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TOWNSHIP OF NUTLEY, NEW JERSEY  
BOARD OF COMMISSIONERS

PUBLIC MEETING

)  
) TRANSCRIPT OF  
) PROCEEDINGS:  
)

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ORIGINAL

July 21, 2009

7:00 p.m.

COMMISSION MEMBERS:

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

ALSO PRESENT:

- Evelyn Rosario, Municipal Clerk
- Jack Barry, Traffic Safety Coordinator
- Kevin Harkins, Esq., Township Attorney

Job No: 241695

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

3 (Pledge of Allegiance is recited)

4 MAYOR COCCHIOLA: Madam Clerk, could  
5 you please read the Sunshine Notice?

6 MADAM CLERK: Yes, Mayor. Tuesday  
7 July 21, 2009. Pursuant to the  
8 requirements of the Open Public Meeting  
9 Law, Chapter 231, Public Laws, 1975,  
10 notice of this meeting was published in  
11 the January 8th, 2009 issues of the  
12 Nutley Sun, the Journal, the Star Ledger  
13 and the Herald News. A copy of this  
14 notice has been posted on the Nutley Town  
15 Hall bulletin board and a copy is on file  
16 in the municipal clerk's office.  
17 Commissioner Scarpelli?

18 COMMISSIONER SCARPELLI: Here.

19 MADAM CLERK: Commissioner Petracco?

20 COMMISSIONER PETRACCO: Here.

21 MADAM CLERK: Commissioner Evans?

22 COMMISSIONER EVANS: Here.

23 MADAM CLERK: Commissioner Tucci?

24 COMMISSIONER TUCCI: Here.

25 MADAM CLERK: Mayor Cocchiola?

1 MAYOR COCCHIOLA: Hereo

2 MADAM CLERK: All present, Mayor.

3 MAYOR COCCHIOLA: Thank you. We  
4 have some correspondence this evening. I  
5 think it requires a vote as well, is that  
6 correct?

7 MADAM CLERK: Yes, Mayor. I have  
8 three applications for an extension of  
9 premises for Swing Night, August 27th,  
10 2009. Applications received from Jim  
11 Dandy's, the Franklin Steakhouse and  
12 Terrazza Ristorante. I need an approval,  
13 Mayor.

14 MAYOR COCCHIOLA: Need a motion.

15 MALE SPEAKER: Move it.

16 MALE SPEAKER: Second.

17 MADAM CLERK: Commissioner  
18 Scarpelli?

19 COMMISSIONER SCARPELLI: Aye.

20 MADAM CLERK: Commissioner Petracco?

21 COMMISSIONER PETRACCO: Aye.

22 MADAM CLERK: Commissioner Evans?

23 COMMISSIONER EVANS: Aye.

24 MADAM CLERK: Commissioner Tucci?

25 COMMISSIONER TUCCI: Aye.

1 MADAM CLERK: Mayor Cocchiola?

2 MAYOR COCCHIOLA: Aye.

3 MADAM CLERK: That's all for  
4 communications, Mayor.

5 MAYOR COCCHIOLA: Thank you. We'dl  
6 move onto payment of bills.

7 MADAM CLERK: Yes, Mayor. Bill  
8 list, Tuesday, July 21st: Public Affairs  
9 is \$689,052.58; Revenue and Finance,  
10 \$2,878,019.57; Public Safety, \$35,396.81;  
11 Public Works, \$233,297.40; Parks and  
12 Public Property, \$394,544.45; Payroll,  
13 \$737,632.09; grand total, \$4,0069,0732.00.  
14 And that's all for bills, Mayor.

15 MALE SPEAKER: Move the bills.

16 MALE SPEAKER: Second.

17 MADAM CLERK: Commissioner  
18 Scarpelli?

19 COMMISSIONER SCARPELLI: Aye.

20 MADAM CLERK: Commissioner Petracco?

21 COMMISSIONER PETRACCO: Aye.

22 MADAM CLERK: Commissioner Evans?

23 COMMISSIONER EVANS: Aye.

24 MADAM CLERK: Commissioner Tucci?

25 COMMISSIONER TUCCI: Aye.

1 MADAM CLERK: And Mayor Cocchiola?

2 MAYOR COCCHIOLA: Aye.

3 MADAM CLERK: Thank you, Mayor.

4 MAYOR COCCHIOLA: Thank you. This  
5 evening, we are conducting a public  
6 hearing on the franchise renewal  
7 agreement for Cablevision. I'd like to  
8 welcome Don Viapree who is the Director  
9 of Government Affairs for Cablevision.  
10 Mrs Viapree, do you want to come up,  
11 please?

12 As I open up the public hearing, let  
13 me just give a little bit of background  
14 and I'm going to turn it over to you, Mr.  
15 Viapree.

16 This -- the current franchise  
17 agreement that the municipality has with  
18 Cablevision expires this year. The  
19 actual franchising authorities for cable  
20 television is the Board of Public  
21 Utilities, Office of Cable TV. They are  
22 the ultimate authority and they grant the  
23 actual renewal of franchise agreements  
24 throughout the state.

25 When a cable company wants to renew

1 its franchise agreement, it has to apply  
2 to the municipality for municipal  
3 consent. That is called the municipal  
4 phase of the whole franchise agreement  
5 proceedings; that's what we're in right  
6 now. By law, we conduct a public hearing  
7 for the municipality. This public  
8 hearing was on notice to the  
9 municipality, I think -- do you have the  
10 date that it was published in the  
11 newspaper, Madam Clerk?

12 MADAM CLERK: Yes, Mayor. We  
13 advertised it on two different occasions,  
14 forty-five days prior to the scheduled  
15 public hearing and then seven days prior  
16 to the scheduled hearing.

17 MAYOR COCCHIOLA: Okay.

18 MADAM CLERK: So it was advertised  
19 twice in several papers.

20 MAYOR COCCHIOLA: Advertised in  
21 accordance with the law that requires  
22 it.

23 MADAM CLERK: Yes, in accordance  
24 with the Board of Public Utilities, the  
25 BPU.

1           MAYOR COCCHIOLA:   Subsequent to this  
2 public hearing and the taking of public  
3 comments, Cablevision will negotiate the  
4 actual terms of the agreement with the  
5 Board of Commissioners and we will then  
6 decide -- take a vote on the renewal of  
7 the franchise agreement at a later date.

8           I can advise the community that we  
9 did have a Sunshine Open Public Meeting  
10 with Mr. Viapree, members of the Board of  
11 Commissioners were there, those that  
12 could be present, as well as Board of  
13 Education members Steve Rogers and Walt  
14 Sautter who did attend, because they had  
15 a particular interest in something that  
16 they've been bringing out to the  
17 community which is the public -- ability  
18 of citizens to access the public access  
19 channel, Channel 77.

20           We had some extensive discussions,  
21 those that were in the room, about that  
22 channel and the ability for people to  
23 access it. It's a little bit complex in  
24 that there is a matter pending before the  
25 FCC and the FCC will be the ultimate

1 decision maker with respect to whether or  
2 not the channel can and should be  
3 provided to those with only analog  
4 access. So that's going to be determined  
5 by a higher authority than us. If it is  
6 determined by the FCC that that channel  
7 must be provided to analog users, which  
8 means a household that has no cable TV  
9 access at all, Cablevision will have to  
10 make those arrangements to provide that  
11 service.

12 We did, in our discussion, speak  
13 with Mr. Viapree about some options that  
14 we as a governing body thought we would  
15 be interested in taking to assist people  
16 who were not able to have access to the  
17 PEG channel. And we -- I don't know if  
18 I'm at liberty to disclose all the  
19 details of that, but we are in  
20 negotiations with Cablevision over  
21 helping out those in our municipality who  
22 do not have that access, as a governing  
23 body moving forward to assist them.

24 So we do have that -- we do have  
25 some plans for that, that just have not

1           been totally worked out yet. But we are  
2           trying to do something with respect to  
3           that. And that was actually an idea  
4           proposed by Commissioner Evans and I  
5           thank him for -- for that.

6           So, Mr. Viapree, I'm going to turn  
7           the hearing over to you and then I'll  
8           allow anybody who is here this evening to  
9           give some comments, to open it up to the  
10          Board of Commissioners, and then we'll  
11          close the public hearing at the  
12          conclusion.

13          MR. VIAPREE: Thank you so much,  
14          Mayor.

15          MAYOR COCCHIOLA: So, welcome.

16          MR. VIAPREE: My name is Don  
17          Viapree. I am the director of Government  
18          Affairs for Cablevision. I've been in  
19          the industry, in the business, for some  
20          twenty-seven years now, and I'm pleased  
21          to stand before you on behalf of the  
22          company to go through the process of the  
23          franchise renewal with Nutley and I  
24          anticipate that we will continue  
25          discussions thereafter.

