1/6/09

2 Nutley's going to hire anywhere near a  
3 hundred people. I'm trying to make a  
4 comparison for the residents of this town  
5 by the Board of Commissioners, to say  
6 that in all that's going on our  
7 neighboring towns are at these numbers.  
8 And because of the fine job our police  
9 department does and our fire department  
10 and our rescue squad we are still holding  
11 tough at these low numbers considering  
12 what these other towns are at.

13 MR. MALKINFIN: I do not --

14 COMMISSIONER PETRACCO: So my  
15 position, I'll be very specific, my  
16 position is that if anybody wants to  
17 address me and ask me what my plan is in  
18 the future, depending on what crime rate  
19 goes to, depending on if in this bad  
20 economy is there going to be more crime,  
21 that's what I base my judgment on in  
22 saying well this year, putting all the  
23 factors in, I think, you know, and with  
24 people retiring, I think that two to  
25 three officers, patrolmen, are necessary.

1 Nutley Twp Board of Commissioners - 1/6/09

2 Now don't forget, we're -- when  
3 people retire, people are retiring at a  
4 high level of pay at ten percent  
5 longevity. When a new hiree comes in it  
6 takes steps for them to get to that  
7 strength financially. But again, I think  
8 you misunderstood me. I don't think that  
9 Nutley needs a hundred man police  
10 department. I don't think we need a  
11 ninety police department. But I do feel,  
12 sitting in my office watching what goes  
13 on at the police station, sitting by the  
14 jail cells and seeing what's walking  
15 through there, that we are doing a  
16 terrific job with sixtyeight men in our  
17 town.

18 MR. MALKINFIN: I do not disagree  
19 with you. Possibly I misheard you.

20 COMMISSIONER PETRACCO: Possibly.

21 MR. MALKINFINE Just the suggestion  
22 that we should increase our force to  
23 match the surrounding communities, that's  
24 what upset me. I disagree with that.

25 COMMISSIONER PETRACCO: That's not

1 Nutley Twp Board of Commissioners - 1/6/09

2 what I'm saying.

3 MR. MALKINFIN: Okaye Then I  
4 apologize, I misheard you.

5 COMMISSIONER PETRACCO: Apology  
6 accepted.

7 MR. MALKINFIN: Thank you.

8 MAYOR COCCHIOLA: Is there anyone  
9 else that would like to address the board  
10 this evening? I need a motion to close  
11 the public hearing.

12 UNIDENTIFIED SPEAKER: I make a  
13 motion.

14 MAYOR COCCHIOLA: Your motion?

15 UNIDENTIFIED SPEAKER: A motion.

16 MAYOR COCCHIOLA: Okay.

17 UNIDENTIFIED SPEAKER: Second.

18 THE CLERK: Commissioner Scarpelli?

19 COMMISSIONER SCARPELLI: Aye.

20 THE CLERK: Commissioner Petracco?

21 COMMISSIONER PETRACCO: Aye.

22 THE CLERK: Commissioner Evans?

23 COMMISSIONER EVANS: Aye.

24 THE CLERK: Mayor Cocchiola?

25 MAYOR COCCHIOLA: Aye. A motion,

1 Nutley Twp Board of Commissioners - 1/6/09

2 Commissioner Evans?

3 COMMISSIONER EVANS: I motioned with  
4 the fact that Commissioner Tucci is not  
5 heree I motion that we table a vote on  
6 this until tomorrow at noon.

7 COMMISSIONER PETRACCO: That would  
8 be fine, commissioner.

9 UNIDENTIFIED SPEAKER: Second.

10 THE CLERK: Okay. Commissioner  
11 Scarpelli?

12 COMMISSIONER SCARPELLI: Aye.

13 THE CLERK: Commissioner Petracco?

14 COMMISSIONER PETRACCO: Aye.

15 THE CLERK: Commissioner Evans?

16 COMMISSIONER EVANS: Aye.

17 THE CLERK: Mayor Cocchiola?

18 MAYOR COCCHIOLA: Aye.

19 THE CLERK: Mayor, at what time are  
20 we going to continue the vote?

21 MAYOR COCCHIOLA: At the end of the  
22 meeting we'll -- this meeting will not be  
23 adjourned; it'll be continued until  
24 tomorrow at 12 o'clock.

