TOWNSHIP OF NUTLEY
COUNTY OF ESSEX, NEW JERSEY
BOARD OF COMMISSIONERS

RE: PUBLIC MEETING TRANSCRIPT OF PROCEEDINGS:

Township of Nutley
Municipal Building
3rd Floor, Commission Chambers
One Kennedy Drive
Nutley, New Jersey 07111
Tuesday, March 3, 2009
7:00 p.m.

BEFORE:

JOANNE COCCHIOLA, Mayor
THOMAS J. EVANS, Commissioner
ALPHONSE PETRACCO, Commissioner
JOSEPH P. SCARPELLI, Commissioner
MAURO G. TUCCI, Commissioner

Job No.: 200666
MAYOR COCCHIOLA: Can everyone please stand for the flag salute?

(Pledge of Allegiance recited)

MAYOR COCCHIOLA: Madam Clerk, could you please read the sunshine notice?

THE CLERK: Tuesday, March 3, 2009. "Pursuant to the requirements of the Open Public Meeting Law (Chapter 231, P.L. 1975), notice of this meeting was published in the January 8, 2009 issues of the Nutley Sun, the Journal, the Star Ledger and Herald News. A copy of this notice has been posted on the Nutley Town Hall bulletin board and a copy is on file in the Municipal Clerk's Office."

Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Here.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Here.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Here.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Here.

THE CLERK: Mayor Cocchiola?
MAYOR COCCHIOLA: Here.

THE CLERK: All present, Mayor.

MAYOR COCCHIOLA: Thank you. We can move directly to correspondence, Madam Clerk.

THE CLERK: Yes, Mayor. I have three items listed on the agenda, Mayor, but item a I'm going to defer to the next meeting, and I'm going to proceed with item b from the Nutley-Belleville Columbus Day Italian Heritage Month Parade Committee.

"As you are well aware, for the past twenty-six years the NB Columbus Day Parade Committee has hosted the very popular and well attended Columbus Day Parade between the Township of Nutley and Belleville. Last year's parade was attended by reportedly more than 5,000 people. We are very proud to have an ongoing tradition of community spirit and cooperation exhibited each and every year by the respective town officials, schools, community groups, veterans'
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organizations, etcetera.

"Our parade this year is scheduled for October 11, 2009, stepping off at 1:30 p.m. The parade lineup will be at 12 p.m. This year's planned parade route starts in Belleville at the high school and proceeds down Joralemon Street heading west and turns onto Franklin Avenue heading north. The parade ends in Nutley in front of the Walker Middle School.

"The parade committee would like to ask for your continued support to allow the Columbus Day Parade tradition in our respective towns. We are a well established organization and have all of the necessary staff to host this event. We're also well aware that an event of this size and ability requires appropriate public safety personnel to help manage the event. These personnel have traditionally been provided for by the public free of charge by the respective townships. We hope that the
same level of support can be provided this year. Also, we can continue this event for the benefit of the citizens of Nutley and Belleville.

"Best regards, Frank Caruso."

Mayor, I'm going to request if we can, I guess, have an approval for the record, and I'll send out a letter to the committee advising them of the results.

MAYOR COCCHIOLA: We're just approving the parade event, correct?

THE CLERK: The event.

MAYOR COCCHIOLA: Okay.

THE CLERK: On that day, October 11, 2009.

MAYOR COCCHIOLA: Okay.

THE CLERK: That they can go through the Town of Nutley.

MAYOR COCCHIOLA: Okay. You can call for a vote.

THE CLERK: I'm sorry. Was there a motion?

COMMISSIONER EVANS: Motion.

THE CLERK: Okay.
COMMISSIONER PETRACCO: Second.

MAYOR COCCHEIOLA: Second.

THE CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Mayor Cocchiola?

MAYOR COCCHEIOLA: Aye.

THE CLERK: And, Mayor, the last item that I have is from the North Jersey District Water Supply Commission, submitting their meeting agenda for their meeting held February 25, 2009. And that's all for communications, Mayor.

MAYOR COCCHEIOLA: Thank you.

Commissioner Scarpelli, do you have a report for the record?

COMMISSIONER SCARPELLI: I have various reports for Parking Division, January, 2009 and February, 2009.
MAYOR COCCHELLA: And I have a report for the record for the monthly affairs for the Department of Public Affairs for February of 2008. And we can move on to payment of bills.

THE CLERK: Thank you, Mayor.


"Payroll as of February 20th, $75,361,036.40, for a grand total bill list of $3,410,078.85." And that's all for bills, Mayor.

MAYOR COCCHELLA: Need a motion.

COMMISSIONER SCARPELLI: Move the bills.

COMMISSIONER PETRACCO: Second.
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THE CLERK: Commissioner Scarpelli?
COMMISSIONER SCARPELLI: Aye.

THE CLERK: Commissioner Petracco?
COMMISSIONER PETRACCO: Aye.

THE CLERK: Commissioner Evans?
COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Tucci?
COMMISSIONER TUCCI: Aye.

THE CLERK: Mayor Cocchiola?
MAYOR COCCHIOLA: Aye.

THE CLERK: Thank you, Mayor.
MAYOR COCCHIOLA: Thank you. We have a number of ordinances for introduction this evening. Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Ordinance number 3094.

"Ordinance providing for the acquisition of water meters, in and by the Township of Nutley, in the County of Essex, New Jersey, appropriating $116,000 therefore."

I move 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 a second reading on April 7th.

COMMISSIONER TUCCI: Motion.
MAYOR COCCHIOLA: I need a second.
COMMISSIONER PETRACCO: Second.
THE CLERK: Commissioner Scarpelli?
COMMISSIONER SCARPELLI: Aye.
THE CLERK: Commissioner Petracco?
COMMISSIONER PETRACCO: Aye.
THE CLERK: Commissioner Evans?
COMMISSIONER EVANS: Aye.
THE CLERK: Commissioner Tucci?
COMMISSIONER TUCCI: Aye.
THE CLERK: Mayor Cocchiola?
MAYOR COCCHIOLA: Aye.
COMMISSIONER SCARPELLI: Ordinance number 3095.

