TOWNSHIP OF NUTLEY, NEW JERSEY
BOARD OF COMMISSIONERS

PUBLIC MEETING TRANSCRIPT OF PROCEEDINGS:

September 6, 2011

7:00 p.m.

BEFORE:
Mayor Joanne Cocchiola
Commissioner Thomas J. Evans
Commissioner Alphonse Petracco
Commissioner Joseph P. Scarpelli
Commissioner Mauro G. Tucci
Township Clerk Rosario

Job No. NJ358334
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MAYOR COCCHIOLA: Madam Clerk, could you please reread the Sunshine Notice?

MADAM CLERK: Yes, ma'am. Tuesday, September 6th, 2011. Pursuant to the requirements of the Open Public Meeting Law, Chapter 231, Public Laws 1975, notice of this meeting was published in the December 2nd, 2010, issues of the Nutley Sun, the Journal, the Star Ledger and the Herald News. A copy of this notice has been posted on the Nutley Town Hall bulletin board and a copy is on file in the municipal clerk's office.

Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Here.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Here.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Here.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Here.

MADAM CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Here.

MADAM CLERK: All present, Mayor.

MAYOR COCCHIOLA: Thank you. We
have some special guests this evening, so I'm going to take one item out of order which is a resolution of the Board of Commissioners congratulating and with great pride on the student athletes from Nutley who went down to Tuscaloosa, Alabama, to assist the city and its residents. We think that is a wonderful, true Nutley act and selfless and just a wonderful way to show a community in distress how much another community cares.

So, I would like to read this resolution on behalf of the Board of Commissioners: Whereas, in April 2011, a massive tornado swept through Mississippi, Alabama and Georgia, with estimated wind speeds between 167 to 200 miles per hour, leaving severe destruction and loss of life in its wake, and whereas, the community of Tuscaloosa, Alabama, sustained the most devastating damage during the storm, as the tornado touched down leaving a half-mile-wide path of destruction through the center of
the city; and whereas, Tuscaloosa native
and Nutley assistant football coach
Jarrett Vick was visiting Tuscaloosa at
the time of the tornado and has since
volunteered his time and efforts to
assist the community by organizing groups
of volunteers to help clean up and
rebuild the city; and whereas, Peter
Burbank, Nick Gariano, Michael Goudie,
Ryan Goudie, Michael Hovan, Joseph
Ianini, Matt Kelly, John Milici, Dominic
Pilione of Wayne Hills High School, John
Ratta, Nick Scherer, Jordan Yuppa, Aaron
DiGregorio, along with coach Steve
DiGregorio, volunteered to assist and
selflessly dedicated one week of their
summer vacation to come to the aid of the
citizens of Tuscaloosa. And whereas,
these young men positively impacted the
lives of the people of Tuscaloosa, and
did so with great respect, humility and
compassion, forging solid friendships and
creating indelible memories. Now,
therefore, be it resolved that the Mayor
and Board of Commissioners of the
Township of Nutley, County of Essex, recognize with great pride the above-mentioned individuals for their outstanding act of good will towards the citizens of Tuscaloosa, Alabama, and join with the residents of this community in commending their examples of selflessness and generosity. I move the resolution.

COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: You know, it's nice to recognize young men. The media plays up some of the negative all of the time, but it's nice to recognize the positive. So, I vote Aye.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: I would just like to add what a great group these kids are, and, you know, knowing them firsthand they always rise to the occasion. They're a bunch of givers and the parents are always there for them, standing behind them. So, I vote Aye, too.
MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye. You all represent what's the best (indiscernible) in the town. Thank you for continuing to demonstrate leadership, hard work, (inaudible) up to our standards.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: I'll vote Aye and I also want to thank you for your selfless acts and once again, you've made us proud and you've shown people throughout this country what the people of Nutley are like. So, thank you very much. That was very generous of all of you.

MADAM CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: And I'll say thank you once again for making this community look so wonderful by your selfless acts and thank you to every parent. They're like this because of you, so congratulations to all of you as well. And I vote yes.

We will have certified copies and framed copies of the resolutions for
everyone but I'm going to ask all the students and Jarrett and coaches to come on up here for a photograph with this one for now.

(Break in audio during photo session)

MAYOR COCCHIOLA: Coach, before everyone leaves, do you want to just talk about that for a second? Could I just have everyone's attention, please? This is an interesting story.

(Inaudible)

MAYOR COCCHIOLA: Jarrett, do you want to say anything? Want to say anything, Jarrett?

MR. VICK: I just appreciate . . .

(Inaudible)

MAYOR COCCHIOLA: We are proud as well. So you are all, of course, invited to stay, but I know you have a big day tomorrow with school and a big game Friday night, so we could take a few minutes if you want to -- anybody who wants to leave, can leave, and those of you who want to stay, are welcome to stay
for the rest of the meeting. But we'll -- we'll take a break for a minute or two.

Should we be offended here? I don't know.

MALE SPEAKER: Not one.

MALE SPEAKER: Those are --

MALE SPEAKER: Not one.

MALE SPEAKER: They are -- they are very intelligent, though.

MALE SPEAKER: I don't know. It depends on who's getting up and talking.

MALE SPEAKER: -- can't win.

MALE SPEAKER: -- maybe there's a reason.

MAYOR COCCHIOLA: Okay. We can get back to the agenda now with approval of meeting minutes.

MADAM CLERK: Yes, Mayor. I have several meeting minutes. I'll read them all -- March 15th, 2011, April 7th, 2011, April 19th, 2011, May 3rd, May 17th, June 7th, and June 21st, 2011.

COMMISSIONER TUCCI: Move it.

COMMISSIONER EVANS: Second.
MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye and abstain on April 7th.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye and I was absent May 3rd and June 21st.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Mayor Cocchiolo?

MAYOR COCCHIOLA: I've got an abstention on the 15th and the 7th, and I vote yes with respect to the remainder.

MADAM CLERK: Thank you, Mayor. That's all for minutes.

MAYOR COCCHIOLA: Thanks, and we can move on to correspondence.

MADAM CLERK: Yes, Mayor, I have two items of correspondence this evening. The first one is from the Italian-American Heritage Festa Italiana, requesting permission to hold an on-premise 50/50 Cash Raffle and a Tricky
Tray on Sunday, September 18th, from 11 a.m. to 6 p.m. And I need an approval, please?

COMMISSIONER TUCCI: Motion.

COMMISSIONER SCARPELLI: Second.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: (no audio).

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Mayor Cocchiolo?

MAYOR COCCHIOLA: Aye.

MADAM CLERK: And the next item of correspondence I have is from the Academic Booster Club seeking permission to submit a social affair application to the State of New Jersey, Division of ABC, for an affair to be held on October 22nd, 2011, at the Nutley Historical Society.

COMMISSIONER TUCCI: Move it.

COMMISSIONER EVANS: Second.
MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Mayor Cocchiolo?

MAYOR COCCHIOLA: Aye.

MADAM CLERK: That's all for communications and correspondence now.

MAYOR COCCHIOLA: Thank you. We'll move on to payment of bills.

MADAM CLERK: Tuesday, September 6th, 2011:

Public Affairs $487.28,
Revenue & Finance $2,359,69.25,
Public Safety $52,678.74
Public Works $208,667.75
Parks & Public Property $548,538.43,
Payroll as of August 19th, $28,482.00,
Payroll as of September 2nd, $706,747.75,
for a grand total bill list of
$4,660,563.76.
And that's all for bills, Ma'am.
COMMISSIONER TUCCI: Move the bills.
COMMISSIONER SCARPELLI: Second.
MADAM CLERK: Commissioner Scarpelli?
COMMISSIONER SCARPELLI: Aye.
MADAM CLERK: Commissioner Petracco?
COMMISSIONER PETRACCO: Aye.
MADAM CLERK: Commissioner Evans?
COMMISSIONER EVANS: Aye.
MADAM CLERK: Commissioner Tucci?
COMMISSIONER TUCCI: Aye.
MADAM CLERK: Mayor Cocchiolo?
MAYOR COCCHIOLA: Aye.
MADAM CLERK: Thank you, Mayor.
MAYOR COCCHIOLA: Thank you. In our caucus this evening, we had a discussion on the best practices inventory program worksheet that was prepared by Chief Financial Officer Rosemary Costa.
Commissioner Evans, do you want to say a few words about that?
COMMISSIONER EVANS: Yes. Overall, we're in the ninetieth percentile, which
is a great position to be in. It means
that we will not have any of our -- our
aid that we do get from the state in
jeopardy; we're above minimum. In those
areas that we did not -- we were unable
to answer yes, we have things in process
that will eliminate that so I expect THAT
this same report for next year will be
closer to a hundred percent. We're in
very good shape.

MAYOR COCCHIOLA: Great. Thank you.

Mr. Tucci, any public hearing this
evening?

COMMISSIONER TUCCI: Yes, this --
this is an ordinance. When we passed
the -- the salary ordinance for the --
the union personnel and the non-union
personnel, inadvertently the bus drivers
in my department were left out. So this
is basically just a correction ordinance
to include them and give them the same
percentages that everyone else got.

MAYOR COCCHIOLA: Are there any
member of the public that would like to
address ordinance number 317@? There is
no one.

COMMISSIONER TUCCI: Move we close the public hearing.

COMMISSIONER EVANS: Second.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Mayor Cocchiolo?

MAYOR COCCHIOLA: Aye.

COMMISSIONER TUCCI: I move the ordinance.

COMMISSIONER EVANS: Second.

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.
MADAM CLERK: Mayor Cocchiolo?

MAYOR COCCHIOLA: Aye.

Okay, resolutions. Mr. Petracco?

COMMISSIONER PETRACCO: Whereas the Township of Nutley Municipal Court, would like to add credit cards to their means of payment for court-related fines, and whereas, the Township of Nutley Municipal Court needs to procure a service that will facilitate the credit card payment and whereas the Nutley Municipal Court has determined that merchant management will provide all necessary services for court credit card transactions, and whereas, the contract in the amount not to exceed 10,000 dollars and funds are available in the current account number 1-01-325-205 entitled Municipal Court O/E Contractual Services as evidenced by the finance director's certification attached hereto. Now, therefore, be it resolved by the Board of Commissioners, Township of Nutley, County of Essex, State of New Jersey, that the municipal court will enter into a one-year contract with
Merchant Management for the provisions of their credit card services with one-year option to extend such contract, subject to availability and appropriation in the handling of funds as may be required to meet the extended obligation.

I move the resolution.

COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Mayor Cocchiolo?

MAYOR COCCHIOLA: Aye.

COMMISSIONER PETRACCO: Whereas the Township of Nutley Office of Emergency Management has applied for and has been awarded state Homeland Security grant program's sub-grant CFDA number 97.042 award number 2011-P110-0716, from the New
Jersey State Police Office of Emergency Management incorporating all conditions and representations contained or made in application and notice of award number 2011-EP-E0-004@; and whereas, the subgrant consisting of the total amount of 20,000 dollars including 10,000 dollars federal awarded and 10,000 local matching funds, which the Township of Nutley Office of Emergency Management adequately satisfies through the 2011 Township of Nutley approved budget for division salaries and wages and fringe benefits and whereas, it would be in the best interest of the Township of Nutley and the State of New Jersey to participate in this initiative and enhance as this county's ability to prevent, protect against, respond to and recover from acts of terrorism, natural disasters and other catastrophic events and emergencies. And now, therefore, be it resolved that the Board of Commissioners, Township of Nutley, hereby accept this award and that the director of public safety, township
clerk, the Chief Financial Officer and
the emergency management coordinator, are
hereby authorized to sign certain
documents related to their positions in
order to effectuate with the New Jersey
State Police office of emergency
management with funding from the FFY 2011
Homeland Security Emergency Management
Performance Grant Program.

I move the resolution.

COMMISSIONER SCARPÉLLI: Second.

MADAM CLERK: Commissioner
Scarpelli?

COMMISSIONER SCARPÉLLI: Aye.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Mayor Cocchiolo?

MAYOR COCCHIOLA: Aye.

COMMISSIONER PETRACCO: That's all I
have.

MAYOR COCCHIOLA: Thank you.
Commissioner Evans?

COMMISSIONER EVANS: Whereas an emergency has arisen with respect to the payment of emergency response to Hurricane Irene's storm damage, and no adequate provision was made in the 2011 budget for the aforesaid purpose and N.J.S.A. 48:4-46 provides for the creation of an emergency appropriation for the purpose abovementioned, and whereas, the total amount of emergency appropriation created including the appropriation to be created by this resolution, is $800,000 and three percent of the total operating budget for the year of 2011 is $1,575,476.93. Now, therefore, be it resolved that the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey, that in accordance with N.J.S.A. 48:4-20, an emergency appropriation be in the same is hereby made for emergency response to Hurricane Irene damage in the amount of $800,000 dollars; that said emergency appropriation shall be provided for in
full in the 2012 budget. But the
statement required by the local finance
board has been filed with the clerk and a
copy thereof will be transmitted to the
director of local governmental services
but two -- two certified copies of this
resolution will be filed with the
director of local government services.
So move.

COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner
Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Mayor Cocchiolo?

MAYOR COCCHIOLA: Aye.

COMMISSIONER EVANS: Whereas an
emergency has arisen with respect to the
emergency response to Hurricane Irene
damage on August 27th - 28th, 2011;
whereas, manpower and supplies were expended to respond to said emergency and now need to be replenished, now, therefore, be it resolved by the Board of Commissioners of the Township of Nutley, in the County of Essex, New Jersey, that an emergency is hereby declared to exist which will not permit for the advertisement of -- for public bids subject to the verification of funds by the Chief Financial Officer of the Township of Nutley. So move.

COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Mayor Cocchiolo?

MAYOR COCCHIOLA: Aye.

COMMISSIONER EVANS: Whereas
N.J.S.A. 48:e5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts, and financial statements, and whereas, the annual audit of the -- for the year 2010 has been filed whereby the registered municipal account with the municipal clerk pursuant to N.J.S.A. 48:e5-6 and a copy has been received by each member of the governing body and whereas, RS 52:e7BB34 authorizes the local finance board of the State of New Jersey to prescribe reports pertaining to local fiscal affairs and whereas, the local finance board has promulgated N.J.A.eC. 5:e6-5e5 in a regulation requiring that the governing body of each municipality shall, by resolution, certify to the local finance board of the State of New Jersey that all members of the governing body have reviewed as a minimum the sections of the annual audit entitled general comments and recommendations. And whereas, members of the governing body have personally reviewed as a
minimum the annual audit report and
specifically the sections of the annual
report entitled, general comments and
recommendations as evidenced by the group
affidavit form of the governing body
attached hereto. And whereas, such
resolution of certification shall be
adopted by the governing body no later
than forty-five days after the receipt of
the annual audit pursuant to N.J.A.C.
5:6-5 and whereas, all members of the
governing body have received and
finalized -- familiarized themselves with
at least with the minimum requirements of
the local finance board of the State of
New Jersey as stated aforesaid, and have
prescribed to the affidavit
as provided -- excuse me, has subscribed
to the affidavit as provided by the local
finance board and whereas, failure to
comply with the promulgations of the
local finance part of the State of New
Jersey may subject members of the local
governing body to the penalty provision
of RS 52:7BB52 to wit, a local officer
or member of a local governing body who
after a date fixed for the compliance
fails or refuses to obey an order of the
director under the provisions of this
article, shall be guilty of a misdemeanor
and upon conviction may be fined not more
than 1,000 dollars or imprisoned for more
than one year, or both. In addition,
shall forfeit his office. Now therefore,
be it resolved by the -- that the Board
of Commissioners of the Township of
Nutley, hereby states that it has
complied with N.J.A.C. 5:6 6.5 and does
hereby submit a certified copy of this
resolution and a required affidavit to
said board to show evidence of said
compliance. So move.

