TOWNSHIP OF NUTLEY, NEW JERSEY
BOARD OF COMMISSIONERS

PUBLIC MEETING

TRANSCRIPT OF
PROCEEDINGS

149 Chestnut Street
Nutley, New Jersey 07110
Tuesday, March 17, 2009
6:34 p.m.

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

ALSO PRESENT:
Kevin Harkins, Esq., Township Attorney
Evelyn Rosario, Township Clerk

Job No.: 200667
MAYOR COCCHIOLA: Could everyone please stand for the flag salute?

(Pledge of Allegiance recited.)

MAYOR COCCHIOLA: Madame Clerk, could you please reread the Sunshine Notice?

THE CLERK: Yes, Mayor. Tuesday, March 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 8th, 2009 issues of the Nutley Sun, the Journal, the Star Ledger and the Herald News. A copy of this notice has been posted on the Nutley Town Hall bulletin board, and a copy is on file in the Municipal Clerk's Office.

COMMISSIONER SCARPELLI?

COMMISSIONER SCARPELLI: Here.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Here.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Here.

THE CLERK: Commissioner Tucci?
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COMMISSIONER TUCCI: Here.

THE CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Here.

THE CLERK: All present, Mayore

MAYOR COCCHIOLA: Thank you. We have no minutes to approve this evening, so we could move right on to correspondence. She can read it.

THE CLERK: Yes, Mayor, I have two items of correspondence. The first one is from the Nutley Chamber of Commerce, and I'll read into the record:

"Dear Commissioners,

"On August, 15th, 1953, the Nutley Chamber of Commerce established its membership bylaws which stated the organization's mission was to represent business and professionals with a wide variety of enterprises working together to promote the economic development of our town.

"Since that day, more than fifty-five years ago, the Chamber has become an integral part of the Nutley's hometown
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color and small-town image. There is
a productive and interdependent
relationship between our organization,
our members and our township, each
serving the other's needs.

"It is for this reason the Executive
Board of the Nutley Chamber of Commerce
and the Chamber's 180 members wish to
have August 15th recognized, declared and
henceforth established annually as Nutley
Chamber of Commerce Day in Nutley. We
ask you, our elected officials, to please
deem it so. Thank you.

"Sincerely, The Nutley Chamber of
Commerce Executive Board"

MAYOR COCCHIOLA: Thank you.

THE CLERK: Mayor, I would need at
least a consensus of the governing body
so I can send in a letter indicating that
the governing body will --

MAYOR COCCHIOLA: Want to call a
vote?

THE CLERK: Um-hum. Yes, please.

Commissioner Scarpelli?
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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.

THE CLERK: And the next correspondence I have is from the North Jersey Water Supply Commission submitting their meeting minutes for a meeting held January 28, 2009.

And that's all for correspondence, Mayor.

MAYOR COCCHIOLA: Thank you. We can move on to reports.

Commissioner Tucci?

COMMISSIONER TUCCI: Yes. I have a shade tree report for the months of January and February of 2009.
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MAYOR COCCHIOLA: Thank you. And we can move on to payment of bills.

THE CLERK: Okay, Mayor. Bill list, March 17, 2009: public affairs, $69,080.72; revenue and finance, $2,148,862.62; public safety, $55,910.74; public works, $38,645.14; parks and public property, $59,614.03; payroll as of March 6, 2009, $733,641.05; for a grand total bill list of $3,933,154.30.

And that's all for bills, Mayor.

MAYOR COCCHIOLA: Need a motion.

COMMISSIONER SCARPELLI: Move the bills.

THE CLERK: 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.
Commissioner Tucci, you have a public hearing? Public hearing --

COMMISSIONER TUCCI: Public hearing, yes.

MAYOR COCCHIOLA: -- or is it an introduction? Okay.

COMMISSIONER TUCCI: Yes, this is a public hearing concerning the interlocal services agreement between the Board of Commissioners of the township and the Nutley Board of Education concerning our green initiative.

MAYOR COCCHIOLA: Is there anyone here this evening that would like to address the board with respect to this ordinance, which is number 3092?

MR. MOORE: Rory Moore, 462 Chestnut Street. Mr. Tucci, what type of an agreement is this for?

COMMISSIONER TUCCI: This is an --
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this is a formal interlocal services agreement, all right?

MR. MOORE: Do you have a copy of the agreement? I just see the copy of the --

COMMISSIONER TUCCI: I have a copy of the ordinance.

MR. MOORE: But not -- I see the ordinance, but what are we going to go into agreement with?

COMMISSIONER TUCCI: Well, I'll defer to --

MR. HARKINS: Yeah, this ordinance --

COMMISSIONER TUCCI: -- learned counsel here to answer that question

MR. HARKINS: This ordinance just authorizes us to enter into interlocal service agreements. We haven't negotiated it yet. From what I understand, investigating efficiencies and studies within --

COMMISSIONER TUCCI: Exactly. This is --
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MR. HARKINS -- different buildings --

COMMISSIONER TUCCI: -- the first step. Um-hum.

MR. MOORE: Well, it's a first step.

COMMISSIONER TUCCI: Right.

MR. MOORE: I understand that you're trying to consolidate costs, but it's a -- who's going to pay what for the first step? If you don't have contract --

COMMISSIONER TUCCI: Well, there is no -- yeah, there is no payment at this point, okay? This is a formality where we're going to memorialize an agreement between the Board of Commissioners and the Board of Education --

MR. MOORE: You're going to memorialize an agreement?

COMMISSIONER TUCCI: -- so that -- let me finish. Do you want an answer or do you want to talk? Okay, so that we can, together, continue to investigate different ways that we can save money,
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that we can save energy and we can just help the environment in general.

MR. MOORE: But how are we supposed to know what you're going to do?

COMMISSIONER TUCCI: Well, once we get to that point, I think I -- I think I've explained several times, but I'll repeat it for you if you like, all right? What we're going to do is we're going to conduct an audit of all of the Board of Education building, the schools and any other buildings that they have, all of our public buildings, including all of our field houses, and it comes to, in roundabout numbers, about twenty buildings, all right, to, number one, see what our efficiencies and what are our efficiencies aren't, all right? We're going to investigate whether or not we're getting the performance out of the equipment that we have in place, all right, according to the manufacturers' specifications. We're looking to do some real-time monitoring through some very
innovative software that I've spoken about before, all right?

And then we're going to look into renewable energy sources, such as solar panels or thermal panels, so that we can realize some of the savings that some other jurisdictions have.

MR. MOORE: Well, maybe you're helping my question along. You said that the first item to be conducted was an audit.

COMMISSIONER TUCCI: Um-hum.

MR. MOORE: Who's going to conduct the audit? How much is the audit going to cost?

COMMISSIONER TUCCI: Well, we have no idea at this point because we haven't even gotten that far in the discussions. But through the State of New Jersey, as I'm sure you're aware, there are dollars that are available for interlocal services agreements somewhere in the tune of 250,000 dollars. And out of those dollars, we could actually afford to pay
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for energy audits and retaining
professionals that do this work on a day-
to-day basis. This is not something that
we're proficient in, all right, or that
we're expert in, so we would need some
outside help.

MR. MOORE: But your ordinance
should reflect this is the first step.
You're just memorializing an agreement.

COMMISSIONER TUCCI: Right.

MR. HARKINS Yeah, but, Mr. Moore --

MR. MOORE: And you should have --

MR. HARKINS: Yeah.

MR. MOORE: I'm sorry, I'd just like
to answer my question (sic), and I --

MR. HARKINS: Go ahead.

MR. MOORE: You should have some
criteria so at least the public knows
what you're doing.

COMMISSIONER TUCCI: And we will.

We will have criteria --

MR. MOORE: Well, it --

COMMISSIONER TUCCI: -- and it will
be totally transparent, and everyone will
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be informed every step of the waye

MRe MOORE: I'm not sure about the
transparency I question the
transparencye

COMMISSIONER TUCCI: Well, you can
question whatever you like, but reality
and your imagination are two totally
different things.

