TOWNSHIP OF NUTLEY, NEW JERSEY
BOARD OF COMMISSIONERS

PUBLIC MEETING

TRANSCRIPT OF

PROCEEDINGS:

April 6, 2010

7:02 p.m.

BEFORE:

Mayor Cocchiola - absent/excused
Deputy Mayor Evans
Commissioner Petracco
Commissioner Scarpelli
Commissioner Tucci

Township Clerk Rosario
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DEPUTY MAYOR EVANS: Evelyn?

MADAM CLERK: Pursuant to the requirements of the Open Public Meeting Law, Chapter 231, Public Laws, 1975, notice of this meeting was published in the December 10, 2009 issues of the Nutley Sun, the Journal, the Star Ledger and the Herald News. A copy of this notice has been posted on the Nutley Town Hall bulletin board and a copy is on file in the municipal clerk's office.

Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Here.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Here.

MADAM CLERK: Commissioner Evans?

DEPUTY MAYOR EVANS: Here.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Here.

MADAM CLERK: Mayor Cocchiola is absent/excused this evening.

Commissioner Evans will preside over the meeting as Deputy Mayor Evans, and Kevin Harkins is also absent/excused this evening. Alan Genitempo is present as
our counsel this evening.

DEPUTY MAYOR EVANS: Okay. So, let's go. Commissioner Scarpelli, what do you have?

COMMISSIONER SCARPELLI: I have various reports. I have a resolution to endorse the municipal Recycling Tonnage Grant Application, and designate Patty Davis as the Recycling Coordinator. I got a transfer sick days to Louis Luzzi. And I have a service agreement with AXA Equitable. That's all I have, Deputy Mayor.

DEPUTY MAYOR EVANS: Commissioner Petracco?

COMMISSIONER PETRACCO: I have two resolutions: one's to authorize a bid for police uniforms, and another is to appoint volunteers to the fire department, three volunteers. That's all I have, Mr. Deputy Mayor.

DEPUTY MAYOR EVANS: All right. Since the Mayor's not here, would you mind reading her two raffle resolutions?

COMMISSIONER PETRACCO: Sure.
DEPUTY MAYOR EVANS: Thank you.
COMMISSIONER PETRACCO: Okay.
DEPUTY MAYOR EVANS: They're short.

Commissioner Tucci?

COMMISSIONER TUCCI: I have two resolutions: one authorizing a bid advertisement for what I hope will be the end of the Underground Storage Tank Closure Project, which has been going on for at least ten years; and, an award for a fair and open contract for a Risk Manager, for insurance, to Walter Searle. I just have one question: what is this service agreement, Commissioner Scarpelli with AXA?

COMMISSIONER SCARPELLI:
(indiscernible) Commissioner Evans?

DEPUTY MAYOR EVANS: It's the third compensation for adding another provider for the employee deferred 457 Plans. It's -- you know, we had noticed --

COMMISSIONER TUCCI: Is it just for Public Works, or is it for everybody?
DEPUTY MAYOR EVANS: It's for the town. It's for the town.
COMMISSIONER SCARPELLI: He's got a conflict.

DEPUTY MAYOR EVANS: I have a conflict. I can't read it.

COMMISSIONER TUCCI: Oh.

DEPUTY MAYOR EVANS: That's it.

COMMISSIONER TUCCI: Just curious, thanks. Thank you, gentlemen. That's all I have.

DEPUTY MAYOR EVANS: I have an ordinance for introduction relating to handicapped parking, as well as an ordinance introduction establishing a cap bank for appropriations, which -- it's just enabling us to -- for future years, if we can't meet the appropriation cap, we can use the bank in order to do that. Since we did hit it at this year, we don't need that money, but it's just establishing the bank as a paper entry, for subsequent years.

I have a Public Hearing on a -- stop signs that are being added to Freeman Place, Myrtle Avenue, Oakcrest Place, and Sylvan Place. There's just a Public
Hearing on that.

And tonight we have the budget introduction, as well as I have a refund of overpaying of taxes. So, the big item for tonight is the placed statute, we need to introduce the budget tonight. So, anything else?

COMMISSIONER TUCCI: We need to close for anything?

DEPUTY MAYOR EVANS: Anything?

UNIDENTIFIED COMMISSIONER: (Indiscernible).

DEPUTY MAYOR EVANS: As we present in the budget, I mean, we all worked very hard on it, so I think that, well, tonight's only the introduction. If you feel you as though you would like to comment relating to the budget, please feel free to do so, to recognize the work that everybody did to achieve the result we're at. Okay?

UNIDENTIFIED COMMISSIONER: Okay.


UNIDENTIFIED COMMISSIONER: Sounds
like a plan.
(Off the record from 7:07 p.m.-7:09 p.m.)
(Audio occasionally fades out and words are indiscernible, 7:09 p.m.-7:57 p.m.)

MADAM CLERK: Tuesday, April 6th, 2010. Pursuant to the requirements of the Open Public Meeting Law, Chapter 231, Public Laws, 1975, notice of this meeting was published in the December 10, 2009 issues of the Nutley Sun, the Journal, the Star Ledger and the Herald News. A copy of this notice has been posted on the Nutley Town Hall bulletin board and a copy is on file in the municipal clerk's office. Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Here.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Here.

MADAM CLERK: Commissioner Evans?

DEPUTY MAYOR EVANS: Here.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Here.

MADAM CLERK: Mayor Cocchiola is absent/excused at this time.

Commissioner Evans will preside over the
meeting as Deputy Mayor Evans.

DEPUTY MAYOR EVANS: We don't have any minutes, so we'll go to Communications and Correspondence.

MADAM CLERK: Yes, we have three items. I will read the three items, and then as we normally do, we'll do one call and one vote.