COMMISSIONER TUCCI: Second.
MADAM CLERK: Commissioner
Scarpelli?

COMMISSIONER SCARPELLI: Aye.
MADAM CLERK: Commissioner Petracco?
COMMISSIONER PETRACCO: Aye.
MADAM CLERK: Commissioner Evans?
COMMISSIONER EVANS: Aye.
MADAM CLERK: Commissioner Tucci?
COMMISSIONER TUCCI: Aye.

MADAM CLERK: Mayor Cocchiolo?
MAYOR COCCHIOLA: Aye.

COMMISSIONER EVANS: Whereas

N.J.S.A. 40A:5-14 mandates that the
governing body of the municipal
corporation shall by resolution pass by a
majority of voters of the full membership
thereof, designate as a depository for
its monies a bank or trust company having
its place of business in the state and
organized under the laws of the U.S. or
this state. Now, therefore, be it
resolved that on the sixth day of
September, 2011, by Board of
Commissioner -- by the Board of
Commissioners of the Township of Nutley,
County of Essex, that the Bank of Nutley,
a division of Pascack Community Bank, is
hereby designated as a depository for the
Township of Nutley to -- prior to the
deposit of any municipal funds in the
above-mentioned depository, said bank
shall file with the Chief Financial
Officer a statement indicating that the bank is covered under the government unit's deposit protection act, RS 17:4 -- I mean, 9.4. So move.

COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Mayor Cocchiolo?

MAYOR COCCHIOLA: Aye.

COMMISSIONER EVANS: Whereas the State of New Jersey, Department of Community Affairs, permits the municipalities to waive fees for permits for work done as a result of Hurricane Irene, and whereas, pursuant to NJAC 5-23-4a19(b)e5, any municipality waiving its fees will also require that the state permit charges be waived. Now therefore,
be it resolved by the Board of
Commissioners in the Township of Nutley,
the County of Essex, that the township
construction official is authorized to
waive fees for permits for work done as a
result of Hurricane Irene.

COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner
Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Mayor Cocchiolo?

MAYOR COCCHIOLA: Aye.

COMMISSIONER EVANS: Thank you,
Mayor.

MAYOR COCCHIOLA: Thank you.

Commissioner Tucci?

COMMISSIONER TUCCI: Yes, whereas
N.J.S.A. 48:4e87 provides that the
director of the division of local
government services may approve the insertion of any special item in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of adoption of the budget, and whereas, said director may also approve the insertion of any item of appropriation for equal amount, Section 1, now therefore be it resolved that the Board of Commissioners of the Township of Nutley in the County of Essex in the State of New Jersey hereby request the director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2011 in the sum of $7,000 dollars, which item is now available as a revenue from the 2009 business stimulus fund grant program pursuant to the provisions of statute Section 2. Be it further resolved that a like sum of 7,000$ in same is hereby appropriated under the caption of general appropriations, Item A operations
excluded from five percent cap 20e09
business stimulus grant fund in the
amount of 7,e000. Section 3, be it
further resolved that the above is the
result of revenues available for the 2009
business stimulus grant and be it further
resolved that the township clerk forward
two certified copies of this resolution
to the director of Local Government
Services. I move the resoâulation.

COMMISSIONER EVANS: Second.

MADAM CLERK: Commissioner
Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: (Inaudible).

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Before I vote,
I'd just like to inform everyone that
this -- this grant will enable us to
begin planting trees back on Franklin
Avenue and we will be doing this in the
Parks Department with the help of the
Public Works Department so we can maximize the number of trees that we can put back. Aye.

MADAM CLERK: Mayor Cocchiolo?

MAYOR COCCHIOLA: Aye.

Okay. Thank you, Commissioner Tucci. Whereas raffle applications have been received from the Italian American Heritage Committee Festa Italiana for license number 48114911 for an on-premise Tricky Tray and 50/50 Raffle September 18th, 2011, and from the American Red Cross for Nutley, license number 50-11 and 51-11 for on-premise 50/50 and merchandise raffle on November 12, 2011; whereas the applications have been reviewed and approved by the municipal clerk and the police department, therefore be it resolved by the Board of Commissioners of the Township of Nutley that the licenses are approved and the municipal clerk is authorized to issue the licenses. I move the resolution.

COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner
Whereas Anthony Capriglione 14e3 Whitford Avenue, Nutley, New Jersey, has applied for renewal of constable number 17, whereas, the application has been reviewed by the municipal clerk and police department, therefore be it resolved by the Board of Commissioners of the Township of Nutley, County of Essex, that Anthony Capriglione be reappointed as constable number 17 for a one-year term beginning September 17th, 2011. I move that resolution.

COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner Scarpelli?
COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Mayor Cocchiolo?

MAYOR COCCHIOLA: Aye.

That concludes the business portion of our meeting. Any resident who would like to address the board can come forward at this time. All persons addressing the Board of Commissioners regarding community concerns should approach the microphone and provide their name and address for the record. Unless further time is granted by the board, each person shall limit their comments to five minutes. All remarks to the board and its individual members must be addressed to the mayor. The mayor may differ citizen comments to the appropriate member of the board.

Dialogue between citizens and others
addressing the board shall be allowed
unless the mayor or presiding officer or
the majority of the membership of the
board shall determine that the interests
of decorum and/or the expeditious conduct
of municipal business are being adversely
affected by such dialogue.

Is there anyone here who would like
to address the board?

DR. MITRANO: Good evening. Dr.
Melanie Mitrano, 160 Hillside Avenue,
Nutley, New Jersey. We've been here
before; we talked about this issue and I
don't think it's new. We're here to
discuss the Narcotics
Anonymous/Alcoholics Anonymous meetings
at the Holy Trinity Lutheran Church and
the Franklin Reform Church.

Just a little bit of background -- I
know we've been through this before, but
I've been living in my house for fourteen
years. To the best of my knowledge, the
meetings have been occurring at the Holy
Trinity Lutheran Church for fifteen years
or probably more, I don't know.
But during the time that I've lived there, I can tell you that the members of these meetings have harassed us verbally; they've loitered on our streets for hours each day; they've used our neighborhood as their trash can and even as their toilet. I've been afraid to have my child play outside in the neighborhood from his birth to now -- he's thirteen years old. We've lived like prisoners. I've personally had to tie my life's activities to avoid the six meetings per week at the Holy Trinity Lutheran Church.

I've never had the normal peace of mind that I feel I deserve as a citizen of this town. Finally, after fifteen years, our neighbors got together and decided to speak up in an effort to take our neighborhood back. Since that time, which was months ago -- it was about February when we first decided to do this -- we have been collectively accused by the churches of being un-Christian, intolerant, politically incorrect and insensitive to their ministries. They
have challenged us to prove that the people attending these meetings are indeed criminals.

Last week, I spoke at length with the Essex County prosecutor's office and the Essex County exec's (ph.e) office, to obtain information about Megan's law. Senior parole officer Bryan Reed (ph.e) of the sex offender management office confirmed for me unequivocally, that indeed convicted criminals of all kinds, including sex offenders and beyond, are mandated to attend these meetings every day through the Essex County courts.

Just last Wednesday, I made it my business to take the time to write down the license plate numbers of all the vehicles parked on Hillside and Vreeland Avenue during the A.A. meeting at Trinity Church. At the end of the meeting, I wanted for all the church attendees to go to their vehicles and leave the premises. In this way, I was able to remove from my list any vehicle that did not belong to the A.A. meeting that may be a
neighborhood vehicle.

The next day, I ran these plates through the N.J. state police web site, individually, one by one, and it was very time-consuming. Two of the plates were confirmed belong to registered sex offenders in Essex County. We now have definite proof that our concerns are valid. We want these meetings moved away from our schools and out of our residential neighborhoods to a more secure and appropriate venue once and for all. And let me repeat so there's no misunderstanding, we're not asking for these meetings to be cancelled in the Town of Nutley but to be relocated to an appropriate venue and I don't think that's an unfair request from the residents.

There's an article today on the N.J. hometown web site. It concerns quotes from our chief of police that says he spoke with the Megan's Law unit and they confirmed to him that there are restrictions on A.A. and NA members
approaching property near schools, but that that restriction is waived when attending A.A. and NA meetings that are properly supervised. Lt. Rogers: "The word supervised is very important. In the case of Holy Trinity, I found there was no supervision and that the church leadership failed to monitor what was going on there," Rogers said.

I can personally tell you that in the fourteen years on -- at my address, never once has there been a person in attendance at the church for the six meetings a week. Only two weeks ago, did the new pastor, who's only been there for three weeks, start going to the meetings. She quotes in the article, "There is only one meeting a week now and there is supervision." Really? Two times in fourteen years there's been someone there, and let me say, my neighbors have gone at least for the past two weeks to check that there's supervision. She has been there two floors up in her office, very far removed from the meeting, doing
paperwork. At least she's there, I will say that's a big improvement.

But let's think about what this article says. The law, according to what was here, says that they must be properly supervised. What counts as proper supervision? What truly counts as proper supervision? Is it a church secretary being there? Is it a pastor sitting in her office two flights away? What is it? We want to know. It's certainly nobody being there, that's not proper supervision. How about a police officer at every meeting? How about we mandate a police officer at the meetings? This way the meetings can continue, but the neighborhood feels some sense of safety and security. That would be a good compromise.

And in the interest of complete transparency, we as parents would like notices sent out from the township to all the Nutley parents, informing them of these meetings -- where and when they occur all throughout the town.
Apparently they happen at twelve churches in the town. There's a school near almost everyone in the Town of Nutley. That's what makes our town the Town of Nutley.

Well, we could easily get a listing of all these meetings and circulate it to all the parents of all the school-age children -- very easily. That could be compiled by the Nutley clergy fellowship. And after all, since these meetings are happening on their property, don't they owe a responsibility to our community safety? The fellowship could also meet to decide collectively which of the twelve churches are best suited for these meetings and which are not; which of these venues have appropriate parking facilities; which are best removed from residential areas and schools. They could collectively decide to move the meetings to those venues and some other venues would say, let's not have the meetings here.

We're tired, all of us. I'm on the
Internet constantly all day; I'm talking
to people from all over the country and
the stories all over the country are the
same story that we have in Nutley. It's
exhausting and it's so unnecessary that
we have to fight and scratch and bite for
this, when all we need are common sense
solutions that are in everyone's best
interest -- solutions that would be very
easy to achieve, that would be long
overdue. We don't want to be preached to
about how to love our neighbor on the
Internet by the pastors. Personally, I
have my own religious faith and I'm very
devoted to my religious faith and I don't
need to be preached to. If I want to be
preached to, I'll go to my Catholic
priest. I don't want to be told how to
be a good neighbor to these churches. I
want them to be a good neighbor to me, to
my child. We want the pastors to take
responsibility once and for all and to do
something about this problem. And if
they won't, we want our town leaders to
hold them accountable and mandate public
safety restrictions on these meetings. Now I'd like to ask the commissioners where we stand with this.

MAYOR COCCHIOLA: Okay. A couple of -- I mean, you and I have spoken, Melanie, and Commissioner Evans and I actually had a discussion today with the clergy association. I was not at the first meeting when this was first brought to the attention of the Board of Commissioners, but I'm trying to get as much information as I can and I have to tell you that, I guess what bothers me a little bit as a resident, other as a leader in this community, is that this shouldn't be an issue that creates any division in this community at all. You're talking about a program that actually is of benefit to a whole many, many people, people maybe in this room, people that you and I know, that has probably changed a lot of lives; a program that's run through different churches in the community.

I did learn, and Mr. Harkins (ph.)
and I did speak today, the law does not allow the governing body to say to a church, you can do this and you can do that. You can hold this meeting or you can't hold this meeting. That the law very, very clearly states, and there's some case law actually that says these types of rehabilitation programs just like day care centers, the things that a church runs are totally permissible by law. So, as a governing body, irrespective of anybody's personal belief, we can't say to any church in this community, you can do this but you can't do this. I mean, that's just not permissible for us.

And, I guess again what bothers me is this polarization. I think the real issue started some time ago, and I wish that you and the rest of the neighbors didn't wait ten, fourteen years to have this build up like this because maybe six years ago, or eight years ago, some kind of communication maybe would have solved a lot of the problems that have led to
where this has led to today.

And I think the problem is that there is a disruption in the neighborhood, just like if you lived someplace else. I used this as an example today: if you lived next to a house or a facility where rock bands were playing and it was disrupting the neighborhood and people couldn't sleep and their children couldn't sleep. Things like this happen in a community. And so you have to come to some sort of resolution as to how to make it better because clearly as residents, if there's a disruption in the neighborhood or there's a nuisance in the neighborhood, yeah, it need -- that should be fixed, that should be addressed.

What I learned today is that the new pastor at Holy Trinity has made some changes. They -- there's only one meeting? Is that correct? Is that what she said? There's only one meeting there now, and that is an evening meeting. Is that meeting -- I mean, I
don't -- I'm not really sure which meetings were bothering you more, the daytime meetings or the nighttime meetings, or --

DR. MITRANO: Well, all -- all of them, in answer to your question, all of them. I mean, we -- we've been suffering in silence for all these years with daytime and evening meetings.

MAYOR COCCHIOLA: Why didn't you -- I mean, if you would have reported it or if there was an incident --

DR. MITRANO: We called the police many times, many times. All kinds of things over the years and, you know, the truth of the matter is we've really tried our very best to be as tolerant as we can, which is why it's unconscionable now that we're being called intolerant. We have tried our very best. I volunteered my time at that church many times, I attended services at that church many times, I put money in that church's basket many times. The people at that church know me; I'm friends with many of
them. It's a two-way street. And it's sad to me that I have to stand before this board and ask for some type of town solution that's legal when all it requires is the -- it's the pastors at the church could easily just say, we hear you, we understand you, and we want to work with you. But see, that's not the case. You asked me why there's division and polarization? It's because we're being shut down. The door slammed in our face.

MAYOR COCCHIOLA: The reason that I have to say that I'm one hundred percent agree with that is because I wanted to get an understanding of where the clergy association or what their thoughts were with regard to this issue. So I picked up the phone and I asked Reverend LeDac who is the head of the clergy association, could you sit with me and explain to me what your thoughts are and coming from you. And I would suggest that maybe that might be a step that maybe you and some of the neighbors need
to take, sitting with them maybe and
having the same kind of discussion that I
had today. Because my -- I felt a little
differently after that discussion,
whereas -- and don't get me wrong, I
understand a lot of what you're saying.
And I used that as an example today, that
if I -- you know, as a mother of a small
child, in some respects some of this
would bother me as well. But I did see a
group of people who were willing -- not
characterized the way you characterized
them when you first started out, who were
willing to discuss the issue. The
issue's not, you can't have A.A., that's
not -- I mean, that's not where anybody's
coming from.

Dr. Mitrano: No, it's not.

Mayor Cocchiola: The issue's not
you can't have it in your church because
we can't say that, and they can have it
in their church if they want to. The
issue is, how do you solve the problems
that have caused disruption in the
neighborhood and rightly so. I mean, we
understand that. The church in your neighborhood is right smack in the middle of a residential neighborhood. It borders a busy street, and there's one entrance, and when there's people congregating, they're visible, they're seen there, they've -- you know, they could be in the way of people walking back and forth. The pastor at that church has told us that they reduced the meetings from six to one, that now the meeting attendees are going to be parking at PNC Bank -- that's where they're going to be encouraged to park.