MRe MOORE: But that's what you have
an agreement fore

COMMISSIONER TUCCI: So, I mean --
look, when we get to that point --

MRe MOORE: When it's written --

COMMISSIONER TUCCI: -- every step
of the way, you, as well as everyone else
in this township, will be informed as to
what our actions are going to bee

MAYOR COCCHIOLA: Mre Harkins --
MRe MOORE: When you have a written
agreement --

MAYOR COCCHIOLA: Excuse me,
Mr. Moore. Mr. --

MRe MOORE: -- I have no
imaginatione
MAYOR COCCHIOLA: Excuse me, Mr. Moore.

Mr. Harkins, is there anything --

MR. MOORE: I'm sorry, I was asking a question.

MAYOR COCCHIOLA: -- is there anything wrong with the format of the ordinance?

MR. HARKINS: No, the format's appropriate. This is an enabling ordinance. I mean, what'll happen is we'll sit down, I guess, with the Board of Ed and discuss the various initiatives. And there's certainly an overlap of -- or potential for overlap of services, which we're going to look to avoid here. And then when we come to an agreement, we'll memorialize that in a resolution and a contract. And the resolution will authorize us to enter into a contract, which I'm sure will be made available. It's a public record.

COMMISSIONER TUCCI: Absolutely.

MR. HARKINS: This is just an
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MAYOR COCCHIOLA: And, as it always

is --

MR. HARKINS: Yeah.

MAYOR COCCHIOLA: -- the first step
in the interlocal services process is
that the governing body has to introduce
a resolution which will authorize them to
enter into this agreement, as we
usually -- as we've done many times,
correct?

MR. MOORE: So I can trust -- I can
trust that this is going to be absolutely
transparent?

COMMISSIONER TUCCI: You can
absolutely trust that.

MR. MOORE: Thank you.

MAYOR COCCHIOLA: Is there anyone
else who would like to address the board
with respect to this ordinance?

Need a motion, Commissioner.

COMMISSIONER TUCCI: I'll move it.

COMMISSIONER EVANS: Second.

MAYOR COCCHIOLA: To close.
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COMMISSIONER TUCCI: To close.

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: I move the ordinance.

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.
Thank you. We can move on to resolution. Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Whereas the Mandatory Source Separation Recycling Act, Public Law 1987, c.102, has established a recycling fund for which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs;

And whereas it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue to expand existing programs;

And whereas such resolution should designate the individual authorized to ensue (sic) that the application is properly completed and timely filed;

Now, therefore, be it resolved by the Board of Commissioners, Township of Nutley, County of Essex, State of New Jersey, that the Township of Nutley
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hereby endorses submission of the 2008
Municipal Recycling Tonnage Grant
Application to the New Jersey Department
of Environmental Protection and
designates Patricia A. Davis, recycling
coordinator, Township of Nutley, to
ensure the application is properly filed.

I move the resolution.

COMMISSIONER PETRACCO: Second.

THE CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Ayee

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Ayee

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Ayee

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Ayee

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

MAYOR COCCHIOLA: Thank you.

Commissioner Petracco?

COMMISSIONER PETRACCO: Be it
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Resolved by the Board of Commissioners, Township of Nutley, County of Essex, State of New Jersey, that Dina Gibbons, employee in the Department of Public Safety, be granted a medical leave of absence without pay, effective March 2nd, 2009 through March 31st, 2009.

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?
COMMISSIONER TUCCI: Aye.
THE CLERK: Mayor Cocchiola?
MAYOR COCCHIOLA: Aye.

COMMISSIONER PETRACCO: Whereas the County of Essex, in conjunction with the Township of Nutley, has acquired funding to install a traffic signal at the intersection of Kingsland Street (Essex
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County Road 644) and Bloomfield Avenue,
and replace the traffic signals at the
intersection of High Street (Essex County
Road 650) and Bloomfield Avenue and
Franklin Avenue (Essex County Road 645)
and High Street (Essex County Road 659).

And whereas, in accordance with the
county policy on signalization of
intersections, it required the
municipality to contribute to the cost of
traffic signalization as providing police
officers to control the traffic during
construction;

And now, therefore, be it resolved
by the Board of Commissioners, Township
of Nutley, County of Essex, State of New
Jersey, that:

the Township of Nutley accepts the
offer of the County of Essex to place
traffic signals at the intersection of
Kingsland Street and Bloomfield Avenue;

the Township of Nutley accepts the
offer of the County of Essex to replace
the traffic signal at the intersection of
High Street and Bloomfield Avenue;
the Township of Nutley accepts the
offer of the County of Essex to replace
the traffic signal at the intersection of
High Street and Franklin Avenue;
the Township of Nutley agrees to
contribute to the cost of construction of
said signalization by providing police
officers to control traffic during
construction.

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?
COMMISSIONER TUCCI: Ayee

THE CLERK: Mayor Cocchiola?
MAYOR COCCHIOLA: Aye.

COMMISSIONER PETRACCO: That's all I
have, Mayor.
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MAYOR COCCHIOLA: Thank you.

Commissioner Evans?

COMMISSIONER EVANS: Thank you.

Be it resolved by the Board of Commissioners of the Township of Nutley in the County of Essex, New Jersey, that the township treasurer be, and she is hereby, authorized to refund Bergen Essex Contracting, 150 Sanford Avenue, Lyndhurst, in the amount of $128 for a refund of the permit fee for the installation of siding at Number 10 Crestwood Court. The building contract has been withdrawn by the owner, Mr. Gennitti, and all work scheduled with the Bergen Essex Contracting has been cancelled. Paid by check number 2975 on September 16, 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, New Jersey, the township treasurer be, and she is hereby, authorized to refund One Hour Chimney, 400 Bergen Boulevard, Palisades Park, New Jersey, in the amount of $56 for a refund of the permit fee for the installation of a chimney liner at 185 Bloomfield Avenue. The building contract has been withdrawn by the owner, Mr. and Mrs. -- Chives?

UNIDENTIFIED SPEAKER: [cha-vez].

COMMISSIONER EVANS: [cha-vez], thank you. And all work scheduled with One Hour Chimney has been cancelled. Paid by check number 4107 on October 16,
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So movee

COMMISSIONER TUCCI: Seconde

THE CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Ayee

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Ayee

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Ayee

THE CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Ayee

COMMISSIONER EVANS: Be it resolved by the Board of Commissioners of the Township of Nutley in the County of Essex, New Jersey, that the township treasurer be, and she is hereby, authorized to refund Built Tough Construction, 227 Summer Street, East Rutherford, in the amount of $121 for the refund of a permit fee for the installation of a powder room at 512 Prospect Street. The homeowners, Mr. and
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Mrs. Ilardi, have decided not to install
the powder room originally on the permit.
Paid by check number 14717 on August 27,
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: Whereas
Resolution 77-09 was inadvertently listed
on the meeting agenda and adopted by the
Board of Commissioners of the Township of
Nutley at their meeting held on March
3rd, 2009;

Whereas Resolution number 77-09
consisted of an emergency temporary
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appropriation of $100,000 for the
Department of Parks and Public Property;
Now, therefore, be it resolved by
the Board of Commissioners that
Resolution number 77-09 be, and is
hereby, rescinded.
So move.
COMMISSIONER TUCCI: Second.
THE CLERK: Commissioner Scarpeleti?
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: Thank you,
Mayor.
MAYOR COCCHIOLA: Thank you.
Commissioner Tucci?
COMMISSIONER TUCCI: Yes. Be it
resolved by the Board of Commissioners of
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the Township of Nutley in the County of Essex, State of New Jersey, that a contract for the purchase of recreation equipment supplies be awarded to Anaconda Sports Inc., 85 Katrine Lane, Lake Katrine, New York, as per the attached sheet, not to exceed $5,785;

And whereas funds are available from accounts T-24-909-901 through 915 and 506-200 and have been certified by the chief financial officer, said certification being attached to this resolution;

Be it resolved that the mayor and the township clerk be, and they are hereby, authorized to enter into and sign said contract for the Township of Nutley.

I move the resolution.

COMMISSIONER PETRACCO: Second.

