TOWNSHIP OF NUTLEY, NEW JERSEY
BOARD OF COMMISSIONERS

PUBLIC MEETING

TRANSCRIPT OF

PROCEEDINGS

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

BEFORE:

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

ABSENT/EXCUSED:
Mayor Joanne Cocchiola
Commissioner Alphonse Petracco

Job No.: 200665
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COMMISSIONER EVANS: Please rise.

IN UNISON: Pledge of Allegiance

COMMISSIONER EVANS: Evelyn, read the notice.

THE CLERK: Yes, Commissioner.

Tuesday, February 17, 2009, pursuant to the requirements of the Open Public Meeting Law, Chapter 231, Public Laws 1975, notice of this meeting was published in the January 8, 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.

THE CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Here.

THE CLERK: Commissioner Petracco is absent/excused. Commissioner Evans?

COMMISSIONER EVANS: Here.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Here.

THE CLERK: Mayor Cocchiola is absent/excused at this time.
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Commissioner Evans will preside over the meeting as acting mayor.

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

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

COMMISSIONER SCARPELLI: Move it.

COMMISSIONER EVANS: Second.

THE CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Okay. I have a couple of other items. I have a request to submit an application to the division of ABC to extend a liquor license premise. And that would be for the Franklin Steak House on Franklin Avenue for an event to
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be held on March 7th. I need an approval please?

COMMISSIONER TUCCI: Move it.

COMMISSIONER SCARPELLI: Second.

THE CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

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

COMMISSIONER EVANS: Move it.

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.
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THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

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

COMMISSIONER EVANS: Thank you.

There are no reports tonight. The bills?

THE CLERK: Yes. Tuesday, February 17, 2009: Public affairs $65,449.65. Revenue and finance $2,100,883.07. Public safety $34,919.63. Public works $102,95.36. Parks and public property $416,922.86. Payroll as of February 6, $754,652.04 for a grand total bill is $3,474,422.61. And that's all for bills, Mayor.

COMMISSIONER SCARPELLI: Move bills.

COMMISSIONER EVANS: Second.

THE CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Thank you, Mayor.
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COMMISSIONER EVANS: Ordinances for introduction, Commissioner Tucci.

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

THE CLERK: March 17th.

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

COMMISSIONER SCARPELLI: Second.

THE CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Tucci?
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COMMISSIONER TUCCI: Aye.

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

COMMISSIONER SCARPELLI: Be it resolved by the Board of Commissioners, the Township of Nutley, County of Essex, New Jersey that a court's provision of our R.S. 48:4-5 the following transfers of 2008 appropriation reserves be and the same are hereby authorized and approved:

Department of Public Works and Water, water operation and salary and wages 3000 dollars to water operations other expenses 3000 dollars; engineering other expenses 9000 to street lighting, 9000 dollars for a total of 12,000 dollars. I move the resolution.

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Tucci?
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COMMISSIONER TUCCI: Aye.

COMMISSIONER SCARPELLI: I also have Mayor Cocchiola's resolutions. Whereas, an application to conduct single games has been received from St. Mary's Church to conduct the weekly bingo games for February 17, 2009 through February 23rd 2010. Whereas, the application has been reviewed and approved by the municipal clerk and the police department. Now therefore be it resolved by the Board of Commissioners, Township of Nutley, County of Essex, State of New Jersey, that the license is approved and the municipal clerk has authorized an issue of license to St. Mary's Church. I move the resolution.

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Scarpelli?
COMMISSIONER SCARPELLI: Aye.

THE CLERK: Commissioner Evans?
COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Tucci?
COMMISSIONER TUCCI: Aye.
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COMMISSIONER SCARPELLI: Whereas, an application is received for the Nutley Education Foundation for an on-premise 50/50 cash raffle to be held on March 27, 2009. Whereas, application has been reviewed and approved by the municipal clerk and the police department now therefore be resolved by the Board of Commissioners, Township of Nutley, County of Essex, State of New Jersey, that the license approved and the municipal clerk is authorized to issue a license to the Nutley Education Foundation. I move the resolution.

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

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

COMMISSIONER EVANS: Thank you.
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I will read mine next in our usual order. Be it resolved by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, in accordance of the provisions of R.S. 48:4-59 the following transfer for the 2008 appropriation reserves be and the same are hereby authorized and approved:

Social Security 30,000, unemployment compensation 20,000 to information, salary and wage 50,000. So move.

