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

RE:
PUBLIC MEETING

TRANSCRIPT OF PROCEEDINGS:

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

BEFORE:

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

Job No: 200671
MAYOR COCCHIOLA: Could everyone please stand for the flag salute.

(Pledge of Allegiance)

COMMISSIONER SCARPELLI: Madam Clerk, could you please reread the Sunshine Notice?

THE CLERK: 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 the Harold 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 is absent, excused at this time.

Commissioner Tucci

COMMISSIONER TUCCI: Here.
THE CLERK: Mayor Cocchiola.

MAYOR COCCHIOLA: Here.

THE CLERK: Everyone present with the exception of Commissioner Evans, Mayor.

MAYOR COCCHIOLA: Thank you. We have no minutes to approve this evening so we can move on to correspondence.

THE CLERK: Okay. We do have some communications and correspondence. The first being the Nutley Ice Hockey.

And it reads: "Mrs. Tony Newton (ph.) Vice President of the Nutley Ice Hockey Booster Club has requested to reschedule their previously approved, May 3, 2009 street fair event. "They would like to reschedule it for Sunday, June 21st."

And I need a motion.

UNIDENTIFIED SPEAKER: Move it.

UNIDENTIFIED SPEAKER: Second.

THE CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

THE CLERK: Commissioner Petracco?
COMMISSIONER PETRACCO: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

THE CLERK: Okay. The other forms of communication and correspondence this evening, Mayor, is the North Jersey District Water Supply Commission, their March 20, 2009 meeting agenda and the North Jersey District Water Supply Commission meetings for February 25, 2009.

And that's all for communications, Mayor.

MAYOR COCCHIOLA: Thank you.
Commissioner Tucci, I think we have some special visitors this evening for one of your resolutions.

COMMISSIONER TUCCI: Yes, we do.

Thank you, Mayor.

I'm sure you're all aware that April is Autism Awareness Month and I'd like to present this resolution.
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Whereas, the pervasive development
disability of Autism Spectrum Disorders aﬀects the communications, skills,
learning, social interaction and behavior of those aﬀected by it; and

Whereas Autism Spectrum Disorders are of lifetime duration requiring a lifetime of specialized services and supports at local, state and government levels; and

Whereas it is important for the residents and leaders of the Township of Nutley to recognize the continuing need for the development of appropriate educational community programs for individuals with Autism Spectrum Disorders through their adult lives, with the inclusion of therapeutic support and services for families living with the challenges and obstacles of Autism; and

Whereas the families of individuals with an Autism Spectrum Disorder living in the Township of Nutley and all of the other communities of the State of New
Jersey, find support, advocacy, educational training, opportunities and current legislation through the fine efforts of organizations dealing with Autism, especially Autism New Jersey, formally known as COSAC, the New Jersey Center for Outreach and Services for the Autism Community; which is a recognized spokes person for this special populations; and

Whereas it is imperative for the residents and leaders of the Township of Nutley to recognize and support the continuing need for research in the field of autism spectrum disorders, and support those fine organizations that are looking into the possible causes, medical treatments, educational methods, and prevention, especially Autism Speaks; OAR, Organization for Autism Research, The Seaver Center for Autism Research and Treatment, Mount Sinai Medical Center, NYC And CAA, Combating Autism Act through which federal funding has been allocated
for autism surveillance, research and
treatment.

Now therefore, be it resolved, that
the Board of Commissioners of the
Township of Nutley in the County of
Essex, acknowledge the achievements,
abilities and needs of people with autism
spectrum disorders and their families; as
well as the leadership communities,
especially the Township of Nutley, that
take pride in recognizing and
acknowledging April 2nd as Autism World
Awareness Day and April as Autism
Awareness Month.

I move the resolution.

MAYOR COCCHIOLA: Second.

THE CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.
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COMMISSIONER TUCCI: We have Maria Divins (ph.) with us tonight. Maria, would you like to come forward? And Terry Kart; I'm sorry. And Terry and we'll present this resolution and take a photo.

(Pause)

MAYOR COCCHIOLA: Okay. Getting back to the agenda. I have one report to enter into the record for the Department of Public Affairs, monthly activities from March of 2009 and we can move on to payment of bills.

UNIDENTIFIED SPEAKER: One moment, Mayor.

(Pause)

THE CLERK: The bill list for Tuesday, April 7th.

Public Affairs, $100,578.05
Revenue and Finance $4,801,940.29
Public Safety $117,419.47
Public Works $98,663.00
Parks and Public Property

$454,992.68
The total is $5,573,593.49
The payroll for March 20, 2009 is
$744,884.96.
The payroll for April 7th is
$732,982.27. Making it a grand total of
$7,051,460.72, Mayor.

MAYOR COCCHIOLA: I need a motion.
UNIDENTIFIED SPEAKER: Move the bills.

UNIDENTIFIED SPEAKER: Second.
THE CLERK: Commissioner Scarpelli?
COMMISSIONER SCARPELLI: Aye.
THE CLERK: Commissioner Petracco?
COMMISSIONER PETRACCO: Aye.
THE CLERK: Commissioner Tucci?
COMMISSIONER TUCCI: Aye.
THE CLERK: Mayor Cocchiola?
MAYOR COCCHIOLA: Aye.

(Pause)
MAYOR COCCHIOLA: Okay. We can move on to ordinance for introduction.
Commissioner Tucci for Commissioner Evans.