1           We'll go through the municipal  
2 process and then escalate to the state  
3 process who, at that level, will then  
4 grant the certificate of approval,  
5 thereby authorizing us to continue to  
6 operate in the franchise that we know as  
7 the municipal franchise process.

8           I also want to state that we have  
9 thus far had a very frank and cordial  
10 discussion and I hope to continue to do  
11 so and bring all the assets to bear for  
12 the town of Nutley that I can within my  
13 position as I have for so many other  
14 towns. And I will and I have already  
15 escalated the concerns pertaining to the  
16 PEG and what the town wants to do on  
17 behalf of its citizens.

18           And I'll take any questions at this  
19 point.

20           MAYOR COCCHIOLA: Is there any  
21 member of the public that would like to  
22 address the board with respect to this  
23 Cablevision public hearing, this matter  
24 only, at this point in time. You can  
25 come forward.

1 MSO MITROVIC: Yes. I'm not sure  
2 what I'm in the right meeting or not.

3 MAYOR COCCHIOLA: I just need your  
4 name and address for the record.

5 MSO MITROVIC: Sally Mitrovic, One  
6 Park Drive, Nutley.

7 MAYOR COCCHIOLA: Are you here on  
8 the Cablevision matter?

9 MS. MITROVIC: On the Cablevision  
10 matter, ma'am.

11 MAYOR COCCHIOLA: Um-hum.

12 MS. MITROVIC: I just got a phone  
13 call and I didn't read, so I'm hoping  
14 that I'm in the right meeting to ask  
15 questions to the gentleman.

16 MAYOR COCCHIOLA: Yes. You would  
17 pose the questions to me and then Mr.  
18 Viapree will answer them.

19 MS. MITROVIC: Okay. Looking at  
20 the -- my bill and just to two small  
21 items which I was looking at the amount  
22 of the remote control at the present time  
23 is ninety-five cents. Monthly cost and  
24 if you look at it in twenty-four months  
25 is -- we pay twenty-two dollars for our

1 remote control. And the next is the  
2 satellite box which is -- we're paying,  
3 per box, is 6.75, and in twenty-four  
4 months, that box, we pay 162 dollars.  
5 And if you add up a household who has two  
6 boxes, that doubles up in price. And  
7 that comes up to \$554.40 in three years.

8 My question is that how much is the  
9 cost of the box to the Cablevision  
10 company and they need to provide a  
11 service. And in order to have that  
12 service to us, okay, my feeling is that  
13 these prices are very high. And now,  
14 with the HD, you need more boxes in your  
15 home. You don't -- you cannot use one  
16 box or two boxes if you have more  
17 children with TVs, you need a box per --  
18 per television set.

19 So, if we look at the cost that we  
20 are paying for one year and two boxes, or  
21 you look at it for two years and two  
22 boxes, one year alone, if you look at it  
23 for one box and a remote control is 184  
24 dollars. If you look at an amount of ten  
25 years, okay, for two remote controls, a

1 person ends up paying an amount of 2,060  
2 dollarso

3 Now, I just feel that it's not fair  
4 to us, the customers, that we're paying a  
5 fee -- a monthly fee as it is and now  
6 with the increases and the economic  
7 problems that we have, we're paying per  
8 box this amount of money when the box  
9 itself will most likely cost under 184  
10 dollars, which is one year payment of the  
11 remote control and the box itself. So I  
12 feel this is something that I wanted to  
13 address the gentleman, because it's of  
14 great concern since I have five TVs in my  
15 house.

16 MAYOR COCCHIOLA: Thank you. Mr.  
17 Viapree, I think you understood you were  
18 probably going to --

19 MR. VIAPREE: Yes.

20 MAYOR COCCHIOLA: -- that is  
21 probably the most common complaint is  
22 that --

23 MR. VIAPREE: Yes.

24 MAYOR COCCHIOLA: -- citizens are  
25 not happy with the amount of money that

1 they have to pay for their cable  
2 television.

3 MRo VIAPREE: It is the common  
4 practice within the industry, period, in  
5 all providers, including our competitors,  
6 to charge a monthly fee for the equipment  
7 within the homeo

8 The equipment within the home is the  
9 equipment of the company and this  
10 equipment that belongs to the company is  
11 sort of charged out as a sort of a rental  
12 fee where we replace that equipment,  
13 should it be malfunctioning, et cetera,  
14 as opposed to in the future, perhaps,  
15 when there is the probability of there  
16 being equipment that a consumer would  
17 purchase. Then it would that consumer's  
18 responsibility to either replace that at  
19 their own cost or purchase the new one.

20 So, the industry at this time and in  
21 the past, have been continuing the rental  
22 practice which had initiated from the  
23 beginning of the industry. And though I  
24 have heard those figures before and do  
25 understand it, I can also emphasize and

1 reiterate that Cablevision is one of the  
2 few companies that don't charge any extra  
3 amount of money for any type of different  
4 converterso

5 In order to explain that, let me  
6 give you this example. When a consumer  
7 has an HDTV and therefore requires an HD  
8 converter in order to watch their HD  
9 quality pictures on this converter, the  
10 rental for the original converter is the  
11 same as the rental for the HD converters.  
12 And, in addition to that, we don't do as  
13 other companies do and charge any further  
14 monthly rates for the HD programs.

15 It does not diminish what she's  
16 saying concerning the cost and I don't  
17 foresee that changing. Again, only and  
18 until perhaps there is the alternative  
19 for consumers to exercise something that  
20 I mentioned before in meetings, which is  
21 the new televisions have what we call  
22 card applicabilityo

23 The card that's in the digital  
24 converter is a card that one can take  
25 from Cablevision for, I think the figure

1 would be two dollars a month, and if your  
2 new TVs have card applicability, then the  
3 company will provide you with another  
4 card thereby allowing you not to have a  
5 digital converter or -- and allowing you  
6 therefore only to be able to use that  
7 card with the programs that you wish to  
8 purchase in terms of your premium  
9 packages.

10 There's only one problem with the  
11 card technology thus far, and that's  
12 getting ready to change also, and that is  
13 that the card applicability programming  
14 is not two-way interactive at this point.  
15 Meaning, at this point, you can use the  
16 remote and you can actually press digits  
17 on your remote and the television will  
18 give you information based on what you're  
19 pressing.

20 Meaning, for instance, what you --  
21 what you're watching right now, what you  
22 wish to watch in two hours, some program  
23 that you missed, the description perhaps  
24 of exactly what the content matter is  
25 that you're watching. That interactivity

1 does not exist with the card  
2 applicability within the new televisions.

3 But technology is undergoing change  
4 and we expect to have a card that will be  
5 available that will have two-way  
6 interactive capabilities.

7 MAYOR COCCHIOLA: Will you be able  
8 to use that card on the new TVs now that  
9 have the one-way card?

10 MRo VIAPREE: Yes.

11 MAYOR COCCHIOLA: Or do you have to  
12 a new --

13 MRo VIAPREE: No, no --

14 MAYOR COCCHIOLA: -- TV with --

15 MR. VIAPREE: -- no, no. Yes.

16 MAYOR COCCHIOLA: And you also said  
17 that you expect that there might be some  
18 time in the future when you no longer  
19 have to rent the box, you can buy the box  
20 outright and then --

21 MR. VIAPREE: Well, it's a matter --  
22 it's a matter for -- that is, I think,  
23 before the FCC at this point also,  
24 concerning a universal card; one that can  
25 be used anywhere within the United

1 States. And it is therefore  
2 interchangeable with any company as one  
3 travels from one location to another.

4 MAYOR COCCHIOLA: Did you want to --  
5 you --

6 MS. MITROVIC: First of all, I just  
7 want --

8 MAYOR COCCHIOLA: You need to speak  
9 in to the microphone.

10 MS. MITROVIC: Okay.

11 MAYOR COCCHIOLA: Thank you.

12 MS. MITROVIC: Yeah. I would like  
13 to add what he's saying. Even if you do  
14 have the card, will you -- just want to  
15 ask you one question -- do you have to  
16 pay a monthly fee for that particular  
17 card?

18 MR. VIAPREE: I did say thato

19 MS. MITROVIC: You did? So you  
20 still have to pay a monthly payment?

21 MR. VIAPREE: Two dollars.

22 MS. MITROVIC: A two dollar payment,  
23 so that you multiply that two dollar per  
24 year, it goes to -- what is it? Twelve  
25 dollars? And that's my issue. My issue

1 is the cost. Okay? And like he said, it  
2 is before the FCC and what we -- what I'm  
3 looking at here is that it is nationwide

4 This problem is nationwide, it's not  
5 just for Cablevision, like you said.

6 That these boxes are -- companies charge  
7 per the usage or monthly service of these  
8 boxes. And even though if it's before  
9 the FCC, how many more years are we going  
10 to continue? Because, if I just give an  
11 example, my boxes prior were three  
12 dollars and I had it for fifteen years.  
13 So if you have a box for fifteen years,  
14 which I already did, one box, it's 1,080  
15 dollars

16 That equipment must -- must to have  
17 cost you no more than a hundred dollars  
18 The equipment alone. So, I already paid  
19 that equipment ten times its value.  
20 Okay? Which I don't find fair to our  
21 customers, because we also paying on a  
22 service. And although you mentioned that  
23 you, Cablevision, is not charging a price  
24 in the changing of that equipment itself,  
25 the satellite HD, well, indirectly you

1 are because you have raised the prices.  
2 Now I'm paying 6.75 a month per my box  
3 which I did not pay previously. So, one  
4 way or another, we're still paying for  
5 it. Okay? And how many more years are  
6 we going to wait for the FCC to change  
7 that practice?

