

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

ORIGINAL

RE:)
PUBLIC MEETING) TRANSCRIPT OF
) PROCEEDINGS:
- - - - -)

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

1 Nutley Twp Board of Commissioners - 4/7/09

2 MAYOR COCCHIOLA: Could everyone
3 please stand for the flag salute.

4 (Pledge of Allegiance)

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

8 THE CLERK: Pursuant to the
9 requirements of the Open Public Meeting
10 Law, (Chapter 231 P.L. 1975), notice of
11 this meeting was published in the January
12 8, 2009 issues of the Nutley Sun, the
13 Journal, the Star Ledger and the Harold
14 News. A copy of this notice has been
15 posted on the Nutley Town Hall bulletin
16 board and a copy is on file in the
17 Municipal Clerk's Office.

18 Commissioner Scarpelli?

19 COMMISSIONER SCARPELLI: Here

20 THE CLERK: Commissioner Petracco?

21 COMMISSIONER PETRACCO: Here.

22 THE CLERK: Commissioner Evans is
23 absent, excused at this time.

24 Commissioner Tucci

25 COMMISSIONER TUCCI: Here.

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2 THE CLERK: Mayor Cocchiola.

3 MAYOR COCCHIOLA: Here.

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

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

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

13 And it reads: "Mrs. Tony Newton
14 (ph.) Vice President of the Nutley Ice
15 Hockey Booster Club has requested to
16 reschedule their previously approved, May
17 3, 2009 street fair event.

18 "They would like to reschedule it
19 for Sunday, June 21st."

20 And I need a motion.

21 UNIDENTIFIED SPEAKER: Move it.

22 UNIDENTIFIED SPEAKER: Second.

23 THE CLERK: Commissioner Scarpelli?

24 COMMISSIONER SCARPELLI: Aye.

25 THE CLERK: Commissioner Petracco?

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2 COMMISSIONER PETRACCO: Aye.

3 THE CLERK: Commissioner Tucci?

4 COMMISSIONER TUCCI: Aye.

5 THE CLERK: Mayor Cocchiola?

6 MAYOR COCCHIOLA: Aye.

7 THE CLERK: Okay. The other forms
8 of communication and correspondence this
9 evening, Mayor, is the North Jersey
10 District Water Supply Commission, their
11 March 20, 2009 meeting agenda and the
12 North Jersey District Water Supply
13 Commission meetings for February 25,
14 2009.

15 And that's all for communications,
16 Mayor.

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

21 COMMISSIONER TUCCI: Yes, we do.
22 Thank you, Mayor.

23 I'm sure you're all aware that April
24 is Autism Awareness Month and I'd like to
25 present this resolution.

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2 Whereas, the pervasive development
3 disability of Autism Spectrum Disorders
4 affects the communications, skills,
5 learning, social interaction and behavior
6 of those affected by it; and

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

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

22 Whereas the families of individuals
23 with an Autism Spectrum Disorder living
24 in the Township of Nutley and all of the
25 other communities of the State of New

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2 Jersey, find support, advocacy,
3 educational training, opportunities and
4 current legislation through the fine
5 efforts of organizations dealing with
6 Autism, especially Autism New Jersey,
7 formally known as COSAC, the New Jersey
8 Center for Outreach and Services for the
9 Autism Community; which is a recognized
10 spokes person for this special
11 populations; and

12 Whereas it is imperative for the
13 residents and leaders of the Township of
14 Nutley to recognize and support the
15 continuing need for research in the field
16 of autism spectrum disorders, and support
17 those fine organizations that are looking
18 into the possible causes, medical
19 treatments, educational methods, and
20 prevention, especially Autism Speaks;
21 OAR, Organization for Autism Research,
22 The Seaver Center for Autism Research and
23 Treatment, Mount Sinai Medical Center,
24 NYC And CAA, Combating Autism Act through
25 which federal funding has been allocated

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2 for autism surveillance, research and
3 treatment.

4 Now therefore, be it resolved, that
5 the Board of Commissioners of the
6 Township of Nutley in the County of
7 Essex, acknowledge the achievements,
8 abilities and needs of people with autism
9 spectrum disorders and their families; as
10 well as the leadership communities,
11 especially the Township of Nutley, that
12 take pride in recognizing and
13 acknowledging April 2nd as Autism World
14 Awareness Day and April as Autism
15 Awareness Month.

16 I move the resolution.

17 MAYOR COCCHIOLA: Second.

18 THE CLERK: Commissioner Scarpelli?

19 COMMISSIONER SCARPELLI: Aye.

20 THE CLERK: Commissioner Petracco?

21 COMMISSIONER PETRACCO: Aye.

22 THE CLERK: Commissioner Tucci?

23 COMMISSIONER TUCCI: Aye.

24 THE CLERK: Mayor Cocchiola?

25 MAYOR COCCHIOLA: Aye.

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

8 (Pause)

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

15 UNIDENTIFIED SPEAKER: One moment,
16 Mayor.

17 (Pause)

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

20 Public Affairs, \$100,578.05

21 Revenue and Finance \$4,801,940.29

22 Public Safety \$117,419.47

23 Public Works \$98,663.00

24 Parks and Public Property

25 \$454,992.68

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2 The total is \$5,573,593.49