"An ordinance providing for reconstruction of the roadway on Bloomfield Avenue, Section 4, in the Township of Nutley, in the County of
Essex, New Jersey, appropriating $240,000
therefore from grant monies received from
the New Jersey Department of
Transportation for the cost thereof.

I move that the ordinance be passed
to a second reading 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 a second reading on April 7th.

COMMISSIONER PETRACCO: Second.

THE CLERK: Commissioner Scarpelli?
COMMISSIONER SCARPELLI: Aye.

THE CLERK: Commissioner Petracco?
COMMISSIONER PETRACCO: Aye.

THE CLERK: Commissioner Evans?
COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Tucci?
COMMISSIONER TUCCI: Aye.

THE CLERK: Mayor Cocchiola?
MAYOR COCCHIOLA: Aye.

COMMISSIONER SCARPELLI: Ordinance
number 3096.
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"An ordinance to amend Chapter 484 of the code of the Township of Nutley, entitled Municipal Parking Lots, and, more specifically, Section 8, entitled hours of service, parking fees and monthly parking."

I move this ordinance be passed to a second reading 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 a second reading on April 7th.

COMMISSIONER PETRACCO: Second.

THE CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye. And that's
all you have, correct, Commissioner Scarpelli? Commissioner Petracco's Ordinance number 309 has been pulled.
Commissioner Evans?

COMMISSIONER EVANS: Thank you, Mayor. I have an ordinance introduction to amend our Capital Ordinance for correcting a mislabeled item. Just to provide further clarification, there is no changes in amounts.

"Bond Ordinance amending Bond Ordinance number 3063 providing for various capital improvements in the Township of Nutley, County of Essex."

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 April 7th of 2009. So move.

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Scarpelli?
COMMISSIONER SCARPELLI: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

MAYOR COCCHIOLA: Commissioner Evans, we can now hold your public hearing on Ordinance number 309a.

COMMISSIONER EVANS: Thank you, Mayor. This is an ordinance establishing a handicapped parking spot on Valley Road.

MAYOR COCCHIOLA: Is there anyone here this evening that would like to address the Board with respect to ordinance number 309a?

COMMISSIONER EVANS: I move to close the public hearing.

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Scarpelli?
COMMISSIONER SCARPELLI: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

COMMISSIONER EVANS: Move the ordinance.

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye. Okay. We can move on to resolutions. Commissioner Scarpelli?
COMMIS SIONER SCARPELLI: "BE IT RESOLVED, by the Board of Commissioners, Township of Nutley, in the County of Essex, State of New Jersey, that the Township Treasurer be and she is hereby authorized to refund 2,000 dollars to Don Delli Paoli, 364 Bloomfield Avenue, Nutley, New Jersey 07110, Block 5702, Lot 16-01, for a refund of payment for a water service." Move the resolution.

COMMISSIONER PETRACCO: Second.

THE CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

COMMISSIONER SCARPELLI: "WHEREAS, bids for a 2009
International model 7400 chassis with a twenty cubic yard rear loading refuse collection truck body or equivalent were received and opened on Wednesday, January 14, 2009; and

"WHEREAS, Mid Atlantic Truck Center 525 Linden Avenue, Linden, New Jersey 07036 was the low bidder priced at $140,000; and

"WHEREAS, funds are available from Bond Ordinance number 3063A in the amount of $140,000 and have been certified by the Chief Financial Officer, said certification being attached to the resolution;

"NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that a contract be awarded to Mid Atlantic Truck Center, not to exceed $140,000, and that the Mayor and Township Clerk are hereby authorized to enter into and sign said contract for the Township of Nutley." Move the
COMMISSIONER PETRACCO: Second.

THE CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

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

MAYOR COCCHIOLA: Thank you. And, Commissioner Scarpelli, thank you for your explanation of that resolution for the benefit of the commissioners in the back room. Thank you. Commissioner Petracco?

COMMISSIONER PETRACCO: Yes, Mayor. I have two resolutions. One we're going to pull, "Authorize RFP advertisement for EMS billing services", and my second
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resolution:

"BE IT RESOLVED, by the Board of Commissioners, Township of Nutley, County of Essex, New Jersey, that in accordance with the provision of R.S. 40A: 4-59, the following transfers of 2008 appropriation reserves be and the same are hereby authorized and approved:

"First Aid O/E from 8-01-312-200 $850 to First Aid salary and wage of $850.

"Fire salary and wage 1,000 to Fire clothing allowance of 1,000.

"Police salary and wage account $5,000 to Police O/E 5,000, for a total of $6,850." I move the resolution.

COMMISSIONER SCARPELLI: Second.

THE CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Tucci?
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COMMISSIONER TUCCI: Aye.

THE CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

COMMISSIONER PETRACCO: That's all I have, Mayor.

MAYOR COCCHIOLA: Thank you.

Commissioner Evans?

COMMISSIONER EVANS: Thank you.

"WHEREAS, several block and lots through the Township have been combined with existing block and lots;

"WHEREAS, the preliminary billing for said years still exist on the accounts in the Tax Collector's Office which must be cancelled;

"NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, the County of Essex, the State of New Jersey, that the following billing for the eliminated block and lots be cancelled for said years.

"Block 32, Lot 74, $3,686.93."

All years stated are for the year
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2007.

"Block 119, Lot 23, $4,004.68.
"Block 338, Lot 9, $115,07.
"Block 357, Lot 36, $18,163.
"Block 403, Lot 29, $2,523.55.
"Block 463.01, Lot 1 C360A,

$3,324.0." So move.

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

COMMISSIONER EVANS:

"BE IT RESOLVED, by the Board of

Commissioners of the Township of Nutley,
in the County of Essex, State of New
Jersey, that the Treasurer be and she is
hereby authorized to refund overpayments
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of property taxes in the amount of
$4,083.79 due to Tax Court Judgments as
detailed below.

"Block 9103, Lot 3, $650.94, for the
year 2008.

"Block 9604, Lot 5, $3432.85, for
the year 2008." So move.

