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Board of Commissioners  
Public Meeting  
Township of Nutley  
New Jersey  
Monday, April 20, 2009  
7:00 pm

B E F O R E :

COMMISSIONER SCARPELLI

COMMISSIONER PETRACCO

COMMISSIONER EVANS

COMMISSIONER TUCCI

MAYOR COCCHIOLA

Job No: 200672

1 BOARD OF COMMISSIONERS PUBLIC MEETING 4/20/09

2 MS. CLERK: Pursuant to the  
3 requirements of the Open Public Meeting  
4 Law, Chapter 231, Public Laws 1975,  
5 notice of this meeting was published in  
6 the January 8, 2009 issues of the Nutley  
7 Sun, the Journal, the Star Ledger and the  
8 Herald News. A copy of this notice has  
9 been posted on the Nutley Town Hall  
10 bulletin board and a copy is on file in  
11 the Municipal Clerk's Office.

12 Commissioner Scarpelli?

13 MR. SCARPELLI: Here.

14 MS. CLERK: Commissioner Petracco?

15 MR. PETRACCO: Here.

16 MS. CLERK: Commissioner Evans?

17 MR. EVANS: Here.

18 MS. CLERK: Commissioner Tucci?

19 MR. TUCCI: Here.

20 MS. CLERK: Mayor Cacchiola?

21 MAYOR COCCHIOLA: Here.

22 MS. CLERK: All present, Mayor.

23 MAYOR COCCHIOLA: Sorry about that.  
24 We have no minutes or correspondence to  
25 read into the record this evening.

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2 Commissioner Scarpelli, do you have a  
3 report this evening?

4 MR. SCARPELLI: I have various  
5 reports for February and March 2009,  
6 Mayor. That's all I have.

7 MAYOR COCCHIOLA: Thank you. We  
8 have one item, also, that was not on the  
9 agenda. That's the introduction of an  
10 ordinance by Commissioner Evans.

11 MR. EVANS: Thank you, Mayor. An  
12 ordinance which I'll read by its title,  
13 number 3010. This is an amending  
14 ordinance of our capital plan for 2008,  
15 bond ordinance, amending a bond ordinance  
16 providing for various capital  
17 improvements in the Township of Nutley in  
18 the County of Essex, New Jersey.

19 Specifically, it relates to a change  
20 in label. There's no change in the  
21 amount of capital that was authorized for  
22 last year to line item H, which reads:  
23 "Purchase of trucks," currently to be  
24 revised to read: "Purchase of trucks,  
25 purchase and refurbish of vehicles and

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2 equipment," as well, and the amount will  
3 be split.

4 I move that this ordinance be passed  
5 to a second reading and be advertised in  
6 the Nutley Sun together with the notice  
7 required by law, and that further  
8 consideration of said ordinance for final  
9 passage by the board of commissioners be  
10 held at its second reading on May 19,  
11 2009. So moved.

12 MR. SPEAKER: Second.

13 MS. CLERK: Commissioner Scarpelli?

14 MR. SCARPELLI: Aye.

15 MS. CLERK: Commissioner Petracco?

16 MR. PETRACCO: Aye.

17 MS. CLERK: Commissioner Evans?

18 MR. EVANS: Aye.

19 MS. CLERK: Commissioner Tucci?

20 MR. TUCCI: Aye.

21 MS. CLERK: Mayor Cacchiola?

22 MAYOR COCCHIOLA: Aye.

23 Commissioner Tucci, I think we have  
24 some special guests here this evening, so  
25 why don't we take some items out of --

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2 I'm sorry?

3 MR. TUCCI: Do you want to do that  
4 or do you want to do bills?

5 MAYOR COCCHIOLA: It would probably  
6 make some sense. Well, I was just  
7 getting to that. We're going to do some  
8 bills now. Madam Clerk?

9 MS. CLERK: Yes, Mayor. Tuesday  
10 April 20, 2009. Public affairs,  
11 \$525,106.53; Revenue and finance,  
12 \$7,257,049.82; Public safety, \$40,557.64;  
13 Public works, \$42,026.69; Parks and  
14 public property, \$381,656.67; Payroll as  
15 of April 17th, \$732,46.97; for a grand  
16 total bill list of \$8,978,874.32. And  
17 that's all for bills, Mayor.

18 MR. EVANS: Move the bills.

19 MR. TUCCI: Second.

20 MS. CLERK: Commissioner Scarpelli?

21 MR. SCARPELLI: Aye.

22 MS. CLERK: Commissioner Petracco?

23 MR. PETRACCO: Aye.

24 MS. CLERK: Commissioner Evans?

25 MR. EVANS: Aye.

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2 MS. CLERK: Commissioner Tucci?

3 MR. TUCCI: Aye.

4 MS. CLERK: Mayor Cacchiola?

5 MAYOR COCCHIOLA: Aye.

6 MS. CLERK: Thank you, Mayor.

7 MAYOR COCCHIOLA: Thank you. And  
8 now, Commissioner Tucci, we can honor our  
9 special guests.

10 MR. TUCCI: Thank you, Mayor. You  
11 know, over the years we honor and we  
12 congratulate many of our young athletes  
13 and our scholars and others that do  
14 outstanding things and represent the  
15 Township of Nutley in a manner and in a  
16 fashion that not only makes us proud but  
17 translates to all the towns around us,  
18 what this town is about and what the  
19 people in this town are about.