DR. MITRANO: Well, they haven't been.

MAYOR COCCHIOLA: I think that just started. I think she -- she said it was just -- they just made that arrangement so that they would walk --

DR. MITRANO: We'll see tomorrow night.

MAYOR COCCHIOLA: -- they would walk down the street and park -- obviously, if there are some legal spots on the street,
maybe some of them are going to park there. You can't say you are an individual, a member of the public, you can't park on this spot.

DR. MITRANO: I understand that. And not to interrupt you, but your suggestion to sit and have a nice discussion and friendly dis -- we've done that.

MAYOR COCCHIOLA: Did you? With -- I mean, with --

DR. MITRANO: We've done that. With the Holy Trinity Church, we sat down with their entire church board in May.

MAYOR COCCHIOLA: Well, the reason I would encourage you to do what I did is because there wasn't just one -- there were several members of the clergy there, all of them to my surprise as well, almost all of them have either had meetings in their facilities or have them now. I had no idea.

DR. MITRANO: Well --

MAYOR COCCHIOLA: I mean, what's happening is we don't even realize that
they're going on because
(indiscernible) --

DR. MITRANO: That's how it should be, that you don't realize it.

MAYOR COCCHIOLA: Okay. Right. So how do we get to the point where if there's going to be a meeting once a week in your area -- how do we get to the point where it's not bothersome to the neighborhood? That's the goal.

DR. MITRANO: Maybe it's not the right venue to have the meeting at all.

MAYOR COCCHIOLA: Well, we can't tell them that. That's -- you know, we can't say --

DR. MITRANO: But there is a clergy association, presumably, you know, they can all work together to say listen, my facility is a problem for the neighbors, and I don't want it to continue to be. So, maybe we could put our meetings at your facility.

Whatever it may be, I mean, that's just common sense, that's just compassion for people to care about other people's
quality of life. And I just told you that there were two license plates of sex offenders. Is that just something that we all just think that's fine?

MAYOR COCCHIOLA: No, but, see, I actually thought about that today, and I guess, you know, when you think about it, Megan's Law requires notification when someone lives in your neighborhood. It doesn't require -- and I'm talking, saying this to you as a parent -- it doesn't require you, no matter, I mean, you and I could be amongst a sex offender any time of the day.

DR. MITRANO: Listen, I could have sex offenders up and down every block near me. I understand that. But the point is, is that, you're inviting with these meetings more or people on a regular basis to come, and it's bad enough. We live in a scary time. We live in a scary world. Isn't it bad enough that we can't control what we can't control? But here's a situation where we could do something, where we
could be responsible, and we're deciding not to?

COMMISSIONER PETRACCO: Mayor, if I could interrupt just for one second?

MAYOR COCCHIOLA: Yeah. Sure, Commissioner Petracco.

COMMISSIONER PETRACCO: I had a conversation today about the Megan's Law and, you know, obviously I have children in the school system, too. So I'm very concerned about that and with who has the rights, you know, and doesn't. So I actually reached out to the prosecutor's office -- afternoon -- and I apologize, I forgot your name, but we have someone that is very well versed from the prosecutor's office in Megan's Law. Maybe she could explain to us --

MAYOR COCCHIOLA: Great.

COMMISSIONER PETRACCO: -- you know, what kind of rights that they have, what kind of tiers there are, how you identify them, who can be noticed, but -- if you wouldn't mind to give her a chance.

DR. MITRANO: I -- I've read all
that, and I wouldn't mind hearing that. But the one thing I want to say before I leave the podium is, whatever rights we're going to hear momentarily about the rights of sex offenders or anyone else, pales in the comparison to the rights of our children who can't be here speaking for themselves.

MAYOR COCCHIOLA: Don't leave. Just wait here in case you want -- want to get up. Okay, Melanie?

MAYOR COCCHIOLA: Want to come up?

MS. MASSARO: Sure. I can address -- I'm sorry, I don't know your name -- Melanie's -- all of Melanie's issues, but I can maybe talk about -- a little bit about Megan's Law. My name is Janice Massaro, I'm an assistant prosecutor and I'm the director of the Megan's Law unit at the Essex County Prosecutor's Office. I apologize. I've been on vacation for several days, so I did not field any calls from anyone in particular.

I'm not sure what questions you want
addressed, but maybe I can just in
general speak about Megan's Law. And
just to let the commissioners know and
everyone in the room, we're always
available to give presentations about
Megan's Law to the public. We have a --
an audiovisual presentation. We've given
it in a lot of the towns. We've given it
in a lot of the schools, parents' groups,
daycare centers. We usually have even
given them in response to when we do
community notification; we've done two in
Bloomfield and it was published at the
town council meeting on their cable
network. The township attorney asked us
to come and do that, and we did, because
when we were doing community
notification, the people get alarmed
especially when almost all the schools
and the parents receive notification.

Megan's Law was enacted to --
because the science is that sex offenders
present a risk of re-offending more than
regular types of criminals. And because
of that, there is a system where they are
required by law in New Jersey to register where they live, either every -- every year or every ninety days or every time they move. And we in the prosecutor's office we track all the registrations. Every sex offender is required to be assessed by the prosecutor's office for risk of re-offense. All sex offenders are categorized in three ways -- they're either tier 1, which is a low risk for re-offense. If you're a tier 1 sex offender, you will not be on the state police web site. You will be only law enforcement, meaning the police and the prosecutor's office will know where you are.

If you're a tier 2 sex offender, you're a moderate risk of re-offense, and there's appropriate notification when the court makes a designation. Schools, community groups, community organizations, daycare centers, are notified; camps, whatever the -- the court deems appropriate.

But those sex offenders that are
moderate risk are placed into two categories -- there are those that are placed on the Internet and there are those that are not. And there are certain statutory exceptions. For example, if your victim of your crime was a family member, or a victim of incest, that would not be published. If it was a consensual offense between an adult and a child, that would not be published, or if you were a juvenile when you committed the offense that would not be published. Of course, if you commit more than one sex offense and you're still tier 2, you would -- that would not be an exception and that would be on the Internet.

If you're in the third category, which is the high risk for re-offense, that's called tier 3 -- we do door-to-door notification and you're put on the Internet. In addition, state law requires that all high-risk sex offenders are placed on electronic monitoring, and they wear an ankle bracelet and are monitored 24/7 by members of the parole
board.

All sex offenders since 1994 have -- are subject to either, if they commit certain offenses, most sex offenses, community supervision for life and since January of 2004, parole supervision for life. And parole approves where they work, where they live, and what activities.

Parole mandates that all sex offenders are required to attend sex offender counseling. If their sex offender counseling requires them because they've had a substance abuse problem, they are required to go to substance abuse counseling where parole receives reports. Oftentimes, they can be complete -- successfully complete their treatment program for either substance ab -- any type of substance abuse or alcohol abuse, and then the counselor may recommend that parole require them to follow up with either NA or NA meetings.

They also -- the parole board themselves could designate that as special condition
on any sex offender.

The numbers are not very high, and these numbers do get reported to us. One of the things that we're required to assess is treatment that sex offenders go through, whether they're in treatment, whether they successfully complete, and what type of follow-up. And right before we go to court, we also interview each sex offender before we do the risk assessment and we ask that information. The numbers that we see are not very high numbers.

Megan's Law is to notify the public of who the sex offenders are when it's appropriate. And I'm so happy to hear that you go on the state police web site because that's what it's for. We send a letter -- we're getting ready now to send a letter to every school in Essex County reminding them, because principals change and personnel change, to update and to constantly check the web site. Every time a sex offender moves in Essex County, we have to go back to court and
get permission to update the web site and update the community notification. It's not just once -- once you're on, every time you move we have to go back and get permission from the court. So we do try to stay on top of this information.

However, there are certain things that we cannot do on Megan's Law. And one is, we do notification based on two things -- likely to encounter. Normally the law takes into account where a sex offender lives and where a sex offender works. Where they shop, where they socialize, don't necessarily -- we're not required by law to do those notifications. We would have to follow them around constantly. All of this -- the high-risk sex offenders are monitored 24/7 by parole. They are required -- the minute we get the order we fax it to parole and they place them on a bracelet. There are not many sex offenders in that category. The majority of the sex offenders in the state and in Essex County fall into the tier 1 category.
They would not even appear on the web site.

So when we give information to the public, we say, be vigilant against everybody because the web site only goes so far. Common sense -- and we want people to protect their children. Of course we do -- and public safety. But we can only do what the law requires us to do. And we -- that's why we like to update the schools constantly. You have to be always vigilant.

But the numbers -- and I understand that you used the web site to look at license plates, because that information, when we have it available and someone does drive that information about their license plate is, and you should advise your family accordingly. But we can't follow the rest of them around 24/7. The law only says, tier 3 sex offenders get 24/7 monitoring.

So, to that extent, when I spoke with parole, and I spoke to someone much higher than -- than Mr. Reed -- I do know
Mr. Reed, he is one of the parole officers that works in Essex County -- the numbers of offenders that are required to go to treatment are not all of the sex offenders in Essex County. It's a very small percentage, actually, of them. It's when they are required through their sex offender counseling because of their substance abuse problems or because of how substance abuse played into their offense, then they're required to follow up with these type of programs or if the parole board mandates it, but not every offender from our review. We do not see it with every sex offender in Essex County.

So, I think that the numbers are small, but sex offenders are in the population or tier 1. You could be, as I think the mayor pointed out, you could be in the supermarket next to them or at the -- they have children and their children go to schools, too. So you will always have to act vigilant, you can't -- we only do the notification, we can't
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preclude them. And there is a case, a Supreme Court case, when municipalities tried to regulate where sex offenders lived, and that case came down in 2009. It's Township of Galloway and Township of Cherry Hill. It was a Supreme Court case that came out in 2009 that said towns can't pass ordinances restricting where sex offenders can live, because Megan's Law preempts those types of local ordinances. So -- and since sex offenders are in the population, they're already required to register, they're required to be tiered, they're required to have their risk assessment done, and where appropriate, notification. That's as far as we can go.

The law is going to change. New Jersey now is looking at legislation to go under the Adam Walsh Act, where every sex offender will be put on the Internet, not just tier 2, not just tier 3, everyone. It's also going to expand the number of types of crimes or offenses that would make someone a registered sex
offender and make the registrations
requirements much more regular and much
more stringent -- more than once a year.
And we're waiting for that legislation.
It's been introduced and we're waiting
for that to be approved by the
legislature, and it would be based on
convictions and you would be able to see
all that information on the -- on the
Internet. So that's kind of Megan's Law
in a nutshell.

COMMISSIONER PETRACCO: So, as of
right now, only a tier 3 notified that --

MS. MASSARO: Door-to-door.

COMMISSIONER PETRACCO: -- door-to-
door.

MS. MASSARO: Based on where they
live and where they work.

COMMISSIONER PETRACCO: They also
have a bracelet on so if they were to go
to a meeting or a store, wherever,
someone would be tracking that. As far
as levels 1 and 2, at this time, a law
that says that you can notify public
safety, you can notify a township, for us
to say -- who's in our town.

MS. MASSARO: Correct. Well, the police know. The police know because every town in Essex County has registered sex offenders, and they're required to register with the police in that --

COMMISSIONER PETRACCO: But even -- even if you're a tier 1, though. All tier 1 have to --

MS. MASSARO: Yes, even if you're -- all tier 1s must register. They're required to register and they're required to be tiered by us.

MAYOR COCCHIOLA: But the -- but the police know of tier 1, but she can't run a plate and know a tier 1.

MS. MASSARO: Yeah.

MAYOR COCCHIOLA: When you run a license plate, does it tell you what tier that person is?

(Break in audio)

COMMISSIONER EVANS: May I ask a question?

MS. MASSARO: Sure.

COMMISSIONER EVANS: Thank you. It
was very helpful.

MS. MASSARO: And again, we're always available at any time to address any group or organization about Megan's Law and how it works and provide information.

COMMISSIONER EVANS: Is there -- is there any guidance or provision that says someone who is a registered sex offender, whether it's published or not, who's attending a program like which we have heard about, like the N.A. program meets multiple times per week, regular occurrence, it's regularly in a neighborhood -- that there would be some level of oversight that would suggest that individual who needs to get help, is not necessarily be in a place getting help which (indiscernible) to their illness, such as being in a part of a program that is in an area where there are a lot of (indiscernible). Anything that would give guidance that says when selecting a program, go get your help, but when you're selecting a program, be
sensitive to the neighborhoods in which
(inaudible).

MS. MASSARO: Well, parole -- if
they are subject to parole supervision.
Parole looks at where they -- their daily
activities. And they would deem if it's
appropriate. For example, they do have
to approve where a sex offender lives and
oftentimes, if there is a lot of schools
nearby or very close by, they may say for
a particular offender, that that location
is not appropriate. But that's for
living and working. I haven't seen it
for anything else, although if there was
a problem, I'm sure they could look at
that because they can restrict -- we've
had offenders even like when we've been
in court tiering them, where parole has
come and said, this job is
inappropriate -- there's too many
children present, and move it.

But even in the parole, the
agreement for community supervision for
life -- and we present the violations to
grand jury because we deal with the
violations of parole supervision for life
and Megan's Law as well, and we prosecute
those cases.

There is exceptions. For example,
if a sex -- someone on community
supervision for life or parole
supervision for life, can't live with a
child, but if they go to work and there's
a bus stop and it's near a school,
there's nothing the law says that
wouldn't be an inappropriate thing
because they have to --

The theory behind the system of risk
assessment is that they want offenders,
so they don't risk re-offending, to be in
a support environment. They want them to
be employed, they want them to be in
treatment, they want them to successfully
complete treatment, because they have
seen studies where it's proven that over
time that reduces the risk for re-
offense. But certainly if there was a
danger, parole could look at that. But
not every offender that's required to
register, is on parole supervision.
COMMISSIONER EVANS: My understanding is that would be a tier 3, correct?

MS. MASSARO: Or -- no, there's ones and twos and threes all on parole supervision. It's a matter of when they were sentenced. They're offenders, if they were sentenced before community supervision for life took effect, they wouldn't be subject to it, or if they were sentenced for certain offenses that don't fall within because it's governed by what they're convicted of, then they wouldn't be subject to parole.

About one-third, I would say, of the registered sex offenders in Essex County are subject to parole supervision. The rest are just Megan's Law. But parole -- that is something that parole could look at.

Any other questions?

MAYOR Ccocchiola: Could you take that back and actually bring those comments to somebody, if you're saying that it's something parole should --
could look at it? You know --

MS. MASSARO: Would -- would I speak
to parole about that? Absolutely. I
could speak to them about that. I did
speak with the director of -- he's the --
oversees the twelve northern counties,
and you know, we work with parole very --
very often and that's what I was asking
him about. Does every sex offender -- is
every sex offender required to attend?
And, you know, what percentage of their
numbers and so forth, to the best of
their ability. It is not every offender
that they supervise, but there are those
that are required to attend these -- to
attend a meeting where they don't
dictate. But certainly if there was some
concern, that's something parole could
look at. That would be my understanding.
And I would take that back and discuss
the things that came out of this meeting
with --

COMMISSIONER EVANS: One thing. I
just have one more question. Melanie
mentioned that the license plates were
(indiscernible)\(e\). If their license plate is listed on the (inaudible)\(e\), I'm not clear, does that person represent (inaudible) risk or is that a (inaudible)\(e\)?