8 MR. VIAOREE: I can't speak for the  
9 FCC. It would be not just unfair to do  
10 so, but it would be inappropriate. I can  
11 answer the question concerning the  
12 digital converter rental of 6.75. The  
13 digital converter rental allows one to  
14 receive digital content. Digital content  
15 has since been expanded to include  
16 digital content and digital HD  
17 programming. So what I alluded to was  
18 one who has digital content and had a  
19 digital converter, in the exchange of  
20 getting a new HD converter from the  
21 company, the rate is the same and the  
22 package that you had is the same.

23 You have this access, the HD  
24 content, without the package changing and  
25 you have access to the HD content through

1 a digital HD converter without the rental  
2 changingo

3 That is not the case with other  
4 companies, primarily our competitors.  
5 That was the point I was makingo

6 MALE SPEAKER: Does every room that  
7 you have need one of these converters in  
8 it? Every room, so every TV needs a  
9 box -- one of these boxes?

10 MAYOR COCCHIOLA: Every television.

11 MR. VIAPREE: Every TV does not  
12 require a digital converter. Every TV  
13 requires a digital converter if you  
14 subscribe to the digital packages.

15 MALE SPEAKER: So if I have five TVs  
16 in my home --

17 MR. VIAPREE: You could have --

18 MALE SPEAKER: -- I could get --

19 MR. VIAPREE: -- no convertero

20 MALE SPEAKER: How would I --

21 MR. VIAPREE: You could have --

22 MALE SPEAKER: How --

23 MR. VIAPREE: -- just analog -- just  
24 analog content channels.

25 MALE SPEAKER: But then I wouldn't

1 get HD.

2 MRo VIAPREE: Correcto

3 MALE SPEAKER: Righto So in order  
4 to get HD, you need a converter --

5 MRo VIAPREE: You need an HD  
6 convertero

7 MALE SPEAKER: -- for each --

8 MRo VIAPREE: With digitalo

9 MALE SPEAKER: -- for each TV that  
10 you have in your home --

11 MRo VIAPREE: If you have five  
12 HDTVs --

13 MALE SPEAKER: So there's not a way  
14 that you could get on HD converter and  
15 then branch it off into the other rooms?

16 MRo VIAPREE: Noo

17 MALE SPEAKER: Okayo I kind of  
18 understand her frustration a little bit  
19 because, you know, I have a few TVs in my  
20 house, too, and my cable bill went from,  
21 you know, 99 dollars to 200 dollars the  
22 last few years; the more TVs that you  
23 add, I understand thato And it is kind  
24 of frustrating to have a box that you  
25 can't buy -- you cannot purchase that box

1 is what you're saying.

2 MR. VIAPREE: At this time.

3 MALE SPEAKER: At this time so we --  
4 in retrospect it's like a lease that  
5 you're leasing it, but it just doesn't  
6 have a buyout at the end of it. So, like  
7 the woman said, if you spend a hundred  
8 dollars -- if the box is 100 dollars, you  
9 have this equipment in your house for  
10 twenty years, but you're paying 2,000  
11 dollars for a box that cost 100 dollars.  
12 There's no way of buying it out --

13 MR. VIAPREE: No.

14 MALE SPEAKER: -- at this time.

15 MR. VIAPREE: That's correct.

16 MAYOR COCCHIOLA: You also,  
17 though -- with no disrespect to  
18 Cablevision, Mr. Viapree, you also, as a  
19 consumer, have a choice. And so you  
20 could opt for a different provider or a  
21 different kind of -- you could opt for  
22 satellite or direct or -- I mean, a  
23 consumer isn't -- with, again, with all  
24 due respect to Cablevision, it's not like  
25 every resident in Nutley must subscribe

1 to Cablevision.

2 MR. VIAPREE: That's correct. But,  
3 as I said, across the board, whether it's  
4 satellite or anyone else, digital content  
5 does require digital converters. And the  
6 industry, whether it's satellite or  
7 anyone else, had been and still is  
8 engaging in the rental fee process which  
9 had been initiated from time before. And  
10 I can't answer concerning FCC matters  
11 because I'm not privy to their agenda or  
12 even their concerns at this point, as it  
13 relates to this issue.

14 MAYOR COCCHIOLA: With respect to  
15 the other FCC matter on the  
16 analog/digital PEG channel issue, that --  
17 there's been no decision --

18 MR. VIAPREE: Not yet.

19 MAYOR COCCHIOLA: -- that I've heard  
20 of, is that correct?

21 MR. VIAPREE: Well, not -- that's  
22 correct. If you recall me saying that  
23 the chairman of the FCC was just recently  
24 appointed and approved by the Congress  
25 and I'm sure that as the FCC

1 commissioners get down to business now  
2 that the chairperson has been chosen for  
3 such, that these issues will come up  
4 before them on their agenda.

5 MAYOR COCCHIOLA: Sure. Ms. Spizer  
6 (ph.).

7 MS. SPIZER: (Indiscernible).

8 MR. VIAPREE: I can't tell you that  
9 because I'm not privy to that  
10 information. I can tell you that we have  
11 numerous customers that have had the  
12 phone company service that are coming  
13 back to us because -- what@

14 MS. SPIZER: (Indiscernible).

15 MR. VIAPREE: Which is?

16 MS. SPIZER: (Indiscernible).

17 MR. VIAPREE: No, I'm just telling  
18 you what I've heard from our salespeople  
19 who are out here, that they're getting  
20 customers that are coming back for  
21 various reasons. Billing is one. News  
22 12 is the other. Access to local news  
23 and the fact that they actually thought  
24 it would be significantly cheaper. And  
25 it's not.

1 MS. SPIZER: (Indiscernible).

2 MR. VIAPREE: Yes. Yes.

3 MS. SPIZER: (Indiscernible).

4 MR. VIAPREE: When was that call  
5 made?

6 MS. SPIZER: (Indiscernible).

7 MR. VIAPREE: I'll take your  
8 information down, because I would  
9 definitely be asking management to take  
10 action against those individuals because  
11 that is not the policy.

12 MS. SPIZER: (Indiscernible).

13 MR. VIAPREE: And fortunately, since  
14 these calls are recorded, we can take  
15 action.

16 MS. SPIZER: (Indiscernible).

17 MR. VIAPREE: Well, they don't know  
18 that and that is not the way -- that is  
19 not the way they should be operating,  
20 irregardless of whether we're helpful  
21 when you call up.

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

24 Yeah, I don't want to discourage  
25 anyone so please feel free. You just

1 need to come back to the microphone so we  
2 can make sure we record the question.

3 MS. MITROVIC: Okay. I just want to  
4 add a couple of things. If you don't  
5 have the boxes, you can't get the rest of  
6 the channels even if you pay for the  
7 service, okay. So you'dl get five  
8 channels, something like that. And just  
9 to make it clear, in ten years, between  
10 the control and the box, 2,0760 dollars at  
11 a person's price.

12 So, at a person's time so if you're  
13 talking 20 years, that's over 5,000  
14 dollars. And the other is do we as  
15 customers and not just for the town of  
16 Nutley but for the United States, as we  
17 can see and we do have all the providers  
18 like Verizon and in other towns they all  
19 charge for remote control and the cable  
20 box? Should we then go to our  
21 representatives and ask them to put  
22 forward a bill in which this practice no  
23 longer should exist?

24 MAYOR COCCHIOLA: I suppose you  
25 could -- you could do any of that. You

1 know it's -- with this kind of an issue  
2 you're no different than we are. We're  
3 no different than the people in the next  
4 state. I mean we have to pay for TV  
5 now. We have to pay for using a  
6 telephone now differently than we did  
7 when we were growing up. Times are  
8 changing; I don't think it's pleasant for  
9 any of us. But I knew Mr. Viapree that  
10 the rates were going to be an issue no  
11 matter what.

12 MR. VIAPREE: I would like to answer  
13 the issue on the analog.

14 Content is delivered by --  
15 historically in the analog platform.  
16 The digital platform is a new method of  
17 delivering content and so the line that  
18 would go in the back of your television  
19 without a converter still carries forty  
20 analog channels. I want to emphasize  
21 that because some people think that the  
22 line at the back of the television only  
23 carries the broadcast TV networks and  
24 that is not the case.

