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TOWNSHIP OF NUTLEY, NEW JERSEY
BOARD OF COMMISSIONERS

)
PUBLIC MEETING) TRANSCRIPT OF
) PROCEEDINGS:
)

ORIGINAL

December 30th, 2010

8:30 a.m.

BEFORE:

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

Township Clerk Rosario

Job No. NJ314016

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**Certified
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1 MADAM CLERK: Thursday, December
2 30th, 2010. Pursuant to the requirements
3 of the Open Public Meeting Law, Chapter
4 231, Public Laws, 1975, notice of this
5 meeting was published in the December
6 10th, 2009 issues of the Nutley Sun, the
7 Journal, the Star Ledger, and the Herald
8 News. A copy of this notice has been
9 posted on the Nutley Town Hall bulletin
10 board, and a copy is on file in the
11 municipal clerk's office.

12 Commissioner Scarpelli is
13 absent/excused.

14 Commissioner Petracco?

15 COMMISSIONER PETRACCO: Here.

16 MADAM CLERK: Commissioner Evans?

17 COMMISSIONER EVANS: Here.

18 MADAM CLERK: Commissioner Tucci?

19 COMMISSIONER TUCCI: Here.

20 MADAM CLERK: Mayor Cocchiola?

21 MAYOR COCCHIOLA: Here.

22 Do we have a bill list today?

23 MADAM CLERK: No bill list.

24 MAYOR COCCHIOLA: Okay.

25 Commissioner Petracco, when you read your

1 resolutions, can you do Commissioner
2 Scarpelli's as well?

3 COMMISSIONER PETRACCO: Sure.

4 MAYOR COCCHIOLA: Okay.
5 Commissioner Evans?

6 COMMISSIONER EVANS: I have three
7 resolutions: one for property tax
8 overpayment; another one reappointing
9 Nisivoccia & Company, our auditors for
10 the coming year; and another reappointing
11 Piro, Zinna for Tax Counsel.

12 MAYOR COCCHIOLA: I'm going to
13 abstain from that, because Mr. Cifelli
14 represents my husband.

15 COMMISSIONER EVANS: That's fine.

16 MAYOR COCCHIOLA: Commissioner
17 Tucci?

18 COMMISSIONER TUCCI: I just have a
19 transfer of appropriations.

20 MAYOR COCCHIOLA: Mr. Petracco?

21 COMMISSIONER PETRACCO: I have the
22 two corrected resolutions from the last
23 meeting, and I'll read -- Commissioner
24 Scarpelli just has a leave of absence.
25 That's it.

1 MAYOR COCCHIOLA: I have the
2 services contract for the midwife who
3 does the health screenings for women; the
4 appointment of a constable; authorizing
5 some video licenses; and the appointments
6 for next year, through the reorganization
7 date of -- Kevin Harkins, Alan Genitempo,
8 and Angelo Servidio; and also the
9 appointment resolution for CDBG
10 representatives, myself and Kathy
11 Rempusheski for 2011. And that's all I
12 have.

13 UNIDENTIFIED SPEAKER: Mayor, can I
14 get an executive session after this, a
15 short one?

16 MAYOR COCCHIOLA: Yeah. Let's go on
17 the record, and get this done --

18 UNIDENTIFIED SPEAKER: Okay.

19 MAYOR COCCHIOLA: -- and then we'll
20 move into executive session. Okay?

21 (Pledge of Allegiance declared)

22 MAYOR COCCHIOLA: Madam Clerk, could
23 you please reread the Sunshine Notice?

24 MADAM CLERK: Thursday, December
25 30th, 2010. Pursuant to the requirements

1 of the Open Public Meeting Law, Chapter
2 231, Public Laws, 1975, notice of this
3 meeting was published in the December 10,
4 2009 issues of the Nutley Sun, the
5 Journal, the Star Ledger, and the Herald
6 News. A copy of this notice has been
7 posted on the Nutley Town Hall bulletin
8 board, and a copy is on file in the
9 municipal clerk's office.

10 Commissioner Scarpelli is
11 absent/excused.

12 Commissioner Petracco?

13 COMMISSIONER PETRACCO: Here.

14 MADAM CLERK: Commissioner Evans?

15 COMMISSIONER EVANS: Here.

16 MADAM CLERK: Commissioner Tucci?

17 COMMISSIONER TUCCI: Here.

18 MADAM CLERK: Mayor Cocchiola?

19 MAYOR COCCHIOLA: Here.

20 The only item of business we have
21 this morning is the reading of
22 resolutions, so we'll start with you,
23 Commissioner Petracco.

24 (Audio fades out; words indiscernible)

25 COMMISSIONER PETRACCO: Mayor, I'll

1 read Commissioner Scarpelli's first.

2 Be it resolved by the Board of
3 Commissioners of the Township of Nutley,
4 County of Essex, State of New Jersey,
5 that Frank DeBlasio, employee of the
6 Department of Public Works requires an
7 unpaid leave of absence effective January
8 1st, 2011 through June 30th, 2011.

9 COMMISSIONER TUCCI: Second.

10 MADAM CLERK: Commissioner Petracco?

11 COMMISSIONER PETRACCO: Aye.

12 MADAM CLERK: Commissioner Evans?

13 COMMISSIONER EVANS: Aye.

14 MADAM CLERK: Commissioner Tucci?

15 COMMISSIONER TUCCI: Aye.

16 MADAM CLERK: Mayor Cocchiola?

17 MAYOR COCCHIOLA: Aye.

18 COMMISSIONER PETRACCO:

19 (Indiscernible) are mine.

20 Whereas, the Township of -- Office
21 of Emergency Management has been
22 (indiscernible) Urban Areas Security
23 Initiative (UASI-Local Share) CFDA no.
24 97.008, Award no. 2009-SS-T9
25 (indiscernible) Management. The subgrant

1 consisting of a total amount of 52,549
2 dollars (indiscernible) purpose of
3 enhancing Nutley's (indiscernible)
4 ability to prevent, protect against --
5 recover from acts of terrorism, natural
6 disasters, other catastrophic events and
7 emergencies; and

8 Whereas, the subgrant award
9 incorporates all conditions and
10 representations contained or made in
11 application and notice of award no. 2009-
12 SS (indiscernible) --

13 Now, therefore, be it resolved that
14 the Board of Commissioners of the
15 Township of Nutley, New Jersey, herewith
16 accepts the award of the FFY09 Homeland
17 Security Emergency Management Performance
18 Grant Program Subgrant in the amount of
19 52,459 dollars (indiscernible) Federal
20 Funds from the (indiscernible) Police
21 Office of Emergency Management; and

22 Be it further resolved, that the
23 Township of Nutley Director of Public
24 Safety (indiscernible) Financial
25 (indiscernible) Township Chief Fiscal

1 Officer and Township Director of
2 Emergency Management are authorized to
3 sign appropriate subgrant award
4 documents; and

5 Be it further resolved that the
6 copies of the resolution (indiscernible)
7 Jersey Police, Office of Emergency
8 Management, the Township of Nutley,
9 Director of Public Safety, the Town Chief
10 Financial Officer (indiscernible)
11 Township Office of Emergency Management,
12 and Office of the Treasurer.