THE CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Commissioner Evans?
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COMMISSIONER EVANS: Ayee

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Ayee

THE CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Ayee

COMMISSIONER TUCCI: Be it resolved by the Board of Commissioners of the Township of Nutley in the County of Essex, the State of New Jersey, that a contract for the purchase of recreation equipment and supplies be awarded to BSN Sports, P.O. Box 49, Jenkintown, PA, as per the attached sheet, not to exceed $8,056.07;

And whereas funds are available from accounts T-24-909-901 through 915 and 506-200 and have been certified by the chief financial officer, said certification being attached to this resolution;

Be it resolved that the mayor and township clerk be, and they are hereby, authorized to enter into and sign said contract with the Township of Nutleye
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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: Ayee

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

COMMISSIONER TUCCI: Be it resolved by the Board of Commissioners of the Township of Nutley in the County of Essex in the State of New Jersey that a contract for the purchase of recreation equipment and supplies be awarded to Metuchen Center Inc., 409 Joyce Kilmer Avenue, Unit 5B, New Brunswick, New Jersey, as per the attached sheet, not to exceed $21,075;

And whereas funds are available from accounts T-24-909-901 through 915 and
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506-200 and have been certified by the
chief financial officer, said
certification being attached to this
resolution;

Be it resolved that the mayor and
the township clerk be, and they are
hereby, authorized to enter into and sign
said contract for the Township of Nutley.

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: Hold on. I'm
coming.

COMMISSIONER EVANS: Want to take a
break?
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COMMISSIONER TUCCI: No.

Be it resolved by the Board of Commissioners of the Township of Nutley in the County of Essex, State of New Jersey, that a contract for the purchase of recreation equipment and supplies be awarded to R&R Trophy and Sporting Goods Company, 104 Ridge Road, North Arlington, New Jersey, as per the attached sheet, not to exceed $5,550;

And whereas funds are available from accounts T-24-909-901 through 915 and 506-200 and have been certified by the chief financial officer, said certification being attached to this resolution;

Be it resolved that the mayor and the township clerk be, and they are hereby, authorized to enter into and sign said contract for the Township of Nutley.

I move the resolution.

COMMISSIONER PETRACCO: Second.

THE CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.
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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: Be it resolved by the Board of Commissioners of the Township of Nutley in the County of Essex, State of New Jersey, that a contract for the purchase of recreation equipment and supplies be awarded to Riddell/All American, 669 Sugar Lane, Elyria, Ohio, as per the attached sheet, not to exceed $2,050;

And whereas funds are available from accounts T-24-909-901 through 915 and 506-200 and have been certified by the chief financial officer, said certification being attached to this resolution;

Be it resolved that the mayor and
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the township clerk be, and they are
hereby, authorized to enter into and sign
said contract for the Township of Nutley.
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: Be it resolved
by the Board of Commissioners of the
Township of Nutley in the County of
Essex, State of New Jersey, that a
contract for the purchase of recreation
equipment and supplies be awarded to
Triple Crown Sports, 18 Throckmorton
Lane, Old Bridge, New Jersey, as per the
attached sheet, not to exceed $11,000;
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And whereas funds are available from accounts T-24-909-901 through 915 and 506-200 and have been certified by the chief financial officer, said certification being attached to this resolution;

Be it resolved that the mayor and the township clerk be, and they are hereby, authorized to enter into and sign said contract for the Township of Nutleye

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?

COMMISSIONER EVANS: Ayee

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Ayee

THE CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Ayee

COMMISSIONER TUCCI: Whereas the

2009 Essex County Open Space Local Aid
Nutley Board of Commissioners, 3/17/09

Program has funds available to assist Essex County municipalities with projects that qualify for funding from the Essex County Recreation and Open Space Trust Fund;

And whereas the Township of Nutley desires to further the public interest by obtaining funding in the amount of $225,000 from the 2009 Essex County Open Space Local Aid Program for the following project: The Monsignor Owens Field Lighting Project;

And now, therefore, be it resolved that the Board of Commissioners of the Township of Nutley authorizes the submittal of this application for funding;

And be it further resolved by the Board of Commissioners of the Township of Nutley that Commissioner Mauro Tucci is hereby authorized to execute an agreement and any amendment thereto regarding The Monsignor Owens Field Lighting Project.

I move the resolution.
Nutley Board of Commissioners, 3/17/09

COMMISSIONER EVANS: Second.

THE CLERK: Commissioner Scarpeleli?

COMMISSIONER SCARPELLI: Ayee

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Ayee

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Ayee

THE CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Ayee

COMMISSIONER TUCCI: Whereas the governing body of the Township of Nutley desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of approximately $25,000 to fund the following 2009 Community Stewardship Incentive Program;

Therefore, the governing body resolves that Joanne Cocchiola or the successor to the office of mayor is authorized to make application for such a grant, if awarded, to execute a grant agreement with the state for a grant in
Nutley Board of Commissioners, 3/17/09

an amount not less than $25,000 and not
more than $25,000 and c) to execute any
amendments thereto and any amendments
thereto which do not increase the
grantee's obligation.

The Township of Nutley Board of
Commissioners authorizes and hereby
agrees to match 25 percent of the total
project amount in compliance with the
match requirements of the agreement. The
availability of the match for such
purposes, whether cash, services or
property, is hereby certified. Three
percent of the match will be made up of
in-kind services (if allowed by the grant
program requirements and agreement).e

The grantee agrees to comply with
all applicable federal, state and
municipal laws, rules and regulations in
its performance pursuant to the
agreement.

I move the resolution.

COMMISSIONER EVANS: Second.

THE CLERK: Commissioner Scarpelli?
Nutley Board of Commissioners, 3/17/09

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: 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 provisions of R.S. 40A:4-59, the following transfers of 2008 appropriation reserves be, and same are hereby, authorized and approved:

The Department of Parks and Public Property, from public buildings and grounds, other expenses, $3,500, to group insurance in the like amount of $3,500.

I move the resolution.

COMMISSIONER EVANS: Second.

THE CLERK: Commissioner Scarpelli?
Nutley Board of Commissioners, 3/17/09

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 applications for renewal of video game licenses have been received from the following establishments: Jo-Ka Inc., trading as Washington Park, 174 Washington Avenue, for two machines at $600; Park Pub, 789 Bloomfield Avenue, two machines, $600; Ruthie's Third Base, 150 Bloomfield Avenue, one machine, $300;

Whereas the applications have been reviewed by the Code Enforcement Department and the Office of the Municipal Clerk;
Nutley Board of Commissioners, 3/17/09

Whereas a license fee of $300 per machine has been paid;

Therefore, be it resolved by the Board of Commissioners of the Township of Nutley, County of Essex, that the aforementioned licenses are approved and the municipal clerk is authorized to issue the licenses.

I move the resolution.

COMMISSIONER TUCCI: Seconde

THE CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Ayee

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Ayee

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Ayee

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Ayee

THE CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Ayee

Whereas an application to conduct senior bingo games has been received from the Nutley Senior Service Club to conduct nonprofit bingo games for the residents
Nutley Board of Commissioners, 3/17/09

effective March 2009 through March 2011;

Whereas the application has 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 license is approved and
the municipal clerk is authorized to
issue the license to the Nutley Senior
Service Club.

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 climate change has been
Nutley Board of Commissioners, 3/17/09

recognized by scientists, political
leaders and strategic planners around the
world to be a growing threat to global
stability and security;

Whereas climate change has direct,
economic, environmental, health and
societal impacts on all Americans,
including New Jerseyans and residents of
the Township of Nutley;

And whereas solutions to climate
change must take place at the local level
involving deeply concerned citizens as
well as elected officials of all towns
and cities;

And whereas the Board of
Commissioners encourages energy
conservation -- obviously, the lights
tonight -- both for reducing carbon
dioxide emissions and also for saving
money;

And whereas turning off unnecessary
lights whenever possible, as well as
appliances and electronic equipment, is
the simplest and most effective way to
Nutley Board of Commissioners, 3/17/09

conserve energy in private homes and in public buildings;

And whereas the first step toward changing the public's behavior's to educate them about energy use and climate change problems and solutions;

And whereas Earth Hour 2009 is both an international and local symbolic and education event intended to raise awareness about climate change issues and to inform residents and businesses about existing information and tools available within the community to help us reduce our carbon footprint;

And whereas Earth Hour 2009 is intended to demonstrate that each of us has the power to save energy and make a difference in the future of our planet;

Now, therefore, be it resolved that the Board of Commissioners of the Township of Nutley recognizes and supports Earth Hour 2009 occurring on Saturday, March 28th from 8:30 p.m. to 9:30 p.m., and each director will
Nutley Board of Commissioners, 3/17/09

determine which non-essential public lighting may be turned off during the observance of this event.