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

COMMISSIONER EVANS:

"BE IT RESOLVED, by the Board of
Commissioners of the Township of Nutley,
in the County of Essex, State of New
Jersey, that the Treasurer be and she is
hereby authorized to refund overpayments
of property taxes in the amount of
$5,080.76 for the year 2008 and the
following accounts.

"Block 9000, Lot 58, for $5,080.76."

So move.

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

COMMISSIONER EVANS:

"BE IT RESOLVED, by the Board of
Commissioners of the Township of Nutley,
County of Essex, New Jersey, that the
Municipal Clerk be and she is hereby
authorized and directed to advertise for
a request for proposal for legal services
to provide special tax counsel services.
BE IT FURTHER RESOLVED, that the request for proposals shall be due on Tuesday, March 24, 2009 at 3 p.m. addressed to the Board of Commissioners in Commission Chambers at the Nutley Township Hall, One Kennedy Drive, Nutley, New Jersey, at which time they will be opened and read." So move.

COMMISIONER TUCCI: Second.

THE CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

COMMISSIONER EVANS:

"WHEREAS, certain Water Capital Improvement appropriation balances remain dedicated to projects now completed; and

"WHEREAS, it is necessary to
formally cancel said balances so that the unexpended balances may be returned to each respective Capital Improvement Fund or credited to Surplus and unused debt authorizations may be cancelled;

"NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey, that the following unexpended and dedicated balance of the Water Capital Appropriation be cancelled:

"Ordinance number 2441, $99,570.08, cement lining of water mainse

"Ordinance number 2851, purchase of water vehicle/loader, $5397.20.

"Ordinance number 2898, purchase of front end loader, $100.

"Ordinance number 2994, water capital improvements for $11,388.50, for a total of $116,455.98. So move.

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Ayee

THE CLERK: Commissioner Petracco?
COMMISSIONER PETRACCO: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

COMMISSIONER EVANS:

"WHEREAS, 40A: 4-20 provides that where contracts, commitments or payments are to be made prior to the final adoption of the 2009 Budget, emergency appropriations may be lawfully made for the purposes and amounts required in the manner and time therein provided; and

"WHEREAS, the total emergency temporary resolutions adopted in the year 2009 pursuant to provisions of Chapter 96, P.L. 1951 (N.J.S. 40A: 4-20), including this resolution, total $11,443,599.

"That said emergency temporary appropriation be provided for the 2009 Budget as follows:

So move.

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPHELL: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

COMMISSIONER EVANS:

"WHEREAS, 40A: 4-20 provides that where contracts, commitments or payments
are to be made prior to the final adoption of the 2009 Water Budget, emergency appropriations may be lawfully made for the purposes and amounts required in the manner and time therein provided; and

"WHEREAS, the total emergency temporary appropriation adopted for the year 2008 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S. 40A: 4-20), including this resolution, of $1,039,195.

"NOW, THEREFORE, BE IT RESOLVED, that in accordance with N.J.S. 40A: 4-20:

"Emergency temporary appropriations be and the same are hereby made for the total amount of $1,039,195.

"That said emergency temporary appropriations will be provided for in the 2009 Water Operating Budget as follows:

"Salaries and wage, $323,000. Other expenses, $44,000. North Jersey District Water Supply Commission, $299,000. Township of Kearny water, $78,550. City
of Newark water, $29,925. Passaic Valley Water Commission, $119,400. Annual audit, $15,015. Group insurance for employees, $50,000. And purchase of water meters, $20,000. Social Security for $61,405, for the total of $1,039,195." So move.

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

COMMISSIONER EVANS:

"WHEREAS, 40A: 4-20 provides that where contracts, commitments or payments are to be made prior to the final adoption of the 2009 Budget, emergency appropriation may be lawfully made for
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the purposes and amounts required in the
manner and time therein provided; and

"WHEREAS, total emergency
appropriations resolutions adopted for
the year 2009 and provisions of Chapter
96, P.L. 1951, including this resolution,
total of $130,637.

"NOW, THEREFORE, BE IT RESOLVED,
that in accordance with N.J.S. 40A: 4-20:

"The emergency appropriation be and
the same be hereby made for the total of
$100,000.

"Total emergency appropriations will
be provided for will be provided for in
the 2009 Budget as follows:

"Other Recreation Programs, (audio
problems), $100,000". So move.

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.
THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

COMMISSIONER EVANS: Thank you, Mayor.

MAYOR COCCHIOLA: Thank you.

Commissioner Tucci?

COMMISSIONER TUCCI: Yes.

"BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, in the County of Essex, New Jersey, that in accordance with the provision of R.S. 40A: 4-59, the following transfer of 2008 appropriation reserves be and the same are hereby authorized and approved:

"Department of Parks and Public Property, from Parks and Playgrounds O/E $575 to Telephone Services O/E $575." I move the resolution.

COMMISSIONER EVANS: Second.

THE CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

THE CLERK: Commissioner Petracco?
COMMISSIONER PETRACCO: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

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

MAYOR COCCHIOLA: Thank you.

"WHEREAS, in 1988 the month of March was designated by the United States Congress as National Women's History Month; and

"WHEREAS, Women's History Month promotes the teaching of women's history and the achievements of women; and

"WHEREAS, it is important for the residents of the Township to recognize the growing contributions and achievements of the women of the Township of Nutley and the State of New Jersey; and

"WHEREAS, the Women's Initiative of
Nutley promotes the teaching of women's history and the interests of women in our community, our state and our country; and

"WHEREAS, the Women's Initiative of Nutley will host numerous events ranging from cultural and educational programs to social and networking programs during the Month of Marche

"NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the Township of Nutley commends the efforts of the Women's Initiative of Nutley and its members and calls upon all citizens of Nutley to observe the month of March as Women's History Month, at which time all of the residents may join in commemorating women, past and present, who have rendered a service to our nation, our state and our township" I move the resolution

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Ayee

THE CLERK: Commissioner Petracco?
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COMMISSIONER PETRACCO: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

"WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

"WHEREAS, the Township of Nutley strives to save tax dollars, assure clean land, air and water, improve working and living environments as steps to building a sustainable community that will thrive well into the new century; and

"WHEREAS, the Township of Nutley hereby acknowledges that the residents of Nutley desire a stable, sustainable future for themselves and future generations;
WHEREAS, the Township of Nutley wishes to support a model of government which benefits our residents now and far into the future by exploring and adopting sustainable, economically sound, local government practices; and

WHEREAS, by endorsing a sustainable path Nutley is pledging to educate itself and community members further about sustainable activities and to develop initiatives supporting sustainable local government practices; and

WHEREAS, as elected representatives of the Township of Nutley we have significant responsibility to provide leadership which will seek community-based sustainable solutions to strengthen our community;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners that the Board wishes to pursue local initiatives and actions that will lead to Sustainable Jersey Municipal Certification.

