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TOWNSHIP OF NUTLEY, NEW JERSEY  
BOARD OF COMMISSIONERS

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

**Certified  
Transcript**

January 26, 2010  
7:30 p.m.

BEFORE:

- Mayor Cocchiola
- Commissioner Evans
- Commissioner Scarpelli
- Commissioner Tucci

Job No.: DG241697

1           MADAM CLERK: Could everyone please  
2 stand for the flag salute?

3           (Pledge of Allegiance is recited)

4           MAYOR COCCHIOLA: Madam Clerk, for  
5 the benefit of those who were not in  
6 caucus could you please reread the  
7 Sunshine notice?

8           MADAM CLERK: Yes, Mayore Pursuant  
9 to the requirements of the Open Public  
10 Meeting Law, Chapter 231, Public Laws,  
11 1975, notice of this meeting was  
12 published in the December 10, 2009 issues  
13 of Nutley Sun, the Journal, the Star  
14 Ledger and the Herald Newse A copy of  
15 this notice has been posted on the Nutley  
16 Town Hall bulletin board and a copy is on  
17 file in the municipal clerk's officee  
18 Commissioner Scarpelli?

19           COMMISSIONER SCARPELLI: Heree

20           MADAM CLERK: Commissioner Petracco  
21 is absente Commissioner Evans?

22           COMMISSIONER EVANS: Here.

23           MADAM CLERK: Commissioner Tucci

24           COMMISSIONER TUCCI: Here

25           MADAM CLERK: Mayor Cocchiola?

1 MAJOR COCCHIOLA: Heree

2 MADAM CLERK: All present, Mayor,  
3 with the exception of Commissioner  
4 Petracco who is absente

5 MAJOR COCCHIOLA: Thank you, before  
6 we begin tonight we did receive some  
7 notification that a very dear friend of  
8 all of ours, Joe McGinnis (phē) is in  
9 very dire shape this eveninge Were --  
10 were not even sure he'll make it through  
11 the nighte Generally, we do a moment of  
12 silence but I'd like to ask everyone to  
13 join us in a moment of reflection and  
14 prayer for Joe, a dear friend of ourse

15 (Moment of reflection)

16 MAYOR COCCHIOLA: Thank you. Madam  
17 Clerk you can move on to correspondence  
18 please?

19 MADAM CLERK: Yes, Ma'ame I have  
20 two items of communication this eveninge  
21 The first one is the -- from the Nutley  
22 Irish American Association submitting the  
23 following correspondence, "The 32nd  
24 annual Nutley Ste Patrick's Day parade in  
25 memory of John V. Kelly is scheduled to

1 take place on March 6, 2010e As in past  
2 years, arrangements are in place to  
3 utilize the Holy Family's parking lot as  
4 an assembly area with the parade lined up  
5 on Evergreen Avenue and Brookline Avenuee  
6 The parade is scheduled to step off at  
7 1:00 p.m.

8 Thank you for your continued support  
9 and cooperati~~o~~n"

10 Mayor, I need a -- a motion and a  
11 second to memorialize the uh --

12 UNIDENTIFIED SPEAKER: Move ite

13 UNIDENTIFIED SPEAKER: Seconde

14 MADAM CLERK: Commissioner

15 Scarpelli?

16 COMMISSIONER SCARPELLI: Ayee

17 MADAM CLERK: Commissioner Evans?

18 COMMISSIONER EVANS: Ayee

19 MADAM CLERK: Commissioner Tucci?

20 COMMISSIONER TUCCI: Ayee

21 MADAM CLERK: Mayor Cocchiola?

22 MAJOR COCCHIOA: Ayee

23 MADAM CLERK: And my last item is a  
24 petition to extend license premises from  
25 the Nutley Elk's Lodge for their Ste

1 Patrick's Day parade events to be held on  
2 March 6th, 2010, between the hours of  
3 10:00 a.m. and midnight. And I need a  
4 motion and a second.

5 MAYOR COCCHIOLA: Need a motion.

6 UNIDENTIFIED SPEAKER: Move it.

7 UNIDENTIFIED SPEAKER: Second.

8 MADAM CLERK: Commissioner  
9 Scarpelli?

10 COMMISSIONER SCARPELLI: Aye.

11 MADAM CLERK: Commissioner Evans?

12 COMMISSIONER EVANS: Aye.

13 MADAM CLERK: Commissioner Tucci?

14 COMMISSIONER TUCCI: Aye.

15 MADAM CLERK: Mayor Cocchiola?

16 MAYOR COCCHIOLA: Aye. We can move  
17 onto reports Commissioner Tucci?

18 COMMISSIONER TUCCI: Yes, I have a  
19 shade tree report for the months of  
20 November and December of 2009.

21 MAYOR COCCHIOLA: Thank you and  
22 payment of bills.

23 MADAM CLERK: Yes, Mayor. Tuesday  
24 January 26th, 2010, Public Affairs  
25 \$268,337.36, Revenue and Finance

1 \$3,107,649.69, Public Safety \$192,089.72,  
2 Public Works \$200,615.58, Parks and  
3 Public Property \$825,288.08, payroll as  
4 of January 22, 2010, \$735,195.53, for a  
5 grand total bill list of \$5,329,175.96.

6 And that's all for bills Mayor.

7 UNIDENTIFIED SPEAKER: Move the  
8 bills.

9 UNIDENTIFIED SPEAKER: Second.

10 MADAM CLERK: Commissioner  
11 Scarpelli?

12 COMMISSIONER SCARPELLI: Aye.

13 MADAM CLERK: Commissioner Evans?

14 COMMISSIONER EVANS: Aye.

15 MADAM CLERK: Commissioner Tucci?

16 COMMISSIONER TUCCI: Aye.

17 MADAM CLERK: Mayor Cocchiola?

18 MAYOR COCCHIOLA: Aye.

19 MADAM CLERK: Thank you, Mayor.

20 MAYOR COCCHIOLA: Thank you.

21 Commissioner Petracco is absent this  
22 evening, Commissioner Scarpelli were you  
23 going to handle his ordinance  
24 introduction?

25 COMMISSIONER SCARPELLI: Sure.

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ORDINANCE NUMBER 3133, AN ORDINANCE TO  
AMEND AN ORDINANCE CODIFIED IN THE CODE  
OF THE TOWNSHIP IN THE CODE OF THE  
TOWNSHIP OF NUTLEY, CHAPTER 228 ENTITLED  
VEHICLES AND TRAFFIC, PARTICULARLY  
ARTICLE II PARKING ON CERTAIN STREETS,  
SECTION 14, ENTITLED "PARKING PROHIBITED  
DURING CERTAIN HOURS", THEY HAVE THE  
LOCATIONS SET FORTH THEREIN

I move the ordinance be passed to a  
second reading advertised in Nutley Sun  
together with the notice required by law  
and that further consideration of said  
ordinance for final passage be held by  
the Board of Commissioners at second  
reading on February 16th, 2010 I move  
the ordinance

UNIDENTIFIED SPEAKER: Second

MADAM CLERK: Commissioner  
Scarpelli?

COMMISSIONER SCARPELLI: Aye

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye

1 MADAM CLERK: Mayor Cocchiola?

2 MAYOR COCCHIOLA: Aye Commissioner  
3 Evans.

4 COMMISSIONER EVANS: Thank you  
5 Mayor, an ordinance which I'dl introduce  
6 by title adding two handicapped spots and  
7 eliminating another all of which qualify  
8 under -- under the statute

9 "AN ORDINANCE TO AMEND AN ORDINANCE  
10 CODIFIED IN THE CODE OF THE TOWNSHIP OF  
11 NUTLEY CHAPTER 228 ENTITLED VEHICLES AND  
12 TRAFFIC PARTICULARLY ARTICLE VII (SPECIAL  
13 ZONES AND AREAS), SECTION 29A ENTITLED  
14 HANDICAPPED PARKING TO ADD & DELETE THE  
15 LOCATIONS SET FORTH THEREIN" (Kingsland  
16 Street, Ohlson Avenue and Valley Road)

17 I move that this ordinance be passed  
18 to a second reading and advertised in the  
19 Nutley Sun together with the notice  
20 required by law and that further  
21 consideration of said ordinance for final  
22 passage by the Board of Commissioners be  
23 held at its second reading on February  
24 16th, 2010, so moved

25 UNIDENTIFIED SPEAKER: Second



1           MADAM CLERK:   Commissioner  
2           Scarpelli?

3           COMMISSIONER SCARPELLI:   Ayee

4           MADAM CLERK:   Commissioner Evans?

5           COMMISSIONER EVANS:   Ayee

6           MADAM CLERK:   Commissioner Tucci?

7           COMMISSIONER TUCCI:   Ayee

8           MADAM CLERK:   Mayor Cocchiola?

9           MAYOR COCCHIOLA:   Aye.   Commissioner  
10          Scarpelli you have the first hearing for  
11          public hearing this evening.

12          COMMISSIONER SCARPELLI:   ORDINANCE  
13          NUMBER 3128, ORDINANCE TO AMEND AN  
14          ORDINANCE FOUND IN CHAPTER 700 NULEY  
15          CODE, ENTITLED TERMINOLOGY/DEFINITIONS,  
16          WORDS USAGE SECTION 700-3, PERMITTED USES  
17          IN B-1, B-2, B-3, B-3A AND B-4 ZONING  
18          DISTRICT SECTION 700-15, 16, 17, 18 AND  
19          19.

20          What this ordinance does is define  
21          discount stores and limit them within a  
22          1000 feet of each other.

23          MAYOR COCCHIOLA:   Is there any  
24          member of the public that would like to  
25          address the Board with respect to this

1 ordinance? You can come forward.

2 MRe VICCARESE: Good evening Mayor  
3 and Commissioners. My name is Al  
4 Viccarese (ph.)e I am one of the owners  
5 of the property located at 240 Franklin  
6 Avenue, and joining me tonight is Ben  
7 Viccarese and Mr. Nickolas Mazola (phe).  
8 Also with us tonight is Steve Wolf,  
9 representative of the Family Dollar  
10 store, he will also be making a  
11 presentation of behalf of JNC  
12 Incorporated and the Family Dollar store.

13 I'd like to open by saying this is  
14 my third presentation to all members of  
15 the town council speaking of the Family  
16 Dollar stores lease and letter of intent  
17 that has already been signed.

18 The Family Dollar store is a  
19 neighborhood variety storee It is a  
20 Fortune 400 compenany listed on the New  
21 York Stock Exchange, boasting one of the  
22 strongest balance sheets of any compenany  
23 of any listing on the New York Stock  
24 Exchange.

25 They have been in business since

1 1959e They have nationwide over 6700  
2 storese They are very much recognized as  
3 a communityeconscious compeany, very  
4 generous in giving to charitable causes,  
5 both locally and those put forward to  
6 other causes in the community.

7 They have and will continue to  
8 experience growth and taking advantage of  
9 oppertunities as our country continues to  
10 come to grips with difficult financial  
11 environments which are both recognized as  
12 a financial -- in a financial community  
13 and by our (indiscernible)e

14 The Family Dollar Store will provide  
15 employment oppertunities to local  
16 communitye They will also offer  
17 convenient shopping for residential homes  
18 as well as senior citizens located less  
19 than two blocks away and they will offer  
20 shopping and very competitive price  
21 points which Mre Wolfe will speak aboute

22 Recently, on January 5th, 2010, Mr.  
23 and Mrse Mazola submitted a land use  
24 approval to the Town of Nutleye Property  
25 to be leased by Family Dollar Store was

1 noted on the application. The State of  
2 New Jersey requires us to have approval  
3 or denial within ten business days from  
4 the time of the application submission.  
5 We have not heard till this day as to  
6 whether that application's been approved  
7 or not. The State of New Jersey  
8 (indiscernible) ordinance says is  
9 therefore approved, because we have been  
10 outside of the ten day window.

11 In trying to respect and get  
12 attention to this matter, Mr. Mazola and  
13 I called Dave Berry who unfortunately,  
14 was out of the office for personal  
15 reasons and before that him leaving early  
16 in the day told us that we would have a  
17 land use approval approved by 12 o'clock  
18 yesterday afternoon. We gave him Mr.  
19 Mazola's phone number if there were any  
20 issues or concerns that he would have.  
21 We never received a phone call; Mr.  
22 Mazola went back down to the town hall to  
23 inquire, which was the time he found out  
24 Mrs Berry had to leave for the day.

25 Also, in a letter which Mrs Berry

1 sent to my home on the 11th of January,  
2 he asked for three additional pieces of  
3 information which were either available  
4 for the town, one being a survey. The  
5 footprint for that building has not been  
6 changed in over thirty-five years;  
7 therefore, the survey that is on file and  
8 the survey of which you compute your tax  
9 liability to us has never changed.