And be it further resolved that the Board of Commissioners encourages Nutley residents to participate by turning off their lights and businesses to take action in the coming year to conserve energy and reduce their carbon footprints.

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.

That concludes the business portion of the meeting this evening.
Nutley Board of Commissioners, 3/17/09

Is there anyone of the public that
would like to address the board?

MS. SHUSTER: Sera T. Shuster, 462
Chestnut Street in Nutley. First, I'd
like to tell you, and I want it on the
record, that this building is not
handicap-accessible. There is nothing
here for handicapped people. And I
always thought firemen were supposed to
help people. I asked this young fella to
move over, and he said no. I hope I
never have a fire in my house; I don't
want him there. I do want his name.
Everyone knows that that is my seat. I
think maybe you should put my name on it.
I've had that seat for years. I don't
know who he is, if he's a paid fireman or
a volunteer. But we do have some good
people working in the fire department; I
know who they are.

Okay, I'm here -- first of all, I'd
like to ask a question, Petracco,
Mr. Petracco. When they fix the traffic
lights, are they going to take the gutter
Nutley Board of Commissioners, 3/17/09

away from the traffic light on the corner of Harrison Street and Bloomfield Avenue?

COMMISSIONER PETRACCO: The gutter?

MS. SHUSTER: Yeah.

COMMISSIONER PETRACCO: The drainage?

MS. SHUSTER: You never looked at that building? They have the gutter, right against the traffic light. You have to walk under the building to go around the corner. You can't get the fire engine in because there's no room, and if you do get it in there's no room to turn around.

These firemen should have gone to look. I do my work.

COMMISSIONER PETRACCO: I'm not aware of that, to be honest with you, but I'll take a look at it.

MS. SHUSTER: Oh, I've been talking about it.

Okay, now let's get back to business.

MAYOR COCCHIOLA: Mrs. Shuster, not
just -- I'm sorry, I do have to interrupt you for one minute because I neglected to read, and I'm not -- I'm going to incorporate our statement in the record. But we are limiting public comment to five minutes per person. I'm sorry I neglected to read that before you stood up. I --

MS. SHUSTER: Well, I haven't been here in months, so I deserve more than five minutes.

MAYOR COCCHIOLA: Oh, well, I can't let you make it up, but go ahead, we'll start your five minutes right now.

MS. SHUSTER: Okay.

MAYOR COCCHIOLA: Thank you.

MS. SHUSTER: Mr. Evans, I called you on February 18th. I know you went on vacation with your son. But I spoke to your girl and you were supposed to call me back on February 23rd, which you never did, and that's one of the reasons why I came tonight.

On this days that you gave me, I
Nutley Board of Commissioners, 3/17/09
still don't know why I only got 5 percent. You claim here there's 360 days in a year. There's 365, and a leap year is 366, which last year was. And you gave me seventy-three days. On my calendar, it's a total of seventy-five days. Would you look into that, please?

COMMISSIONER EVANS: I will. The interest rate is statutory at 5 percent, so that clears up that question. I apologize for not getting back to you. I just -- I've been quite involved. And I do apologize. I should have.

MS. SHUSTER: Yeah, I know you've been involved.

COMMISSIONER EVANS: The --

MS. SHUSTER: I know what's going on.

COMMISSIONER EVANS: The 360 days is what's allowed by statute to calculate. So it actually helps you, not hurts you, because it's five days less.

MS. SHUSTER: Well, you should have put a little footnote.
Nutley Board of Commissioners, 3/17/09

COMMISSIONER EVANS: And -- well --

MS. SHUSTER: I thought maybe you
didn't know how many days were in a year.

Okay. You also -- I spoke to you on
May 13th of '08 and May 27th of '08. You
said my wall and fence was taken care of.
You said -- I asked you for a letter; I
still haven't received it. So would you
please give me a letter saying my wall
and fence has been taken care of? I want
to know who did it and how they did it.

COMMISSIONER EVANS: I don't believe
I said it was taken care of in the con --

MS. SHUSTER: Oh, yes, you did.

COMMISSIONER EVANS: No.

MS. SHUSTER: You said it was taken
care of.

COMMISSIONER EVANS: No, it has to
be -- you know, the way to take it --
there's a resolution to it and that's in
negotiating an easement agreement with
your fellow property owners.

MS. SHUSTER: I'm not talking to
that man because --
COMMISSIONER EVANS: And so --

MS. SHUSTER: -- Carmen Orechio, Carmen A. Orechio, allowed all this to go on. And Pat Intindola and Bill Spiezio, they shouldn't be getting paid because they don't know their job.

MAYOR COCCHIOLA: Mrs. Shuster, you have a question for Commissioner Evans?

MS. SHUSTER: Yes. I'm speaking. And, also, it's illegal to raise your yard to drain in somebody else's yard.

COMMISSIONER EVANS: I know the story.

MS. SHUSTER: And I think you should correct this.

Now, when they gave you code enforcement, did you go over all the records to see if everyone's treated it properly? No.

COMMISSIONER EVANS: No, Sera, that's --

MS. SHUSTER: Because if you did --

COMMISSIONER EVANS: -- thousands of records.
Nutley Board of Commissioners, 3/17/09

MS. SHUSTER: -- you would have taken care of me. I don't expect any favors. Just do what the law says.

Okay, what happened to my desk and chair with the tax books? I've been getting phone calls about the tax books. I can't get to it.

COMMISSIONER EVANS: Tax books are available in the --

MS. SHUSTER: I know they're locked up in Jody's office, but it should be out in the hall.

COMMISSIONER EVANS: No, the tax books are available in the assessor. There's a computer right there, and it is handicapped accessible.

MS. SHUSTER: Well, most people can't use computers; they don't know how.

COMMISSIONER EVANS: We have resources there that can help you do that.

MS. SHUSTER: Who's going to help us?

COMMISSIONER EVANS: Dee can help
Nutley Board of Commissioners, 3/17/09

you do that.

MS. SHUSTER: Is that the girl in
the tax assessor's office?

COMMISSIONER EVANS: Um-hum.

MS. SHUSTER: Okay. Also,
Mr. Tucci, I got four phone calls that
tell me that the fish and the turtles
died in the brooke

COMMISSIONER TUCCI: I'm not aware
of any turtles that died, but --

MS. SHUSTER: Yeah, I saw -- there
was a turtle there and it died, and the
fish died. I want to know, if it's going
to be replaced --

COMMISSIONER TUCCI: Okay.

MS. SHUSTER: -- who's responsible.

COMMISSIONER TUCCI: Well, we
believe -- and we're waiting for the
testing to come back; that's why we
haven't put out a press release as of
yet, and I was unaware that it took this
long to get water tests back, but
unfortunately it does. When there was
some pipe work going on, some water work,
as part of the disinfection process they put chlorine into the lines to kill any bacteria that may be in there.

Also as part of the process, they put another chemical in, all right, and the generic name for it is De-Chlor. It's a dechlorination agent, all right, which takes the chlorine out of the water. Both of these chemicals are oxidizers, which means they take the oxygen out of the water. We believe what happened was, when the contractor was doing the work and released the water, it went into some of the creeks and it did, in fact, kill the fish.

The contractor has assured us that he will replenish the fish and that there is no danger --

MS. SHUSTER: I hope you got it in writing.

COMMISSIONER TUCCI: We will have it in writing. They came here to a meeting. We contacted the DEP, we've had our own Nutley HazMat Team there, and everything
Nutley Board of Commissioners, 3/17/09

is moving along nicely.

MS. SHUSTER: Okay, 'cause the people who call me are very upset about it. And I did get calls about the tax book also.

COMMISSIONER TUCCI: Um-hum.

MS. SHUSTER: Petracco, Commissioner Petracco, I wasn't here to speak at the last meeting, but Al Ciccone died.

COMMISSIONER PETRACCO: I heard.

MS. SHUSTER: He was an outstanding police officer. He was a great guy and he knew his business. And he went into the schools. He had a board where he -- I don't want to fall here, but then I'd own the town.

He had a board with all the drugs on it, and he went into the courthouse -- I mean, into the school. And he was teaching. And then Carmen Orechio stopped it; Al told me this. He was a great guy.