25 We still have a significant number

1 of analog content driven channels on  
2 analog. I know, also, that we have  
3 migrated channels from analog to the  
4 digital platform and when we do so, we  
5 have a promotion that if those people who  
6 wish to follow that specific channel or  
7 channels which have been removed from  
8 analog and have continued on digital,  
9 that we have offered one free converter  
10 for one year.

11 So I just wanted to make that clear  
12 about the analog content versus the  
13 digital content.

14 COMMISSIONER SCARPELLI: Mayor?

15 MAYOR COCCHIOLA: Commissioner  
16 Scarpelli?

17 COMMISSIONER SCARPELLI: Well, Mr.  
18 Viapree, it -- over the last couple  
19 months, I don't have a converter box for  
20 each of my TVs. We've lost a significant  
21 number of channels, they've gone --

22 MR. VIAPREE: Over fifteen --  
23 fifteen.

24 COMMISSIONER SCARPELLI: -- we've  
25 lost over fifteen channels, so you can

1 understand the frustration for someone  
2 who is used to getting most of the  
3 channels, besides the premium channels,  
4 all of a sudden now losing other  
5 channels. And, if that happens to be  
6 their favorite channel, now being forced  
7 into a converter box, that they no  
8 longer -- that they didn't use to have --  
9 have to do, so it is a little frustrating  
10 from a --

11 MR. VIAPREE: Which is why --

12 COMMISSIONER SCARPELLI: --  
13 consumer's point of view

14 MR. VIAPREE: Which is why we made  
15 the offer for the one year.

16 COMMISSIONER SCARPELLI: I don't  
17 think that that's been widely publicized,  
18 in my opinion

19 MAYOR COCCHIOLA: Mr. Viapree, I  
20 just want -- I did receive two e-mails  
21 and I want to give those two people the  
22 respect of bringing their questions to  
23 you as well

24 The first one I got earlier today  
25 was about -- actually the person was

1 asking me, "Is there any way that the  
2 Board of Commissioners can encourage more  
3 competition?" It was a rate -- I think  
4 it was an issue with the rates, as well,  
5 and I explained that it's a free market  
6 to that person. If --

7 MR. VIAOREE: Yes, this is a  
8 nonexclusive franchise renewal which  
9 means that anyone can offer services to  
10 the residents of Nutley, provided they  
11 either go through the municipal franchise  
12 process or they go through the state  
13 franchise process.

14 COMMISSIONER SCARABELLI: But that  
15 process, if we -- wouldn't we have to  
16 notify you, like, two years in advance,  
17 before we're thinking of switching to  
18 another? That was my understanding.

19 MR. VIAOREE: No.

20 MAYOR COCCHIOLA: There's a  
21 procedure under which if we wanted to  
22 issue a report -- we would still be able  
23 to vote on this franchise renewal, yes or  
24 no. There's a procedure that begins two  
25 years before if you want to issue a

1 certain type of paper --

2 MR. VIAOREE: Yeah, but the  
3 municipal process is not as time  
4 sensitive as you think. There are some  
5 towns whose franchise may be expiring in  
6 January. And they don't wait for  
7 January. They may have started two  
8 years, three years prior because they  
9 wish to sit down with their operator and  
10 negotiate some items that they need  
11 immediately.

12 So the expiration date is not  
13 something that sort of triggers the  
14 renewal. The renewal could be triggered  
15 from the municipality because of their  
16 exact needs. In the same way, another  
17 provider could come through and not have  
18 to necessarily go through the two year  
19 process of require means some reports and  
20 applications, things could move very  
21 expeditiously and quickly, depending on  
22 the parties concerned.

23 MAYOR COCCHIOLA: This is -- you  
24 know, and I've spoken to you about this  
25 before and I really -- and I would guess

1 every other member of this governing  
2 body's going to want to talk about this  
3 again, but my second e-mail was about the  
4 senior citizen discount.

5 It was a resident telling me that  
6 her mother is 78 years old, is on a fixed  
7 income of 16,000 dollars a year and, you  
8 know, begging for a senior citizen  
9 discount.

10 If I understood you correctly, I  
11 think that you said that in 1999 when the  
12 first agreement was negotiated -- and  
13 none of us were here, that the senior  
14 citizen discount was not a part of that  
15 agreement and --

16 MR. VIAPREE: That's correct.

17 MADAM CLERK: -- and therefore --

18 MR. VIAPREE: The company at that  
19 time did not have a policy of issuing any  
20 discount.

21 MAYOR COCCHIOLA: In 1999?

22 MR. VIAPREE: Right.

23 MAYOR COCCHIOLA: So if it wasn't  
24 asked for in 1999, we were precluded for  
25 that first ten-year period from asking

1 for it again? Is that --

2 MR. VIAPREE: That's correct.

3 MAYOR COCCHIOLA: Now, we're going  
4 into a renewal period, though. So are --  
5 I think that's something that we need to  
6 be placed on the table. Our, you know,  
7 our senior citizens are --

8 MR. VIAPREE: It is already on the  
9 table, and let me explain that the senior  
10 citizen discount that the company  
11 introduced following 1999, sometime in  
12 mid-2000s, and that was offered in the  
13 franchise renewals in towns going forward  
14 at that time, was ten percent of the  
15 basic package. And it was governed by  
16 the PAAD rules of the state, which is  
17 income driven and also age driven.

18 MAYOR COCCHIOLA: Um-hum.

19 MR. VIAPREE: Subsequently, because  
20 of the competitive landscape, we are  
21 still introducing the senior citizen  
22 discount despite the fact that no one  
23 else in the state of New Jersey is. And  
24 we are the only operator that has been  
25 offering a senior discount. Our

1 competitors don't.

2 So now, going forward, we have  
3 language in our new franchise agreements  
4 that state something to the effect that  
5 if the senior citizen was in place, that  
6 when our competitors are in town, that we  
7 would no longer offer the senior discount  
8 to that population that is income and age  
9 driven because we will be having to  
10 charge a four percent franchise fee just  
11 like our competitors.

12 And that four percent franchise fee  
13 that is state mandated says that three  
14 and a half percent goes back to the  
15 municipality and a half percent goes, as  
16 a senior discount, to the senior  
17 population. And that half percent is  
18 sent to the state of New Jersey for  
19 distribution to the seniors within the  
20 town.

21 And so that will comprise of the  
22 senior discount, in this case.

23 MAYOR COCCHIOLA: And if -- for  
24 those who weren't present at the meeting,  
25 I had told Mr. Viapree that I would check

1 with the State Treasurer's office to see  
2 where that .5 percent on a statewide  
3 basis actually ended up and what's to be  
4 done with that --

5 MR. VIAPREE: That's an annual.

6 MAYOR COCCHIOLA: -- as well as I'm  
7 certain that many of the people here  
8 probably don't understand the change in  
9 the percentage of the franchise agreement  
10 and it's -- or the franchise fees. Very  
11 briefly, prior to Verizon coming and  
12 having the ability to come into Nutley,  
13 the franchise fee --

14 MR. VIAPREE: Was two percent.

15 MAYOR COCCHIOLA: -- it was two  
16 point --

17 MR. VIAPREE: Two percent of  
18 basic --

19 MAYOR COCCHIOLA: Two percent.

20 MR. VIAPREE: -- of basic only.

21 MAYOR COCCHIOLA: Um-hum. The way  
22 the legislature set up the change when  
23 Verizon was able to come into Nutley and  
24 wire, once they reached the capability of  
25 wiring --

1 MRO VIAPREE: Sixty.

2 MAYOR COCCHIOLA: -- sixty percent  
3 of the homes, the franchise fee increased  
4 to four percent -- 3.5.

5 MRO VIAPREE: Of the gross cable TV  
6 bill

7 MAYOR COCCHIOLA: Of the gross cable  
8 TV bill

9 MRO VIAPREE: Yeah.

10 MAYOR COCCHIOLA: Not only for  
11 Ver -- Verizon was paying it and now  
12 Cablevision paid it as well. So what Mr.  
13 Viapree is saying is that once the  
14 franchise fee went up, a certain  
15 percentage of it was being sent to the  
16 State Treasurer's office, .5 percent, as  
17 essentially a senior citizen --

18 MRO VIAPREE: Discount

19 MAYOR COCCHIOLA: -- payment or  
20 discount. And what we need to do is  
21 figure out is where that .5 percent is  
22 going.

23 MRO VIAPREE: Yes

24 MAYOR COCCHIOLA: It should really  
25 go back in -- in one way or another to

1 the senior citizens.