10 So the survey on file is the survey  
11 that could've been used. And, in  
12 providing other information, we asked  
13 some other local Nutley residents --  
14 actually provide that survey to Mrs. Berry  
15 which done on the 14th.

16 I followed up with a call in  
17 addressing two other issues, one which  
18 was basement use. Mayor Cocchiola and  
19 Mrs. Scarpelli and Mrs. Harkins (when I met  
20 with you, Mrs. Harkins and Mayor on two  
21 occasions and Mrs. Scarpe- , on one  
22 occasion, I was pretty emphatic about  
23 stating that the basement would not be  
24 used and was never intended to be used by  
25 the Family Dollar Store. The prints that

1 were submitted on the 5th indicated as  
2 suche

3 The last point was loading and  
4 unloadinge We will comply with the  
5 Ordinance of Nutley that states what  
6 we're allowed to load and unloade The  
7 Family Dollar Store which had been done  
8 in the past and in other communities will  
9 be more than happy to work with the town  
10 of Nutley in either unloading their  
11 merchandise early in the morning, off-  
12 peak hours, similar to other businesses  
13 in the town that are in a zoning area of  
14 which this building is and is approved  
15 for retaile

16 So, to recap briefly, the land use  
17 permit and the ordinance of what this  
18 building is owned for fits like glove.  
19 The loading and unloading, Family Dollar  
20 Store and we the owners are happy to work  
21 with you in complying with the ordinance  
22 that's currently written permitting  
23 loading and unloading and will go further  
24 in accommodating to the best of our  
25 abilities with scheduling just as

1 everyone else does in the town of Nutley  
2 on Franklin Avenue and other locations in  
3 early morning deliveries offepeak hours  
4 so that there's no disruptions to either  
5 Franklin Avenue or side streets,  
6 accommodate the loading up of  
7 merchandise, at the same time providing  
8 no disruptions to the propertye

9 MAËOR COCCHIOLA: Mre Viccarese if I  
10 might -- I thank you for -- for your  
11 presentation, but -- and I can tell you  
12 that I'm not really sure that all of us  
13 sitting here are privy to the details of  
14 whatever went on with the Code  
15 Enforcement Department and -- and -- and  
16 that's not really what we're here for  
17 tonighte

18 What's happening tonight is we're  
19 considering an ordinance which  
20 establishes a ban with one type of store  
21 within a certain distance of another, not  
22 unlike other ordinances that this board  
23 has considered beforee So I -- I guess,  
24 while I appreciate what you're saying I'd  
25 like to know what your comments are then

1 about this particular ordinance that --  
2 that the governing body may be -- may  
3 have some feelings about the -- what it's  
4 down -- the characteristics of its  
5 downtown, the future of its downtown,  
6 particularly at a time when were at a  
7 master plan process, reviewing our master  
8 plan, reviewing our zoning laws,  
9 reviewing everything about our township  
10 because our people want us to e

11 So I guess my -- what I'm asking you  
12 is the -- we -- what happened with the  
13 Code Enforcement Department is not what  
14 we're considering tonighte And we're  
15 not -- we're not commenting on any  
16 particular company, in fact it -- I don't  
17 think anyone would be critical of a  
18 dollar store, we've -- I'm sure everybody  
19 in this room probably has shopped in one  
20 and that's not what we're here fore

21 We're not talking about a particular  
22 store or particular companye We're  
23 talking about a philosophy of a governing  
24 body of the people that we serve, that we  
25 care about our downtown, we care about



1 the future of our downtown, we care about  
2 the future of our town and the downtown  
3 is a pretty important town of thate

4 This ordinance doesn't even just  
5 speak to the downtown; it speaks to  
6 various business districts throughout the  
7 Township of Nutleye So, I think that's  
8 what we're here to -- to discuss tonight  
9 and if you have your -- if you have  
10 thoughts particularly about that we'd be  
11 happy to hear them.

12 MR. VICCARESE: So, the zoning of  
13 the building is currently allows  
14 (indiscernible) of which we are going to  
15 be signing the lease renting out the  
16 space --

17 MAYOR COCCHIOLA: I -- I don't know  
18 that to be true right nowe I would have  
19 to have council or -- or --

20 MR. VICCARESE: Well, we could --  
21 for the record we can assume that the  
22 building and the location is properly  
23 zoned for retail.

24 MAYOR COCCHIOLA: For -- and I don't  
25 know what the -- the description that you

1 just gave me about the loading and  
2 unloading, we've had discussions about  
3 the loading unloading and where that can  
4 be done, I'm not sure -- and I -- I have  
5 no knowledge right now of whether or not  
6 that can even be accomplished on the  
7 streets.

8 There were -- there were things that  
9 you discussed with me, there were things  
10 that you discussed with Commissioner  
11 Scarpelli, particular to dumpsters and  
12 things that you would need for the  
13 restaurant for your facilities but I  
14 don't know right now that -- and what  
15 you're saying might be true but I am not  
16 certain that the Code Enforcement  
17 Department has passed on all of those  
18 aspects of -- of this buildinge

19 MR. VICCARESE: In an effort of full  
20 disclosure and total transparency Mayor,  
21 the meeting that we had with Mre Harkins  
22 and Mr. Scarpelli there were discussions  
23 about the type of clientele that you were  
24 concerned with, with having a Family  
25 Dollar Store in this town. So when

1           you're -- when you're indicating for the  
2           public that you were not singling out the  
3           Family Dollar Store --

4           MAYOR COCCHIOLA:   No, that's -- I  
5           think you're wrong --

6           MR. VICCARESE:   -- I would -- I  
7           would like -- I would like --

8           MAYOR COCCHIOLA:   -- with that.

9           MR. VICCARESE:   -- I would like to  
10          state that it was very specifically  
11          geared toward -- in an attempt to be  
12          transparent with the town --

13          MAYOR COCCHIOLA:   And in an attempt  
14          to be transparent --

15          MR. VICCARESE:   I'm going to state  
16          that -- Excuse me -- Excuse me Mayor, can  
17          I, please?

18          MAYOR COCCHIOLA:   Certainly.

19          MR. VICCARESE:   There was -- there  
20          were discussions and were comments made  
21          that were inappropriate and that I took  
22          great offense to, particularly around the  
23          north ward, up north

24          MAYOR COCCHIOLA:   No, the  
25          comments -- and -- and specifically

1           reca~~l~~ some of the comments that were  
2           made that were spe -- specific to the  
3           fact that we did not want a downtown  
4           similar to other downtowns that had one  
5           discount or retail store after anothere  
6           That was not our vision for the downtown  
7           and it was very specific as to thate

8           I did ask you -- and I did ask you  
9           where -- what locations the Family Dollar  
10          Store had throughout New Jersey and I'd  
11          like you to answer thate

12          MR. VICCARESE:   And Mr. Wolf will  
13          answer that.

14          MAYOR COCCHIOLA:   And I -- I --

15          MR. VICCARESE:   And he will answ --  
16          he will also speak to the other 6700  
17          stores that are across the United Statese

18          MA~~Y~~OR COCCHIOLA:   I asked about New  
19          Jersey though and that was my -- and ,  
20          that -- that was you and I speakinge

21          MR~~e~~ VICCARESE:   And he -- and he  
22          wil~~e~~ speak to thate   But at that meeting  
23          let the public also know that there  
24          were -- there were indications that the  
25          concerns of the element --

1 MAJOR COCCIOLO: Are you making an  
2 allegation Mr. Viccarese?

3 MR. VICCARESE: I am not -- I am  
4 just -- I am just -- I mean, Mrs Harkins  
5 was at the meeting --

6 MAJOR COCCIOLO: Because --

7 MRS VICCARESE: -- and Mr.  
8 Scarpelli, I'm not making an allegation

9 COMMISSIONER SCARPELLI: Mr.  
10 Viccarese I was at the meeting but --  
11 but --

12 MAJOR COCCIOLO: I don't think that's  
13 appropriate and I don't think that's  
14 fair

15 COMMISSIONER SCARPELLI: -- before  
16 we engage in that matter I think we  
17 really have two different things going on  
18 here. One, consideration of this  
19 ordinance, which is pretty simple. It's  
20 a definition of a discount store and then  
21 it limits the distance between discount  
22 stores. That's separate and apart from  
23 Mrs Viccarese's comments regarding the  
24 zoning permit and separate and apart from  
25 Family Dollar itself, it -- certainly if

1           you want to indulge him and allow him to  
2           speak as to the Family Dollar Store here,  
3           that's -- that's up to you.

4           With respect to the zoning permit I  
5           can tell you, I don't know what was  
6           submitted, when it was submitted, whether  
7           it was approved, denied, whether there  
8           were conditions, so you know I don't  
9           that's appropriate for us to discuss.

10          I mean, I -- I'm happy to talk to  
11          Mre Berry about ite I know he had a  
12          death in the family and wasn't available  
13          for the past day or twoe And I will -- I  
14          will speak to him about ite

15          MAYOR COCCHIOLA: And I -- I would  
16          ask counsel to also research whether or  
17          not in light of the fact that in -- that  
18          this ordinance had been introduced and  
19          I'm not sure what date that was, whether  
20          or not it would be appropriate to issue a  
21          permit in light of the fact that this  
22          governing body was considering the  
23          ordinance. I don't know the answer to  
24          that and I'd ask counsel to -- to take a  
25          look at thate

1           MRe HARKINS: I'll take a look at  
2 that, Mayore

3           MAYOR COCCHIOLA: Thank youe

4           UNIDENTIFIED SPEAKER: Mayor, I have  
5 a question, it's not on -- on the topic  
6 of this Public Hearing but Mre Antendello  
7 (phe) is heree Mre Berry is out due to a  
8 death in the family so understand that  
9 his response to you is driven by a family  
10 emergency that we respecte

11          MR. VICCARESE: In all due respect  
12 to this evidence, yesterday was day  
13 thirteen it was out of time with the ten  
14 day requirement.

15          UNIDENTIFIED SPEAKER: Well, 'cause  
16 I'm --

17          MRe VICCARESE: But that's --

18          UNIDENTIFIED SPEAKER: -- I'm  
19 raising the point was that Mr. Andendello  
20 is here with -- 'cause we keep on hearing  
21 the ten day rulee

22          COMMISSIONER SCARBELLI: Well, but I  
23 think the --

24          UNIDENTIFIED SPEAKER: I just  
25 thought maybe he might -- he can clarify

1 that either tonight, but I'm sure that  
2 could be cleared up because I'm certain  
3 we're not in violatione

4 COMMISSIONER SCARPELLI: And I think  
5 the rule is -- first of all I think it's  
6 a ten business day rulee I'm not  
7 entirely clear on the rule but I think  
8 its ten business day rule --

9 MR. VICCARESE: But --

10 COMMISSIONER SCARPELLI: -- but --  
11 but like I said I don't know when it was  
12 submitted -- when it was submitted, what  
13 was submitted, that they asked for more  
14 information, does that restart the time?  
15 I don't know. I -- I really don't knowe  
16 But I'd find out and I'd speak to Mr.  
17 Berry about ite

18 MR. VICCARESE: Can I introduce Mr.  
19 Wolf to speak on behalf of the Family  
20 Dollar?

21 MAJOR COCCHIOLA: Yeah, as long as  
22 it -- it -- know you, my point to you Mr.  
23 Viccarese is this is not about the Family  
24 Dollar Store and I -- and -- I -- I know  
25 we've spoken about ite I know their



1 balance sheet is strong, it's -- it's  
2 with no disrespect to the Family Dollar  
3 Store but it -- it is about a philosophy  
4 as I explained that -- do we want one  
5 after another after another in a downtown  
6 that we're trying very very hard to -- to  
7 make -- to con -- comply with the vision  
8 that we have and perhaps our Planning  
9 Board has

10 MR. VICCARESE: And I am only trying  
11 to comply with the town zoning ordinances  
12 that are on the record.

13 MAJOR COCCHIOLA: Understood, if Mr.  
14 Wolf wants to address the Board he's --  
15 he's welcome to

16 MR. WOLF: Thank you I won't take  
17 a lot of time Steve Wolf with Family  
18 Dollar I'm the regional manager for  
19 Family Dollar of New Jersey, New York,  
20 Pennsylvania and Delaware And -- I --  
21 and what I'd like to say is we're --  
22 we're not a dollar store I think that's  
23 a -- because our name is Family Dollar  
24 we're fifty years old The name was  
25 picked before dollar stores actually

1 became vogue. So, we're just a -- we're  
2 just a small variety store much like  
3 Woolworth Stores that used to be  
4 throughout the US so, I brought some  
5 handouts I'd for you to take a look at if  
6 you -- if you have time.