And I just felt bad when I received the phone call that he passed on. And
when the fish died, when I got phone

calls, I said why the fish? I could have
given them a list. But I can't do that.

MAYOR COCCHIOLA: Mrs. Shuster, I

just want to remind you that you're

almost out of time. So if you have any
direct questions that you'd like to ask a

commissioner --

MS. SHUSTER: I'm not --

MAYOR COCCHIOLA: -- you need to do

it now.

MS. SHUSTER: I think I'm finished,

but I am never out of time and I never

stop talking.

MAYOR COCCHIOLA: I'm sorry, but

we're limiting all public comments at

five minutes per person.

MS. SHUSTER: There's a new rule?

MAYOR COCCHIOLA: Yes, and I

neglected to read the statement that I've

been reading since January into the

record. I apologize.

MS. SHUSTER: Well, I haven't been

here, so -- I'll abide by it tonight
Nutley Board of Commissioners, 3/17/09

because I can't stand up much longer.

MAYOR COCCHIOLA: Thank you, and I hope you're okay. Thank you very much.

MS. SHUSTER: But I'm all right. Just my leg. Nothing happened to my mouth.

MAYOR COCCHIOLA: We could tell.

MS. SHUSTER: So I just want you to know that.

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

Mrs. Shuster, maybe we should pull up a chair for you instead of having --

MR. MAGNIFICO: Jack Magnifico, 160 Park Avenue. Joe, I want to thank you for seeing if you can assist me with that poll.

You know, Mayor and Board of Commissioners, I tried to adhere after fifty-five years to the town's upgrade, and we have put in Nutley polls in front of the 187 Washington Avenue. And I asked Mr. Scarpelli if he would assist...
Nutley Board of Commissioners, 3/17/09

me, and he has done that and I appreciate it. And I'm sure you'll see that. They're lighting up the American flag and the State of New Jersey's flag, which are now on my building permanently.

One of the things -- I want to commend Mr. Tucci. Finally, after all these years, we're going to get this consolidated bit going with all the -- I hope that Evans and the mayor and Scarpelli all get in with you and see if we can -- in many ways, this'll help cut down Mr. Evans' big problem Monday. You know, it'll give us a break. And I thank you very much for pursuing it --

MR. TUCCI: Jack, I can assure you

MR. MAGNIFICIO: -- finally.

MR. TUCCI: -- this is a team effort.

MR. MAGNIFICIO: I know it is. I know it is.

COMMISSIONER TUCCI: All right, it has been from day one, and that's the way it's going to continue.
Nutley Board of Commissioners, 3/17/09

MRe MAGNIFICO: It has to bee It has to be.

COMMISSIONER TUCCI: That's righte.

MRe MAGNIFICO: I remembere Her father and I worked on ite.

Anyway, thank you very much e I want to --

COMMISSIONER TUCCI: You're welcomee.

MRe MAGNIFICO: -- commend you for it, and the rest of the board for going on this consolidated bite It will make a difference in this town when you get less spending on energy and materials that we all use at the same timee Thank youe.

COMMISSIONER TUCCI: Um-hume You're welcomee.

Mayor, if I might?

MAYOR COCCHIOLA: Yese.

COMMISSIONER TUCCI: Some of you may have noticed that we have different lighting in here this evening e We've replaced all of the old incandescent bulbs, but the new fluorescent squiggle lights, for lack of a better term, they
Nutley Board of Commissioners, 3/17/09

have a life expectancy of five years at
least. And --

UNIDENTIFIED SPEAKER:
(Indiscernible).

COMMISSIONER TUCCI: Let me finishe.
Okay, we'll see in five years. And they also consume less energy. And throughout the township and all of our buildings, whenever the old bulbs burn out we will be replacing them with the ones that we have here. It's a little different; it's something to get accustomed to. But I think, in the long run, it'll be a bonus for the township.

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

MRe. MOORE: Rory Moore, 462 Chestnut Street. Ms. Cocchiola, last meeting I asked you specifically about an OPRA request; you said you didn't know. So I have a response. And Ms. Rodriguez did give me a copy of the text, which I did ask for. And I also asked for the
Nutley Board of Commissioners, 3/17/09

authority for the statement. That wasn't included. I'll take that up with the GRC.

Last meeting I asked you specifically about that, and you said that it was contained in the Open Public Meetings Act.

MAYOR COCCHIOLA: Okay, Mr. Moore, two things. Let me start by telling you, an open public records request, and you can go to the GRC with this --

MR. MOORE: Oh, I am.

MAYOR COCCHIOLA: -- is a request --

MR. MOORE: Already did.

MAYOR COCCHIOLA: -- for records kept in the ordinary course of business.

MR. MOORE: That's correct.

MAYOR COCCHIOLA: In the ordinary course of business -- we can provide you with a copy of the statement that I have read into the record every single meeting. In the ordinary course of business, the township does not maintain the case law with respect to the question
Nutley Board of Commissioners, 3/17/09

that you have asked.

MR. MOORE: That's not what you said.

MAYOR COCCHIOLA: Mr. Harkins, could you do me a favor?

MR. HARKINS: Yes.

MAYOR COCCHIOLA: Could you cite for Mr. Moore the legal authority for the --

MR. MOORE: Yes, please. I asked for that and the OPRA --

MAYOR COCCHIOLA: -- for the statement? We don't --

MR. MOORE: -- and it said it wasn't available.

MAYOR COCCHIOLA: -- maintain the records in the ordinary course of business. So you've asked for something incorrectly. He'll answer your question now.

MR. MOORE: Good. Which case do you want to cite?

MR. HARKINS: I -- Mayor, I can give you the citation; I don't have it with me, but there --
Nutley Board of Commissioners, 3/19/09

MAYOR COCCHIOLA: Okay.

MR. HARKINS: -- there are cases that permit us to -- first of all, the Open Public Meetings Act does permit us to regulate public comment.

MR. MOORE: Would you like the --

MR. HARKINS: That's --

MAYOR COCCHIOLA: -- New Jersey statutes or the federal statutes?

MR. HARKINS: I'm answering the mayor's question.

Secondly, there are cases, and there is case law, that supports the proposition that members of the public can be limited in their public comments to five minutes. That's been upheld.

MR. MOORE: Here --

MR. HARKINS: And I'll --

MR. MOORE: -- here's the case. Would you like to show me where it is?

MR. HARKINS: Mr. Moore, I don't --

MAYOR COCCHIOLA: Mr. Moore, he's not going to show you anything.

MR. HARKINS: -- I don't want to
Nutley Board of Commissioners, 3/17/09

ins -- you know --

MR. MOORE: I'm asking for an answer
to an OPRA request.

MR. HARKINS: I'm telling you I'm
going to get it for you --

MR. MOORE: I'm just saying that --

MR. HARKINS: -- because the mayor's
requested it.

MR. MOORE: I asked incorrectly.

MR. HARKINS: It's not something
normally that I would give to you.

MAYOR COCCHIOLA: No, no, no, no, I
didn't ask you to supply to -- it's not a
record kept in the ordinary course of
business. And I told you at the last
meeting I'm not your law clerk.

MR. MOORE: Yes, you did. You said
to me --

MAYOR COCCHIOLA: If you can do
legal research --

MR. MOORE: -- it was covered in
the --

MAYOR COCCHIOLA: -- you can figure
it out, Mr. Moore.
Nutley Board of Commissioners, 3/17/09

MR. MOORE: -- the guide to the Open Public Meeting Acte

MAYOR COCCHIOLA: I'm pretty sure one of the cases involved Dunn v. The City of Elizabeth. I think that was the --

MR. MOORE: No, Dunn v. City was something else totally. I don't think you want to go to Dunn.

MAYOR COCCHIOLA: I'm not going to sit here and have an argument --

MR. MOORE: Okay.

MAYOR COCCHIOLA: -- with someone who doesn't have a license to practice law.

MR. MOORE: That's okay. Do you --

MAYOR COCCHIOLA: If you want to take it to somebody else, take it. We know we have the legal authority to do it, and I'm not going to --

MR. MOORE: I --

MAYOR COCCHIOLA: -- keep arguing with you over it.

MR. MOORE: I asked you --
Nutley Board of Commissioners, 3/17/09

MAYOR COCCHIOLA: Do you have any other questions about something else?