2 MR. VIAPREE: That's correct.

3 MAYOR COCCHIOLA: We'dl need to  
4 confirm that.

5 Members of the board?

6 COMMISSIONER TUCCI: Yeah, I have a  
7 question.

8 MAYOR COCCHIOLA: Um-hum.

9 COMMISSIONER TUCCI: Mro Viapree,  
10 number one I want to thank you for our --  
11 the previous meeting that we had, for  
12 being as open and as honest as you have  
13 been throughout this entire process and  
14 informing us as to what things are  
15 available that we can avail ourselves to  
16 and some of the different strategies that  
17 we discussed on how we could provide that  
18 public access to all of our people

19 My question for you tonight is out  
20 of that four percent, if I heard you  
21 correctly, three and half percent goes to  
22 the township and the other half percent  
23 goes toward the senior citizen discount.

24 Do we have any latitude in what  
25 percentage goes back to the seniors, as

1 far as discounts are concerned?

2 MR. VIAPREE: No, because it's a  
3 state statute. The only latitude that  
4 could be exercised is when the state  
5 contract comes up for renewal before the  
6 legislature, because only the legislature  
7 can then change the terms.

8 COMMISSIONER TUCCI: So then  
9 statutorily, we're locked into the half  
10 percent --

11 MR. VIAPREE: Correct.

12 COMMISSIONER TUCCI: -- but there  
13 are other things that as -- that we have  
14 begun discussing that we can address  
15 between the township and Cablevision --

16 MR. VIAPREE: Um-hum.

17 COMMISSIONER TUCCI: -- as far as  
18 how we ease some of the burden as far as  
19 the rates are concerned --

20 MR. VIAPREE: That's correct.

21 COMMISSIONER TUCCI: -- for our  
22 seniors. I mean, I'm sure you can  
23 appreciate the frustration that our  
24 people have with the rates increasing.

25 MR. VIAPREE: Um-hum.

1                   COMMISSIONER TUCCI:   And I  
2                   understand, while I -- I'm not happy  
3                   about it, I understand that everything  
4                   goes up and that a pound of coffee is no  
5                   longer a pound, and a one pound -- and  
6                   what we thought was a one-pound can, it's  
7                   only thirteen ounces.   So that while  
8                   we're paying a higher amount for our  
9                   cable service, we're not getting as many  
10                  channels.   But our interest and our  
11                  desire to work with you to provide our  
12                  people with as much of the programming as  
13                  possible at the least possible cost I  
14                  know is something we're not all going to  
15                  speak about now, but as the duration of  
16                  this contract continues, provided that  
17                  you are renewed -- and your service is a  
18                  good one.   It's an expensive one but it's  
19                  a good one.   I'm sure that's a discussion  
20                  that we can continue to have.   Am I  
21                  correct?

22                  MR. VIAPREE:   We will

23                  COMMISSIONER TUCCI:   Good, thank  
24                  you.

25                  MAYOR COCCHIOLO:   Any other member

1 of the Board of Commissioners?

2 COMMISSIONER PETRACCO: Just my only  
3 point of clarification. And again, I  
4 appreciate your time and we did  
5 previously talk about bandwidth,  
6 compression of signal, and all those  
7 things that are different in terms of  
8 analog versus digital, and that analog  
9 can only be compressed so far. Digital  
10 can be compressed tighter, which allows  
11 for more channels to be available and so  
12 on. We did go through that and I  
13 appreciate your patience walking us  
14 through all that.

15 We did, as Commissioner Tucci  
16 suggested, offer some ideas about things  
17 that we can do and I -- you were going to  
18 take them back to your company.

19 MR. VIAPREE: Um-hum.

20 COMMISSIONER PETRACCO: When will we  
21 hear from you as to whether or not any of  
22 those options are viable?

23 MR. VIAPREE: I believe that there  
24 is some discussion that will take place  
25 that the mayor will be privy to with some

1 of the superiors within the company, and  
2 a meeting is supposed to be scheduled to  
3 have that discussion. Once that takes  
4 place, I'm sure some further escalation  
5 will happen before a decision is finally  
6 made. I can't put a timetable on that  
7 date, because I know the meeting has to  
8 be scheduled first. But it -- there is  
9 ongoing discussion between myself and the  
10 superiors concerning that matter.

11 COMMISSIONER PETRACCO:

12 Recognizing -- I just want to urge you to  
13 push that quickly and that --

14 MR. VIAPREE: There is no urge  
15 necessary; it is in my interest as well  
16 as yours.

17 COMMISSIONER PETRACCO: Right,  
18 right. Because as a governmental  
19 process, there are certain lead times  
20 that we have to follow and introductions  
21 and all the things that happen with that  
22 to make it possible. So if we are going  
23 to be able to do something, I'd like to  
24 do that before the year is out. And  
25 so since -- we've got six months.

1 MRo VIAPREE: I agreeo

2 COMMISSIONER PETRACCO: Okayo

3 MAYOR COCCHIOLA: And, Commissioner  
4 Scarpellio

5 COMMISSIONER SCARPELLI: Mr.  
6 Viapree, going back to the analog  
7 channels, are there more scheduled to go  
8 over to digital, are we losing more  
9 channelso

10 MRo VIAOREE: Not that I know of  
11 this yearo

12 COMMISSIONER SCARPELLI: But in the  
13 future, that's going to happeno

14 MRo VIAPREE: That is a possibility,  
15 yes.

16 MAYOR COCCHIOLA: Channel 12, is  
17 that available to analog users?

18 MR. VIAPREE: Pardon meo

19 MAYOR COCCHIOLA: Channel 12?

20 MRo VIAPREE: Yes.

21 MAYOR COCCHIOLA: It is -- it's an  
22 analog channelo Okay.

23 Any other questions from any members  
24 of the board?

25 I just want to make one comment so

1           that the public understands that you  
2           cannot -- federal law only permits denial  
3           of a cable franchise for four reasons,  
4           and one of them is not because rates are  
5           high. And those four reasons are: One,  
6           that the cable operator has not  
7           substantially complied with the material  
8           terms of the existing franchise and with  
9           applicable law; two, the quality of the  
10          service: The signal quality, response to  
11          complaints, billing practices without  
12          regard to mix of quality of cable  
13          services or other services provided have  
14          not been reasonable in light of community  
15          needs; three, the operator does not have  
16          the financial, legal and technical  
17          ability to provide the services,  
18          facilities and equipment it has proposed  
19          to provide and four, that the operator's  
20          franchise renewal proposal is not  
21          reasonable to meet the future cable  
22          related needs and interests of the  
23          community, taking into account the cost  
24          of meeting such needs and interests.

25                 So that it -- there's no

1 misconception, you can't as a governing  
2 body say that we're not going to grant  
3 franchise renewal because fees may be  
4 high. I know everybody -- you know, we  
5 all protest the fees and we don't like it  
6 but it's not -- that in and of itself is  
7 not a reason that this board would be  
8 denying a cable franchise renewal for  
9 Cablevision. Correct, Mr. Viapree?

10 MR. VIAOREE: That's correct.

11 MAYOR COCCHIOLA: Did I get that  
12 right?

13 MR. VIAOREE: Yes.

14 MAYOR COCCHIOLA: Okay. If there is  
15 no other comment from any member of  
16 the -- Mr. Molkenthin?

17 MR. MOLKENTHIN: Ken Molkenthin, 44  
18 Chestnut Street. As -- if I hear this  
19 man correctly, I am a basic cable person;  
20 I only get the minor part of the  
21 channels. However, the loss of three  
22 channels and at the same time increasing  
23 my cable bill is a loss that I think is  
24 wrong.

25 And as I hear this gentleman saying

1           that they will give me a converter box  
2           for a year free of charge, that's nice,  
3           but after a year I know what's coming.  
4           And I sympathize with this lady because  
5           all these services are doing the same  
6           thing. They forced us over to a system  
7           now to go to digital and they're taking  
8           advantage of it. Whether we like it or  
9           not, I realize we don't have a choice.

10                  What was free all these years we are  
11           now paying and paying dearly for, as has  
12           been pointed out tonight. Once again,  
13           the loss of three channels, including the  
14           local channel, I find unacceptable. And  
15           I find that in violation of the number  
16           one statute you read. They are not  
17           delivering the service that they  
18           contracted for to begin with.

19                  MAYOR COCCHIOLA: You are -- you're  
20           an analog user right now?

21                  MR. MOLKENTHIN: Yes, ma'am.

22                  MAYOR COCCHIOLA: And, so Mr.  
23           Molkentbin, for -- solely analog in your  
24           household, correct?

25                  MR. MOLKENTHIN: That's correct.

1           MAYOR COCCHIOLA: And you did not  
2 want to take advantage of the offer to  
3 get the free box for -- the sole analog  
4 user -- now I want to make -- there's two  
5 different -- there were two different  
6 offers.