BE IT FURTHER RESOLVED, by the
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Board of Commissioners of the Township of Nutley that we do hereby authorize the Mayor, and, in her absence, the Deputy Mayor, to serve as Nutley's agents for the Sustainable Jersey Municipal Certification process and authorize the Mayor to complete the municipal registration on behalf of the Township of Nutley." I move the resolution.

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Scarpelli?
COMMISSIONER SCARPELLI: Aye.

THE CLERK: Commissioner Petracco?
COMMISSIONER PETRACCO: Aye.

THE CLERK: Commissioner Evans?
COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Tucci?
COMMISSIONER TUCCI: Aye.

THE CLERK: Mayor Cocchiola?
MAYOR COCCHIOLA: Aye.

"WHEREAS, the Montclair-Glen Ridge-Nutley Chapter of the American Red Cross has submitted an application to the Code Enforcement Department for a bathroom
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renovation for barrier-free compliance;

and

"WHEREAS, the Township of Nutley has offered to refund any municipal permit fees involved with the bathroom renovation for barrier-free compliance.

"THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that the municipal permit fees in the amount of $571 related to the renovation of the bathroom for barrier-free compliance at Montclair-Glen Ridge-Nutley Chapter of the American Red Cross, located at 169 Chestnut Street, be refunded."

I move the resolution.

COMMISSIONER TUCCI: Seconded

THE CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Ayee

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Abstaine

THE CLERK: Commissioner Tucci?
COMMISSIONER TUCCI: Ayee

THE CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Ayee

"BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey, that the Municipal Clerk be and is hereby authorized and directed to advertise for a request for proposals for interactive web and citizen communication services.

"BE IT FURTHER RESOLVED, that the request for proposals shall be due on Tuesday March 24, 2009 at 3 o'clock p.m. addressed to the Board of Commissioners in the Commission Chambers at the Nutley Township Hall, One Kennedy Drive, Nutley, New Jersey, at which time they will be opened and read." I move the resolution.

COMMISSIONER EVANS: Second

THE CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Ayee

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Ayee

THE CLERK: Commissioner Evans?
"WHEREAS, raffle applications have been received from the following organizations;

"Yantacaw School PTO, license number 17-09, for an on-premise 50/50 cash raffle for April 3, 2009."

"The Nutley-Belleville Columbus Day Parade Committee, license number 18-09, for off-premise 50/50 cash raffle for May 13, 2009."

"Good Shepherd Academy, license number 19-09, on-premise 50/50 raffle, April 24, 2009."

"Nutley Lions Club, for license number 20-09, off-premise 50/50 cash raffle, April 23, 2009."

"Nutley Music Boosters Association, both licenses number 21-09 and 22-09, for an on-premise merchandise raffle and on-
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premise cash raffle for March 28, 2009.

"WHEREAS, the applications have been reviewed and approved by the Municipal Clerk and the Police Department.

"THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that the aforementioned licenses are approved and the Municipal Clerk is authorized to issue the licenses."

I move the resolution.

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Ayee

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

COMMISSIONER SCARPELLI: Mayor, can
I change my vote on the Red Cross?

MAYOR COCCHIOLA: You want to abstain?

COMMISSIONER SCARPELLI: To abstain.

MAYOR COCCHIOLA: Okay. So noted.

THE CLERK: Okay, Mayor.

MAYOR COCCHIOLA: Okay? That concludes our business portion of the meeting. I'd like to invite anyone who has any other issues or comments to address to the Board of Commissioners to approach the microphone. All persons addressing the Board of Commissioners regarding community concerns should approach the microphone and provide their name and address for the record. Unless further time is granted by the Board each person shall limit their address to five minutes. All remarks to the Board and its individual members must be addressed to the Mayor. The Mayor may defer citizen comments to the appropriate members of the Board. Dialogue between citizens and others addressing the Board
shall be allowed unless the Mayor or
presiding officer or the majority of the
membership of the Board shall determine
that the interests of decorum and/or the
expeditious conduct of municipal business
are being adversely affected by such
dialogue. Is there anyone that would like
to speak to the Board this evening?

MR. MOLKENTHIN: Good evening. My
name is Ken Molkenthin, 44 Chestnut
Street, Nutley.

MAYOR COCCHIOLA: Good evening,
Mr. Molkenthin.

MR. MOLKENTHIN: I have some
questions I'd like to ask.

MAYOR COCCHIOLA: Sure.

MR. MOLKENTHIN: First, several
months ago I requested of the Board that
each department reduce their expenditures
by twenty percent. We would not be at
the juncture we are at now. It's obvious
that there has been little effect or
attention to what I suggested, because we
still continue to spend money like it's
So, given that, I would like to ask the question about the existence of the Resident Employment Statute in the Township Of Nutley. Is it still in effect, Mayor.

MAYOR COCCHIO: The provision of the code that deals with residency?

MR. MOLKENTHIN: Yes.

MAYOR COCCHIO: Whatever is in the existing code is in effect right now. Correct, Mr. Harkins?

MR. HARKINS: I couldn't hear you, Mayor. I heard the question. I couldn't hear your answer.

MAYOR COCCHIO: The provisions of the code that deal with residency, are they up-to-date?

MR. HARKINS: Yes, they're current. They should be current. I don't know what version you're looking at, but, yes.

MR. MOLKENTHIN: And as defined in current, does that mean that in order to be employed by the Township of Nutley you
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must be a resident?

