

TOWNSHIP OF NUTLEY, NEW JERSEY
BOARD OF COMMISIONERS

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PUBLIC MEETING

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) TRANSCRIPT OF
) PROCEEDINGS
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One Kennedy Drive
Nutley, New Jersey 07110
Tuesday, February 17, 2009
7:42 p.m.

ORIGINAL

BEFORE:

- Commissioner Mauro G. Tucci
- Commissioner Joseph P. Scarpelli
- Commissioner Thomas J. Evans

ABSENT/EXCUSED:

- Mayor Joanne Cocchiola
- Commissioner Alphonse Petracco

Job No.: 200665

1 Nutley Board of Commissioners, 2/17/09

2 COMMISSIONER EVANS: Please rise.

3 IN UNISON: Pledge of Allegiance

4 COMMISSIONER EVANS: Evelyn, read
5 the notice.

6 THE CLERK: Yes, Commissioner.

7 Tuesday, February 17, 2009, pursuant to

8 the requirements of the Open Public

9 Meeting Law, Chapter 231, Public Laws

10 1975, notice of this meeting was

11 published in the January 8, 2009 issues

12 of the Nutley Sun, the Journal, the Star

13 Ledger and the Herald News. A copy of

14 this notice has been posted on the Nutley

15 Town Hall bulletin board and a copy is on

16 file in the Municipal Clerk's Office.

17 THE CLERK: Commissioner Scarpelli?

18 COMMISSIONER SCARPELLI: Here.

19 THE CLERK: Commissioner Petracco is

20 absent/excused. Commissioner Evans?

21 COMMISSIONER EVANS: Here.

22 THE CLERK: Commissioner Tucci?

23 COMMISSIONER TUCCI: Here.

24 THE CLERK: Mayor Cocchiola is

25 absent/excused at this time.

1 Nutley Board of Commissioners, 2/17/09

2 Commissioner Evans will preside over the
3 meeting as acting mayor.

4 COMMISSIONER EVANS: We don't have
5 any minutes so correspondence?

6 THE CLERK: Yes. We have a few
7 items. I have a letter from the Nutley
8 Parent Advocacy Network requesting
9 permission to hold a Sunday raffle on
10 March 29^e 2009 at 5 p.m. I need an
11 approval from the board, please --

12 COMMISSIONER SCARPELLI: Move it.

13 COMMISSIONER EVANS: Second.

14 THE CLERK: Commissioner Scarpelli?

15 COMMISSIONER SCARPELLI: Aye.

16 THE CLERK: Commissioner Evans?

17 COMMISSIONER EVANS: Aye.

18 THE CLERK: Commissioner Tucci?

19 COMMISSIONER TUCCI: Aye.

20 THE CLERK: Okay. I have a couple
21 of other items. I have a request to
22 submit an application to the division of
23 ABC to extend a liquor license premise.
24 And that would be for the Franklin Steak
25 House on Franklin Avenue for an event to

1 Nutley Board of Commissioners, 2/17/09
2 be held on March 7th. I need an approval
3 please?

4 COMMISSIONER TUCCI: Move it.

5 COMMISSIONER SCARPELLI: Second.

6 THE CLERK: Commissioner Scarpelli?

7 COMMISSIONER SCARPELLI: Aye.

8 THE CLERK: Commissioner Evans?

9 COMMISSIONER EVANS: Aye.

10 THE CLERK: Commissioner Tucci?

11 COMMISSIONER TUCCI: Aye.

12 THE CLERK: And I have two other
13 items from the Nutley Elks Lodge for an
14 event to be held March 7th. They are
15 seeking to submit an application to the
16 division of ABC; one for a social affair
17 permit and the other one to extend their
18 liquor license premises. I need an
19 approval.

20 COMMISSIONER EVANS: Move it.

21 COMMISSIONER TUCCI: Second.

22 THE CLERK: Commissioner Scarpelli?

23 COMMISSIONER SCARPELLI: Aye.

24 THE CLERK: Commissioner Evans?

25 COMMISSIONER EVANS: Aye.

1 Nutley Board of Commissioners, 2/17/09

2 THE CLERK: Commissioner Tucci?

3 COMMISSIONER TUCCI: Aye.

4 THE CLERK: And that's all for
5 communications and correspondence, Mayor.

6 COMMISSIONER EVANS: Thank you.

7 There are no reports tonight. The bills?

8 THE CLERK: Yes. Tuesday, February
9 17, 2009: Public affairs \$65,449.65e
10 Revenue and finance \$2,100,983.07.
11 Public safety \$34,919.63e Public works
12 \$102,795.36. Parks and public property
13 \$416,922.86. Payroll as of February 6,
14 \$754,652.04 for a grand total bill is
15 \$3,474,422.61. And that's all for bills,
16 Mayor.

17 COMMISSIONER SCARPELLI: Move bills.

18 COMMISSIONER EVANS: Second.

19 THE CLERK: Commissioner Scarpelli?

20 COMMISSIONER SCARPELLI: Aye.

21 THE CLERK: Commissioner Evans?

22 COMMISSIONER EVANS: Aye.

23 THE CLERK: Commissioner Tucci?

24 COMMISSIONER TUCCI: Aye.

25 THE CLERK: Thank you, Mayor.

1 Nutley Board of Commissioners, 2/17/09

2 COMMISSIONER EVANS: Ordinances for
3 introduction, Commissioner Tucci.

4 COMMISSIONER TUCCI: Yes, than you,
5 Mayor. This is an ordinance authorizing
6 an interlocal services agreement between
7 the Township of Nutley and the Nutley
8 Board of Education relative to the green
9 initiative. I move that this ordinance
10 be passed to a second reading and
11 advertised in the Nutley Sun together
12 with the notice required by law and that
13 further consideration of said ordinance
14 for final passage by the Board of
15 Commissioners be held at its second
16 reading on -- Evelyn?

17 THE CLERK: March 17th.

18 COMMISSIONER TUCCI: March 17, 2009e
19 I move the ordinance.

20 COMMISSIONER SCARPELLI: Second.

21 THE CLERK: Commissioner Scarpelli?

22 COMMISSIONER SCARPELLI: Aye.

23 THE CLERK: Commissioner Evans?

24 COMMISSIONER EVANS: Aye.

25 THE CLERK: Commissioner Tucci?

1 Nutley Board of Commissioners, 2/17/09

2 COMMISSIONER TUCCI: Aye.

3 COMMISSIONER EVANS: There are no
4 public hearings tonight. Resolutions,
5 Commissioner Scarpelli.

6 COMMISSIONER SCARPELLI: Be it
7 resolved by the Board of Commissioners,
8 the Township of Nutley, County of Essex,
9 New Jersey that a court's provision of
10 our R.S.48e 4-5e the following transfers
11 of 2008 appropriation reserves be and the
12 same are hereby authorized and approved:
13 Department of Public Works and Water,
14 water operation and salary and wages 3000
15 dollars to water operations other
16 expenses 3000 dollars; engineering other
17 expenses 9000 to street lighting, 9000
18 dollars for a total of 12,000 dollars. I
19 move the resolution.