13 I move the resolution.

14 COMMISSIONER TUCCI: Second.

15 MADAM CLERK: Commissioner Petracco?

16 COMMISSIONER PETRACCO: Aye.

17 MADAM CLERK: Commissioner Evans?

18 COMMISSIONER EVANS: Aye.

19 MADAM CLERK: Commissioner Tucci?

20 COMMISSIONER TUCCI: Aye.

21 MADAM CLERK: Mayor Cocchiola?

22 MAYOR COCCHIOLA: Aye.

23 COMMISSIONER PETRACCO: Whereas, the
24 Township of Nutley wishes to purchase
25 HazMat gear and equipment from an

1 authorized vendor under the State of New
2 Jersey Cooperative Purchasing Program;
3 and

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

8 Whereas, Gen-El Safety and
9 Industrial Products LLC, 96^a
10 (indiscernible) Randolph, New Jersey, has
11 been awarded New Jersey State contract
12 no. 74022 for HazMat gear and equipment
13 for the period of 5/1/09 to 4/30/11; and

14 Whereas, the utilization of this
15 contract is recommended on the grounds
16 that it represents the best price
17 available; and

18 Whereas, funds are available from
19 the trust account T-15-909-912, and have
20 been certified by the Chief Financial
21 Officer, said certification being
22 attached to this resolution; and

23 Whereas, N.J.A.C. 5:34-7.29 requires
24 that the purchases made under
25 (indiscernible) Purchase Program,

1 individually or (indiscernible) statutory
2 limit of 21,000, be it authorized by
3 resolution;

4 Now, therefore, be it resolved by
5 the Board of Commissioners
6 (indiscernible) Gen-El be awarded a
7 contract for purchase of HazMat gear and
8 equipment in accordance with the State
9 (indiscernible) no. 74022.

10 COMMISSIONER TUCCI: Second.

11 MADAM CLERK: Commissioner Petracco?

12 COMMISSIONER PETRACCO: 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 COMMISSIONER PETRACCO: That's all I
20 have.

21 MAYOR COCCHIOLA: Thank you.

22 Commissioner Evans?

23 COMMISSIONER EVANS: Be it resolved,
24 by the Board of Commissioner of the
25 Township of Nutley, in the County of

1 Essex, State of New Jersey, that the
2 Treasurer be, and she is hereby
3 authorized to refund overpayment of
4 property taxes in the amount of
5 \$22,328.41 for said properties:

6 Block 3904, Lot 7, \$1,516.93; Block
7 7606, Lot 9, \$2,400.07; Block 8300, Lot
8 7, \$5,680.37; Block 8302, Lot 12,
9 \$2,551.85; Block 8401, Lot 31, \$1,917.85;
10 Block 8606, Lot 18, \$2,220.90; Block
11 9204, Lot 25, \$2,436.59; Block 9502, Lot
12 13, \$2,216.05; Block 9700, Lot 10,
13 \$1,387.80.

14 COMMISSIONER TUCCI: Second.

15 MADAM CLERK: Commissioner Petracco?

16 COMMISSIONER PETRACCO: Aye.

17 MADAM CLERK: Commissioner Evans?

18 COMMISSIONER EVANS: Aye.

19 MADAM CLERK: Commissioner Tucci?

20 COMMISSIONER TUCCI: Aye.

21 MADAM CLERK: Mayor Cocchiola?

22 MAYOR COCCHIOLA: Aye.

23 COMMISSIONER EVANS: Whereas, the
24 Township of Nutley has a need to acquire
25 services of a Registered Municipal

1 Accountant to conduct an annual audit of
2 the Township's books, accounts and
3 financial transactions within five months
4 after the close of its fiscal year as a
5 non-fair and open Contract pursuant to
6 the provisions of N.J.S.A. 19:44 A-20.4
7 or 20.5, as appropriate; and

8 Whereas, the Chief Financial Officer
9 has determined and certified in writing
10 that the value of the aggregate services
11 provided by the vendor for the year will
12 exceed 17,500 dollars; and

13 Whereas, Nisivoccia & Company
14 Certified Public Accountants and
15 Consultants, 5 Emery Road, Randolph, New
16 Jersey has submitted a fee schedule for
17 providing such services, the total amount
18 which is not to exceed 139,944 dollars;
19 and

20 Whereas, Nisivoccia & Company LLP
21 Certified Public Accountants and
22 Consultants, has completed and submitted
23 a Business Entity Disclosure
24 Certification which certifies that they
25 have not made any reportable

1 contributions to a political or candidate
2 committee in the Township of Nutley in
3 the previous one year, and that the
4 contract will prohibit them from making
5 any reportable contributions through the
6 term of the contract; and

7 Whereas, funds are available from
8 account 1-01-222-200 and 1-05-706-200,
9 and have been certified by the Chief
10 Financial Officer, said certification
11 being attached to this resolution;

12 Now, therefore, be it resolved by
13 the Board of Commissioners of the
14 Township of Nutley authorizes the Mayor
15 to enter into a contract with Nisivoccia
16 & Company LLP Certified Public
17 Accountants and Consultants; and

18 Be it further resolved that the
19 Business Disclosure Entity Certification
20 and the Determination of Value will be
21 placed on file with this resolution.

22 So move.

23 COMMISSIONER TUCCI: Second.

24 MADAM CLERK: Commissioner Petracco?

25 COMMISSIONER PETRACCO: Aye.

1 MADAM CLERK: Commissioner Evans?

2 COMMISSIONER EVANS: Aye.

3 MADAM CLERK: Commissioner Tucci?

4 COMMISSIONER TUCCI: Aye.

5 MADAM CLERK: Mayor Cocchiola?

6 MAYOR COCCHIOLA: Aye.

7 COMMISSIONER EVANS: Whereas, the
8 Township of Nutley has a need to acquire
9 the services of an Attorney as Municipal
10 Tax Counsel to provide legal counsel
11 services concerning "Municipal Tax
12 Appeals" in the Township of Nutley as a
13 non-fair and open contract pursuant to
14 the provisions of N.J.S.A. 19:44 A-20.4
15 or 20.5, as appropriate; and

16 Whereas, the Tax Assessor has
17 determined and certified in writing that
18 the value of the aggregate services
19 provided by the vendor for the year will
20 exceed \$17,500; and

21 Whereas, Angelo Cifelli, Esq. of the
22 Law Firm of Piro, Zinna, Cifelli, Paris &
23 Genitempo, 360 Passaic Avenue, Nutley,
24 New Jersey has submitted a fee schedule
25 for providing such services, the total of

1 which is not to exceed 22,750 dollars;
2 and

3 Whereas, Angelo Cifelli, Esq. of the
4 Law Firm of Piro, Zinna, Cifelli, Paris &
5 Genitempo has completed and submitted a
6 Business Entity Disclosure Certification
7 which certifies that they have not made
8 any reportable contributions to a
9 political or candidate committee in the
10 Township of Nutley in the previous one
11 year, and (indiscernible) will prohibit
12 them from making any reportable
13 contributions through (indiscernible)
14 contract; and

15 Whereas, funds are available from
16 account no. 1-01-204-200 and have been
17 certified by the chief financial officer,
18 said (indiscernible) resolution,

19 Now, therefore, be it resolved
20 (indiscernible) Board of Commissioners of
21 the Township of Nutley authorizes the
22 Mayor to enter into a contract with
23 Angelo Cifelli, Esq. of the Law Firm of
24 Piro, Zinna, Cifelli, Paris & Genitempo;
25 and

1 Be it further resolved, that the
2 Business Disclosure Entity Certification
3 and the Determination of Value be placed
4 on file with this resolution.

5 So moved.

6 COMMISSIONER TUCCI: Second.

7 MADAM CLERK: Commissioner Petracco?

8 COMMISSIONER PETRACCO: 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: I'll abstain, due
15 to conflict. Mr. Cifelli represents my
16 husband, and Commissioner Evans, I'll ask
17 you to execute that contract? Thank you.
18 Commissioner Tucci?

19 COMMISSIONER TUCCI: Yes. Be it
20 resolved, by the Board of Commissioners
21 of the Township of Nutley, in the County
22 of Essex, New Jersey that in accordance
23 with the provision of R.S. 40A:4-58, the
24 following transfer of appropriations in
25 the 2000 Budget be and the same are

1 hereby authorized and approved in the
2 Department of Parks and Public Property:
3 from Group Insurance 35,000 to Parks and
4 Playgrounds Other Expenses 20,000;
5 Recreation Other Expenses 15,000; for a
6 total of 35,000.