20 And this evening we are doing that  
21 once again. And we have a group that we  
22 are honoring that I believe is second to  
23 none. They have excelled and they've  
24 represented this Township in a way that's  
25 pretty much unsurpassed. There are

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2 several folks, and they're all involved  
3 with our wrestling program at the high  
4 school. And they just did an outstanding  
5 job. There's not enough I can say about  
6 the individuals that actually won the  
7 matches and the coaches.

8 So we'll let the resolutions speak  
9 for themselves. And when you hear the  
10 statistics, I think you'll be just as  
11 impressed and just as proud as I am.  
12 What I'd like to do is I want to read  
13 them all, and then we'll call up all the  
14 honorees this evening for a photograph.

15 The first one reads as follows:  
16 Whereas Samuel Souza is a resident of the  
17 Township of Nutley and a freshman at  
18 Nutley High School; and whereas on  
19 Saturday, February 28, 2009, Sam recorded  
20 his twenty-ninth career victory at the  
21 Regional 4 tournament, where he took  
22 third place, qualifying him for the High  
23 School State Championships;

24 And whereas Samuel Souza, a product  
25 of the Nutley Recreation Wrestling

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2 Program, broke the Nutley High School  
3 freshman record with twenty-nine wins in  
4 a season; and whereas Samuel's victories  
5 include fifth place in the Essex County  
6 Tournament, third place in the District  
7 14 Tournament, and third place in the  
8 Regional 4 Tournament;

9 And whereas Nutley High School  
10 Wrestling Coach, Frank DiPiano, along  
11 with Assistant Coach, Anthony Montes and  
12 Assistant Coach Joe Dwyer have worked  
13 tirelessly to train and guide Samuel  
14 toward these victories.

15 Now therefore, be it resolved that  
16 the board of commissioners of the  
17 Township of Nutley in the County of  
18 Essex, joins with the citizens of Nutley  
19 to honor and congratulate Samuel Souza  
20 for his outstanding success.

21 I move the resolution.

22 MR. EVANS: Second.

23 MS. CLERK: Commissioner Scarpelli?

24 MR. SCARPELLI: Aye.

25 MS. CLERK: Commissioner Petracco?

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2 MR. PETRACCO: Aye.

3 MS. CLERK: Commissioner Evans?

4 MR. EVANS: Aye.

5 MS. CLERK: Commissioner Tucci?

6 MR. TUCCI: Aye.

7 MS. CLERK: Mayor Cacchiola?

8 MAYOR COCCHIOLA: Aye.

9 MR. TUCCI: Whereas Anthony Damico  
10 is a resident of the Township of Nutley  
11 and a senior at Nutley High School; and  
12 whereas, on Friday, March 6, 2009,  
13 Anthony recorded his 125th career victory  
14 at the High School State Championships  
15 held in Atlantic City, breaking the  
16 Nutley High School record for wins; and  
17 whereas on March 7, Anthony, a product of  
18 the Nutley Recreation Wrestling Program,  
19 again, set a new mark when he scored his  
20 126th win

21 And whereas Anthony's victories  
22 include first place in the Essex County  
23 Tournament, first place in the District  
24 14 Tournament, first place in the  
25 Regional 4 Tournament; and eighth place

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2 in the State Championship Tournament;

3 And whereas Nutley High School  
4 Wrestling Coach, Frank DiPiano, along  
5 with Assistant Coach, Anthony Montes and  
6 Assistant Coach Joe Dwyer have worked  
7 tirelessly to train and guide Anthony  
8 toward these victories.

9 Now therefore, be it resolved that  
10 the board of commissioners of the  
11 Township of Nutley in the County of  
12 Essex, join with the citizens of Nutley  
13 to honor and congratulate Anthony Damico  
14 for this outstanding success.

15 I move the resolution.

16 MR. EVANS: Second.

17 MS. CLERK: Commissioner Scarpelli?

18 MR. SCARPELLI: Aye.

19 MS. CLERK: Commissioner Petracco?

20 MR. PETRACCO: Aye.

21 MS. CLERK: Commissioner Evans?

22 MR. EVANS: Aye.

23 MS. CLERK: Commissioner Tucci?

24 MR. TUCCI: Aye.

25 MS. CLERK: Mayor Cacchiola?

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2 MAYOR COCCHIOLA: Aye.

3 MR. TUCCI: Whereas Vincent Maurillo  
4 is a resident of the Township of Nutley  
5 and a senior at Nutley High School; and  
6 whereas Vincent record his one hundredth  
7 career victory at the Regional 4  
8 Tournament, where he took first place on  
9 Saturday, February 28, 2009;

10 And whereas Vincent Maruillo's  
11 victories in his weight class include  
12 first place in the Essex County  
13 Tournament, first place in the District  
14 14 Tournament, first place in the Region  
15 4 Tournament; and eighth place in the  
16 State Championship Tournament;

17 And whereas Nutley High School  
18 Wrestling Coach, again, Frank DiPiano,  
19 with Assistant Coach, Anthony Montes and  
20 Assistant Coach Joe Dwyer have worked  
21 tirelessly to train and guide Vincent  
22 toward these victories.