20 COMMISSIONER TUCCI: Second.

21 THE CLERK: Commissioner Scarpelli?

22 COMMISSIONER SCARPELLI: Aye.

23 THE CLERK: Commissioner Evans?

24 COMMISSIONER EVANS: Aye.

25 THE CLERK: Commissioner Tucci?

1 Nutley Board of Commissioners, 2/17/09

2 COMMISSIONER TUCCI: Aye.

3 COMMISSIONER SCARPELLI: I also have
4 Mayor Cocchiola's resolutions. Whereas,
5 an application to conduct single games
6 has been received from St. Mary's Church
7 to conduct the weekly bingo games for
8 February 17, 2009 through February 23~~e~~
9 2010. Whereas, the application has been
10 reviewed and approved by the municipal
11 clerk and the police department. Now~~e~~
12 therefore be it resolved by the Board of
13 Commissioners, Town~~e~~ship of Nutley, County
14 of Essex, State of New Jersey, that the
15 license is approved and the municipal
16 clerk has authorized an issue of license
17 to St. Mary's Church. I move the
18 resolution.

19 COMMISSIONER TUCCI: Second.

20 THE CLERK: Commissioner Scarpelli?

21 COMMISSIONER SCARPELLI: Aye.

22 THE CLERK: Commissioner Evans?

23 COMMISSIONER EVANS: Aye.

24 THE CLERK: Commissioner Tucci?

25 COMMISSIONER TUCCI: Aye.

1 Nutley Board of Commissioners, 2/17/09

2 COMMISSIONER SCARPELLI: Whereas, an
3 application is received for the Nutley
4 Education Foundation for an on-premise
5 50/50 cash raffle to be held on March 27,
6 2009e Whereas, application has been
7 reviewed and approved by the municipal
8 clerk and the police department now
9 therefore be resolved by the Board of
10 Commissioners, Township of Nutley, County
11 of Essex, State of New Jersey, that the
12 license approved and the municipal clerk
13 is authorized to issue a license to the
14 Nutley Education Foundation. I move the
15 resolution.

16 COMMISSIONER TUCCI: Second.

17 THE CLERK: Commissioner Scarpelli?

18 COMMISSIONER SCARPELLI: Aye.

19 THE CLERK: Commissioner Evans?

20 COMMISSIONER EVANS: Aye.

21 THE CLERK: Commissioner Tucci?

22 COMMISSIONER TUCCI: Aye.

23 COMMISSIONER SCARPELLI: That's all
24 I have, Commissioner.

25 COMMISSIONER EVANS: Thank you.

1 Nutley Board of Commissioners, 2/17/09

2 I will read mine next in our usual
3 order. Be it resolved by the Board of
4 Commissioners of the Township of Nutley,
5 County of Essex, State of New Jersey, in
6 accordance of the provisions of R.S. 48e 4-
7 59 the following transfer for the 2008
8 appropriation reserves be and the same
9 are hereby authorized and approved:
10 Social Security 30,000, unemployment
11 compensation 20,000 to information,
12 salary and wage 50,000. So move.

13 COMMISSIONER TUCCI: Second.

14 THE CLERK: Commissioner Scarpelli?

15 COMMISSIONER SCARPELLI: Aye.

16 THE CLERK: Commissioner Evans?

17 COMMISSIONER EVANS: Aye.

18 THE CLERK: Commissioner Tucci?

19 COMMISSIONER TUCCI: Aye.

20 COMMISSIONER EVANS: Be it resolved
21 by the Board of Commissioners of the
22 Township of Nutley in the County of
23 Essex, State of New Jersey, that the
24 treasurer be and she is hereby authorized
25 to refund an overpayment of property

1 Nutley Board of Commissioners, 2/17/09
2 taxes in the amount of \$25~~7~~1.3~~0~~ for the
3 said year 2008~~e~~ Block 900, Lot 1
4 qualifier C403~~d~~. So move.

5 COMMISSIONER TUCCI: Second.

6 THE CLERK: Commissioner Scarpelli?

7 COMMISSIONER SCARPELLI: Aye.

8 THE CLERK: Commissioner Evans?

9 COMMISSIONER EVANS: Aye.

10 THE CLERK: Commissioner Tucci?

11 COMMISSIONER TUCCI: Aye.

12 COMMISSIONER EVANS: Whereas, an
13 application was filed for the allowance
14 of the senior citizen deduction with
15 proper supporting documentation that is
16 making the taxpayer eligible for the
17 annual property tax deduction. Whereas,
18 Ida Feldudo (ph.) having satisfied the
19 property tax obligation for the fiscal
20 year 2008 now reflects a 25~~0~~ dollar tax
21 overpayment for said year. Now~~e~~
22 therefore, be it resolved by the Board of
23 Commissioners of the Tow~~a~~ship of Nutley,
24 County of Essex, State of New Jersey,
25 hereby authorize the tow~~a~~ship treasurer

1 Nutley Board of Commissioners, 2/17/09
2 to issue a refund in the amount of 250
3 dollars to the estate of Ida Feludo of
4 11 Howarth Place, Nutley, also known as
5 Block 5601, Lot 36. And be it finally
6 resolved that a certified copy of this
7 resolution be forwarded to the treasurer
8 and tax collector. So move.

9 COMMISSIONER TUCCI: Second.

10 THE CLERK: Commissioner Scarpelli?

11 COMMISSIONER SCARPELLI: Aye.

12 THE CLERK: Commissioner Evans?

13 COMMISSIONER EVANS: Aye.

14 THE CLERK: Commissioner Tucci?

15 COMMISSIONER TUCCI: Aye.

16 COMMISSIONER EVANS: Be it resolved
17 by the Board of Commissioners of the
18 Township of Nutley in the County of
19 Essex, the State of New Jersey that the
20 treasurer be and she is hereby authorized
21 to refund overpayment of property tax due
22 to tax court judgments as detailed below.

23 Block 502, Lot 14: \$2,667.05 for
24 the year 2006 and \$2,836.18 for the year
25 2007 and \$2,971.48 for the year 2008e

1 Nutley Board of Commissioners, 2/17/09

2 702, Lot 10: \$1,998.50 for the year
3 2008e

4 Block 1900, Lot 26: \$10,963.40 for
5 the year 2006; \$11,658.64 for the year
6 2007 and \$12,214.83 for the year 2008e

7 Block 3100, block (sic) 29e \$2,180
8 for 2007; \$2,284 for the year 2008e

9 Block 3107, Lot 7: \$706.83 for the
10 year 2007; \$740.02 for the year 2008e

11 Block 3107, Lot 21: \$3,178.44 for
12 the year 2007; \$3,330.07 for the year
13 2008e

14 Block 7101, Lot 20: \$3,128.80 for
15 the year 2006; \$3,326.68 for the year
16 2007; \$3,485.88 for the year 2008e

17 Block 7202, Lot 4: \$2,617.85 for
18 the year 2006; \$2,783.86 for the year
19 2007; \$641.80 for the year 2008e

20 Block 7501, Lot 2: \$2,607.28 for the
21 year 2007; \$2,734.66 for the year 2008e

22 Block 9604, Lot 14: \$3,375.26 for
23 the year 2008e

24 Block 9604, Lot 5: \$3,276.54 for
25 the year 2007.

1 Nutley Board of Commissioners, 2/17/09

2 Block 9204, Lot 8: \$748.25 for the
3 year 2006. So move.

4 COMMISSIONER ^{Scarpelli}~~TUCCI~~ Second.

5 THE CLERK: Commissioner Scarpelli?

6 COMMISSIONER SCARPELLI: Aye.

7 THE CLERK: Commissioner Evans?

8 COMMISSIONER EVANS: Aye.

9 THE CLERK: Commissioner Tucci?

10 COMMISSIONER TUCCI: Aye.

11 COMMISSIONER EVANS: Whereas, the
12 Township of Nutley currently uses a
13 specialized computer software accounting
14 system developed by Edmunds & Associate,
15 Inc. and has used this system for a
16 number of years. And whereas NJSA
17 40A:el1-51dd allows for an exception to
18 public bidding for the provision or
19 performance of goods and services for in
20 support of maintenance of proprietary
21 computer hardware and software. Nor
22 funds are available in 901208200 and have
23 been certified by chief financial officer
24 said certification they attach to this
25 resolution. Now, therefore be it