3 The payroll for March 20, 2009 is
4 \$744,884.96.

5 The payroll for April 7th is
6 \$732,982.27. Making it a grand total of
7 \$7,051,460.72, Mayor.

8 MAYOR COCCHIOLA: I need a motion.

9 UNIDENTIFIED SPEAKER: Move the
10 bills.

11 UNIDENTIFIED SPEAKER: Second.

12 THE CLERK: Commissioner Scarpelli?

13 COMMISSIONER SCARPELLI: Aye.

14 THE CLERK: Commissioner Petracco?

15 COMMISSIONER PETRACCO: Aye.

16 THE CLERK: Commissioner Tucci?

17 COMMISSIONER TUCCI: Aye.

18 THE CLERK: Mayor Cocchiola?

19 MAYOR COCCHIOLA: Aye.

20 (Pause)

21 MAYOR COCCHIOLA: Okay. We can move
22 on to ordinance for introduction.
23 Commissioner Tucci for Commissioner
24 Evans.

25 COMMISSIONER TUCCI: Yes.

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2 This is a bond ordinance providing
3 for the acquisition of a fire truck in
4 and by the Township of Nutley in the
5 County of Essex in the State of New
6 Jersey, appropriating \$264,000 therefore
7 and authorizing the issuance of \$250,500
8 dollars in bonds or notes of the Township
9 for financing part of the costs thereof.

10 I move that this ordinance be passed
11 to a second reading and advertised in the
12 Nutley Sun together with the notice
13 required by law and that further
14 consideration of said ordinance for final
15 pass by the Board of Commissioners to be
16 held at its second reading on May 5,
17 2009.

18 I move the ordinance.

19 COMMISSIONER SCARPELLI: Second.

20 THE CLERK: Commissioner Scarpelli?

21 COMMISSIONER SCARPELLI: Aye.

22 THE CLERK: Commissioner Petracco?

23 COMMISSIONER PETRACCO: Aye.

24 THE CLERK: Commissioner Tucci?

25 COMMISSIONER TUCCI: Aye.

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2 THE CLERK: Mayor Cocchiola?

3 MAYOR COCCHIOLA: Aye.

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

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

19 I move that the ordinance be passed
20 to second reading and advertised in the
21 Nutley Sun together with the notice that
22 is required by law. And that further
23 consideration of the ordinance for final
24 passage be held at the meeting of May 5,
25 2009.

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2 So moved.

3 COMMISSIONER TUCCI: Second.

4 THE CLERK: Commissioner Scarpelli?

5 COMMISSIONER SCARPELLI: Aye.

6 THE CLERK: Commissioner Petracco?

7 COMMISSIONER PETRACCO: Aye.

8 THE CLERK: Commissioner Tucci?

9 COMMISSIONER TUCCI: Aye.

10 THE CLERK: Mayor Cocchiola?

11 MAYOR COCCHIOLA: Aye.

12 (Pause)

13 MAYOR COCCHIOLA: Commissioner

14 Scarpelli, you have a public hearing this
15 evening? Actually, you have three public
16 hearings this evening.

17 COMMISSIONER SCARPELLI: Three of
18 them, Mayor. The first one is for
19 ordinance #3094, ordinance providing for
20 the acquisition of water meters, in and
21 by the Township of Nutley, in the County
22 of Essex, New Jersey, appropriating
23 \$116,000 dollars.

24 This is not new money; this is old
25 money that we've taken from accounts with

1 Nutley Twp Board of Commissioners - 4/7/09
2 leftover, in the Water Capital account.
3 And we're going to use this to buy our
4 new water meters which will be radio
5 read. Which will, eventually, save us
6 some money down the road and make us more
7 efficient.

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

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

17 COMMISSIONER SCARPELLI: We already
18 purchased some. We're going to purchase
19 more with this \$116,000 dollars and we'll
20 be putting them in -- we're taking a book
21 at a time, which is the way the water
22 meters are read. They'll be doing a
23 section of the town at a time at this
24 time. And then we're going look to,
25 maybe do the whole town at once but we're

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2 not doing it at this time.

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

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

11 MR. MOORE: Oh, okay.

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

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

17 UNIDENTIFIED SPEAKER: Second.

18 THE CLERK: Commissioner Scarpelli?

19 COMMISSIONER SCARPELLI: Aye.

20 THE CLERK: Commissioner Petracco?

21 COMMISSIONER PETRACCO: Aye.

22 THE CLERK: Commissioner Tucci?

23 COMMISSIONER TUCCI: Aye.

24 THE CLERK: Mayor Cocchiola?

25 MAYOR COCCHIOLA: Aye.

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2 COMMISSIONER SCARPELLI: I move the
3 ordinance.

4 UNIDENTIFIED SPEAKER: Second.

5 THE CLERK: Commissioner Scarpelli?

6 COMMISSIONER SCARPELLI: Aye.

7 THE CLERK: Commissioner Petracco?

8 COMMISSIONER PETRACCO: Aye.

9 THE CLERK: Commissioner Tucci?

10 COMMISSIONER TUCCI: Aye.

11 THE CLERK: Mayor Cocchiola?

12 MAYOR COCCHIOLA: Aye.

13 COMMISSIONER SCARPELLI: The second
14 public hearing, Mayor, is on ordinance
15 #3095, ordinance providing for
16 reconstruction of the roadway on
17 Bloomfield Avenue (Section 4), in the
18 Township of Nutley, in the County of
19 Essex, New Jersey appropriating
20 \$240,000.00 thereof from grant monies
21 received from the New Jersey Department
22 of Transportation and for the cost
23 thereof.