7           The sole analog user, which is you,  
8 accor -- you never had a box, right?

9           MR. MOLKENTHIN: That's correct.

10          MAYOR COCCHIOLA: You actually had  
11 an offer --

12          MR. MOLKENTHIN: Yes, I've had cable  
13 since its inception.

14          MAYOR COCCHIOLA: -- we can't have  
15 a -- discussions like that.

16          You actually had an offer at one  
17 point in time that would extend  
18 through -- I'm going to let Mr. Viapree,  
19 since he's the Cablevision  
20 representative, explain what the offer  
21 was. But, after he does, let me say that  
22 if you are solely an analog user and you  
23 have no cable box in your home, you are  
24 one of the people that we are working for  
25 a solution to try to help with respect to

1 getting better service and as long as  
2 you're solely an analog user.

3 So you -- we've just identified one  
4 person that we know that we can help  
5 here. We're looking for a way to help  
6 the analog user.

7 MR. MOLKENTHIN: I appreciate that.  
8 I think that you are not accepting my  
9 point. The loss of three channels,  
10 whether it be in the digital world or in  
11 the analog world, is not acceptable,  
12 including the town -- Channel 12, which I  
13 watch all the time and I used to enjoy  
14 watching the different functions of this  
15 town on its public access channel.

16 And if I heard this gentlemen  
17 correctly, they will give me or loan me a  
18 box for a period of a year. Now after  
19 that year, they'll start charging a fee.  
20 And as this lady grandly pointed out, the  
21 fees far exceed the acquisition cost of  
22 the device. I don't mind free  
23 enterprise, but at the same time, I don't  
24 being like taken over the coals, either.  
25 Thank you

1           MAYOR COCCHIOLA: Well, let me ask  
2           you a question, though. Let's take it to  
3           the extreme. If -- if this board were to  
4           deny the franchise agreement for  
5           Cablevision and they didn't have the  
6           ability to provide that service to you,  
7           would your situation be helped? Because  
8           then you would have only one option,  
9           which is Verizon or satellite or direct,  
10          I guess. And I don't know -- I haven't  
11          done a comparison; I don't know if it  
12          would be helpful to you at all.

13                 So as a governing body, are we  
14                 helping you by doing that? Do you think  
15                 that that would be -- taking it to its  
16                 extreme, if we denied the franchise  
17                 renewal application, how does that help  
18                 you with what you're telling me is your  
19                 problem?

20                 MRo MOLKENTHIN: It does not -- but  
21                 you're also not considering one other  
22                 alternative. I can buy a digital  
23                 television set, at my cost, and I can  
24                 also put up a new UHF antenna and be free  
25                 of this entirely. I chose Cablevision at

1 the time because of the poor quality that  
2 we were getting off of the World Trade  
3 Center. I doubt this is going to happen  
4 now since all these companies are now  
5 involved in it.

6 And one other thing I'd like to  
7 point out. The quality of audio on  
8 Channel 2 -- there's a term we use in my  
9 business, the audio is clipping. Every  
10 other word is dropping out and it's  
11 because they are probably exceeding the  
12 bandwidth of the transmission on Channel  
13 2. I would like that addressed also.  
14 But, yes, you would help me. And I seem  
15 to be the only exception here.

16 MAYOR COCCHIOLA: No, you're not the  
17 only exception here. You're the one  
18 person who spoke up and has a problem and  
19 we respect that -- I want you to come up,  
20 I want you to express your  
21 dissatisfaction. I want Mr. Viapree to  
22 let you know about something that you --  
23 I think you missed the opportunity at  
24 this point, but you would have an  
25 opportunity for lifetime to be able to

1 access the converter box. I'll let him  
2 explain it, but I think you're out of  
3 time at this point in time. I don't know  
4 if you missed the notification or not,  
5 but Cablevision actually did reach out to  
6 sole analog users like you.

7 Our concern as a governing body was  
8 exactly the situation you might be in and  
9 we told Mr. Viapree that what happened  
10 to -- there's probably a group of people  
11 who didn't realize that Cablevision was  
12 making them this offer and those are the  
13 people that we want to help and we want  
14 to find a way to help.

15 MR. MOLKENHIN: All right. If I go  
16 to an all digital television set, then  
17 I'm void of using any of their converter  
18 boxes, is this correct?

19 MAYOR COCCHIOLA: I don't know.

20 MR. VIAPREE: Restate the question.

21 MR. MOLKENHIN: If I go to a  
22 digital television set and maintain my  
23 service that I now have, which is basic  
24 service from Cablevision, I still will  
25 not need a converter box. Is this

1 correct?

2 MR. VIAPREE: If you move to an old  
3 digital --

4 MR. MOLKENTHIN: A new digital --

5 MR. VIAPREE: -- a new digital TV,  
6 you don't need a converter with a new  
7 digital TV because the wire at the back  
8 will continue to provide you, as long as  
9 it's a QAM tuner, in that new digital TV  
10 you will get digital content programming.

11 MR. MOLKENTHIN: Will I get back the  
12 channels that I have now lost? The three  
13 channels I have lost?

14 MR. VIAPREE: Provided it's a QAM  
15 tuner, yes. In that new digital TV, yes.  
16 Yeah.

17 The offer that the mayor was  
18 referring to that we made to the analog  
19 only households, households that had no  
20 converters at the time, last year, before  
21 the removal of the local Cablevision  
22 channel and the access channel, we  
23 contacted households by mail, direct  
24 mail, stating that this was going to take  
25 place and that we, the company, we'll

1 offer them the opportunity to receive one  
2 converted per household for the life of  
3 the basic customer and that they would  
4 not have to pay for that converted a  
5 monthly fee and they will continue to  
6 receive those channels.

7 MR. MOLKENHIN: Is that offer still  
8 available?

9 MR. VIAPREE: No, that offer was  
10 expired end of October, was then extended  
11 again to end of December of last year.

12 MR. MOLKENHIN: I was one of those  
13 people who did not receive a  
14 notification.

15 MR. VIAPREE: That's what the  
16 mayor's referring to.

17 MAYOR COCCHIOLA: That's why we --  
18 and that was our concern and that's why  
19 we were trying to come up with a solution  
20 and -- or a remedy to help people just  
21 like you.

22 MR. MOLKENHIN: Thank you, Mayor.

23 MAYOR COCCHIOLA: You're welcome.

24 MALE SPEAKER: Just a quick point of  
25 clarification. So, just to be clear with

1           what Ken raised; if someone was to  
2           purchase a new TV --

3           MR. VIAPREE:   With a QAM tuner

4           MALE SPEAKER:  -- and they  
5           specifically inquired that it had a QAM?  
6           Tuner?

7           MR. VIAPREE:   QAM, Q-A-M

8           MALE SPEAKER:  Q-A-M tuner in that  
9           TV, then am I correct in understanding  
10          that whether they were getting the basic  
11          service or the premium service they would  
12          not need a converter box?

13          MR. VIAPREE:   Correct

14          MALE SPEAKER:  I think it's  
15          important --

16          MR. VIAPREE:   Well, if they want the  
17          premium services and premium packages,  
18          they will require a converter box.

19          MALE SPEAKER:  So a premium --

20          MR. VIAPREE:   He was specifically  
21          stating --

22          MALE SPEAKER:  No, I understand --

23          MR. VIAPREE:   -- if he would get --

24          MALE SPEAKER:  -- I -- that's why --  
25          so just to be clear, I want to be clear

1           that if you purchase a brand new TV  
2           that's digital that has a QAM tuner --

3           MR. VIAEREE: Tuner.

4           MALE SPEAKER: -- yeah, Q-A-M tuner,  
5           and you purchase the basic service, you  
6           do not need a converter box?

7           MR. VIAEREE: Correct.

8           MALE SPEAKER: If you want to have  
9           the premium channels such as HBO or  
10          something like that and -- you will still  
11          need to purchase a box, correct?

12          MR. VIAEREE: Correct.

13          MALE SPEAKER: Okay.

14          MAYOR COCCHIOLA: And if you want to  
15          have any interactive -- is that what you  
16          said before, any kind of interactive  
17          taping or anything like that, anything  
18          interactive, you would need the converter  
19          box as well with the QAM?

20          MR. VIAEREE: If you want to  
21          interactive, if you want to be able to  
22          download and view certain things with the  
23          use of your remote, you will need a  
24          converter.

25          MAYOR COCCHIOLA: Okay.

1 MR. VIAPREE: Yeah.

2 MAYOR COCCHIOLA: No, I understand  
3 that.

4 MR. VIAPREE: You will only be  
5 able -- with that scenario, be able to  
6 get the very channels that you're  
7 entitled to.

8 MAYOR COCCHIOLA: No one have any  
9 other questions? Mr. Viapree, I want to  
10 thank you. We'll be seeing you again  
11 shortly. I'm trying to set up that  
12 meeting with Mr. Falk on the other issue  
13 and we'll have you back to meet with the  
14 Board of Commissioners on the terms of  
15 the -- actual terms of the agreement and  
16 what Cablevision has to offer. Correct?