COMMISSIONER TUCCI: Yes.
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This is a bond ordinance providing
for the acquisition of a fire truck in
and by the Township of Nutley in the
County of Essex in the State of New
Jersey, appropriating $264,000 therefore
and authorizing the issuance of $250,500
dollars in bonds or notes of the Township
for financing part of the costs thereof.

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
pass by the Board of Commissioners to be
held at its second reading on May 5,
2009.

I move the ordinance.

COMMISSIONER SCARPELLI: Second.

THE CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.
THE CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

COMMISSIONER TUCCI: That's all I have, Your Honor.

MAYOR COCCHIOLA: Thank you. And I have an ordinance for introduction this evening, ordinance #3099 entitled An Ordinance Adopting a Codification and Revision of the Ordinance of the Township of Nutley, County of Essex, State of New Jersey providing for the maintenance of said code, repealing and saving from repeal certain ordinances not included therein, establishing a penalty for altering or tampering with the code and making certain changes in previously adopted ordinances.

I move that the ordinance be passed to second reading and advertised in the Nutley Sun together with the notice that is required by law. And that further consideration of the ordinance for final passage be held at the meeting of May 5, 2009.
So moved.

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: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

(Pause)

MAYOR COCCHIOLA: Commissioner Scarpelli, you have a public hearing this evening? Actually, you have three public hearings this evening.

COMMISSIONER SCARPELLI: Three of them, Mayor. The first one is for ordinance #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 dollars.

This is not new money; this is old money that we've taken from accounts with
leftover, in the Water Capital account. And we're going to use this to buy our new water meters which will be radio read. Which will, eventually, save us some money down the road and make us more efficient.

MAYOR COCCHIOLA: Is there anyone here this evening that would like to address the board with respect to this ordinance, which is 3094?

MR. MOORE: Murray Moore, 462 Chestnut Street. Mr. Scarpelli, can you please explain, are you going to use these immediately or -- you said they're radio --

COMMISSIONER SCARPELLI: We already purchased some. We're going to purchase more with this $116,000 dollars and we'll be putting them in -- we're taking a book at a time, which is the way the water meters are read. They'll be doing a section of the town at a time at this time. And then we're going look to, maybe do the whole town at once but we're
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not doing it at this time.

MR. MOORE: But are you going to
start the billing with these? I was just
curious.

COMMISSIONER SCARPELLI: We haven't
gotten to that point yet because they
could still be manually read. So we
haven't decided where we're going to go
on this.

MR. MOORE: Oh, okay.

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

UNIDENTIFIED SPEAKER: Move to close
the public hearing, Mayor?

UNIDENTIFIED SPEAKER: Second.

THE CLERK: Commissioner Scarperi?

COMMISSIONER SCARPELLI: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.
COMMISSIONER SCARPELLI: I move the ordinance.

UNIDENTIFIED SPEAKER: Second.

THE CLERK: Commissioner Scarpeelli?

COMMISSIONER SCARPELLI: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

COMMISSIONER SCARPELLI: The second public hearing, Mayor, is on ordinance #3095, 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 $240,000.00 thereof from grant monies received from the New Jersey Department of Transportation and for the cost thereof.

This allows us to accept the $240,000.00 for the state. And we will
be going out for bid on the construction of Bloomfield Avenue between Kingsland and High which will be bookended between the two county projects on Kingsland and Bloomfield and High and Bloomfield.

MAYOR COCCHIOLA: Would anyone like to address the board with respect to this ordinance? There's no one.

COMMISSIONER SCARPELLI: Move to close the public hearing.

UNIDENTIFIED SPEAKER: Second.

THE CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

COMMISSIONER SCARPELLI: I move the ordinance.

UNIDENTIFIED SPEAKER: Second.

THE CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.
THE CLERK: Commissioner Petracco?
COMMISSIONER PETRACCO: Aye.
THE CLERK: Commissioner Tucci?
COMMISSIONER TUCCI: Aye.
THE CLERK: Mayor Cocchiola?
MAYOR COCCHIOLA: Aye.
COMMISSIONER SCARPELLI: The third public hearing, Mayor, is on Ordinance #3096. An ordinance to amend Chapter 484 of the Code of the Township of Nutley, entitled Municipal Parking Lots, more specifically Section 8 entitled Hours of Service, Parking Fees and Monthly Parking.

What this ordinance will do is bring our monthly permit parking into more in line with the raise in our fees on the parking meters from last year, where we went from a quarter an hour to fifty cents an hour. So this raises our permit fees.

MAYOR COCCHIOLA: Is there anyone here this evening that would like to address the Board with respect to this
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ordinance, #3096? There is no one.

Commissioner Scarpelli, can you just, for our benefit because I think it helped me a lot, just tell me what you told me about the daily fees and what they actually amount to?

COMMISSIONER SCARPELLI: Well, for, like, our per day, 8 a.m. to 8 p.m. will amount to $2.33 a day. And for that twelve-hour period if you put quarters in the meter that would be six dollars. So, see, it's a cost savings to the people who have a permit. At the same time it was so low that it wasn't cost effective for us. So we had to raise that; p.m. will be two dollars, twenty-four hours is $3.33 a day. The lot that's from 8 to 4 instead of twelve hours will be $1.67 per day.

MAYOR COCCHIOLA: Thank you. Then we need a motion to close.

COMMISSIONER SCARPELLI: Which I think is a bargain especially considering the lots are clean, they're plowed,
they're lit, they're secure.