24 This allows us to accept the
25 \$240,000.00 for the state. And we will

1 Nutley Twp Board of Commissioners - 4/7/09
2 be going out for bid on the construction
3 of Bloomfield Avenue between Kingsland
4 and High which will be bookended between
5 the two county projects on Kingsland and
6 Bloomfield and High and Bloomfield.

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

10 COMMISSIONER SCARPELLI: Move to
11 close the public hearing.

12 UNIDENTIFIED SPEAKER: Second.

13 THE CLERK: Commissioner Scarpelli?

14 COMMISSIONER SCARPELLI: Aye.

15 THE CLERK: Commissioner Petracco?

16 COMMISSIONER PETRACCO: Aye.

17 THE CLERK: Commissioner Tucci?

18 COMMISSIONER TUCCI: Aye.

19 THE CLERK: Mayor Cocchiola?

20 MAYOR COCCHIOLA: Aye.

21 COMMISSIONER SCARPELLI: I move the
22 ordinance.

23 UNIDENTIFIED SPEAKER: Second.

24 THE CLERK: Commissioner Scarpelli?

25 COMMISSIONER SCARPELLI: Aye.

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2 THE CLERK: Commissioner Petracco?

3 COMMISSIONER PETRACCO: Aye.

4 THE CLERK: Commissioner Tucci?

5 COMMISSIONER TUCCI: Aye.

6 THE CLERK: Mayor Cocchiola?

7 MAYOR COCCHIOLA: Aye.

8 COMMISSIONER SCARPELLI: The third
9 public hearing, Mayor, is on Ordinance
10 #3096. An ordinance to amend Chapter 484
11 of the Code of the Township of Nutley,
12 entitled Municipal Parking Lots, more
13 specifically Section 8 entitled Hours of
14 Service, Parking Fees and Monthly
15 Parking.

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

23 MAYOR COCCHIOLA: Is there anyone
24 here this evening that would like to
25 address the Board with respect to this

1 Nutley Twp Board of Commissioners - 4/7/09
2 ordinance, #3096? There is no one.

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

8 COMMISSIONER SCARPELLI: Well, for,
9 like, our per day, 8 a.m. to 8 p.m. will
10 amount to \$2.33 a day. And for that
11 twelve-hour period if you put quarters in
12 the meter that would be six dollars. So,
13 see, it's a cost savings to the people
14 who have a permit. At the same time it
15 was so low that it wasn't cost effective
16 for us. So we had to raise that; p.m.
17 will be two dollars, twenty-four hours is
18 \$3.33 a day. The lot that's from 8 to 4
19 instead of twelve hours will be \$1.67 per
20 day.

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

23 COMMISSIONER SCARPELLI: Which I
24 think is a bargain especially considering
25 the lots are clean, they're plowed,

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2 they're lit, they're secure.

3 MAYOR COCCHIOLA: Thank you.

4 COMMISSIONER SCARPELLI: Move the
5 ordinance.

6 MAYOR COCCHIOLA: You need to close
7 the public hearing.

8 COMMISSIONER SCARPELLI: Move we
9 close the public hearing.

10 UNIDENTIFIED SPEAKER: Second.

11 THE CLERK: Commissioner Scarpelli?

12 COMMISSIONER SCARPELLI: Aye.

13 THE CLERK: Commissioner Petracco?

14 COMMISSIONER PETRACCO: Aye.

15 THE CLERK: Commissioner Tucci?

16 COMMISSIONER TUCCI: Aye.

17 THE CLERK: Mayor Cocchiola?

18 MAYOR COCCHIOLA: Aye.

19 COMMISSIONER SCARPELLI: Move the
20 ordinance, Mayor.

21 UNIDENTIFIED SPEAKER: Second.

22 THE CLERK: Commissioner Scarpelli?

23 COMMISSIONER SCARPELLI: Aye.

24 THE CLERK: Commissioner Petracco?

25 COMMISSIONER PETRACCO: Aye.

1 Nutley Twp Board of Commissioners - 4/7/09

2 THE CLERK: Commissioner Tucci?

3 COMMISSIONER TUCCI: Aye.

4 THE CLERK: Mayor Cocchiola?

5 MAYOR COCCHIOLA: Aye.

6 (Pause)

7 MAYOR COCCHIOLA: And I am going to
8 conduct, for Commissioner Evans, a public
9 hearing on ordinance #3093 which is an
10 amendment of the 2008 Capital Bond
11 Ordinance providing for various capital
12 improvements in the Township of Nutley.

13 By way of explanation, this is an
14 administrative change with some language.
15 Apparently there was a line item that was
16 previously -- two separate items were
17 lumped together for a sum of \$50,000.00.
18 Now they are separated, one is purchase
19 of mobile data terminals for \$6,000.00.
20 The second is computer network
21 improvements, hardware and software, for
22 \$44,000.00.