23 Now therefore, be it resolved that  
24 the board of commissioners of the  
25 Township of Nutley in the County of

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2 Essex, join with the citizens of Nutley  
3 to honor and congratulate Vincent  
4 Maurillo for this outstanding success.

5 I move the resolution.

6 MR. EVANS: Second.

7 MS. CLERK: Commissioner Scarpelli?

8 MR. SCARPELLI: Aye.

9 MS. CLERK: Commissioner Petracco?

10 MR. PETRACCO: Aye.

11 MS. CLERK: Commissioner Evans?

12 MR. EVANS: Aye.

13 MS. CLERK: Commissioner Tucci?

14 MR. TUCCI: Aye.

15 MS. CLERK: Mayor Cacchiola?

16 MAYOR COCCHIOLA: Aye.

17 MR. TUCCI: Now we get around to  
18 coaches.

19 Whereas Frank DiPiano is a lifelong  
20 resident of the Township of Nutley; and  
21 whereas Mr. DiPiano has been a teacher at  
22 Nutley High School for the past three  
23 years and Head Coach of the Nutley High  
24 School Wrestling Team for the past two  
25 years.

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2 And Whereas coach DiPiano's first  
3 year record was 6-18, and this season's  
4 record was 14-9; his record Head Coach is  
5 20-27; and whereas Nutley High School  
6 Head Wrestling Coach, Frank DiPiano has  
7 been honored by being named District 14  
8 Coach of the Year.

9 Now therefore, be it resolved that  
10 the board of commissioners of the  
11 Township of Nutley in the County of  
12 Essex, join with the citizens of Nutley  
13 to honor and congratulate Coach Frank  
14 DiPiano for his outstanding achievement.

15 I move the resolution.

16 MR. EVANS: Second.

17 MS. CLERK: Commissioner Scarpelli?

18 MR. SCARPELLI: Aye.

19 MS. CLERK: Commissioner Petracco?

20 MR. PETRACCO: Aye.

21 MS. CLERK: Commissioner Evans?

22 MR. EVANS: Aye.

23 MS. CLERK: Commissioner Tucci?

24 MR. TUCCI: Aye.

25 MS. CLERK: Mayor Cacchiola?

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2 MAYOR COCCHIOLA: Aye.

3 MR. TUCCI: Whereas Anthony Montes  
4 is a resident of the Nutley and graduated  
5 from Nutley High School in 2002; and  
6 whereas Mr. Montes has returned to Nutley  
7 High School this year as Assistant Coach  
8 for the Wrestling Team.

9 And whereas Anthony Montes has been  
10 named the District 14 Assistant Coach of  
11 the Year.

12 Now therefore, be it resolved that  
13 the board of commissioners of the  
14 Township of Nutley in the County of  
15 Essex, join with the citizens of Nutley  
16 to honor and congratulate Coach Montes  
17 for his outstanding success.

18 I move the resolution.

19 MS. CLERK: Commissioner Scarpelli?

20 MR. SCARPELLI: Before I vote yes on  
21 this, I just want to say that you should  
22 all be congratulated. I was at the  
23 Regionals. It was very exciting. And  
24 having wrestled in high school many years  
25 and a couple pounds ago, I know the

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2 dedication that it takes. So you should  
3 all be congratulated. And coaches,  
4 you're congratulated also. So I vote  
5 yes.

6 MS. CLERK: Commissioner Petracco?

7 MR. PETRACCO: I too, just would  
8 like to say congratulations. I know the  
9 dedication that goes into it. My son  
10 actually started wrestling this year, and  
11 these guys are always around donating  
12 their time, and you know, spending money  
13 on gear and stuff. So I'd just like to  
14 vote yes and say congratulations also.

15 MS. CLERK: Commissioner Evans?

16 MR. EVANS: Aye.

17 MS. CLERK: Commissioner Tucci?

18 MR. TUCCI: Aye.

19 MS. CLERK: Mayor Cacchiola?

20 MAYOR COCCHIOLA: Aye.

21 Congratulations to all of you. Thank  
22 you.

23 MR. TUCCI: Superb job.

24 (Applause)

25 (Pause for photograph)

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2 (Applause)

3 MAYOR COCCHIOLA: Thanks again to  
4 all the parents who came this evening as  
5 well. We'll return to our normal agenda.  
6 And Commissioner Petracco, that means you  
7 can read your resolution.

8 MR. PETRACCO: Okay. Thank you,  
9 Mayor.

10 Be it resolved by the Township of  
11 Nutley in the County of Essex, New  
12 Jersey, that the following be appointed  
13 as volunteers to the Nutley Fire  
14 Department, effective immediately: Dean  
15 L. Bozza, Scott C. Bellucci, and Henry  
16 Meola.