7 I move the resolution.

8 COMMISSIONER EVANS: Second.

9 MADAM CLERK: Commissioner Petracco?

10 COMMISSIONER PETRACCO: 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.

17 COMMISSIONER TUCCI: That's all I
18 have, Mayor.

19 MAYOR COCCHIOLA: Thank you.

20 Whereas, the Department of Public
21 Affairs, through the Nutley Health
22 Department provides health promotion
23 screenings to residents at little or no
24 cost to residents;

25 Whereas, Noreen P. McManus, CNM, is

1 certified to provide cervical and breast
2 cancer screening and education;

3 Whereas, the Local Public Contract
4 Law permits the award of contracts for
5 certain professional services without
6 competitive bidding.

7 Therefore, be it resolved by the
8 Board of Commissioners of the Township of
9 Nutley, the term of the contract is from
10 January 1st, 2011 through December 31st,
11 2011. The amount to be paid by voucher
12 will be 55 dollars per hour, per clinic
13 session which shall be once per month.
14 The Certified Nurse Midwife will provide
15 malpractice and liability insurance;

16 Be it further resolved the contract
17 is awarded without competitive bidding as
18 a "Professional Service" in accordance
19 with the Local Public Contracts Law;

20 Be it further resolved that a copy
21 of the resolution, as well as the
22 Contract, shall be placed on file with
23 the Clerk and a notice in accordance with
24 the Local Public Contracts Law in the
25 form attached hereto shall be published

1 in the Nutley Sun.

2 I move the resolution.

3 COMMISSIONER TUCCI: Second.

4 MADAM CLERK: Commissioner Petracco?

5 COMMISSIONER PETRACCO: Aye.

6 MADAM CLERK: Commissioner Evans?

7 COMMISSIONER EVANS: Aye.

8 MADAM CLERK: Commissioner Tucci?

9 COMMISSIONER TUCCI: Aye.

10 MADAM CLERK: Mayor Cocchiola?

11 MAYOR COCCHIOLA: Aye.

12 Whereas, Christobal "Chris" Mazzini,
13 51 Passaic Avenue, Nutley, New Jersey
14 has applied for a constable license; and

15 Whereas, the application has been
16 reviewed by the Municipal Clerk and the
17 Police Department.

18 Therefore, be it resolved by the
19 Board of Commissioners of the Township of
20 Nutley, that Chris Mazzini be appointed
21 as Constable No. 15 for a one year term,
22 beginning December 22nd, 2010.

23 Move the resolution.

24 MADAM CLERK: Commissioner Petracco?

25 COMMISSIONER PETRACCO: Aye.

1 MADAM CLERK: Commissioner Evans?

2 COMMISSIONER EVANS: Aye.

3 MADAM CLERK: Commissioner Tucci?

4 COMMISSIONER TUCCI: Aye.

5 MADAM CLERK: Mayor Cocchiola?

6 MAYOR COCCHIOLA: Aye.

7 Whereas, an application for renewal
8 of a video game licenses has been
9 received from Park Pub, 789 Bloomfield
10 Avenue;

11 Whereas, the application has been
12 reviewed by the Code Enforcement
13 Department and the Office of the Clerk;
14 and

15 Whereas, the license fee of three
16 hundred dollars has been paid.

17 Therefore be it resolved by the
18 Board of Commissioners of the Township of
19 Nutley, that the license is hereby
20 approved and the Municipal Clerk is
21 authorized to issue the video game
22 license to the Park Pub.

23 Move the resolution.

24 COMMISSIONER EVANS: Second.

25 MADAM CLERK: Commissioner Petracco?

1 COMMISSIONER PETRACCO: 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 MAYOR COCCHIOLA: Aye.

8 Be it resolved by the Board of
9 Commissioners of the Township of Nutley,
10 County of Essex, that Kevin Harkins be
11 reappointed Township Attorney for the
12 Township of Nutley, effective January
13 1st, 2011, expiring May 15th, 2012.

14 Move the resolution.

15 COMMISSIONER TUCCI: Second.

16 MADAM CLERK: Commissioner Petracco?

17 COMMISSIONER PETRACCO: Aye.

18 MADAM CLERK: Commissioner Evans?

19 COMMISSIONER EVANS: Aye.

20 MADAM CLERK: Commissioner Tucci?

21 COMMISSIONER TUCCI: Aye.

22 MADAM CLERK: Mayor Cocchiola?

23 MAYOR COCCHIOLA: Aye.

24 Be it resolved by the Board of
25 Commissioners of the Township of Nutley,

1 that Alan Genitempo be reappointed
2 Assistant Municipal Township Attorney,
3 Municipal Prosecutor for the Township of
4 Nutley, effective January 1st, 2011,
5 expiring May 15th, 2012.

6 Move the resolution.

7 COMMISSIONER TUCCI: Second.

8 MADAM CLERK: Commissioner Petracco?

9 COMMISSIONER PETRACCO: 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 Be it resolved by the Board of
17 Commissioners of the Township of Nutley,
18 that Angelo Servidio be reappointed
19 Public Defender for the Township of
20 Nutley, effective January 1st, 2011,
21 expiring May 15th, 2012.

22 Move the resolution.

23 COMMISSIONER TUCCI: Second.

24 Second.

25 MADAM CLERK: Commissioner Petracco?

1 COMMISSIONER PETRACCO: 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 MAYOR COCCHIOLA: Aye.

8 Be it resolved by the Board of
9 Commissioners of the Township of Nutley,
10 that Joanne Cocchiola and Kathy
11 Rempusheski be appointed as
12 representatives of the Community
13 Development Block Grant Committee
14 expiring December 31st, 2011.

15 Move the resolution.

16 COMMISSIONER TUCCI: Second.

17 MADAM CLERK: Commissioner Petracco?

18 COMMISSIONER PETRACCO: 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 Is there any member of the public

1 that would like to address the Board? I
2 don't have the statement to read, but
3 basically the statement indicates that we
4 ask -- come on up, Mr. Verdi -- that we
5 ask everyone to try to limit their
6 comments to five minutes and address your
7 comments through the Mayor to the
8 appropriate representative of the Board.

9 Good morning, Mr. Verdi.

10 MR. VERDI: Robert Verdi, 303
11 Hillside. My first question is for
12 Commissioner Evans. What is the total
13 dollar amount that the Town has to cut
14 the budget by?

15 COMMISSIONER EVANS: We're trying to
16 achieve -- against what we are
17 forecasting as our expenses -- try and
18 achieve a two percent tax increase. We
19 need to (indiscernible) 1.1 million
20 (indiscernible).

21 MR. VERDI: My next question is --
22 any commissioner can answer this -- what
23 is the total number of employees to be
24 laid off collectively?

25 MAYOR COCCHIOLA: Do we know that at

1 this point in time? Or, we'll probably
2 know that shortly.

3 COMMISSIONER PETRACCO: Well, we
4 don't have a number by department.

5 MAYOR COCCHIOLA: I don't know that
6 we have it -- I have none to be laid off.
7 My termination came mid-year, and I had a
8 resignation, a retirement. I don't
9 know --

10 MR. VERDI: Actually that date is
11 December 30th (indiscernible) -- do we
12 have to wait until December 31st to find
13 out the number?

14 MAYOR COCCHIOLA: I think we'll
15 working --

16 MR. VERDI: There were notices.

17 COMMISSIONER PETRACCO: Right now, I
18 mean it's pending what the notifications
19 were (indiscernible) eligible.

20 MR. VERDI: You have a number,
21 Commissioner Evans for your department?

22 COMMISSIONER EVANS: For my
23 department? No. No one's being laid off
24 in my department.

25 MR. VERDI: Mr. Tucci?

1 COMMISSIONER TUCCI: I noticed four
2 people. I'm able to save two laborers.
3 Two are going to be laid off, three part
4 timers, a seasonal person, and various
5 cuts throughout my lines.

6 MR. VERDI: Well, what's the number
7 when you add it up?

8 COMMISSIONER TUCCI: It you add it
9 up, I mean, I said, four were noticed,
10 two were laid off, three part-timers and
11 a seasonal.