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

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

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taxes in the amount of $2501.30 for the
said year 2008, Block 900, Lot 1
qualifier C403a. So move.

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Scarpelli?
COMMISSIONER SCARPELLI: Aye.

THE CLERK: Commissioner Evans?
COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Tucci?
COMMISSIONER TUCCI: Aye.

COMMISSIONER EVANS: Whereas, an
application was filed for the allowance
of the senior citizen deduction with
proper supporting documentation that is
making the taxpayer eligible for the
annual property tax deduction. Whereas,
Ida Feldudo (ph.) having satisfied the
property tax obligation for the fiscal
year 2008 now reflects a 250 dollar tax
overpayment for said year. Now,
therefore, be it resolved by the Board of
Commissioners of the Township of Nutley,
County of Essex, State of New Jersey,
hereby authorize the township treasurer
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to issue a refund in the amount of 250
dollars to the estate of Ida Feledudo of
11 Howarth Place, Nutley, also known as
Block 5601, Lot 36. And be it finally
resolved that a certified copy of this
resolution be forwarded to the treasurer
and tax collector. So move.

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Scarpetti?

COMMISSIONER SCARPELLI: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

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

Block 502, Lot 14: $2,667.05 for
the year 2006 and $2,806.18 for the year
2007 and $2,971.48 for the year 2008.
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Block 1900, Lot 26: $10,663.40 for the year 2006; $11,656.64 for the year 2007 and $12,614.83 for the year 2008.


Block 3107, Lot 7: $706.83 for the year 2007; $740.02 for the year 2008.

Block 3107, Lot 21: $3,678.44 for the year 2007; $3,630.07 for the year 2008.

Block 7101, Lot 20: $3,628.60 for the year 2006; $3,626.68 for the year 2007; $3,685.88 for the year 2008.

Block 7202, Lot 4: $2,617.85 for the year 2006; $2,783.66 for the year 2007; $641.80 for the year 2008.

Block 7501, Lot 2: $2,607.28 for the year 2007; $2,673.66 for the year 2008.

Block 9604, Lot 14: $3,675.66 for the year 2008.

Block 9604, Lot 5: $3,676.54 for the year 2007.
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Block 9204, Lot 8: $748.25 for the
year 2006. So move.

Scarpelli
COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Scarpelli?
COMMISSIONER SCARPELLI: Aye.

THE CLERK: Commissioner Evans?
COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Tucci?
COMMISSIONER TUCCI: Aye.

COMMISSIONER EVANS: Whereas, the
Township of Nutley currently uses a
specialized computer software accounting
system developed by Edmunds & Associate,
Inc. and has used this system for a
number of years. And whereas NJSA
40A:11-51dd allows for an exception to
public bidding for the provision or
performance of goods and services for in
support of maintenance of proprietary
computer hardware and software. Nor
funds are available in 901208200 and have
been certified by chief financial officer
said certification they attach to this
resolution. Now, therefore be it
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resolved by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that a contract for the maintenance in support of a proprietary computer accounting system currently in use by the township be awarded by Edmunds & Associates, Inc, 301 Tilton Road, Northfield, New Jersey not to exceed $11,274 dollars. And that the mayor and township clerk be and are hereby authorized to enter into an assign said contract for the Township of Nutley. So move.

Scarpelli
COMMISSIONER TUCCI: Second.
THE CLERK: Commissioner Scarpelli?
COMMISSIONER SCARPELLI: Aye.
THE CLERK: Commissioner Evans?
COMMISSIONER EVANS: Aye.
THE CLERK: Commissioner Tucci?
COMMISSIONER TUCCI: Aye.
COMMISSIONER EVANS: Commissioner Tucci.
COMMISSIONER TUCCI: Yes. Whereas, the Township of Nutley has a need to
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acquire a dental plan services on behalf of the township and whereas such services may be required as a non fair and open contract pursuant to the provisions of NJSA 19:44A-20 or 20.5 as appropriate. And whereas the township has negotiated with Delta Dental of New Jersey, Inc., P.O. Box 222, Parsippany, New Jersey and has retained a two-year renewal rate with a 5.4 percent decrease over our 2008 premium rate. And whereas the anticipated cost for this service will not exceed 290,000 dollars per year. Whereas, funds are available from accounts number 226-243 and 707-43 and have been certified with the chief financial officer. And whereas Delta Dental New Jersey has completed and submitted a business entity disclosure certification which certifies that Delta Dental has not made any reportable contributions to a political or candidate committee in the Township of Nutley in the previous one-year and that the
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contract will prohibit Delta Dental from making any reportable contributions through the term of the contract. Now, therefore, be it resolved that the Board of Commissioners in the Township of Nutley authorizes the commissioner of parks and public property to enter into a contract with Delta Dental of New Jersey, Inc. I move the resolution.