17 MR. VIAPREE: Looking forward to  
18 those.

19 MAYOR COCCHIOLA: Thank you.

20 MR. VIAPREE: Thank you.

21 MAYOR COCCHIOLA: With that, I'm  
22 going to make a motion to close the  
23 public hearing.

24 MALE SPEAKER: Second.

25 MADAM CLERK: Commissioner

1 Scarpelli?

2 COMMISSIONER SCARPELLI: Aye.

3 MADAM CLERK: Commissioner Petracco?

4 COMMISSIONER PETRACCO: Aye.

5 MADAM CLERK: Commissioner Evans?

6 COMMISSIONER EVANS: Aye.

7 MADAM CLERK: Commissioner Tucci?

8 COMMISSIONER TUCCI: Aye.

9 MADAM CLERK: Mayor Cocchiola?

10 MAYOR COCCHIOLA: Aye.

11 Okay, we're going to move on to  
12 public hearing -- Commissioner Petracco,  
13 public hearing on Ordinance number 3107.

14 COMMISSIONER PETRACCO: Thank you,  
15 Mayor. Before I read the ordinance, I  
16 just want to make a couple of comments on  
17 this ordinance.

18 I noticed that there was a great  
19 deal of concern through the board. I  
20 just want to be clear that I went back on  
21 these sections of this ordinance -- this  
22 ordinance does not address anything to do  
23 with overnight parking whatsoever. What  
24 we're trying to do with this ordinance is  
25 make an accommodation for people that

1 live by Roche, et cetera, there are on  
2 more streets, in order to be able to park  
3 in front of their houses.

4 I did go back and I pulled Section  
5 228-11 and I see that it has been  
6 resol -- revised through the years also.  
7 So, by us moving this, you know, there  
8 has been things that have changed  
9 periodically through the years, which I  
10 have a copy of.

11 Okay. An ordinance to -- ORDINANCE  
12 NUIMBER 3107, AN ORDINANCE TO AMEND AN  
13 ORDINANCE CODIFIED IN THE CODE OF THE  
14 TOWNSHIP OF NUTLEY, CHAPTER 228 ENTITLED  
15 VEHICLES AND TRAFFIC, PARTICULARLY ARTICLE  
16 XI, ANGLE AND PERMIT PARKING, SECTION 32  
17 ENTITLED PERMIT PARKING.

18 MAYOR COCCHIOLA: Is there any --  
19 we're going to open up the public  
20 hearing. Is there any member of the  
21 public that would like to address the  
22 board with respect to this as Ordinance  
23 number 3107? And you can come forward.

24 MS. DECILLA: Good evening. I'm  
25 Phyllis DeCilla, from 100 Edison Avenue.

1           MAYOR COCCHIOLA: Good evening, Mrs.  
2           DeCillao

3           MS. DECILLA: Hi. We are thrilled  
4           about this and we'd like to have you  
5           really consider it, permit parking for  
6           Edison Avenue.

7           We feel that as residents who pay  
8           taxes that we have the right to park on  
9           our block without any restrictions, let  
10          alone having issues as far as the lower  
11          block is concerned, as you'll see with  
12          statements from people that are here from  
13          the block. Having issues with the Roche  
14          employees parking, which has become a  
15          major head -- which has been a major  
16          issue through many years.

17          There are several streets -- there  
18          are many streets in Nutley that people  
19          can park and don't have restrictions and  
20          we just feel that as the residents, that  
21          we should have the same.

22          MAYOR COCCHIOLA: Mrs. DeCilla, let  
23          me ask you. If the two hour restriction  
24          was removed, there -- you would -- there  
25          would be no restrictions on the street as

1 well, correct?

2 MS. DECILLA: Right. We're not  
3 really asking for the restri -- the two  
4 hour restrictions to be removed, nor are  
5 we asking for overnight parking; we don't  
6 really -- we're not concerned with that.

7 What we're concerned is that when  
8 the children want to play in their  
9 driveway, we can pull the car out into  
10 the street. When we do want to have  
11 social gatherings, or whatever it is, or  
12 we just want to have the car on the  
13 street for whatever, having work done or  
14 several reasons, that we can have the car  
15 parked and not have to be concerned --  
16 where I personally have gotten several  
17 tickets through the years that I've been  
18 there.

19 I think they -- you know, if that's  
20 the issue, then they should really when  
21 the police force does -- do come up and  
22 ticket, they should take into  
23 consideration that, yeah, that is a  
24 resident, so I shouldn't be ticketing  
25 them. And that's what we've been dealing

1 with all these years.

2 MAYOR COCCHIOLA: Is the issue on  
3 Edison Avenue that people -- that  
4 residents are parking in front of their  
5 homes and getting tickets in front of  
6 their own homes?

7 MS. DECILLA: Yes.

8 MAYOR COCCHIOLA: And so does that  
9 mean that when the Roche employees park  
10 there they're getting ticketed as well?

11 UNIDENTIFIED SPEAKER: No.

12 MAYOR COCCHIOLA: So the homeowner  
13 is getting ticketed --

14 MS. DECILLA: They're getting  
15 tickets on occasion.

16 MAYOR COCCHIOLA: -- but the Roche  
17 employee who -- what is the real problem  
18 is what I want to try to understand.

19 MS. DECILLA: There's actually  
20 really several problems. There's the  
21 Roche and then us, as residents, we feel  
22 that we shouldn't be ticketed while we're  
23 on the street, if we decide to pull our  
24 cars on the street. You know, to sit  
25 there and say, "Oh, my goodness, there's

1 two hours and I have to get out there,  
2 and if I don't get out there, I'm  
3 ticketed no matter if I'm a resident, d'  
4 you know, and that I'm a resident there.

5 I've had it done several times to  
6 me. You know, and I know people that are  
7 sitting behind me have had it done. And  
8 it's --

9 MAYOR COCCHIOLA: So why do you  
10 want --

11 MS. DECILLA: -- become an issue o

12 MAYOR COCCHIOLA: -- the two hour  
13 ban -- if your issue is that you -- I'm  
14 really just trying to understand this o

15 MS. DECILLA: Right.

16 MAYOR COCCHIOLA: If your issue is  
17 that you want the ability to park in  
18 front of your home when you want to for  
19 as long as you want to, then why would  
20 you not want the ban just lifted for  
21 Edison Avenue? And to remove the two  
22 hour ban and then you can park there as  
23 long as you want whenever you want o

24 MS. DECILLA: Because if you -- if  
25 you remove that ban of the two hours,

1           what we're going to have is more chaos  
2           with the Roche employees coming. I mean,  
3           it's absolutely disgusting now and if you  
4           would just park there and watch -- well,  
5           maybe in another two months, if you park  
6           there and watch, they come 8 o'clock in  
7           the morning, they park their car there.

8                        When you used to have the ticket  
9           agent that would come down, if she came  
10          down about 9, 9:30, depending, she would  
11          mark the car from that point on. That's  
12          not when the car was parked there. The  
13          car was parked there from 8 o'clock. So,  
14          by 10 o'clock, that ticket should have  
15          been given.

16                       Okay, so they're coming out every  
17          two hours and they're shifting their  
18          cars, whether meaning from neighbor to  
19          neighbor or going up the block and down  
20          the block, and they're sharing spots and  
21          they're waiting. So if you lift that,  
22          it's bad enough that they're there and  
23          there's been -- it's probably ten to one  
24          that they don't get tickets. You know,  
25          the --

1           MAYOR COCCHIOLA: But you do? But  
2 if you park there?

3           MS. DECILLA: We do. It's  
4 interesting. I mean, they do get their  
5 tickets, but it's on occasion. You know,  
6 and if you lift that two hours, then  
7 you're looking at them sitting there from  
8 8 to 5, 6, 7 straight. You know, and why  
9 don't I have the right or the privilege,  
10 as a resident, to be able to pull my car  
11 out of my driveway or come home from  
12 shopping, that at times it's easier if  
13 I'm lifting things or whatever the  
14 situation is, to be able to park in front  
15 of my house and find a spot, than to say,  
16 "I can't park," or, you know, people  
17 can't find parking that are coming to  
18 visit because there's no spots on the  
19 street --

20           MAYOR COCCHIOLA: Well this --

21           MS. DECILLA: -- because of themo

22           COMMISSIONER PETRACCO: Mayor?

23           MAYOR COCCHIOLA: -- this

24 ordinance --

25           MS. DECILLA: So if you lift it,

1 that's the issue.

2 COMMISSIONER PETRACCO: Mayor,  
3 excuse --

4 MS. DECILLA: That would be the i --  
5 that would even make it --

6 MAYOR COCCHIOLA: One second  
7 Commissioner

8 MS. DECILLA: -- worse.

9 COMMISSIONER PETRACCO: Ma'am, I'm  
10 sorry. I don't want to interrupt but  
11 I'm listening to what you had to say.  
12 But I just have a couple questions. The  
13 ordinance that I have in front of me  
14 covers Chestnut Street, Franklin Avenue,  
15 Kennedy Drive, New Street and Warren  
16 Street.