1 Nutley Board of Commissioners, 2/17/09

2 resolved by the Board of Commissioners of
3 the Township of Nutley, County of Essex,
4 State of New Jersey, that a contract for
5 the maintenance in support of a
6 proprietary computer accounting system
7 currently in use by the township be
8 awarded by Edmunds & Associates, Inc, 301
9 Tilton Road, Northfield, New Jersey not
10 to exceed 11,274 dollars. And that the
11 mayor and township clerk be and are
12 hereby authorized to enter into an assign
13 said contract for the Township of Nutley.
14 So move.

15 COMMISSIONER ^{Scarpelli}~~TUCCI~~: Second.

16 THE CLERK: Commissioner Scarpelli?

17 COMMISSIONER SCARPELLI: Aye.

18 THE CLERK: Commissioner Evans?

19 COMMISSIONER EVANS: Aye.

20 THE CLERK: Commissioner Tucci?

21 COMMISSIONER TUCCI: Aye.

22 COMMISSIONER EVANS: Commissioner
23 Tucci.

24 COMMISSIONER TUCCI: Yes. Whereas,
25 the Township of Nutley has a need to

1 Nutley Board of Commissioners, 2/17/09
2 acquire a dental plan services on behalf
3 of the township and whereas such services
4 may be required as a non fair and open
5 contract pursuant to the provisions of
6 NJSA 19:44A-20.4 or 20.5 as appropriate.
7 And whereas the township has negotiated
8 with Delta Dental of New Jersey, Inc.,
9 P.O. Box 222, Parsippany, New Jersey and
10 has retained a two-year renewal rate with
11 a 5.4 percent decrease over our 2008
12 premium rate. And whereas the
13 anticipated cost for this service will
14 not exceed 290,000 dollars per year.
15 Whereas, funds are available from
16 accounts number 226-243 and 707243 and
17 have been certified with the chief
18 financial officer. And whereas Delta
19 Dental New Jersey has completed and
20 submitted a business entity disclosure
21 certification which certifies that Delta
22 Dental has not made any reportable
23 contributions to a political or candidate
24 committee in the Township of Nutley in
25 the previous one-year and that the

1 Nutley Board of Commissioners, 2/17/09

2 contract will prohibit Delta Dental from
3 making any reportable contributions
4 through the term of the contract. Now
5 therefore, be it resolved that the Board
6 of Commissioners in the Township of
7 Nutley authorizes the commissioner of
8 parks and public property to enter into a
9 contract with Delta Dental of New Jersey,
10 Inc. I move the resolution.

11 COMMISSIONER ^{Scarpelli}~~EVANS~~: Second.

12 THE CLERK: Commissioner Scarpelli?

13 COMMISSIONER SCARPELLI: Aye.

14 THE CLERK: Commissioner Evans?

15 COMMISSIONER EVANS: Aye.

16 THE CLERK: Commissioner Tucci?

17 COMMISSIONER TUCCI: Aye.

18 COMMISSIONER TUCCI: Whereas, the
19 Township of Nutley provides its senior
20 social daycare program and whereas there
21 is need to provide lunch within this
22 program and whereas Classic Caterers,
23 P.O. Box 295, Irvington, New Jersey has
24 submitted a proposal indicating that they
25 will provide this service for an amount

1 Nutley Board of Commissioners, 2/17/09
2 not to exceed 13,000 dollars per year.
3 And whereas funds are available from
4 account T-24-908-901 and have been
5 certified by the chief financial officer.
6 Now, therefore, be it resolved that the
7 Board of Commissioners in the Township of
8 Nutley authorizes the commissioner of
9 parks and public property to enter into a
10 contract with Classic Caterers. I move
11 the resolution.

12 COMMISSIONER SCARPELLI: Second.

13 THE CLERK: Commissioner Scarpelli?

14 COMMISSIONER SCARPELLI: Aye.

15 THE CLERK: Commissioner Evans?

16 COMMISSIONER EVANS: Aye.

17 THE CLERK: Commissioner Tucci?

18 COMMISSIONER TUCCI: Aye.

19 COMMISSIONER TUCCI: Be it resolved
20 by the Board of Commissioners in the
21 Township of Nutley in the County of
22 Essex, New Jersey, the township clerk is
23 hereby authorized to advertise for sealed
24 bids for the purchase and delivery of
25 trees; bids to be received on Wednesday,

1 Nutley Board of Commissioners, 2/17/09
2 March 18, 2009, in the commissioner's
3 chambers township hall at 3 p.m. At
4 which time they will be publicly opened
5 and read. I move the resolution.

6 COMMISSIONER SCARPELLI: Second.

7 THE CLERK: Commissioner Scarpelli?

8 COMMISSIONER SCARPELLI: Aye.

9 THE CLERK: Commissioner Evans?

10 COMMISSIONER EVANS: Aye.

11 THE CLERK: Commissioner Tucci?

12 COMMISSIONER TUCCI: Aye.

13 COMMISSIONER TUCCI: Whereas, it is
14 the policy of the Township of Nutley to
15 treat the public employees, perspective
16 employees, appointees, volunteers and
17 contractors in a matter consistent with
18 all applicable civil rights laws and
19 regulations including but not limited to
20 the federal Civil Rights Act of 1964 as
21 subsequently amended, the New Jersey law
22 against discrimination, the Americans
23 with Disabilities Act and the
24 Conscientious Employer Protection Act and
25 whereas the governing body of the

1 Nutley Board of Commissioners, 2/17/09

2 Township of Nutley has determined that
3 certain procedures need to be established
4 to accompany this policy. Now,
5 therefore, be it adopted by the Board of
6 Commissioners with:

7 Section 1: No official employee,
8 appointee or volunteer of the township by
9 whatever title known or any entity that
10 is any way a part of, contracted to or
11 receive funds from the township shall
12 engage, either directly or indirectly, in
13 any act including the failure to act that
14 constitutes discrimination, harassment or
15 a violation of any person's civil rights
16 while such official employee, appointee,
17 volunteer, contractor or entity is
18 engaged in or acting on behalf of the
19 township business or using the facilities
20 or property of the township.

21 Section 2: The prohibitions and
22 requirements of this resolution shall
23 extend to any person or entity, including
24 but not limited to any volunteer
25 organization or interlocal organization

1 Nutley Board of Commissioners, 2/17/09
2 or be structured as a governmental agency
3 or as a private entity that receives
4 authorization or support in any way from
5 the township to provide services that
6 otherwise could be performed by the
7 township.