17 I move this resolution.

18 MR. SCARPELLI: Second.

19 MS. CLERK: Commissioner Scarpelli?

20 MR. SCARPELLI: Aye.

21 MS. CLERK: Commissioner Petracco?

22 MR. PETRACCO: Aye.

23 MS. CLERK: Commissioner Evans?

24 MR. EVANS: Aye.

25 MS. CLERK: Commissioner Tucci?

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2 MR. TUCCI: Aye.

3 MS. CLERK: Mayor Cacchiola?

4 MAYOR COCCHIOLA: Aye.

5 MR. PETRACCO: That's all I have,  
6 Mayor.

7 MAYOR COCCHIOLA: Thank you,  
8 Commissioner Evans?

9 MR. EVANS: Thank you, Mayor.  
10 Excuse me. Be it resolved by the board  
11 of commissioners of the Township of  
12 Nutley in the County of Essex, New  
13 Jersey, that the Treasurer be and she is  
14 hereby authorized to refund overpayments  
15 of property taxes in the amount of  
16 \$10,513.11, due to successful Tax Court  
17 judgments for the said years.

18 Block 4001 Lot 44, \$2,749.94 for  
19 2008; Block 3905 Lot 3, 260 Washington  
20 Avenue, \$822.05 for 2006; Block 9103 Lot  
21 3, 1,907.50 for 2007; 702 Lot 10,  
22 1,907.50 for 2007; and Block 9604 Lot 14,  
23 3,126.12 for 2007. So moved.

24 MR. TUCCI: So moved.

25 MS. CLERK: Commissioner Scarpelli?

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2 MR. SCARPELLI: Aye.

3 MS. CLERK: Commissioner Petracco?

4 MR. PETRACCO: Aye.

5 MS. CLERK: Commissioner Evans?

6 MR. EVANS: Aye.

7 MS. CLERK: Commissioner Tucci?

8 MR. TUCCI: Aye.

9 MS. CLERK: Mayor Cacchiola?

10 MAYOR COCCHIOLA: Aye. Commissioner  
11 Tucci, do you have one more?

12 MR. TUCCI: Yes, one more, Mayor.

13 Whereas in 1949 the legislature set  
14 aside the last Friday of April as Arbor  
15 Day to promote the planting of trees and  
16 to encourage the protection of our  
17 forests from fires and pests that destroy  
18 the beauty and usefulness of our  
19 woodlands;

20 And whereas half of New Jersey's  
21 total land area is forested or tree  
22 covered; and whereas trees play an  
23 important role in the ecosystem in which  
24 we live, and trees reduce the erosion of  
25 our precious topsoil caused by wind and

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2 water, clean the air we breathe and the  
3 water we drink, produce oxygen, provide  
4 habitat for birds and wildlife and reduce  
5 heating and cooling costs by moderating  
6 temperature;

7 And whereas trees are a renewable  
8 resource, giving us paper for fine  
9 literature, wood for homes, fuel for  
10 fires and countless other wood products;  
11 and whereas trees provide increased  
12 property value, enhanced economic  
13 viability, and pleasing aesthetic  
14 qualities along streets and properties in  
15 municipalities;

16 And whereas tree planting in yards  
17 and farms, in schoolyards and parks, and  
18 along streets and highways creates an  
19 enduring heritage for generations that  
20 follow;

21 And whereas the Township of Nutley  
22 has completed its twenty-second year as a  
23 member of Tree City USA; and whereas I,  
24 Commissioner Mauro Tucci, Director of  
25 Parks and Public Property of the Township

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2 of Nutley, do hereby proclaim May 2, 2009  
3 as Arbor Day in the community of Nutley  
4 and urge all citizens to support efforts  
5 to protect our trees and woodlands and to  
6 support our town's urban forestry  
7 program; and further, I urge all citizens  
8 to plant trees to gladden hearts and  
9 promote the well-being of present and  
10 future generations.

11 I move the resolution.

12 MR. EVANS: Second.

13 MS. CLERK: Commissioner Scarpelli?

14 MR. SCARPELLI: Aye.

15 MS. CLERK: Commissioner Petracco?

16 MR. PETRACCO: Aye.

17 MS. CLERK: Commissioner Evans?

18 MR. EVANS: Aye.

19 MS. CLERK: Commissioner Tucci?

20 MR. TUCCI: Aye.

21 MS. CLERK: Mayor Cacchiola?

22 MAYOR COCCHIOLA: Aye.

23 MR. TUCCI: That's all I have.

24 MAYOR COCCHIOLA: Whereas an  
25 application has been received from the

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2 Nutley Family Service Bureau for an on-  
3 premise fifty-fifty cash raffle, License  
4 number 27-09 to be held on June 6, 2009;  
5 and whereas the application has been  
6 reviewed and approved by the Municipal  
7 Clerk and the Police Department.

8 Therefore, be it resolved by the  
9 board of commissioners of the Township of  
10 Nutley, County of Essex, State of New  
11 Jersey, that the license is approved and  
12 the Municipal Clerk is authorized to  
13 issue the license to the Nutley Family  
14 Service Bureau.