MAYOR COCCHIOLA: Thank you.

COMMISSIONER SCARPELLI: Move the ordinance.

MAYOR COCCHIOLA: You need to close the public hearing.

COMMISSIONER SCARPELLI: Move we close the public hearing.

UNIDENTIFIED SPEAKER: Second.

THE CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

COMMISSIONER SCARPELLI: Move the ordinance, Mayor.

UNIDENTIFIED SPEAKER: Second.

THE CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.
THE CLERK: Commissioner Tucci?
COMMISSIONER TUCCI: Aye.
THE CLERK: Mayor Cocchiola?
MAYOR COCCHIOLA: Aye.
(Pause)
MAYOR COCCHIOLA: And I am going to conduct, for Commissioner Evans, a public hearing on ordinance #3093 which is an amendment of the 2008 Capital Bond Ordinance providing for various capital improvements in the Township of Nutley.

By way of explanation, this is an administrative change with some language. Apparently there was a line item that was previously -- two separate items were lumped together for a sum of $50,000.00. Now they are separated, one is purchase of mobile data terminals for $6,000.00. The second is computer network improvements, hardware and software, for $44,000.00.

The amendment does not change the amount that was previously adopted in the capital budget. It merely just changes
the language and that is on the advice of our bond counsel.

Is there any member of the public that would like to address the board with respect to this ordinance? There is no one.

I know, Mr. Kirk, you were here. Do you want to just briefly, just for the record, just quickly tell us what those upgrades are for so that it's on the record?

MR. KIRK: Jason Kirk. Well, as we know it was originally named Terminal Computer Upgrades and I think it was just a clerical error.

MAYOR COCCHIOLA: It is.

MR. KIRK: The pricing or the amount stays the same. Basically we want to make additional upgrades to the phone system, to the network and continue the functionality of the town and the security of the network.

MAYOR COCCHIOLA: Thank you.

MAYOR COCCHIOLA: Then I will move
that the public hearing be closed.

UNIDENTIFIED SPEAKER: Second.

THE CLERK: Commissioner Scarpelli?
COMMISSIONER SCARPELLI: Aye.

THE CLERK: Commissioner Petracco?
COMMISSIONER PETRACCO: Aye.

THE CLERK: Commissioner Tucci?
COMMISSIONER TUCCI: Aye.

THE CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye. And I'll move the ordinance.

UNIDENTIFIED SPEAKER: Second.

THE CLERK: Commissioner Scarpelli?
COMMISSIONER SCARPELLI: Aye.

THE CLERK: Commissioner Petracco?
COMMISSIONER PETRACCO: Aye.

THE CLERK: Commissioner Tucci?
COMMISSIONER TUCCI: Aye.

THE CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye. Commissioner Petracco, do you want to start with your resolutions?

COMMISSIONER PETRACCO: I do, Mayor, thank you.
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Whereas, the Township of Nutley, County of Essex, New Jersey wishes to apply for funding a project under the Safe and Secure Communities Program (Grant P-4308); and

Whereas, the Board of Commissioners of the Township of Nutley in the County of Essex, New Jersey has reviewed the accompanying application and has approved said request; and

Whereas, the project is a joint effort between the Department of Law and Public Safety and the Township of Nutley, County of Essex, New Jersey for the purpose described in the application;

Now, therefore, be it resolved, by the Board of Commissioners of the Township of Nutley in the County of Essex, New Jersey that:

1. As a matter of public policy the Township of Nutley, County of Essex, New Jersey wishes to participate to the fullest extent possible with the Department of Law and Public Safety.
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2. The Attorney General of New Jersey will receive funds on behalf of the applicant.

3. The division of Criminal Justice shall be responsible for the receipt and review of the applications for said funds.

4. The Division of Criminal Justice shall initiate allocations to each applicant as authorized.

I move the resolution.

COMMISSIONER SCARPELLI: Second.

THE CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

COMMISSIONER PETRACCO: Second resolution.

Be it resolved by the Board of Commissioners of the Township of Nutley,
County of Essex, State of New Jersey, that the Township Clerk be and she is hereby authorized to advertise for sealed bids for police uniforms and equipment.

Specifications are available in the Purchasing Department, Township Hall, One Kennedy Drive, Nutley, New Jersey.

Bids to be received on Wednesday, April 29, 2009 at 3:00 p.m. prevailing time, at which time they will be publicly opened and read.

I move the resolution.

COMMISSIONER SCARPELLI: Second.

THE CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

COMMISSIONER PETRACCO: Be it resolved by the Board of Commissioners of the Township of Nutley, County of Essex,
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State of New Jersey that Dina Gibbons,
employee in the Department of Public
Safety, be granted an extended medical
leave of absence without pay effective
April 1, 2009 through April 30, 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 Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

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

MAYOR COCCHIOLA: Thank you.

Commissioner Tucci?

COMMISSIONER TUCCI: Yes, this is --
do you want me to do Commissioner Evans'
or do you want me to do my own.

MAYOR COCCHIOLA: Oh, you can do his
first; sorry.
COMMISSIONER TUCCI: Okay. That's okay.

Whereas, the Township of Nutley entered into a contract with LargeDoc Solutions, 15 Walnut Avenue, 2nd Floor, Clark, New Jersey to digitize Code Enforcement permit files; and

Whereas, is it necessary to digitize additional permit files to complete the years that were started; and

Whereas, change order no. 1 in the amount of $8,000.00 is recommended by the Construction Code Official; and

Whereas, the funds are available from Capital Ordinance #3029J in the amount of $8,000.00 and has been certified by the Chief Financial Officer, said certification being attached to this resolution;

Now, therefore, be it resolved that the Board of Commissioners and the Township Clerk be and they are hereby authorized to enter into and sign said contract of the Township of Nutley.
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I move the resolution.