MS. MASSARO: Well, we can't talk about -- what you -- on the web site is for you and your family, but --

COMMISSIONER EVANS: I mean, this is your criteria said, somebody would be posted on a web site if --

MS. MASSARO: They could be 2 or 3. I think she said that they were both 2, from what her -- her view on the web site. But anybody on the -- if they had a car, we would put that infor -- and there was a -- the court ordered us to put them on the Internet and then that information would --

COMMISSIONER EVANS: Just for my understanding -- 2 is moderate risk? Somebody who's listed -- a program, which for -- for another reason. Right, which in this case -- is attending that program and need to get that care and I firmly
believe they need help, -- what we stand
for as a -- but also, there seems to be
that community that -- that person was
also subject -- all supervision, that
there could be a question raised that
would in effect at least take step to
insure -- contribute to their real --
(inaudible).

MS. MASSARO: Well, yes, it --
potentially yes. But, also my
understanding is if parole mandates that
they attend, they are given a form that
has to be signed and it's just signed off
by whoever's running the meeting and
their sponsor. They could attend --
they're not told where, parole does not
dictate where they can go, only that
they -- that they set a condition -- they
may set the condition that they have to
attend two meetings a week or whatever it
is. They don't say where or when.
Because again, it's -- that would be like
saying they couldn't shop or they
couldn't take a bus.

COMMISSIONER PETRACCO: But is that
something that you can bring back and
maybe like, when court orders them to go
into some kind of program, -- sex
offender -- a program is right next to a
school -- God forbid, your prey is, you
know, children. I mean, that's like
putting someone that's on a diet, sending
them to Hershey Park. I mean it's kind
of ludicrous. I think the question that
we're asking, is is that something that
you could take back to your office and
say, you know, here we have some
(inaudible) that are attending these
meetings that are right next to a school.
Is there any way that (inaudible)
relocate those people legally, that
are --

MS. MASSARO: I would say that
parole would probably say -- I mean, the
officers do talk to their -- the people
that they supervise and that they do talk
to them, but people that attend these
meetings don't necessarily go to the same
one all the time. And I think that would
be something that would be difficult for
parole to supervise, since they don't
really know -- they just know that they
have the signatures, they don't
necessarily know where the meetings are,
because --

COMMISSIONER PETRACCO: Have you --
have you had any cases where someone was
in a program and there was a crime
committed? You know, in close, you know,
close area to that where that meeting
was? I mean, is there any facts about
that, or any (inaudible)?

MS. MASSARO: We haven't had one in
New Jersey, that I know. I did see the
web site and --

COMMISSIONER PETRACCO: Our question
is how, you know, and I think that's why
Melanie is here. How do we avoid a
problem? I mean, here we have -- we have
the knowledge, we have the computer to
know that these people (inaudible) area,
you know, basing them with children, is
not a good mix. Again, you know, I
talked to Kevin Harkins about that, you
know, about what the laws are, and I
understand that the last thing we want to
do is get involved in the (inaudible)
because we have proper --

MS. MASSARO: I mean, I think that parole would look at whether it's in like the same building, but in Essex County, it's very dan -- it's like school zones with drug cases, it's almost impossible to regulate and say you can't go here because everything is near a school. So that's the whole purpose of Megan's Law, is we want the public to know who the sex offenders are so they can protect themselves. That's really what Megan's Law tries to accomplish.

(Break in audio)

MS. MASSARO: Right. But, on the other hand, potentially, and I understand Melanie's frustration because of course no one in any neighborhood should be subject, but we don't necessarily know that it's the sex offenders causing the problem, either. Anybody can go to NA all of this room could have friends and relatives that go to NA and NA meetings
and we wouldn't necessarily know that, so --

COMMISSIONER PETRACCO: We do.

MS. MASSARO: Exactly. So -- but I don't think that -- I think parole is just looking to make sure that they follow up with treatment. There is no way for them to regulate where, although I'm sure if they knew that a -- I mean, for their own programs that they mandate, they would never have one that would be in that kind of proximity to a school. But these are already -- most of these people are people who have already successfully completed treatment and are following up so they don't slip. And I don't think that that would be something because they really don't know where they're going. There are hundreds of these meetings going on in the area, and I don't think they restrict it. But of course, you know, for their own programs, they would, whether, you know, requiring someone to go day in and day out.

COMMISSIONER TUCCI: Mayor, if I
might --

MS. MASSARO: Thank you.

COMMISSIONER TUCCI: -- we -- we as
a governing body, and I'm sitting here
very quietly and listening to what
everyone has to say and being from the
neighborhood in question here -- I live
around the corner from Melanie, I think
there is several different things that we
need to keep in mind. Number one, as a
community, I don't think there are any of
us here, or anyone in the township, who
doesn't want to help people who
legitimately need help, whether they're
attending A.A. meetings, or they're
attending meetings as a result of their
parole or for acts that they've
committed.

But I think what's missing here, and
I don't want to focus all the attention
on the sex offenders. While it is a
concern to me as a father and a
grandfather and an uncle, and just
someone who lives in the neighborhood, of
course we want all of our children and
everyone else to be safe.

I think the issue here, though, breaks down to more of what I'll characterize as rudeness, all right, and maybe that's a little light. But it's some rudeness on behalf of some of the people who have attended the meeting, with the littering and with the parking. And I think a large part of that is attributable to the fact that there is no parking facility there. All right? And, again, and understand this, and this is absolutely for the benefit of our members of the clergy here, a major part of our community -- we're not looking to interfere as I don't think any of the neighbors are looking to interfere with any of the ministries of any of the churches. And I don't care what -- what church you attend or who you want to worship, that's at your own personal business, but I think as a community, mutual respect, consideration, and kindness, all right, going both ways is what we're looking for here. And, I know
the mayor spoke to this and the commissioners. I think what we need to do is continue the dialogue and see how we resolve some of the issues and -- and not shift the focus on just the sex offenders. Because, while I don't -- I don't particularly favor having sex offenders in my community, if folks need help, they need to get help, all right. But on the other hand, we also need to protect the people in all of our neighborhoods, all right. And again, through dialogue and I know there -- there have been instances, I'm sure, throughout the country, you know, both good and bad, but I think a conversation or conversations need to continue and we need to -- we need to come to a level of understanding where the churches are allowed to continue their ministries and our residents are allowed to feel safe and secure in this town. Because that's why -- that's a big part of the reason why we're here.

DR. MITRANO: I appreciate what
you're saying, Commissioner Tucci.

Regarding the rudeness, that's what drew our attention to what was happening, and the deeper we dug, the more insidious things we found out and the deeper everyday that I dig into this, the more frightening it is. So, I'd rather have people litter on my lawn than have sex offenders by my kid any day of the week.

You can come litter on my lawn; I'll clean it up, because I know you're okay. I really want to thank Janice for speaking up because I also want to tell you that last week I spoke with Halimah Harris in your office, and she was wonderful. She was very lovely, took the time to explain the tier system to me, very, very knowledgeable, and also a good-hearted person that spoke to me as a mom and a grandmother.

But basically what I can say about this is that the license plates that I found -- and I'm happy to share that with law enforcement if they ask. These were tier 2 and according to what that was
defined to me, tier 2 was maybe associated with aggravated sex assault and people that have committed repeated offenses. That's the level that we're looking at here. These two people were not from Nutley. One was from Clifton, one was from Belleville. And it's true that we can't -- we can't tell people where to go. We can't do that, you know. People are free to go wherever they want to go to a meeting. You can go to Virginia and go to a meeting. You can do whatever you want. This is America. It's a free country. And I respect that, that they have the right to go where they want to go.

And, you know, I hear a lot of talk about people trying to -- well, can you handle it on your hand and can you handle it on your end, and can you talk to him and can maybe you -- and the thing is, the buck stops with us. And, instead of looking outside for somebody to fix the prob -- we need to fix it ourselves. And a simple thing like saying, hey, somebody
needs to be just common sense, smart enough, wise enough, caring enough, to say I don't think my church should be doing this. Maybe I can go and find another venue for them or let's move it to this other place because we don't know. We can't know for sure. And we don't have control. And why take that risk? Why do we want to take that risk? It's so scary to me that we're going to sit here and wait for something to happen before we do something and continue the discussion. What we really should be doing is end the discussion with a solution.

MAYOR COCCHIOLA: I don't -- I don't think that anyone is waiting for something bad to happen, Melanie, at all. I mean, I just listen to it and I thank you also for that presentation.

My stomach's turning. I'm a mother; I have a five-year-old child starting at school tomorrow. You know, I don't even want to hear -- I can't -- the thoughts that are going through my head now, my
head is spinning. But no one is waiting
for something bad to happen. I think I
explained to you that we can't intervene
to the point where we can't tell anybody
to move. Now, what I suggested, and the
more I think about it the more I think
the suggestion is valid, I don't have to
be there. Richie (ph.) can go --
Commissioner Petracce. There needs to be
more dialogue because there's a little
bit of -- and you're angry and I
understand it, I really do. But I'd
rather get beyond the anger and try to
get to some kind of sensible talk because
I think that certain things have already
happened. Six meetings have moved;
there's one left.

DR. MITRANO: Yes.

MAYOR COCCHIOLA: If the church
doesn't want to move that meeting, maybe
the church would continue to do more to
help the neighbors or be more
accommodating to the neighbors. They
probably would. You know, I just think
that, and Commissioner Tucci just echoed
it again, I mean, maybe there needs to be
more dialoguee

DR. MITRANO: I mean that's a great
pointe I mean, if we felt like we were
being met halfway that would make a huge
difference. But --

MAYOR COCCHIOLA: But you've been
met a little bit. I mean, and I didn't
know this, but those meetings were moved
and that --

DR. MITRANO: Right. Those
meetings --

MAYOR COCCHIOLA: -- that says
something, I mean.

DR. MITRANO: -- we appreciate that
those meetings were moved, but just
last -- two weeks ago, I went to Holy
Trinity and sat down with the pastor and
said, can you please promise the
neighbors that you'll always be here?
That would go a long way. And she
unequivocally said no. She told me, ah,
maybe I can do it for a month, but beyond
that I can't really be here.

MAYOR COCCHIOLA: Well, if it's only
one meeting --

DR. MITRANO: Then my other neighbor went a week later, had the same conversation with her and got the same answer.

MAYOR COCCHIOLA: But may -- this is only my thought. If she was there for a few meetings, maybe she can't be there all the time, but maybe she can delegate a member of the board to be there each time. I don't know, I'm just saying --

DR. MITRANO: You took the words out of my mouth. That's what I said to her. I said, how about this, how about this? I don't know. I don't know if that's going to work. That's what we get.

COMMISSIONER TUCCI: Mayor, if I may. I just want to clarify one thing, Melanie, and maybe I misheard this. We're not looking for anyone from outside of this community to come here with solutions. These are our problems, we will come up with our own solutions, but our solutions are going to be done with the entire community. Right? And I
don't know what the dynamic has been. I'm hearing about it from you and from some others, all right. And I've heard from Jack and some of the other neighbors about what some of the conversations were. But cooler heads always prevail. So again, internally, I think we can come to some solutions, and I think with the help of the clergy -- the entire clergy, or the leadership of the clergy, and with the neighborhoods and not only this neighborhood, because if it's an issue in this neighborhood now, the possibility always exists that it could become an issue in another neighborhood. Let's resolve it now. All right? So we can continue on with our lives the way we want to live them. And the churches can do their part; the governing body can do their part. You know, the legal -- the legal people can do what they need to do, but we live in an imperfect world. So, as Janice mentioned, you know, there are different reporting requirements, different tiers, different restrictions.
on people. But I'm sure there's nothing
that we can't work through. All right.
And we're not waiting for someone else to
do it. I think we all stand ready to
step up and do whatever it needs to take
to resolve this.

DR. MITRANO: You know, that's why
we're here. That's why we keep coming
back and talking like this. I'm going to
let -- I'm going to let somebody else
come up and talk because I think I'm
done. Thank you.

MR. MITRANO: Ralph Mitrano, 73
Poplar Place. Most of you know me. To
start off, I'm a little appalled that
this has been going on so long and yes,
Commissioner Tucci, you're right, we need
dialogue. But that's all we're doing is
dialoguing. The church is the reason
that I'm appalled. If you don't want
someone in your home, you find a reason
why you don't want them and try to iron
it out. They have not tried. There's no
supervision there. I think I have maybe
a solution.
COMMISSIONER TUCCI: Please.

MR. MITRANO: Okay. You know, you've all heard the story two's company three's a crowd? Well, we have a crowd there, and we need crowd control. Maybe we need an officer an hour before the meeting, two hours while we're having the meeting, and an hour after. These people need help? I'm sure the neighborhood would be willing to let them have help if they could live their lives and they knew that while these people are there, sex offenders or whatever you have, that there's someone there to protect them.

The police have not issued any summonses, unless I'm unaware of it, for the parking problem there. I passed there the last meeting. Seventy-five feet from the stop sign, there were cars -- there were cars illegally parked, blocking driveways still. I watched a woman, with her baby carriage and two kids, walk out onto Vreeland Avenue, walk around the crowd that would not move for her, while they were having their coffee.
prior to the meeting. I mean, this is a solution. The church is renting the space. You could use the word ministry if you want, okay. There's nobody from the ministry there applying ministry. This is a separate organization paying rent to a church, and I don't think the taxpayers should bear the burden of this policeman. When other groups in the town have meetings and what have you of large groups, they rent a cop. Holy Family, Assembly of God, whatever you want to say -- parking problem Assembly of God, they hired a cop. They pay for it.

I think that this is a situation where if they're going to have these meetings while you're having your dialogue, to make the neighborhood feel more at home, comfortable and safe, there should be an officer there. These people come an hour, two hours before the meeting and hang around. They congregate six, eight, ten people at a car with their coffee having their cigarettes, in front of people's homes. If there was an
there and say, you got to move along. There's no loitering. The church has not made an effort to say to these people, when you get here you come inside and you stay inside. It's a free-for-all. There's people there that don't even go to the meetings. It's a free-for-all.

COMMISSIONER PETRACCO: Ralph, let me just interrupt you because I did talk to the chief about some of those questions about the enforcement. Chief, you were going to find out if we were issuing tickets there, and I did also mention to him about the crowd control. What makes -- how many numbers is a crowd, what warrants a police officer to be present there. Do you have those answers tonight, Chief?
CHIEF HOLLAND: Good evening. This is an issue Commissioner Petracco and I got involved in back in May, I believe, when we attended at the meeting at the Trinity. And enforcement issues were certainly brought to my attention, that being parking and what has been described here tonight as rude behavior.

Rude behavior's not against the law as far as I know. There's a lot of things we can do up there; there are many things we can't do up there.

MR. MITRANO: Excuse me, Chief, let me interrupt you.

CHIEF HOLLAND: Yes.

MR. MITRANO: I was being kind with the rude behavior comment --

CHIEF HOLLAND: No, I understand.

MR. MITRANO: Littering, public urination, harassment --

CHIEF HOLLAND: That's something we can do something about.

MR. MITRANO: -- those are things I don't believe are, you know, just go to rudeness.
CHIEF HOLLAND: That exceeds rudeness.

MR. MITRANO: We could be crossing the line.

CHIEF HOLLAND: Okay. So, we met with the church elders; we met with the neighbors. And the church did accommodate the request of the neighbors at that time to relocate the NA meetings. To be perfectly honest about it, I don't think the commissioner or I realized at the time that the A.A. meeting was still a bone of contention; that came to my attention at some point after the meeting that was held.

I did contact the church and the church did feel as though they made a huge accommodation by relocating the NA meetings. But they kind of drew that line in the sand with their -- what they see as their right and their ministry to have the A.A. meetings. I passed that information to the neighbors.