8 Section 3: Discrimination,
9 harassment and civil rights shall be
10 defined for purposes of this resolution
11 using the latest definitions contained
12 and the applicable federal and state laws
13 concerning discrimination, harassment and
14 civil rights.

15 Section 4: The township attorney
16 shall establish written procedures for
17 any person to report alleged
18 discrimination, harassment in violation
19 of civil rights prohibited by this
20 resolution. Such procedures shall
21 include multiple ways to report a
22 complaint so that the person making the
23 complaint is not intimidated in the event
24 that the person who allegedly violated
25 this resolution is the normal contact for

1 Nutley Board of Commissioners, 2/17/09

2 such complaints.

3 Section 5: No person shall
4 retaliate against any person who reports
5 any alleged discrimination, harassment or
6 violation of civil rights provided,
7 however, that any person who reports
8 alleged violation in bad faith shall be
9 subject to the applicable penalties under
10 the lawe

11 Section 6: The towaship attorney
12 shall establish written procedures that
13 require all officials, employees,
14 appointees and volunteers of the
15 towaship, as well as all of the entities
16 subject to this resolution to
17 periodically complete training concerning
18 their duties, responsibilities and rights
19 pursuant to this resolution.

20 Section 7: The towaship attorney
21 shall establish a system to monitor
22 compliance and shall report at least
23 annually to the government body.

24 Section 8: At least annually, the
25 towaship attorney shall cause a summary

1 Nutley Board of Commissioners, 2/17/09
2 of this resolution, the procedures
3 established pursuant to this resolution
4 to be included in at least one written
5 communications mailing widely distributed
6 within the tow~~e~~ship. This communication
7 shall include a statement from the
8 governing body expressing its unequivocal
9 commitment to enforce this resolution.
10 The summary shall also be posted on the
11 tow~~e~~ship's website.

12 Section 9: This resolution shall
13 take effect immediately.

14 Section 10: A copy of this
15 resolution shall be published in the
16 official new~~s~~paper of the tow~~e~~ship in
17 order for the public to be made awa~~r~~e of
18 this policy and the tow~~e~~ship's commitment
19 to the implementation and enforcement of
20 this policy. I move the resolution.

21 COMMISSIONER ~~EVANS~~^{Scarpelli}: Second.

22 THE CLERK: Commissioner Scarpelli?

23 COMMISSIONER SCARPELLI: Aye.

24 THE CLERK: Commissioner Evans?

25 COMMISSIONER EVANS: Aye.

1 Nutley Board of Commissioners, 2/17/09

2 THE CLERK: Commissioner Tucci?

3 COMMISSIONER TUCCI: Aye. That's
4 all I have.

5 COMMISSIONER EVANS: Thank you,
6 Commissioner.

7 That concludes the business portion
8 of our meeting. We'll open it to the
9 public. And before I do that, I have to
10 read a statement.

11 All persons addressing the Board of
12 Commissioners regarding community
13 concerns should approach the microphone
14 and provide their name and address for
15 the record. Unless further time is
16 granted by the board, each person shall
17 limit their address to five minutes. All
18 remarks to the board and its individual
19 members must be addressed to the Mayor.
20 The Mayor may defer citizen's comments to
21 the appropriate member of the board.
22 Dialogue between citizens and others
23 addressing the board shall be allowed
24 unless the mayor or presiding officer or
25 the majority of the membership of the

1 Nutley Board of Commissioners, 2/17/09
2 board shall determine that at the
3 interest of the quorum and/or the
4 expeditious conduct of municipal business
5 are being adversely affected by such
6 dialogue.

7 So would anyone like to address the
8 commissioner's now?

9 MS. DOLA: Hi. My name is Mary Ann
10 Dola (ph.). I live in Cambridge Heights,
11 347 Winthrop Drive, Nutley, New Jersey.

12 I spoke to Mr. Scarpelli prior to
13 the meeting about the snow taken out of
14 our place. This year it was terrible.
15 It was really terrible. I think once I
16 seen them pass because I live in the
17 front. The Nutley -- tow~~a~~ of Nutley
18 passed with even the salt. Who did it
19 better was his father. So his father did
20 it.

21 COMMISSIONER EVANS: Mr. Scarpelli's
22 here.

23 MS. DOLA: And we're tired of it.
24 We're tired of being treated like we were
25 born on the other side of the tracks. We

1 Nutley Board of Commissioners, 2/17/09
2 don't. We pay a large majority of the
3 taxes in the town of Nutley. And now
4 we're starting to get mad. We're not
5 going to put up with this anymore. We're
6 not going to put with a lot of things
7 that are being done to us. Just like our
8 property went down fifty to sixty
9 thousand dollars but our property taxes
10 went up.

11 COMMISSIONER EVANS: Property tax
12 assessments went down.

13 MS. DOLA: Yeah.

14 COMMISSIONER EVANS: Yes,
15 absolutely.

16 MS. DOLA: But our property taxes
17 went up.

18 COMMISSIONER EVANS: Operating costs
19 for the town go up so the rate will go
20 up.

21 MS. DOLA: Well, our tax -- I pay
22 close to eleven thousand dollars for a
23 townhouse. That's a lot of money.

24 UNIDENTIFIED SPEAKER:

25 (Indiscernible).

1 Nutley Board of Commissioners, 2/17/09

2 MS. DOLAR: That's right; a lot of
3 money. And we're treated like we're the
4 second-hand citizens. Well, we're not
5 going to put up with it anymore.

6 COMMISSIONER EVANS: Thank you.
7 Commissioner Scarpelli, would you like to
8 address the snow removal?

9 COMMISSIONER SCARPELLI: I'll pass
10 on the compliments to my dad. Ms. Dola,
11 I spoke to you before the meeting and I
12 spoke to Mr. Collari (ph.) when he was at
13 the last meeting.

14 MS. DOLA: Not to me.

15 COMMISSIONER SCARPELLI: I am
16 talking to you. And the first storm, I
17 admit, that we did not do a good job not
18 only in Cambridge Heights but all over.
19 Since that time, I've been out with every
20 storm. I'm sorry to disagree with you.
21 We have someone that's dedicated to
22 staying in Cambridge Heights until it's
23 finished. So they're there. They're
24 salting and they're plowing. And I'm
25 sorry that --

1 Nutley Board of Commissioners, 2/17/09

2 MS. SADOLA: I'm sorry, you're
3 wrong.

4 COMMISSIONER SCARPELLI: Excuse me?

5 MS. DOLA: You're wrong.

6 COMMISSIONER SCARPELLI: We'll agree
7 to disagree. But it's been done and I
8 think it's been done much better. I've
9 been through it myself after every storm.
10 So I'm sorry to disagree with you.

11 MS. DOLA: Well, I live there. I
12 live right in the front. And if the
13 front isn't done, imagine what the back
14 looks like.

15 COMMISSIONER SCARPELLI: Well, sorry
16 to disagree with you.

17 UNIDENTIFIED SPEAKER:
18 (Indiscernible).

19 COMMISSIONER SCARPELLI: And I told
20 you, we'll all sit down after the next
21 snow storm, we're going to have a cup of
22 coffee and we'll look. Thank you.