23 The amendment does not change the
24 amount that was previously adopted in the
25 capital budget. It merely just changes

1 Nutley Twp Board of Commissioners - 4/7/09
2 the language and that is on the advice of
3 our bond counsel.

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

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

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

17 MAYOR COCCHIOLA: It is.

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

24 MAYOR COCCHIOLA: Thank you.

25 MAYOR COCCHIOLA: Then I will move

1 Nutley Twp Board of Commissioners - 4/7/09
2 that the public hearing be closed.

3 UNIDENTIFIED SPEAKER: Second.

4 THE CLERK: Commissioner Scarpelli?

5 COMMISSIONER SCARPELLI: Aye.

6 THE CLERK: Commissioner Petracco?

7 COMMISSIONER PETRACCO: Aye.

8 THE CLERK: Commissioner Tucci?

9 COMMISSIONER TUCCI: Aye.

10 THE CLERK: Mayor Cocchiola?

11 MAYOR COCCHIOLA: Aye. And I'll

12 move the ordinance.

13 UNIDENTIFIED SPEAKER: Second.

14 THE CLERK: Commissioner Scarpelli?

15 COMMISSIONER SCARPELLI: Aye.

16 THE CLERK: Commissioner Petracco?

17 COMMISSIONER PETRACCO: Aye.

18 THE CLERK: Commissioner Tucci?

19 COMMISSIONER TUCCI: Aye.

20 THE CLERK: Mayor Cocchiola?

21 MAYOR COCCHIOLA: Aye. Commissioner

22 Petracco, do you want to start with your

23 resolutions?

24 COMMISSIONER PETRACCO: I do, Mayor,

25 thank you.

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2 Whereas, the Township of Nutley,
3 County of Essex, New Jersey wishes to
4 apply for funding a project under the
5 Safe and Secure Communities Program
6 (Grant P-4308); and

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

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

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

21 1. As a matter of public policy
22 the Township of Nutley, County of Essex,
23 New Jersey wishes to participate to the
24 fullest extent possible with the
25 Department of Law and Public Safety.

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2 2. The Attorney General of New
3 Jersey will receive funds on behalf of
4 the applicant.

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

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

12 I move the resolution.

13 COMMISSIONER SCARPELLI: Second.

14 THE CLERK: Commissioner Scarpelli?

15 COMMISSIONER SCARPELLI: Aye.

16 THE CLERK: Commissioner Petracco?

17 COMMISSIONER PETRACCO: Aye.

18 THE CLERK: Commissioner Tucci?

19 COMMISSIONER TUCCI: Aye.

20 THE CLERK: Mayor Cocchiola?

21 MAYOR COCCHIOLA: Aye.

22 COMMISSIONER PETRACCO: Second
23 resolution.

24 Be it resolved by the Board of
25 Commissioners of the Township of Nutley,

1 Nutley Twp Board of Commissioners - 4/7/09
2 County of Essex, State of New Jersey,
3 that the Township Clerk be and she is
4 hereby authorized to advertise for sealed
5 bids for police uniforms and equipment.

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

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

13 I move the resolution.

14 COMMISSIONER SCARPELLI: Second.

15 THE CLERK: Commissioner Scarpelli?

16 COMMISSIONER SCARPELLI: Aye.

17 THE CLERK: Commissioner Petracco?

18 COMMISSIONER PETRACCO: Aye.

19 THE CLERK: Commissioner Tucci?

20 COMMISSIONER TUCCI: Aye.

21 THE CLERK: Mayor Cocchiola?

22 MAYOR COCCHIOLA: Aye.

23 COMMISSIONER PETRACCO: Be it
24 resolved by the Board of Commissioners of
25 the Township of Nutley, County of Essex,

1 Nutley Twp Board of Commissioners - 4/7/09
2 State of New Jersey that Dina Gibbons,
3 employee in the Department of Public
4 Safety, be granted an extended medical
5 leave of absence without pay effective
6 April 1, 2009 through April 30, 2009.

7 I move the resolution.

8 COMMISSIONER SCARPELLI: Second.

9 THE CLERK: Commissioner Scarpelli?

10 COMMISSIONER SCARPELLI: Aye.

11 THE CLERK: Commissioner Petracco?

12 COMMISSIONER PETRACCO: Aye.

13 THE CLERK: Commissioner Tucci?

14 COMMISSIONER TUCCI: Aye.

15 THE CLERK: Mayor Cocchiola?

16 MAYOR COCCHIOLA: Aye.

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

19 MAYOR COCCHIOLA: Thank you.
20 Commissioner Tucci?

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

24 MAYOR COCCHIOLA: Oh, you can do his
25 first; sorry.

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2 COMMISSIONER TUCCI: Okay. That's
3 okay.

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

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

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

15 Whereas, the funds are available
16 from Capital Ordinance #3029J in the
17 amount of \$8,000.000 and has been
18 certified by the Chief Financial Officer,
19 said certification being attached to this
20 resolution;

21 Now, therefore, be it resolved that
22 the Board of Commissioners and the
23 Township Clerk be and they are hereby
24 authorized to enter into and sign said
25 contract of the Township of Nutley.

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2 I move the resolution.