COMMISSIONER SCARPELLI: Second.

THE CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

COMMISSIONER TUCCI: I guess I'll just roll into my own, Mayor?

MAYOR COCCHIOLA: Yeah. Thank you.

COMMISSIONER TUCCI: Whereas, the Nutley Senior Service Club, was established at the Parks and Recreation Department in 1982; and

Whereas the purpose of this service club is to provide recreation, and a social setting for senior men and women in the Township of Nutley; and

Whereas, the members of the Nutley Senior Service Club celebrated their twenty-seventh anniversary on Friday,
April 3rd at the Chandelier Restaurant in Belleville, New Jersey.

Now, therefore, be it resolved, that the Board of Commissioners of the Township of Nutley, in Essex County, New Jersey join with the citizens of Nutley to honor and congratulate the Nutley Senior Service Club and its members on their twenty-seventh anniversary.

I move the resolution.

COMMISSIONER SCARPELLI: Second.

THE CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

COMMISSIONER TUCCI: And obviously that was already presented as well as the next resolution.

Whereas, the Nutley Golden Age Club was organized in April of 1949, with an
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original membership of just fifteen
women; and

Whereas, the purpose of the Golden
Age Club is to provide recreation and
companionship for senior women of Nutley;
and

Whereas, the Golden Age Club is
under the jurisdiction of the Township of
Nutley, Department of Parks and
Recreation and presently has 160 members;
and

Whereas, a luncheon was held today,
April 7, 2009 at Nanina's in the Park,
Belleville, New Jersey, in honor of the
sixtieth anniversary of the Golden Age
Club of Nutley and its members.

Now therefore, be it resolved, that
the Board of Commissioners of the
Township of Nutley, in the County of
Essex, join with the Citizens of Nutley
to honor and congratulate the Golden Age
Club of Nutley, and its members on this,
their sixtieth anniversary.

I move the resolution.
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COMMISSIONER PETRACCO: I second it.

THE CLERK: Commissioner Scarpelli?
COMMISSIONER SCARPELLI: Aye.

THE CLERK: Commissioner Petracco?
COMMISSIONER PETRACCO: Aye.

THE CLERK: Commissioner Tucci?
COMMISSIONER TUCCI: Aye.

THE CLERK: Mayor Cocchiola?
MAYOR COCCHIOLA: Aye.

COMMISSIONER TUCCI: Whereas, bids were received, opened and read on March 18, 2009 for the purchase and delivery of trees; and

Whereas, the Parks Department tree planting budget has been greatly reduced; and

Whereas, N.J.S.A. 40A:11-13.2 permits the rejection of all bids under such circumstances.

Now therefore, 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 all bids advertised, received and opened for the
purchase of trees are rejected.

I move the resolution.

COMMISSIONER SCARPELLI: Second.

THE CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: 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 the Township Clerk is hereby authorized to advertise for sealed bids for the complete furnishing and installation of one twin jack oil hydraulic passenger elevator.

Bids to be received on Wednesday, April 29, 2009 in the Commission Chambers, Township Hall at 3:00 p.m. at which time they will be publicly opened and read.
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I move the resolution.

COMMISSIONER SCARPELLI: Second.

THE CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MAYOR COCCHIOLA: Without Evans here we're a little slow up here.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

THE CLERK: Okay. One elevator.

MAYOR COCCHIOLA: I'll step in and help.

COMMISSIONER TUCCI: All right.

Whereas, the Township of Nutley has received and reviewed Requests for Qualifications for a professional to provide Insurance Accident and Safety Review Board Meetings and Consulting Service to the Township of Nutley; and Whereas, C. Walter Searle Agency submitted the lowest responsible
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proposal; and

   Whereas, funds are available from
Budget Account 516-245, and have been
certified by the Chief Financial Officer,
said certification being attached to this
resolution.

   Now therefore, bit it resolved, by
the Board of Commissioners of the
Township of Nutley in the County of
Essex, State of New Jersey, as follows:

1. A contract shall be entered into
between the Township of Nutley and C.
Walter Searle Agency, 410 Franklin
Avenue, Nutley, New Jersey for conducting
accident review board meetings, safety
meetings and assisting the Risk Manager
at an annual fee not to exceed
$10,000.00.

2. A copy of this resolution as
well as the contract shall be placed on
file with the Township Clerk.

   I move the resolution.
Petracco
COMMISSIONER SCARPELLI: Second.

THE CLERK: Commissioner Scarpelli?
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COMMISSIONER SCARPELLI: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

(Pause)

COMMISSIONER TUCCI: Whereas, the Township of Nutley has a need to acquire specialized professional services as a fair and open contract pursuant to the provisions of N.J.S.A. 19:44 A-20.5; and

Whereas the Request for Proposal for Township Forester was received and opened on March 24, 2009 by the Township Clerk; and

Whereas, a response to the request for proposal was from the Shade Tree Department LLC, John Linson, 52 Rickler Road, Kinnelon, New Jersey; and

Whereas, the Shade Tree Department LLC, John Linson, NJ Certified Tree Expert #198 has provided these services
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in the past to the Township of Nutley and
is particularly suited to provide
continued service; and

Whereas, the anticipated term of
this contract is one year; and

Whereas, the contract is not to
exceed $25,000.000 and funds are
available from account 9-01-512-200 and
have been certified by the Chief
Financial Officer, said certification
being attached to this resolution;

Now therefore, be it resolved by the
Board of Commissioners of the Township of
Nutley that a contract be awarded to the
Shade Tree Department, LLC, John Linson,
as described herein; and

Be it further resolved that the
response to the Request for Proposal be
placed on file with this resolution, and

Be it further resolved that a notice
of this action shall be printed once in
the Nutley Sun in accordance with Local
Public Contracts Law.