7 MAYOR COCCHIOLA: Certainly.

8 MR. WOLF: (Speaking away from  
9 Microphone)

10 Thank you.

11 MAYOR COCCHIOLA: Thank you.

12 MR. WOLF: Uh-hum.

13 UNIDENTIFIED SPEAKER: Thank you.

14 MAYOR COCCHIOLA: Thank you.

15 UNIDENTIFIED SPEAKER: Thank you.

16 MR. WOLF: As you can see by our mix  
17 we're really just a -- a very small K-  
18 mart or a very small Woolworth Store, I  
19 mean, we don't have the -- the breadth of  
20 inventory that they have or the mix, but  
21 we have every depart -- so it's -- we're  
22 very convenient for people who -- who  
23 don't want to have to get on the highway  
24 and drive twenty minutes to another  
25 department store. They can come in and

1 pick up product at our store.

2 And I think we provide a -- a nice  
3 service to the community. Our prices our  
4 competitive. We've had a lot of price  
5 shopping against Wal-Mart and K-Mart and  
6 Target and when -- when you get done  
7 we're always within fifty cents or a  
8 dollar of -- of any of the -- the big  
9 discountse .

10 So, we're here not to rip people off  
11 like a lot of small convenient stores  
12 are. We're here to provide a service and  
13 I think we do a pretty nice job of it.

14 You asked where we're at in other  
15 New Jersey markets and we're from Cape  
16 May, Bayshore, Forked River, Camden,  
17 Pennsauken, Trenton, Somerset, Newark,  
18 Orange, East Orange, all the way west and  
19 Washington and Belvidere. So even in  
20 small communities as well as urban  
21 communities wherever we go it's really  
22 just to serve a very small community as a  
23 convenient store.

24 And that's -- that's basically what  
25 we do; we've got 6700 stores throughout

1 the US in a lot of different places. I  
2 just came down from Lake Placid today  
3 because we're putting a store in Lake  
4 Placid which is as far north as you can  
5 go almost in -- in New York and it's  
6 certainly a small community but they  
7 don't have any other source to buy our  
8 products. They have to drive to  
9 Plattsburgh which is thirty miles. So  
10 they're very happy to have us come there.  
11 And that's really a resort town. It's  
12 not a -- they wouldn't want a dollar  
13 store as you folks like to -- to call it.  
14 But we're not a dollar store we're just a  
15 discount store with the name The Family  
16 Dollar.

17 I'd be happy to answer any questions  
18 concerning delivery or merchandise mix or  
19 store hours, if you have any questions, I  
20 don't want to take a lot of your time,  
21 but I'd be happy to answer anything you  
22 have.

23 UNIDENTIFIED SPEAKER: Mrs Wolf, I'm  
24 sure many of our residents are not  
25 familiar with your store so do you have

1           like a price point, at all?

2           MRe WOLF:   We -- the price points go  
3           from fifty cents up to -- as high as  
4           fifty dollarse   Sometimes we'dl have some  
5           radios or something that will sell for  
6           maybe seventy-five but most of the items  
7           are below fifty dollarse

8           UNIDENTIFIED SPEAKER:   I -- I -- I  
9           happen to visit one of -- one of your  
10          stores on Broadway in Newark and there  
11          was shirts there that were, you know,  
12          under 8.99, would that be fair -- you  
13          know depiction of what kind of  
14          merchandise that you -- you doe

15          MRe WOLF:   We don'te -- in the newer  
16          store set up we don't have that much  
17          clothing but it -- woued -- would --  
18          clothing we do have would be socks and  
19          underwear and then there'd be some t-  
20          shirts that maybe are for sale for -- for  
21          men but more infants and -- and girls and  
22          boys clothing then would for adultse

23          UNIDENTIFIED SPEAKER:   In -- in  
24          Essex County could you give us some of  
25          the towns you're located in?

1           MR. WOLF: We're in Jersey City,  
2 Bayonne, Newark, Orange, East Orange,  
3 Somerset, Middlesex. I think that's --  
4 that's it up north. We only have eightye  
5 eight stores in the state.

6           MAYOR COCCHIOLA: Mr. Wolf, I'm just  
7 looking at this 'cause this must be  
8 one -- one of your brochures. Is this  
9 the way that most of your stores look on  
10 the outside?

11          MR. WOLF: It is now, yes.

12          MAYOR COCCHIOLA: The -- the --  
13 this -- are -- is that -- is that --  
14 that's routine, this is your logo, this  
15 is the signage, this is what you usually  
16 have?

17          MR. WOLF: That's the signage. The  
18 facade is different. I mean, if -- if  
19 it's a build-to-suit, if we're doing a  
20 ground-up, which we do a lot of, the that  
21 would be the -- the facade but if you're  
22 talking about existing space, then we  
23 usually conform to whatever the facade  
24 already has.

25          MAYOR COCCHIOLA: Any questions

1 Commissioners?

2 COMMISSIONER SCARPELLI: I just want  
3 to reiterate that, you know, although  
4 this -- this ordinance may affect, for  
5 lack of a better word, the Janette Shop  
6 property, it's really not about the  
7 Janette Shop property; this is about  
8 preserving our downtown. This is about  
9 creating a diversity of different  
10 businesses in the downtown and it's about  
11 a spacing issue of which we have several  
12 ordinances already on the books.

13 MAYOR COCCHIOLA: Mr. Wolf, can I  
14 ask you a question too? Are you familiar  
15 that directly across the street from the  
16 location that you're interested in there  
17 already is a -- a discount value and  
18 there -- that -- the -- the products in  
19 that store are not only dollar products  
20 either they're predominantly dollar  
21 products but you're familiar that there's  
22 a store directly across the street  
23 from --

24 MR. WOLF: Yes, uh-huh.

25 MAYOR COCCHIOLA: -- from you. And

1 does that -- that didn't factor into your  
2 analysis as to whether or not you'd want  
3 to open a store across the street from  
4 one --

5 MR. WOLF: Yeah, it -- some of the  
6 product would match up, but not all of  
7 it. I think our mix is -- is large  
8 enough that it wouldn't affect our  
9 business. I -- I wouldn't -- I wouldn't  
10 believe we would affect his business as  
11 well.

12 MAJOR COCCIOLO: And what --  
13 what -- when you make a decision to come  
14 to a community, what -- what are the  
15 factors that you rely on in making that  
16 decision, do you -- do a demographic  
17 study, do you -- you know, what -- what  
18 do you utilize to make that decision,  
19 what factors?

20 MR. WOLF: Mostly its demographic  
21 studies, number of households within a  
22 half mile or -- or a mile depending. If  
23 it's a rural area, it could be larger  
24 than that. If it's an urban that  
25 generally have income, ethnic -



1 ethnicity There's a variety of things  
2 that we -- we look at, and competition

3 UNIDENTIFIED SPEAKER: One more  
4 question Mayor?

5 MAYOR COCCHIOLA: Uhehum.

6 UNIDENTIFIED SPEAKER: Mrs Wolf,  
7 if -- if you -- are you involved in any  
8 redevelopments of downtowns at all?

9 MR. WOLF: Not me personally --

10 UNIDENTIFIED SPEAKER: I mean --

11 MR. WOLF: We -- we've gone in some,  
12 we've -- we've done that in some towns,  
13 yes

14 UNIDENTIFIED SPEAKER: Yeah, all  
15 right. I mean because like if I were to  
16 start a downtown redevelopment, I don't  
17 think like that would be one of the  
18 stores that I would want as my anchor and  
19 just -- just as an observation, I think  
20 the Janette Shops always been considered  
21 our anchor store of our downtown and all  
22 respect to our business it's not what I  
23 would personally build there

24 MR. WOLF: Where we've actually done  
25 it it's been -- we've gone in with a

1 small grocery store as part of  
2 revitalization and -- where they don't  
3 have a grocery store or any other  
4 department store so we've gone in~~e~~ we  
5 signed them as a coetenante It's worked  
6 out well for -- for the community and for  
7 us.

8 MAYOR COCCHIOLA: Mr. Wolf you carry  
9 groceries is it -- is -- can you get milk  
10 at the store as well, I saw there's soda,  
11 there's dish detergent there's paper  
12 towels --

13 MR WOLF: Yes

14 MAYOR COCCHIOLA: -- you carry milk  
15 and fresh items as well?

16 MR WOLF: Yes, yes, just -- really  
17 just it's a twe~~ve~~ve -- twelve foot case,  
18 it has some milk, some orange juice, some  
19 eggs, some cheese, just a -- just a small  
20 amounte

21 UNIDENTIFIED SPEAKER: Mayor, it's  
22 not -- it's not on the ordinance at that  
23 is at hand, but just to clarify a  
24 question. When you get deliveries, when  
25 do they come and how frequent they come,

1 what size vehicles it comes?

2 MR. WOLF: Well, we'd get one  
3 delivery a week and it's a fifty foot  
4 trailer, takes -- generally we would --  
5 I would expect we would have about 1,200  
6 cartons on -- on the trailer, so you get  
7 one -- one delivery per week

8 UNIDENTIFIED SPEAKER: How long does  
9 that take to unload?

10 MR. WOLF: Probably about two hours,  
11 two and a half.

12 MAJOR COCCHIOLA: Once a week, is  
13 that once a week?

14 MR. WOLF: Once a week, yes

15 UNIDENTIFIED SPEAKER: Once a week?

16 UNIDENTIFIED SPEAKER: And where  
17 would those deliveries be made?

18 MR. WOLF: That's what we're trying  
19 to work out. I would -- I would prefer  
20 they be made off the rear of the building  
21 rather than out on the highway so that  
22 the truck could pull into the parking  
23 lot; it could unload and have it pull out  
24 again

25 UNIDENTIFIED SPEAKER: Well, that

1 would be public property, right, which we  
2 would we'd have to see about doing it if  
3 it's not there, not on public property  
4 where would it go? So one of my -- one  
5 of my question is -- is that fifty foot  
6 trailer going down Vincent Place which  
7 we -- where we have two senior citizens  
8 housing, the library, a high school

9 It's an area where there's a lot of  
10 peop -- a lot movement and a lot of  
11 traffic and it's a narrower street, it's  
12 a hard time trying to make a left turn  
13 you got one way, a hard right the other  
14 waye I'd be very concerned about having  
15 a tractor trailer on that street being  
16 because -- because of the nature of the  
17 entity of what's there including the  
18 two -- the children and the seniors

19 MRe VICCARESEe May I suggest that  
20 you and Mre Harkins speak to Mr. Berry  
21 will also look at the ordinance that's  
22 currently on the record that allows truck  
23 delivery larger than the fifty foot  
24 trailer codee I'd really appreciate it.

25 UNIDENTIFIED SPEAKER: Yeah, I would

1 have a concern it would be on that  
2 streete If it's on Franklin Avenue and  
3 it's in the front of the building, it's  
4 less of a concern, but it's also a safety  
5 concerne I'm not raising it based on the  
6 nature of the ordinancee It's a safety  
7 of the children and the senør citizens  
8 that live in that areae

9 MRe WOLF: We -- we would do it off  
10 of Franklin, I would just, I thought that  
11 you would prefer us not goèng off  
12 Franklin and having a truck on your main  
13 street for a couple of hourse It is only  
14 once a week, but still, it is going to  
15 take a -- you know, 1,200 cartons,  
16 they're not on palettese They come off  
17 one at a time, so it just takes them, you  
18 know, it takes a couple hours to unload  
19 it.

20 UNIDEN#IFIED# SPEAKER: Maybe --  
21 there's other businesses on Franklin  
22 Avenue, in fact there was one, actually  
23 this morning that had a tractor trailer  
24 delivery on Franklin Avenue but it was  
25 there early in the mornèng and they were

1 generally around the area probably at  
2 eight o'clock in the am.

3 MR. WOLFE: Well -- and we can -- we  
4 can schedule -- you tell us what time you  
5 want us to -- to schedule and we'll make  
6 an honest attempt to do that on each  
7 deliverye

8 UNIDENTIFIED SPEAKER: Okaye

9 MAYOR COCCHIOLA: Anyone have any  
10 other questions?

11 MR. VICCARESE: Just one more point  
12 if I could make Mayor? The ordinance  
13 that you're introducing tonight is that  
14 there were two previous meetings in my  
15 attempts and my effort to sit with you  
16 and explain what our intentions were and  
17 they were maybe construed as being  
18 directed at use

19 MAYOR COCCHIOLA: I don't agree with  
20 that at all. Mr. Viccarese, you --  
21 you've met with me --

22 MR. VICCARESE: I'm just -- I'm  
23 just -- I'm just putting into the  
24 record --

25 MAYOR COCCHIOLA: -- you and Mr.

1 Mazola had met with me and Mre Harkins --

2 MRe VICCARÈSE: Yese

3 MAYOR COCCHIOBA: -- some time ago  
4 and in that very initial conversation I  
5 had with you I said this would be a very  
6 hard sell in this community and I mowed  
7 that on the line to youe

8 You left it -- you had another  
9 discussion involving Commissioner  
10 Scarpelli, the rest of this Board wasn't  
11 privy to any of that, so they -- you  
12 know, they're, you're -- I think you're  
13 somewhat out of line with thate

14 You had private discussions with us  
15 where we expressed our opinions about  
16 certain things. We couldn't make any  
17 representations to youe. We can't do  
18 thate. We're a governing body -- we act as  
19 a team. We -- we can't take any action  
20 singly on this Board, not one of us, not  
21 the Mayor and not -- not a single  
22 Commissione. So I -- I don't -- I don't  
23 know where you're going with that but  
24 I -- I disagreee

25 MRe VICCARÈSE: I do appreciate it,

1 but just for the record I'd like to state  
2 that the ordinance was introduced after  
3 two prior -- two previous meetings with  
4 you Mayor and also a rep -- a  
5 representative including the town  
6 attorneye Thank youe

7 MAJOR COCCHIOLA: Thank youe

8 COMMISSIONER SCARPELLI: Excuse me,  
9 Mre Viccarese, during those meetings  
10 you -- you know they weren't all one  
11 sided, you also were looking for  
12 concessions from this body weren't you?