23 COMMISSIONER EVANS: Would anyone
24 like to -- else like to address the
25 commissioner's now?

1 Nutley Board of Commissioners, 2/17/09

2 MR. MOORE: William Moore (ph.e), 462
3 Chestnut Street. I think this is a great
4 day because we have Mr. Genitempo here
5 and we have the ordinance that you're
6 putting in, or resolution, for actualy,
7 probably, Title VII for the -- that Mr.
8 Tucci has introduced. And if I may, I'd
9 like to ask Mr. Genitempo because he
10 signed the book. And I remember asking
11 Mr. Genitempo this question at a prior
12 meeting. And that was for the -- it was
13 the red book, the employee handbook. Is
14 that considered to be under the -- do you
15 remember that? Do you recald that by any
16 chance?

17 COMMISSIONER EVANS: Mr. Moore, your
18 question should be addressed to us.

19 MR. MOORE: Well, I'm asking you and
20 then you can ask Mr. Genitempo and then
21 he can give you an answer and you can
22 give it to me.

23 COMMISSIONER EVANS: And after the
24 meeting, I'd ask him.

25 MR. MOORE: No, I'd like the answer

1 Nutley Board of Commissioners, 2/17/09
2 now because it has a lot to do with the
3 resolutions brought tonight, the federal
4 resolution, as far as the employees you
5 can't harass.

6 COMMISSIONER EVANS: I'm not
7 familiar with the book. So I have to
8 talk to Mr. Genitempo about it.

9 MR. MOORE: You can't -- I could ask
10 Mr. Markelson (ph.) to stand up and
11 attest that I did bring the book up, it
12 was a red book, and we talked about the
13 drug testing. And specifically to the
14 fireman that has to go under drug testing
15 now. And now that you're introducing
16 this resolution, I want to get a very
17 clear status. According to your
18 resolution, the town attorney shall
19 write -- now, where's the drug testing
20 procedures? That's what we've been
21 asking for six months.

22 COMMISSIONER EVANS: Is this related
23 to the drug testing?

24 COMMISSIONER TUCCI: We have, in
25 fact, gone back and revised our drug

1 Nutley Board of Commissioners, 2/17/09
2 policies and our drug testing policies.

3 MR. MOORE: But where's the
4 revision?

5 COMMISSIONER TUCCI: Let me finish.
6 You want an answer or you want to talk?

7 MR. MOORE: I want an answer
8 actually.

9 COMMISSIONER TUCCI: Okay. Well,
10 what we did was we went back and we
11 reviewed it and we revised it and for any
12 collective bargaining agreement that does
13 not have a drug or alcohol testing
14 provision in it, this will cover it. And
15 it will be introduced and adopted very
16 shortly. It's going through final review
17 now. All right. All the commissioners
18 have it. It's been distributed. We're
19 just waiting for the final comment to
20 come back and then it will be adopted.

21 MR. MOORE: I'd like to see a copy
22 of that draft which I'm allowed to have.

23 COMMISSIONER TUCCI: Well, you're
24 allowed to have it. You know the
25 procedure, you know the drill. Apply for

1 Nutley Board of Commissioners, 2/17/09

2 it.

3 MR. MOORE: The reason I'm asking,
4 Mr. Tucci, is because --

5 COMMISSIONER TUCCI: Mr. Moore, no
6 one's trying to withhold it from you. I
7 mean it's going to be public policy.

8 MR. MOORE: You see, try it from
9 this side. Try it beyond this side of
10 the microphone and ask the question; Mr.
11 Melcher (ph.) didn't ask it, I asked it
12 several times. I brought the red book
13 in. I brought the cover letter from Mr.
14 Genitempo's office.

15 COMMISSIONER TUCCI: Okay.

16 MR. MOORE: Mr. Genitempo did, prior
17 to this evening's discussion, he did say
18 that was written and that was in, as far
19 as the law was concerned to Nutley
20 Township. Then all of a sudden we had an
21 answer that when the fire department --
22 the fireman driving while he was on drugs
23 or drinking, and all of a sudden it
24 wasn't done. We have to revise the
25 policy. But then you revised this policy

1 Nutley Board of Commissioners, 2/17/09

2 which is nothing more than a federal
3 standard. And I want to know, where is
4 the policy? Because it says --

5 COMMISSIONER TUCCI: I think you're
6 confusing --

7 MR. MOORE: No, I'm not confusing.

8 COMMISSIONER TUCCI: Well, let me
9 understand, then, what you're saying,
10 okaye The resolution that I presented
11 this evening concerning civil rights and
12 harassment --

13 MR. MOORE: No, it's not.

14 COMMISSIONER TUCCI: -- was a
15 re -- that was a resolution that I
16 introduced. It was a reaffirmation, all
17 right, of the township's policy. It was
18 suggested to us by the Joint Insurance
19 Fund, which I am in the chairman of, that
20 we do that to strengthen our defenses in
21 the event that any incident occurs within
22 the township and someone brings a case
23 against us similar to the case that was
24 brought in Secaucus where there were
25 major damages paid. That was the reason.

1 Nutley Board of Commissioners, 2/17/09

2 MR. MOORE: This is not --

3 COMMISSIONER TUCCI: That's got
4 nothing to do -- let me finish, that's
5 got nothing to do with the drug and
6 alcohol policy. That's separate and
7 distinct.

8 MR. MOORE: Wait, I'm sorry, you're
9 wrong because this is just a federal law
10 that you're introducing tonight, which
11 should have been done, like, ten years
12 ago.

13 COMMISSIONER TUCCI: And what was
14 the title?

15 MR. MOORE: If you look at Section
16 1, I believe it's going to be sentence 3.
17 Mr. Genitempo, you can confirm if I'm
18 incorrect, "No township -- the township
19 shall engage either directly or
20 indirectly or in any -- including a
21 failure to act."

22 COMMISSIONER EVANS: Does --

23 MR. MOORE: Do you want a copy of
24 it?

25 COMMISSIONER TUCCI: Howard, do you

1 Nutley Board of Commissioners, 2/17/09
2 want to answer that, please?

3 COMMISSIONER EVANSe Right, go
4 ahead, go ahead. But I guess, Mr.
5 Genitempo, is it clear -- it's clear to
6 me that -- and I just want to clarify
7 that this resolution tonight relates to
8 harassment in the workplace.

9 COMMISSIONER TUCCIe Civil rights
10 and harassment.

11 COMMISSIONER EVANSe Civil rights
12 and harassment. It has nothing to do
13 with the drug policy. We have not
14 introduced it and is not before the court
15 tonight.

16 MR. MOOREe So if --

17 MR. GENITEMPOe If I may, this is the
18 general policy that the MEL actually
19 provides to us.

20 COMMISSIONER TUCCIe That's right.

21 MR. GIANTEMTPe It's their document.
22 We're just adopting it. It covers not
23 only New Jersey law but federal law with
24 regard to harassment, discrimination,
25 retaliation and so forth. It has nothing

1 Nutley Board of Commissioners, 2/17/09
2 to do with the drug policy. That's a
3 totally separate policy that's going to
4 be enacted shortly.

5 This is a requirement that we need
6 to look at. Something that isn't
7 implemented recently to make sure that
8 every town underneath the MEL is properly
9 passing resolutions reaffirming their
10 anti-discrimination policy. And that's
11 what all this really does.