15 I move the resolution.

16 MR. EVANS: Second.

17 MS. CLERK: Commissioner Scarpelli?

18 MR. SCARPELLI: Aye.

19 MS. CLERK: Commissioner Petracco?

20 MR. PETRACCO: Aye.

21 MS. CLERK: Commissioner Evans?

22 MR. EVANS: Aye.

23 MS. CLERK: Commissioner Tucci?

24 MR. TUCCI: Aye.

25 MS. CLERK: Mayor Cacchiola?

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2 MAYOR COCCHIOLA: Aye. And that  
3 concludes the regular business portion of  
4 our meeting. Is there any member of the  
5 public that would like to address the  
6 board?

7 I just want to read this statement  
8 first: 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. Unless further time is  
13 granted by board, each person shall limit  
14 their address to five minutes. All  
15 remarks to the board and its individual  
16 members must be addressed to the Mayor.  
17 The Mayor may defer citizen comments to  
18 the appropriate member of the board.

19 Dialogue between citizens and others  
20 addressing the board shall be allowed  
21 unless the Mayor or presiding officer or  
22 the majority of the membership of the  
23 board shall determine, that the interest  
24 of decorum and/or the expeditious conduct  
25 of municipal business are being adversely

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2 affected by such dialogue.

3 Please come forward.

4 MR. BALDANI: Good evening, Mayor,  
5 commissioners. My name is Gino Baldani.  
6 Nutley resident. The May 9th issue of  
7 the Nutley Sun, a letter that I authored,  
8 was published. I wrote that letter in  
9 response to comments and quotes from both  
10 Commissioners Petracco and Evans. And in  
11 editorials from the Nutley Sun.

12 I wrote that letter primarily as a  
13 resident of Nutley, and only signed the  
14 letter as a Millburn PBA president to  
15 keep within the spirit of truth in  
16 disclosure. Freedom of speech is defined  
17 as the freedom to speak freely without  
18 censorship or limitation. The right to  
19 free speech is one of the greatest  
20 foundations this country was built on,  
21 and has very few restrictions.

22 Some of you already know why I am  
23 here tonight, and some of you are  
24 probably wondering why I am standing here  
25 giving you a lesson in civics. As a

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2 result of my letter to the editor, which  
3 was written as both a resident and tax  
4 payer of Nutley, at least one  
5 commissioner, Commissioner Petracco, and  
6 your police chief, made several phone  
7 calls in an attempt to have me censored  
8 and disciplined.

9 Both Chief Holland and Commissioner  
10 Petracco called Anthony Wieners, State  
11 President of the New Jersey PBA and asked  
12 if sanctions could be placed against me.  
13 Chief Holland called him a second time  
14 and --

15 MR. PETRACCO: Excuse me. I didn't  
16 hear that part. Asked what? I didn't  
17 hear that part.

18 MR. BALDANI: If I could be  
19 sanctioned.

20 MR. PETRACCO: Okay. Excuse me.

21 MR. BALDANI: Chief Holland called a  
22 second time. Chief Holland also called  
23 my police chief and complained about me  
24 and my letter in an apparent attempt to  
25 have me disciplined. I've been told that

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2 my business administrator and members of  
3 Millburn Township council have also  
4 received calls about me and my letter as  
5 well.

6 My question to the Mayor and any  
7 appropriate commissioner is simple: When  
8 did the right to free speech get outlawed  
9 in Nutley? I spoke out as a resident of  
10 this town and a PBA president who happens  
11 to live in this town, not as a police  
12 officer. Why was my employer called for  
13 the letter I wrote and why was discipline  
14 sought against me? I am not solely  
15 defined as a police officer. I'm a  
16 father, a PBA president, a soccer coach  
17 in this town a business man and many  
18 other things besides a police officer.

19 Yet, you as a town, made the  
20 conscious decision to attempt to censor  
21 me through my job and my career.

22 MAYOR COCCHIOLA: Excuse me. I just  
23 want -- sir, and I'm going to let you  
24 read the rest of your letter, but, no one  
25 has attempted to censor you. Your letter

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2 was to the Nutley Sun.

3 MR. BALDANI: When a councilman  
4 calls my police chief.

5 MAYOR COCCHIOLA: I don't know  
6 that --

7 MR. BALDANI: Okay, when a  
8 commissioner calls my police chief --

9 MAYOR COCCHIOLA: -- I hear what  
10 you're saying but --

11 MR. BALDANI: -- or when the police  
12 chief calls my police chief -- I'm sorry.  
13 I correct myself.

14 MAYOR COCCHIOLA: I hear what you're  
15 saying. And whether or not Commissioner  
16 Petracco wishes to address that, he may  
17 or may not. But we don't -- I don't know  
18 that any of what you're saying -- I hear  
19 what you're saying, but I don't know that  
20 any of that is confirmed. The chief  
21 isn't here to speak for himself. So  
22 your --

23 MR. BALDANI: Commissioner Petracco  
24 is, though.

25 MAYOR COCCHIOLA: If he chooses to

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2 address this, he can.