Scarpelli

COMMISSIONER EVANS: Second.

THE CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

COMMISSIONER TUCCI: Whereas, the Township of Nutley provides its senior social daycare program and whereas there is need to provide lunch within this program and whereas Classic Caterers, P.O. Box 296, Irvington, New Jersey has submitted a proposal indicating that they will provide this service for an amount
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not to exceed $13,000 dollars per year.
And whereas funds are available from
account T-24-98-9-01 and have been
certified by the chief financial officer.
Now, therefore, be it resolved that the
Board of Commissioners in the Township of
Nutley authorizes the commissioner of
parks and public property to enter into a
contract with Classic Caterers. I move
the resolution.

COMMISSIONER SCARPELLI: Second.
THE CLERK: Commissioner Scarpelli?
COMMISSIONER SCARPELLI: Aye.
THE CLERK: Commissioner Evans?
COMMISSIONER EVANS: Aye.
THE CLERK: Commissioner Tucci?
COMMISSIONER TUCCI: Aye.
COMMISSIONER TUCCI: Be it resolved
by the Board of Commissioners in the
Township of Nutley in the County of
Essex, New Jersey, the township clerk is
hereby authorized to advertise for sealed
bids for the purchase and delivery of
trees; bids to be received on Wednesday,
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March 18, 2009, in the commissioner's chambers township hall at 3 p.m. At which time they will be publicaly opened and read. I move the resolution.

COMMISSIONER SCARPELLI: Second.

THE CLERK: Commissioner Scarpeleli?

COMMISSIONER SCARPELLI: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

COMMISSIONER TUCCI: Whereas, it is the policy of the Township of Nutleey to treat the public employees, perspective employees, appointees, volunteers and contractors in a matter consistent with all applicable civil rights laws and regulations including but not limited to the federal Civil Rights Act of 1964 as subsequently amended, the New Jersey law against discrimination, the Americans with Disabilities Act and the Conscientious Employer Protection Act and whereas the governing body of the
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Township of Nutley has determined that certain procedures need to be established to accompany this policy. Now, therefore, be it adopted by the Board of Commissioners with:

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

Section 2: The prohibitions and requirements of this resolution shall extend to any person or entity, including but not limited to any volunteer organization or interlocal organization.
or be structured as a governmental agency
or as a private entity that receives
authorization or support in any way from
the township to provide services that
otherwise could be performed by the
township.

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

Section 4: The township attorney
shall establish written procedures for
any person to report alleged
discrimination, harassment in violation
of civil rights prohibited by this
resolution. Such procedures shall
include multiple ways to report a
complaint so that the person making the
complaint is not intimidated in the event
that the person who allegedly violated
this resolution is the normal contact for
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such complaints.

Section 5: No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights provided, however, that any person who reports alleged violation in bad faith shall be subject to the applicable penalties under the law.

Section 6: The township attorney shall establish written procedures that require all officials, employees, appointees and volunteers of the township, as well as all of the entities subject to this resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this resolution.

Section 7: The township attorney shall establish a system to monitor compliance and shall report at least annually to the government body.

Section 8: At least annually, the township attorney shall cause a summary
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of this resolution, the procedures
established pursuant to this resolution
to be included in at least one written
communications mailing widely distributed
within the township. This communication
shall include a statement from the
governing body expressing its unequivocal
commitment to enforce this resolution.
The summary shall also be posted on the
township's website.

Section 9: This resolution shall
take effect immediately.