12 MR. VERDI: Well, can't you just
13 tell me the total?

14 COMMISSIONER TUCCI: Can't you add?

15 MR. VERDI: I'm asking you to tell
16 me the total.

17 COMMISSIONER TUCCI: Well, I will
18 start again. Two and three is five,
19 okay? And then a seasonal is six.

20 MR. VERDI: Thank you.

21 COMMISSIONER TUCCI: Okay?

22 MR. VERDI: It would have been
23 easier if you just told me the total.
24 Mayor Cocchiola, you have none, correct?

25 MAYOR COCCHIOLA: I have no layoffs.

1 Commissioner Petracco?

2 MR. VERDI: Nine (indiscernible) and
3 (indiscernible) what in the total
4 picture, what is the total savings,
5 collectively, for all departments,
6 salary-wise, benefit-wise, whatever?
7 Collectively.

8 MAYOR COCCHIOLA: I can tell you
9 that when I did my calculations, Mr.
10 Verdi, based on my termination and
11 retirement, it was between eight and ten
12 percent in salaries that I saved in my
13 department.

14 MR. VERDI: And, so, where is the
15 difference going to be made up? Your
16 total that you have to reduce the budget
17 by?

18 COMMISSIONER EVANS: We are looking
19 at a range of things, part of that is
20 through contract negotiations and
21 concessions associated with that, part of
22 it was an ask of the fire department for
23 a concession on their part -- a piece of
24 that, not a big piece, but a piece of
25 that.

1 The terminations themselves
2 contributed to that, and where I can
3 get -- do things in a different way to
4 save even more against that, so it's a
5 combination of the savings of personnel,
6 changes in the funding formula for 11 and
7 12, plus other areas where we can pull
8 some money.

9 MR. VERDI: And here's my final
10 point. Two departments are involved in
11 layoffs, two aren't. And I ask you for
12 Commissioner Scarpelli, how many are
13 being laid off?

14 MAYOR COCCHIOLA: I believe he had
15 some layoffs.

16 MR. VERDI: Okay, the number's not
17 important. My point is this. You want
18 concessions from the police and fire,
19 okay? I was on the contract negotiation
20 committee. We made a concession. We
21 took a zero the first year.

22 COMMISSIONER EVANS: You did.

23 MR. VERDI: And Commissioner
24 Petracco came to us and said, and I
25 quote, that each department -- "the

1 departments are asking for a zero
2 increase for that year, across the
3 board". Okay? Everybody has to take a
4 zero. We did. We stepped up to the
5 plate.

6 Now, the Parks Department was
7 offered a percentage for the year. That
8 we took as zero; DPW the same. Okay?
9 So, my question is, if you told us two
10 years ago that no one was asking for a
11 raise -- you were absolutely broke; there
12 was no money -- two years later, where
13 does the money come to offer your
14 departments that two percent -- where we
15 took the zero -- plus retro.

16 COMMISSIONER EVANS: Just to be
17 clear, nine union employees took a zero
18 as well.

19 MR. VERDI: Congratulations to that.

20 COMMISSIONER EVANS: The fire
21 department was not the only one to take a
22 zero in that year.

23 MR. VERDI: Okay, so --

24 COMMISSIONER EVANS: And so, the
25 other side is that the offer from the

1 Town is a zero. And in the labor
2 negotiations, the various unions are
3 refusing to take a zero --

4 MR. VERDI: I understand. But do
5 you think it's fair --

6 COMMISSIONER EVANS: -- the
7 arbitration --

8 MR. VERDI: But do you think it's
9 fair that we took the zero as a
10 concession. Then you come back to us and
11 ask us to make more concessions, when no
12 other department made a concession in
13 that year. And you're offering them a
14 percentage. I don't want to see money
15 from anybody's plate, believe me. I
16 think every department should get a
17 raise. They work their tails off,
18 especially the last couple of days, okay?

19 But I just don't think it's fair for
20 public safety to take the brunt. It
21 should be fair across the board.
22 Everybody should be equal. We're all
23 town employees.

24 COMMISSIONER EVANS: Safety is not
25 taking the brunt.

1 MR. VERDI: Well, if we're having
2 nine layoffs, then -- Mayor Cocchiola's
3 department is having none, and you're
4 having none, and Commissioner Tucci is
5 having whatever number he added up, okay?
6 I don't think it's fair.

7 COMMISSIONER EVANS: No, no, I
8 agree. I thank you for raising the
9 point, because your question was a narrow
10 question. You asked me if I was
11 terminating anyone.

12 You didn't ask me what I did in my
13 department to fully reduce my costs. You
14 didn't ask me about the payroll manager
15 that I don't have and didn't replace.
16 You didn't ask me about the purchasing
17 agent who I don't have and didn't
18 replace. You didn't ask me about the
19 retirement in my assessor's office, and I
20 took somebody out of the code department
21 to put down there to reduce my head
22 count. You didn't ask me any of those
23 questions.

24 I've been reducing my costs in my
25 department for five years. And if you

1 want it on a percentage of those salaries
2 compared to what the public safety
3 salaries are, it's a significant
4 reduction of costs. So, I agree with
5 you. I absolutely agree with you. No
6 one should be asked to give up something
7 at the sacrifice of others who have been
8 given -- others have given. So, I agree
9 with you. I absolutely agree with you,
10 but --

11 MR. VERDI: Well, how about this,
12 Commissioner? How about all the people
13 that are hired back part-time? How is
14 that reducing costs?

15 COMMISSIONER EVANS: No medical
16 benefits associated with that. No
17 pension associated with that. And when I
18 hire somebody back -- which I assume
19 you're referring to my hiring in the code
20 department -- when I hire somebody back
21 part-time who can provide a service with
22 no benefits, and a specific service, not
23 a fulltime hire, and a seasonal hire,
24 you're suggesting that that somehow is
25 more expensive and not cost effective for

1 this Township? Especially, to manage
2 taxes? I disagree with you.

3 MR. VERDI: How about this? We have
4 a person in the fire department who has
5 the same credentials, could do the same
6 job. So, if that person left and you're
7 not paying his salary in benefits, and we
8 have somebody that's already getting
9 salary and benefits, but can do his job,
10 how can that part-time position of 21,000
11 dollars, or whatever it is, be more cost
12 effective than letting that guy do the
13 job. You want -- you said you want to do
14 shared service, and duplicate services,
15 well --

16 COMMISSIONER EVANS: What I did --
17 so, if you want to go down this path,
18 what I did was separate fire sub code
19 from fire prevention. The bulk of the
20 responsibility is fire prevention, and
21 that rests with the fire departmenta I
22 have a person in my code department who's
23 certified to do fire sub code work at
24 their current salary.

25 I have another person who's just

1 about there to get the license. I have a
2 temporary need to cover a service part-
3 time for the major buildings in town, for
4 major construction, which is what I'm
5 doing. And when that's done, it will
6 terminate. There is no position; it's
7 being eliminated.

8 MR. VERDI: Well, if that's the
9 case, then fine, but --

10 COMMISSIONER EVANS: Thank you very
11 much. Thank you for agreeing for us.

12 MAYOR COCCHIOLA: Mr. Verdi,
13 nobody's here to -- look, we don't want
14 to argue with you. This Board of
15 Commissioners has spent, not just --
16 pretty much the entire year trying to
17 shave costs. What Commissioner Evans has
18 done in the past couple of weeks, with
19 respect to crunching numbers, and trying
20 with the rest of the members of this
21 Board have done to try to save jobs is --
22 I haven't seen anything like it.

23 We've been serving on this board for
24 the same amount of years, since I've been
25 on this Board -- the collective

1 collaborative effort to help people and
2 save money. We're exhausted by it. If
3 you think for one minute that we are not
4 still trying at this moment and when we
5 walk into that room, to keep trying, we
6 are.

7 We have a menu of things that we
8 need to try to accomplish, so that we do
9 not increase taxes in this community more
10 than two percent to the residents. And
11 at the same time, we're trying to save
12 everyone's job. I mean, you -- you're
13 angry but, I mean, sit on this side of
14 the table and watch how much time and
15 effort we've been putting into this.