12 MR. MOORE: So under the civil
13 rights, did I misunderstand this, under
14 the civil rights, a paid fireman is going
15 to be allowed to drive around drunk.

16 COMMISSIONER EVANS: Mr. Moore, I
17 think you're making an unreasonable --

18 MR. MOORE: And my civil rights will
19 not be violated.

20 COMMISSIONER EVANS: I mean, let me
21 characterize it this way. Drug policy is
22 not a matter before the Board of
23 Commissioners tonight. When it is --

24 MR. MOORE: When is it going to
25 become a matter before the board?

1 Nutley Board of Commissioners, 2/17/09

2 COMMISSIONER EVANS: Commissioner
3 Tucci has acknowledged the policy. That
4 manual is in review. Once it's before
5 the board, we'll be happy to entertain
6 your questions. I'd like to move on. Do
7 you have other business?

8 MR. MOORE: Yes, I do. Actually,
9 I'm very glad Mr. Genitempo's here this
10 evening because I asked -- Mse Cocchiola
11 read the statement, the opening
12 statement, for the public session --

13 COMMISSIONER EVANS: Excuse me, go
14 ahead.

15 MR. MOORE: -- and you just read it
16 this evening. And Mr. Genitempo, do you
17 remember -- I believe it was May '07
18 before Judge Bernard (ph.) that we had a
19 number of issues before Judge Bernard and
20 he had made a statement that because this
21 was an unpublished agenda that there
22 would be no restrictions to questions or
23 an amount of time that persons may ask
24 questions.

25 MR. GENITEMPO: May I?

1 Nutley Board of Commissioners, 2/17/09

2 COMMISSIONER EVANS: Absolutely.

3 MR. GENITEMPO: You're completely
4 wrong. When you brought suit against the
5 mayor in that matter, which was dismissed
6 by Judge Bernard if you remember
7 correctly.

8 MR. MOORE: Yes, that's correct.

9 MR. GENITEMPO: The judge made no
10 comment on the way we run our meeting.
11 We were at full compliance with the lawe
12 And that we could do what we wanted to as
13 long as stayed within the bounds of the
14 lawe which we were doing anyway.

15 MR. MOORE: Okay, but then --

16 MR. GENITEMPO: That's what I
17 remember from Judge Bernard's statement.

18 MR. MOORE: Well, I remember his --

19 MR. GENITEMPO: I was there. I was
20 in the courtroom.

21 MR. MOORE: I know that. I was
22 there. I specifically remember him
23 making reference to an unpublished
24 agenda. And what I'd like to know is,
25 since you're giving your legal opinion

1 Nutley Board of Commissioners, 2/17/09

2 you were there, could you cite for --

3 MR. GENITEMPO: I'm not giving you a
4 legal opinion I'm telling you the facts.

5 MR. MOORE: -- could you cite the
6 authority? Could you site the authority
7 for this?

8 MR. GENITEMPO: I don't even know
9 what you're holding up but I'm telling
10 you -- I'm not giving a legal opinion,
11 I'm telling what the facts are.

12 MR. MOORE: What does legal -- what
13 does a lawyer do?

14 MR. GENITEMPO: The fact was it was
15 the Judge's decision. You ask him.

16 MR. MOORE: I will. I asked him
17 directly a request for a copy which I
18 received. I asked for the authority. I
19 haven't received the authority. Is there
20 going to be a problem get -- to find out
21 the authority?

22 COMMISSIONER EVANS: There shouldn't
23 be -- there's --

24 MR. MOORE: There is an authority,
25 because you have no right to just

1 Nutley Board of Commissioners, 2/17/09

2 arbitrarily put something into the
3 recorde

4 COMMISSIONER EVANS: We're not
5 arbitrarily doing ite We've read it into
6 the recorde We as a board, we agree then
7 we're --

8 MR. MOORE: Then you can show me the
9 authoritye I can read the record tonight
10 too and it doesn't give any --

11 COMMISSIONER EVANS: If there is an
12 authority that we would reference to then
13 we will provide it.

14 MR. MOORE: Well, that's -- I asked
15 during the openere I didn't receive the
16 authoritye That's what I'm asking fore

17 COMMISSIONER EVANS: And I will take
18 it up with the mayor.

19 MRe MOORE: Oh, okaye And I'll take
20 care of it tooe

21 COMMISSIONER EVANS: Move one

22 MRe MOORE: The resolution you had
23 this evening, Social Security and
24 unemployment compensation, and you moved
25 fifty thousand dollars into thate The

1 Nutley Board of Commissioners, 2/17/09

2 last time you did this, I believe, it was
3 back in December, I called Social
4 Security and I asked them if you're
5 allowed to move it out the account,
6 because I remember asking you about that
7 specifically. And they said that was a
8 no-no. It was pass-through. So that if
9 you collected taxes they were supposed to
10 go straight through. Could you explain
11 to me, before I write this saying -- do
12 you hold that in that account?

13 COMMISSIONER EVANS: No, it has
14 nothing to do with holding. We budget
15 amounts for the year what we believe is
16 going to be our requirement the employer
17 portion; not the employee portion, the
18 employer portione

19 MR. MOORE: So this is the employer
20 portion?

21 COMMISSIONER EVANS: The employer
22 portion, correct. And so we're just
23 doing a transfer. We're well within the
24 rules.

25 MR. MOORE: And according to the --

1 Nutley Board of Commissioners, 2/17/09

2 so I guess you overbudgeted for this, is
3 that -- am I correct?

4 COMMISSIONER EVANS: Sure.

5 MR. MOORE: Now, when you moved it
6 over to information systems, how many
7 people work in information systems right
8 now?

9 COMMISSIONER EVANS: Currently?

10 MR. MOORE: Currently.

11 COMMISSIONER EVANS: We have one
12 full-time and one part-time and one
13 volunteer.

14 MR. MOORE: One volunteer. Who's
15 volunteering? I'd like to volunteer for
16 that.

17 COMMISSIONER EVANS: We have one --
18 we get our resource out of the department
19 of public works.

20 MR. MOORE: As a volunteer?

21 COMMISSIONER EVANS: Because it's
22 not in my book, so to me it's a borrowed
23 person so it doesn't cost -- it's not in
24 my department so for me it's a volunteer.

25 MR. MOORE: But it's out of the

1 Nutley Board of Commissioners, 2/17/09
2 taxpayer's money?

3 COMMISSIONER EVANS: Absolutely.

4 MR. MOORE: So basic -- with the
5 volunteers, is the volunteer full?

6 COMMISSIONER EVANS: Part-time. For
7 my services, it's on an as needed basis.

8 MR. MOORE: As needed. So the
9 gentleman that Mr. Arrechio (ph.) fired,
10 we hired him back, isn't that correct?

11 COMMISSIONER EVANS: That's a matter
12 of -- that's pending before the Board of
13 Commissioners and it's under litigation
14 and I can't comment on it.

15 MR. MOORE: I didn't ask you to
16 comment, I said he was supposed to come
17 back, that was the agreement.

18 COMMISSIONER EVANS: As I said, I
19 can't comment on it. Please move on.

20 MR. MOORE: No, I'm trying to find
21 out. So we had -- he'll be coming back
22 so that'd be two full-time employees,
23 presumably.