13 MRe VICCARESEe What type of  
14 concessions?

15 COMMISSIONER SCARPELLI: Curb cuts,  
16 placement of dumpsters --

17 MR. VICCARESE: Uh --

18 COMMISSIONER SCARPELLI: --  
19 couple -- four feet of public space --

20 MRe VICCARESEe So --

21 COMMISSIONER SCARPELLI: -- moving  
22 the parking spotse I just want to put  
23 that on the record also.

24 MR. VICCARESE: So -- so that -- but  
25 that's property that's across the street



1 Mr Scarpelli?

2 COMMISSIONER SCARPELLI: Excuse me?

3 MR VICCARESE: That's the property  
4 that we're -- we're referring to which is  
5 across the street --

6 COMMISSIONER SCARPELLI: I'm talking  
7 about our meeting.

8 MR VICCARESE: -- not the -- right,  
9 the meeting --

10 COMMISSIONER SCARPELLI: So we had  
11 our meetinge

12 MR VICCARESE: -- the meeting, the  
13 curb cuts that you're refereeing to are  
14 in relation to the property across the  
15 street the building previously occu --  
16 occupied by Blockbuster and not the JNC  
17 building that we're here discussing this  
18 evening.

19 COMMISSIONER SCARPELLI: We're  
20 discussing this ordinance you brought in  
21 what you talked about at the meetingse  
22 I'm also putting on the record you were  
23 also looking for concessions from use  
24 Correct?

25 MR VICCARESE: Absolutelye

1 COMMISSIONER SCARABELLI: Thank you

2 MAYOR COCCHIOLA: And I -- and I

3 should probably add that a portion of

4 that meeting was directed to me and Mrs

5 Rempusheski with respect to the

6 possibility of obtaining CDG funding for

7 the facade improvement for that building

8 which we were -- had been working on and

9 I -- and I think Mrs Rempusheski has

10 just recently contacted your president

11 about continuing to work on trying to

12 obtain funding for you to -- to complete

13 the facade of the building, so that was

14 also a portion of that discussion

15 MR VICCARESE: Absolutely it was

16 MAYOR COCCHIOLA: Anyone else? I --

17 I think there are other people that would

18 like to speak this evening?

19 MS TANGORRA: My name is Carol

20 Tangorra I live at 43 Colonial Terrace

21 in Nutley I'm currently vice

22 chairperson of the Planning Board

23 We discussed this ordinance at a

24 recent meeting and I'm happy to say that

25 the Planning Board was very very much in

1 favor of this ordinancee We feel that  
2 it's consistent with our master plan and  
3 we feel that it's consistent with  
4 discussions we've had about revisions to  
5 the master plane

6 We feel that encouraging diversity  
7 in our downtown area is something that  
8 will benefit everybody in towne And  
9 at -- the more -- the more variety we  
10 have in the type of businesses downtown  
11 we feel that it would be an advantage for  
12 everybodye It would encourage people to  
13 really utilize the downtown more and that  
14 has to be good for everyonee

15 MAYOR COCCHIOLA: Mse Tangorra are  
16 you saying then that the Planning Board  
17 is in favor of the ordinance did the  
18 plan --

19 MSe TANGORRA: Absolutelye

20 MAYOR COCCHIOLA: Okaye

21 MSe TANGORRA: Unanimously soe

22 MAYOR COCCHIOLA: Thank you, is  
23 there anyone else that would like to  
24 address the Board?

25 MSe EISENFELDER: My name is Anne

1 Lynne Eisenfelder. I am also a member of  
2 the Nutley Planning Board. And I want to  
3 reiterate what Mse Tangorra just saide

4 When Commissioner Scarpelli brought  
5 the ordinance to the Planning Board for  
6 discussion everyone was in total  
7 agreement that this is something that we  
8 would want for Nutley.

9 Several years ago we did some --  
10 something similar with nail salons when  
11 we realized that were too many of them  
12 and this is not what we were looking for  
13 the image of our downtowne

14 Comparison shopping is something  
15 that we look forward to, but we're --  
16 we're thinking of and have always been  
17 thinking of retail shopping at perhaps a  
18 higher level.

19 We've had many discussionse We've  
20 had the public come in and speak about  
21 what they're looking for in Nutley and we  
22 hear things like The Gap store, Talbots.  
23 People -- people are looking for better  
24 things for Nutleye We have a good image  
25 in our town and we just want to make it

1           bettere And I'm not just speaking for  
2           myself, Mayor, you've been there when the  
3           public has come out and expressed what  
4           they want Nutley to look like in the next  
5           twenty/thirty yearse And that's what  
6           we're doing now with our master plan and  
7           we have to set guidelines and we need to  
8           do it in -- through ordinances in some  
9           casese And I think this is an excellent  
10          ordinance, it's -- it's expressing what  
11          we are looking fore

12           And I applaud you for doing this and  
13          I hope that it will be passed tonight  
14          because this is something that Nutley  
15          needs and has expressed over and over to  
16          use The kind of downtown that we're  
17          looking for that people in this town want  
18          it more upscale then it is todaye

19           MAYOR COCCHIOLA: And Mrse  
20          Eisenfelder, is it the usual practice of  
21          the Planning Board to review, recommend  
22          and approve these types of ordinances to  
23          the Board of Commissioners?

24           MSe EISENFELDER: Absolutelye yese

25           MAYOR COCCHIOLA: Did you do that in

1 this instance as well?

2 MSe EISENFEEDER: Yes

3 MAYOR COCCHIOLA: Thank you.

4 MRe GARRUFO: Good evening, Andy  
5 Garruto, 7 Saint Paul's Place I do  
6 commend Commissioner Scarpelli in  
7 proposing this ordinance; it  
8 demonstrates an interest in fostering a  
9 thriving business district in our town  
10 which is why I support it

11 It's a rational regulation of our  
12 business arease It avoids grouping of  
13 similar businesses in the same areas  
14 which will add variety to the commercial  
15 arease The more variety -- more variety  
16 means more shoppers will be drawn to our  
17 business districtse

18 It's not saying that you can't have  
19 the discount store; it just provides a  
20 reasonable space between them. It gives  
21 each business a -- a fair opportunity for  
22 success and reduces the risk of empty  
23 store fronts.

24 I appreciate this proactive and  
25 thoughtful ordinance. It's good for

1 Nutley. Thank you very much

2 MAJOR COCCHIOLA: Thank you Mrs  
3 Garrutoe So anyone else that would like  
4 to address the Board this evening?

5 MSe CHAGNON: Lisa Chagnon, 48  
6 Highland Avenue I'm just a concerned  
7 citizen being in Nutley for seventeen I  
8 just want to put on record that I agree  
9 with the ordinance

10 We need to start modeling our town  
11 similar to those like Mont -- Upper  
12 Montclair, Westfield, Ridgewood. Not  
13 that they have to be exactly like them,  
14 but we need to head in that direction.

15 I agree with those that came before  
16 me and I -- I do have to say that I'm  
17 very surprised that those that were  
18 involved in Janette Shop want to now put  
19 this type of a store in place of Janette  
20 Shop when Janette Shop was very highly  
21 regarded and -- you know, considered an  
22 anchor store in our town. I think they'd  
23 want to put another anchor kind of store

24 MAJOR COCCHIOLA: Thank you, Mrs  
25 Chagnone Any questions for Mrs Chagnon

1 or -- any other questions or comments by  
2 members of the Board?

3 UNIDENTIFIED SPEAKER: Move to close  
4 the public hearing?

5 UNIDENTIFIED SPEAKER: Seconde

6 MADAM CLERK: Commissioner

7 Scarpelli?

8 COMMISSIONER SCARPELLI: Aye

9 MADAM CLERK: Commissioner Evans?

10 COMMISSIONER EVANS: Aye

11 MADAM CLERK: Commissioner Tucci?

12 COMMISSIONER TUCCI: Aye

13 MADAM CLERK: Mayor Cocchiola?

14 MAYOR COCCHIOLA: Aye

15 UNIDENTIFIED SPEAKER: Move the  
16 ordinance

17 UNIDENTIFIED SPEAKER: Seconde

18 MADAM CLERK: Commissioner

19 Scarpelli?

20 COMMISSIONER SCARPELLI: Aye

21 MADAM CLERK: Commissioner Evans?

22 COMMISSIONER EVANS: Aye

23 MADAM CLERK: Commissioner Tucci?

24 COMMISSIONER TUCCI: Aye

25 MADAM CLERK: Mayor Cocchiola?



1           MAYOR COCCHIOLOLA: Aye. Moving on to  
2 Ordinance number 3127. It's an ordinance  
3 to amend Chapter 320 of the Code of the  
4 Township of Nutley Section 320-4 entitled  
5 "Vital Statistics Fees"

6           What this ordinance does is fix the  
7 rate for birth/death/marriage certificate  
8 of domestic partnership and civil union  
9 transcripts from the Bureau of Vital  
10 Statistics at ten dollars per copy which  
11 is in conformance with -- with what other  
12 municipalities are doing.

13           Is there any member of the public  
14 that would like to address the Board with  
15 respect to this ordinance?

16           I move the public hearing be closed

17           UNIDENTIFIED SPEAKER: Second

18           MADAM CLERK: Commissioner

19           Scarpeali?

20           COMMISSIONER SCARPEALI: Aye.

21           MADAM CLERK: Commissioner Evans?

22           COMMISSIONER EVANS: Aye.

23           MADAM CLERK: Commissioner Tucci?

24           COMMISSIONER TUCCI: Aye.

25           MADAM CLERK: Mayor Cocchio?

1 MAJOR COCCHIOLA: Aye Move the  
2 ordinance

3 UNIDENTIFIED SPEAKER: Second

4 MADAM CLERK: Commissionee  
5 Scarpelli?

6 COMMISSIONER SCARPELLI: Aye

7 MADAM CLERK: Commissionee Evans?

8 COMMISSIONER EVANS: Aye

9 MADAM CLERK: Commissionee Tucci?

10 COMMISSIONER TUCCI: Aye

11 MADAM CLERK: Mayor Cocchiola?

12 MAJOR COCCHIOLA: Aye Ordinance  
13 number 3129 entitled, "AN ORDINANCE TO  
14 ESTABLISH MANDATORY AFFORDABLE HOUSING  
15 DEVELOPMENT FEES AND AN AFFORDABLE  
16 HOUSING TRUST FUND."

17 This is an ordinance that was  
18 recommended to us from the Planning  
19 Board. It imposes a nonresidential  
20 development fee of two and a half percent  
21 and permits the collection of COAH fees

22 I -- I will comment that we are  
23 aware that the legislature has introduced  
24 a bill eliminating the council on  
25 affordable housing. We don't know where

1           that's going to go in the interim.  
2           However, this ordinance is necessary for  
3           us to be able to collect the development  
4           fees at this time.

5           Is there any member of the public  
6           that would like to address the Board with  
7           respect to this ordinance?