Scarpelli

3 COMMISSIONER ~~PETRACCO~~: Second.

4 THE CLERK: Commissioner Scarpelli?

5 COMMISSIONER SCARPELLI: Aye.

6 THE CLERK: Commissioner Petracco?

7 COMMISSIONER PETRACCO: Aye.

8 THE CLERK: Commissioner Tucci?

9 COMMISSIONER TUCCI: Aye.

10 THE CLERK: Mayor Cocchiola?

11 MAYOR COCCHIOLA: Aye.

12 COMMISSIONER TUCCI: I guess I'll

13 just roll into my own, Mayor?

14 MAYOR COCCHIOLA: Yeah. Thank you.

15 COMMISSIONER TUCCI: Whereas, the

16 Nutley Senior Service Club, was

17 established at the Parks and Recreation

18 Department in 1982; and

19 Whereas the purpose of this service

20 club is to provide recreation, and a

21 social setting for senior men and women

22 in the Township of Nutley; and

23 Whereas, the members of the Nutley

24 Senior Service Club celebrated their

25 twenty-seventh anniversary on Friday,

1 Nutley Twp Board of Commissioners - 4/7/09
2 April 3rd at the Chandelier Restaurant in
3 Belleville, New Jersey.

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

11 I move the resolution.

12 COMMISSIONER SCARPELLI: Second.

13 THE CLERK: Commissioner Scarpelli?

14 COMMISSIONER SCARPELLI: Aye.

15 THE CLERK: Commissioner Petracco?

16 COMMISSIONER PETRACCO: Aye.

17 THE CLERK: Commissioner Tucci?

18 COMMISSIONER TUCCI: Aye.

19 THE CLERK: Mayor Cocchiola?

20 MAYOR COCCHIOLA: Aye.

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

24 Whereas, the Nutley Golden Age Club
25 was organized in April of 1949, with an

1 Nutley Twp Board of Commissioners - 4/7/09
2 original membership of just fifteen
3 women; and

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

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

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

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

25 I move the resolution.

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2 COMMISSIONER PETRACCO: I second it.

3 THE CLERK: Commissioner Scarpelli?

4 COMMISSIONER SCARPELLI: Aye.

5 THE CLERK: Commissioner Petracco?

6 COMMISSIONER PETRACCO: Aye.

7 THE CLERK: Commissioner Tucci?

8 COMMISSIONER TUCCI: Aye.

9 THE CLERK: Mayor Cocchiola?

10 MAYOR COCCHIOLA: Aye.

11 COMMISSIONER TUCCI: Whereas, bids
12 were received, opened and read on March
13 18, 2009 for the purchase and delivery of
14 trees; and

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

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

21 Now therefore, be it resolved, by
22 the Board of Commissioners of the
23 Township of Nutley in the County of Essex
24 in the State of New Jersey, that all bids
25 advertised, received and opened for the

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2 purchase of trees are rejected.

3 I move the resolution.

4 COMMISSIONER SCARPELLI: Second.

5 THE CLERK: Commissioner Scarpelli?

6 COMMISSIONER SCARPELLI: Aye.

7 THE CLERK: Commissioner Petracco?

8 COMMISSIONER PETRACCO: Aye.

9 THE CLERK: Commissioner Tucci?

10 COMMISSIONER TUCCI: Aye.

11 THE CLERK: Mayor Cocchiola?

12 MAYOR COCCHIOLA: Aye.

13 COMMISSIONER TUCCI: Be it resolved,

14 by the Board of Commissioners of the
15 Township of Nutley in the County of
16 Essex, New Jersey that the Township Clerk
17 is hereby authorized to advertise for
18 sealed bids for the complete furnishing
19 and installation of one twin jack oil
20 hydraulic passenger elevator.

21 Bids to be received on Wednesday,
22 April 29, 2009 in the Commission
23 Chambers, Township Hall at 3:00 p.m. at
24 which time they will be publicly opened
25 and read.

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2 I move the resolution.

3 COMMISSIONER SCARPELLI: Second.

4 THE CLERK: Commissioner Scarpelli?

5 COMMISSIONER SCARPELLI: Aye.

6 THE CLERK: Commissioner Petracco?

7 COMMISSIONER PETRACCO: Aye.

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

10 THE CLERK: Commissioner Tucci?

11 COMMISSIONER TUCCI: Aye.

12 THE CLERK: Mayor Cocchiola?

13 MAYOR COCCHIOLA: Aye.

14 THE CLERK: Okay. One elevator.

15 MAYOR COCCHIOLA: I'll step in and
16 help.

17 COMMISSIONER TUCCI: All right.

18 Whereas, the Township of Nutley has
19 received and reviewed Requests for
20 Qualifications for a professional to
21 provide Insurance Accident and Safety
22 Review Board Meetings and Consulting
23 Service to the Township of Nutley; and

24 Whereas, C. Walter Searle Agency
25 submitted the lowest responsible

1 Nutley Twp Board of Commissioners - 4/7/09
2 proposal; and

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

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

12 1. A contract shall be entered into
13 between the Township of Nutley and C.
14 Walter Searle Agency, 410 Franklin
15 Avenue, Nutley, New Jersey for conducting
16 accident review board meetings, safety
17 meetings and assisting the Risk Manager
18 at an annual fee not to exceed
19 \$10,000.00.