Enforcement is the simplest part of this whole equation. If somebody's
driveway is blocked and they call us, I can assure you the car will be towed promptly. We do that every day. That's not an issue for us. There's not a patrol officer on the police department who hasn't been informed about the complaints in that area, but I must say, you know, our enforcement efforts will fall short of being there at all times when there is meetings in progress. We just can't make that kind of a commitment to this meeting or any other kind of meeting.

Whether or not a town wants to mandate police officers to be at meetings of this kind and have a similar mandate that the organizations pay for that, that's not an issue for me to really address.

I just wanted to say also that we see this very seriously. I mean, obviously, I spoke to Janice many times about this. Melanie, we feel for everybody concerned here. You know, we know what the feelings of the neighbors
are. They want to have peace and tranquility in their homes. We understand that. We also understand the position of the churches, who feel that they have a legitimate calling to provide these kinds of services. And I must also say that I want to thank two members of the Essex County prosecutor's office. We took this that seriously because we knew these questions would be put before you tonight. And I just want to thank Assistant Prosecutor Clara Rodriguez, who's also here; she's one of the supervisors at the prosecutor's office, and Denise (sic) Massaro, who I literally pulled off vacation. She was on the beach two days ago when I first contacted her, and she was willing to come up here to address all of you on this issue.

I think the larger issue is here — enforcement is a very small part. The concern is who's attending the meetings and what kind of threats they may post. What I was reading on the Internet and what I was hearing around town, I thought
that there was some belief on the part of
some of our citizens that there was some
type of a prohibition against sex
offenders attending these meetings. And
that's why I reached out to the
prosecutor's office to hopefully clarify
that and I think it has been clarified.
And if it hasn't, we're here to answer
those questions.

But to get to your question,
Commissioner, we've issued about twelve
tickets up there for illegal parking
since May, since we put the new e-
ticketing in place which makes it very
easy for us to track tickets by location.
Prior to that, they weren't tracked by
location. It's much more difficult to
get historical record up there. But the
parking that we see there and also
Nicolas Yugorela (ph.) is there tonight,
also, from my traffic bureau. I don't
see a larger parking problem there than I
see at any location where meetings of any
kind are being held. We all know parking
is at a premium in this town. It's very
difficult.

Today, all of our teachers were at the middle school and we pretty much waived off on all enforcement of time-limited parking because of that. So, we're going to have parking issues regardless of the type of meeting. And as I say, we check it -- the patrol force has been directed to check that location frequently. I've gone by it. I used to have a friend who lived right across the street from the church. I've witnessed these things for many years.

As far as the other churches are concerned, I would just like to say that I'm entering my fortieth year -- I'm the police department. I was unaware that these other churches even had these meetings. I'm unaware of any complaints that have been ever generated from any of these types of meetings. So, I just want to kind of put that in context.

MAYOR COCCHIOLA: Thanks, Chief.

COMMISSIONER PETRACCO: What about the part what being able to place --
what's a crowd, how many people before we
can do something? (Inaudible)\textsuperscript{e}

CHIEF HOLLAND: A crowd is what, I
suppose, is defined by law to be a crowd.
Police organizations in any municipality
owe a general duty to the citizenry of
that town to provide police services. We
don't owe an individual duty to anyone.
If someone is sponsoring a meeting or
using the example of the Holy Family
feast, they pay for all attendant
security required to put on that event.
These are off-duty police officers that
are hired by the organizations to be
present to maintain peace at these
events. And that's one of the basis for
all of you to approve these functions.

In a case like this, I suspect it
would be something similar. I don't
think that we can make a commitment to
take somebody from the patrol force on
duty and put them in a stationary
position while meetings are being held.
That kind of deprives the rest of the
town of police coverage that everyone
else is paying for. So I think anything
we would do along those lines would have
to be above and beyond the ordinary
scheme of policing that we do on a day­
to­day basis.

MAYOR COCCHIOLA: But, Chief, you --
when it comes to Holy Family, you or
someone from your department makes a
determination that there are enough
people there to warrant X amount of
police officers and supervision. That's
your -- you assess that situation. So I
guess my follow­up to what Commissioner
Petracco said is, at what point in time
do you look at a gathering of people,
perhaps like this on a corner and say, I
think that's enough people, where
somebody should be stationed there, or
maybe an auxiliary police officer or
something, because you've made a
determination that there are that many
people in one area that have caused
problems maybe and might need that type
of supervision.

MALE SPEAKER: Well, Mayor,
I think -- Chief, excuse me one second.
When we make that determination, your obligation is on -- having that event.

MAYOR COCCHIOLA: To pay.

MALE SPEAKER: To pay.

MAYOR COCCHIOLA: But how do you make that determination to begin with that it's necessary.

CHIEF HOLLAND: Well, I think when you make a determination like that a lot of things have to (inaudible)e. And certainly, I don't know specifically the numbers of people that attend these meetings, but I've gone by frequently enough to know that it's nowhere's near a level that would require individual police attention. I suppose we could get those numbers from the church as far as how many people attend. But you know, just some of the other factors that you consider, you know, in determining whether police presence is required -- crowd density, other public safety risks that may be present, is the event on a street, is traffic involved, is drinking
involved. You know, whenever driving
comes into the equation -- if it's a
licensed event where we approved the sale
of alcohol, obviously that's going to
require a larger number of police
officers to manage it. But meetings of
this kind, I mean, I haven't seen
anything that would compel me to believe
that the municipality would be required
to put police coverage there, absent
being hired as in an off-duty capacity to
be there.

And there's another issue, I
think, that has to be addressed. If
you're talking about A.A. meetings and NA
meetings where members are present to
perhaps confess their sins or talk about
illegal substance abuse, I think the
presence of police officers at those
meetings could be a very chilling aspect
of that and I think would be --

MAYOR COCCHIOLA: What about
outside? I mean, I don't think
there's -- I don't think the issue's
inside at all. And the issue is not what
goes on inside the church. What's going on is helping people, you know. It's -- it's what's going on outside the church is --

CHIEF HOLLAND: Yeah, and what I've seen going on outside the church -- when the folks up at Trinity take their breaks, and I don't know how often they do that, you know, they'll congregate by the door on church property. I haven't seen people, you know, congregating on lawns. And I can't say that that doesn't happen because after all we're not there all the time. The neighbors would know that far better than I do. But generally speaking, what I've seen over the years, is people congregating alongside the church on church property, you know, go out for a smoke, break, or whatever it may be. But it's well within the confines of the private property of the church.

COMMISSIONER TUCCI: Mayor, if I might? Chief, what about utilizing auxiliary police? We're talking about
one night a week and I know you are the consummate professional in your field and I would never question anything you say, but I do have to respectfully disagree with you. I think this problem is at this level right now because of enforcement and lack of enforcement. And, again, I understand and I know that a lot of this goes on in all the churches, all different kinds of meetings, all different kinds of activities helping all kinds of people. And we don't want to infringe upon anyone's right to do that, all right.

But while I don't want to create a chilling effect on folks seeking help, on the flip side of that I don't want to create a chilling effect on our residents who have to live in the neighborhood. So, if we can't have our auxiliary there at no cost to the taxpayers, what about the sheriff's auxiliary? I'm sure for one night a week we can come up with someone there that, number one, can lend some outside supervision, all right,
while it's the church's responsibility for the supervision inside or whomever runs those meetings. I think there's a comfort level that we owe our people in the neighborhood. And I think that can be done without any cost to the taxpayers. And look, I -- everyone knows, we're all working with a lot less than we had before and it's not going to get any better, it's only going to get worse. But there are ways that we can allay some of these fears and have the supervision that will satisfy the community and, on the other hand, satisfy the ministry and what they feel is necessary to do -- just a suggestion -- something to look into.

CHIEF HOLLAND: Well, and it's certainly something we will look into. You know, we have limitations with our auxiliary; as you know, they've volunteers.

COMMISSIONER TUCCI: Um-hum.

CHIEF HOLLAND: When we have a large-scale event such as Holy Family,
again using that as an example, I always count them above and beyond what I feel is necessary to police the event. If I get them, good; if I don't, we can still survive and operate. You know, any type of a volunteer organization today -- they're very stressed as far as getting members out.

COMMISSIONER TUCCI: Sure.

CHIEF HOLLAND: And they just saw that with the hurricane, you know, the number of auxiliaries we could get onto the streets during that emergency. So, it's certainly something I'll ask about. It's certainly something I'll explore. If it's a possibility of doing it, we'd be more than happy to do that.

MAYOR COCCHIOLA: Can I also make a suggestion, too? I know that there, you know, some of the graduates of the police aca -- or the local county police academy, have to -- are required to put in hours of volunteer service, an amount of hours to hold onto their certificate. I'm only vaguely familiar with this, but
I know that, you know, they look for volunteer opportunities to (inaudible) as auxiliary deputy sheriffs, I think. Whatever -- we're trying to do without no cost, Commissioner.

CHIEF HOLLAND: It's something we can look at. You know, the sheriff's office is a wonderful resource for us. They do provide manpower for us for many municipal events as you know very well. And I can pose that question and see what their --

MAYOR COCCHIOLA: I mean at this point, you know, there's a lot that's been changed here, a lot of meetings have been moved and there's still one that's a problem. So, you know -- and there's two sides. And the church wants to, you know, have this program, and there are options like this available to us to make the people feel safer, I think we really need to try to do. That's the most that we have within our power to do.

OFFICER YUGORELA: I just have to -- I just have to say one thing.
First of all, we have an auxiliary in the room and I want to thank you for coming tonight because we know how hard it is to get auxiliaries just to come here. That, Chief, I believe that we had zero auxiliary show up for the hurricane. We had two? There was two there. Okay. It's very tough. I mean, I get all kinds of request for the auxiliaries. One is the church on Washington Avenue, Chief, is -- what's the name?

CHIEF HOLLAND: Abundant Life.

OFFICER YUGORELA: It's really, really hard to get auxiliaries, because, you know, auxiliaries -- they want to be in something a little more exciting than standing there directing traffic, so forth and so on. So, although the auxiliaries all meant our department at certain times, like the chief says, you may get one there once in a while -- a great while --

CHIEF HOLLAND: Only look for once a week?

OFFICER YUGORELA: But it's not just
once a week. Once a week at Trinity right now, right? It's once a week at Trinity --

(Break in audio)

OFFICER YUGORELA: But here's my question. Now, there's one meeting there per week. Now, what about the other churches in town?

(Break in audio)

OFFICER YUGORELA: Well, those NA meetings were moved to that church? Franklin Reform? Just the daytime meetings were -- true?

(Break in audio from 8:57 until 9:04)

CHIEF HOLLAND: I encourage you to call us when these things -- call us. Please let me finish. I promise you that we will always respond -- parking complaint. If they're passing by, they should address it, Ralph, and I can't -- why it wasn't addressed --

Call us. We do not intentionally -- call. We -- calls within our ability --

on a parking complaint, you might want to
think that we're doing something else
that requirese--. We take care of these
things and apparently not ignoring --
I'm not going to mislead you.

Multiply your calls times dozens that I
get every week, from every corner
of this --. I've been to meetings with
many of the commissioners, including
Scarpelli who represents a part of town
where there's -- where there's traffic
and speeding issues. I tell them the
same thing.

(Break in audio)

MR. MITRANO: You're it both ways.

MALE SPEAKER: Pardon my back.

MAYOR COCCHIOLA: Okay. Are you
able to record this, Karen (ph.)?

CHIEF HOLLAND: The issue -- the
issue with parking on Hoffman Laroche is
time-limited parking.

MAYOR COCCHIOLA: You know -- I
think we need to direct the conversation
this way. You're not being recorded,
which is a problem. Our conversation.

CHIEF HOLLAND: Okay. Any other
questions?

MAYOR COCCHIOLA: Is there someone else that's here that would like to address the board. I just want to give everybody the opportunity who is here.

MR. RESIGNOLA: Robert Resignola (ph.), 32 Hillside Crescent. Everything Ralph just said or Melanie or others, I'll save my breath and you from having to hear it again because it's the same issues. Very simply, I'm at the other end of Hillside. I think you know where I live across from the Franklin Reform Community House, and I and some of my neighbors in hearing of this just don't want the problems shifted down from the Melanie's neighborhood to ours.

Now, we appeared before the Board of Education a week ago and Melanie gave her same eloquent presentation, and I simply said in my neighborhood, not only do we just don't want the problems passed on to us, if there are problems, but we don't have the room, you know, to host these visiting cars. And you know that I've
spoken on this issue from different aspects, whether it was the parking lot or parking in the area or whatever, many times before publicly. So this is not a new issue for me.

Now I know the Reverend at the meeting last week said, but we haven't had any problems to date. And I responded by saying, but school was out. Now school is back in and there will be no parking spots available. So, just to send the meetings down to a midday meeting at Franklin Reform is not the answer. I went around and looked at all the cars at last Wednesday's meeting, and there were maybe twenty-five or more cars that were new to the neighborhood. They didn't cause any problems, so I'm not looking at it from that point of view yet because I haven't witnessed the attendees doing anything that I thought was bad for the neighborhood. But we just don't have the room, and when the teachers and the visitors are both there tomorrow there's going to be a problem because every
morning, I see the teachers who park in
the same spots on the street. A lot of
us say hello and speak to each other.
And if some of them come out midday to go
on an errand or go for a lunch break or
something, they come back and they have
to struggle to find a spot under normal
circumstances. So, when there are
another twenty-five vehicles parked,
regardless of who they are, there's not
the space and there's going to be a
problem.

Now, just in terms of being un-
Christian or whatever, this has never
been an issue. In fact, if you asked me
in fairness about relationships within
the neighborhood, I think I've been a
good neighbor to all my neighbors and we
formed our own group, the Greater
Hillside Crescent Neighborhood
Association, about five years or so. And
we go from Franklin Avenue to Church to
Prospect to Chestnut and Hillside
Crescent, every business, every
homeowner, every apartment dweller, or
church community or school communities. We consider all of those our neighbors. And when we send out newsletters, we have sent them out to every single person that we can and have sent out many thousands. So we try to communicate, and I think I'm a better neighbor to the church sometimes than they are to me. I maintain my property, I do things in terms of cooperation, I look after theirs when nobody's there, I have helped them with their tree-cutting or other kinds of things. So it's not being un-Christian from my point of view.

Also, they've had an NA meeting there for quite a long while on Sunday evenings. I understand it's people from out of the area who come into town. I don't have any complaints about any of those people, and my neighbors and I have spoken about them. So, it's not from our point of view that we think that these meetings aren't beneficial to some. But we just don't want to have these vehicles -- individuals coming into the
neighborhood and interrupting, you know, the normal way of life that we expect.
So just informationally, that's where I and my neighbors stand. We just don't want to see a disruption to the system that's in place now.

Thank you.

COMMISSIONER TUCCI: Mayor, if I might just respond to him. Bob, at the last meeting when this issue was raised, I believe that was stated on the record that we're not looking to transfer a problem or a potential problem from one neighborhood to the next. We're just looking to resolve it. So I couldn't agree with you as far as taking, you know, an issue or a problem from one neighborhood and transplanting it in another. That's not what our intention is.

MR. RESIGNOLA: It's just that as I say, things exist in a certain way. Somebody makes a decision. Right, we're going to clean up this problem because there's a lot of complaints in the area
and one of the solutions, let's put them down here. Maybe the person making the decision (indiscernible) and isn't considering all of the different (indiscernible) such as school starting next week. You know, I agree with all of you -- each of you that it would be good for those of us (indiscernible) on some of these things, to talk about things, maybe before they start or after they happen or whatever, in a peaceful, amicable way, because we're --

(Break in audio)

MR. SCAPERADA: Phil Scaperada (ph.) 49 Howard Place, and my wife --

MS. ANDO: Cathy Ando (ph.) 49 Howard Place.