8           I move the public hearing be closed.

9           UNIDENTIFIED SPEAKER:    Second.

10          MADAM CLERK:    Commissioner  
11          Scarpelli?

12          COMMISSIONER SCARPELLI:    Aye.

13          MADAM CLERK:    Commissioner Evans?

14          COMMISSIONER EVANS:    Aye.

15          MADAM CLERK:    Commissioner Tucci?

16          COMMISSIONER TUCCI:    Aye.

17          MADAM CLERK:    Mayor Cocchiola?

18          MAYOR COCCHIOLA:    Aye.  I move the  
19          ordinance.

20          UNIDENTIFIED SPEAKER:    Second.

21          MADAM CLERK:    Commissioner

22          Scarpelli?

23          COMMISSIONER SCARPELLI:    Aye.

24          MADAM CLERK:    Commissioner Evans?

25          COMMISSIONER EVANS:    Aye.

1 MADAM CLERK: Commissioner Tucci?

2 COMMISSIONER TUCCI: Aye.

3 MADAM CLERK: Mayor Cocchiola?

4 MAYOR COCCHIOLA: Aye. Resolutions,  
5 Commissioner Scarpelli for you and  
6 Commissioner Petraeco?

7 COMMISSIONER SCARPELLI: I'dl do  
8 both of them Mayore .

9 MAYOR COCCHIOLA: Thank youe

10 COMMISSIONER SCARPELLI: Whereas,  
11 there exists a need for specialized  
12 professional serviees for sanitary sewer  
13 collection system operator in the  
14 Township of Nutley, County of Essex,  
15 State of New Jersey;

16 Whereas, funds are available from  
17 10-01e42e-209 have been certified by the  
18 chief financial officer, said  
19 certification be attached to this  
20 resolutione

21 Whereas, the public contracts law  
22 requires that notice with respect to the  
23 contracts for professional serviees  
24 awarded without competitive bids must be  
25 publicly advertisede

1           Now, therefore, be resolved that a  
2 Board of Commissioner Township of Nutley,  
3 County of Essex, State of New Jersey, as  
4 follows:

5           1. Contracts shall be entered in  
6 between the Township of Nutley and  
7 Phiacore Incorporated, PO Box 7,  
8 Caldwell, New Jersey 07006 to be  
9 retained to provide services necessary  
10 for the day to day operations of the  
11 municipality for the annual fee not to  
12 exceed \$30000

13           2. The contract is awarded without  
14 competitive bid as a professional service  
15 in accordance with the local public  
16 contract laws and is for a service  
17 performed by a person(s) authorized by  
18 law to practice a recognized professional  
19 service as regulated by law

20           3. A copy of the resolution as well  
21 as the contract shall be placed on file  
22 with the township clerk.

23           4. A notice in accordance with the  
24 local public contracts law shall be  
25 posted in the Nutley Sun

1 And move to resolutione

2 UNIDENTIFIED SPEAKER: Seconde

3 MADAM CLERK: Commissioner

4 Scarpeelli?

5 COMMISSIONER SCARPELLI: Ayee

6 MADAM CLERK: Commissioner Evans?

7 COMMISSIONER EVANS: Ayee

8 MADAM CLERK: Commissioner Tucci?

9 COMMISSIONER TUCCI: Ayee

10 MADAM CLERK: Mayor Cocchiola?

11 MAYOR COCCHIOLA: Ayee

12 COMMISSIONER SCARPELLI: Here,

13 resolved by the Board of Commissioners

14 Township of Nutley, County of Essex, New

15 Jersey that in accordance with the

16 provision of RS 48:4-59, the following

17 transfer(s) of 2009 appropriation

18 reserves be and the same are hereby

19 authorized and approved:

20 From Water Operations salary and

21 wages \$3,000, to Passaic Valley Water

22 \$3,000e I move the resolutione

23 UNIDENTIFIED SPEAKER: Seconde

24 MADAM CLERK: Commissioner

25 Scarpelli?

1 COMMISSIONER SCARABELLI: Aye

2 MADAM CLERK: Commissioner Evans?

3 COMMISSIONER EVANS: Aye

4 MADAM CLERK: Commissioner Tucci?

5 COMMISSIONER TUCCI: Aye

6 MADAM CLERK: Mayor Cocchiola?

7 MAJOR COCCHIOLA: Aye

8 COMMISSIONER SCARABELLI: Whereas,  
9 the Township of Nutley supports the  
10 development and installation of traffic  
11 calming measures as means of managing  
12 traffic speeds on all streets with the --  
13 within the township;

14 Whereas, the proper installations of  
15 yield to pedestrian in crosswalk signs  
16 on/or within public streets has been  
17 demonstrated to be an effective means of  
18 improving pedestrian safety;

19 And, whereas, the intersection of  
20 Franklin Avenue and Church Street is  
21 under the jurisdiction of Essex County as  
22 determined by the Essex County engineers,  
23 and meets New -- New Jersey Department of  
24 Transportation standards for installation  
25 of "Yield to Pedestrian" signs;

1           And, whereas, the condition to the  
2 placement of the "Yield to Pedestrian"  
3 signs on county roads, County of Essex  
4 requeres the municipality accept  
5 responsibility for installation,  
6 maintenance and/or replacement of such  
7 signs on county roads within the  
8 municipality;

9           Now, therefore, it be resolved that  
10 the Board of Commissioners Township of  
11 Nutley, County of Essex, New Jersey that  
12 the township accept responsibility for  
13 the installation, maintenance,  
14 replacement, all costs related to it all  
15 "Yield to Pedestrian" signs installed, or  
16 to be installed on county roads within  
17 the township and the Township of Nutley  
18 agrees to hold the County of Essex  
19 harmless for any claims placed in such  
20 signs in county roadways within the  
21 Township of Nutleye I move the  
22 resolutione

23           UNIDENTIFIED SPEAKER: Sec --

24           UNIDENTIFIED SPEAKER: Seconde

25           MADAM CLERK: Commissioner



1 Scarpelli?

2 COMMISSIONER SCARPELLI: Aye.

3 MADAM CLERK: Commissioner Evans?

4 COMMISSIONER EVANS: Aye

5 MADAM CLERK: Commissioner Tucci?

6 COMMISSIONER TUCCI: Aye

7 MADAM CLERK: Mayor Cocchiola?

8 MAYOR COCCHIOLA: Aye

9 COMMISSIONER SCARPELLI: Whereas the  
10 Township of Nutley wishes to purchase two  
11 2010 Ford Crown Victoria police cars from  
12 an authorized vendor under the Morris  
13 County Cooperative Purchasing Program;

14 Whereas, the purchase of goods and  
15 services by local contracting units  
16 authorized by the local public contracts  
17 law;

18 And whereas, Warnock Fleet, 175 Route  
19 10, East Hanover, New Jersey, is an  
20 authorized vendor under the Morris County  
21 Cooperative Purchasing Program;

22 Whereas, the projected costs for the  
23 purchase of two 2010 Ford Crown Victoria  
24 police cars is not expected to exceed  
25 \$48,887.40.

1           Whereas, the utilization of this  
2 contract is recommended on the grounds  
3 that it represents the best price  
4 available;

5           Whereas, funds are available from  
6 account 10-01-332-200 and have been  
7 certified by the chief financial officer,  
8 said certification be attached to this  
9 resolution;

10           And, whereas, N.J.A.C. 5:24e7.29  
11 requires the purchase made under the  
12 Morris County Cooperative Purchasing  
13 Program which individually or -- or  
14 cumulatively exceeds the statutory limit  
15 of \$21,000 be authorized by res -  
16 resolution,

17           Now, it therefore be resolved that  
18 the Board of Commissions, Township of  
19 Nutley that Warnock Fleet be awarded the  
20 contract for purchase of two Ford Crown  
21 Victoria police cars in accordance with  
22 local public contracts law.

23           I move the resolutione

24           UNIDENTIFIED SPEAKER: Second.

25           MADAM CLERK: Commissioner

1 Scarpelli?

2 COMMISSIONER SCARPELLI: Aye.

3 MADAM CLERK: Commissioner Evans?

4 COMMISSIONER EVANS: Aye

5 MADAM CLERK: Commissioner Tucci?

6 COMMISSIONER TUCCI: Aye

7 MADAM CLERK: Mayor Cocchiola?

8 MAYOR COCCHIOLA: Aye

9 MAYOR COCCHIOLA: That's all I have  
10 Mayore

11 MAYOR COCCHIOLA: Thank you,  
12 Commissioner Evans?

13 COMMISSIONER EVANS: Thank you  
14 Mayor.

15 Resolution appointing David Berry,  
16 zoning officiale

17 Whereas, among other things, it is  
18 the duty -- duty of the zoning officer to  
19 enforce the township zoning ordinance,  
20 keep a record of all applications for  
21 zoning permits and a record of all  
22 permits issued in, conditions imposed, if  
23 any, under the Site Plan Ordinance;

24 And, whereas, David Berry has  
25 certified -- has been certified as the

1 zoning official for the township.

2 Now, therefore, be resolved by the  
3 governing body of the Township of Nutley  
4 in the County of Essex that David Berry  
5 is hereby appointed Zoning Official of  
6 the Township of Nutley pursuant to and  
7 accordance with the code of the Township  
8 of Nutleye

9 So movede

10 UNIDENTIFIED SPEAKER: Seconde

11 MADAM CLERK: Commissioner

12 Scarpelli?

13 COMMISSIONER SCARPELLI: Aye

14 MADAM CLERK: Commissioner Evans?

15 COMMISSIONER EVANS: Aye

16 MADAM CLERK: Commissioner Tucci?

17 COMMISSIONER TUCCI: Aye

18 MADAM CLERK: Mayor Cocchiola?

19 MAYOR COCCHIOLA: Aye

20 COMMISSIONER EVANS: Be it

21 resolved -- be it resolved by the Board  
22 of Commissioners of the Township of  
23 Nutley, County of Essex, State of New  
24 Jersey that the treasurer being chief  
25 hereby authorized to refund overpayments

1 of property taxes in the amount of  
 2 \$2,211.90 for the year 2010 for the  
 3 following accounts, Block 2, Lot 5304,  
 4 \$2,211.90

5 So Moved.

6 UNIDENTIFIED SPEAKER: Second.

7 MADAM CLERK: Commissioner  
 8 Scarpelli?

9 COMMISSIONER SCARPELLI: Aye.

10 MADAM CLERK: Commissioner Evans?

11 COMMISSIONER EVANS: Aye

12 MADAM CLERK: Commissioner Tucci?

13 COMMISSIONER TUCCI: Aye

14 MADAM CLERK: Mayor Cocchiola?

15 MAYOR COCCHIOLA: Aye

16 COMMISSIONER EVANS: Whereas, the  
 17 Township of Nutley pursuant to N.J.S.A.  
 18 48:11-11 may by resolution and without  
 19 advertising for a bids purchase any goods  
 20 or services under an approved County  
 21 Cooperative Purchasing Program.

22 Whereas, the Township of Nutley has  
 23 a need on a timely basis to purchase  
 24 goods and services utilized -- utilizing  
 25 the Morris County Cooperative Purchasing

1 Program;

2 And, whereas, the Township of Nutley  
3 intends to enter into contracts with the  
4 attached referenced Morris County  
5 contract vendors through this resolution  
6 and properly executed contracts which  
7 shall be subject to all the conditions  
8 applicable to the current Morris County  
9 contracts;

10 Now, therefore, be it resolved that  
11 the Township of Nutley authorizes the  
12 purchasing agent to purchase certain  
13 goods and services from those approved by  
14 the county as it -- Morris County Coop  
15 vendors on the attached list pursuant to  
16 all conditions of individual county  
17 contracts;

18 And where it be -- be further  
19 resolved that the governing body of the  
20 Township of Nutley pursuant to NJA --  
21 N.J.A.C. 5:30e5.5(b) the certification of  
22 available funds shall either ver --  
23 certify the full maximum amount against  
24 the budget at the time that the contract  
25 is ordered or no contract shall be

1 chargeable or certified until such time  
2 as the good or services ordered or -- or  
3 otherwise called or prior to placing the  
4 order and certification of availability  
5 of funds is made by the chief financial  
6 officer;

7 And, be it further resolved that the  
8 duration of the contracts between the  
9 Township of Nutley and the referenced  
10 Morris County Cooperative Purchasing  
11 Program Vendors shall be from January 1,  
12 2010 to -- through December 31st, 2010.