MAYOR COCCHIOLA: No.

MR. HARKINS: Not necessarily. No.

MR. MOLKENTHIN: Not necessarily.

But --

MR. HARKINS: The answer is no. You don't.

MR. MOLKENTHIN: No?

MR. HARKINS: No.

MR. MOLKENTHIN: Okay. So many times I go to public functions, I hear the statement made well, gee whiz, yeah, I work for the Town of Nutley but I can't afford to live there. This says something. It says that -- obviously we're not underpaying our people, not by the salaries they're being given. At the same time, it's kind of a deterrent to a taxpayer like me who is paying the taxes, and the people who are spending the money and the people who are receiving the money aren't taxpayers. Now, you're saying -- I know years and years ago we did have a statute that said that you had
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to be a resident of Nutley in order to be
employed by the Township of Nutley.

MR. HARKINS: I'm trying to -- I'm
searching my mind here, because I know we
had mended that some time back so that
it's not mandatory that you're a
resident. I'm trying to remember if we
put a provision in there that the idea or
the goal was to encourage hiring of
residents or something along those lines.
I don't know if anybody else remembers.
I know Commissioner Scarpelli and
Petracco weren't here, but I can pull it
out for you and tell you.

MR. MOLKENTHIN: I appreciate that,
because at the salaries we're paying I
can't understand why not, somebody would
not want to work for the Town of Nutley.

Mayor, question number 2 is who
exactly is the NTS or, better known, the
acronym as Nutley Transport System? Who
is it?

MAYOR COCCHIOLA: That is the
wording on the Jiffy box --
COMMISSIONER TUCCI: That's the Township of Nutley. It's the Nutley Transportation System.

MR. MOLKENTHIN: Who controls it?

COMMISSIONER TUCCI: It's under my department.

MR. MOLKENTHIN: Okay. May I address Commissioner Tucci?

MAYOR COCCHIOLA: Yes, you may.

MR. MOLKENTHIN: Who is being served by this bus route?

COMMISSIONER TUCCI: I'm sorry?

MR. MOLKENTHIN: Who is being served?

COMMISSIONER TUCCI: Well, the bus that you're speaking about was a grant-funded bus whereby we pick up Nutley residents at their homes, in the morning, at different -- I'm sorry. Not at their homes. At different locations, and we bring them to the Delawanna Station.

MR. MOLKENTHIN: Well, I've seen this bus, and I believe there's -- I thought there was more than one. I could
be mistaken. But I've seen this bus in Bloomfield. I've seen this bus in Belleville. I've seen this bus over in Lyndhurst.

COMMISSIONER TUCCI: That's possible. That's very possible.

MR. MOLKENTHIN: I've also seen it --

COMMISSIONER TUCCI: Because when the bus -- let me finish answering your question, okay? When the bus isn't being used to pick up commuters to bring them to the Delawanna Station then the law allows us to use it to bring senior citizens to doctor's appointments, or if we have a shopping trip going on on any particular day. So the bus can be used for other purposes.

MR. MOLKENTHIN: But it's only one bus?

COMMISSIONER TUCCI: It's only one bus. Yes.

MR. MOLKENTHIN: Okay.

COMMISSIONER TUCCI: We have several
buses in the Township of Nutley, but the
one that you're speaking of with NTS on
it is the bus that was funded by New
Jersey Transit. We have some larger
buses that we use for our Senior Citizen
trips, for our Recreation Department
trips. We have some smaller vans where
we transport some of the folks over at
SYA. We bring some of our residents to
the Northwest Essex Community Healthcare
sheltered workshop in Montclair. So what
we did in our last reorganization was we
consolidated all of the transportation in
the Parks Department.

MR. MOLKENTHIN: Okay. I was just
curious about that. So you're saying, in
effect, then, in total we have more than
one bus?

COMMISSIONER TUCCI: We have several
buses.

MR. MOLKENTHIN: Okay. Because I've
seen the one bus pull up at Nutley
ShopRite, a thirty-six passenger bus, and
obviously empty, and see one little old
lady get out and go into ShopRite.
That's kind of a waste of public assets.

COMMISSIONER TUCCÉ: Well, on that particular day I'd have to agree with you, but there are also other days when there are forty people looking to go to ShopRite and there's only thirty-six seats on a bus. So --

MR. MOLKENTHIN: I have yet to see that, but, okay.

MAYOR COCCHELLA: Mr. Molkenthin, I just want you to be mindful of the fact that your time is up, so I'm going to ask you if you have — if there's another question that you have you can ask it now and we'll direct it to whomever you'd like to answer it.

MR. MOLKENTHIN: Okay. The drug enforcement and employment policy, where are we with that?

MAYOR COCCHELLA: With the manual?
MR. MOLKENTHIN: Yes.

MAYOR COCCHELLA: It's still under review by the members of the Board of
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MR. MOLKENTHIN: When is it going to be available?

MAYOR COCCHIOLA: Well, like I told you the last time, I'm not going to give you an actual date. It's a lengthy document, Mr. Molkenthin, and it really, in my opinion, requires several hours of concentration and time, so, you know, there's five of us. We all have to get our comments in before it's ready for a revised draft. I'm not even sure how many of us have gotten their comments in. I have not. I can tell you that. It's not something I'm going to leaf through. It's something I'm going to concentrate on, pay attention to, and spend some time on.

MR. MOLKENTHIN: Do you realize we've now been discussing this over six months?

MAYOR COCCHIOLA: I think, from the date you stood up there it got drafted by Mr. Harkins pretty quickly. Now, I have
to say that from when you first stood up and you talked about it, I think it was done pretty quickly. It's just under review. And it's not something that you take lightly when you're doing an employee manual.

MR. MOLKENTHIN: I appreciate that.

Well, my last thing, really, we are now coming to a point of no return. We either have to start laying off people or come up with some money or do something. And I know some of the first attitudes of people is to lay off our police, fire and EMS people. And I'm adamantly against that. I believe that any layoffs or reductions in people should start with the department that least impacts public safety, wealth [sic] and welfare. And that would be the Parks Department, followed by Town Hall, non-emergency personnel and the Road office, Water office, Finance office, Building Department office, Health Department, police non-emergency, fire non-emergency
and IT department. Four people plus vehicles is ridiculous for an IT department.