MR. Scaperada: First of all, I want to thank and commend Commissioner Petracco for having his secretary provide me with his cell phone and meeting within a half hour to discuss some reoccurring issues. Recognizing it was a problem with Chief Holland, put forth a plan to alleviate the ongoing issues, and I want
to thank the Mayor Cocchiola for responding to my e-mails in the evening hours of the same day at 5:30 and 9:30 p.m. Thank you for your services.

Unfortunately, one of those e-mails that went to Mayor Cocchiola was seeking help from another help. Commissioner Evans, your code enforcement department has written us up for a violation. That violation claims that our roof water is being dumped into the ten-foot right of way. This is very troubling. I worked with the code enforcement through my entire outdoor project. At that point in time, I asked for a meeting and to come to my property and examine everything.

They came, inspected my property, but still had an issue with an alleged violation. Common sense would indicate that you would look into the tube and see if there's any perforations in the bottom; that would indicate it's a weakened tube. Second of all, they should have asked me -- no one asked me what it was. Third thing they should
have did (sic) was ask to put a hose in
there to make sure all my gutters were
draining properly. They didn't do that.
They just recklessly wrote a violation.

I was supposed to amend it as of
August 4th. Nothing has happened since
then. They wanted me to rip up my
driveway, rip up a sidewalk, and rip up a
curb that was all brand new to amend this
situation. Okay? I requested -- when
the code enforcement officer came to my
property, I showed two other violations
by another Nutley resident. Those
violations were written in 2009. They
impact our property. They recognized it,
asked to have it amended; they amended
it, code enforcement approved it, and now
they were purposely put back. Their roof
water dumps onto our property. No
violation has been written to date. I
showed the violation. I provided
pictures. And nothing's being done. It
is now forty days, two in-person
contacts, five e-mails, and finally you
gave a response last week and you said
that you would respond to us by the end of the week. That was Friday of last week. We are still waiting.

My wife had a concern during the hurricane approaching because one of the violations was debris. I watched the metal plate flapping back and forth until finally I had enough and went out and put blocks on it to block it from going into our vehicles or my daughter's bedroom window. No one responded to that, but yet on Sunday the day after it, I watched code enforcement with my wife come down the street in a vehicle on a Sunday. How come nobody's responding to our e-mail request and nobody's writing violations and nobody's doing anything.

COMMISSIONER EVANS: One, I did respond. (Indiscernible) need it but I do have a response. Now, I had said I actually would try and get that out by last Thursday and I didn't do (inaudible).

To answer your questions here, the information that you supplied I had code
enforcement go to the property and make a
physical inspection to observe code
violations to see (indiscernible)
violation would be necessary and come
back and inform me (indiscernible)
placement. Therees one area which is the
placement of a garbage can. Ites not a
code issue; ites a health issue.

(Break in audio)

-- items that they saw with visible
inspection of that property last Thursday
did not --

MR. SCAPERADA: -- for alleviating
their roof water onto our property. They
removed code-enforced approved piping
from the first time they wrote a
violation. It had to be repaired. They
fixed it. They removed it; it sat there
for a year and a half. I provided
pictures as my construction work was
being done of the piping being redirected
towards our property. Okay?

COMMISSIONER EVANS: My
understanding is that pipe has been
redirected away from your (inaudible).
MR. SCAPERADA: I was told by one of your code-enforcement officers that the water has to be redirected to the curb line or past the front face of the house. That's what was approved. Because one of the issues, there's water on the sidewalk and that water goes down into a bush basin, goes against my (indiscernible) and goes onto a sidewalk. And I'm being held liable for --

COMMISSIONER EVANS: I'm not obviously -- I'm not a code expert.

MR. SCAPERADA: But if a violation's written already twice -- two violations for the same violations, why isn't a second one being written?

COMMISSIONER EVANS: All I can tell you is (inaudible) done last Thursday. That inspection of that property, violation is not (inaudible) -- violation notice was not --

MR. SCAPERADA: So your department writes inconsistent violations because as of 2009, I can provide pictures of what they wrote violations for and the same
exists as of this evening.

COMMISSIONER EVANS: If there's a violation there that exists today, I'm not aware of it based upon these (inaudible) As the code enforcement official (indiscernible) identified and (indiscernible) specifically, I cannot go further than that with you. I will be happy to arrange (indiscernible) between you and the code enforcement official with me present, and we can (inaudible) right now a physical inspection was made --

(Break in audio)

MR. SCAPERADA: I don't know how you guys can write inconsistent -- how could you not adhere to the codes correctly? Why? Why would they write something one time and the same thing exists today? It was purposely removed and purposely placed on -- towards our property, and you -- you're not doing anything.

COMMISSIONER EVANS: I can't --

MR. SCAPERADA: But you write me up for an alleged violation when no one
Tested it.

COMMISSIONER EVANS: I'm not aware --

MR. SCAPERADA: There's a problem.

COMMISSIONER EVANS: -- of the specifics of testing your pipe, and (inaudible) or the curb and therefore water is running out at (inaudible) and is not supposed to --

MR. SCAPERADA: Well, the pipe does not alleviate my roof water. What's going to be done about this? I have a violation stating it's supposed to be amended by August 4th. I do not want to go to court and have to prove myself for something that was recklessly written.

COMMISSIONER EVANS: As I shared with you -- the observation of the property -- physical inspection of the property --

MR. SCAPERADA: I'm addressing the issue of the violation for the tubing that you're alleging is dumping water on the prop -- on the sidewalk. It's ten feet one inch past the town right of way
and it's not a pipe that alleviates storm water from my roof, as I was told.

COMMISSIONER EVANS: I will follow up on that specific issue. My understanding is that the violation that you were issued is for the corner of your driveway where there --

MR. SCAPERADA: That's the question.

COMMISSIONER EVANS: -- that pipe terminates before the sidewalk?

MR. SCAPERADA: But it's not a storm water pipe.

COMMISSIONER EVANS: What pipe is it, then?

MR. SCAPERADA: It is a weeping tube. It's an un-required weeping tube.

COMMISSIONER EVANS: And yet, that specifics then -- and I will arrange that with the code official to have them investigate that and respond --

MR. SCAPERADA: But why can't they give me -- I just (inaudible) five hours for a babysitter to come finally get an answer.

COMMISSIONER EVANS: I will follow
up with them. I understand you.

MR. SCAPERADA: You can go and look.

There's perforations in and why didn't anybody ask to put a hose in the gutter?
It's common sense.

COMMISSIONER EVANS: I can't answer that.

MR. SCAPERADA: Then I question the judgment of the inspectors who write a violation two years ago and then it's the same violation -- you don't write it again, and then you just, oh, give this guy a violation.

MAYOR COCCHIOLA: Commissioner, aren't you going to send somebody to go check it out?

COMMISSIONER EVANS: -- it out.

MAYOR COCCHIOLA: Whatever the issue is with respect to the trash can, we'll have to look into that. I don't know what that is. But we'll -- I'll give you a call.

MR. SCAPERADA: It's been over forty days. We let it go for a year an a half.

MAYOR COCCHIOLA: That's the pipe
issue? Well, you're going to send somebody to take a look at it.

SPEAKER: Crews were sent last week prior to the hurricane. It could be that it still remains there. It's been for --

MR. SCAPERADA: A year and a half.

MS. ANDO: A year and a halfe

Right. We've tried to look the other way --

MR. SCAPERADA: We looked.

MS. ANDO: -- but, you know, enough is enough. This --

MAYOR COCCHIOLA: In front of the house or on the property?

MS. ANDO: On the --

MR. SCAPERADA: Past the front face of the house next to our property line. The driveway's three and a half feet below grade --

SPEAKER: That's property maintenance.

MR. SCAPERADA: -- and from code enforcement told me, that is not allowed. That's what the violation was written for in 2009 --
SPEAKER: Right.

MR. SCAPERADA: -- health inspector and it still exists.

COMMISSIONER EVANS: I have what I have -- my understanding right now (inaudible) and I'll follow through.

MS. ANDO: Well, I guess it doesn't make sense that this individual was given a violation two years (indiscernible) for that same thing, and now you're saying it's --

MR. SCAPERADA: It doesn't apply anymore?

MS. ANDO: -- not an issue, so I can -- so we can basically go put debris in the same place she has it on our property and that would be okay.

COMMISSIONER EVANS: Again, I'm not (indiscernible) so I will -- with them first thing --

SPEAKER: We were sent photographs of everything numerous times and --

COMMISSIONER EVANS: Those photographs are based on the --
MR. SCAPERADA: they also requested over a year and a half ago, on what year the code was put into place where the good side of the fence must face the neighboring property. Six times in over probably about nineteen months now, I haven't got a response. I provided my father's permit from 1964; Judge Viola said the fence is a problem, what's going on with it. Are you -- I said, well, I'm speaking with the town. That was a year and a half ago. No one's responding. We get inconsistent, incorrect answers and actions. We want accountability as we asked in our e-mail. We shouldn't have to come to a public meeting to address simple services that should be provided to the town -- township citizens. Ridiculous -- a weeping tube. And I consulted with your people and meetings, I asked for meetings. And they still can't perform the function. Do you think that's right? I don't.

MAYOR COCCHIOLA: I think you'll be hearing from somebody in the next day.
COMMISSIONER EVANS: Absolutely.

MR. SCAPERADA: Thank you.

MS. ANDO: -- want to meet with somebody -- option will be made available. Thank you.

MAYOR COCCHIOLA: Thanks. Thank you for waiting so long to address the board.

MS. FENSKE: Dil Fenske, Franklin Reform Church, I'm the pastor at 45 Hillside Crescent. Just -- I don't want to protract this conversation. There are more questions than there are answers. I am sorry that it has come to a point where neighbors are feeling bad about each other and about the church and about clergy in the church. What I would like to clarify is, when we talk about twelve-step meetings, we never went out and recruited anyone. We never went out and told people where to meet. Those meetings -- people came to us, that can we use your place. So it's not a matter of clergy deciding where a group should (inaudible).

I appreciate Bob's concern about
parking on Hillside Crescent. It is an issue (inaudible) session because we do have a lot of faculty and staff who park along the (inaudible). We have remained in constant communication with the leaders of the group. They are aware that that will be an issue now that has school has started.

Again, I'm not sure at this point where we go. But the church is committed to its physical neighbors, the safety of the children of the community, and to the people who we welcome into our building. And we will work at trying to find a way for all of us to live together. I don't know that there's a win-win here. I think we're talking in terms of winning and winning. I think we need to change the conversation -- I'm not sure how that's going to happen. But I am willing to (inaudible) as long as necessary.

MAYOR COCCHIOLA: Thanks. And I think that was my point, that I'm sorry that it got to a point where there is so much anger but I know that dialogue can
only help. And that's what I'm going to ask Reverend Fenske if you could get back to Reverend LeDuc and maybe try to set something up with the neigh -- just like you did for me, you know, with the neighbors and some members of the clergy association to have an open dialogue about trying to solve the problem. That's all I can ask, is that maybe we take that step and try to work it out.

COMMISSIONER EVANS: Just a comment. You know, when we met earlier today, my sense walking away from that meeting was that there was an openness to have a good conversation and dialogue about this. So, I think your openness -- you want to address that. It seems as though that listening, you know, and tentatively, that the points that have been raised by the residents -- in this case, specifically around Holy Trinity Church, that along the way someone lost sight of what you just articulated was, how do we come to a resolution. I don't think a resident needs to tolerate garbage,
smoking, cigarette butts, all that stuff, illegal parking, in order to be able to say that that is (inaudible)e.

I'm positioned -- first meeting was that people need to get help, need to get help. No question in our minds.

MALE SPEAKER: -- and time, in order to do that. That doesn't necessarily mandate -- residents around that action have to expect respectful behavior, actions that have precipitated conversation -- research that's been -- it's very important that for residents to come and say I've met with the church, on the Internet, I'm doing research on this -- on a given day, life is kind of short -- people are spending that kind of -- is an urgent need to be able to come to some --

I welcome your comments and I act -- being able to come -- if to your point, recognize that a police officer can't be there, but we also heard this is a specific area, specific date and time when -- present, anything that could be
done from your side to -- the residents

to insure practices that we've heard

about or are somehow related, that would

be helpful.

OFFICER: Mayor, if I may quickly

just -- Nicky Gilane, a traffic officer

with the police department. There are a

couple comments I heard tonight that I

think is a misunderstanding by some

members of the public that need to be

clarified. There is some numbers and

some violations that were deemed to be

not in force. Just based on what I heard

here tonight, comments like seventy-five

feet from a stop sign or fifty feet from

a corner -- they're not violations.

Though I can tell you that myself

personally as well as the rest of the

patrol division, we have been there very,

very frequently. We're getting more than

one call a day, complaints from residents

about parking in the area. We are

sending patrol cars up to take time-limit

parking and look for other violations at

the intersections. If a patrol car come
and go without taking any enforcement action, it might just be because the officer has a better understanding of what a violation is or is not than the public may. If the public is unsure, the police department is more than happy to answer any questions -- even meet up there and point out where the boundaries for certain violations are if that would be helpful. But again, on this or that a car was observed seventy-five feet from a stop sign, it's fifty feet from a stop sign where you can start parking, so again, I just think there's some misunderstandings.

Another one was somehow along the way, somebody seems to think that there's some type of restriction that a member of the church that's hosting the meeting has to have a supervisor present. And I don't think that's accurate. I spoke with the prosecutor's office before they left. The restrictions for the Megan's Law offenders that they have to be at a supervised meeting, those supervisors are
from the twelve-step program not the church that might be lending or leasing the meeting space to that organization.
So to be looking for why the church isn't there at all these meetings, they may not be required to. So, that's it. Thank you.

MAYOR COCCHIOLA: Thank you. Is there anyone else who would like to address the board this evening?

COMMISSIONER TUCCI: Move to adjourn.

COMMISSIONER PETRACCO: Second.

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Mayor Cocchiolo?

(End of audio)
CERTIFICATION

I, Sharon Meyer, 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:
October 18, 2011.

Sharon Meyer
CERTIFICATION

I, Sharon Meyer, 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:

October 18, 2011.