13 There's an error in the date on the  
14 resolution just I'm correcting as we  
15 speak It was referenced by mistake to  
16 2009e

17 So moved.

18 UNIDENTIFIED SPEAKER: Second.

19 MADAM CLERK: Commissioner  
20 Scarpelli?

21 COMMISSIONER SCARPELLI: Aye

22 MADAM CLERK: Commissioner Evans?

23 COMMISSIONER EVANS: Aye

24 MADAM CLERK: Commissioner Tucci?

25 COMMISSIONER TUCCI: Aye

1 MADAM CLERK: Mayor Cocchiola?

2 MAJOR COCCHIOLA: Aye

3 COMMISSIONER EVANS: Whereas the  
4 Township of Nutley, pursuant to N.J.S.A.  
5 40A:41-12a and N.J.A.C. 5.34-27.29(c),  
6 made by resolution without advertising  
7 for bids, purchase any goods or services  
8 under the State of New Jersey Cooperative  
9 Purchasing Program for any state  
10 contracts entered into on behalf of the  
11 state by the Division of Purchase and  
12 Property and the Department of the  
13 Treasury

14 And, whereas, the Township of Nutley  
15 has a need on a timely basis to purchase  
16 goods or services utilizing state  
17 contracts

18 And, whereas, the Township of Nutley  
19 intends to enter into contracts with the  
20 attached Referenced State Contract  
21 Vendors through this resolution and  
22 properly executed contracts shall be  
23 subject to all conditions applicable to  
24 the current state contracts

25 Now, therefore, be it resolved that



1 the Township of Nutley authorizes the  
2 purchasing agent to purchase certain good  
3 or services from those approved New  
4 Jersey State Contract Vendors on the  
5 attached list pursuant to all conditions  
6 of the individual state contracts;

7 And, be it further resolved, that  
8 the governing body of the Township of  
9 Nutley pursuant to N.J.A.C. 5:30-5.5(b),  
10 the certification of available funds  
11 shall either certify the full amount  
12 against the budget at the time that the  
13 contract is ordered or no contract amount  
14 shall be chargeable or certified until  
15 such time as the good or services are  
16 ordered or otherwise called or prior to  
17 placing the order and certification of  
18 available funds is made by the chief  
19 financial officer;

20 And, be it further resolved that the  
21 duration of the contract between the  
22 Township of Nutley and the ref --  
23 Referenced State Contract Vendors shall  
24 be from January 1, 2010 through December  
25 31st, 2010.

1 So movede

2 UNIDENTIFIED SPEAKER: Seconde

3 MADAM CLERK: Commissioner

4 Scarpelli?

5 COMMISSIONER SCARPELLI: Ayee

6 MADAM CLERK: Commissioner Evans?

7 COMMISSIONER EVANS: Ayee

8 MADAM CLERK: Commissioner Tucci?

9 COMMISSIONER TUCCI: Ayee

10 MADAM CLERK: Mayor Cocchiola?

11 MAYOR COCCHIOLA: Ayee

12 COMMISSIONER EVANS: Thank you

13 Mayore

14 MAYOR COCCHIOLA: Thank you,

15 Commissioner Tucci?

16 COMMISSIONER TUCCIE Yes

17 Whereas, the Township of Nutley has  
18 the need for insurance coverage on behalf  
19 of the townshipe and

20 Whereas said services may be  
21 acquired as in insurance services  
22 pursuant to the provisions of the Local  
23 Public Contracts Law N.J.S.A. 48:11e  
24 5(1)(m);

25 And, whereas, Premier Vision Care,

1 PO Box 1591, Livingston, New Jersey,  
2 submitted a proposal indicating that they  
3 would provide the services for a sum of  
4 \$2,040;

5 And, whereas, the anticipated term  
6 of this contract is from February 1, 20~~0~~  
7 to February 1, 20~~1~~;

8 And, whereas, funds are available  
9 from account 2 -- 226~~e~~24~~5~~ and have been  
10 certified by the chief financial officer~~e~~

11 Now, therefore, be it resolved by  
12 the Board of Commissioners of the  
13 Township of Nutley, in the County of  
14 Essex in the State of New Jersey as  
15 follows:

16 1. The contract is awarded without  
17 competitive bidding as an "Insurance  
18 Coverage Purchase~~e~~" in accordance with  
19 Local Public Contract Laws N.J.S.A.  
20 48:11-5~~1~~(m).

21 2. A copy of this resolution as  
22 well as the contract shall be placed on  
23 file with the Township Clerk, and

24 3. A notice in accordance with the  
25 Local Public Contracts Law of New Jersey

1 shall be published in the Nutley Sun.

2 I move the resolutione

3 UNIDENTIFIED SPEAKER: Second.

4 MADAM CLERK: Commissioner

5 Scarpelli?

6 COMMISSIONER SCARPELLI: Aye.

7 MADAM CLERK: Commissioner Evans?

8 COMMISSIONER EVANS: Ayee

9 MADAM CLERK: Commissioner Tucci?

10 COMMISSIONER TUCCI: Ayee

11 MADAM CLERK: Mayor Cocchiola?

12 MAYOR COCCHIOLA: Ayee

13 COMMISSIONER TUCCI: Whereas, sealed  
14 bids for the complete furnishing and  
15 installation of one twin jack oil  
16 hydraulic passenger elevator in the  
17 Public Safety Building were open and read  
18 on November 25th, 2009;

19 And, whereas, the Township of Nutley  
20 desires to substantially revise the  
21 specifications for the goods and  
22 services;

23 And, whereas N.J.S.Æ. 40A:41e13e2  
24 permits the rejection of all bids under  
25 such circumstances;

1           Now, therefore, be it resolved by  
2           the Board of Commissioners of the  
3           Township of Nuttley that the bids  
4           advertised, received and opened for the  
5           public safety elevator is hereby  
6           rejected and

7           Be it further resolved, that the  
8           Township Clerk be and she is hereby  
9           authorized to again advertise for sealed  
10          bids for the complete furnishing and  
11          installation of one twin jack oil  
12          hydraulic passenger elevator in the  
13          public safety building; and

14          Be it further resolved, that bids  
15          are to be received on Thursday, February  
16          18th, 2010, in the Commission Chambers,  
17          Township Hall at 3:00 p.m. at which time  
18          they will be open and read.

19          I move the resolution.

20          UNIDENTIFIED SPEAKER: Second.

21          MADAM CLERK: Commissioner

22          Scarpebli?

23          COMMISSIONER SCARPEBLI: Aye

24          MADAM CLERK: Commissioner Evans

25          COMMISSIONER EVANS: Aye

1 MADAM CLERK: Commissioner Tucci?

2 COMMISSIONER TUCCI: Aye.

3 MADAM CLERK: Mayor Cocchiola?

4 MAYOR COCCHIOLA: Aye.

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

7 MAYOR COCCHIOLA: Thank you.

8 Whereas, diseases of the heart are  
9 the nation's leading cause of death and  
10 stroke is the third leading cause of  
11 death;

12 Whereas, cardiovascular diseases  
13 claim the lives of nearly 455,000  
14 Americans each year or about one death  
15 per minute;

16 Whereas, fiftythree percent of all  
17 cardiovascular disease death occur in  
18 females as compared to fortyseven  
19 percent in men, and nearly 30,400 more  
20 females than males die from a stroke;

21 Whereas, in 2009 the estimated  
22 direct and indirect cost of  
23 cardiovascular disease and stroke is  
24 estimated at 475 billion dollars;

25 Whereas more women die of

1 cardiovascular disease than the next five  
2 leading causes of death combined,  
3 including all cancers;

4 Whereas, one in two point seven  
5 women die from cardiovascular disease;

6 Whereas, February is designated as  
7 American Heart Month;

8 Whereas, Go Red for Women is the  
9 American Heart Association's national  
10 movement to make women aware of their  
11 risk for heart disease as leading cause  
12 of death for women and to empower women  
13 to make choices and take action to reduce  
14 that risk;

15 Whereas, all women should learn  
16 their own personal risk for  
17 heart disease using tools such as the  
18 American Heart Association's Go Red for  
19 Women heart checkup, Go Red Better You,  
20 and by talking to their health care  
21 provider;

22 Therefore, let it be resolved that  
23 the Board of Commissioners of the  
24 Township of Nutley in recognition of the  
25 importance of the ongoing fight against

1 heart disease and stroke hereby proclaim  
2 Friday, February 5th, 2010, to be  
3 "National Wear Red Day for Women" and  
4 urges all citizens to "go red" for the  
5 day and wear red on February 5th, 2010,  
6 to call attention to the magnitude of  
7 cardiovascular disease in women and as a  
8 show of support to fight it, as well as  
9 in recognition of family, friends and  
10 neighbors who have suffered from  
11 cardiovascular disease. By increasing  
12 awareness of the risk factors for this  
13 devastating disease and taking act --  
14 action to reduce them we can save  
15 thousands of lives each year.

16 I move the resolution.

17 UNIDENTIFIED SPEAKER: Second.

18 MADAM CLERK: Commissioner

19 Scarpelli?

20 COMMISSIONER SCARPELLI: Aye.

21 MADAM CLERK: Commissioner Evans?

22 COMMISSIONER EVANS: Aye.

23 MADAM CLERK: Commissioner Tucci?

24 COMMISSIONER TUCCI: Aye.

25 MADAM CLERK: Mayor Cocchiola?



1 MAJOR COCCHIOLA: Aye.

2 And I might mention also that my  
3 office does have the Go Red, Wear Red  
4 pins available for anyone who would like  
5 to contribute to the American Heart  
6 Association and wear red next Fridaye

7 Whereas, raffle applications have  
8 been received from the following  
9 organizations: Saint Mary's Roman  
10 Catholic Church, license number 14e10 for  
11 an "Off Premise 50/50 Cash Raffle," June  
12 11th, 2010;

13 Saint Mary's Roman Catholic Church  
14 Rosary Society, license number 15e10, "On  
15 Premise Merchandise Raffle," April 9th,  
16 2010;

17 Saint Mary's Roman Catholic Church,  
18 license number 16-10, "On Premise 50/50  
19 Cash Raffle," April 9th, 2010;

20 Washington School, license number  
21 17e10, for an "On Premise 50/50 Cash  
22 Raffle," April 30th, 2010;

23 Washington School, license number  
24 18-10, for an "On Premise Merchandise  
25 Raffle," April 30th, 2010;

1           Yantacaw School PTO, license number  
2           19-10 and license number 20e10, for "On  
3           Premise 50/50 Cash Raffle," April 9th,  
4           2010, and March 27th 2010.

5           Whereas, the applications have been  
6           reviewed and approved by the Municipal  
7           Clerk and the Police Department;

8           Therefore, be it resolved by the  
9           Board of Commissioners of the Township of  
10          Nutley, County of Essex, State of New  
11          Jersey that the aforementioned licenses  
12          are approved and the Municipal Clerk is  
13          authorized to issue the licenses

14          I move the resolution

15          UNIDENTIFIED SPEAKER: Second.

16          MADAM CLERK: Commissioner  
17          Scarpeilli?

18          COMMISSIONER SCARPELLI: Aye.

19          MADAM CLERK: Commissioner Evans?

20          COMMISSIONER EVANS: Aye.

21          MADAM CLERK: Commissioner Tucci?

22          COMMISSIONER TUCCI: Aye.

23          MADAM CLERK: Mayor Cocchiola?

24          MAYOR COCCHIOLA: Aye.

25          That concludes the regular business

1           portion of our meeting this evening Is  
2           there any member of the public that would  
3           like to address the Board?

4           There is not --

5           UNIDENTIFIED SPEAKER: Move to close  
6           the public hearinge

7           MAYOR COCCHIOBA: -- this -- this  
8           meeting will not be adjournede we will --

9           UNIDENTIFIED SPEAKER: It's going to  
10          be continuede

11          MAYOR COCCHIOBA: -- commence on  
12          Friday at 2 o'clocke So the meeting will  
13          be continuede There are several business  
14          matters that the Board has to address  
15          with regard to our garbage haulere We'll  
16          do that on Friday at 2 o'clocke Thank  
17          youe

18          UNIDENTIFIED SPEAKER: That's a  
19          wrap.

20          (End of audio)

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

I, Maya Spinner, hereby certify that the foregoing is a true and correct transcription, to the best of my ability, of the sound recorded proceedings submitted for transcription.

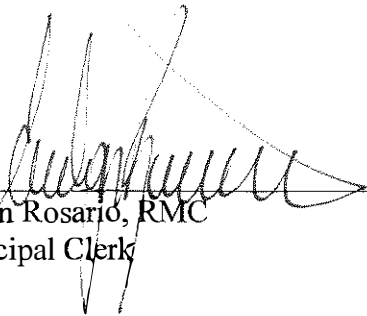
I further certify that I am not employed by nor related to any party to this action.

In witness whereof, I hereby sign this date:  
March 1, 2010.

*Maya Spinner SV*

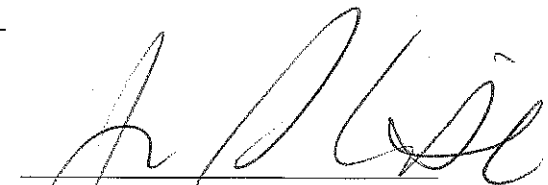
Maya Spinner

**January 26, 2010 Meeting Transcription approved by the Board of Commissioners of the Township of Nutley at their meeting held on Tuesday June 15, 2010.**



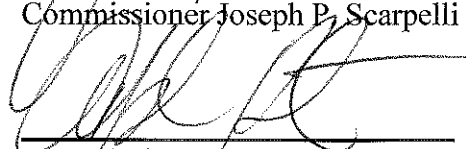
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Evelyn Rosario, RMC  
Municipal Clerk



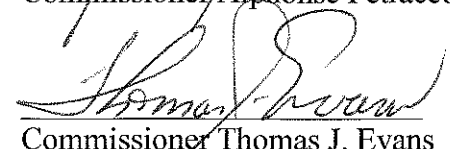
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Commissioner Joseph P. Scarpelli



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Commissioner Alphonse Petracco



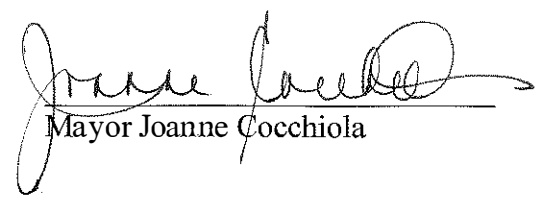
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Commissioner Thomas J. Evans



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Commissioner Mauro G. Tucci



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Mayor Joanne Cocchiola

**BOARD OF COMMISSIONERS**  
TOWNSHIP OF NUTLEY, NEW JERSEY

## Resolution

Introduced by: Commissioner Joseph P. Scarpelli Date: January 26, 2010

Seconded by: Commissioner Evans No. 21-10

**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 10-01-420-209, 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 followse

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 shall be published in the Nutley Sun.