As far as I'm concerned, I'm not willing to part with one more nickel to pay the town tax, the county tax or the state tax. What you are seeing here tonight is the first strike of a tax revolution. We've been talking about it now for over six months, and other than the few things I've had a discussion with Commissioner Petracco, I do not believe any of you have taken it seriously. As I said, we've passed the point of no return. You have to do something.

MAYOR COCCHELLA: And, Mr. Molkenthin, I'm going to cut you off right here, and I'm going to tell you that I resent what you're saying. We are five people who are working very hard combing through every dollar that we spend in every department. We're not even there yet. The word layoff was used by you. We haven't discussed that. So I
want the record to reflect that that word came from you, not us. I can't tell you what we're going to do right now. We have been diligently working separately now on our own budgets which you haven't seen and we haven't even shared them with each other yet. And we will work together to come up with what we can.

MR. MOLKENTHIN: Why are you working separately?

MAYOR COCCHIOLA: We have our own departmental budgets that we have to look at. We have and I can speak for all five of us, we're going through them line by line right now.

MR. MOLKENTHIN: And when do you -

MAYOR COCCHIOLA: And when they're combined, and when we take a look at what we have to spend, we'll make those determinations as to what has to go and what doesn't have to go, or where we think we can cut more and where we can't. But to characterize it as we haven't done enough, you don't even know what we've
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done yet. Do you?

MR. MOLKENTHIN: Have you shown anything?

MAYOR COCCHEOLA: We don't have to show it to you until we're done with it. We want to come up with the best product we can for this community.

MR. MOLKENTHIN: Are you waiting --

MAYOR COCCHEOLA: We're working very hard every single day.

MR. MOLKENTHIN: Are you waiting, as I said, that we have passed the point of no return? How much longer are you going to wait?

MAYOR COCCHEOLA: We have to introduce a budget, I think, at our next meeting, so I think we have a couple of weeks of work ahead of us, together, before we can introduce that budget. And I can tell you that after it's introduced we probably still have a lot of work to do. So please don't characterize things as a done deal. We are not anywhere near there yet. And please don't insult us by
saying, and I will speak for all five of us, that we haven't done anything, because you have commissioners who are losing sleep at night trying to figure out what we're going to do to move this community forward without hurting anyone.

MR. MOLKENTHIN: Well, I appreciate that, but you have taxpayers that are doing the same darn thing. And that's unfair.

MAYOR COCCHEIOLA: And we're taxpayers too. We have to do it at home as well as with tax dollars. But you're jumping ten steps ahead, saying we didn't do our job when you haven't even seen what we've done yet.

MR. MOLKENTHIN: Okay. I'll retract that statement.

MAYOR COCCHEIOLA: Okay.

MR. MOLKENTHIN: When you present it then I'm sure I'll reinsert the statement.

MAYOR COCCHEIOLA: I'm sure you will. I'm sure you will.
MR. MOLKENTHIN: Thank you.

MAYOR COCCHIOLA: Is there anyone else that would like to address the board this evening?

MR. MOORE: Rory Moore, 462 Chestnut Street. Mr. Evans, I have five outstanding open requests that haven't been answered. It's past the seven days. Can I expect those answers anytime soon?

COMMISSIONER EVANS: Which five are you referring to?

MR. MOORE: The three I put in last meeting. I came in the next day and I filled out three, which I haven't received answers to, and there was two outstanding from a week or two before that.

COMMISSIONER EVANS: I have to look at the status of where they are, so whenever they're -- they will come out shortly.

MR. MOORE: So I, can I expect an answer by the end of the week? Is that possible? It's after the seven days.
I'm not asking you to --

COMMISSIONER EVANS: I haven't seen them yet. Have you?

(Background conversation)

COMMISSIONER EVANS: If you forward them to me in the morning. Right.

(Background conversation)

COMMISSIONER EVANS: Okay. Okay.

So by the end of the week.

MR. MOORE: Oh, if they're ready for tomorrow can I pick them up tonight? Are they available?

COMMISSIONER EVANS: How about by the end of the week? Counsel hasn't seen them yet, so I'd suggest the end of the week.

MR. MOORE: But I'm in e-mail correspondence with somebody from the Department of Community Affairs. And I see that you've introduced to the budget tonight that, or not a budget, but you're introducing an ordinance for bond, and item D, computer networks and hardware. I'd like to see --
COMMISSIONER EVANS: I'm not introducing an ordinance for bonding tonight.

MR. MOORE: Oh, it's in here.

COMMISSIONER EVANS: It's simply a name change.

MR. MOORE: I'll have to look at it. Anyway, in reference to Ms. Cocchiola, when you said that you're diligently working on the budget, I, personally, don't believe you, because last year Mr. --

MAYOR COCCHIOLA: Mr. Moore, you know, you have only five minutes, so I don't really care if you believe me or not.

MR. MOORE: Well, you can do whatever you want.

MAYOR COCCHIOLA: Okay?

MR. MOORE: This is a non-published agenda. Last year you purchased Microsoft licenses, and I remember putting an open request and you said it was under State Budget. And I'm in
contact with the State Budget Director for that. I sent her a copy of your resolution, which she doesn't understand and said it is not done that way. I also called Microsoft, who said they can't figure out how you spent that much money. So I'm really trying to find out why is it so difficult to find out an answer to money that you spent? And I know that Ms. Cocchiola's telling you how you guys are losing sleep over this. However, it really doesn't seem that way.

MAYOR COCCHIOLA: Where's the question?

MR. MOORE: The question is very simply how much are you paying for the Microsoft licenses?

COMMISSIONER EVANS: I don't recall.

MR. MOORE: I know.

COMMISSIONER EVANS: I'd have to go back and I --

MR. MOORE: That's the same answer you gave me a year ago. And you said you don't recall. You said there was the
State Budget. And I even, when -- I sent her the copy that you sent that everybody signed. That vendor is not on her list. And I think, since she runs it, I would take her opinion over yours.