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

23 I move the resolution.

Petracco

24 COMMISSIONER ~~SCARPELLI~~: Second.

25 THE CLERK: Commissioner Scarpelli?

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2 COMMISSIONER SCARPELLI: Aye.

3 THE CLERK: Commissioner Petracco?

4 COMMISSIONER PETRACCO: Aye.

5 THE CLERK: Commissioner Tucci?

6 COMMISSIONER TUCCI: Aye.

7 THE CLERK: Mayor Cocchiola?

8 MAYOR COCCHIOLA: Aye.

9 (Pause)

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

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

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

23 Whereas, the Shade Tree Department
24 LLC, John Linson, NJ Certified Tree
25 Expert #198 has provided these services

1 Nutley Twp Board of Commissioners - 4/7/09
2 in the past to the Township of Nutley and
3 is particularly suited to provide
4 continued service; and

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

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

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

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

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

25 I move the resolution.

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2 COMMISSIONER PETRACCO: Second.

3 THE CLERK: Commissioner Scarpelli?

4 COMMISSIONER SCARPELLI: Aye.

5 THE CLERK: Commissioner Petracco?

6 COMMISSIONER PETRACCO: Aye.

7 THE CLERK: Commissioner Tucci?

8 COMMISSIONER TUCCI: Aye.

9 THE CLERK: Mayor Cocchiola?

10 MAYOR COCCHIOLA: Aye.

11 COMMISSIONER TUCCI: Whereas, the
12 Township of Nutley has a need to acquire
13 a specialized professional services for a
14 Consultant and Risk Manager for the
15 Township of Nutley; through a fair and
16 open process pursuant to N.J.S.A. 19:44
17 20.5 and,

18 Whereas, William J. Jernick, 301
19 Franklin Avenue, Nutley, New Jersey, has
20 completed and submitted a Request for
21 Qualifications for Risk Manager which
22 complies with the provisions of N.J.S.A.
23 19:44 A-20.5; and

24 Whereas, William J. Jernick, Inc.
25 has provided these services in the past

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2 to the Township of Nutley and is
3 particularly suited to provide continued
4 services; and

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

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

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

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

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2 I move the resolution.

3 COMMISSIONER PETRACCO: Second.

4 THE CLERK: Commissioner Scarpelli?

5 COMMISSIONER SCARPELLI: Aye.

6 THE CLERK: Commissioner Petracco?

7 COMMISSIONER PETRACCO: Aye.

8 THE CLERK: Commissioner Tucci?

9 COMMISSIONER TUCCI: Aye.

10 THE CLERK: Mayor Cocchiola?

11 MAYOR COCCHIOLA: Aye.

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

14 MAYOR COCCHIOLA: Thank you.

15 Whereas, applications have been
16 received from St. Mary's Church for an
17 on-premise merchandise raffle, Raffle
18 License No. 23-09 to be held on June 12,
19 2009 and from H.S.A. of Good Shepherd
20 Academy for an on-premise fifty/fifty
21 Cash Raffle License No. 24-09 to be held
22 on April 24, 2009; and from the New
23 Jersey State Firemen's Mutual Benevolent
24 Association for an on-premise fifty/fifty
25 Cash Raffle License No. 25-09 to be held

1 Nutley Twp Board of Commissioners - 4/7/09
2 on April 20, 2009; and

3 Whereas the applications have been
4 reviewed and approved by the Municipal
5 Clerk and the Police Department.

6 Therefore be it resolved by the
7 Board of Commissioners of the Township of
8 Nutley, County of Essex, State of New
9 Jersey that the licenses are approved and
10 the Municipal Clerk is authorized to
11 issue the licenses.

12 I move the resolution.

13 COMMISSIONER TUCCI: Second.

14 THE CLERK: Commissioner Scarpelli?

15 COMMISSIONER SCARPELLI: Aye.

16 THE CLERK: Commissioner Petracco?

17 COMMISSIONER PETRACCO: Aye.

18 THE CLERK: Commissioner Tucci?

19 COMMISSIONER TUCCI: Aye.

20 THE CLERK: Mayor Cocchiola?

21 MAYOR COCCHIOLA: Aye.

22 Whereas, the Zoning Board of
23 Adjustment received \$175.000 from Marisha
24 Patterson from 546 Center Street, Nutley,
25 New Jersey for a variance application

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2 fee; and

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

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

13 I move the resolution.

14 COMMISSIONER TUCCI: Second.

15 THE CLERK: Commissioner Scarpelli?

16 COMMISSIONER SCARPELLI: Aye.

17 THE CLERK: Commissioner Petracco?

18 COMMISSIONER PETRACCO: Aye.

19 THE CLERK: Commissioner Tucci?

20 COMMISSIONER TUCCI: Aye.

21 THE CLERK: Mayor Cocchiola?

22 MAYOR COCCHIOLA: Aye.

23 That concludes the normal business.

24 UNIDENTIFIED SPEAKER: Mayor, before
25 you go to public --

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2 MAYOR COCCHIOLA: Do you want to
3 make an announcement now?