The first one is a social affair permit from the Nutley Family Service Bureau for an event to be held on June 5th. The next one is from the Nutley Ice Hockey Booster Club, requesting permission to hold a street fair on Sunday, June 20th, between the hours of 10 a.m. and 5 p.m. The last one is from the Rotary Club of Nutley, requesting a Sunday raffle on August 1st, 2010. And those are the three items of Communication for this evening.

UNIDENTIFIED COMMISSIONER: Move it.

UNIDENTIFIED COMMISSIONER: Second.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Madam
Clerk, I know that we've worked on an application for street fairs and events of that nature.

MADAM CLERK: Yes.

COMMISSIONER SCARPELLI: Have they been given -- Has the Ice Hockey Booster Club been given that application?

MADAM CLERK: The application has not yet been finalized by the entire governing body. What I will do is send them a letter, indicating that the application will be forwarded to them as soon as possible, letting them know that this application has to be submitted and completed prior to the event.

COMMISSIONER SCARPELLI: All right. It's because the June 20th date, we're getting close to, I just want to make sure that all the departments at least get a chance to see what's going to be required of them, and sign off on it, before we go forward. I know that there are some changes in my department with street fairs and the like, as far as providing cleanup.
MADAM CLERK: Okay.

COMMISSIONER SCARPELLI: It was usually been done for nothing, but in the current times, we can't do that any longer.

MADAM CLERK: Would you like for me to defer it, or --

COMMISSIONER SCARPELLI: No, we can put it on the agenda.

MADAM CLERK: Okay, I will ask --

COMMISSIONER SCARPELLI: I'll vote yes.

MADAM CLERK: Thank you.

Commissioner Petracco?

(No audible response.)

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Deputy Mayor Evans?

DEPUTY MAYOR EVANS: Aye.

MADAM CLERK: Thank you. That's all that I have for this evening.

DEPUTY MAYOR EVANS: (Indiscernible) Reports -- Scarpelli?

COMMISSIONER SCARPELLI: -- various reports for 2010.
MADAM CLERK: There's a report for the Mayor, as well.

DEPUTY MAYOR EVANS: Report from the Department of Public -- bills?

MADAM CLERK: Yes. The list, Tuesday, April 6th, 2010:
Public Affairs $477,735.05,
Revenue & Finance $5,447,764.26,
Public Safety $114,651.13,
Public Works $144,728.06,
Parks & Public Property $612,912.94,
Payroll as of April 1st, 2010, $778,005.28,
for a grand total bill list of $7,575,796.72.

And that's all for bills.

UNIDENTIFIED COMMISSIONER: -- bills.

UNIDENTIFIED COMMISSIONER: Second.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Commissioner Petracco?

(No audible response.)

MADAM CLERK: Commissioner Tucci?
COMMISSIONER TUCCI: Aye.

MADAM CLERK: Deputy Mayor Evans?

DEPUTY MAYOR EVANS: Aye.

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

DEPUTY MAYOR EVANS: -- Ordinance introductions tonight, we have two. They're both in my area, so I'll read them by title:

"AN ORDINANCE TO AMEND AN ORDINANCE CODIFIED IN THE CODE OF THE TOWNSHIP OF NUTLEY, CHAPTER 228, ENTITLED VEHICLES AND TRAFFIC, PARTICULARLY ARTICLE VII, SECTION 29A, ENTITLED HANDICAPPED PARKING, TO ADD LOCATIONS SET FORTH --".

This ordinance be passed to a second reading and advertised in the Nutley Sun together -- required by law, and further consideration of said ordinance for final passage by the Board of -- be held at its second reading on May 4th, 2010.

UNIDENTIFIED COMMISSIONER: Second.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.
MADAM CLERK: Commissioner Petracco?
COMMISSIONER PETRACCO: Aye.
MADAM CLERK: Commissioner Tucci?
COMMISSIONER TUCCI: Aye.
MADAM CLERK: Deputy Mayor Evans?
DEPUTY MAYOR EVANS: Aye.
Second ordinance 3137, it's to --
"AN ORDINANCE TO EXCEED THE MUNICIPAL
BUDGET APPROPRIATION LIMITS AND ESTABLISH
A CAP BANK".
This bank is a paper entry. While
we did not need to -- actually, we're
below the cap limit as per the
calculation this year, we're allowed to
establish a memo -- as what this
represents. That this ordinance be
passed to a second reading and advertised
in the Nutley Sun together with a notice
required by law, and then further
consideration of said ordinance for final
passage by the Board of -- be held at its
second reading on May 4th, 2010. So
moved.
UNIDENTIFIED COMMISSIONER: Second.
MADAM CLERK: Commissioner
Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Deputy Mayor Evans?

DEPUTY MAYOR EVANS: Aye.

Public Hearings, we have one tonight, in my area, Ordinance 3135. That's relates to the addition of stop signs and yield intersections for Freeman Place, Myrtle Avenue, Oakcrest Place and Sylvan Place. Would anyone like to speak before --

MR. BARRY: My name is John Barry. I'm the Traffic Safety Coordinator for the Township. Mayor, Commissioners, this ordinance was put together as a result of some comments made by citizens and also after an investigation by the Township Engineer and myself looking at the accidents that we've had.

These four intersections are all uncontrolled intersections, that is,
there was -- there were no stop signs, yield signs, or anything else to control the traffic, other than the statutory rules of the road, to yield. The first vehicle is supposed to yield -- you're supposed to yield to the right of a vehicle. The first one there has the right to go through, but conditions have deteriorated to the point that it was necessary to put up stop signs. And as such I'll provide to the Clerk, a certification from the Township Engineer that states: "Therefore in the interest of pedestrian and vehicular traffic safety, I approve the designation of the intersections listed above as stop intersections, and recommend adoption of the amendment". Thank you.

DEPUTY MAYOR EVANS: Would anyone else like to comment? Move to close the Public Hearing.