Section 10: A copy of this
resolution shall be published in the
official newspaper of the township in
order for the public to be made aware of
this policy and the township's commitment
to the implementation and enforcement of
this policy. I move the resolution.

COMMISSIONER EVANS: Second.

THE CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.
THE CLERK: Commissioner Tucci?

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

COMMISSIONER EVANS: Thank you, Commissioner.

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

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's 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
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board shall determine that at the interest of the quorum and/or the expeditious conduct of municipal business are being adversely affected by such dialogue.

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

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

I spoke to Mr. Scarpelli prior to the meeting about the snow taken out of our place. This year it was terrible. It was really terrible. I think once I seen them pass because I live in the front. The Nutley -- town of Nutley passed with even the salt. Who did it better was his father. So his father did it.

COMMISSIONER EVANS: Mr. Scarpelli's here.

MS. DOLA: And we're tired of it. We're tired of being treated like we were born on the other side of the tracks. We
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don't. We pay a large majority of the
taxes in the town of Nutley. And now
we're starting to get mad. We're not
going to put up with this anymore. We're
not going to put with a lot of things
that are being done to us. Just like our
property went down fifty to sixty
thousand dollars but our property taxes
went up.

COMMISSIONER EVANS: Property tax
assessments went down.

MS. DOLA: Yeah.

COMMISSIONER EVANS: Yes,
absolutely.

MS. DOLA: But our property taxes
went up.

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

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

UNIDENTIFIED SPEAKER:

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

COMMISSIONER EVANS: Thank you.

Commissioner Scarpelli, would you like to address the snow removal?

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

MS. DOLA: Not to me.

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

COMMISSIONER SCARPELLI: Excuse me?
MS. DOLA: You're wrong.

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

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

COMMISSIONER SCARPELLI: Well, sorry to disagree with you.

UNIDENTIFIED SPEAKER: (Indiscernible).

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

COMMISSIONER EVANS: Would anyone like to -- else like to address the commissioner's now?
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MR. MOORE: William Moore (ph.e), 462 Chestnut Street. I think this is a great day because we have Mr. Genitempo here and we have the ordinance that you're putting in, or resolution, for actually, probably, Title VII for the -- that Mr. Tucci has introduced. And if I may, I'd like to ask Mr. Genitempo because he signed the book. And I remember asking Mr. Genitempo this question at a prior meeting. And that was for the -- it was the red book, the employee handbook. Is that considered to be under the -- do you remember that? Do you recall that by any chance?

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

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

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

MR. MOORE: No, I'd like the answer
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now because it has a lot to do with the
resolutions brought tonight, the federal
resolution, as far as the employees you
can't harass.

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

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

COMMISSIONER EVANS: Is this related
to the drug testing?

COMMISSIONER TUCCI: We have, in
fact, gone back and revised our drug
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policies and our drug testing policies.

MR. MOORE: But where's the
revision?

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

MR. MOORE: I want an answer
actually.

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

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

COMMISSIONER TUCCI: Well, you're
allowed to have it. You know the
procedure, you know the drill. Apply for
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MR. MOORE: The reason I'm asking, Mr. Tucci, is because --

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

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

COMMISSIONER TUCCI: Okay.

MR. MOORE: Mr. Genitempo did, prior to this evening's discussion, he did say that was written and that was in, as far as the law was concerned to Nutley Township. Then all of a sudden we had an answer that when the fire department -- the fireman driving while he was on drugs or drinking, and all of a sudden it wasn't done. We have to revise the policy. But then you revised this policy
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which is nothing more than a federal standard. And I want to know, where is the policy? Because it says --

COMMISSIONER TUCCI: I think you're confusing --

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

COMMISSIONER TUCCI: Well, let me understand, then, what you're saying, okay. The resolution that I presented this evening concerning civil rights and harassment --

MR. MOORE: No, it's not.

COMMISSIONER TUCCI: -- was a resolution that I introduced. It was a reaffirmation, all right, of the township's policy. It was suggested to us by the Joint Insurance Fund, which I am in the chairman of, that we do that to strengthen our defenses in the event that any incident occurs within the township and someone brings a case against us similar to the case that was brought in Secaucus where there were major damages paid. That was the reason.
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MR. MOORE: This is not --

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

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

COMMISSIONER TUCCI: And what was the title?