MRe MOORE: -- for -- yes, I do. I asked you specifically in the OPRA for the authority for the statement.

MAYOR COCCHIOLA: And I just told you that it's not --

MR. MOORE: And it said it's not available.

MAYOR COCCHIOLA: -- a record kept in the ordinary course of business. You want to challenge us on that, be my guest.

MRe MOORE: Oh, I already did. You'll get your copy soon.

MAYOR COCCHIOLA: I don't care. Go ahead. I know what we're doing, and we're doing this correctly.

MR. MOORE: I also asked for the case law under the OPRA. It said what cases were --

MAYOR COCCHIOLA: It's not a business record kept in the ordinary course of business.
Nutley Board of Commissioners, 3/17/09

MR. MOORE: Wait a minute. Wait --

MAYOR COCCHIOLA: If you have a question --

MR. MOORE: Whoa, whoa, whoa. I had to copy this down. Wait a minute, what did you say?

MAYOR COCCHIOLA: Do some legal research. You'll find it.

MR. MOORE: So you're telling me --

MAYOR COCCHIOLA: I don't have it in front of me now, but I did have it at the last meeting.

MR. MOORE: So you're telling me that a case law -- I want it on the record actually -- that a case, a civil case, naming a township as a plaintiff -- I'm just trying to --

MAYOR COCCHIOLA: No, I'm telling you that Mr. Harkins provided me with some case law that supported the fact that you -- we -- any municipal governing body is allowed to put a time restriction --

MR. MOORE: No, no, no, this is --
MAYOR COCCHIOLA: -- on the time for public comment.

MR. MOORE: -- this is about just general case law. I have -- this is very specific, actually. I said in which the --

MAYOR COCCHIOLA: General case law for what? What are you talking about?

MR. MOORE: I'm trying --

MAYOR COCCHIOLA: You just asked me a question about the time limitation.

MR. MOORE: If you -- if you would --

MAYOR COCCHIOLA: And I said it's supported by case law and it's supported in the Open Public Records Act.

MR. MOORE: Can I -- can I finish my question?

MAYOR COCCHIOLA: Or Public Meetings Act, I'm sorry.

MR. MOORE: Can I finish my question?

MAYOR COCCHIOLA: Go ahead.

MR. MOORE: It might be easier to
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answer it if I can answer my question --
ask my question.

MAYOR COCCHIOLA: You don't ask a
coherent question; that's the problem.

MR. MOORE: Well, that's okay.

That's an opinion. In here I ask for any
case in which the Township of Nutley was
a plaintiff or defendant in the calendar
years of 2009, 2008 or 2007. And this
says that there's no records.

MAYOR COCCHIOLA: We don't have any
case law where we were a plaintiff or
defendant. That has to deal with this?

MR. MOORE: None whatsoever? None
whatsoever? I want to know a specific --

MAYOR COCCHIOLA: Mr. Harkins,
what's he talking about?

MR. MOORE: I'm asking the record --

MR. HARKINS: I haven't seen the
records request. If you want to forward
it to me, I'll take a second look at it.

MR. MOORE: It's right here.

THE CLERK: I don't know which
records request you're speaking of with
Nutley Board of Commissioners, 3/17/09
that one. I don't know

MR. MOORE: It's very simple.

Records Request 10-09e "I seek public
information for all litigation where the
Township of Nutley is named as a
plaintiff or a defendant for the calendar
years of 2009, 2008 or 2007. Please
include any litigation citations only."

MAYOR COCCHIOLA: I haven't seen
that, that request.

THE CLERK: I responded. Can you
read the response?

Let him read the response, Mayor.

MR. MOORE: Yes. The response is,
"Your request has been denied. The
township does not have any documents
pursuant to your request."

MR. HARKINS: Yeah, I think --

THE CLERK: I do not have a
document --

MR. HARKINS: I think --

THE CLERK: -- pursuant to his
request.

MR. HARKINS: Yeah, I think if -- I
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think your request, Mr. Moore, is for us to provide you citations to --

MR. MOORE: That's all.

MR. HARKINS: -- actions in which we are a plaintiff or defendant, or whatever it was you asked for.

MR. MOORE: Yes.

MR. HARKINS: We don't have a document or a piece of paper that lists whatever the actions are.

MR. MOORE: You didn't get a lawsuit? You didn't get a copy of a suit?

MR. HARKINS: You're asking -- Mr. Moore, you're not listening. You're asking for us to create a document for your benefit, to provide you with a list of actions, civil actions, where we are the plaintiff or defendant. We don't keep such a document. And that's, I assume, why the request was denied.

MR. MOORE: Well, that's incorrect.

THE CLERK: That is how I understood it, and I responded according to --
Nutley Board of Commissioners, 3/16/09

MR. MOORE: That's incorrect.

THE CLERK: -- my understanding.

MR. MOORE: Part of the reason I asked that question specifically, 'cause when Mr. Evans was the acting mayor for one evening, I brought up specifically -- I wanted to know how many people were in the IT department. And I was told -- I asked about Mr. Ubelow, I think his name is. Am I saying that correctly?

UNIDENTIFIED SPEAKER: Uloh (ph.)a

MR. MOORE: Uloh. Thank you. And I was told there's a case law on that one, it's in court in litigation.

Now, Mr. Tucci, I would like to point this out to you. This is where my imagination runs wild. If Mr. Evans tells me that there's litigation and it's before a court, and your town attorney tells me there's no litigation --

MR. HARKINS: Mr. Moore --

MR. MOORE: -- I see dots.

MR. HARKINS: -- I'm not telling you there's no litigation. I'm telling you I
Nutley Board of Commissioners, 3/17/09
don't have a document that lists by
caption each and every action that we're
involved in.

MR. MOORE: So, to the best of your
knowledge, did Mr. Uloh sue the Township
of Nutley for being fired by
Mr. Orechio?

MAYOR COCCHIOLA: Hold on a minute.
Let's --

MR. HARKINS: Mr. Moore, we're not
going to go into --

MR. MOORE: That's a civil case.
It's a public document.

MAYOR COCCHIOLA: First of all,
Mr. Moore, your five minutes are up.

MR. MOORE: Well --

MAYOR COCCHIOLA: Second of all --

MR. MOORE: -- do whatever you want.

MAYOR COCCHIOLA: -- I want you to
start to understand what a request under
OPRA means. I'm going to tell it to you
one more time.

MR. MOORE: You don't have to, don't
bother, 'cause we already know.
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MAYOR COCCHIOLA: Records kept in the ordinary course of business are what we are required to supply. We're not required to answer twenty questions that are --

MR. MOORE: So Mr. Uloh being fired by Mr. Orechio and he initiates a lawsuit is not a normal course of business? Am I understanding you correctly?

MAYOR COCCHIOLA: Your five minutes are up.

MR. MOORE: Well, you could do what you want.

MAYOR COCCHIOLA: If you have another specific question --

MR. MOORE: I called Mr. Petracco's office this morning. I called the chief to make sure that we had a police officer here this evening because --

MAYOR COCCHIOLA: We do have police officers here.

MR. MOORE: Yes, we are (sic) --

MAYOR COCCHIOLA: We always have police officers here.
MR. MOORE: -- 'cause I'm challenging your five minutes. I'm challenging your five minutes.

MAYOR COCCHIOLA: Your five minutes are up, sir.

MR. MOORE: Well, I still have to go through the rest of the OPRA request, and I still didn't get to my questions tonight.

MAYOR COCCHIOLA: Well, send them to us.

MR. MOORE: Well, I did. I got -- I didn't get any answers.

MR. HARKINS: Mr. Moore, if you're not happy with the answer, you have the right to address that down in Trenton. So go ahead.

MR. MOORE: What? I'm sorry?

MR. HARKINS: You have the right to address that down in Trenton, so go ahead, if you're not happy with the answer.

MR. MOORE: Well, I'm asking you on a record specifically 'cause --
MAYOR COCCHIOLA: I agree. If you don't -- if you're not satisfied with something that the municipality sends you, you could take it up with the government records counsel.

MRe. MOORE: No, I just want to make sure that when I filed my complaint --

MAYOR COCCHIOLA: Now, I've asked you -- I've told you that your five minutes are up. I'm going to ask you to sit down now.