24 COMMISSIONER EVANS: Mr. Moore, I've
25 said it twice already; I'm not going to

1 Nutley Board of Commissioners, 2/17/09

2 say it again.

3 MR. MOORE: Okay.

4 COMMISSIONER EVANS: Please move on.

5 MR. MOORE: You have the resolution
6 also for Edmunds Associates?

7 COMMISSIONER EVANS: Yes.

8 MR. MOORE: I had asked you a number
9 of times on the payroll sheets and I know
10 Mr. Schuster (ph.) has done that, if you
11 could put the account number in here.

12 COMMISSIONER EVANS: Yeah, I don't
13 need it for my purpose and I don't have
14 to do it --

15 MR. MOORE: But I'd like to -- I
16 might need it for my purpose.

17 COMMISSIONER EVANS: I don't need to
18 do it for your purpose and it's fine for
19 mine, so I'm not going to do it.

20 MR. MOORE: Do they have that? And
21 apparently, they have different job
22 descripts and they run Microsoft Office.
23 So you tell me that --

24 COMMISSIONER EVANS: Mr. Moore.

25 MR. MOORE: -- you can't put this in

1 Nutley Board of Commissioners, 2/17/09

2 there?

3 COMMISSIONER EVANS: I don't need
4 to. I don't need to do it for your
5 benefit. I need to work on a system that
6 works for the township and I don't need
7 it for that purpose. So therefore, I'm
8 not going to do it.

9 MR. MOORE: So you -- so you have
10 the ability, you just don't want to do
11 it.

12 COMMISSIONER EVANS: I don't need to
13 do it.

14 MR. MOORE: Oh, you don't need to do
15 it. Do you think the taxpayers might
16 want to know? Because last meeting, I
17 asked you specifically about the EMTs.

18 COMMISSIONER EVANS: You need to --
19 if you need to look at a particular bill,
20 file an OPRA request, all the paperwork
21 will be provided to you. If you want
22 to ---

23 MR. MOORE: Do you really me file
24 the OPRA request again and have you take
25 the tables out and have you put all the

1 Nutley Board of Commissioners, 2/17/09
2 boxes up again? I'd be happy to do
3 that.

4 COMMISSIONER EVANS: If you need --

5 MR. MOORE: It just seems that
6 electronically -- it seems a waste.

7 COMMISSIONER EVANS: If you make a
8 reasonable request, we will follow it.
9 If you want to have all those copies laid
10 out then you will need to do that. But I
11 will not provide that information.

12 MR. MOORE: So that seems simpler?

13 COMMISSIONER EVANS: It's a choice.

14 MR. MOORE: Whose choice?

15 COMMISSIONER EVANS: Mine.

16 MR. MOORE: Okay. So you -- okay,
17 so once a month, we'd have everybody
18 take the boxes out so we can go look
19 through the bills.

20 COMMISSIONER EVANS: And we'd take
21 whatever reasonable action we need to
22 take.

23 MR. MOORE: Okay. We'd start that
24 tomorrow then.

25 Mr. Tucci, you have your ordinance

1 Nutley Board of Commissioners, 2/17/09

2 for in interlocal agreement. What is the
3 interlocal agreement about other than the
4 fact that you can establish green
5 services? Who's going to pay for what?
6 Because I remember you took money out,
7 not too long ago, to have a consultant
8 come in, I believe.

9 COMMISSIONER TUCCI: A consultant
10 look at this?

11 MR. MOORE: To establish how much
12 money we were actually going to save to
13 do a cost on the buildings because you
14 said --

15 COMMISSIONER TUCCI: No actually,
16 what we did was we spoke about what our
17 potential for savings were if we got
18 involved with the green initiative.

19 MR. MOORE: Didn't you hire a
20 consultant to do that?

21 COMMISSIONER TUCCI: No, I didn't
22 hire -- I haven't hired anybody.

23 MR. MOORE: Because I remember you
24 allotting money for that.

25 COMMISSIONER TUCCI: No, what --

1 Nutley Board of Commissioners, 2/17/09
2 maybe you're mixing it up. What we did
3 was we took a trip down to Noveda
4 Technology.

5 MR. MOORE: No, no, it wasn't that.
6 It was --

7 COMMISSIONER TUCCI: And -- let me
8 finish.

9 MR. MOORE: -- I remember you went
10 down there.

11 COMMISSIONER TUCCI: Let me finish.
12 Let's not be rude. What we did was we
13 investigated some different technologies
14 that are out there. We have not
15 contracted with any consultant or anyone
16 else. What tonight's resolution, what
17 that does, is it authorizes the township
18 and the Board of Ed to enter into
19 interlocal agreement which will authorize
20 us and give us the authority to apply to
21 the state of New Jersey for a shared
22 services grant so that we can proceed
23 with investigating and implementing some
24 of the green initiatives that have been
25 done in other places and it saves

1 Nutley Board of Commissioners, 2/17/09
2 substantial amounts of money. So
3 basically, that's all this resolution
4 does this evening. But we have not
5 contracted with anyone, yet.

6 MR. MOORE: Well, how is it going to
7 be? Is it interlocal? Is it going to be
8 50/50? The Board of Ed is going to pay
9 for half of that consultant?

10 COMMISSIONER TUCCI: I don't know
11 what the breakdown will be? I mean it
12 depends on how many facilities we're
13 talking about and how many buildings and
14 how many solar panels or thermal panels
15 we ultimately install, if, in fact that's
16 the way we go. I mean it's all very
17 premature at this point. These are the
18 beginning steps after the investigation.
19 So now, what we're trying to do is take
20 the information that we've gained and
21 begin implementing it so we can save
22 substantial amount of money in our energy
23 costs.

24 MR. MOORE: And that report would be
25 presented to the public is that correct?

1 Nutley Board of Commissioners, 2/17/09

2 COMMISSIONER TUCCI: What report?

3 MR. MOORE: The report that says --

4 COMMISSIONER TUCCI: There is no
5 report.

6 MR. MOORE: You went down to this
7 vendor, I remember, with Mr. Hawkins
8 (ph.) --

9 COMMISSIONER TUCCI: Yes, that's
10 correct.

11 MR. MOORE: -- the trip. And I had
12 told you that I was at a library board
13 meeting --

14 COMMISSIONER TUCCI: Right.

15 MR. MOORE: -- in which the
16 architect there had said that there
17 wasn't a substantial amount of savings in
18 this -- the green technology that you're
19 referring to.

20 COMMISSIONER TUCCI: Well, I don't
21 know who the architect was, I don't know
22 the context of the conversation that you
23 had, but I can tell you in Bayonne, all
24 right, they're saving a half a million
25 dollars a year. So I would have to

1 Nutley Board of Commissioners, 2/17/09

2 respectfully disagree with that
3 gentleman. I mean the building that I
4 was in is a net zero building. They not
5 only take care of all their needs within
6 the buildings but they also power their
7 cars which have electric batteries in
8 them with that same energy.