3 MR. BALDANI: All right.

4 MAYOR COCCHIOLA: If he doesn't want  
5 to, he doesn't have to.

6 MR. BALDANI: Can I finish my?

7 MAYOR COCCHIOLA: Certainly.

8 MR. BALDANI: Okay. In my opinion,  
9 as a resident and taxpayer, you have  
10 overstepped your rights and violated mine  
11 in an obvious abuse of power and  
12 authority. Commissioner Petracco and  
13 Commissioner Evans, you are both quoted  
14 in the Nutley Sun about the issues that I  
15 wrote about. You were both able to voice  
16 your opinions and make statements  
17 protected by your right to free speech.

18 Commissioner Petracco, you enjoyed  
19 your right to free speech when I allowed  
20 you to place your campaign sign on my  
21 front lawn, yet you apparently don't  
22 believe that right extends to your  
23 constituents.

24 I simply thought that I would be a  
25 man and publically respond to your

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2 opinions with mine. Unfortunately for  
3 me, your response to my letter was not  
4 done publically or face-to-face, or even  
5 a legal or aboveboard manner. Instead,  
6 you chose to chose to respond secretively  
7 and in a retaliatory manner.

8 Sadly, when I asked my thirteen  
9 year-old daughter to list her rights as  
10 an American, she started with the right  
11 to free speech. How is it a thirteen  
12 year-old knows that and our elected  
13 officials and our police chief doesn't?

14 Although I would like a response for  
15 the board of commissioners, I am not  
16 really expecting one, and I'll close with  
17 this. If in the future I should decide  
18 to write any more letters, which I will,  
19 or speak at any other meetings, which I  
20 will, I strongly urge you to address any  
21 replies or concerns directly to me, as I  
22 will always put my name to my words. And  
23 I strongly caution against any further  
24 retaliation against me or attempted  
25 retaliation.

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2 I sign everything. Unlike the  
3 thirty letters I received in response to  
4 my letter. If I wanted to go behind  
5 people's backs, I could have a field day  
6 with what people sent me. But if I had  
7 something -- if I had a problem with  
8 anybody, I would make an appointment and  
9 come see you, not call somebody behind  
10 somebody's back and try to get them in  
11 trouble. Especially when I'm going it as  
12 a resident and taxpayer of this town, not  
13 as a police officer. I did nothing in an  
14 official capacity. I don't know why my  
15 police department was called. Would you  
16 like -- could I get a --

17 MR. PETRACCO: I would love to  
18 respond. First of all, I didn't do  
19 anything to retaliate. I didn't call  
20 anybody. I didn't call Wieners or your  
21 chief. That's number one.

22 MR. BALDANI: You were present on a  
23 conference call with the police chief and  
24 Tony Wieners.

25 MR. PETRACCO: I was present. And

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2 the only reason why I was present was  
3 because in the article you mentioned my  
4 deli, in the article, that I was running  
5 off for a lunch crowd in my deli. And I  
6 just mentioned to your chief that I'd  
7 appreciate it if you're going to address  
8 me, address me as a professional, as  
9 Commissioner Petracco, and leave my  
10 private life and my private business out  
11 of this.

12 As that I have a family to feed,  
13 just like you. But as far as  
14 retaliation, there's no one that wants to  
15 retaliate. I wish that you would get  
16 your facts right when you put them in the  
17 paper, but other than that, I have no  
18 problem with freedom of speech.

19 But, if you have a problem or you  
20 have a question, like you said, you go to  
21 the person, but you sure didn't come to  
22 me. You just wrote a bunch of nonsense,  
23 as far as I'm concerned, in the paper.  
24 But that's your right as a resident.  
25 Although you said that you were an

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2 educator -- you were educated, you didn't  
3 write as if you were educated, because  
4 you didn't have the facts.

5 MR. BALDANI: I had plenty of facts.

6 MR. PETRACCO: Well, that's funny,  
7 because it doesn't seem that they're  
8 facts when they're written in the paper,  
9 and I have the article. And when did you  
10 address me? When did you make an  
11 appointment to me? You said you go to  
12 the person. You didn't come to me.

13 MR. BALDANI: I didn't say that. I  
14 said I addressed you publically in the  
15 paper, not behind your back.

16 MR. PETRACCO: Okay. And my opinion  
17 of another PBA president getting involved  
18 and crossing lines of towns and  
19 negotiations going on, I'll tell you to  
20 your face, I think it's wrong. And I  
21 think that if you're a Millburn cop, you  
22 should stay in Millburn and voice your  
23 opinion there. And next time you write a  
24 letter sign it as a Nutley resident.  
25 That's your right.

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2 MR. BALDANI: It's also my right to  
3 sign it as a PBA president, which I will  
4 exercise.

5 MR. PETRACCO: Well, you sure  
6 (indiscernible).

7 MAYOR COCCHIOLA: And you know what,  
8 I don't think we need to spar about this.  
9 I'd like to ask you, sir, if you'd like  
10 to speak to Commissioner Petracco, you  
11 can set up a private meeting with him?