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

COMMISSIONER EVANS: Does --

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

COMMISSIONER TUCCI: Howard, do you...
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want to answer that, please?

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

COMMISSIONER TUCCIE Civil rights
and harassment.

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

MR. MOOREe So if --

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

COMMISSIONER TUCCIE That's right.

MR. GIANTITEMPOe It's their document.
We're just adopting it. It covers not
only New Jersey law but federal law with
regard to harassment, discrimination,
retaliation and so forth. It has nothing
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to do with the drug policy. That's a
totally separate policy that's going to
be enacted shortly.

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

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

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

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

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

MR. MOORE: When is it going to
become a matter before the board?
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COMMISSIONER EVANS: Commissioner Tucci has acknowledged the policy. That manual is in review. Once it's before the board, we'll be happy to entertain your questions. I'd like to move on. Do you have other business?

MR. MOORE: Yes, I do. Actually, I'm very glad Mr. Genitempoés here this evening because I asked -- Ms Cocchiola read the statement, the opening statement, for the public session --

COMMISSIONER EVANS: Excuse me, go ahead.

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

MR. GENITEMPO: May I?
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COMMISSIONER EVANS: Absolutely.

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

MR. MOORE: Yes, that's correct.

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

MR. MOORE: Okay, but then --

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

MR. MOORE: Well, I remember his --

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

MR. MOORE: I know that. I was there. I specifically remember him making reference to an unpublished agenda. And what I'd like to know is, since you're giving your legal opinion
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you were there, could you cite for --

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

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

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

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

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

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

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

MR. MOORE: There is an authority,
because you have no right to just
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arbitrarily put something into the recorde.

COMMISSIONER EVANS: We're not arbitrarily doing it. We've read it into the recorde. We as a board, we agree then we're --

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

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

MR. MOORE: Well, that's -- I asked during the openere I didn't receive the authority. That's what I'm asking for.

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

MR. MOORE: Oh, okaye And I'll take care of it tooe.

COMMISSIONER EVANS: Move one.

MR. MOORE: The resolution you had this evening, Social Security and unemployment compensation, and you moved fifty thousand dollars into that. The
last time you did this, I believe, it was back in December, I called Social Security and I asked them if you're allowed to move it out the account, because I remember asking you about that specifically. And they said that was a no-no. It was pass-through. So that if you collected taxes they were supposed to go straight through. Could you explain to me, before I write this saying -- do you hold that in that account?

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

MR. MOORE: So this is the employer portion?

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

MR. MOORE: And according to the --
so I guess you overbudgeted for this, is that -- am I correct?

COMMISSIONER EVANS: Sure.

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

COMMISSIONER EVANS: Currently?

MR. MOORE: Currently.

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

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

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

MR. MOORE: As a volunteer?

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

MR. MOORE: But it's out of the
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taxpayer's money?

COMMISSIONER EVANS: Absolutely.

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

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

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

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

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

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

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

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

MR. MOORE: Okay.

COMMISSIONER EVANS: Please move on.

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

COMMISSIONER EVANS: Yes.

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

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

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

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

MR. MOORE: Do they have that? And
apparently, they have different job
descripts and they run Microsoft Office.

So you tell me that --

COMMISSIONER EVANS: Mr. Moore.

MR. MOORE: -- you can't put this in
Nutley Board of Commissioners, 2/17/09

there?

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

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

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

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

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

MR. MOORE: Do you really me file the OPRA request again and have you take the tables out and have you put all the
boxes up again? I'd be happy to do that.

COMMISSIONER EVANS: If you need --

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

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

MR. MOORE: So that seems simpler?

COMMISSIONER EVANS: It's a choice.

MR. MOORE: Whose choice?

COMMISSIONER EVANS: Mine.

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

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

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

Mr. Tucci, you have your ordinance
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for in interlocal agreement. What is the
interlocal agreement about other than the
fact that you can establish green
services? Who's going to pay for what?
Because I remember you took money out,
not too long ago, to have a consultant
come in, I believe.

COMMISSIONER TUCCI: A consultant
look at this?

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

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

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

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

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

COMMISSIONER TUCCI: No, what --
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maybe you're mixing it up. What we did was we took a trip down to Noveda Technology.

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

COMMISSIONER TUCCI: And -- let me finish.