25 THE CLERK: Twelve noon, okay.

1 Nutley Twp Board of Commissioners - 1/6/09

2 Thank you, Mayor.

3 COMMISSIONER PETRACCO: That's all I  
4 have, Mayor.

5 MAYOR COCCHIOLA: Thank you.  
6 Commissioner Evans?

7 COMMISSIONER EVANS: We have a  
8 public hearing tonight on an ordinance  
9 which relates to part of effort to  
10 support the Board of Education on the  
11 purchase of land that is --what's the  
12 church property? I forget the name of  
13 the church that's currently owned by  
14 Franklin Reform Church and is adjacent to  
15 the middle school. And the purchase of  
16 an acre of land for the school's use.

17 MAYOR COCCHIOLA: Is there any  
18 member of the public that would like to  
19 address the board with respect to this  
20 ordinance? And I want to note that the  
21 board is in receipt of a letter from Mr.  
22 Moore which was distributed to all the  
23 members of the Board of Commissioners and  
24 will be incorporated into the record.

25 Is there anyone else that would like

1 Nutley Twp Board of Commissioners - 1/6/09  
2 to address the board with respect to  
3 this?

4 UNIDENTIFIED SPEAKER: Motion to  
5 close the public hearing.

6 MAYOR COCCHIOLA: Commissioner  
7 Evans, just one question. This was  
8 included in last year's capital budget,  
9 correct?

10 COMMISSIONER EVANS: That's correct.

11 MAYOR COCCHIOLA: No expense.

12 COMMISSIONER EVANS: Yes, and this  
13 is part of the arrangement with the  
14 school board that they will be  
15 responsible for paying that down.

16 MAYOR COCCHIOLA: Okay. Thank you.

17 UNIDENTIFIED SPEAKER: Mayor, do you  
18 have a copy of that letter?

19 MAYOR COCCHIOLA: Yes, it was  
20 distributed to all of us, was it not?

21 THE CLERK: It was sent -- we got it  
22 late yesterday afternoon. I'll make sure  
23 that I recirculate it.

24 UNIDENTIFIED SPEAKER: Motion to  
25 close the public hearinge



1 Nutley Twp Board of Commissioners - 1/6/09

2 UNIDENTIFIED SPEAKER: Second.

3 THE CLERK: Commissioner Scarpelli?

4 COMMISSIONER SCARPELLI: Aye.

5 THE CLERK: Commissioner Petracco?

6 COMMISSIONER PETRACCO: Aye.

7 THE CLERK: Commissioner Evans?

8 COMMISSIONER EVANS: Aye.

9 THE CLERK: Mayor Cocchiola?

10 MAYOR COCCHIOLA: Aye.

11 UNIDENTIFIED SPEAKER: Motion to  
12 move the ordinance.

13 UNIDENTIFIED SPEAKER: Second.

14 THE CLERK: Commissioner Scarpelli?

15 COMMISSIONER SCARPELLI: Aye.

16 THE CLERK: Commissioner Petracco?

17 COMMISSIONER PETRACCO: Aye.

18 THE CLERK: Commissioner Evans?

19 COMMISSIONER EVANS: Aye.

20 THE CLERK: Mayor Cocchiola?

21 MAYOR COCCHIOLA: Aye.

22 MAYOR COCCHIOLA: We can move on to  
23 resolutions. Commissioner Scarpelli?

24 COMMISSIONER SCARPELLI: Be it  
25 resolved by the Board of Commissioners,

1 Nutley Twp Board of Commissioners - 1/6/09  
2 Township of Nutley, County of Essex, New  
3 Jersey, that in accordance with the  
4 provisions of RS40A:4e59 the following  
5 transfers of 2008 appropriate reserves be  
6 and same are hereby authorized and  
7 approved. From a water operations salary  
8 and wages \$2,000.00; the water operations  
9 other expenses \$2,000.00; recycling  
10 salary and wages \$10,000.00; street  
11 lighting \$10,000.00 is a total of  
12 \$12,000.00, Mayor.

13 I move the resolution.

14 ~~Commissioner Petracco~~

14 ~~UNIDENTIFIED SPEAKER~~: Second.