I move the resolution.
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COMMISSIONER PETRACCO: Second.

THE CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

COMMISSIONER TUCCI: Whereas, the Township of Nutley has a need to acquire a specialized professional services for a Consultant and Risk Manager for the Township of Nutley; through a fair and open process pursuant to N.J.S.A. 19:44 20.5 and,

   Whereas, William J. Jernick, 301 Franklin Avenue, Nutley, New Jersey, has completed and submitted a Request for Qualifications for Risk Manager which complies with the provisions of N.J.S.A. 19:44 A-20.5; and

   Whereas, William J. Jernick, Inc. has provided these services in the past
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to the Township of Nutley and is
particularly suited to provide continued
services; and

Whereas a contract for professional
risk management consulting services is
required in the by-laws of the Suburban
Essex Liability Joint Insurance Fund and
this contract shall not exceed $31,152.28
for 2009 and the funds are available from
the Suburban Essex Joint Insurance Fund.

Now therefore, be it resolved that
the Board of Commissioners of the
Township of Nutley in the County of
Essex, New Jersey authorizes a contract
to be entered into with William J.
Jernick, as described herein; and

Be it further resolved that the
response to the Request for
Qualifications for Risk Manager be place
don file with this resolution; and

Be it further resolved that a notice
of this action shall be printed once in
the Nutley Sun in accordance with Local
Public Contracts Law.
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I move the resolution.

COMMISSIONER PETRACCO: Second.

THE CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: 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 have been received from St. Mary's Church for an on-premise merchandise raffle, Raffle License No. 23-09 to be held on June 12, 2009 and from H.S.A. of Good Shepherd Academy for an on-premise fifty/fifty Cash Raffle License No. 24-09 to be held on April 24, 2009; and from the New Jersey State Firemen's Mutual Benevolent Association for an on-premise fifty/fifty Cash Raffle License No. 25-09 to be held
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on April 20, 2009; and

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 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: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

Whereas, the Zoning Board of Adjustment received $175,000 from Marisha Patterson from 546 Center Street, Nutley, New Jersey for a variance application
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fee; and

Whereas the applicant has advised
the Building Department that they no
longer wish to go forward with the
variance and is requesting a refund of
the variance application fee; and

Therefore be it resolved by the
Board of Commissioners of the Township of
Nutley, County of Essex that the above
amount be refunded to Ms. Marisha
Patterson.

I move the resolution.

COMMISSIONER Tucci: Second.

THE CLERK: Commissioner Scarpetti?

COMMISSIONER SCARPELLI: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER Tucci: Aye.

THE CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

That concludes the normal business.

UNIDENTIFIED SPEAKER: Mayor, before
you go to public --
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MAYOR COCCHIOLA: Do you want to
make an announcement now?

UNIDENTIFIED SPEAKER: A couple of
things.

MAYOR COCCHIOLA: Okay.

UNIDENTIFIED SPEAKER: One, we have
the County Engineer in the back and I
want to thank him. We had a couple of
paving projects going on by the county,
Franklin Avenue in front of the Oval and
Franklin Avenue from Harrison Street to
the Belleville line and also Park Drive,
which is partly ours.

So I want to thank him and the
County Executive for a job well done and
for considering Nutley when they're doing
their paving projects.

MAYOR COCCHIOLA: Many thanks.

UNIDENTIFIED SPEAKER: And in
addition to that, I was contacted by the
Nutley UNICO and the Italian American
Alliance as far as a town-wide project on
raising money for the earthquake victims
in Italy. And without any objection I'd
like to be the liaison to that group from
the township.

MAYOR COCCHIOLA: Absolutely. Thank
you very much. Yes. I'm sure we'll all
participate to the fullest extent.

We'll now open the meeting to the
public. 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 should 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 any member of the public that would like to address the board this evening?

MR. MOORE: Murray Moore, 462 Chestnut Street.

Mr. Tucci, I just have a question on the risk management one, Mr. Jernick's. Did he file a political contribution with that contract?

COMMISSIONER TUCCI: I would suspect he should have. It was part of the package though I would think that that's on file.

MR. MOORE: Ms. Cocchiola, I believe you're covering for Mr. Evans this evening and I actually had a number of questions for him and I believe Jason's in the audience and he might be able to answer some of the questions.

MAYOR COCCHIOLA: Do you have a number of questions about the ordinance,
Mr. Moore?

MR. MOORE: Pardon me? I'm sorry?

MAYOR COCCHIOLA: About the ordinance?

MR. MOORE: No, no. The ordinance is gone. This is -- I filed several open requests with the -- for the licenses, the Microsoft licenses and I actually received two different answers. And I'd like to try to get a straight answer.

I did receive a copy of the e-mail that apparently Jason had written to several other people. And I received a copy under (indiscernible) with the actual contract of the ASAP Software.