UNIDENTIFIED COMMISSIONER: Second.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.
MADAM CLERK: Commissioner Petracco?
(No audible response.)

MADAM CLERK: Commissioner Tucci?
COMMISSIONER TUCCI: Aye.

MADAM CLERK: Deputy Mayor Evans?
DEPUTY MAYOR EVANS: Aye. Move the ordinance.

UNIDENTIFIED COMMISSIONER: Second.

MADAM CLERK: Commissioner Scarpelli?
COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Commissioner Petracco?
COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Commissioner Tucci?
COMMISSIONER TUCCI: Aye.

MADAM CLERK: Deputy Mayor Evans?
(No audible response.)

DEPUTY MAYOR EVANS: -- resolutions, Commissioner Scarpelli.

COMMISSIONER SCARPELLI: Whereas,
the Mandatory Source Separation and Recycling Act, P.L. 1987, Chapter 102,
has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage
local source separation and recycling programs. And, whereas, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs. And, whereas, such a resolution should designate the individual authorized to ensure that the application is properly completed and timely filed.

Now, therefore, be it resolved, by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that the Township of Nutley hereby endorses the submission of the 2009 Municipal Recycling Tonnage Grant Application to the New Jersey Department of Environmental Protection and designates Patricia A. Davis, Recycling Coordinator, Township of Nutley, to ensure that the application is properly filed. I move the resolution.

COMMISSIONER PETRACCO: Second.

MADAM CLERK: Commissioner
Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Commissioner Petracco?

(No audible response.)

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Deputy Mayor Evans?

DEPUTY MAYOR EVANS: Aye.

COMMISSIONER SCARPELLI: Whereas,

Louis Luzzi is employed by the Township of Nutley, Department of Public Works.

And, whereas, Louis Luzzi has exhausted all of his available sick leave and other time due. And, whereas, six employees of the Department of Public Works are desirous of transferring a total of forty days of their accumulated sick leave to Louis Luzzi. And, whereas, under the circumstances presented herein and in view of Louis Luzzi's medical situation and his service to the Department of Public Works, the Board of Commissioners are desirous of accommodating this request.

Now, therefore, be it resolved by
the Board of Commissioners of the
Township of Nutley in the County of
Essex, New Jersey as follows: the
following employees are permitted to
transfer days to Louis Luzzi: Loretta
Kwapniewski, Eleanore Caprio, Frank
Ferry, James Santangelo, William
Hamilton, Vita Nole and Ronald Cundiff.
All of these employees have provided
their consent to said transfers in
writing to the Township Clerk. I move
the resolution.

COMMISSIONER PETRACCO: Second.
MADAM CLERK: Commissioner
Scarpelli?
COMMISSIONER SCARPELLI: Aye.
MADAM CLERK: Commissioner Petracco?
(No audible response.)
MADAM CLERK: Commissioner Tucci?
COMMISSIONER TUCCI: Aye.
MADAM CLERK: Deputy Mayor Evans?
DEPUTY MAYOR EVANS: Aye.
COMMISSIONER SCARPELLI: Whereas, in
order to attract and retain qualified
employees, there exists a need to adopt
and implement a Deferred Compensation Plan for employees of the Township of Nutley (hereinafter referred to as "Employer"), which will provide said employees the ability to enhance their financial security at retirement through the accrual of tax benefits as provided by Section 457 of the Federal Internal Revenue Code. Whereas, there is no direct financial cost to the Employer to adopt and implement a Deferred Compensation Plan. And, whereas, the Employer prepared and made available to the providers of deferred compensation services requests for proposals as described herein. And, whereas, the Employer solicited written proposals for a Deferred Compensation Plan and Service Agreement from three contractors providing prototypical plans and service agreements, including AXA Equitable, 500 Plaza Drive, Secaucus, New Jersey 07094. The Township Commissioner of Revenue and Finance reviewed the proposal and recommended AXA Equitable because of AXA
Equitable's ability to: a) provide continuing consultation to participants; 
b) provide advice concerning various categories of investment; and c) representatives track record of integrity and comprehensive advice, including financial planning, asset allocation and risk measurement for all participants.
Whereas, the Commissioner of Revenue and Finance is hereby designated as the Local Plan Administrator for the administration of the Plan. And, whereas, the Mayor and Commissioner of Revenue and Finance are authorized to execute a Service Agreement with Equitable for the provision of administrative and investment services, and to submit all necessary documents to the Director of the Division of Local Government Services within the State Department of Community Affairs for approval. There has been no collusion, or evidence or appearance of collusion, between any local official and a representative of AXA Equitable in the selection of AXA Equitable as Contractor.
for the administration of a Service Agreement pursuant to N.J.A.C.5:37-5.7.

Township of Nutley is adopting a deferred compensation plan substantially similar to the one on which a favorable Private Letter Ruling has been previously obtained from the Federal Internal Revenue Service, except for provisions added by reason of The Small Business Job Protection Act of 1996, the Taxpayer Relief Act of 2001, and the Economic Growth and Tax Relief Reconciliation Act of 2001. In all such provisions are stated in the plan in terms of similar to the text in those provision in the Internal Revenue Code Section 457, including pertinent applicable treasury regulations. The use of the ruling is for the guidance only and acknowledges that for Internal Revenue Services purposes, the ruling of another Employer is not to be considered precedent.

Hereby copy of this resolution may be forwarded to the Director of the Division of Local Government Services with State.
Department of Community affairs.

Now therefore, be it resolved by the Mayor and the Township Commissioners, that a Deferred Compensation Plan provided by AXA Equitable is hereby adopted. I move the resolution.

COMMISSIONER PETRACCO: Second.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Just for closure sakes, the AXA Representative in Nutley is a patient of mine, and I've been told by counsel I have no conflict. Yes.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Abstain.

MADAM CLERK: Deputy Mayor Evans?

ABSTAIN. (No audible response.)