16 MR. VERDI: I appreciate it. But
17 sit on this side of the table, Mayor, and
18 go into the fire house and see guys near
19 tears. At December 31st with little
20 babies, they have no health benefits.
21 They have no job. This is their career.
22 They put a lot of time and effort and
23 money to get that job.

24 COMMISSIONER EVANS: Absolutely.

25 MR. VERDI: Okay?

1 MAYOR COCCHIOLA: And it's my
2 understanding that there was actually
3 some sort of compromise offered that was
4 going to help everybody, every existing
5 employee of the fire department.

6 COMMISSIONER TUCCI: Excuse me,
7 Mayor. There were two. There was the
8 one that Commissioner Evans put forth,
9 and there was the one that I submitted to
10 Commissioner Petracco.

11 MAYOR COCCHIOLA: I mean there's
12 time.

13 COMMISSIONER TUCCI: And the purpose
14 was not -- if I might continue -- and the
15 purpose was not just to take back. The
16 purpose and the intention, all right, was
17 to try and save all the people that were
18 going to be laid off in public safety.
19 So, in addition to the six or seven on
20 how we count them this morning you and I,
21 all right, I also have three positions
22 that have not been filled. All right?
23 And a budget that's been flat for items
24 that I control since 2008.

25 So, I can understand your concern.

1 We share that same concern. All right?
2 It's not about taking; it's about coming
3 to some middle ground so that hopefully
4 we can save these jobs. Nobody wants to
5 see anybody get laid off. But,
6 unfortunately, under certain
7 circumstances, and unless we can agree on
8 different things, we may have no other
9 choice.

10 MR. VERDI: Don't you think I
11 realize that all five of you have tried
12 very diligently to solve the problem,
13 okay?

14 COMMISSIONER TUCCI: Well, it
15 doesn't always come across that way, Bob.

16 MR. VERDI: Well, that --

17 COMMISSIONER TUCCI: I'll be honest
18 with you. It doesn't always come across
19 that way.

20 MR. VERDI: You know me a long time.

21 COMMISSIONER TUCCI: I know you --
22 absolutely, I know you a long time

23 MR. VERDI: Right? And other this
24 time, did you ever see me up at this
25 podium? No. Because my heart's breaking

1 for these guys.

2 COMMISSIONER TUCCI: And so is ours.

3 MR. VERDI: All right?

4 COMMISSIONER TUCCI: Understand
5 something. The authority, all right, to
6 manage the department rests with each
7 commissioner. All right? And the
8 circumstance of public safety, it rests
9 with Commissioner Petracco. With his
10 approval, Commissioner Evans and myself
11 and the Mayor and Commissioner Scarpelli
12 have offered different suggestions and
13 different options to try to mitigate this
14 whole layoff. All right?

15 I mean, this is the first time ever,
16 the Mayor said it, we're sitting here ten
17 years, she and I. All right? We have
18 never ever done this before. You never
19 have seen a Board of Commissioners come
20 together like you have now to try and
21 solve this. And we're still not
22 stopping. I mean, we're in the final
23 hours, but if there's some type of
24 agreement that we can come to that
25 satisfies our tax needs, and the needs of

1 the people that are scheduled to be laid
2 off, then that's where we want to be. I
3 mean it's that simple.

4 MR. VERDI: Well, just to reiterate,
5 you're looking at a guy who's been
6 through it. All right? Not pleasant.
7 Okay? I appreciate your efforts.

8 COMMISSIONER PETRACCO: Bob, before
9 you leave, I'd just like to make a
10 comment. I, you know (indiscernible) the
11 situation that we're under, especially in
12 the fire department, which I recognized
13 at the last rally, you know
14 (indiscernible) fire (indiscernible) the
15 fire department is not operating at ideal
16 number. We've already made significant
17 cuts in public safety, from what I walked
18 into and what the challenges were.

19 So, not only are you frustrated,
20 but, as the Public Safety Director, I'm
21 frustrated, too. But, again, when I met
22 with the unions, that (indiscernible)
23 coming back, why should we, we already
24 did, you know. We're in the mess that
25 we're in together. We'll solve it

1 together and (indiscernible) it's, you
2 know (indiscernible) and no, we don't
3 really want to hear it, it just makes it
4 hard for everyone.

5 And you know, what I said to Jack
6 Magnifico at the last meeting, I'm not a
7 magician, you know. We have tax payers
8 screaming right now, saying, how dare
9 you? How can we raise the taxes two
10 percent and hold on to what we have?
11 They're out there screaming about a two
12 percent increase.

13 So, again, we're not magicians up
14 here. You know, everyone needs to bend a
15 little bit, quite frankly, we didn't get
16 that -- I didn't get that cooperation.
17 And I know you guys already did a lot and
18 gave back, and all that stuff, but we're
19 in the situation today, now.

20 MR. VERDI: I can give you a lot of
21 ways that you can save money in the fire
22 department, which we're not going to get
23 into here now, right?

24 COMMISSIONER PETRACCO: Right,
25 right.

1 MR. VERDI: But you also have to
2 remember, with me going March 1st, you're
3 six down. All right? With pending
4 layoffs, whatever the number is? You're
5 right, you're below bare minimum.

6 COMMISSIONER PETRACCO: Bob, it's
7 like I said, it's -- I agree a hundred
8 percent, and it's far from ideal. I
9 agree with you. But again, you know --
10 government, you know, like in business,
11 when you have a hundred dollars to spend,
12 that means two hundred dollars. That's
13 what I'm trying to stop, because people
14 are being forced out of their homes.
15 (Indiscernible)a.

16 So, it's not ideal, but again, I
17 don't have a magic wand to wave at the
18 problem, you know? Commissioner Evans
19 and I and (indiscernible) I'd like say,
20 thank both of you for your help. You
21 know? Saturday morning I was with
22 Commissioner Evans, 9 o'clock in the
23 morning until 1:30.

24 MR. VERDI: No doubt in my mind.

25 COMMISSIONER PETRACCO: Missed my

1 kid's games and all that stuff. You know
2 what? Coming up with a plan, and have
3 the FMBA president and the PBA president
4 saying, you could beat that drum all you
5 want, we're not opening up the contract.
6 After a while, it's why are we wasting
7 our time? (indiscernible) again, look,
8 what has to happen to get to this two
9 percent. You guys live in the town --
10 you do, I should say. Okay? Are you
11 ready for another 1,000 dollar increase?
12 Because I'm not.

13 MR. VERDI: Right. No way. My
14 taxes are too high now.

15 COMMISSIONER PETRACCO: I'm not.
16 So, rather than hurt 200 hundred families
17 after there, we have to start with a
18 couple and hopefully who we will retire.
19 And, you know, there are people eligible
20 to retire in public safety, maybe this
21 wouldn't have to happen. But, you can't
22 force (indiscernible) that was another
23 option. Take that option.

24 So, again, you know, we're doing the
25 best we can with (indiscernible) -- it's

1 not an ideal situation, and like I said,
2 I applaud the fire department. I'm an
3 advocate of the career guys, as you know.
4 But there are costs that are associated
5 with that. People are at their limit
6 (indiscernible) unfortunate.

7 MR. VERDI: Wish you all happy New
8 Year.

9 COMMISSIONER PETRACCO: Thank you.

10 MAYOR COCCHIOLA: Thanks, Mr. Verdi.
11 Is there anyone else who would like to
12 address the Board? We need a motion to
13 move into executive session for matters
14 involving personnel.

15 Mr. Hund, you want to come up?

16 CAPTAIN HUND: Yeah.

17 MAYOR COCCHIOLA: Captain Hund, I'm
18 sorry.

19 CAPTAIN HUND: That's all right.
20 Good morning, John Hund, Nutley, FMBA
21 delegate.

22 Commissioner Tucci, you said that
23 your department has been flat. The fire
24 department is down five, soon to be six
25 through retirements, and our budget has

1 actually gone down, both our salary
2 account and our operating expenses. As
3 you know, I was the administrative
4 captain. I did that budget with Deputy
5 Chief Scarlera, Deputy Chief Giuliano,
6 and I can tell you that our budget is
7 down, down, down, and we're still facing
8 four layoffs, twelve and half percent cut
9 in our manpower.