15 THE CLERK: Commissioner Scarpelli?

16 COMMISSIONER SCARPELLI: Aye.

17 THE CLERK: Commissioner Petracco?

18 COMMISSIONER PETRACCO: Aye.

19 THE CLERK: Commissioner Evans?

20 COMMISSIONER EVANS: Aye.

21 THE CLERK: Mayor Cocchiola?

22 MAYOR COCCHIOLA: Aye.

23 COMMISSIONER SCARPELLI: That's all

24 I have, Mayor.

25 MAYOR COCCHIOLA: Thank you.

1 Nutley Twp Board of Commissioners - 1/6/09

2 Commissioner Evans, for you and

3 Commissioner Tucci, could you read them?

4 COMMISSIONER EVANS: Yes, thank you.

5 MAYOR COCCHIOLA: Thank you.

6 COMMISSIONER EVANS: By statute,

7 absent a 2009 budget to keep the

8 operation of government going forward, by

9 statute we need to establish a temporary

10 budget authorization that will allow us

11 to work through the first couple months

12 of the year while we strike a budget.

13 This resolution authorizes that.

14 Whereas, 40a:4-19 Local Budget Law

15 provides that where any contracts,

16 commitments or payments are to be made

17 prior to the final adoption of the 2009

18 Budget, temporary appropriations be made

19 for the purposes and the amounts required

20 and in a manner and time therein

21 provided; and

22 Whereas the date of this resolution

23 is within the first thirty days of 2009

24 and

25 Whereas, the total appropriation in

1 Nutley Twp Board of Commissioners - 1/6/09  
2 the 2008 Budget, less appropriations made  
3 for the capital improvement fund, debt  
4 service and public assistance are as  
5 follows: The current fund,  
6 \$38,472,810.93; Water Utility  
7 \$3,882,650.00;

8 Whereas, twenty-six and one-quarter  
9 percent of the total appropriations in  
10 the 2008 Budget less appropriations for  
11 capital improvement fund, debt service  
12 and public assistance in the said 2007  
13 Budget is as follows: Current Fund  
14 \$10,099,112.87; Water Utility  
15 \$1,091,195.63.

16 Now, therefore, be it resolved, by  
17 the Board of Commissioners of the  
18 Township of Nutley, in the County of  
19 Essex, New Jersey, the following  
20 temporary appropriations be made and that  
21 a certified copy of this resolution  
22 transmitted to the Chief Financial  
23 Officer for her records: The public  
24 affairs department, \$937,784.87;  
25 Department of Revenue and Finance,

1 Nutley Twp Board of Commissioners - 1/6/09  
 2 \$652,445.00; Public Safety Department,  
 3 \$3,321,323.00; Department of Public  
 4 Works, \$731,800.00; Department of Parks  
 5 and Public Property, \$2,461,909.00.

6 The deferred charges and statutory  
 7 expenditures within the municipal budget,  
 8 \$8,900,279.87. Appropriations for sewer  
 9 -- commission of the library matching  
 10 funds, secured municipal alliance and so  
 11 on for another \$1,498,833 for a total  
 12 general appropriation of \$10,099,112.87.

13 Appropriations for the water utility  
 14 \$1,019,495.63.

15 So moved.

Commissioner Scarpelli

16 ~~UNIDENTIFIED SPEAKER~~: Second.

17 THE CLERK: Commissioner Scarpelli?

18 COMMISSIONER SCARPELLI: Aye.

19 THE CLERK: Commissioner Petracco?

20 COMMISSIONER PETRACCO: Aye.

21 THE CLERK: Commissioner Evans?

22 COMMISSIONER EVANS: Aye.

23 THE CLERK: Mayor Cocchiola?

24 MAYOR COCCHIOLA: Aye.

25 COMMISSIONER EVANS: Whereas, New

1 Nutley Twp Board of Commissioners - 1/6/09  
2 Jersey Statutes 40A:~~4~~-1~~0~~ provides that  
3 where debt service is to be paid in 2008  
4 prior to the time of the initial (sic)  
5 adoption of the 2009 Budget, temporary  
6 appropriations should be made for the  
7 amount of such debt service in the manner  
8 and time therein provided;

9 Whereas, the date of this resolution  
10 is subsequent to December 20, 2008; and

11 Whereas, debt service will become  
12 due during the first six months of 2009;

13 Now, therefore, be it resolved, by  
14 the Board of Commissioners of the  
15 Township of Nutley, that the following  
16 temporary appropriations be made:

17 Current Fund Municipal Bonds, \$88,050.00;  
18 Interest on Bonds \$155,182.25; N.J.E.I.T.  
19 Trust Principal Interest \$26,875.;  
20 N.J.E.I.T. Fund Principal \$17,383.99;  
21 Watering -- the operating budget for the  
22 water: Interest on bonds of \$3,297.50  
23 for a total debt service of \$258,425.00.