MRe. MOORE: No, well, actually, I'm not because, under the Open Public Meetings Act, it's not there. So I hate to disappoint you with your legal research --

MAYOR COCCHIOLA: I'm going to ask you to sit down now or I'm going to ask you to leave the room.

MRe. MOORE: Well, I'm not going to leave the room 'cause I'm asking a public question.

MAYOR COCCHIOLA: Well, I'm going to ask you to --
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MR. HARKINS: Mr. Moore --

MAYOR COCCHIOLA: -- sit down now --

MR. HARKINS: Mr. Moore, listen.

MAYOR COCCHIOLA: -- one more time.

MR. HARKINS: Listen to me.

MR. MOORE: No, it's -- the time -- you could ask the officer to come up and I'll sit down as long as the officer requests --

MAYOR COCCHIOLA: Sit down!

MR. MOORE: -- because -- I'm not going to sit down.

MAYOR COCCHIOLA: Sit down. Is there anyone else that would like to address the board this evening? You could take the microphone.

MR. MOORE: Oh, that's all right.

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

THE CLERK: We're adjourning? I mean --

MAYOR COCCHIOLA: We -- Mr. Kirk?

We're not going to be adjourning the
Nutley Board of Commissioners, 3/17/09

meeting, correct.

MR. KIRK: Hello, Commissioners.
Hello, Mayor. Jason Kirk. I'm the IT manager for the Township of Nutley. In the past few meetings, a couple issues had been brought up, maybe with my department, especially with purchasing Microsoft licensing. And apparently some of our members are convinced that we did it the wrong way. We did it the only way you could do it. It's an open volume license agreement. There is no such thing as a server license. And I just wanted to get that on the record.

We did it correctly, and we did it at the best price.

MAYOR COCCHIOLA: Thank you, Mr. --

COMMISSIONER EVANS: Jason, point of clarification. How many site licenses do we have, user licenses do we have?

MR. KIRK: We have 120 seats.

COMMISSIONER EVANS: Okay. And it's a Microsoft Office Suite product --

MR. KIRK: Yes.
COMMISSIONER EVANS: -- correct? Is there any way possible that you can purchase licenses covering that product other than the way we did it?

MR. KIRK: There's no other way.

COMMISSIONER EVANS: And you got that confirmed from where?

MR. KIRK: I got an e-mail from Microsoft.

COMMISSIONER EVANS: Thank you.

MAYOR COCCHIOLA: Thank you, Mr. Kirk.

One announcement before we -- we're not going to -- we are not going to adjourn -- we're not going to conclude this meeting. We're going to continue it. But before we make that announcement, on March 24th, Tuesday March 24th, from 9 to 5, the Senate Budget and Appropriations Committee will be conducting a public hearing on the campus of Montclair State University for residents to voice their concerns to Governor Corzine's proposed state budget.
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We encourage all to participate in this exercise.

If you would like more information, we have a Web site that you can access, njleg.state.nj.us. And if you need more information, you can contact my office.

This meeting will be continued to March 31st at 7 p.m., that's a Tuesday, at which time the municipal budget will be introduced. Thank you.

(Meeting recessed at 7:21 p.m. to be continued on March 31, 2009 at 7 p.m.)
CERTIFICATION

I, Clara Rubin, 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 14, 2009.

Clara Rubin

Doerner & Goldberg -- A Veritext Company
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TOWNSHIP OF NUTLEY, NEW JERSEY
BOARD OF COMMISSIONERS

PUBLIC MEETING

TRANSCRIPT OF
PROCEEDINGS:

March 31, 2009
7:00 p.m.

BEFORE:
Mayor Cocchiola
Commissioner Evans
Commissioner Petracco
Commissioner Scarpelli
Commissioner Tucci

Job No: 200668
Township of Nutley Public Meeting 3/31/09

MADAM CLERK: Could everyone please stand for the flag salute?

(Pledge of Allegiance is recited)

MAYOR COCCHIOLA: This meeting is a continuation of our meeting of March 17 -- it was the 17th wasn't it?

MADAM CLERK: Yes, Mayor.

MAYOR COCCHIOLA: Madam Clerk, I'm just going to ask you to call the roll. You don't need to reread the Sunshine notice. Just call the roll, please.

MADAM CLERK: Yes, Mayor.

Commissioner Scarpeelli?

COMMISSIONER SCARPELLI: Here.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Here.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Here.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Here.

MADAM CLERK: Mayor Cocchioda?

MAYOR COCCHIOLA: Here.

MADAM CLERK: Al presente, Mayor.

MAYOR COCCHIOLA: Thank you. The
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purpose of this meeting is to introduce
the municipal budget for 2009.
Commissioner Evans, I'm going to turn
this over to you for explanation and
introduction.

COMMISSIONER EVANS: Thank you,
Mayor. The first thing we have to do is
introduce an ordinance. So the first
step would be to introduce an ordinance
establishing the appropriation cap at two
and half percent as required by statute
which I'll read by its title:

Ordinance Number 3098, ORDINANCE TO
EXCEED THE MUNICIPAL BUDGET APPROPRIATION
LIMITS AND ESTABLISH A CAP BANK AT TWO
AND A HALF PERCENT.

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 May 5,
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COMMISSIONER TUCCI:  Second.

UNIDENTIFIED SPEAKER:  Seconded

MADAM CLERK:  Commissioner Scarpelli?

COMMISSIONER SCARPELLI:  Ayee

MADAM CLERK:  Commissioner Petracco?

COMMISSIONER PETRACCO:  Aye.

MADAM CLERK:  Commissioner Evans?

COMMISSIONER EVANS:  Aye.

MADAM CLERK:  Commissioner Tucci?

COMMISSIONER TUCCI:  Aye.

MADAM CLERK:  And Mayor Cocchiola?

MAYOR COCCHIOLA:  Ayee

COMMISSIONER EVANS:  The second order of business for tonight is to introduce the 2009 Municipal Budget. This is the municipal portion of the budget. It is not the -- it does not relate to the county budget or the -- or allocation from the county or the school board. It is just the municipal portion of our budget which is, from a taxpayer's standpoint, this portion of the property tax bill represents about thirty-five
percent of that bill. The county and the school board represent the balance of the total taxes that are charged each year.

What's important about our budget this year is that -- is one, is to understand is that we have to meet two tests. One is a levy test which says that our budget cannot exceed a four percent increase year-over-year and an appropriation cap which says that our cap cannot increase our appropriation by more than two and a half percent.

We do have a statutory window which says we, as a municipality, if we wanted to, could increase the appropriation cap by one percent and that's allowable by statute. We are not doing that this year. There's no additional increase. We wanted to live within the limits and our goal as a commission body -- and each of the commissioners will speak to their departments -- our goal as a commission body was not to achieve the maximums allowed by statute; our goal was to
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actually introduce a budget that was well
below the statutory caps that were
allowede

So, as it stands right now, our levy
for the taxpayers will total
$34,347,174.61 which is $905,000 below
the allowable levy cap, so we have
reduced well below that. Our
appropriations are $319,328.85 below what
the allowable limit is on the
appropriations side. So basically what
that means is that our appropriations
year-over-year for the municipality
increase $687,000 or 1.5 percent.

Our levy is further burdened by the
fact that we lost revenue in the climate
that we are in -- lower interest rates,
lower code fees and so on -- we've lost
$443,000 worth of revenue which accoun\(\text{\texte}\)es
for another 1.9 percent. So, in total,
if you look at our budget year-over-year,
it's going up 3.4 percent which is, in
total, well below the maximum that's
allowed by statute.
What that means is that we as a township had to work very hard together as a commission body to make sure that we did not pass on any costs to a taxpayer through the property tax if we could avoid it. And so we have in here a cost that is part of that increase which really represents two major categories; the increased cost of health care and the continuation of fully funding our pension year-over-year. We spent five years getting out of the hole from the pension holiday that existed in the early 2000s. We are now current and in this budget we are not returning to having a shortfall. We're fully funding our pension which our, you know, municipal employees should feel comfortable in knowing that we are not going to fall behind in being able to support our obligations.

The second piece is relating to insurance. There are small adjustments across the board but there's also an assumption here that there are no salary
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raises for any department in the municipality for the coming year except that we will honor steps and longevity because we have an obligation to do that, but we are asking everyone to support the fact that in an environment where we have a significant challenge in that we are dealing with a global recessionary economy, the residents of our town are struggling and we are taking every step that we can take to ensure that if we have to pass on a cost, it's the least amount of the cost increase that we can pass on and we're doing our job as commissioners to ensure that we're being responsible as a commission body.