4 UNIDENTIFIED SPEAKER: A couple of
5 things.

6 MAYOR COCCHIOLA: Okay.

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

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

19 MAYOR COCCHIOLA: Many thanks.

20 UNIDENTIFIED SPEAKER: And in
21 addition to that, I was contacted by the
22 Nutley UNICO and the Italian American
23 Alliance as far as a town-wide project on
24 raising money for the earthquake victims
25 in Italy. And without any objection I'd

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2 like to be the liaison to that group from
3 the township.

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

7 We'll now open the meeting to the
8 public. All persons addressing the Board
9 of Commissioners regarding community
10 concerns should approach the microphone
11 and provide their name and address for
12 the record.

13 Unless further time is granted by
14 the Board, each person should limit their
15 address to five minutes.

16 All remarks to the Board and its
17 individual members must be addressed to
18 the Mayor. The Mayor may defer citizen
19 comments to the appropriate member of the
20 board.

21 Dialogue between citizens and others
22 addressing the Board shall be allowed
23 unless the mayor or presiding officer or
24 the majority of the membership of the
25 Board shall determine that the interest

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2 of decorum and/or the expeditious conduct
3 of municipal business are being adversely
4 affected by such dialogue.

5 Is there any member of the public
6 that would like to address the board this
7 evening?

8 MR. MOORE: Murray Moore, 462
9 Chestnut Street.

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

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

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

24 MAYOR COCCHIOLA: Do you have a
25 number of questions about the ordinance,

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2 Mr. Moore?

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

4 MAYOR COCCHIOLA: About the
5 ordinance?

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

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

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

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

23 MR. MOORE: Pardon me?

24 MAYOR COCCHIOLA: Who did you fax it
25 over to? Who are you referring to?

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2 MR. MOORE: Over to the division
3 that handles the contracts because I
4 received in return a nice little file.

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

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

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

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

21 But under here it specifically says
22 that you're not allowed to order from
23 anybody not on a list for contractors.
24 ASAP was never on the list. I asked them
25 now.

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2 The reason is because you go right
3 out to the Internet and if you want to
4 find a password and a logon it's right on
5 the Internet. So you order all of the
6 license agreements on the Internet
7 through the State of New Jersey and you
8 get the price through the State of New
9 Jersey.

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

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

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

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

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2 yes, please do.

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

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

8 MR. MOORE: It comes from Jason
9 Kirk.

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

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

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

18 MR. MOORE: Sure, right here.

19 MR. KIRK: This is Dell's.

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

22 (Pause)

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

25 But back at the League of the

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2 Municipalities I sat in a two hour
3 seminar with state contracts and
4 purchasing of software.

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

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

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

22 MAYOR COCCHIOLA: Thank you, Mr.
23 Kirk.

24 MR. MOORE: -- Department of the
25 Treasury.

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2 MAYOR COCCHIOLA: Mr. Moore, you're
3 not going to stand there and argue with
4 Mr. Kirk.

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

8 MAYOR COCCHIOLA: He just answered
9 it for us.

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

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

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

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

23 MR. MOORE: The state --

24 MAYOR COCCHIOLA: -- in accordance
25 with the way he was told to.

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2 MR. MOORE: -- the League of
3 Municipalities. I just want to make sure
4 I understand that correctly.

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

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

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

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

19 MAYOR COCCHIOLA: It runs through
20 the --

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

23 MAYOR COCCHIOLA: Yes, it does. The
24 mayor's office -- anything paid through
25 the mayor's office comes under my

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2 department, the Department of Public
3 Affairs.

4 MR. MOORE: Okay. Thank you.

5 MAYOR COCCHIOLA: You're welcome.
6 Is there anyone else that would like to
7 address the board this evening?

8 MR. MCHENRY: Thomas Shane McHenry,
9 92 William Street, Nutley, New Jersey.

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

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

21 At that point we ran out. We came
22 around the corner on my street and seen a
23 fire truck and police car. The Nutley
24 emergency squad was busy with something
25 else.

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2 Now with everybody being parents,
3 you know how that feels. So I walk in
4 the house, the Nutley Fire Department's
5 there, the police department's there.

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

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

18 MAYOR COCCHIOLA: thank you.

19 MR. MCHENRY: And thank you.

20 MAYOR COCCHIOLA: Those are the
21 things we like to hear.

22 UNIDENTIFIED SPEAKER: Absolutely.

23 MAYOR COCCHIOLA: Is there anyone
24 else that would like to address the Board
25 this evening?

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2 (Pause)

3 MR. STOREY: My name is Ed Storey
4 (ph.), I live at 88 McKinley Street. I
5 addressed the Board once before back in
6 July on this matter, it's a continuing
7 problem in my neighborhood. It's the
8 condition of the "Nutley Cat House" that
9 exists at 84 McKinley Street.

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

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

22 I spoke to Mr. Tinnel (ph.) this is
23 not to be allowed. When will this
24 problem be stopped? When will it be
25 cleaned up?

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2 In addition, the exterior of the
3 home has not had one leaf picked up from
4 last fall nor has the lawn been mowed.
5 There is trash all over the backyard.
6 When will the ordinance of property
7 maintenance be enforced?

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

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

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

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

25 MR. STOREY: Yes.

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2 MAYOR COCCHIOLA: And other
3 neighbors as well, correct?