MADAM CLERK: Okay, the resolution, it's not -- I need a majority of the --

DEPUTY MAYOR EVANS: -- find out.

UNIDENTIFIED COMMISSIONER: It passes.
DEPUTY MAYOR EVANS: I don't know if it passes or not.

COMMISSIONER SCARPELLI: That's all I have, Commissioner -- Deputy Mayor.

DEPUTY MAYOR EVANS: Thank you. -- Petracco?

COMMISSIONER PETRACCO: -- resolved by the Board of Commissioner -- County of Essex -- authorized to ad -- available in Purchasing -- bids to be received --

COMMISSIONER SCARPELLI: Second.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Deputy Mayor Evans?

DEPUTY MAYOR EVANS: Aye.

COMMISSIONER PETRACCO: Be it resolved by the Township of Nutley in the County of Essex -- the following be appointed -- Fire Department effective -- Freddy R. Gavidia, Jerome L. --
COMMISSIONER SCARPELLI: Second.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Deputy Mayor Evans?

DEPUTY MAYOR EVANS: Aye.

Commissioner Tucci? Excuse me --

COMMISSIONER PETRACCO: --

Cocchiola.

Whereas, raffle applications have been -- the following -- and: Rotary Club of Nutley, license number 35-10 -- premise Merchandise Raffle August 1st -- after having the opposed number -- whereas the applications have been -- by the Municipal Clerk -- resolved by the Board of -- State of New Jersey that -- aforementioned -- resolution.

COMMISSIONER SCARPELLI: Second.

MADAM CLERK: Commissioner Scarpelli?
COMMISSIONER SCARPELLI: Aye.
MADAM CLERK: Commissioner Petracco?
COMMISSIONER PETRACCO: Aye.
MADAM CLERK: Commissioner Tucci?
COMMISSIONER TUCCI: Aye.
MADAM CLERK: Deputy Mayor Evans?
DEPUTY MAYOR EVANS: Aye.
COMMISSIONER PETRACCO: Whereas, an application for a Pub LTD Pub -- whereas, the application -- the Code Enforcement -- whereas, the license fee -- has been paid.
Now, therefore, be it resolved by the Board of Commissioners -- Nutley, County of Essex -- license is hereby -- Nutley Pub LTD --
COMMISSIONER SCARPELLI: Second.
MADAM CLERK: Commissioner Scarpelli?
COMMISSIONER SCARPELLI: Aye.
MADAM CLERK: Commissioner Petracco?
COMMISSIONER PETRACCO: Aye.
MADAM CLERK: Commissioner Tucci?
COMMISSIONER TUCCI: Aye.
MADAM CLERK: Deputy Mayor Evans?

COMMISSIONER TUCCI: Be it resolved, by the Board of Commissioners of the Township of Nutley, in the County of Essex, New Jersey, that the Township Clerk is hereby authorized to advertise for sealed bids for the 2010 Underground Storage Tank Closure Project. Bids to be received on April 29th, 2010, in the Commission Chambers, Township Hall at 3 p.m. at which time they will be publicly opened and read. I move the resolution.

COMMISSIONER PETRACCO: Second.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Deputy Mayor Evans?

DEPUTY MAYOR EVANS: Aye.

COMMISSIONER TUCCI: Whereas, the Township of Nutley has a need to acquire
special professional services for a Consultant and Risk Manager for the Township of Nutley, through a fair and open process pursuant to N.J.S.A.19:44-20.5. And, whereas, C. Walter Searle Insurance, 410 Franklin Avenue, Nutley, New Jersey has completed and submitted a Request for Qualifications for Risk Management which complies with the provisions of N.J.S.A.19:44A-20.5. And, whereas, C. Walter Searle Insurance has provided these services in the past to the Township of Nutley and is particularly suited to provide this service. And, whereas, a contract for the professional risk management consulting services is required in the by-laws of the Suburban Essex Liability Joint Insurance Fund and this contract shall not exceed $31,152.28 for 2010 and 2011, and the funds are available from the Suburban Essex Joint Insurance Fund. Now, therefore, be it resolved, that the Board of Commissioners of the Township of Nutley, County of Essex, New
Jersey authorizes a contract to be entered into with C. Walter Searle Insurance, as described herein.

And, be it further resolved that the response to the Request for Qualifications for Risk Manager be placed on file with this resolution. Be it further resolved that a notice of this action shall be printed once in the Nutley Sun in Accordance with the Local Public Contracts Law. I move the resolution.

COMMISSIONER SCARPELLI: Second.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Commissioner Petracco?

(No audible response.)

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Deputy Mayor Evans?

DEPUTY MAYOR EVANS: Aye.

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

DEPUTY MAYOR EVANS: All right.
Tonight we have -- introduction of the budget for the current calendar year. It will be introduced tonight. The Public Hearing on the budget will be held on May 18th, 2010.

As it stands tonight, though, some of the highlights that I would share is that we are required to make two tests to stay level: one is the maximum allowable increase with regard to the tax levy, as well as, an appropriation cap. We did meet the levy cap and we were below the appropriation cap requirements for this year. In doing so, what it does reflect, though, is that the overall levy is increasing 7.3 percent, rising out of roughly 3.6 percent reduction in revenues, attributed in part due loss of state aid, as well as, a lower interest and fees for our services, and a 3.7 percent increase in appropriations, which is primarily being driven by the increased cost of health care and the increased cost of pensions that we're all dealing with. The other ongoing costs
continue to rise, but those cost areas continue to stand out.

I want to also commend my fellow commissioners because it was not easy trying to strike a budget this year as you can imagine, given the nature of the costs we had to deal with and the actions by the state with regard to the reductions in aid. So, having said that, the municipal increase is expected on average -- and on average means a house assessed at 350,000 dollars -- the increase for the coming year will be $151 dollars per that household. So, if you're above that assessment, it'll be a little more. If you're below that assessment, it'll be a little bit less for this coming year.