10 We're doing more now than ever.
11 We're doing first responder; we're out
12 there trying to save lives on the street,
13 as well as in a fire, and our manpower's
14 being cut, and we can't operate safely if
15 we have these cuts. So, I'm asking you
16 to go back and look at a way to cut some
17 other frivolous spending that there may
18 in town -- and there are some, and we all
19 know that -- to find the money to save
20 these four jobs.

21 And the other thing I want to say
22 is -- lost my train of thought, I'm
23 sorry. It's just -- it's that -- we're
24 giving -- oh -- any concessions that
25 we've been asked for have to be tied to a

1 no layoff clause, and it hasn't happened.
2 That's why we can't accept any
3 concessions. It has to specifically say
4 in writing, "this will prevent layoffs"
5 This will stop layoffs. There will be no
6 layoffs.

7 COMMISSIONER TUCCI: I'm telling
8 you, you have to get to --

9 CAPTAIN HUND: Just like the state
10 of New Jersey -- just like the state of
11 New Jersey --

12 COMMISSIONER TUCCI: Excuse me,
13 excuse me. You have to get to that
14 point, John.

15 CAPTAIN HUND: We've been told --

16 COMMISSIONER TUCCI: The whole
17 purpose -- let me finish. The whole
18 purpose of the proposals was to get to no
19 layoffs. Otherwise, why go through the
20 whole exercise?

21 CAPTAIN HUND: But in writing we
22 need to say, there will be no layoffs.
23 Just like the state of New Jersey did.

24 COMMISSIONER TUCCI: And John, and
25 at the end of the day when you have an

1 agreement, you have it in writing, that
2 there will be no layoffs if X, Y, and Z
3 can occur.

4 CAPTAIN HUND: We were told --

5 COMMISSIONER TUCCI: That's the
6 whole intention.

7 CAPTAIN HUND: We were told we can't
8 get that in writing.

9 COMMISSIONER TUCCI: Then what you
10 have there is a failure to communicate.
11 And I tend to disagree with you --

12 CAPTAIN HUND: That's why we're here
13 this morning to make sure we're
14 communicating.

15 COMMISSIONER TUCCI: If you look at
16 the public safety budget, all right?
17 Over the last four or five years, it has
18 not gone down in total.

19 CAPTAIN HUND: I can't speak for the
20 public safety budget.

21 COMMISSIONER TUCCI: Okay.

22 CAPTAIN HUND: I can speak for the
23 fire department budget, and that's the
24 budget that I'm concerned with. That's
25 the budget that I'd like to see funded.

1 Okay? I'd love to see everybody's budget
2 funded, but I can tell you that we're
3 doing more now than ever, and we're doing
4 it with less people than ever -- than in
5 many recent years. Okay? Because we're
6 got less people.

7 MAYOR COCCHIOLA: Captain Hund, so
8 has every -- actually employee in the
9 Township of Nutley in every department is
10 doing, probably double, than what they
11 used to do, because we've reduced our
12 staff so much, that -- I understand the
13 significance of Public Safety, and that
14 your saving lives. I truly understand
15 that, but understand that in every
16 department, people who've gotten no
17 raises for several years, have also had
18 to take on a whole lot more and do more
19 with less. So, it's every department
20 being affected.

21 COMMISSIONER PETRACCO: Hey,
22 Captain, how can we give you a written
23 guarantee, which Governor Christie
24 (indiscernible) -- what if he cuts our
25 state aid again, then what happens? How

1 can we give you something in writing?
2 What guarantees do you get in any other
3 job in the country? People have been
4 noticed on Friday. You're losing your
5 job, get your box, and walk out of here.
6 How can you -- what guarantees are there
7 in life?

8 I don't understand how I can say to
9 you guys, yeah, we're going to give you
10 in writing that there's not going to be
11 any layoffs. There's not going to be --
12 how -- what are we -- are we God now? Do
13 I know? If I had that crystal ball,
14 there wouldn't be a problem with Nutley,
15 because we would all hit the Mega
16 Millions, it would be over.

17 MAYOR COCCHIOLA: Can I ask a
18 question, though?

19 COMMISSIONER PETRACCO: Come on.
20 You guys are asking for something that's
21 impossible, that's --

22 MAYOR COCCHIOLA: If they take the
23 deal -- Commissioner Evans, if they
24 take -- I mean, their worse scenarios
25 with different circumstances. If they

1 took the deal for 2011, why could that
2 representation not be made for 2011? We
3 would know --

4 COMMISSIONER PETRACCO: We could,
5 but not for 2012, that what they asked
6 for.

7 COMMISSIONER EVANS: It's a point of
8 clarification, that's the question I was
9 going to ask, that the request that
10 you've made, is that for the current
11 year? Saying, the current employees that
12 are targeted for layoffs, that this would
13 reinstate them, or are you saying, for
14 purposes of clarification, that you want
15 in writing that there will not be ever
16 any future layoffs?

17 CAPTAIN HUND: Well, obviously it
18 would never be forever, it would be for a
19 term. If we give up something in 2011,
20 it will be for 2011. And just like
21 Governor Corzine's deal with --

22 COMMISSIONER EVANS: But John -- so,
23 for the employees that are currently
24 slated to be laid off, you're asking for
25 confirmation

1 COMMISSIONER PETRACCO:

2 Commissioner, can I just answer?

3 Commissioner, let me interrupt you for
4 one second. First of all, first of all,
5 we're not going to negotiate
6 (indiscernible) --

7 CAPTAIN HUND: No, I'm not
8 negotiating; I'm just saying we just want
9 something in writing.

10 COMMISSIONER PETRACCO: Okay. Now,
11 let me say this to you.

12 COMMISSIONER EVANS: I just want for
13 one clarification.

14 COMMISSIONER PETRACCO: First of
15 all, if we said to you -- you're not the
16 guy that can make that decision. You
17 not the FMBA president.

18 CAPTAIN HUND: No, no, that would be
19 a membership vote, Director.

20 COMMISSIONER PETRACCO: Absolutely.
21 I have spoken to your FMBA president. He
22 told me, he's -- they're not willing to
23 make a concession. So, you're really not
24 the person that we should be negotiating
25 with. And I don't think that this is an

1 environment to negotiate.

2 CAPTAIN HUND: I'm not asking to
3 negotiate; I'm just asking that --

4 COMMISSIONER PETRACCO: Let me --
5 John, please. Let me finish. Okay? If
6 you'd like to talk to me after the
7 meeting, I will be willing to talk to
8 you. But if I said to you, okay, right
9 now, I guarantee you, there's not going
10 to be any layoffs in 2012 -- which, I'm
11 the Public Safety Commissioner, I can't
12 make you that promise, okay?

13 And I can tell you out loud today,
14 that promise cannot be granted, because
15 I'm going to go back on my word once I
16 commit to that, and then have something
17 happen with State Aid or something in
18 2012. There's no guarantees. So, if
19 you'd like to talk to me after the
20 meeting about it, I'd be willing to
21 listen. But this isn't the forum to
22 negotiate, and you're not the guy that we
23 should be negotiating with.

24 CAPTAIN HUND: All I'm saying is, if
25 we're going to make concessions, it's got

1 to have the quid pro quo in writing.
2 Thank you for your time and happy New
3 Year.

4 MAYOR COCCHIOLA: Thank you, Captain
5 Hund. Is there anyone else who would
6 like to address the board? All right, we
7 need a motion to move into executive
8 session.

9 MADAM CLERK: Whereas the Board of
10 Commissioners of the Township of Nutley,
11 in the County of Essex, desires to
12 proceed to closed executive session; and

13 Now, therefore, be it resolved by
14 the Board of Commissioners, that the
15 Township Commissioners shall now move
16 into executive session to discuss
17 personnel matters.