I'd like to know how much you spent on the Microsoft budget license.

COMMISSIONER EVANS: I don't recall.

MR. MOORE: And I believe it's an Enterprise license.

COMMISSIONER EVANS: I don't recall.

MR. MOORE: Okay. Well, what is it going to take to recall?

COMMISSIONER EVANS: You submit an open request.

MR. MOORE: I did that.

COMMISSIONER EVANS: Well --

MR. MOORE: And the open request said go to the State, and I went to the State and the State says they don't understand what you wrote. So I'm kind of in a quandary right now, because if the State doesn't understand it and they say come back to you, you tell me to go
to them, then I'm really trying to understand how Ms. Cocchiola's sitting up all night long worry about the budget, if nobody knows how much money you spent. It's a simple question. How much do you pay for a single license for Microsoft licenses? It's a question. Simple.

COMMISSIONER EVANS: And one I'm not going to answer tonight, because I don't recall the details and I do not --

MR. MOORE: But that's what you said last time.

MAYOR COCCHIOLA: Do you have any other questions, Mr. Moore?

COMMISSIONER EVANS: Mr. Moore --

MR. MOORE: Yes. Yes, I do.

COMMISSIONER EVANS: I have no idea.

MR. MOORE: I actually do have more.

COMMISSIONER EVANS: I have no idea.

MAYOR COCCHIOLA: Okay. Well, you have two minutes.

MR. MOORE: I'm trying to get an answer. Would you please stop...
interrupting me?

MAYOR COCCHEIOLA: No. I will not.

MR. MOORE: Well, then please --

MAYOR COCCHEIOLA: You have two minutes.

MR. MOORE: No, I don't.

COMMISSIONER EVANS: I have no idea what your correspondence is, what the conversations you may have had with the DCA, so that I don't know whether or not it's factual. I don't know if it's correct. I don't even know where to begin to respond. So I will follow up. I don't recall. It was a long time ago. And I will follow up. I have no idea, though, but I would venture to say that when I do have to call the State and follow up I'll again, once again, find out that the information that you were talking about is an error.

MR. MOORE: That I'm speaking about. That you spent 29,000 dollars for licenses.

COMMISSIONER EVANS: I gave you my
MR. MOORE: You don't know how many licenses you purchased, and you don't know how much they cost.

COMMISSIONER EVANS: Mr. Moore, I gave you my answer.

MAYOR COCCHIO: Any other questions, Mr. Moore?

MR. MOORE: Oh, yes, absolutely.

MAYOR COCCHIO: Good.

MR. MOORE: Commissioner Petracco, I remember the last time when you introduced the EMS billing for the EMTs, and I followed up with a few things, and I see that you've pulled that off the budget, but I was wondering, would you mind answering one or two questions, because I see that you've reduced it to an ordinance and to a resolution.

I'd like to know, if I'm understanding correctly, you're saying that 600 dollars, am I understanding that correctly, that the town will receive every time it transports a victim to the
hospital?

COMMISSIONER EVANS: Excuse me, Mr. Moore. I do believe that that ordinance was pulled tonight and it's not a matter before this Board.

MR. MOORE: No, no, I know that. I'm just asking him a question on it.

COMMISSIONER EVANS: So, therefore, it's not a matter before us. There is no proposal.

MR. MOORE: I know it's not a matter before. I --

COMMISSIONER EVANS: There is no proposal at this point, so it's not relevant.

MR. MOORE: No, I'm just trying to ask where his numbers came from, because I did research.

COMMISSIONER EVANS: Your point is irrelevant. There is no matter before the Board.

MAYOR COCCHIOLA: Did you release any numbers, Commissioner Petracco?

COMMISSIONER PETRACCO: I didn't
realize there was numbers in that ordinance.

MR. MOORE: There's a number in there for 600 plus it's per mile as well. I was just curious where the 600 came from.

COMMISSIONER PETRACCO: The charge --

COMMISSIONER EVANS: Yes. Mr. Moore, I would -- Commissioner, I would suggest we --

MAYOR COCCHIOLA: It's not on the table right now and it's been pulled and that --

COMMISSIONER EVANS: Yes. I would suggest we wait until we --

MR. MOORE: It's a question.

MAYOR COCCHIOLA: It has not been introduced.

COMMISSIONER EVANS: -- we revisit the issue.

MAYOR COCCHIOLA: He's not going to answer it. When it's introduced --

MR. MOORE: Can he say that?
MAYOR COCCHIOLA: -- and you have a question, he'll answer it.

MR. MOORE: Can he say that?

MAYOR COCCHIOLA: I'm answering it for him. Okay?

MR. MOORE: It's a question. It's a general question, because it came up as a conversation. And I'm trying --

MAYOR COCCHIOLA: Mr. Harkins, what's your opinion on that?

MR. HARKINS: Mayor, we'll --

MAYOR COCCHIOLA: If it's not introduced?

MR. HARKINS: No, we're not -- it's not appropriate to talk about it. We'll revisit it when the ordinance is introduced.

MAYOR COCCHIOLA: And now you have the opinion of counsel. Actually, your time is up, Mr. Moore.

MR. MOORE: No, it's not. This is non-published agendas.

MAYOR COCCHIOLA: No, I'm sorry.

Your --
MR. MOORE: So, it's a six -- so you're not going to --

MAYOR COCCHIOLA: I told you that you had five minutes, and you've exceeded the five minutes.

MR. MOORE: It's a non-published agenda. If you want to go to court and fight about it I'll be happy to do that.

MAYOR COCCHIOLA: Sit down.

MR. HARKINS: Mr. Moore, Mr. Moore, listen.

MAYOR COCCHIOLA: Fine. Sit down.

MR. HARKINS: Listen to me, Mr. Moore.

MR. MOORE: No, Mr. Harkins, you listen to me.

MR. HARKINS: There's published opinions regarding --

MR. MOORE: I'm asking a question.

MR. HARKINS: There are published opinions regarding how these meetings are conducted.

MR. MOORE: That's okay.