Before we -- I read the required resolution, would offer to any of the commissioners --

COMMISSIONER SCARPELLI: Thank you, Deputy Mayor. I would like to say I'm very proud that for the second year in a row, that the Department of Public Works
budget will be under the previous year. I venture to say that hasn't happened in a long time. That means we're operating in 2010, below 2008 money.

Since taking office, I've reduced about four positions in the Department. This year, through retirement, we reduced to a fifth position. In addition, we also moved a full time worker to a part time position. Some of our technology initiatives have allowed us to reduce work force in other departments.

We reorganized the engineering department last year. That allowed us to return some money at the end of the year, which will help with tax relief somewhere down the line. Although in generating some of things, we have not cut services. As we know, we expanded our recycling program to include plastics 1 through 7 and corrugated cardboard and household batteries. This spring -- these next two weeks, we'll be doing a spring clean up throughout the township, which we're cleaning up brush and leaves
that are left over from the winter. We also have a shredding day on April 17th, from 10 to 2, Municipal Lot 1. This will allow our residents to dispose of some of the items that may be sensitive in a role that also we get some recycling credit for. And we're also having a compost day on June 5th, with conjunction with Public Affairs, to educate the public on the benefits of composting.

All these initiatives are to reduce our cost of disposal and our solid wastes. In light of the (indiscernible), budgetary challenges were hard. And I'm proud to say that the men and women of the Public Works Department did an excellent job during the winter cleaning up the snow. This is a very lean budget. I want everyone to pray that we don't have any snow in November or December.

So, I congratulate my colleagues as we sharpened our pencils, and trimmed our budget, so we'd have a minimum impact on the tax payers. Thank you.

COMMISSIONER PETRACCO: Thank you,
Commissioner Scarpelli. I'd just like to thank all my people -- having the largest budget here, trying to maintain -- I think -- acting as professionals -- for upcoming years -- and through attrition -- hard numbers, but we can and -- priorities, but, less of a priority -- I know -- again --

COMMISSIONER TUCCI: Thank you, Deputy Mayor. I'd also like to thank everyone in my department for everything that we were able to control. We came in flat again this year for the third year in a row.

I'd like to congratulate my colleagues on all the hard work that was put into this and especially Commissioner Evans and his staff for all that they've done in presenting us with different scenarios, so we could get to where we are. And we're especially proud of managing and controlling the increase in health insurance and liability insurance, which presented us with numbers that were
pretty astronomical, somewhere around twenty percent, just in group health. And we were able to mitigate most of that again, by instituting controls and by monitoring pretty much on a daily basis what we spend, and how we spend it, and how we go about managing that account.

This was a very difficult budget year. I'm very pleased with where we are right now. Next year will also be presenting another challenge to us, so — with the caps projected at coming from four percent to two and a half percent. So, as I'm sure Commissioner Evans has said time and time again, this is a budget for 2010, but it is also looking ahead to 2011. So, however we can mitigate any increases for our people, we obviously are going to do that and spend only what we absolutely need to. Thank you.

DEPUTY MAYOR EVANS: Thank you. And just some specific comments regarding Revenue and Finance. We've had established some changes in practice with
regard to personnel over the years, in creating flexible work arrangements and part time arrangements, where we can achieve that with -- we had a retirement in our clerk's office, which we've chosen not to replace. And in this past year for this budget, we've actually temporarily consolidated the functions of the purchasing agent and payroll manager under our treasurer, so, as a way to preserve our ability to control costs as we go forward. So, from a personnel side, we're doing everything we can to continue to slow the growth in taxes and manage it well. And that's always being balanced by the fact is we have a lot of statutory requirements and reporting requirements, and those deadlines haven't changed; departments haven't been relieved. So, we're trying to get through that.

In addition, we also manage the -- not only the operating budget but the capital plan for the Township. And this past fall, we were able to restructure
our debt, reducing our interest rate on outstanding debt from 4.65 percent down to 3 percent, which in this particular budget year has actually reduced our debt service by 113,000 dollars.

And, some of you may acknowledge that we did reassess, as part of our maintenance program, the property values in the Township. What's important about that, it's twofold: one it keeps the values current with the nature of market conditions, so that never again do we have to, you know, face a revaluation that cost the town almost a million dollars to do.

The more important part about that is, is that the assessed value ratio is a component of the county tax allocation. So, last year, by making some adjustments, we were able to eliminate a county tax increase, which on average, saved every household about eighty-two dollars. We expanded that adjustment this year with the expectation that it will continue to offset the Essex County
tax burden. So, we're expecting that
while there are increases in costs at the
county level, Nutley would not have to
bear the full brunt of it. I don't know
the percentage yet. But, it gives us an
indication of how we're trying to manage.

And that's not possible without the
support of all of the commissioners
recognizing that we have to manage our
expenditures, not just on the operating
side, but on the county -- plan. To put
down a perspective, Nutley has a debt
ceiling of 148 million dollars. Our
current outstanding debt stands at
roughly 12 million dollars. So, we are,
from that standpoint, the bond rating
companies and those that look at us, see
Nutley as a very well managed town. Our
bond rating is actually an A-minus
rating, which enables us to get very
attractive rates when we need to borrow.
So, we're very concerned and monitor that
very closely, because a change in that
rate will increase the cost of our
borrowing, so, when we need to borrow.
So, with that, the Mayor isn't here tonight, but I would also share that within her department, she worked very hard to achieve her flat budget. She has a variable in that the garbage contract is still outstanding, and we recognize that in this budget. So, everyone was at the table, and everyone has worked very hard to achieve this -- so, with that, I'll read the budget notice. After this evening, the budget packet itself will be available at the clerk's office in the morning. I think, if I stand correctly, Ro, but it will be at the library, as well. It's already at the library. So, it's available for review by the public in those locations.