18 Be it further resolved, that the
19 time when such discussions may be
20 disclosed to the public shall be when and
21 as such disclosure may be made without
22 adversely affecting the Township of
23 Nutley, pending and/or anticipated legal,
24 personnel, contractual matters and other
25 matters within the exceptions provided

1 for by statute. I need a motion and a
2 second.

3 COMMISSIONER EVANS: Second. Oh,
4 motion.

5 COMMISSIONER TUCCI: Second.

6 MADAM CLERK: Commissioner Petracco

7 COMMISSIONER PETRACCO: Aye.

8 MADAM CLERK: Commissioner Evans

9 COMMISSIONER EVANS: Aye.

10 MADAM CLERK: Commissioner Tucci?

11 COMMISSIONER TUCCI: Aye.

12 MADAM CLERK: Mayor Cocchiola?

13 MAYOR COCCHIOLA: Aye.

14 (End of audio)

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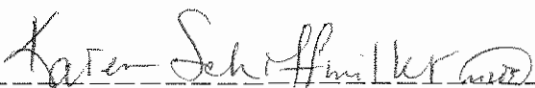
C E R T I F I C A T I O N

I, Karen Schiffmiller, 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:

February 22, 2011.



Karen Schiffmiller

AAERT Certified Electronic Transcriber

CET**D 570

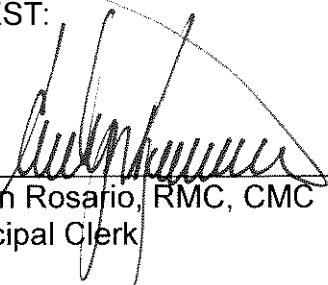
Board of Commissioners Meeting Minutes December 30, 2010

The Board of Commissioners entered Executive Session at 9:20 A.M. and exited at 9:55 A.M.


ADJOURNMENT:

Motion to adjourn by Commissioner Scarpelli, seconded by Commissioner Tucci.
Meeting adjourned at 10:00 A.M.


ATTEST:



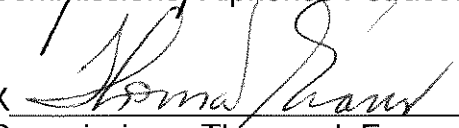
Evelyn Rosario, RMC, CMC
Municipal Clerk

X 

Commissioner Joseph P. Scarpelli
(Absent/Excused)

X 

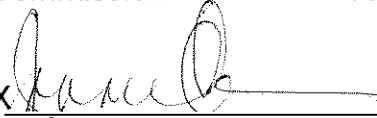
Commissioner Alphonse Petracco

X 

Commissioner Thomas J. Evans

X 

Commissioner Mauro G. Tucci

X 

Mayor Joanne Cocchiola

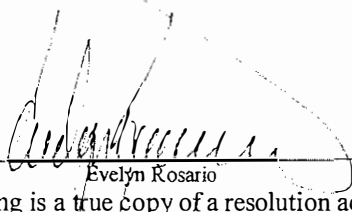
BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Commissioner Petracco FOR Commissioner Scarpelli *Date:* December 30, 2010
Seconded by: Commissioner Mauro G. Tucci *No.* 303-10

BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey that Frank DeBlasio, employee of the Department of Public Works requires an unpaid leave of absence effective January 1, 2011 through June 30, 2011.

. . .

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 December 30, 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 Alphonse Petracco *Date:* December 30, 2010

Seconded by: Commissioner Mauro G. Tucci *No.* 304-10

WHEREAS, the Township of Nutley, Office of Emergency Management has been awarded the Urban Areas Security Initiative (UASI-Local Share) CFDA #97.008, Award #2009-SS-T9-0082 from the New Jersey State Police Office of Emergency Management. The Subgrant, consisting of a total amount of \$52,549.88, is for the purpose of enhancing Nutley Township's ability to prevent, protect against, respond to and recover from acts of terrorism, natural disasters and other catastrophic events and emergencies; and

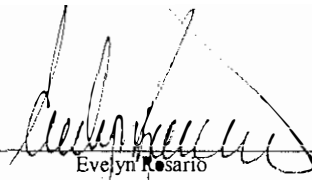
WHEREAS, the subgrant award incorporates all conditions and representations contained or made in application and notice of award #2009-SS-T9-0082; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Nutley, New Jersey here with accepts the award of the FFY09 Homeland Security Emergency Management Performance Grant Program Subgrant in the amount of \$52,459.88 Federal Funds from the new Jersey State Police, Office of Emergency Management; and

BE IT FURTHER RESOLVED that the Township of Nutley Director of Public Safety, the Township Chief Fiscal Officer and the Township Director of Emergency Management are authorized to sign the appropriate subgrant award documents; and

BE IT FURTHER RESOLVED that copies of this Resolution shall be forwarded to the New Jersey State Police, Office of Emergency Management; the Township of Nutley, Director of Public Safety; the Township's Chief Financial Officer; the Township Office of Emergency management and Office of the Treasury.

. . .

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 December 30, 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 Alphonse Petracco *Date:* December 30, 2010
Seconded by: Commissioner Mauro G. Tucci *No.* 305-10

WHEREAS, the Township of Nutley wishes to purchase HazMat gear and equipment from an authorized vendor under the State of New Jersey 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, Gen-El Safety and Industrial Products LLC,961 Route 10 east, Randolph, NJ, has been awarded NJ State Contract #74022 for HazMat gear and Equipment for the period 5/1/09 to 4/30/11; and

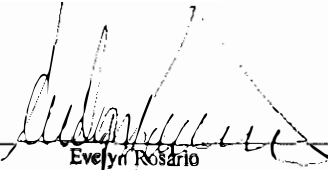
WHEREAS, the utilization of this contract is recommended on the grounds that it represents the best price available; and

WHEREAS, funds are available from Trust account T-15-909-912 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 State's 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 Gen-El be awarded a contract for the purchase of HazMat gear and equipment in accordance with State Contract #74022.

. . .

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 December 30, 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

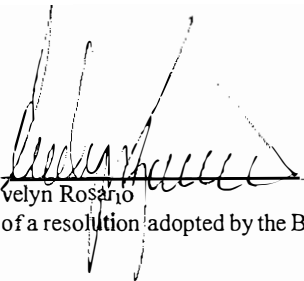
Resolution

Introduced by: Commissioner Thomas J. Evans *Date:* December 30, 2010 o o o

Seconded by: o Commissioner Mauro G. Tucci o *No.* 306-10 o o o

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 refnd overpayment of property taxes in the amount of \$22,328.41 for said property:

<u>BLOCK</u>	<u>LOT</u>	<u>Qual.</u>	<u>ADDRESS</u>	<u>AMOUNT – YEAR</u>
3904	7		20 Villa Place	\$1516.93 – 2011
7606	9		11 Chase Street	\$2400.07 – 2009
8300	7		35 San Antonio Avenue	\$5680.37 – 2009
8302	12		376 Harrison Street	\$2551.85 – 2009
8401	31		34 Milton Avenue	\$1917.85 – 2009
8606	18		46 East Passaic Avenue	\$2220.90 – 2009
9204	25		26 Harrison Street	\$2436.59 – 2009
9502	13		83 Saint Mary's Place	\$2216.05 – 2009
9700	10	C0104	25 River Road A-4	\$1387.80 0 – 2009

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 December 30, 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: o Commissioner Thomas J. Evans o o o o o o o o Date: December 30, 2010

Seconded by: Commissioner Mauro G. Tucci o o o No. 307-10o o o o o

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

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

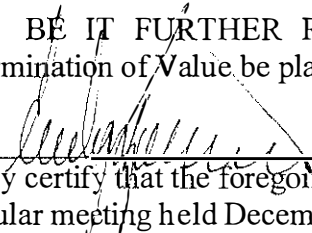
WHEREAS, Nisivoccia & Company LLP Certified Public Accountants and Consultants, 5 Emery Road, Randolph, New Jersey 07869 has submitted a fee schedule for providing such services, the total of which is not to exceed \$139,944.00; and

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

WHEREAS, funds are available from account 1-01-222-200 & 1-05-706-200 and have been certified by the chief financial officer, said certification being attached to this resolution,