24 So moved.

25 COMMISSIONER SCARPELLI: Second.

1 Nutley Twp Board of Commissioners - 1/6/09

2 THE CLERK: Commissioner Scarpelli?

3 COMMISSIONER SCARPELLI: Aye.

4 THE CLERK: Commissioner Petracco?

5 COMMISSIONER PETRACCO: Aye.

6 THE CLERK: Commissioner Evans?

7 COMMISSIONER EVANS: Aye.

8 THE CLERK: Mayor Cocchiola?

9 MAYOR COCCHIOLA: Aye.

10 COMMISSIONER EVANSe Be it resolved,  
11 by the Board of Commissioners of the  
12 Township of Nutley, County of Essex, New  
13 Jersey that there is hereby established  
14 in the Department of Revenue & Finance a  
15 Petty Cash Account in the amount of  
16 \$650.00, said funds to be in the custody  
17 of the Cashier, all petty cash vouchers  
18 are to be approved by the department  
19 designee and authorized by the Purchasing  
20 Agent or her designee.

21 So moved.

22 COMMISSIONER SCARPELLI: Second.

23 THE CLERK: Commissioner Scarpelli?

24 COMMISSIONER SCARPELLI: Aye.

25 THE CLERK: Commissioner Petracco?

1 Nutley Twp Board of Commissioners - 1/6/09

2 COMMISSIONER PETRACCO: Aye.

3 THE CLERK: Commissioner Evans?

4 COMMISSIONER EVANS: Aye.

5 THE CLERK: Mayor Cocchiola?

6 MAYOR COCCHIOLA: Aye.

7 COMMISSIONER EVANS: Be it resolved,  
8 by the Board of Commissioners of the  
9 Township of Nutley in the County of  
10 Essex, State of New Jersey, that the  
11 Treasurer be and she is hereby authorized  
12 to refund overpayments of property taxes  
13 in the amount of \$4,197.07; Block 3400,  
14 lot 16 \$345.25; Block 2702, lot 18,  
15 \$4,851.82.

16 So moved.

17 COMMISSIONER SCARPELLI: Second.

18 THE CLERK: Commissioner Scarpelli?

19 COMMISSIONER SCARPELLI: Aye.

20 THE CLERK: Commissioner Petracco?

21 COMMISSIONER PETRACCO: Aye.

22 THE CLERK: Commissioner Evans?

23 COMMISSIONER EVANS: Aye.

24 THE CLERK: Mayor Cocchiola?

25 MAYOR COCCHIOLA: Aye.



1 Nutley Twp Board of Commissioners - 1/6/09

2 COMMISSIONER EVANS: For

3 Commissioner Tucci. Be it resolved, by  
4 the Board of Commissioners of the  
5 Township of Nutley, County of Essex New  
6 Jersey that in accordance with the  
7 provision of R.S. 40A:4e59e the following  
8 transfers of the 2008 Appropriation  
9 Reserves be and the same are hereby  
10 authorized and approved:

11 Parks and playground O/E \$10,000.00;  
12 Shade Tree O/E \$10,000.00. So moved.

13 COMMISSIONER SCARPELLI: Second.

14 THE CLERK: Commissioner Scarpelli?

15 COMMISSIONER SCARPELLI: Aye.

16 THE CLERK: Commissioner Petracco?

17 COMMISSIONER PETRACCO: Aye.

18 THE CLERK: Commissioner Evans?

19 COMMISSIONER EVANS: Aye.

20 THE CLERK: Mayor Cocchiola?

21 MAYOR COCCHIOLA: Aye.

22 COMMISSIONER EVANS: Whereas, sealed  
23 bids were received for the purchase of a  
24 bus on November 25, 2008 in the Township  
25 of Nutley; and

1 Nutley Twp Board of Commissioners - 1/6/09

2 Whereas, the lowest responsible bid  
3 was significantly higher than the costs  
4 projected and budgeted by the  
5 municipality; and

6 Whereas, N.J.S.A. 40A:11-13.2  
7 permits the rejection of all bids under  
8 such circumstances,

9 Now therefore, be it resolved by the  
10 Board of Commissioners of the Township of  
11 Nutley that all bids heretofore  
12 advertised, received and opened for the  
13 purchase of a bus are hereby rejected.