The Municipal Budget of the Township of Nutley, County of Essex for the Fiscal Year 2010: be it resolved that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2010. Be it further resolved, that said budget be published in the Nutley Sun in the issue,
April 22nd. The Governing Body of the Township of Nutley does hereby approve the following budget for the year 2010.

So moved.

COMMISSIONER TUCCI: Second.
MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.
MADAM CLERK: Commissioner Petracco?
COMMISSIONER PETRACCO: Aye.
MADAM CLERK: Commissioner Tucci?
COMMISSIONER TUCCI: Aye.
MADAM CLERK: Deputy Mayor Evans?
(No audible response.)
DEPUTY MAYOR EVANS: Whereas, 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound financial condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination.
Whereas, N.J.A.C.5:30-7 was adopted by the Local Finance Board on February 11, 1997. And, whereas, pursuant to
N.J.A.C. 5:30-7.2 through 7.5, the Township has been declared eligible to participate in the program by the Division of Local Governmental Services, and the Chief Financial Officer has determined that the Local Government meets the necessary conditions to participate in the program for the 2010 budget year.

Now, therefore, be it resolved by the governing body of the Township of Nutley that in accordance with N.J.A.C. 5:30-7.6a & 7.6b, and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements: 1. With reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget: a. Payments of interest and debt redemption charges, deferred charges and statutory expenditures, cash deficit of the preceding year, reserve for uncollected taxes, other reserves and nondisbursement
items, any inclusions of amount required for school purposes; 2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A.40A:4-45.2 and appropriation for exceptions to limits on appropriations found by N.J.S.A.40A:4-45.3 are fully met (in effect, complies with the CAP laws); 3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C.5:30-4 and 5:30-5; 4. That pursuant to the Local Budget Law all estimates of revenue are reasonable, accurate and correctly stated, items of appropriation are properly net forth, in itemization, form arrangement and content, the budget will permit the exercise of the comptroller function within the municipality; 5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A.40A:4-5 shall not prevent such
certification; and, 6. All other applicable statutory requirements have been fulfilled.

Be it further resolved that a copy of this resolution will be forwarded to the Director of the Division of Local Governmental Services upon --

COMMISSIONER TUCCI: Second.
MADAM CLERK: Commissioner Scarpelli?
COMMISSIONER SCARPELLI: Aye.
MADAM CLERK: Commissioner Petracco?
COMMISSIONER PETRACCO: Aye.
MADAM CLERK: Commissioner Tucci?
COMMISSIONER TUCCI: Aye.
MADAM CLERK: Deputy Mayor Evans?
DEPUTY MAYOR EVANS: Aye.

Be it resolved by the Board of Commissioner of the Township of Nutley, in the County of Essex, State of New Jersey, that the Treasurer be and she is hereby authorized to refund overpayments of the property taxes in the amount of $5,527.28 resulting from a Tax Court judgment as detailed below: Block 6902,
Lot 2, $5,527.28 for the year 2008. So moved.

COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Commissioner Petracco?

(No audible response.)

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Deputy Mayor Evans?

DEPUTY MAYOR EVANS: Thank you.

That concludes the formal business of the -- for tonight. Madam Clerk, would you read the statement for the Public Hearing?

MADAM CLERK: Yes. 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 address to five minutes. All remarks to the Board and its individual members must be
addressed to the Mayor. The Mayor may defer 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 determine that the interest of decorum and/or expeditious conduct of the municipal business are being adversely affected by such dialogue.

MR. MOORE: Rory Moore, 462 Chestnut Street. Mr. Petracco, I heard about the police and fire union had a forensic accountant review the books. Is that correct?

COMMISSIONER PETRACCO: I think that they --

DEPUTY MAYOR EVANS: Excuse Mr. Moore -- Mr. Genitempo -- are we in a position to comment regarding those negotiations?

MR. MOORE: It wasn't about a negotiations, it was about a forensic audit that --
DEPUTY MAYOR EVANS: That's an aspect of it. I'm just asking --

MR. MOORE: Aspect, oh, now I --

DEPUTY MAYOR EVANS: Excuse me, I'm asking for clarification from our counsel.

MR. GENITEMPO: Part of the negotiation -- a question I wasn't sure about --

MR. MOORE: Is it -- did they have a forensic accountant come in as a part of negotiations? Am I understanding that correctly?

DEPUTY MAYOR EVANS: -- but, thank you. Please reserve --

MR. MOORE: I'll defer on that. Mr. Evans, the vote for the AXA resolution, Mr. Tucci, you recused it. Am I correct?

COMMISSIONER TUCCI: I'm sorry?

MR. MOORE: You recused. You abstained from that vote.

COMMISSIONER TUCCI: I abstained, yes.

MR. MOORE: You abstained from the vote?
DEPUTY MAYOR EVANS: I did.

MR. MOORE: And, Mr. Scarpelli, you said -- I didn't understand what you said. You said you had a patient that was involved?

COMMISSIONER SCARPELLI: That the AXA Representative in Nutley is a patient of mine.

MR. MOORE: So, did you recuse yourself?

COMMISSIONER SCARPELLI: No, I did not. I voted yes.

MR. MOORE: You didn't? Okay. I was just wondering. So, we wait for the Mayor to come back in order to vote on that. Is that correct?

DEPUTY MAYOR EVANS: Well, we voted on it. We have to resolve it. So, I need to -- I have to take up the matter with legal counsel.

COMMISSIONER TUCCI: I believe if you check for Robert's Rules, the abstentions will go to the yes.

DEPUTY MAYOR EVANS: Yeah, I just -- we need to --
COMMISSIONER TUCCI: And I'm not trying to practice law here --

DEPUTY MAYOR EVANS: Just, please --

I would say that's --

MR. GENITEMPO: I'd like the opportunity to double-check that.