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Nutley authorizes the Mayor to enter into a contract with Nisivoccia & Company LLP Certified Public Accountants and Consultants,; and

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

 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 December 30, 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 o o Date: December 30, 2010

Seconded by: Commissioner Mauro G. Tucci o o o No. 308-10 o o o

WHEREAS, the Township of Nutley has a need to acquire the services of an Attorney as Municipal Tax Counsel to provide legal counsel services concerning "Municipal Tax Appeals" in the Township of Nutley as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44 A-20.4 or 20.5, as appropriate; and

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

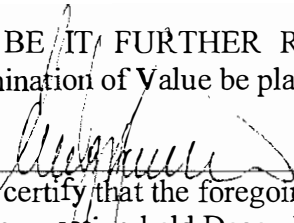
WHEREAS, Angelo Cifelli, Jr., Esq. of the Law Firm of Piro, Zinna, Cifelli, Paris & Genitempo, 360 Passaic Avenue, Nutley, New Jersey 07110 has submitted a fee schedule for providing such services, the total of which is not to exceed \$22,750.00; and

WHEREAS, Angelo Cifelli, Jr., Esq. of the Law Firm of Piro, Zinna, Cifelli, Paris & Genitempo has completed and submitted a Business Entity Disclosure Certification which certifies that they have not made any reportable contributions to a political or candidate committee in the Township of Nutley in the previous one year, and that the contract will prohibit them from making any reportable contributions through the term of the contract; and

WHEREAS, funds are available from account no. 1-01-204-200 and have been certified by the chief financial officer, said certification being attached to this resolution,

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Nutley authorizes the Mayor to enter into a contract with Angelo Cifelli, Jr., Esq. of the Law Firm of Piro, Zinna, Cifelli, Paris & Genitempo; and

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

 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 December 30, 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	
<i>No</i>					
<i>Not Voting</i>					
<i>Absent/Excused</i>	X				ABSTAINED DUE TO CONFLICT

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

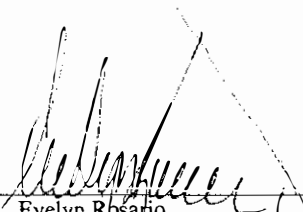
Introduced by: Commissioner Mauro G. Tucci Date: December 30, 2010

Seconded by: Commissioner Thomas J. Evans No. 316-10

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: 4-58, the following transfer(s) of appropriations in the **2010 Budget** be and the same are hereby authorized and approved:

DEPARTMENT OF PARKS & PUBLIC PROPERTY

<u>FROM:</u>		<u>TO:</u>	
Group Insurance		Parks & Playgrounds O/E	
0-01-226-200	\$35,000.00	0-01-504-200	\$ 20,000.00
		Recreation O/E	
		0-01-506-200	15,000.00
Total	\$ 35,000.00	Total	\$ 35,000.00

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 December 30, 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 *Date:* December 30, 2010
Seconded by: Commissioner Mauro G. Tucci *No.* 309-10

WHEREAS, the Department of Public Affairs, through the Nutley Health Department provides health promotion screenings to its residents at little or no cost to residents; and

WHEREAS, Noreen P. Mc Manus, CNM, is certified to provide cervical and breast cancer screening and education, and

WHEREAS, the Local Public Contract Law (NJSA 40A:11-1) permits the award of contracts for certain professional services without competitive bidding:

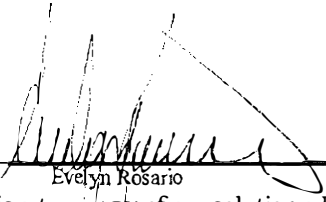
NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, as follows:

- (a) **The term of the contract is from January 1, 2011 through December 31, 2011**
- (b) **The amount to be paid by voucher will be \$55.00 per hour, per clinic session which shall be once per month**
- (c) **The Certified Nurse Midwife will provide malpractice and liability insurance;**

BE IT FURTHER RESOLVED that the Contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a), because it is for service performed by persons authorized by law to practice a recognized profession;

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.

. . .

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 December 30, 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

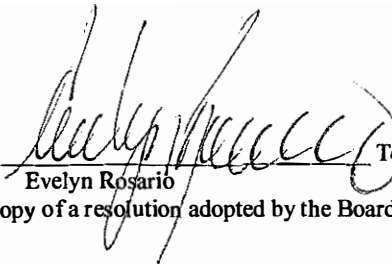
Introduced by: Mayor Joanne Cocchiola *Date:* December 30, 2010

Seconded by: Commissioner Alphonse Petracco *No.* 310-10

WHEREAS, Christobal “Chris” Mazzini, 51 Passaic Avenue, Nutley, New Jersey 07110 has applied for a constable license; and

WHEREAS, the application has been reviewed 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 Christobal “Chris” Mazzini be appointed as Constable No. 15 for a one year term, beginning December 22, 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 December 30, 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 *Date:* December 30, 2010

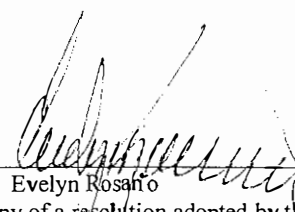
Seconded by: Commissioner Thomas J. Evans o o o o o o No. 311-10 o o

WHEREAS, an application for renewal of a video game licenses has been received from the Park Pub, 789 Bloomfield Avenue (V5-11); and

WHEREAS, the application has been reviewed by the Code Enforcement Department and the Office of the Municipal Clerk; and

WHEREAS, the license fee of three hundred dollars (\$300.00 per machine) has been paid.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex that the license is hereby approved and the Municipal Clerk is authorized to issue the video game license to the "Park Pub"

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 December 30, 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				

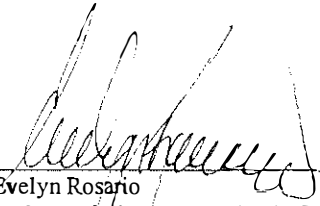
BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Mayor Joanne Cocchiola *Date:* December 30, 2010

Seconded by: Mauro G. Tucci o o *No.* 312-10o o o

BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey that Kevin Harkins be reappointed Township Attorney for the Township of Nutley, effective January 1, 2011 and expiring May 15, 2012.

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 December 30, 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				

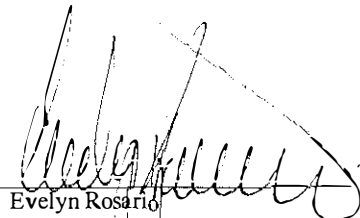
BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Mayor Joanne Cocchiola Date: December 30, 2010

Seconded by: Commissioner Mauro G. Tucci No. 313-10

BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey that Alan Geutempo be reappointed Assistant Municipal Township Attorney and Municipal Prosecutor for the Township of Nutley, effective January 1, 2011 and expiring May 15, 2012.

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 December 30, 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				

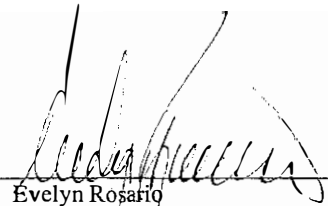
BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Mayor Joanne Cocchiola *Date:* December 30, 2010

Seconded by: Commissioner Mauro G. Tucci o o o o *No.* 314-10 o o o o

BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey that Angelo Servidio be reappointed Public Defender for the Township of Nutley, effective January 1, 2011 and expiring May 15, 2012.

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 December 30, 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				

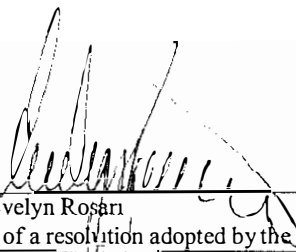
BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Mayor Joanne Cocchiola *Date:* December 30, 2010

Seconded by: Commissioner Mauro G. Tuccio o o o o *No.* 315-10 o o o o

BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey that Joanne Cocchiola and Kathy Rempusheski be appointed as representatives of the Community Development Block Grant Committee expiring December 31, 2011.

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 December 30, 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				