MR. HARKINS: We're following the
MR. MOORE: And if you read them --
MR. HARKINS: We're following the Open Public Meetings Act. The Mayor has asked you to sit down. Please sit down.
MR. MOORE: It's not under the Open Public Meetings Act.
MR. HARKINS: Please sit down.
MR. MOORE: It's under the wall shackled, because this a commissioner form of government.
MAYOR COCCHIOLA: It's under the Open Public Meetings Act --
MR. HARKINS: Mr. Moore --
MAYOR COCCHIOLA: -- and it's supported by case law, Mr. Moore.
MR. MOORE: No, it's not.
MAYOR COCCHIOLA: I'm not your law clerk. Go look it up.
MR. MOORE: Good. I want to see --
MAYOR COCCHIOLA: Mr. Russo, you can step forward.
MR. MOORE: I wrote to you and asked you for the authority, and I still
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remember getting it.

MAYOR COCCHIOLA: You didn't write
to me.

MR. MOORE: Yes, I did.

MAYOR COCCHIOLA: And the
authority --

MR. MOORE: It was under an open
request.

MAYOR COCCHIOLA: Listen to me right
now. The authority lies in the Open
Public Meetings Act --

MR. MOORE: No, it doesn'te

MAYOR COCCHIOLA: -- and there are
several cases that support that.

MR. MOORE: Okay.

MAYOR COCCHIOLA: Okay?

MR. MOORE: Then you can -- in the
open request that I sent to you, you can
answer it.

MAYOR COCCHIOLA: I didn't get an
open request from you. And I'm answering
your question right now.

MR. MOORE: Can't help you.

MAYOR COCCHIOLA: Consult the Open
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Public Meetings Act and do a little bit of legal research and you'll find that it's been upheld.

MR. MOORE: I did that. And I sent you the questionnaire, and the open request, and I'm still waiting for my answer.

MAYOR COCCHIOLA: Let me just tell you something. An open request is a request for records kept in the ordinary course of business.

MR. MOORE: That's right.

MAYOR COCCHIOLA: It's not for you to ask me questions. Now, you just asked me a question and I answered it. So don't send me an open request --

MR. MOORE: Actually --

MAYOR COCCHIOLA: -- asking me a question.

MR. MOORE: Actually, you didn't answer the question. I want to know where the 600 dollars came from?

MAYOR COCCHIOLA: Where what came from?
MR. MOORE: Six hundred dollars to transport somebody from here.

MAYOR COCCHEIOLA: When the ordinance is on the table and introduced you can ask him whatever you want. There's plenty of opportunities.

MR. MOORE: Okay. I will.

MAYOR COCCHEIOLA: Thank you.

Mr. Russo, good evening.

MR. RUSSO: It's a tough act to follow. Michael Russo, 11 Beech Street. I have two quick questions. The first one is regarding the RFP for the web and communication services. Are we working with the Board of Education on that?

MAYOR COCCHEIOLA: We are not -- not on the RFP, but I think there was a meeting where we're trying to discuss what services we can share with them.

MR. RUSSO: Okay.

MAYOR COCCHEIOLA: Like I think that alert system that we're -- we're both on the same page with the alert. We'll use our alert system to do their alerts for
school. I'm not sure how far the conversations have progressed, but there are going to be some discussions regarding future helping each other as best we can.

MR. RUSSO: Because I know the volunteer program that they've put together, we have broken off into several different subcommittees, and one of them is looking at web access, so it might be a good idea to combine.

MAYOR COCCHIOLA: Okay. We'll note that.

MR. RUSSO: Second question is regarding underage drinking in the town. Is anybody familiar -- is it illegal for a minor to possess alcohol on private property in the Town of Nutley? Does anybody know the answer to that question?

MR. HARKINS: Certainly statutory. I don't know the answer, but if you want to give me a call I can probably cite the statute for you tomorrow. I'd have to check out Title 2C.
MR. RUSSO: Is our ordinance different than the State's?

MR. HARKINS: Well, the State would preempt whatever our ordinance is anyway, and I'm sure it's governed by state law.

MR. RUSSO: Because in 2000 Governor Whitman gave all of the townships the option of passing an ordinance to specifically make it illegal. I believe that if a hundred kids were drinking in a house tonight, and the police department went there, they could arrest the adult that's there serving the children or --

MR. HARKINS: We looked that up.

MR. RUSSO: But I don't believe --

MR. HARKINS: Mr. Russo --

MR. RUSSO: Go ahead.

MR. HARKINS: We looked that up today, actually, and we do have some ordinances in place that we believe that that's a correct statement that we can hold the host responsible. The host.

MR. RUSSO: My question, though, was
regarding the children now.

MR. HARKINS: The children also.

MR. RUSSO: Positive on that one?

MR. HARKINS: Well, I looked over it for about thirty seconds, but I have the ordinances in place to review. But my first initial response would be, to answer your question, is yes. The kids are liable and so are the parents.

MR. RUSSO: Can I follow up with you on that tomorrow?

MR. HARKINS: You sure can.

MR. RUSSO: Okay. Thank you.

MAYOR COCCHIOLA: Thank you, Mr. Russo. Is there anyone else who would like to address the board this evening? Well, I'm going to entertain a motion to move into executive session. We're going to move into executive session, closed executive session, on motion in a minute. We'll come back out and close the meeting after that. There will be no more public business that we'll attend to, and there will be no action taken in executive
Nutley Twp Board of Commissioners - 03/03/09 session. Could you read the resolution, Madam Clerk?

THE CLERK: Yes.

"WHEREAS, the Board of Commissioners of the Township of Nutley, in the County of Essex, desire to proceed to closed executive session; and

"NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley that the Commission shall now move into closed executive session to discuss -- "

(Background conversation)

MAYOR COCCHIOLA: We're just going to be discussing personnel.

(Audio problems for last 38 seconds of recorded audio)
CERTIFICATION

I, Hana Copperman, 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 in the matter of the:
PUBLIC MEETING OF THE TOWNSHIP OF NUTLEY BOARD
OF COMMISSIONERS.

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 13, 2009.

Hana Copperman