COMMISSIONER TUCCI: Yes.

DEPUTY MAYOR EVANS: It's an unresolved matter as of now.

MR. MOORE: It's unresolved.

DEPUTY MAYOR EVANS: Correct.

MR. MOORE: Are you -- when you just said "Robert's Rules", are you governed by Robert's rules?

COMMISSIONER TUCCI: I believe that's the protocol we follow.

MR. MOORE: It is.

COMMISSIONER TUCCI: Better direct your questions through the Deputy Mayor. I'd be happy to answer.

MR. MOORE: You said it.

COMMISSIONER TUCCI: Cause you asked it.

MR. MOORE: So, as -- am I then to understand that Robert's Rules prevails
DEPUTY MAYOR EVANS: It would.

MR. MOORE: It would.

DEPUTY MAYOR EVANS: Well, actually, because it's a deferred compensation plan, there are rules that are very specific to it, because it involves the employees. It does not involve the municipality or use of public funds, but it's the governing. So, again, I yield to legal counsel, so, I -- it remains an unresolved matter.

MR. MOORE: That I understand, I --

DEPUTY MAYOR EVANS: As it relates to Robert's Rules, it's an unresolved matter because there might be additional requirements that I'm not aware of.

MR. MOORE: But Robert's Rules -- my question was of Mr. Tucci, if Robert's Rules prevails? Am I -- is that -- am I understanding that correctly?

DEPUTY MAYOR EVANS: You're not understanding my response. They may --

MR. MOORE: They may, oh, I see.

DEPUTY MAYOR EVANS: -- apply to
that particular resolution. I was clear.

MR. MOORE: Mr. Evans, you have in your budget in this payable for this month, you have a four account temps. Are they full time or part time?

DEPUTY MAYOR EVANS: They're primarily part time.

MR. MOORE: Part time.

DEPUTY MAYOR EVANS: One of them actually works almost on a full time basis.

MR. MOORE: You have one full time and one part time.

DEPUTY MAYOR EVANS: Yeah.

MR. MOORE: Three part time.

DEPUTY MAYOR EVANS: It's one person. One person.

MR. MOORE: It's one person, but it has four bills on it.

DEPUTY MAYOR EVANS: It's just catching up on the payments.

MR. MOORE: So, it's one account temp, not four.

DEPUTY MAYOR EVANS: It's one.

MR. MOORE: It's one. And you also,
in the budget, totally -- there's eleven
bills for Peoni (ph.). And the reason I
was asking is because -- I don't see a
total for it, but just eye balling it, it
looks like it's 33,000, for this payroll
period. And I believe it was 150, were
not to exceed?

DEPUTY MAYOR EVANS: It depends if
those payments are for -- our treasurer
is here. Do you recall offhand what
those bill payments are for?

MR. MOORE: The resolution was for
the total -- the aggregate for 50,000.

DEPUTY MAYOR EVANS: Yeah, yeah.
But my treasurer is here, so if she can
comment on what the payments were for, I
can clarify your question. No, he's
saying these payments --

MR. MOORE: There's eleven. I
believe it's about 33,000.

DEPUTY MAYOR EVANS: Some of them
are in Public Works. Some of them are --

MR. MOORE: My question actually
was -- I believe the total contract for
Peoni was 150,000.
COMMISSIONER SCARPELLI: That's for general engineering, Mr. Moore.

MR. MOORE: Oh, so there's another one.

COMMISSIONER SCARPELLI: Because these could be -- I don't know what these bills are -- I'm pretty -- they could be for the zoning board; they could be for the permit board; they could be for various other projects; they could be for the fire house --

MR. MOORE: This is -- what's the total accumulative bill that we're -- for Peoni that we've budgeted for? I believe it was 150, if I understood that correctly?

UNIDENTIFIED COMMISSIONER: That's for general engineering.

DEPUTY MAYOR EVANS: General engineering. Not for the special project areas, such as their activities --

MR. MOORE: Oh, so they can exceed special projects. Is that -- am I understanding that correctly?

DEPUTY MAYOR EVANS: If you want to
interpret it that way, yes, you can.

MR. MOORE: Well, if you just account for everything as a special project, you'll never hit your 150.

DEPUTY MAYOR EVANS: Mr. Moore, it's very clear. And I'm going to make it clearer.

MR. MOORE: Good.

DEPUTY MAYOR EVANS: Peoni has an agreement with the town for general engineering services and -- you can back me up. They also provide services through the Planning Board, or the Board of Adjustment, when a variance or plan comes before the Board, as where when it's required -- engineering services are required associated with that. And the applicant is required to provide an escrow fee for the cost of those services. So those amounts are separate and apart from the engineering services specifically attributed to the Township of Nutley.

MR. MOORE: Okay. One other question. I believe that your secretary
just completed the clerk's class, and she passed the test.

DEPUTY MAYOR EVANS: Not recently, a while ago, yes.

MR. MOORE: A while ago. And, is there a reason that we have two town clerks?

DEPUTY MAYOR EVANS: We only have one town clerk. We have one town clerk, and we have two people who are registered as municipal clerks. I think it's a pretty good position for the town to be in, don't you?

MR. MOORE: Who's the other -- I thought there was only one.

DEPUTY MAYOR EVANS: Sorry?

MR. MOORE: I thought there was only one. There's two, you said?

DEPUTY MAYOR EVANS: Yes, our municipal clerk, he has to be a registered municipal clerk --

MR. MOORE: Yes, I understand that. That's not --

DEPUTY MAYOR EVANS: -- and there's one additional one.
MR. MOORE: Okay. I thought you said there were two additional ones, I misunderstood you. Is there any immediate plans to have any changes in the clerk's office, now that you have two?

DEPUTY MAYOR EVANS: We don't speculate on future plans.

MR. MOORE: Oh. I'm glad you're not in charge of the budget.