14 COMMISSIONER SCARPELLI: Second.

15 THE CLERK: Commissioner Scarpelli?

16 COMMISSIONER SCARPELLI: Aye.

17 THE CLERK: Commissioner Petracco?

18 COMMISSIONER PETRACCO: Aye.

19 THE CLERK: Commissioner Evans?

20 COMMISSIONER EVANS: Aye.

21 THE CLERK: Mayor Cocchiola?

22 MAYOR COCCHIOA: Aye.

23 COMMISSIONER EVANS: Whereas, sealed  
24 bids for air conditioning repair service  
25 were opened and read on November 13,

1 Nutley Twp Board of Commissioners - 1/6/09  
2 2008~~e~~ and

3 Whereas, the governing body desires  
4 to substantially revise the  
5 specifications for services advertised;  
6 and

7 Whereas, N.J.S.A. 40A:11e13.2  
8 permits the rejection of all bids under  
9 such circumstances,

10 Now therefore, bit it resolved by  
11 the Board of Commissioners of the  
12 Township of Nutley, County of Essex,  
13 State of New Jersey, all bids heretofore  
14 advertised, received and opened for air  
15 conditioning repair service are rejected.

16 COMMISSIONER SCARPELLI: Second.

17 THE CLERK: Commissioner Scarpelli?

18 COMMISSIONER SCARPELLI: Aye.

19 THE CLERK: Commissioner Petracco?

20 COMMISSIONER PETRACCO: Aye.

21 THE CLERK: Commissioner Evans?

22 COMMISSIONER EVANS: Aye.

23 THE CLERK: Mayor Cocchiola?

24 MAYOR COCCHIOLA: Aye.

25 COMMISSIONER EVANS: Thank you,

1 Nutley Twp Board of Commissioners - 1/6/09  
2 Mayor.

3 MAYOR COCCHIOLA: Thank you.

4 Be it resolved, by the Board of  
5 Commissioners of the Township of Nutley,  
6 County of Essex, New Jersey that there is  
7 hereby established in the Department of  
8 Public Affairs a General Assistance Petty  
9 Cash Account in the amount of \$250.00,  
10 said funds to be in the custody of the  
11 Director of Welfare, all claims to be  
12 approved for payment by the Director of  
13 Welfare or by her designee, and all  
14 checks are to bear the signature of the  
15 Director of Welfare or the Township  
16 Treasurer.

17 I move the resolution.

18 COMMISSIONER <sup>Petracco</sup>~~EVANS~~: Second.

19 THE CLERK: Commissioner Scarpelli?

20 COMMISSIONER SCARPELLI: Aye.

21 THE CLERK: Commissioner Petracco?

22 COMMISSIONER PETRACCO: Aye.

23 THE CLERK: Commissioner Evans?

24 COMMISSIONER EVANS: Aye.

25 THE CLERK: Mayor Cocchiola?

1 Nutley Twp Board of Commissioners - 1/6/09

2 MAYOR COCCHIOLA: Aye

3 That concludes the regular business  
4 portion of the meeting this evening. I  
5 invite any member of the public who would  
6 like to address the board to come  
7 forward.

8 All persons addressing the Board of  
9 Commissioners regarding community  
10 concerns should approach the microphone,  
11 provide their name and address for the  
12 record. Unless further time is granted  
13 by the board, each person shall limit  
14 their address to five minutes.

15 All remarks to the Board and its  
16 individual members must be addressed to  
17 and through the Mayor. The Mayor may  
18 defer citizen comments to the appropriate  
19 member of the Board.

20 Dialogue between citizens and other  
21 addressing the Board shall be allowed  
22 unless the Mayor or presiding officer or  
23 the majority of the membership of the  
24 Board shall determine that in the  
25 interest of decorum and/or the

1 Nutley Twp Board of Commissioners - 1/6/09  
2 expeditious conduct of municipal business  
3 are being adversely affected by such  
4 dialogæ.

5 Good evening, Mr. Barry.

6 MR. BARRY: Good evening, Madam  
7 Mayor. John Barry, I'm the traffic  
8 safety coordinator for the town. I  
9 thought it would be appropriate to notify  
10 the Board of Commissioners that yesterday  
11 the New Jersey Department of  
12 Transportation advertised for bids for a  
13 project that we've been pursuing for some  
14 time. And that is the reconstruction of  
15 the Park Avenue, River Road corridor.