Now they call it the State of New Jersey, apparently the e-mail is incorrect because I just faxed it over to them and they looked at it. And --

MAYOR COCCHIOLA: Who'd you fax it over to, Mr. Moore?

MR. MOORE: Pardon me?

MAYOR COCCHIOLA: Who did you fax it over to? Who are you referring to?
MR. MOORE: Over to the division that handles the contracts because I received in return a nice little file.

MAYOR COCCHIOLA: And who's the person that said there was something incorrect about it? What's the name of the person?

MR. MOORE: Oh, I'm not going to tell you the person's name.

MAYOR COCCHIOLA: Okay. So you're telling me that somebody, who you're not going to name, is saying that something that someone from the township sent is incorrect?

MR. MOORE: No, no, because I have - - I received all of this without an open request to an e-mail and it was no problem because it was public information.

But under here it specifically says that you're not allowed to order from anybody not on a list for contractors. ASAP was never on the list. I asked them now.
The reason is because you go right out to the Internet and if you want to find a password and a logon it's right on the Internet. So you order all of the license agreements on the Internet through the State of New Jersey and you get the price through the State of New Jersey.

Here's a price list, right here. They don't match. My question is, why is that when I ask to open requests, specifically for the same information, I get two different answers?

MAYOR COCCHIOLA: Mr. Moore -- Mr. Kirk, I think we've gone through this every meeting for the past six months.

MR. MOORE: And we'll probably continue to it until we get an actual answer.

MAYOR COCCHIOLA: And I think you addressed this at the last meeting but -- and Mr. Harkins was here not you Mr. Genetempo (ph.) but do you want to just make that statement again about the --
yes, please do.

MR. MOORE: Would you like me to read it? It's right here.

MAYOR COCCHIOLA: You don't have to read it. We don't know where any of that information is coming from or what it is.

MR. MOORE: It comes from Jason Kirk.

MAYOR COCCHIOLA: No. We don't know where any of the other information that you're talking about is coming from.

MR. MOORE: It's right off the Internet.

MAYOR COCCHIOLA: Mr. Kirk, could you just come up and make a statement again about the purchase of Microsoft.

MR. MOORE: Sure, right here.

MR. KIRK: This is Dell's.

MR. MOORE: No, that's where you get the purchase. It's right there.

(Pause)

MR. KIRK: I can't the question the fact that he called the state or not.

But back at the League of the
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Municipalities I sat in a two hour
seminar with state contracts and
purchasing of software.

They specifically stated in this
seminar that we can only purchase from
Dell ASAP, which don't confuse Dell with
Dell ASAP, they're separate entities,
hardware and software. But you can only
purchase Microsoft software in the manner
that we purchased the software and from
the only vendor that we purchased the
software from.

So there's no other way we can do
this. And they only license it per seat,
just the way we purchased it. So, I
mean, we all know Office is Word, Excel,
PowerPoint, it's everyday use. There's
nothing we can do differently.

MR. MOORE: Well, this would be --
this is from the State of New Jersey --

MAYOR COCCHIOLA: Thank you, Mr.
Kirk.

MR. MOORE: -- Department of the
Treasury.
MAYOR COCCHIOLA: Mr. Moore, you're not going to stand there and argue with Mr. Kirk.

MR. MOORE: No, I'm not. I'm actually trying to get an answer to a question.

MAYOR COCCHIOLA: He just answered it for us.

MR. MOORE: Well, I know for you but -- I'll let that go.

MAYOR COCCHIOLA: Do you have anything else, Mr. Moore?

MR. MOORE: Yes, it specifically says right under here may not be purchased from contractors not of record. So the contractors not on here and this is the only one the State approves --

MAYOR COCCHIOLA: He just stood up and told us that he was told to purchase the software a certain way and he did it --

MR. MOORE: The state --

MAYOR COCCHIOLA: -- in accordance with the way he was told to.
MR. MOORE: -- the League of Municipalities. I just want to make sure I understand that correctly.

MAYOR COCCHIOLA: Mr. Moore, I just want to remind you that you have five minutes.

MR. MOORE: Yes, I understand that. And I also have two questions under the bill list. You have Pioni down twice, one at $150.00 and one for $620.00, what were they for?

MAYOR COCCHIOLA: That is probably for planning or zoning matters. It certainly is for planning and zoning matters if it's under my bill list.

MR. MOORE: Does that come under a separate account?

MAYOR COCCHIOLA: It runs through the --

MR. MOORE: You're using one under public affairs and Pioni has an overall.

MAYOR COCCHIOLA: Yes, it does. The mayor's office -- anything paid through the mayor's office comes under my...
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department, the Department of Public Affairs.

MR. MOORE: Okay. Thank you.

MAYOR COCCHIOLA: You're welcome.

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

MR. MCHENRY: Thomas Shane McHenry, 92 William Street, Nutley, New Jersey.

I just wanted to say thank you to the Nutley Fire Department and Nutley Police Department.

Three weeks ago my wife and I attended PTO meeting with my oldest daughter. After that we went to Holstein's with about twenty adults and children. I got a phone call my son was choking. My sister-in-law was watching my son. I could hear him in the background choking.

At that point we ran out. We came around the corner on my street and seen a fire truck and police car. The Nutley emergency squad was busy with something else.
Now with everybody being parents, you know how that feels. So I walk in the house, the Nutley Fire Department's there, the police department's there.