UNIDENTIFIED SPEAKER: Hi, Jack.

MR. MAGNIFICO: Jack Magnifico, 160 Park Avenue. I got a couple of questions. You know, I was thinking about it. When are we going to do -- Park Avenue with about -- the curb?

COMMISSIONER SCARPELLI: Are there -- there Duncan Donuts in your building?

MR. MAGNIFICO: I put -- You know, I don't mind paying bills -- I'm running out -- we did the curb in front of the building -- Park Avenue --

COMMISSIONER SCARPELLI: Up through Duncan Donuts, obviously Duncan Donuts
did that. Beyond that, we --

MR. MAGNIFICO: Thank you for insisting on that.

COMMISSIONER SCARPELLI: -- you know, we had the balance put in there. Welcome back to our meetings, by the way, Mr. Magnifico. It's good to see you back here. As far as Park Avenue, there's no immediate plans to redo that roadway.

MR. MAGNIFICO: The only reason I'm concerned about it is, you know -- the trucks seem to have a tendency to drop off and park along there and -- coffee and stuff, anyway -- Mr. Tucci, have we made any progress on the green of the -- have we done anything on that? Well, what progress are we making? You know, I'd like to see this town get green.

COMMISSIONER TUCCI: We've had an audit that was conducted by an agent of Public Service, where they came in and they evaluated all the buildings and they'll be retrofitting the buildings with energy saving devices, reflectors, lower voltage bulbs.
At the next meeting, I expect to present to this board a contract to join the SEM -- which is the equivalent of the Joint Insurance Fund, only in the energy area, whereby we have the opportunity to purchase energy at reduced costs en mass with 3 or 400 other entities.

As far as the solar or thermal panels are concerned, there really isn't any funding that's available for that right now. But we're keeping our eye on that, and our grant writer is in fact, exploring different avenues. So, that when that money does become available, we can in fact jump in and apply for that.

MR. MAGNIFICO: All right. This is nothing to do with you personally, but I have -- 1990, as you know, been pushing for that because of my building.

UNIDENTIFIED COMMISSIONER: Yes, I do. Um-hum.

MR. MAGNIFICO: I talked to a number of people, and I'm about ready to go back again -- talk to --

UNIDENTIFIED COMMISSIONER: Jack --
(indiscernible).

MR. MAGNIFICO: Talked to, what do you call it, the solar power that I had talked to. And they informed me that it's going to be a long wait -- if you don't get on the list, so to speak, you're going to be on the end, instead of upfront. That's all I'm asking for is -- to see us upfront.

UNIDENTIFIED COMMISSIONER: Jack, we've been on the list, from when they first announced it and you'll see many companies, because we've done a lot of investigative work in this area that will offer to come in and actually install those solar panels for us. But the conditions are not really favorable, because they take off a -- exactly -- a large portion of the revenue that we would otherwise receive. So, we need to be very careful. But, we're on the list, in the event that money does become available, and we have been from day one. Thank you, Jack.

MR. MAGNIFICO: Mr. Evans, who does
the zoning -- the changing of the zoning, well, now I'm talking not for me, I'm talking for AMVETS. Who does the changing of zoning for properties?

DEPUTY MAYOR EVANS: It would be through the Planning Board, is the recommendation. We can actually recommend through our code enforcement suggest changes to zoning, but that would come through the Planning --

MR. MAGNIFICIO: Well, it seems that since -- been involved in a lot of things -- but we didn't realize that from 1947, recently, very recently, I assume -- notified -- organization -- that the property where I have -- not I have, we have -- 1.6 acres has been zoned residential. I remember in 1990, I came before -- actually -- nobody was here at that -- Mr. Cocchiola, myself, Mr. Smith had agreed that we were going to put a veteran's housing in that area, but we had a problem.

Our members had a house at the end on Walnut Street, were going to give us
an entrance to get into it, so we
could -- the zoning, but membership
turned it down. But in the mean time, at
that point, it wasn't residential.
Right? We used to hold picnics back
there, if you know -- I don't know who
remembers it, but that's where we used to
hold our town picnics.

I find out recently, because of --
thanks to Mr. Tucci, I got to thank you
again. They're trying to implement --
trucking area -- cars, our members seeing
that we're getting more Iraqi vets,
Afghan vets, and some people from -- you
know, I've got the census bureau --
they're looking for places to park. And
I want to keep them in town, because
they're employing our people. I've been
told that the Zoning Board put down
residential. Now, I got to go -- I guess
we'll have to change it, I don't know.
Now, I just was shocked that we had never
gotten a notice about it.

DEPUTY MAYOR EVANS: That would be
at the time when the Master Plan was
revised. It was probably rezoned for residential. I'm speculating a bit. And that it's part of those changes; the AMVETS and its property would be a -- use in its current form. So, if you were to change it, you might have to apply for a variance to do that.

MR. MAGNIFICO: I'll have to go through your legal system, whatever we want to fight about?

DEPUTY MAYOR EVANS: Through my legal system.

MR. MAGNIFICO: Because, I need -- not I need, we need. The other thing that you got to remember is the Board has turned the school, the Washington School, into a no-parking zone. Parents, which we gave them permission to come and park their cars there to come and pick up their kids, we not stop them, we love it, because we don't anybody to get killed -- we're going to need that space up there. When I go, there are still young men that are going to need it. Okay? So, think about that, guys. God bless.
DEPUTY MAYOR EVANS: Thank you, Jack. Would anyone else like to speak tonight on any matter?

UNIDENTIFIED COMMISSIONER: Move for adjourn.

UNIDENTIFIED COMMISSIONER: Second.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Deputy Mayor Evans?

DEPUTY MAYOR EVANS: Aye.

(End of audio)
CERTIFICATION

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

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

In witness whereof, I hereby sign this date:

May 28, 2010.

Karen Schiffmiller