I, [Signature], Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held January 26, 2010.

Record of Vote	Commissioner Scarpelli	Commissioner Petracco	Commissioner Evans	Commissioner Tucci	Mayor Cocchiola
Yes	X		X	X	X
No					
Not Voting					
Absent/Excused		X			

**BOARD OF COMMISSIONERS**  
TOWNSHIP OF NUTLEY, NEW JERSEY

## Resolution

Introduced by: Commissioner Joseph P. Scarpelli Date: January 26, 2010

Seconded by: Commissioner Tucci No. 29-10

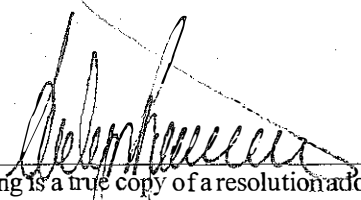
**BE IT RESOLVED**, by the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey that in accordance with the provision of R.S. 40A: 4-59, the following transfer(s) of 2009 Appropriation Reserves be and the same are hereby authorized and approved:

**DEPARTMENT OF PUBLIC WORKS & WATER**

**FROM:**

**TO:**

<b>Water Op. S/W</b>	<b>Passaic Valley Water</b>
9-05-701-100                      \$ 3,000.00	9-05-705-200                      \$ 3,000.00
<b>TOTAL                      \$ 3,000.00</b>	<b>TOTAL                      \$ 3,000.00</b>

I,  Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held January 26, 2010.

Record of Vote	Commissioner Scarpelli	Commissioner Petracco	Commissioner Evans	Commissioner Tucci	Mayor Cocchiola
Yes	X		X	X	X
No					
Not Voting					
Absent/Excused		X			

**BOARD OF COMMISSIONERS**  
TOWNSHIP OF NUTLEY, NEW JERSEY

**Resolution**

*Introduced by:* Commissioner J. Scarpelli FOR Commissioner Petracco *Date:* January 26, 2010

*Seconded by:* Commissioner Tucci *No.* 23-10

**Resolution Accepting Responsibility for the Installation, Maintenance and Replacement of "Yield to Pedestrian" Signs on County Roads**

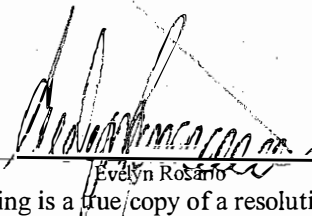
WHEREAS, the Township of Nutley supports the development and installation of traffic calming measures as a means of managing traffic speeds on all streets with the Township; and

WHEREAS, the proper installation of "Yield to Pedestrian in Crosswalk" signs on and within public streets has been demonstrated to be an effective means of improving pedestrian safety; and

WHEREAS, the intersection of Franklin Avenue and Church Street is under the jurisdiction of Essex County and has been determined by the Essex County Engineer to meet New Jersey Department of Transportation standards for installation of "Yield to Pedestrian" signs; and

WHEREAS, as a condition to the placement of "Yield to Pedestrian" signs on County Roads, the County of Essex requires that municipalities accept responsibility for installation, maintenance and/or replacement of such signs on County roads within the municipality;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, in the County of Essex, New Jersey that the Township of Nutley accepts responsibility for the installation, maintenance, replacement and all other costs related to all "Yield to Pedestrian" signs installed, or to be installed on County Roads within the Township, and the Township of Nutley agrees to hold the County of Essex harmless from any claims related to placement of such signs on County Roadways within the Township of Nutley.

I,  Evelyn Rosario, Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held January 26, 2010.

<i>Record of Vote</i>	<i>Commissioner Scarpelli</i>	<i>Commissioner Petracco</i>	<i>Commissioner Evans</i>	<i>Commissioner Tucci</i>	<i>Mayor Cocchiola</i>
<i>Yes</i>	X		X	X	X
<i>No</i>					
<i>Not Voting</i>					
<i>Absent/Excused</i>		X			



**BOARD OF COMMISSIONERS**  
TOWNSHIP OF NUTLEY, NEW JERSEY

**Resolution**

*Introduced by:* Commissioner J. Scarpelli FOR Commissioner Petracco *Date:* January 26, 2010

*Seconded by:* Commissioner Evans *No.* 30-10

WHEREAS, the Township of Nutley wishes to purchase two 2010 Ford Crown Victoria police cars from an authorized vendor under the Morris County Cooperative Purchasing Program; and

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

WHEREAS, Warnock Fleet, 175 Route 10, E. Hanover, NJ 07936 is an authorized vendor under the Morris County Cooperative Purchasing Program; and

WHEREAS, the projected cost for the purchase of two 2010 Ford Crown Victoria police cars is expected not to exceed \$48,887.40; and

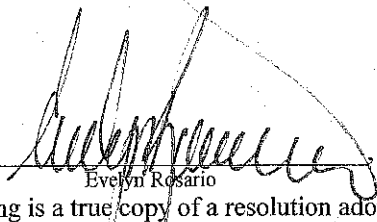
WHEREAS, the utilization of this contract is recommended on the grounds that it represents the best price available; and

WHEREAS, funds are available from account 10-01-332-200 and have been certified by the Chief Financial Officer, said certification being attached to this resolution; and

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

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Nutley that Warnock Fleet be awarded a contract for the purchase of two Ford Crown Victoria police cars in accordance with the Local Public Contract Law, N.J.S.A.40A:11-12.

. . .

I,  Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held January 26, 2010.

<i>Record of Vote</i>	<i>Commissioner Scarpelli</i>	<i>Commissioner Petracco</i>	<i>Commissioner Evans</i>	<i>Commissioner Tucci</i>	<i>Mayor Cocchiola</i>
<i>Yes</i>	X		X	X	X
<i>No</i>					
<i>Not Voting</i>					
<i>Absent/Excused</i>		X			

**BOARD OF COMMISSIONERS**  
TOWNSHIP OF NUTLEY, NEW JERSEY

**Resolution**

Introduced by: Commissioner Thomas J. Evans Date: January 26, 2010

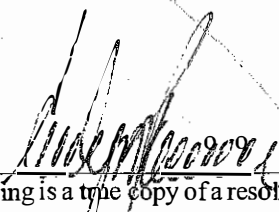
Seconded by: Commissioner Tucci No. 22-10

**RESOLUTION APPOINTING DAVID BERRY ZONING OFFICIAL**

**WHEREAS**, among other things, it is the duty of the Zoning Officer to enforce the Township zoning Ordinance, keep a record of all applications for zoning permits and a record of all permits issued and conditions imposed, if any, under the Site Plan Ordinance; and

**WHEREAS**, David Berry has been certified as a Zoning Official for the Township.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Nutley in the County of Essex, that David Berry is hereby appointed Zoning Official of the Township of Nutley pursuant to and in accordance with the Code of the Township of Nutley.

I, , Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held January 26, 2010.

<i>Record of Vote</i>	<i>Commissioner Scarpelli</i>	<i>Commissioner Petracco</i>	<i>Commissioner Evans</i>	<i>Commissioner Tucci</i>	<i>Mayor Cocchiola</i>
<i>Yes</i>	X		X	X	X
<i>No</i>					
<i>Not Voting</i>					
<i>Absent/Excused</i>		X			

**BOARD OF COMMISSIONERS**  
TOWNSHIP OF NUTLEY, NEW JERSEY

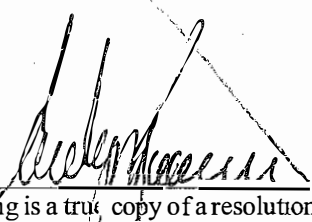
## Resolution

Introduced by: Commissioner Thomas J. Evans Date: January 26, 2010

Seconded by: Commissioner Tucci No. 24-10

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 overpayments of the property taxes in the amount of \$2,211.90 from the year 2010 for the following accounts.

Block & Lot	Address	Amount
2      5304	165 Raymond Ave.	\$ 2,211.90 — 2010

I, , Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held January 26, 2010 o.

Record of Vote	Commissioner Scarpelli	Commissioner Petracco	Commissioner Evans	Commissioner Tucci	Mayor Cocchiola
Yes	X		X	X	X
No					
Not Voting					
Absent/Excused		X			

**BOARD OF COMMISSIONERS  
Township of Nutley, New Jersey**

**Resolution**

Introduced by: t Commissioner Thomas J. Evans t Date: January 26, 2010

Seconded by: t Commissioner Tucci t t t t t t No. 25-10 t

WHEREAS, the Township of Nutley, pursuant to N.J.S.A. 40A:11-11 may by resolution and without advertising for bids, purchase any goods or services under an approved County Cooperative Purchasing Program; and

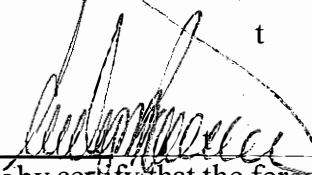
WHEREAS, the Township of Nutley has the need on a timely basis to purchase goods or services utilizing the Morris County Cooperative Purchasing Program; and

WHEREAS, the Township of Nutley intends to enter into contracts with the attached Referenced Morris County Contract Vendors through this resolution and properly executed contracts, which shall be subject to all the conditions applicable to the current Morris County contracts;

NOW, THEREFORE, BE IT RESOLVED, that the Township of Nutley authorizes the Purchasing Agent to purchase certain goods or services from those approved Morris County Co-op vendors on the attached list, pursuant to all conditions of the individual County contracts; and

BE IT FURTHER RESOLVED, that the governing body of the Township of Nutley pursuant to N.J.A.C. 5:30-5.5(b), the certification of available funds, shall either certify the full maximum amount against the budget at the time the contract is awarded, or no contract amount shall be chargeable or certified until such time as the goods or services are ordered or otherwise called for prior to placing the order, and a certification of availability of funds is made by the Chief Finance Officer; and

BE IT FURTHER RESOLVED that the duration of the contracts between the Township of Nutley and the Referenced Morris County Cooperative Purchasing Program Vendors shall be from January 1, 2010 to December 31, 2010

 t  
\_\_\_\_\_, Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held January 26, 2010.

<i>Record of Vote</i>	<i>Commissioner Scarpelli</i>	<i>Commissioner Petracco</i>	<i>Commissioner Evans</i>	<i>Commissioner Tucci</i>	<i>Mayor Cocchiola</i>
<i>Yes</i>	X		X	X	X
<i>No</i>					
<i>Not Voting</i>					
<i>Absent/Excused</i>		X			

**BOARD OF COMMISSIONERS  
Township of Nutley, New Jersey**

**Resolution**

Introduced by: Commissioner Thomas J. Evans t t t t t t Date: January 26, 2010

Seconded by: Commissioner Tuccit t t t t t No. 27-10 t

WHEREAS, the Township of Nutley, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

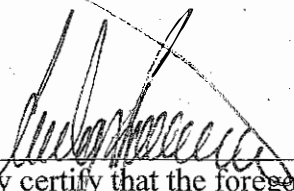
WHEREAS, the Township of Nutley has the need on a timely basis to purchase goods or services utilizing State contracts; and

WHEREAS, the Township of Nutley intends to enter into contracts with the attached Referenced State Contract Vendors through this resolution and properly executed contracts, which shall be subject to all the conditions applicable to the current State contracts;

NOW, THEREFORE, BE IT RESOLVED, that the Township of Nutley authorizes the Purchasing Agent to purchase certain goods or services from those approved New Jersey State Contract Vendors on the attached list, pursuant to all conditions of the individual State contracts; and

BE IT FURTHER RESOLVED, that the governing body of the Township of Nutley pursuant to N.J.A.C. 5:30-5.5(b), the certification of available funds, shall either certify the full maximum amount against the budget at the time the contract is awarded, or no contract amount shall be chargeable or certified until such time as the goods or services are ordered or otherwise called for prior to placing the order, and a certification of availability of funds is made by the Chief Finance Officer; and

BE IT FURTHER RESOLVED that the duration of the contracts between the Township of Nutley and the Referenced State Contract Vendors shall be from January 1, 2010 to December 31, 2010

  
\_\_\_\_\_, Township Clerk of the Township of Nutley, Essex County, NJ. do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held January 26, 2010.