With that program, First Responders, if they weren't there, the rescue squad which I praise, they saved my life; I don't know where my son would be today. But the evening turned out very well. I go in, my son's laughing. My other daughter's on the couch. My sister-in-law's hair is up in the air.

I mean, I just want to say thank you to the Nutley Fire Department and Nutley Police Department. That program is working.

MAYOR COCCHIOLA: thank you.
MR. MCHENRY: And thank you.
MAYOR COCCHIOLA: Those are the things we like to hear.

UNIDENTIFIED SPEAKER: Absolutely.
MAYOR COCCHIOLA: Is there anyone else that would like to address the Board this evening?
MR. STOREY: My name is Ed Storey (ph.), I live at 88 McKinley Street. I addressed the Board once before back in July on this matter, it's a continuing problem in my neighborhood. It's the condition of the "Nutley Cat House" that exists at 84 McKinley Street.

There are still odors crossing property lines to the point where I got home Friday evening after work, got out of my car, smelled odors and my eyes started to burn. This is an ongoing condition for over five years. I would like it corrected and corrected now.

This home is now in a state of nonoccupancy but the last resident continues to go in and out of the home to the point where last Saturday she was bringing furniture into the home.

I spoke to Mr. Tinnel (ph.) this is not to be allowed. When will this problem be stopped? When will it be cleaned up?
In addition, the exterior of the home has not had one leaf picked up from last fall nor has the lawn been mowed. There is trash all over the backyard.

When will the ordinance of property maintenance be enforced?

MAYOR COCCHIOLA: Mr. Storey, a few comments. Number one, I believe and Mr. Tinnel is here, there was a complaint and a new complaint, I think, filed against the resident for property maintenance.

We are currently awaiting a court date on the -- through the Health Department, from the complaint that we filed some time ago. And I think you were notified that there is a hearing date to be scheduled or it was scheduled.

MR. STOREY: I was called this morning by Mr. Petty (ph.) that that date was now cancelled.

MAYOR COCCHIOLA: But he called you to tell you there was a date originally and that he wanted you to appear?

MR. STOREY: Yes.
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MAYOR COCCHIOLA: And other neighbors as well, correct?

MR. STOREY: Today he called me again because he wanted to see what this was because this matter goes back over a year. He was informed by the Court that it was an error on their part. That whatever charges Nutley had brought in that complaint were rolled into whatever complaints were settled down when this went to the County Court. There will be no court hearing.

MAYOR COCCHIOLA: Well, if -- since we filed that complaint on your behalf we'll do that again for you.

MR. GENETEMPO: Mayor, if I can add to that?

MAYOR COCCHIOLA: Sure, Mr. Genetempo. Thank you.

MR. GENETEMPO: It's my understanding that only the complaints that the county handled were dismissed. We are going to reschedule them very shortly for hearing on the outstanding
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code enforcement issues.

So the old complaints, I believe, are still going to be heard and the new complaints will probably be heard at the same time.

So as far as I understand it, and I spoke to the Court last week about this, we're going to be listing that for a new trial in our court across the street. So I don't know if it's gotten a date yet, I don't have a calendar but I can double check on that and let you know tomorrow.

MR. STOREY: As of this morning I expected to go to court tomorrow at 11:00 a.m. I was told about 3:00 this afternoon that that was not going to be.

MAYOR COCCHIOLA: Well, we can't control the court calendar.

MR. STOREY: That's --

MAYOR COCCHIOLA: But I can -- it sounds to me like there will be a court date, Mr. Storey. You and the neighbors are -- I hope will be there and representatives from my office and code
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enforcement will be there as well.

MR. STOREY: I hope that through your office you sent out a letter to all my neighbors. I hope you would do that again --

MAYOR COCCHIOLA: I'll do that.

MR. STOREY: -- to inform them all of the upcoming court date.

MAYOR COCCHIOLA: I'll do that or I'll call them. No problem.

UNIDENTIFIED SPEAKER: Mayor, if you'd like --

MAYOR COCCHIOLA: I need the date though, first.

UNIDENTIFIED SPEAKER: I'll take Mr. Storey's number and I'll find out tomorrow in court and I'll give him a call.

MAYOR COCCHIOLA: Yeah, could you let me know the date --

UNIDENTIFIED SPEAKER: Sure.

MAYOR COCCHIOLA: -- and I'll make sure that those neighbors that came to all the meetings are all notified.
MR. STOREY: In addition, the continuing odor is a problem. I know there were exterior tests taken of odor readings. I would ask that before this home be given a certificate of occupancy that scientifically air samples be taken in the home, parts per million be registered and to be found compliant with residential usage of a home.

MAYOR COCCHIOLA: We'll send Essex Regional Health Commission to test the air.

MR. STOREY: This is the air within the home, not outside.

MAYOR COCCHIOLA: So that you understand, Mr. Storey --

MR. STOREY: The way the wind blows one day I can't deal with this. All I know is --

MAYOR COCCHIOLA: The issue is --

MR. STOREY: -- it's been over a year and my eyes still burn.

MAYOR COCCHIOLA: The issue is that the odors have to cross the property.
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line. So if we went into any resident's home and that resident lives inside a facility that has an odor we can't do anything to regulate that. We can only regulate what crosses property lines. We'll send Essex Regional there. They will test the air for you.

MR. STOREY: But these odors are the result of cat urine and feces deteriorating. I just want to point out that I assume there's some liability when the town gives a certificate of occupancy. The home might be resold. What if a young family moved in with a young child and they start to breathe the residue ammonia and had lung problems? What is the responsibility of this township towards that owner?