16 The plan -- originally DOT came to  
17 us and said they want to make some  
18 modifications on Route 21 and we  
19 explained to them we didn't really think  
20 they were necessary because the accident  
21 history didn't prove out to what they had  
22 originally said. And then we brought to  
23 their attention the problems we have  
24 exiting Route 21 at Exit 8 to make the  
25 left turn under Route 21.

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2 They looked at that and we also  
3 brought to their attention the problems  
4 at Park Avenue and conversely, also, in  
5 Lyndhurst at their side of the river and  
6 the two entrances and exits on Route 21.  
7 so they've decided to invest two million  
8 dollars into the township to build a new  
9 traffic signal at the exit ramp of Route  
10 21 and Park Avenue northbound. So that  
11 when you now try to get off the highway  
12 you can safely make a left turn and go  
13 underneath the highway and enter Nutley.

14 The exit ramp and the entrance ramps  
15 will be extended on Route 21 to provide  
16 better acceleration and deceleration  
17 lanes. On the Grant Avenue exit of  
18 southbound, they'll be opening up the  
19 width of that intersection to provide  
20 better and greater turning radiuses for  
21 vehicles and to eliminate that sharp  
22 quick turn that you have to make when you  
23 get to the end of the exit ramp.

24 So construction is projected for  
25 early this spring and that's going to be

1 Nutley Twp Board of Commissioners - 1/6/09  
2 a nice project. The signal in Lyndhurst  
3 will be rebuilt. The signal at Center  
4 and Park Avenue will be rebuilt and all  
5 three will have video detection, so the  
6 computer will actually see the traffic at  
7 the intersections and change the light  
8 accordingly to the traffic flow and  
9 what's needed. So it should greatly  
10 improve the efficiency of all those  
11 intersections. Thank you.

12 MAYOR COCCHIOLA: That's a state  
13 funded project?

14 MR. BARRY: Yes, ma'am; two million  
15 dollars.

16 UNIDENTIFIED SPEAKER: Mr. Barry?

17 MR. BARRY: Yes, sir.

18 UNIDENTIFIED SPEAKER: What about  
19 the disruption of traffic during the  
20 construction phase?

21 MR. BARRY: Excuse me?

22 UNIDENTIFIED SPEAKER: Disruption of  
23 traffic down there during the  
24 construction?

25 MR. BARRY: A resolution was passed



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2 by Commissioner Petracco some time ago at  
3 the request of DOT that DOT will pick up  
4 the cost of the traffic officers and the  
5 police officers.

6 UNIDENTIFIED SPEAKER: Thank you.

7 UNIDENTIFIED SPEAKER: Mr. Barry,  
8 just one clarifying question. Are they  
9 also going to look at the light on the  
10 other side of the bridge?

11 MR. BARRY: Yes, that'll be rebuilt  
12 also. The light by the Lyndhurst Diner.  
13 If you notice, if you go there now,  
14 you'll see the new curbs are in place,  
15 that they're going to widen it, put  
16 turning lanes in and appropriate signals  
17 at that location.

18 UNIDENTIFIED SPEAKER: Thank you.

19 MR. BARRY: That's the Bergen County  
20 part of the project.

21 UNIDENTIFIED SPEAKER: Thank you.

22 MR. LURIE: Good evening, Mayor.  
23 Good evening Commissioners. Frank Lurie  
24 over at Cambridge Heights. May I address  
25 Commissioner Scarpelli?

1 Nutley Twp Board of Commissioners - 1/6/09

2 MAYOR COCCHIOLA: Yes, you may.

3 MR. LURIE: Commissioner, this last  
4 past snow storm was not a stellar  
5 performance by your organization. The  
6 night of the first storm one of your  
7 trucks did go through and plowed it out.  
8 However, he never got to the secondary  
9 roads.

10 The following morning when we called  
11 and asked if you could please send a  
12 truck through again to clear up the  
13 secondary roads, they were told that the  
14 man went through four or five times. It  
15 didn't happen. He only went through  
16 once.

17 We asked them to send out trucks to  
18 lay down some salt, our answer was  
19 similar to the Township is running out of  
20 salt, we don't have enough to go over  
21 there.

22 On the perimeter of the complex the  
23 plows just plowed right through; blocked  
24 all the stops, bus stops, driveways, exit  
25 gates. We had to go out and clear them

1 Nutley Twp Board of Commissioners - 1/6/09  
2 up; your men wouldn't come back. It cost  
3 our community an additional \$11,000.00.  
4 I'm not complaining about that, we would  
5 like to see just a little better  
6 performance the next time around.