Sharon Meyer

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Board of Commissioners Meeting Minutes September 6, 2011

ATTEST:

Evelyn Rosario, RMC, CMC
Municipal Clerk

Commissioner Joseph P. Scarpelli

Commissioner Alphonse Petracco

Commissioner Thomas J. Evans

Commissioner Mauro G. Tucci

Mayor Joanne Cécchiola
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### TOWNSHIP OF NUTLEY
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- **REVENUE & FINANCE:** $650.00
- **PUBLIC SAFETY:** $56.52
- **PUBLIC WORKS:** $636.72
- **PARKS & PUBLIC PROPERTY:** $300.00
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### TOWNSHIP OF NUTLEY

**BILL LIST**

**TUESDAY SEPTEMBER 6, 2011**

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|               | **487.28** | **2,359,269.25** | **52,678.74** | **208,867.75** | **548,538.43** | **3,169,841.45** |

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List of payroll submitted for approval by the Board of Commissioners at their regular meeting of SEPTEMBER 6, 2011:

**PAYROLL-REGULAR AUGUST 19, 2011:**

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**784,074.51**

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<tr>
<td>Social Security</td>
<td>18,069.94</td>
</tr>
<tr>
<td>N.J. State Tax</td>
<td>26,564.64</td>
</tr>
<tr>
<td>Medicare</td>
<td>11,323.28</td>
</tr>
<tr>
<td>Wage Execution</td>
<td>4,339.58</td>
</tr>
<tr>
<td>Deferred Compensation</td>
<td>25,803.98</td>
</tr>
<tr>
<td>Employee Disability Ins.</td>
<td>3,949.58</td>
</tr>
</tbody>
</table>
TOWNSHIP OF NUTLEY
BILL LIST
September 6, 2011

List of payroll submitted for approval by the Board of Commissioners at their regular meeting of SEPTEMBER 6, 2011:

PAYROLL-REGULAR SEPTEMBER 2, 2011:

Department of Public Affairs 23,296.69
Department of Revenue & Finance 55,271.38
Department of Public Safety 375,968.57
Department of Public Works 61,226.31
Department of Parks & Public Properties 80,299.42
Department of Recreation Commission 25,948.55
Water Operations 41,022.39
Due To From General Capital 3,426.60
600 Series 9,092.29
C.E.H.A. 130.66
Accounts Payable 113.16

Sub Total 675,569.70

PAYROLL-OVERTIME SEPTEMBER 2, 2011:

Department of Public Affairs 0.00
Department of Revenue & Finance 223.14
Department of Public Safety 16,081.83
Department of Public Works 2,355.42
Department of Parks & Public Properties 2,518.93
Water Operations 9,898.73
600 Series 0.00

Sub Total 31,078.05

TOTAL PAYROLL: 706,647.75

GRAND TOTAL: 4,660,563.71

The Payroll list in the foregoing schedule includes amounts to be deducted for:

Federal Withholding Tax 91,175.83
Social Security 15,812.77
N.J. State Tax 24,304.64
Medicare 10,200.54
Wage Execution 4,253.58
Deferred Compensation 25,803.98
Employee Disability Ins. 3,959.58
<table>
<thead>
<tr>
<th>General Management</th>
<th>Question</th>
<th>Answer</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Has your municipality adopted a pay-to-play ordinance pursuant to N.J.S.A. 40A:11-51? This law allows the municipality and its agencies to prohibit the award of public contracts to business entities that have made certain campaign contributions exceeding $300 and to limit the contributions that the holders of a contract can make during the term of a contract to $300. A model ordinance concerning pay-to-play can be found at: <a href="http://www.nj.gov/dca/lgs/muniaid/pay_to_play_ordinance-contractor.doc">www.nj.gov/dca/lgs/muniaid/pay_to_play_ordinance-contractor.doc</a></td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Did your municipality evaluate and/or enter into at least one new shared service or cooperative agreement in 2010, outside of joining cooperative purchasing system?</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Does your municipality maintain an up-to-date municipal website containing, but not limited to: past three years adopted budgets; and the current year proposed budget including the full adopted budget for current year when approved by the governing body; most recent annual financial statements and audits; notification(s) for solicitation of Bids and RFPs; employee contact information; and meeting dates, minutes and agendas for the governing body, planning board, board of adjustment and all commissions?</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Does your municipality’s legal counsel review procurement specifications and sign off on all major professional service contracts before the documents are signed?</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Does your municipality have an ongoing policy cross referencing the submittal of Certificates of Occupancy from the Construction Official to the Tax Assessor?</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Is your municipality’s computer information backed up regularly, pursuant to a written backup policy and is data stored offsite?</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Does your municipality require its elected officials to attend basic courses on responsibilities and obligations in local government (i.e. budgeting, policy setting, local government contracting, risk management, and compliance with the Open Public Records Act)?</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>If your municipality assigns employees with vehicles that can be taken home after work hours, is there a written policy in place to prohibit personal use and does that policy ensure that the commuting miles are reflected in employee W-2s?</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Question</td>
<td>Answer</td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>--------</td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>Does your municipality sell personal property (fire trucks, road equipment, confiscated items, etc.) through an approved online auction system to broaden the market area for increased revenue?</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>Are ordinances codified on an annual basis and made available electronically and/or in an existing ordinance book for the public?</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>Has your municipality established an &quot;Absence from Meetings Policy&quot; for elected officials and appointed board members?</td>
<td>Prospective</td>
<td></td>
</tr>
</tbody>
</table>

**Financial Standards**

<p>| 1  | Does your municipality's newly (within the last six months) negotiated public employee contracts refrain from increasing base salary items by more than an average of two (2%) percent annually over the aggregate amount expended in the final year of the previous contract? | Yes    |
| 2  | Is there a system of checks and balances over the purchasing and disbursement functions, including payroll (e.g., the same employee who prepares the checks also reconciles the bank account would not be a proper system of checks and balances)? | Yes    |
| 3  | Does your municipality have written procedures pertaining to cash receipts and cash disbursements including but not limited to: receiving, recording and preparing deposits for cash receipts; and processing, reviewing, and approving disbursements? | Yes    |
| 4  | Does management (department heads) review and approve all payroll disbursements, invoices, and purchase orders before final approval of the governing body by resolution? | Yes    |
| 5  | Are bank statements and related canceled checks and validated deposit slips, reviewed and reconciled monthly to the general ledger balances?                                                              | Yes    |
| 6  | Are contracts for services over the pay-to-play threshold of $17,500 awarded using bids or a fair and open process?                                                                                   | Yes    |
| 7  | Does your municipality maintain all documentation regarding bids including but not limited to: notices to potential bidders that include the plans, specifications, and contracts; documentation that the bids were properly advertised; and bid opening documentation that include the submitted bids, bid tabulation sheet, and indication of which bid was accepted? | Yes    |</p>
<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Does your municipality perform an audit of your utility (telephone, fax,</td>
<td>Yes</td>
</tr>
<tr>
<td>electric meters) accounts at least once every three years to ensure</td>
<td></td>
</tr>
<tr>
<td>that inactive accounts are cancelled?</td>
<td></td>
</tr>
</tbody>
</table>

### Budget Preparation & Presentation

<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Has your governing body reviewed the municipality's annual financial</td>
<td>Yes</td>
</tr>
<tr>
<td>statement with particular emphasis on surplus generation and usage,</td>
<td></td>
</tr>
<tr>
<td>tax collection rates (including the status of tax liens), and delinquent</td>
<td></td>
</tr>
<tr>
<td>tax collection statements?</td>
<td></td>
</tr>
<tr>
<td>Did your municipality prepare a five (5) year summary showing the</td>
<td>Yes</td>
</tr>
<tr>
<td>amount of surplus anticipated and the percentage of the budget that</td>
<td></td>
</tr>
<tr>
<td>this represents?</td>
<td></td>
</tr>
<tr>
<td>Does your municipal CFO or auditor evaluate your capital balances</td>
<td>Yes</td>
</tr>
<tr>
<td>annually to review and cancel unspent funds at the closure of capital</td>
<td></td>
</tr>
<tr>
<td>projects?</td>
<td></td>
</tr>
<tr>
<td>Do elected officials receive quarterly (or more frequent) reports on</td>
<td>Yes</td>
</tr>
<tr>
<td>the status of all budget revenues and appropriations as they correspond</td>
<td></td>
</tr>
<tr>
<td>to the annual adopted budget?</td>
<td></td>
</tr>
<tr>
<td>Was a budget history and projection showing three years of history</td>
<td>Yes</td>
</tr>
<tr>
<td>prepared in a &quot;Viewer Friendly&quot; style for public use?</td>
<td></td>
</tr>
</tbody>
</table>

### Health Insurance

<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>If your municipality does not participate in the State Health Benefits</td>
<td>N/A</td>
</tr>
<tr>
<td>Plan (SHBP), a joint insurance fund (JIF), or a healthcare insurance</td>
<td></td>
</tr>
<tr>
<td>fund (HIF), have competitive proposals for insurance been solicited</td>
<td></td>
</tr>
<tr>
<td>in the last three years?</td>
<td></td>
</tr>
<tr>
<td>If your municipality is a member of the SHBP, have you transitioned</td>
<td>No</td>
</tr>
<tr>
<td>from Chapter 88 (lifelong retirement benefits &amp; Medicare Part B</td>
<td></td>
</tr>
<tr>
<td>payouts) to Chapter 48 (healthcare cafeteria and select cost-saving</td>
<td></td>
</tr>
<tr>
<td>provisions for all current and future employees)? N.J.S.A. 52:14-17.38(b1)</td>
<td></td>
</tr>
<tr>
<td>to 52:14-17.38 (b2)</td>
<td></td>
</tr>
<tr>
<td>Does your municipality perform an annual review of health benefit</td>
<td>Yes</td>
</tr>
<tr>
<td>covered lives in an effort to delete employees, spouses or dependents</td>
<td></td>
</tr>
<tr>
<td>who should no longer be receiving coverage?</td>
<td></td>
</tr>
<tr>
<td>Do your municipal firefighters receive annual heart screening in</td>
<td>No</td>
</tr>
<tr>
<td>conformance with NFPA Standard 1582, Chapter 7.4-7.7?</td>
<td></td>
</tr>
<tr>
<td>Question</td>
<td>Answer</td>
</tr>
<tr>
<td>-------------------------------------------------------------------------</td>
<td>--------</td>
</tr>
<tr>
<td>Does your municipality make available to the public free of charge,</td>
<td>Yes</td>
</tr>
<tr>
<td>either through an internet posting or on-site review, documents that</td>
<td></td>
</tr>
<tr>
<td>show the current salaries of all personnel and additional documents</td>
<td></td>
</tr>
<tr>
<td>that would allow the public to understand how your municipality’s</td>
<td></td>
</tr>
<tr>
<td>aggregate salaries have changed over a three year period?</td>
<td></td>
</tr>
<tr>
<td>Has your municipality, consistent with N.J.S.A. 34:13A-8.2, filed a</td>
<td>Yes</td>
</tr>
<tr>
<td>copy of all negotiated public employee contracts with the Public</td>
<td></td>
</tr>
<tr>
<td>Employment Relations Commission, or will your municipality bring itself</td>
<td></td>
</tr>
<tr>
<td>into compliance by having all contracts emailed to <a href="mailto:contracts@perc.state">contracts@perc.state</a>.</td>
<td></td>
</tr>
<tr>
<td>nj.us.</td>
<td></td>
</tr>
<tr>
<td>Are all applicants and employees hired, promoted and retrained in</td>
<td>Yes</td>
</tr>
<tr>
<td>accordance with established equal employment opportunity (EEO) and</td>
<td></td>
</tr>
<tr>
<td>non-discrimination policies?</td>
<td></td>
</tr>
<tr>
<td>Does your municipality limit health benefits to full-time (35 or more</td>
<td>Prospective</td>
</tr>
<tr>
<td>hours weekly), employees and exclude from coverage all part-time</td>
<td></td>
</tr>
<tr>
<td>employees, elected or appointed officials?</td>
<td></td>
</tr>
<tr>
<td>Are standardized absentee forms completed and filed for all employee</td>
<td>Yes</td>
</tr>
<tr>
<td>absences?</td>
<td></td>
</tr>
<tr>
<td>Are formal records maintained by your Personnel Department (Human</td>
<td>Yes</td>
</tr>
<tr>
<td>Resources office) to account for vacation and sick leave earned and</td>
<td></td>
</tr>
<tr>
<td>taken by all employees?</td>
<td></td>
</tr>
<tr>
<td>Does supervisory staff review and approve employee time and attendance</td>
<td>Yes</td>
</tr>
<tr>
<td>reports before submitting to management?</td>
<td></td>
</tr>
<tr>
<td>Does your municipality limit the carry forward of accrued vacation</td>
<td>Yes</td>
</tr>
<tr>
<td>time to no more than one year’s worth of such time (meaning no employee</td>
<td></td>
</tr>
<tr>
<td>hired after the effective date of the limitation policy can have</td>
<td></td>
</tr>
<tr>
<td>more than two (2) years of vacation time on the books in any given</td>
<td></td>
</tr>
<tr>
<td>year)?</td>
<td></td>
</tr>
<tr>
<td>Does the municipal governing body approve all payments of</td>
<td>Yes</td>
</tr>
<tr>
<td>accumulated/uncompensated absence benefits?</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Question</td>
</tr>
<tr>
<td>---</td>
<td>--------------------------------------------------------------------------</td>
</tr>
<tr>
<td>10</td>
<td>Does your municipality’s personnel manual include policies covering the use of municipal computers, including internet/e-mail use?</td>
</tr>
<tr>
<td>11</td>
<td>Does your municipality have a transitional duty program (light duty) to encourage employees out on workers compensation to return to work?</td>
</tr>
<tr>
<td>12</td>
<td>Does your municipality provide annual employment practice liability training for elected officials, managers, administrators, department heads and supervisors?</td>
</tr>
<tr>
<td>Question</td>
<td>Answer</td>
</tr>
<tr>
<td>----------</td>
<td>--------</td>
</tr>
<tr>
<td>Does your municipality have an emergency management plan that is updated bi-annually and verified yearly through practical exercises and written reports distributed to all affected parties (police, fire, OEM, etc.) as required pursuant to L.1989, c.222, s.20?</td>
<td>Yes</td>
</tr>
<tr>
<td>Is your municipality’s police department accredited by the Commission on Accreditation of Law Enforcement Agencies, Inc. (CALEA), or have senior officers had advanced training through professional agencies/academies?</td>
<td>Yes</td>
</tr>
<tr>
<td>Are all required hazard-use inspections and reports performed in accordance with state standards, needed-relevant information disseminated to emergency response organizations and a copy of the report sent to local fire and police agencies?</td>
<td>Yes</td>
</tr>
<tr>
<td>Does your municipality have formal written mutual aid agreements for all emergency response organizations?</td>
<td>Yes</td>
</tr>
<tr>
<td>Does your municipality have a formal procedure to ensure that all park and recreation facilities are inspected/assessed periodically to determine whether proper maintenance is being done to ensure the safety of the using public?</td>
<td>Yes</td>
</tr>
<tr>
<td>Has your municipality conducted an energy audit within the last three years to evaluate whether the energy consumption (i.e. heating, lighting, ventilation and air conditioning) of municipal facilities can be reduced?</td>
<td>Yes</td>
</tr>
<tr>
<td>If your municipality issues published or posted newsletters to its residents, did such publications promote recycling efforts and solid waste management in compliance with the storm water regulations? N.J.A.C. 7:8 et seq.</td>
<td>Yes</td>
</tr>
<tr>
<td>Municipal/School Relations</td>
<td>Answer</td>
</tr>
<tr>
<td>--------------------------------------------------------</td>
<td>--------</td>
</tr>
<tr>
<td>Has your municipality held or scheduled a “Joint Yearly Open Public Meeting” between the local school board(s) and the governing body to discuss community needs, shared services, and the school and municipal budgets?</td>
<td>No</td>
</tr>
<tr>
<td>Do you share playing fields, recreation services, and/or equipment with the local board(s) of education?</td>
<td>Yes</td>
</tr>
<tr>
<td>Has your municipality entered into any shared services with local board(s) of education pertaining to maintaining of fields, sharing of equipment, purchasing of gasoline, snow plowing, etc.?</td>
<td>Yes</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Select</th>
<th>Answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>42</td>
</tr>
<tr>
<td>No</td>
<td>5</td>
</tr>
<tr>
<td>N/A</td>
<td>1</td>
</tr>
<tr>
<td>Prospective</td>
<td>2</td>
</tr>
</tbody>
</table>

**Total Answered:** 50

**Score (Yes + N/A + Prospective):** 45

**Score:** 90%

**Percent Withheld:** 0%

Chief Financial Officer Completion Certification:

Type Name of CFO and Certification # in cells below:

<table>
<thead>
<tr>
<th>Name</th>
<th>Cert #</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rosemary Costa</td>
<td>0-0483</td>
</tr>
</tbody>
</table>

**Date Prepared:** 8/26/2011
Ordinance No. 3177
Introduced by Commissioner Mauro G. Tucci
Introduced on August 2, 2011
Public Hearing September 6, 2011

Ordinance No. 3177

ORDINANCE TO AMEND AN ORDINANCE TO FIX THE SALARIES OF CERTAIN OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF NUTLEY, COUNTY OF ESSEX, STATE OF NEW JERSEY, EFFECTIVE JANUARY 1, 2011.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF NUTLEY, IN THE COUNTY OF ESSEX, NEW JERSEY, AS FOLLOWS:

SECTION 1. THE SALARIES OF CERTAIN OFFICERS AND EMPLOYEES, EITHER PERMANENT OR TEMPORARY, AS THE CASE MAY BE, OF THE TOWNSHIP OF NUTLEY HEREIN MENTIONED, SHALL BE AS FOLLOWS:

DEPARTMENT OF PARKS AND PUBLIC PROPERTY

<table>
<thead>
<tr>
<th></th>
<th>Minimum</th>
<th>Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bus Drivers</td>
<td>$12.00 per hour</td>
<td>$25.00 per hour</td>
</tr>
</tbody>
</table>

SECTION 2. Payment of vacation time in advance may be made upon request in writing to the Treasurer at least one month in advance of the pay period requested. Written requests must be approved by the Department Head before submission to the Treasurer.