12 MR. BALDANI: If he would like to  
13 speak to me, I'll gladly sit down and  
14 talk to him.

15 MAYOR COCCHIOLA: Thank you.

16 MR. EVANS: Excuse me. Just for a  
17 point of clarification, you referred to  
18 me several times?

19 MR. BALDANI: I referred to you only  
20 because you were quoted in the Nutley Sun  
21 and I just said that you were given your  
22 right to free speech, like I should be  
23 given. That's all the reference I made  
24 to you.

25 MR. EVANS: That's all. I just

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2 wanted to be clear that I'm not aware of  
3 any --

4 MR. BALDANI: That's the only  
5 reference I made to you.

6 MR. EVANS: -- of this. Okay.  
7 Thank you.

8 MAYOR COCCHIOLA: Thank you sir. Is  
9 there anyone else that would like to  
10 address the board this evening? Good  
11 evening, Mr. Mulkinthen.

12 MR. MULKINTHEN: Good evening. Ken  
13 Mulkinthen (ph.), 44 Chestnut Street.  
14 Mayor, where are we on the sexual  
15 harassment drug testing facilities  
16 document that we're looking for?

17 MAYOR COCCHIOLA: We are -- I think  
18 I told you not publically, but I think I  
19 told you privately, that I took my first  
20 look at that handbook and it's hours and  
21 hours of work just for me to prepare my  
22 comments on it. I haven't completed my  
23 comments yet, and I'm going to guess that  
24 no one else has as well.

25 It is not something, Mr. Mulkinthen,

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2 that I'm going to just -- or any one of  
3 us can just sit down and -- you know, we  
4 all have to put our comments together, we  
5 have to get them all back to the Town  
6 Attorney. They all have to be analyzed  
7 for whether or not our comments are  
8 something that can be considered or can't  
9 be considered. It's a major job.

10 It's more of a major job than I  
11 thought it was when we first started  
12 talking to you. So I don't have a date  
13 for you.

14 I'll ask the members of the board if  
15 they could, once we get through this  
16 budget process, maybe take -- turn their  
17 attention looking at the draft of the  
18 employee handbook that we've been  
19 provided. And we'll do our best to put  
20 together some comments on it. But I'm  
21 telling you that it's not an easy job.

22 MR. EVANS: Mayor, I did have a  
23 preliminary look at it, and it needs  
24 major revisions as far as I'm concerned.

25 MAYOR COCCHIOLA: Absolutely.

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2 MR. SCARPELLI: Mayor, in all  
3 honestly, I just haven't had the time to  
4 do it.

5 MAYOR COCCHIOLA: I understand. And  
6 I did it -- I did it out of respect for  
7 you Mr. Mulkinthen. I took it out and I  
8 did take a look at it, and once I did, I  
9 started to red-pen it and I realized that  
10 it's -- it really takes quiet -- probably  
11 a few days' worth of time. And then it  
12 has to go back to the Town Attorney. So  
13 again, I'll ask the board to try to turn  
14 their attention to it in the next month  
15 or so and get -- try to put some comments  
16 together for the Township Attorney to  
17 revise a draft and get it back to us.

18 MR. MULKINTHEN: I appreciate the  
19 magnitude of the document and the  
20 problem. But I would be remiss if I  
21 didn't remind you, we appointed three new  
22 volunteer firemen tonight. I don't know  
23 them. I congratulate them for being  
24 volunteers. But once again, we're six  
25 months down the road with this, and we

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2 have just added to the liability, because  
3 this document is not in place. Thank  
4 you.

5 MAYOR COCCHIOLA: Thank you. Is  
6 there anyone else who would like to  
7 address the board this evening?

8 MR. BENIBIKA: Hi. Jack Benibika  
9 (ph.) 160 Park Avenue. I note our budget  
10 is coming very shortly, and I preach this  
11 for forty years or better. I know that  
12 I've asked Tom -- Mr. Evans about it,  
13 Tucci about it. I hope the other  
14 commissioners have tried very hard for  
15 consolidation of operations, which  
16 includes busses, trucks, cars, mechanics,  
17 and possibly the utilization of one  
18 center to maintain all our facilities,  
19 all our ventures.

20 I think that will help us maintain a  
21 tighter budget as opposed to being spread  
22 out like an eagle. I don't know if  
23 you've done it. I'm not going to get  
24 involved in arguing with anybody, but I  
25 sure would appreciate your considering it

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2 under these dire circumstances today,  
3 especially with what's happening with our  
4 great economy.

5 Speaking of which, I am very hard  
6 pressed with things that I have done with  
7 my facilities, and I know I can feel the  
8 anguish of our town for what has to be  
9 done for the town. But I think that what  
10 you have to do is really consider, when  
11 we push something, can Hasimat (ph.) use  
12 it, can the Fire Department use it, can  
13 the Police Department use it, can Public  
14 service use it?

15 I know that we've done that in the  
16 past many years ago when you all were  
17 children. We used facilities that your  
18 fathers' had to do both our services and  
19 other services. I can go back a bit, but  
20 I'm not going to bother.

21 Please, please, consider it. Don't  
22 bypass it. Don't consider it a dynasty.  
23 This is Nutley. Save your town. Please.

24 MAYOR COCCHIOLA: Thank you. Is  
25 there anyone else who would like to

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2 address the board this evening? Ms.  
3 Cooper.