7 COMMISSIONER SCARPELLI: Well, I was  
8 in the truck that went through Cambridge  
9 Heights on Sunday. Your roads were not  
10 very well done. They were icy. You have  
11 my apologies but the trucks did go  
12 through but don't do much once the ice is  
13 packed down. And because of the cold  
14 temperatures that were over the weekend,  
15 salt also doesn't work.

16 So I do apologize. It wasn't from a  
17 lack of effort. This was probably one of  
18 the worst storms that we've had in recent  
19 memories, not because of the amount of  
20 snow but because of the amount of ice.  
21 And your roads were not very well done.

22 MR. LURIE: Thank you. Second  
23 thing; is there any possibility of  
24 getting the time change on when our  
25 garbage gets picked up.

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2 MAYOR COCCHIOLA: That would be me.

3 MR. LURIE: Sorry, ma'ame

4 MAYOR COCCHIOLA: Are the coming  
5 early?

6 MR. LURIE: We would like them to  
7 come early. I left my house today at 4  
8 o'clock and they still weren't there.

9 MAYOR COCCHIOLA: You know what, I  
10 can't promise that. I'm going to have to  
11 speak to the contractor.

12 MR. LURIE: Yeah, fine.

13 MAYOR COCCHIOLA: We've gotten a lot  
14 of people who are not calling us because  
15 they're not used to the difference in  
16 time, they were used to the old  
17 contractor coming early.

18 I could tell you that we have very,  
19 very few complaints about this  
20 contractor. They're really doing a great  
21 job but the only thing that people are  
22 concerned about is the difference in the  
23 time. So I will call tomorrow and I'll  
24 speak to them but my guess is they start  
25 a route somewhere and they probably end

1 Nutley Twp Board of Commissioners - 1/6/09  
2 it at Cambridge Heights. But I'll give a  
3 call and I'll just express to them that  
4 maybe they might be coming a little too  
5 late.

6 MR. LURIE: Mayor, the only reason  
7 why we're requesting a change is that in  
8 the afternoon when the winds start  
9 whipping up we get garbage everywhere  
10 just because --

11 MAYOR COCCHIOLA: I think we had  
12 this problem -- didn't we have this  
13 problem years ago with you and we --  
14 okay. Let me work on that tomorrow.

15 MR. LURIE: Appreciate it. Thank  
16 you. Happy New Year to you people.

17 MAYOR COCCHIOLA: Is there anyone  
18 else that would like to address the board  
19 this evening? Mr. Malkinfin?

20 MR. MALKINFIN: Ken Malkinfin, 44  
21 Chestnut Street. Mayor, where are with  
22 the employee handbook drug testing?

23 MAYOR COCCHIOLA: Mr. Harkins, I  
24 think he told Mr. Moore he came up with a  
25 draft that he circulated to me and I

1 Nutley Twp Board of Commissioners - 1/6/09  
2 guess is in the process of circulating to  
3 the Board of Commissioners.

4 MR. HARKINS: I'll hit the send  
5 button tomorrow and have it circulated to  
6 you all.

7 MAYOR COCCHIOLA: It needs our  
8 review and our comment and it's moving  
9 along. I know you're probably going to  
10 say what's the date? I don't know but  
11 there is a hard copy of something for us  
12 to look at. Of course we're not going to  
13 release it until we have gone through it  
14 as directors of our departments and  
15 commented on it and request any changes  
16 that might be made. But it exists.

17 MR. MALKINFIN: All right. I won't  
18 ask for a hard date.

19 MAYOR COCCHIOLA: Don't, because I  
20 can't give you one.

21 MR. MALKINFIN: Okay. And my last  
22 comment is, in my fifty-nine years of  
23 living in the Town of Nutley, never have  
24 I been so pleased, impressed with the  
25 Christmas and holiday display in the Town

1 Nutley Twp Board of Commissioners - 1/6/09

2 Ovale I know a lot of people did a lot  
3 of work on it. My congratulations to all  
4 departments and volunteers who helped. I  
5 was impressed. I think it nicely  
6 represented anyone's belief. I think it,  
7 kind of, boosted the morale of the  
8 taxpayers, I know it boosted mine. I  
9 really appreciated that.