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

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

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

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

21 MR. GENETEMPO: It's my
22 understanding that only the complaints
23 that the county handled were dismissed.
24 We are going to reschedule them very
25 shortly for hearing on the outstanding

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2 code enforcement issues.

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

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

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

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

20 MR. STOREY: That's --

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

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2 enforcement will be there as well.

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

7 MAYOR COCCHIOLA: I'll do that.

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

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

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

14 MAYOR COCCHIOLA: I need the date
15 though, first.

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

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

22 UNIDENTIFIED SPEAKER: Sure.

23 MAYOR COCCHIOLA: -- and I'll make
24 sure that those neighbors that came to
25 all the meetings are all notified.

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2 MR. STOREY: In addition, the
3 continuing odor is a problem. I know
4 there were exterior tests taken of odor
5 readings. I would ask that before this
6 home be given a certificate of occupancy
7 that scientifically air samples be taken
8 in the home, parts per million be
9 registered and to be found compliant with
10 residential usage of a home.

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

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

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

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

21 MAYOR COCCHIOLA: The issue is --

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

24 MAYOR COCCHIOLA: The issue is that
25 the odors have to cross the property

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2 line. So if we went into any resident's
3 home and that resident lives inside a
4 facility that has an odor we can't do
5 anything to regulate that. We can only
6 regulate what crosses property lines.

7 We'll send Essex Regional there.
8 They will test the air for you.

9 MR. STOREY: But these odors are the
10 result of cat urine and feces
11 deteriorating. I just want to point out
12 that I assume there's some liability when
13 the town gives a certificate of
14 occupancy. The home might be resold.

15 What if a young family moved in with
16 a young child and they start to breathe
17 the residue ammonia and had lung
18 problems? What is the responsibility of
19 this township towards that owner?

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

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

25 MAYOR COCCHIOLA: I haven't been

1 Nutley Twp Board of Commissioners - 4/7/09
2 inside it but my understanding is that it
3 would probably be something that somebody
4 wouldn't live in.

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

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

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

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

25 MR. STOREY: You can not certify a

1 Nutley Twp Board of Commissioners - 4/7/09
2 home for occupancy --

3 MAYOR COCCHIOLA: We filed a
4 complaint on your behalf --

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

7 MAYOR COCCHIOLA: We filed a
8 complaint on your behalf. We are going
9 to testify, we're going to all the
10 neighbors that need to testify and bring
11 them there.

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

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

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

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

24 MR. STOREY: I don't know, after
25 five years, what I'd like. I'm just

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2 frustrated by five years of this. Paying
3 my taxes, cleaning my property,
4 maintaining my home and this has been
5 perpetuated, tolerated conditioned-wise.

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

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

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

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

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

23 MAYOR COCCHIOLA: Okay. Mr. Tinnel,
24 is there something that you want to
25 address?

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2 MR. TINNEL: Commissioner,

3 (indiscernible). I did talk to Mr.
4 Storey. I spoke to Ms. Farrer (ph.). I
5 told her it's up to the construction
6 official to allow her back in. As of
7 right now she is not eligible for living
8 in that home. Right now Fire Inspector
9 Wilson and myself went into the house.
10 It is uninhabitable. There is no boiler,
11 there is no hot water, there is no
12 running water. There's no gas to the
13 premise. So right now it is
14 uninhabitable for her to live there. So
15 there will not be a C of O until the
16 construction official deems it safe
17 inside the house and the surrounding
18 area.

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

21 MR. TINNEL: Mr. Storey said she's
22 been moving furniture in. I mean, and
23 the placard it is down but I will put one
24 back up and I didn't have an opportunity
25 to make --

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2 MAYOR COCCHIOLA: I think you need
3 to. I mean, does she understand that she
4 can't live there? Does she fully
5 understand that?

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

16 MAYOR COCCHIOLA: Is there an
17 outstanding property maintenance
18 violation?

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

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

24 MR. TINNEL: Outside the home.
25 After the ten days if it's not complied I

1 Nutley Twp Board of Commissioners - 4/7/09
2 will issue a summons to her to go to the
3 municipal board.

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

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

15 MAYOR COCCHIOLA: Okay.

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

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

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

23 MAYOR COCCHIOLA: Okay.

24 MR. GENETEMPO: I don't know but
25 I'll double check.

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2 MR. TINNEL: I will coordinate with
3 the prosecutor to get it all together.

4 MAYOR COCCHIOLA: Thanks, Mr.
5 Tinnel.

6 MR. TINNEL: Thank you.

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

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

15 UNIDENTIFIED SPEAKER: Move to
16 adjourn.

17 UNIDENTIFIED SPEAKER: Second.

18 THE CLERK: Commissioner Scarpelli?

19 COMMISSIONER SCARPELLI: Aye.

20 THE CLERK: Commissioner Petracco?

21 COMMISSIONER PETRACCO: Aye.

22 THE CLERK: Commissioner Tucci?

23 COMMISSIONER TUCCI: Aye.

24
25 (Continued on Next Page)

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THE CLERK: Mayor Cocchiola?

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MAYOR COCCHIOLA: Aye.

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(Meeting Adjourned)

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C E R T I F I C A T I O N

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