SECTION 3. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed and this ordinance shall take effect twenty (20) days after final passage in accordance with the law.

SECTION 4. To the extent not set forth herein, all total salaries per annum will include longevity as set forth in Nutley Municipal Code Chapter 103.
WHEREAS, in April 2011, a massive tornado swept through Mississippi, Alabama, and Georgia with estimated winds speeds between 167-200 miles per hour, leaving severe destruction and loss of life in its wake; and

WHEREAS, the community of Tuscaloosa, Alabama sustained the most devastating damage during the storm, as the tornado touched down leaving a half mile wide path of destruction through the center of the city; and

WHEREAS, Tuscaloosa native, and Nutley Assistant Football Coach Jarrett Vick, was visiting Tuscaloosa at the time of the Tornado and has since volunteered his time and efforts to assist the community by organizing groups of volunteers to help clean up and rebuild the city; and

WHEREAS, Peter Burbank, Nick Gariano, Michael Goudie, Ryan Goudie, Michael Hovan, Joseph Iannini, Matt Kelly, John Milici, Dominic Pilione (Wayne Hills HS), John Ratta, Nick Scherer, Jordan Yuppa, Aaron DiGregorio, along with Coach Steve DiGregorio, volunteered to assist and selflessly dedicated one week of their summer vacation to come to the aid of the citizens of Tuscaloosa; and

WHEREAS, these young men positively impacted the lives of the people of Tuscaloosa, and did so with great respect, humility and compassion; forging solid friendships and creating indelible memories;

NOW, THEREFORE BE IT RESOLVED, that the Mayor and the Board of Commissioners, of the Township of Nutley, County of Essex, recognize, with great pride, the above mentioned individuals for their outstanding act of good will toward the citizens of Tuscaloosa, Alabama and join with the residents of this community in commending their examples of selflessness and generosity.

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 September 6, 2011.

<table>
<thead>
<tr>
<th>Record of Vote</th>
<th>Commissioner Scarpeilli</th>
<th>Commissioner Petracco</th>
<th>Commissioner Evans</th>
<th>Commissioner Tucci</th>
<th>Mayor Cocchiola</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>No</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Not Voting</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Absent/Excused</td>
<td></td>
<td></td>
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</tbody>
</table>
Resolution

Introduced by: Commissioner Thomas J. Evans Date: September 6, 2011
Seconded by: Commissioner Mauro G. Tucci No. 176-11

WHEREAS, an emergency has arisen with respect to the payment of Emergency Response to Hurricane Irene Storm Damage and no adequate provision was made in the 2011 Budget for the aforesaid purpose, and N.J.S.A. 40A: 4-46 provides for the creation of an emergency appropriation for the purpose above mentioned; and

WHEREAS, the total amount of emergency appropriation created including the appropriation to be created by this resolution is $800,000.00 and three percent of the total operations in the budget for the year 2011 is $1,575,476.93;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey, (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with N.J.S.A. 40A: 4-20,

1. An emergency appropriation be and the same is hereby made for Emergency Response to Hurricane Irene Damage in the amount of $800,000.00.

2. That said emergency appropriation shall be provided in full in the 2012 Budget.

3. That the statement required by the Local Finance Board has been filed with the Clerk and a copy thereof will be transmitted to the Director of Local Government Services.

4. That two certified copies of this resolution be filed with the Director of Local Government Services.

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 September 6, 2011.

Record of Vote

<table>
<thead>
<tr>
<th>Record of Vote</th>
<th>Commissioner Scarpelli</th>
<th>Commissioner Petrocco</th>
<th>Commissioner Evans</th>
<th>Commissioner Tucci</th>
<th>Mayor Cocchiola</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>No</td>
<td></td>
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<tr>
<td>Not Voting</td>
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</tr>
<tr>
<td>Absent/Excused</td>
<td></td>
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</tbody>
</table>
Resolution

Introduced by: Commissioner Thomas J. Evans  Date: September 6, 2011

Seconded by: Commissioner Mauro G. Tucci  No. 177-11

WHEREAS, an emergency has arisen with respect to the Emergency Response to Hurricane Irene Damage on August 27-28, 2011;

WHEREAS, manpower and supplies were expended to respond to said emergency and now need to be replenished;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, in the County of Essex, New Jersey, that an emergency is hereby declared to exist which will not permit for the advertisement for public bids, subject to the verification of funds by the chief financial officer of the Township of Nutley.

Evelyn Romeo
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 September 6, 2011..

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STATEMENT OF THE CHIEF FINANCIAL OFFICER WITH RESPECT TO THE EMERGENCY RESOLUTION FOR HURRICANICE IRENE STORM DAMAGE.

Need of Emergency Appropriation:

On August 27-28, 2011, numerous employees and volunteers of the Township of Nutley responded to numerous calls for assistance due to flood conditions. Such response required the expenditure of township manpower, equipment, and supplies, which will be anticipated and provided for in the 2012 Municipal Budget.

Date of Happening: August 27-28, 2011

Have any contracts been awarded or purchase orders placed in connection with this emergency appropriation? No

Have any payments been made in connection with this emergency appropriation? No

If costs are in excess of $21,000.00 for either labor or materials, or both, will bids be advertised for? No

If not, have resolutions been adopted declaring an exigency to exist, which will not permit the advertisement for public bids: Yes

Will work be performed by contract, force account or otherwise? Force account and Contract

Rosemary Costa
Treasurer, C.F.O.
September 6, 2011
Resolution

Introduced by: Commissioner Thomas J. Evans  Date: September 6, 2011
Seconded by: Commissioner Mauro G. Tucci  No. 178-11

WHEREAS, N.J.S.A 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2010 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs, and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled General Comments and Recommendations; and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit and specifically the sections of the Annual Audit entitled General Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52-A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars ($1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, that the Board of Commissioners of the Township of Nutley, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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 September 6, 2011.

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STATE OF NEW JERSEY
COUNTY OF ESSEX

We, members of the governing body of the Township of Nutley, in the County of Essex, being duly sworn according to law, upon our oath depose and say:

1. We are duly elected members of the Board of Commissioner of the Township of Nutley in the county of Essex;

2. In the performance of our duties, and pursuant to N.J.A.C. 5:30-6.5, we have familiarized ourselves with the contents of the Annual Municipal Audit filed with the Clerk pursuant to N.J.S.A. 40A: 5-6 for the 2005;

3. We certify that we have personally reviewed and are familiar with, as a minimum, the sections of the Annual Report of Audit entitled “Comments and Recommendations.”

(L.S.) [Signature]
Mayor Joanne Cocchiola

(L.S.) [Signature]
Commissioner Thomas J. Evans

(L.S.) [Signature]
Commissioner Alphonse Petracco

(L.S.) [Signature]
Commissioner Mauro G. Tucci

(L.S.) [Signature]
Commissioner Joseph P. Scarpelli

Evelyn Rosario, Township Clerk

Sworn to and subscribed before me this 6th Day of September, 2014

Sharon Lynne Bozza, Notary Public of New Jersey

IMMORTANT: This certificate must be sent to the Bureau of Financial Regulation and Assistance, Division of Local Government Services, P.O. Box 803, Trenton, New Jersey 0862
Resolution

Introduced by: Commissioner Mauro G. Tucci Date: September 6, 2011

Seconded by: Commissioner Thomas J. Evans No. 179-11

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

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

SECTION 1:
NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2011 in the sum of $7,000.00, which item is now available as a revenue from the 2009 Business Stimulus Fund Grant Program pursuant to the provisions of statute;

SECTION 2:
BE IT FURTHER RESOLVED, that a like sum of $7,000.00 be and same is hereby appropriated under the caption of:

General Appropriations
(A) Operations-Excluded from 5% CAPS
2009 Business Stimulus Fund Grant........e........ $7,000.00

SECTION 3:
BE IT FURTHER RESOLVED, that the above is the result of revenues available for the 2009 Business Stimulus Grant;

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

I, Evelyn Cocchiola, 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 September 6, 2011.

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Resolution

Introduced by: Commissioner Alphonse Petracco Date: September 6, 2011
Seconded by: Commissioner Joseph P. Scarpelli No 80-11

WHEREAS, the Township of Nutley Municipal Court would like to add credit cards to their means of payment for court related fines; and

WHEREAS, the Township of Nutley Municipal Court needs to procure a service that will facilitate the credit card payment; and

WHEREAS, the Nutley Municipal Court has determined that Merchant Management will provide all necessary services for court credit card transactions; and

WHEREAS, the contract is in an amount not to exceed $10,000.00 and funds are available in the current account number 1-01-325-2059 entitled Municipal Court O/E-Contractual Services as evidenced by the Finance Director’s Certification attached hereto;

Now Therefore Be It Resolved, by the Board of Commissioners, of the Township of Nutley, County of Essex, State of New Jersey, that the Municipal Court will enter into a one (1) year contract with Merchant Management for the provision of credit card services, with a one (1) year option to extend such contract subject to the availability and appropriation annually of funds as may be required to meet the extended obligation.

Record of Vote

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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 September 6, 2011.
Resolution

Introduced by: Commissioner Thomas J. Evans Date: September 6, 2011
Seconded by: Commissioner Mauro G. Tucci

WHEREAS, N.J.S.A. 40A: 5-14 mandates that the governing body of municipal corporation shall, by resolution, passed by a majority vote of the full membership thereof, designate as a depository for its monies a bank or trust company having its place of business in the State and organized under the laws of the U.S. or this State;

NOW, THEREFORE, BE IT RESOLVED, on the 6th day of September, 2011, by the Board of Commissioners of the Township of Nutley, County Essex, New Jersey that:

1. Bank of Nutley-A Division of Pascack Community Bank is hereby designated as a depository for the Township of Nutley.

2. Prior to the deposit of any municipal funds in the above mentioned depositories, said bank shall file with the Chief Financial Officer a statement indicating that the bank is covered under the Government Units Deposit Protection Act (R.S. 17:9-41).

Record of Vote

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Evelyn Rosano, 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 September 6, 2011.
GOVERNMENTAL UNIT DEPOSIT PROTECTION ACT
NOTIFICATION OF ELIGIBILITY

PASCACK COMMUNITY BANK

The above noted public depository is eligible to act as a depository for public funds. This notification is based on information submitted in the certification statement filed in this Department for the period ending June 30, 2011.

As required in the Act and regulations, subsequent certification statements must be electronically filed in the Department as of March 31, June 30, September 30, and December 31 of each year and at such other times as the Commissioner may require.

This notification will be in effect until a new notification of eligibility is issued by the Commissioner or the Commissioner rescinds the notification of eligibility.

Garret Komjathy
Director, Division of Banking

Dated: Monday, July 25, 2011
Resolution

Introduced by: Mayor Joanne Cocchiola __________________________ Date September 6, 2011
Seconded by: Commissioner Mauro G. Tucci ________________________ No. 182-11 _________

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

<table>
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<th>Organization</th>
<th>License No.</th>
<th>Event Description</th>
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<tr>
<td>Italian American Heritage</td>
<td>48-11</td>
<td>On-Premise Tricky Tray</td>
<td>September 18, 2011</td>
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<td>Committee Festa Italiana</td>
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<td>American Red Cross Nutley</td>
<td>50-11</td>
<td>On-Premise 50/50 Raffle</td>
<td>November 12, 2011</td>
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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, that the 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 September 6, 2011.

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Resolution

Introduced by: Mayor Joanne Cocchiola  
Seconded by: Commissioner Mauro G. Tucci

Date: September 6, 2011

WHEREAS, Anthony Capriglione, 143 Whitford Avenue, Nutley, New Jersey 07110 has applied for renewal of Constable No. 17; and

WHEREAS, the application has been reviewed by the Municipal Clerk and 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 Anthony Capriglione be re-appointed as Constable No. 17 for a one year term, beginning September 17, 2011.

Evelyn Rosano  

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 September 6, 2011.

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Resolutions

INTRODUCED by: Commissioner Alphonse Petracco ___________________________ DATE: September 6, 2011

SECONDED by: Commissioner Joseph P. Scarpelli ____________________________ No. 84-11 __________________

AUTHORIZATION FOR THE BOARD OF COMMISSIONERS TO ACCEPT A SUBGRANT AWARD OF THE
FEDERAL FISCAL YEAR 2011 IN THE AMOUNT OF $10,000 FROM THE DEPARTMENT OF HOMELAND
SECURITY, EMERGENCY MANAGEMENT PERFORMANCE GRANT PROGRAM.

WHEREAS, the Township of Nutley, Office of Emergency Management has applied for and
has been awarded State Homeland Security Grant Program Subgrant CFDA #97.042, Award
#2011-P110-0716 from the New Jersey State Police Office of Emergency Management,
incorporating all conditions and representations contained or made in application and notice of
award #2011-EP-EO-0047; and

WHEREAS, the Subgrant consisting of a total amount of $20,000, including $10,000 Federal
Award and $10,000 Local Matching Funds, which the Township of Nutley Office of Emergency
Management adequately satisfies through the 2011 Township of Nutley approved budget for
Division salaries and wages and fringe benefits; and

WHEREAS, it would be in the best interest of the Township of Nutley and the State of New
Jersey to participate in this initiative and enhance Essex County’s ability to prevent, protect against,
respond to, and recover from acts of terrorism, natural disasters and other catastrophic events and
emergencies; and

NOW, THEREFORE BE IT RESOLVED, that the Board of Commissioners of the Township
of Nutley hereby accept this Award and that the Director of Public Safety, the Township Clerk, the
Chief Financial Officer, and the Emergency Management Coordinator are hereby authorized to sign
certain documents relative to their positions in order to effectuate with the NJ State Police Office
of Emergency Management funding from the FFY2011 Homeland Security Emergency Management
Performance Grant Program.

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 September 6, 2011.

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


Resolution

Introduced by: Commissioner Thomas J. Evans
Seconded by: Commissioner Mauro G. Tucci
Date: September 6, 2011

WHEREAS, the State of New Jersey, Department of Community Affairs permits municipalities to waive fees for permits for work done as a result of Hurricane Irene; and

WHEREAS, pursuant to N.J.A.C. 5:23-4.19(b)5 any municipality waiving its fees will also require that the State permit charges to be waived,

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners and the Township of Nutley in the County of Essex that township construction official is authorized to waive fees for permits for work done as a result of Hurricane Irene.

I, Evelyn Rosato, 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 September 6, 2011.