10 And while these words probably won't  
11 be heard from my lips too often, I think  
12 it was money well spent.

13 Congratulations. Thank you.

14 MAYOR COCCHIOLA: Thank you. Let me  
15 just note for the record that that design  
16 was done gratis by Brian Korbanick (ph.)  
17 from Landscape Techniques. He designed  
18 that. A lot of people did do a lot of  
19 work to get that put together and it was  
20 beautiful. Agree. Thank you.

21 Is there anyone else that would like  
22 to address the board this evening?

23 UNIDENTIFIED SPEAKER: Mayor, can  
24 you comment on the lights on the cherry  
25 trees?

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2 MAYOR COCCHIOLA: Did I --

3 UNIDENTIFIED SPEAKER: Can you  
4 comment on that they're going to be  
5 permanent.

6 MAYOR COCCHIOLA: Oh, yes. The  
7 lights -- the lights on the cherry  
8 blossoms will remain so the Board of  
9 Education will use them. We won't just  
10 use them at Christmas time. The Board  
11 can use them at any time they have a  
12 night event or any time anyone would like  
13 to use them.

14 If anybody has a remedy for  
15 squirrels who like to chew through any  
16 wires, please let me know because we have  
17 a little bit of a problem over there.  
18 Squirrels are hungry this year.

19 Is there anyone else that would like  
20 to address the board? Okay. We are not  
21 going to adjourn this meeting. This  
22 meeting will be continued tomorrow at 12  
23 o'clock. Because of the fact that we're  
24 going to have to conference some people  
25 in we're going to have to take that



1 Nutley Twp Board of Commissioners - 1/6/09  
2 public meeting in the back room. But it  
3 is a public meeting and all are welcome.

4 One last thing, the Code of the  
5 Township of Nutley is now available  
6 online. So it's been a long time, we've  
7 been waiting for this for a while, but  
8 now any citizen can access the Code of  
9 the Township of Nutley online.

10 Thank you everybody.

11 (Meeting Continued till 12:00  
12 p.m.)

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

I, Pnina Eilberg, 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 11, 2009e

 \_\_\_\_\_

Pnina Eilberg

**Township of Nutley  
Board of Commissioners  
Meeting Minutes  
Continued Meeting of Tuesday, January 6, 2009  
held on Wednesday, January 7, 2009  
12:00 P.M.**

A continued meeting of January 6, 2009 was held on Wednesday, January 7, 2009 at 12:00 P.M.

**ROLL CALL:**

Commissioner Scarpelli	- Present (via telephone conference)
Commissioner Petracco	- Present
Commissioner Evans	- Present
Commissioner Tucci	- Present (via telephone conference)
Mayor Cocchiola	- Present (via telephone conference)

**The following ordinance was adopted:**

**Ordinance No. 3087**

"AN ORDINANCE TO AMEND AN ORDINANCE CODIFIED IN THE TOWNSHIP OF NUTLEY CODE, CHAPTER 49, ENTITLED ESTABLISHMENT AND ORGANIZATION OF THE POLICE DEPARTMENT."

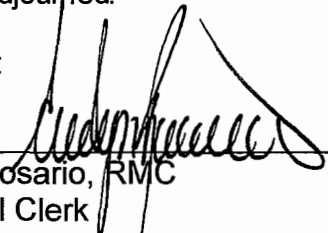
Motion to adopt on second and final reading by Commissioner Petracco, seconded by Commissioner Evans. All ayes on a roll call vote.

Commissioner Scarpelli	- AYE (via telephone conference)
Commissioner Petracco	- AYE
Commissioner Evans	- AYE
Commissioner Tucci	- AYE (via telephone conference)
Mayor Cocchiola	- AYE (via telephone conference)

**ADJOURNMENT:**

Motion to adjourn by Commissioner Evans, seconded by Commissioner Petracco. Meeting adjourned.

ATTEST:

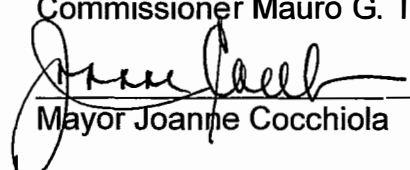
  
\_\_\_\_\_  
Evelyn Rosario, RMC  
Municipal Clerk

\_\_\_\_\_  
Commissioner Joseph P. Scarpelli

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Commissioner Alphonse Petracco

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Commissioner Thomas J. Evans

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Commissioner Mauro G. Tucci

  
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Mayor Joanne Cocchiola