MAYOR COCCHIOLA: From what I understand, Mr. Storey, if someone bought that home I think they would knock it down.

MR. STOREY: Well, that's not --

MAYOR COCCHIOLA: I haven't been
inside it but my understanding is that it would probably be something that somebody wouldn't live in.

MR. STOREY: That is not something that we can, you know, suppose here in this position. Before that home is occupied the air sampling in it should be taken so it meets occupational safety within the building, resident safety.

MAYOR COCCHIOLA: To my knowledge, there's no standard that you're held to for what is inside your home. We can only regulate, as a governing body, what permeates the property line. It has to be a public health hazard. That's the only thing we can regulate through the Health Department.

MR. STOREY: I've been down here for over five years and frankly I'm getting the same conversation for five years.

MAYOR COCCHIOLA: What conversation? I just told you we're going to do everything you just asked us to do.

MR. STOREY: You can not certify a
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home for occupancy --

MAYOR COCCHIOLA: We filed a

complaint on your behalf --

MR. STOREY: -- when there's odors
inside it.

MAYOR COCCHIOLA: We filed a

complaint on your behalf. We are going
to testify, we're going to all the
neighbors that need to testify and bring
them there.

You just ask that it be tested; I
said we'll have someone there to test it.
And I'll notify every neighbor. Just
tell me what else you would like done and
I'm sure it'll get done.

MR. STOREY: When will the outside
of the property be cleaned up?

MAYOR COCCHIOLA: There's a property
maintenance violation that's being filed
against her as well.

What would you like us -- as a
governing body --

MR. STOREY: I don't know, after
five years, what I'd like. I'm just
frustrated by five years of this. Paying my taxes, cleaning my property, maintaining my home and this has been perpetuated, tolerated conditioned-wise.

MAYOR COCCHIOLA: I don't think it's been tolerated as all. She has not come back into the home. She's not allowed to live there right now.

MR. STOREY: The only thing that forced her out of her home was a fire.

MAYOR COCCHIOLA: She's rehabbed the home, Mr. Storey. I mean from the outside she's rehabbed the home. I haven't been in on the inside but she's rehabbed the home.

On the outside does it need cleanup? Absolutely. I've been there. I've seen it. But she's being cited and she'll have to take care of it.

MR. STOREY: Well -- I don't know what to say.

MAYOR COCCHIOLA: Okay. Mr. Tinnel, is there something that you want to address?
MR. TINNEL: Commissioner,
(indiscernible). I did talk to Mr.
Storey. I spoke to Ms. Farrer (ph.). I
told her it's up to the construction
official to allow her back in. As of
right now she is not eligible for living
in that home. Right now Fire Inspector
Wilson and myself went into the house.
It is uninhabitable. There is no boiler,
there is no hot water, there is no
running water. There's no gas to the
premise. So right now it is
uninhabitable for her to live there. So
there will not be a C of O until the
construction official deems it safe
inside the house and the surrounding
area.

MAYOR COCCHIOLA: Has she been
moving back into the home?

MR. TINNEL: Mr. Storey said she's
been moving furniture in. I mean, and
the placard it is down but I will put one
back up and I didn't have an opportunity
to make --
MAYOR COCCHIOLA: I think you need to. I mean, does she understand that she can't live there? Does she fully understand that?

MR. TINNEL: I don't know if she's fully understanding it but we just have to -- like I said, Mr. Storey said it's been ongoing for five years and I had her in court numerous times. And it just hasn't sunk in yet. But this is the final draw for her and we told her she will not move back into this house until the construction official deemed it safe for the property.

MAYOR COCCHIOLA: Is there an outstanding property maintenance violation?

MR. TINNEL: Yes, there is. Ongoing right now and she has ten days to comply. Right now it's into the third day.

MAYOR COCCHIOLA: Is that for the outside of the home?

MR. TINNEL: Outside the home. After the ten days if it's not complied I
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will issue a summons to her to go to the municipal board.

MAYOR COCCHIOLA: Mr. Genetempo, I need to make sure that that complaint that was filed by Mr. Rostino last year that still exists. If it doesn't I'll have him refile it on behalf of the neighbors.

MR. GENETEMPO: I believe it's still in existence. It was at the county with the other complaint and it came back. The counsel county handled it, it was PTI. But the rest came back to us.

MAYOR COCCHIOLA: Okay.

MR. GENETEMPO: So it was my understanding, if that's one of them, I think it is, we're going to hear that.

MAYOR COCCHIOLA: They should all be heard at the same time.

MR. GENETEMPO: That's maybe why it was not on for tomorrow.

MAYOR COCCHIOLA: Okay.

MR. GENETEMPO: I don't know but I'll double check.
MR. TINNEL: I will coordinate with the prosecutor to get it all together.

MAYOR COCCHIOLA: Thanks, Mr. Tinnel.

MR. TINNEL: Thank you.

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

I just want to make note that our next meeting is -- will be held on Monday, April 20th, not on Tuesday. The Tuesday is the date of the School Board elections.

UNIDENTIFIED SPEAKER: Move to adjourn.

UNIDENTIFIED SPEAKER: Second.

THE CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

(Continued on Next Page)
THE CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

(Meeting Adjourned)
CERTIFICATION

I, Pnina Eilberg, 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 12, 2009.

Pnina Eilberg

Pnina Eilberg