9 MR. MOORE: What building is that?
10 Bayonne?

11 COMMISSIONER TUCCIE No, it's the
12 building in Branchburg, the home office
13 of Noveda Technology.

14 MR. MOORE: That's the one who's
15 going to do the consulting for --

16 COMMISSIONER TUCCI: That's where we
17 went on the -- remember you asked me if
18 you could come and I said no?

19 MR. MOORE: And you wouldn't let me
20 come.

21 COMMISSIONER TUCCI: That's right I
22 said no. Right. And I haven't changed
23 my mind, yet. Okay.

24 MR. LAURIE: Frank Laurie (ph.) over
25 at Cambridge Heights. For the record,

1 Nutley Board of Commissioners, 2/17/09
2 you guys did a good job the last few
3 snowstorms regardless of what Mary says.

4 COMMISSIONER EVANS: Thank you.

5 MR. RAYNIVIGA: Jack Rayniviga
6 (ph.)e, 160 Park Avenue, Nutley for God
7 knows how long. Tucci, thank you. I
8 finally see some progress from '02 and
9 this green (indiscernible)e. Just to
10 address his questions on that. In '02 I
11 had the pleasure of your people and the
12 Board of Education surveying the towae of
13 Nutley and every building except one
14 public building in this towae was capable
15 of holding and producing solar power. At
16 that point, in '02, the Swedes and the
17 Russians bought all the powerer units up so
18 that we weren't able to get them if you
19 remember; you have the report on that.
20 So I'm very proud of you that you're
21 really pushing this agenda so maybe we
22 can save some money and wouldn't have to
23 pay as many taxes.

24 COMMISSIONER TUCCI: Hopefully all
25 of us wont'. Thank you.

1 Nutley Board of Commissioners, 2/17/09

2 MR. RAYNIVIGA: Mr. Scarpelli, I got
3 a question to ask you. When are we going
4 to fix some of the gopher holes?

5 COMMISSIONER SCARPELLI: It's an
6 ongoing process, Jack.

7 MR. RAYNIVIGA: Okay. Because I
8 notice a number of them --

9 COMMISSIONER SCARPELLI: This has
10 been a terrible winter not only with the
11 ice and the cold and the salt that we put
12 down --

13 MR. RAYNIVIGA: Killed it.

14 COMMISSIONER SCARPELLI: -- it
15 wrecks havoc on our streets, but it's on
16 ongoing process of filling the holes. It
17 will be ongoing.

18 MR. RAYNIVIGA: Secondly, I know
19 it's not the season to do that, now I
20 know it's --

21 COMMISSIONER SCARPELLI: It's a
22 little cold.

23 MR. RAYNIVIGA: -- the cold,
24 etcetera. Also, knocking of the spots on
25 the highway, you know, parking spots and

1 Nutley Board of Commissioners, 2/17/09
2 stuff like that, are we going to wait
3 until it's a warmer climate?

4 COMMISSIONER SCARPELLI: Yeah, we
5 won't clean anything on the streets until
6 the spring.

7 MR. RAYNIVIGA: Okay. Thank you for
8 your help with my other problem and
9 between the two of you, we will resolve
10 everything. I'll talk to you. But I
11 really am proud of you on this solar
12 power bit. The people don't know I had
13 tried to get it for my building; that's
14 how we came about all this.

15 COMMISSIONER SCARPELLI: That's
16 right.

17 MR. RAYNIVIGA: And the savings on
18 money for this town will more than take
19 care of your budget problems.

20 COMMISSIONER SCARPELLI: Yep.

21 MR. RAYNIVIGA: It's unbelievable.
22 Thank you.

23 COMMISSIONER EVANS: Would anyone
24 else like to address the court this
25 evening?

1 Nutley Board of Commissioners, 2/17/09

2 MSe SHUSTER: I would.

3 COMMISSIONER EVANS: Take your time
4 Sera.

5 MS. SHUSTER: I will. Does that
6 policy cover taxpayers or
7 (indiscernible)?

8 COMMISSIONER SCARPELLI: Covers all
9 people.

10 MS. SHUSTER: Well, I've been
11 abused. Sera Shuster, 462 Chestnut
12 Street. First I want to apologize for
13 missing so many meetings, but I promise
14 you I'll make it up to you.

15 COMMISSIONER SCARPELLI: It was
16 noticed.

17 COMMISSIONER EVANS: We missed you,
18 Sera.

19 COMMISSIONER TUCCI: Glad to have
20 you back.

21 MS. SHUSTER: Huh?

22 COMMISSIONER TUCCI: Glad to have
23 you back.

24 MS. SHUSTER: Okay, that's good. I
25 had an agenda tonight but the people I

1 Nutley Board of Commissioners, 2/17/09
2 want to talk to aren't here. So I'll
3 have to waite I didn't know Ida Feldudo
4 died. She was a good lady. She was a
5 good Nutley woman and she died.

6 COMMISSIONER EVANS: Thank you for
7 recognizing her.

8 MS. SHUSTER: Hum?

9 COMMISSIONER EVANS: Thank you for
10 recognizing her.

11 MR. SHUSTER: Oh, yes. She was a
12 good lady. I recognize good people as
13 well as bad people.

14 So anyway, I've asked you many times
15 if you would put the explanation why
16 you're paying people but you don't want
17 to do it. So I see here on the payables,
18 you gave out numerous 25@ dollars to
19 people. Why?

20 COMMISSIONER EVANS: Senior citizen
21 discounts is the majority of it.

22 MS. SHUSTER: Senior citizen --

23 COMMISSIONER EVANS: Yes, if you
24 qualify for a 25@ dollar tax deduction --

25 MS. SHUSTER: Well, I see people

1 Nutley Board of Commissioners, 2/17/09

2 here that could buy the tow~~a~~.

3 COMMISSIONER EVANS: Thank you for
4 that, Sera.

5 MS. SHUSTER: Honest. If that's for
6 the senior citizen discount, why are you
7 giving it to them? It should be deducted
8 from the property, you knowe

9 COMMISSIONER EVANS: Yes, these are
10 people that actually qualified during the
11 year. So after the bills were issued
12 they were qualified for it. So,
13 therefore, they were entitled a credit
14 back. It happens every year.

15 MS. SHUSTER: How well do you check
16 these people out?

17 COMMISSIONER EVANS: We make sure
18 they qualify against the standards.

19 MS. SHUSTER: That's a joke.

20 COMMISSIONER EVANS: Thank you,
21 Sera.

22 MS. SHUSTER: But I will make it up
23 to you. I'll be back.

24 COMMISSIONER EVANS: All right.
25 Thank you. Would anyone else like to

1 Nutley Board of Commissioners, 2/17/09
2 address the Board of Commissioners this
3 evening?

4 MS. SHUSTER: I didn't hear what you
5 said?

6 COMMISSIONER EVANS: I'm just asking
7 if anybody else would like to address the
8 court this evening.

9 MS. SHUSTER: Oh, I don't know
10 everybody should.

11 COMMISSIONER EVANS: Motion to
12 adjourn.

13 COMMISSIONER SCARPELLI: Move it.

14 COMMISSIONER TUCCI: Second.

15 THE CLERK: Commissioner Scarpelli?

16 COMMISSIONER SCARPELLI: Aye.

17 THE CLERK: Commissioner Evans?

18 COMMISSIONER EVANS: Aye.

19 THE CLERK: Commissioner Tucci?

20 COMMISSIONER TUCCI: Aye.

21 (End of audio)
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C E R T I F I C A T I O N

I, Ellen S. Kolman, 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 17, 2009e

Ellen S. Kolman SV

Ellen S. Kolman