So with that, our tax rate effect is 3.4 cents which equals $138 per household. Another dimension of that, just to add a little bit more detail to this, is that while it's $138 per household, 2 points of the 3.4 points relates to the fact that as part of our adjustments this year, we reduced the
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assessed values of 1700 homes which has
an effect of reducing our numerator in
the calculation which has had a 2 point
effect on the tax rate. If we didn't do
that, and we didn't have a need to do
that, our tax rate increase would have
been 1.4 cents this year. And what that
really means -- that's about $55 per
household or something less than $15 a
quarter.

So, the translation of that is that
we feel -- I feel, as the Revenue and
Finance Commissioner, that we're
introducing a very responsible budget
that's sensitive to the township and
meets the needs of a government that
needs to still continue to govern in a
very difficult financial environment.

So with that, commissioners, if
you'd like to comment on your
departments, be my guest.

MAYOR COCCHIOLA: Is that an
introduction, though? Hold on just a
second and then I'll call for discussion.
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COMMISSIONER EVANS: Do you want me -- I have to read something to do that if you want to comment before.

MAYOR COCCHIOLA: Read it, we'll second and then we'll open up for discussion.

COMMISSIONER EVANS: Okay. So, by introduction, the Municipal Budget of the Township of Nutley, County of Essex, for the fiscal year 2009, be it further resolved that the following statements of revenue and appropriation shall constitute the municipal budget for the year 2009. Be it further resolved that said budget be published in The Nutley Sun in the issue of April 9th. The governing body of Township of Nutley does and hereby approve the following budget for the year 2009. So move.

COMMISSIONER TUCCI: Second.

MAYOR COCCHIOLA: Okay

MADAM CLERK: Commissioner Scarpa|li?

MAYOR COCCHIOLA: No, before you
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call for a vote, any discussion by any
members of the board? Commissioner
Scarpellí?

COMMISSIONER SCARPELLI: Thank you, Mayor. I’d like to congratulate
Commissioner Evans on the preparation of the budget. I’d like to congratulate all
my colleagues on what I think is a bare-bones budget. In particular, the
public works budget, we're $43,500 under last year's budget and if you put in the
uncontrollable costs of $20,000, we're $63,477 under 2008. So, it's been
difficult to get there; it's been painful at times, and I think that we've done a
great job. So, I vote yes.

MAYOR COCCHIOLA: Commissioner Petracco?

COMMISSIONER PETRACCO: Yes, thank you, Mayor. I would also like to thank Commissioner Evans, and I'd like to thank him for his help through this process that's very long and painful as well. I would just like to say that with the
public safety budget in particular, being we have binding arbitration, that this budget does not reflect any pay raise increase. So if we wind up in binding arbitration down the road and a judge awards settlement and it's a percentage, I just want to make it clear that this budget does not have that in here So, I want to thank everybody for their help and hopefully we move this along. So I vote yes also.

MAYOR COCCHIOLA: Thank you.

MADAM CLERK: Okay. Commissioner Evans?

COMMISSIONER EVANS: Aye.

MAYOR COCCHIOLA: Commissioner Tucci?

COMMISSIONER TUCCI: Yes. I'd like to echo the sentiments of my two colleagues to the right and I think Tom did an excellent job, once again, of crafting this budget and lending us the guidance and the information that was necessary. There's one thing that I'd to
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comment on -- actually, a couple of things, but one major point and that is we made a conscious decision; while we have in this budget zero increases for our people, we did, in fact, keep intact the health benefits because we felt that was a quality of life issue for our folks. Because in the event of one catastrophic illness with just the co-pays alone -- I mean, depending on whether you're paying twenty percent or thirty percent, the average employee could, in fact, find themselves in a very bad position, as far as debt is concerned, relative to medical bills.

So while we're zero on a percentage increase, and we even looked at steps and longevity which, quite frankly, I can speak for my own department, I'm sure it's the same in the other departments, it came to a de minimis amount. We did, in fact, make a conscious decision to keep the health benefits intact because we did feel that was important for our
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employees. This is a budget that while it's to the bone, it still takes into account the quality of life here in Nutley, it keeps Nutley the special place that it is.

In the newspapers you'll read different things and there are a lot of numbers that are thrown around, but what you hear tonight here and what's presented in this budget is the absolute truth. So for anyone who goes on message boards or you're a blogger, don't take anyone's word for anything. If you have a question, please, come here, ask the question. You'll always get the truth. You may not like it, but you'll always get the bottom-line truth. I'd just like to congratulate everyone on doing an excellent job, and I think we've done the Township of Nutley a great service.

COMMISSIONER EVANS: Absolutely. It had to be a team effort.

COMMISSIONER TUCCI: Yes.

MAYOR COCCHIOLA: And you vote yes.
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MADAM CLERK: And Mayor Cocchiola?

MAYOR COCCHIOLA: Thank you. I cannot say enough good things about Commissioner Evans; his approach to this budget, his approach with all of us. The professionalism is really unmatched by anything I have ever seen or anyone. He's really a consummate professional.

And I walked in here tonight and I just am really, really proud of him and I'm proud of -- I'm proud to be able to sit here with this board, the way we worked and how difficult and hard it was to achieve what we've achieved tonight. It was truly teamwork at its best. So I have to say I want to thank the employees of my own department who I have talked with for a long time and discussed with and, you know, we all have personal feelings about a lot of things but who have been very good in giving me their opinions about what they believe is the right thing to do as well. I don't remember a time when it was as difficult...
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to do a budget like this since we've been in elected office. So, again, I'm really, really proud of where we've come in the past six weeks. What we started at and where we -- and how we ended up. So, of course, I vote yes on the introduction.

MADAM CLERK: Okaye

COMMISSIONER EVANS: Mayor, just a comment. The budget will be available at the clerk's office tomorrow morning by 9 a.m.

MAYOR COCHELLO: Thank you.

MADAM CLERK: Mayor, the public hearing will be on May 5, 2009, Tuesday, 7 p.m.

MAYOR COCHELLO: Yes, we welcome the comments of the public. That concludes the business portion of our meeting. We're going to open the meeting up to the public for public comments. Just let me read the statemente. All persons addressing the Board of Commissioners regarding community.
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c oncerns should approach the microphone
and provide their name and address for
the record. Unless further time is
granted by the board, each person shall
limit their address to five minutes. All
remarks to the board and its individual
members must be addressed to the mayor.
The mayor may defer citizen comments to
the appropriate member of the board.

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

Is there anyone that would like to
address the board this evening?

MRe SPEAKERe Motion to adjourn?
MRe SPEAKERe Seconde
MAYOR COCCHIOLAe We have a motion
e
MADAM CLERKe Commissioner

Scarpelli?
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COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

(Meeting adjourned)
CERTIFICATION

I, Zipporah Geralnik, 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 12, 2009.

Zipporah Geralnik

Zipporah Geralnik
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Continued meeting of March 17, 2009 held on March 31, 2009.

Introduction of the 2009 Municipal Budget and

Introduction of Ordinance No. 3098 entitled “ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK”
MUNICIPAL BUDGET NOTICE

Section 1.

Municipal Budget of the Township of Nutley, County of Essex for the Fiscal Year 2009.

Be it resolved, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2009;

Be it further resolved, that said Budget be published in the Nutley Sun in the issue of April 9.

The governing body of the Township of Nutley does hereby approve the following as the Budget for the year 2009.

RECORDED VOTE

Ayes

Nays

Abstained

Absent

Notice is hereby given that the Budget and the Tax Resolution was approved by the Governing Body of the Township of Nutley, County of Essex on March 31, 2009.

A Hearing on the Budget and Tax Resolution will be held at the Municipal Building, on May 5, 2009 at 7:00 o'clock (P.M.) at which time and place objections to said Budget and Tax Resolution for the year 2009 may be presented by taxpayers or other interested persons.

Mayor Cocchiola "AYE"
Commissioner Evans "AYE"
Commissioner Tucci "AYE"
Commissioner Petracco "AYE"
Commissioner Scarpelli "AYE"

Sheet 2