4 MS. COOPER: Thank you, Mayor  
5 Cocciola. I'm up here because I would  
6 like to recognize the Town of Nutley,  
7 particularly Commissioner Tucci and the  
8 great work that Parks and Rec did on  
9 Saturday for the Earth Day cleanup.

10 The tremendous commitment by this  
11 town to make this place a better place to  
12 live a cleaner place to live. And I was  
13 very impressed by the number of  
14 volunteers who did show up to provide  
15 community service. And it just goes to  
16 show, with this town, the commitment that  
17 people have to making it a better place  
18 to live.

19 So, I have to say, I'm new proud  
20 owner of a house on Myrtle Avenue, so I  
21 am standing up here as a proud taxpayer  
22 in the Town of Nutley, now. So I just  
23 thank you and the commitment that all of  
24 you commissioners have shown to the town.  
25 And thank you.

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2 MAYOR COCCHIOLA: Thank you, Ms.  
3 Cooper. Just for the record, just give us  
4 your name and address so that they have  
5 it.

6 MS. COOPER: Sorry, my name is  
7 Laurie Cooper, L-A-U-R-I-E, and I'm 97  
8 Myrtle Avenue. Thank you.

9 MAYOR COCCHIOLA: Thank you.

10 MR. TUCCI: Mayor, I have one  
11 comment, if I might? Laurie, thank you  
12 for your kind words, and coming out on  
13 Saturday and helping us. And as Laurie  
14 said, we, once again, had over 500  
15 volunteers come out for Earth Day. We  
16 cleaned up all of our parks. We cleaned  
17 up all of our elementary schools, our  
18 high school, the middle school, even the  
19 county park, Route 21, and the railroad  
20 crossing. And we did it as a team.

21 I want to publically thank  
22 Commissioner Scarpelli. He lent some  
23 manpower to the effort. Commissioner  
24 Petracco, for sending his police officer  
25 down with that strange vehicle that --

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2 MR. PETRACCO: Segway

3 MR. TUCCI: -- Segway, thank you  
4 very much.

5 MR. PETRACCO: It's in the paper a  
6 lot.

7 MR. TUCCI: Right. It is in the  
8 paper a lot, you're right. That doesn't  
9 increase our carbon footprint. And  
10 Commissioner Evans and Mayor Cocchiola  
11 for all their support. It was a team  
12 effort, and I think that came through  
13 loud and clear. And we're going to  
14 continue with that.

15 We have a green initiative festival  
16 coming up that the Mayor is spearheading  
17 that we're all contributing to and  
18 planning towards. So I'm very proud. I  
19 was very pleased with our turnout and the  
20 dedication of all of our -- not only our  
21 taxpayers, but our students. It was just  
22 a great day.

23 And Mayor, if I might? Jack, to  
24 respond to what you said, I think your  
25 comments were exactly on point, and I

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2 think we began that consolidation process  
3 at the reorganization meeting. And I can  
4 only speak for my own department where we  
5 consolidated all of the busses, all  
6 right, under one department to be  
7 scheduled and to be dispatched out of  
8 that department.

9 And we also redirected the Jitney  
10 (ph.) service that the Mayor's office  
11 applied for and was successful in  
12 obtaining. That is also in my  
13 department. And as far as cooperation  
14 goes and working together, I don't think  
15 it's ever been any better.

16 So I think we're all of the same  
17 mind as you, and we're going to continue  
18 to work towards that end. Thank you,  
19 Mayor.

20 MAYOR COCCHIOLA: Thank you. While  
21 we're saying nice things, let me thank my  
22 colleagues for all their assistance with  
23 Saturday evening's Senior Prom event, in  
24 particular Sam Corrella (ph.) and her  
25 committee, that are working for the

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2 Municipal Alliance, put together a really  
3 great event for the seniors at literally  
4 no cost. So thanks to some of the things  
5 that my colleagues have done, lending a  
6 bus, and helping out, we're going to have  
7 a really nice event this Saturday for the  
8 senior citizens of our town.

9 And that's it. I need a motion to  
10 adjourn.

11 MR. TUCCI: So moved.

12 MR. EVANS: Second.

13 MS. CLERK: Commissioner Scarpelli?

14 MR. SCARPELLI: Aye.

15 MS. CLERK: Commissioner Petracco?

16 MR. PETRACCO: Aye.

17 MS. CLERK: Commissioner Evans?

18 MR. EVANS: Aye.

19 MS. CLERK: Commissioner Tucci?

20 MR. TUCCI: Aye.

21 MS. CLERK: Mayor Cacchiola?

22 MAYOR COCCHIOLA: Aye.

23 (Meeting adjourned)

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

I, Penina Wolicki, hereby certify that the foregoing is a true and correct transcription, to the best of my ability, of the sound recorded proceedings submitted for transcription.

I further certify that I am not employed by nor related to any party to this action.

In witness whereof, I hereby sign this date:  
May 12, 2009.

A handwritten signature in cursive script that reads "Penina Wolicki" with a flourish at the end. The signature is written over a horizontal dashed line.

Penina Wolicki