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

COMMISSIONER TUCCI: Let me finish. Let's not be rude. What we did was we investigated some different technologies that are out there. We have not contracted with any consultant or anyone else. What tonight's resolution, what that does, is it authorizes the township and the Board of Ed to enter into interlocal agreement which will authorize us and give us the authority to apply to the state of New Jersey for a shared services grant so that we can proceed with investigating and implementing some of the green initiatives that have been done in other places and it saves
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substantial amounts of money. So
basically, that's all this resolution
does this evening. But we have not
contracted with anyone, yet.

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

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

MR. MOORE: And that report would be
presented to the public is that correct?
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COMMISSIONER TUCCI: What report?

MR. MOORE: The report that says --

COMMISSIONER TUCCI: There is no report.

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

COMMISSIONER TUCCI: Yes, that's correct.

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

COMMISSIONER TUCCI: Right.

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

COMMISSIONER TUCCI: Well, I don't know who the architect was, I don't know the context of the conversation that you had, but I can tell you in Bayonne, all right, they're saving a half a million dollars a year. So I would have to
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respectfully disagree with that
gentleman. I mean the building that I
was in is a net zero building. They not
only take care of all their needs within
the buildings but they also power their
cars which have electric batteries in
them with that same energy.

MR. MOORE: What building is that?

Bayonne?

COMMISSIONER TUCCI: No, it's the
building in Branchburg, the home office
of Noveda Technology.

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

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

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

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

MR. LAURIE: Frank Laurie (ph.) over
at Cambridge Heights. For the record,
Nutley Board of Commissioners, 2/17/09

you guys did a good job the last few
snowstorms regardless of what Mary says.

COMMISSIONER EVANS: Thank you.

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

COMMISSIONER TUCCI: Hopefully all
of us won't. Thank you.
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MR. RAYNIVIGA: Mr. Scarpelli, I got a question to ask you. When are we going to fix some of the gopher holes?

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

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

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

MR. RAYNIVIGA: Killed it.

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

MR. RAYNIVIGA: Secondly, I know it's not the season to do that, nowe. I know it's --

COMMISSIONER SCARPELLI: It's a little cold.

MR. RAYNIVIGA: -- the cold, etcetera. Also, knocking of the spots on the highway, you know, parking spots and
Nutley Board of Commissioners, 2/17/09

stuff like that, are we going to wait
until it's a warmer climate?

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

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

COMMISSIONER SCARPELLI: That's
right.

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

COMMISSIONER SCARPELLI: Yep.

MR. RAYNIVIGA: It's unbelievable.

Thank you.

COMMISSIONER EVANS: Would anyone
else like to address the court this
evening?
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MS. SHUSTER: I would.

COMMISSIONER EVANS: Take your time Sera.

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

COMMISSIONER SCARPELLI: Covers all people.

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

COMMISSIONER SCARPELLI: It was noticed.

COMMISSIONER EVANS: We missed you, Sera.

COMMISSIONER TUCCI: Glad to have you back.

MS. SHUSTER: Huh?

COMMISSIONER TUCCI: Glad to have you back.

MS. SHUSTER: Okay, that's good. I had an agenda tonight but the people I
Nutley Board of Commissioners, 2/17/09

want to talk to aren't here. So I'll have to wait. I didn't know Ida Feldudo died. She was a good lady. She was a good Nutley woman and she died.

COMMISSIONER EVANS: Thank you for recognizing her.

MS. SHUSTER: Hum?

COMMISSIONER EVANS: Thank you for recognizing her.

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

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

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

MS. SHUSTER: Senior citizen --

COMMISSIONER EVANS: Yes, if you qualify for a 25¢ dollar tax deduction --

MS. SHUSTER: Well, I see people
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here that could buy the town.

COMMISSIONER EVANS: Thank you for that, Sera.

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

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

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

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

MS. SHUSTER: That's a joke.

COMMISSIONER EVANS: Thank you, Sera.

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

COMMISSIONER EVANS: All right.

Thank you. Would anyone else like to
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address the Board of Commissioners this evening?

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

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

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

COMMISSIONER EVANS: Motion to adjourn.

COMMISSIONER SCARPELLI: Move it.

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

(End of audio)
CERTIFICATION

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, 2009

Ellen S. Kolman