<i>Record of Vote</i>	<i>Commissioner Scarpelli</i>	<i>Commissioner Petracco</i>	<i>Commissioner Evans</i>	<i>Commissioner Tucci</i>	<i>Mayor Cocchiola</i>
<i>Yes</i>	X		X	X	X
<i>No</i>					
<i>Not Voting</i>					
<i>Absent/Excused</i>		X			

**BOARD OF COMMISSIONERS  
Township of Nutley, New Jersey**

**Resolution**

Introduced by: eCommissioner Mauro G. Tucci e e e e e Date: January 26, 2010

Seconded by: Commissioner Thomas Evanse No. 20-10 e e e e e

**WHEREAS**, the Township of Nutley has the need for insurance coverage on behalf of the Township; and

**WHEREAS**, such services may be acquired as a insurance services pursuant to the provisions of the Local Public Contracts Law N.J.S.A. 40A:11-5 (1)(m); and

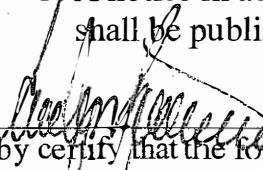
**WHEREAS**, Premier Vision Care, P.O. Box 1591, Livingston, N.J. 07039 submitted a proposal indicating they will provide the services for the sum of \$2,040.00; and

**WHEREAS**, the anticipated term of this contract is from February 1, 2010 to February 1, 2011; and

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

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

1. The Contract is awarded without competitive bidding as an "Insurance Coverage Purchase" in accordance with Local Public Contract Laws (N.J.S.A.40A: 11-5 (1) (m)
2. A copy of this resolution as well as the Contract shall be placed on file with the Township Clerk.
3. A notice in accordance with the Local Public Contracts Law of New Jersey shall be published in the Nutley Sun.

 Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held January 26, 2010.

<i>Record of Vote</i>	<i>Commissioner Scarpelli</i>	<i>Commissioner Petracco</i>	<i>Commissioner Evans</i>	<i>Commissioner Tucci</i>	<i>Mayor Cocchiola</i>
<i>Yes</i>	X		X	X	X
<i>No</i>					
<i>Not Voting</i>					
<i>Absent/Excused</i>		X			

**BOARD OF COMMISSIONERS  
Township of Nutley, New Jersey**

**Resolution**

Introduced by: Commissioner Mauro G. Tucci Date: January 26, 2010

Seconded by: Commissioner Evanst t t t t t t No. 28-10t t t

**WHEREAS**, sealed bids for the complete furnishing and installation of one twin jack oil hydraulic passenger elevator in the Public Safety Building were opened and read on November 25, 2009; and

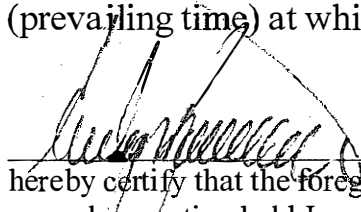
**WHEREAS**, the Township of Nutley desires to substantially revise the specifications for the goods and services; and

**WHEREAS**, N.J.S.A. 40A:11-13.2 permits the rejection of all bids under such circumstances,

**NOW THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Township of Nutley that the bid heretofore advertised, received and opened for the Public Safety Elevator is hereby rejected; and

**BE IT FURTHER RESOLVED**, that the Township Clerk be and is hereby authorized to again advertise for sealed bids for the complete furnishing and installation of one twin jack oil hydraulic passenger elevator in the Public Safety Building; and

**BE IT FURTHER RESOLVED**, that bids are to be received on Thursday, February 18, 2010, in the Commission Chambers, Township Hall at 3:00 pm (prevailing time) at which time they will be opened and read.

 Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held January 26, 2010.

<i>Record of Vote</i>	<i>Commissioner Scarpelli</i>	<i>Commissioner Petracco</i>	<i>Commissioner Evans</i>	<i>Commissioner Tucci</i>	<i>Mayor Cocchiola</i>
<i>Yes</i>	X		X	X	X
<i>No</i>					
<i>Not Voting</i>					
<i>Absent/Excused</i>		X			

**BOARD OF COMMISSIONERS**  
TOWNSHIP OF NUTLEY, NEW JERSEY

**Resolution**

*Introduced by:* Mayor Joanne Cocchiola t t t t *Date:* January 26, 2010 t

*Seconded by:* Commissioner Tucci No. 19-10 t t t t

**WHEREAS**, diseases of the heart are the nation’s leading cause of death and stroke is the third leading cause of death;

**WHEREAS**, cardiovascular diseases (CVD) claim the lives of nearly 455,000 American females each year or about one death per minute;

**WHEREAS**, each year, 53 percent of all cardiovascular disease deaths occur in females, as compared to 47 percent in men, and nearly 30,400 more females than males die from a stroke;

**WHEREAS**, in 2009 the estimated direct and indirect cost of cardiovascular disease and stroke in the U.S. is estimated at \$475 billion;

**WHEREAS**, more women die of cardiovascular disease than the next five leading causes of death combined, including all cancers;

**WHEREAS**, one in 2.7 women die from cardiovascular disease that the next five leading causes of death combined, including all cancers;

**WHEREAS**, February is designated as American Heart Month;

**WHEREAS**, Go Red For Women® is the American Heart Association’s national movement to make women aware of their risk for heart disease – the leading cause of death for women – and to empower women to make choices and take action to reduce that risk;

**WHEREAS**, all women should learn their own personal risk for heart disease, using tool such as the American Hear Association’ Go Red For Women Heart Check Up, Go Red Better U and by talking to their healthcare provider;

**NOW THEREFORE, LET IT BE RESOLVED**, that the Board of Commissioners of the Township of Nutley, in recognition of the importance of the ongoing fight against heart disease and stroke, hereby proclaim Friday, February 5, 2010 to be

**“National Wear Red Day for Women”**

and urges all citizens to “go red” for the day and wear red on February 5, 2010 to call attention to the magnitude of cardiovascular disease in women, and as a show of support to fight it, as well as in recognition of family, friends and neighbors who have suffered from cardiovascular disease. By increasing awareness of the risk factors for this devastating disease and taking action to reduce them, we can save thousands of lives each year.

  
\_\_\_\_\_, Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the foregoing Evelyn Rosario

Is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held January 26, 2010

<i>Record of Vote</i>	<i>Commissioner Scarpelli</i>	<i>Commissioner Petrucco</i>	<i>Commissioner Evans</i>	<i>Commissioner Tucci</i>	<i>Mayor Cocchiola</i>
<i>Yes</i>	X		X	X	X
<i>No</i>					
<i>Not Voting</i>					
<i>Absent/Excused</i>		X			



**BOARD OF COMMISSIONERS**  
TOWNSHIP OF NUTLEY, NEW JERSEY

## Resolution

Introduced by: Mayor Joanne Cocchiola Date: January 26, 2010

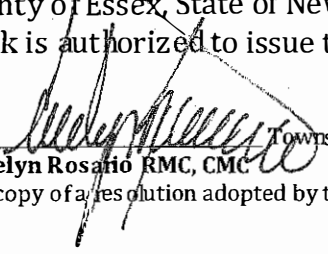
Seconded by: Commissioner Tucci No. 26-10

**WHEREAS**, raffle applications have been received from the following organizations; and

St. Mary's RC Church	License No. 14-10 "Off-Premise 50/50 Cash Raffle"	June 11, 2010
St. Mary's RC Church Rosary Society	License No. 15-10 "On-Premise Merchandise Raffle"	April 9, 2010
St. Mary's RC Church Rosary Society	License No. 16-10 "On-Premise 50/50 Cash Raffle"	April 9, 2010
HSA Washington School	License No. 17-10 "On-Premise 50/50 Cash Raffle"	April 30, 2010
HSA Washington School	License No. 18-10 "On-Premise Merchandise Raffle"	April 30, 2010
Yantacaw School/ PTO	License No. 19-10 "On-Premise 50/50 Cash Raffle"	April 9, 2010
Yantacaw School/PTO	License No. 20-10 "On-Premise 50/50 Cash Raffle"	March 27, 2010

**WHEREAS**, the applications have been reviewed and approved by the Municipal Clerk and the Police Department.

**NOW, THEREFORE BE IT RESOLVED** by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey that the aforementioned licenses are approved and the Municipal Clerk is authorized to issue the licenses.

I,  Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held January 26, 2010.

<i>Record of Vote</i>	<i>Commissioner Scarpelli</i>	<i>Commissioner Petracco</i>	<i>Commissioner Evans</i>	<i>Commissioner Tucci</i>	<i>Mayor Cocchiola</i>
Yes	X		X	X	X
No					
Not Voting					
Absent/Excused		X			

**Township of Nutley  
Board of Commissioners  
Meeting Minutes  
Continued Meeting of Tuesday, January 26, 2010  
held on Friday, January 29, 2010  
2:00 P.M.**

A continued meeting of January 26, 2010 was held on Friday, January 29, 2010 at 2:00 P.M.

**ROLL CALL:**

Commissioner Scarpelli	- Present
Commissioner Petracco	- Present – Absent/Excused
Commissioner Evans	- Present
Commissioner Tucci	- Present
Mayor Cocchiola	- Present

**The following resolutions were adopted:**

**No. 31-10**

**WHEREAS**, N.J.S.A. 40A:11-6 provides for an exception to public bidding in the event of an emergency affecting the public health, safety or welfare; and

**WHEREAS**, Scuffy Carting, Inc. which collects solid waste from the Township, is in breach of its contract with the Township and has, after a hearing been declared in default and the Contract terminated; and

**WHEREAS**, the Mayor has notified the purchasing agent in writing of the need for the performance of the Contract, the notice of the emergency and the need for involving this exception; and

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that a certified emergency exists as a result of the breach of Contract by Scuffy Contracting, Inc.; and

**BE IT FURTHER RESOLVED** that the provision of goods and services may be awarded without competitive bidding in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a), because a certified emergency exists; and

**BE IT FURTHER RESOLVED** that the Mayor of the Township of Nutley is hereby authorized to negotiate and execute Contracts on behalf of the Municipality; 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 in accordance with the Local Public Contracts Law of New Jersey in the form attached hereto shall be published in the Nutley Sun.

Introduced by Mayor Cocchiola, seconded by Commissioner Scarpelli. All ayes on a roll call vote. Commissioner Petracco absent/excused

**No. 32-10**

**WHEREAS**, the solid waste contract with Scuffy Carting, Inc. has been terminated; and

**WHEREAS**, an emergency exists affecting the public health; and

**WHEREAS**, any contract may be negotiated and awarded without bidding therefore when an emergency affecting public health exists and the immediate delivery of services is needed; and

**WHEREAS**, funds are available for this purpose in an appropriation entitled 0-01-138-200 and have been certified by the Chief Financial Officer, said certification being attached to this Resolution.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that an emergency contract for Solid Waste Removal be awarded to Waste Industries, LLC, 800 East Grand Street, Elizabeth, New Jersey for a period not to exceed 90 days and subject to provision of a bond of a surety company qualified to do business in the State of New Jersey, conditioned on the faithful performance of the contract and for a term equal to the contract period and in an amount of the contract price; insurance for the life of the contract for comprehensive, general and contractual liability insurance, comprehensive automobile liability and works compensation insurance in amounts acceptable to the Board of Commissioners and satisfactory evidence that they are not delinquent in Federal or State taxes and are current in all financial obligations.

**BE IT FURTHER RESOLVED** that funds in the sum not to exceed \$168,000 or \$56,000 per month shall be available to respond to such an emergency; and

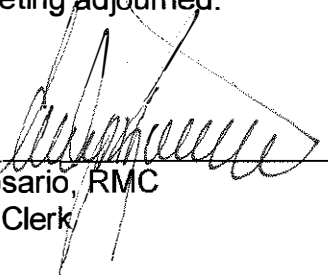
**BE IT FURTHER RESOLVED** that a copy of this Resolution, as well as the Contract, shall be placed on file with the Clerk of the Township of Nutley; and a notice in accordance with the Local Public Contracts Law of New Jersey in the form attached hereto shall be published in the Nutley Sun.

Introduced by Mayor Cocchiola, seconded by Commissioner Scarpelli. All ayes on a roll call vote. Commissioner Petracco absent/excused

**ADJOURNMENT:**

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

ATTEST:

  
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Evelyn Rosario, RMC  
Municipal Clerk

  
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Commissioner Joseph P. Scarpelli

  
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Commissioner Aphonse Petracco

  
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Commissioner Thomas J. Evans

  
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Commissioner Mauro G. Tucci

  
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Mayor Joanne Cocchiola