17 MS. DECILLA: No, it doesn't.  
18 It's -- the wording --

19 MAYOR COCCHIOLA: This was actually  
20 one of my questions for Mrs. Petracco.

21 MALE SPEAKER: Well, does it?

22 MALE SPEAKER: This is the big issue  
23 because --

24 MAYOR COCCHIOLA: If you reside on  
25 the str --

1 MALE SPEAKER: -- there's no place  
2 of Edison Avenue in this --

3 MALE SPEAKER: There's nothing in  
4 here --

5 MALE SPEAKER: ordinance.

6 MAYOR COCCHIOLA: No, no, no. It  
7 says "who reside on the streets listed  
8 below" and that references back to 228-  
9 11. That's my understanding of how this  
10 reads. I'm sorry, we're -- this is a  
11 technicality.

12 MS. DECILLA: Oh, no, no.

13 COMMISSIONER TUCCI: But they're not  
14 listed in here.

15 MAYOR COCCHIOLA: It -- yeah,  
16 they're not --

17 COMMISSIONER TUCCI: So it's really  
18 not fair for us to be entertaining this  
19 without a complete listing --

20 COMMISSIONER EVANS: Of who -- of  
21 what's involved.

22 COMMISSIONER TUCCI: Yeah.

23 MALE SPEAKER: I actually requested  
24 the listing; we're talking about fortye  
25 nine different streets.

1           MAYOR COCCHIOLA: Yeah, I --

2           MALE SPEAKER: That -- Mayor --

3           MAYOR COCCHIOLA: I know, be --  
4           you're -- Commissioner Tucci and  
5           Commissioner Evans are correct. This is  
6           a technicality, it doesn't involve Edison  
7           Avenue. But the way the ordinance was  
8           presented to us is that it says this  
9           is -- these are going to be the  
10          regulations and the rules for those  
11          streets listed below.

12          Now, I called and asked for the  
13          streets. They are not technically listed  
14          on the ordinance, so you're talking about  
15          Edison Avenue.

16          MS. DECILLA: Right.

17          MAYOR COCCHIOLA: This document that  
18          we're actually approving today only deals  
19          with Chestnut Street, Franklin Avenue and  
20          Kennedy Drive, but I think the intent was  
21          to -- for it to be applicable to 228-11.  
22          It's just not technically drafted  
23          properly.

24          MALE SPEAKER: So shouldn't it be  
25          pulled and then reintroduced?

1 MALE SPEAKER: The only question  
2 that I have is doesn't it say  
3 particularly? Article XI?

4 MAYOR COCCHIOLA: No.

5 MALE SPEAKER: It doesn't say that  
6 in the ordinance?

7 MAYOR COCCHIOLA: Where?

8 MALE SPEAKER: Yes, it does.

9 MAYOR COCCHIOLA: Where?

10 MALE SPEAKER: So, Jack, can you --

11 MR. BARRY: It says it --

12 MALE SPEAKER: It's highlighted in  
13 blacko

14 MR. BARRY: All right, if we could.  
15 The --

16 MAYOR COCCHIOLA: I'm sorry, Mrs.  
17 DeCilla. You'll come back, don't worry.  
18 We want to hear what --

19 MR. BARRY: Yeah, we have to, we  
20 have to --

21 MAYOR COCCHIOLA: --we want to hear  
22 what everyone has to say, but we need  
23 to --

24 MR. BARRY: Commissioner Petracco  
25 originally had come up with an ordinance

1 to give permits to certain streets, and  
2 there was number of some twenty some  
3 streets listedo But the form was  
4 incorrecto He wasn't aware --

5 COMMISSIONER TUCCI: Excuse me,  
6 Jack, twenty -- excuse me. Twenty  
7 streets or forty-nine streets?

8 MALE SPEAKER: Twenty -- about  
9 twenty, twentytwo. So that was one of  
10 my initial questions when that was  
11 drafted, why not all the streets? But  
12 the form was pr -- improper in that he  
13 wasn't aware that there was a section of  
14 permit parking in our code, okay?

15 On the first page of the ordinance,  
16 the Chestnut Street, that is what's  
17 already on the books and that incorporate  
18 the teacher parking on New Street, on --  
19 the permits for the teachers on Franklin  
20 Avenue by the Oval and on Chestnut and  
21 Warren for the Public Safety employees.

22 Now he wanted to -- he expressed his  
23 desire to -- let's say Edison Avenue.  
24 So, that's fine. Edison Avenue has a two  
25 hour time limit parking. But we didn't

1 specifically say Edison Avenueo He  
2 wanted the power to give permits to any  
3 time limit parking. So therefore on the  
4 second page of the ordinance, it's part  
5 B, number 4, "resident vehicles that have  
6 obtained and display a resident permit --

7 MAYOR COCCHIOLA: Okay.

8 MALE SPEAKER: -- "shall be exempt  
9 from time limit parking as indicated in  
10 Section 11.d" Now that's where the list  
11 of forty some streets go.

12 COMMISSIONER TUCCI: Okay.

13 MALE SPEAKER: Because --

14 COMMISSIONER TUCCI: Well -- let me  
15 stop you there, then.

16 MALE SPEAKER: Yes, sir.

17 COMMISSIONER TUCCI: And I  
18 understand now that -- that it's being  
19 explained but, quite frankly, I would  
20 appreciate it -- and I understand what  
21 the commissioner is trying to do and I  
22 don't disagree with it, and I also  
23 understand Mrs. DeCilla's point that she  
24 wants the two hour parking to remain in  
25 effect to deter the folks from Roche or

1 anywhere else from parking there all day  
2 while at the same time you're looking for  
3 an exemption for the residents whose  
4 children may want to play in the  
5 driveway so

6 And I don't think that's an  
7 unreasonable request, but what I would  
8 request is that we have a listing of the  
9 streets so we know what we're talking  
10 about because, quite frankly, I'm the  
11 Parks guy. I don't know what Section 11  
12 is

13 COMMISSIONER PETRACCO: Well, but  
14 this is -- that's -- this gives the  
15 commissioner the power to designate each  
16 street on an individual basis --

17 COMMISSIONER TUCCI: I have -- I  
18 have no problem with that, but I would  
19 still like to see at least a majority  
20 listing of the streets and then at the  
21 commissioner's discretion, if he feels  
22 that there are others that need to be  
23 added as we go along, that would be his  
24 decision. But before I vote on something  
25 like this, I'd like to see what the

1 streets are, because quite frankly,  
2 Commissioner Evans and I were having a  
3 conversation and we weren't sure if it  
4 addressed Edison Street or not or the  
5 parking situation by Roche.

6 COMMISSIONER PETRACCO: It addresses  
7 all the streets, because if you pull this  
8 article up, it has all the streets listed  
9 in here.

10 MAYOR COCCHIOLA: He didn't pull it  
11 up, though, is what he's saying. That --

12 COMMISSIONER TUCCI: What was  
13 provided was not a complete listing and,  
14 quite frankly, I would appreciate that  
15 listing. I agree with what you want to  
16 do --

17 COMMISSIONER PETRACCO: That's fine.

18 COMMISSIONER TUCCI: -- I just don't  
19 agree with the presentation the way it  
20 was put in the packet because we don't  
21 know what streets are involved. And  
22 there may be some others that we might  
23 want to suggest to you.

24 COMMISSIONER SCARPELLI: Mr. Barry,  
25 can I ask a question -- Mayor, can I ask

1 Mr. Barry a question?

2 MAYOR COCCHIOLA: Yes, sure,  
3 Commissioner Scarpelli.

4 COMMISSIONER SCARPELLI:  
5 Procedurally, as each of these streets  
6 got a time limit, what was the procedure  
7 going back that -- how it was requested,  
8 what was required, was there a public  
9 hearing?

10 MR. BARRY: Well, these predate me.  
11 These go back over fifty years. And --  
12 but the standard procedure that we've  
13 established over the years is if a  
14 resident or a group of residents on a  
15 street have a problem with parking or  
16 anything else, we ask them to provide a  
17 petition, which these people did.

18 And it outlines what they would like  
19 and why they would like it, and then on  
20 an individual basis, if ninety-nine  
21 percent of the people on the street want  
22 to put two hour parking -- or classic  
23 example: Edison is a two hour parking.  
24 Brookdale, the next street over, was also  
25 two hour parking. They petitioned us to

1 change it to forty-five minutes. That's  
2 what they wanted.

3 MAYOR COCCHIOLA: So what happens to  
4 the residents on Brook -- I'm seeing that  
5 now.

6 MR. BARRY: Righto

7 MAYOR COCCHIOLA: Have you gotten  
8 complaints from the people on Brookdale  
9 Avenue? Because forty-five minutes  
10 doesn't -- you can't even get to the  
11 ShopRite and back in forty-five minutes.

12 MR. BARRY: They love it. They come  
13 in -- they get tickets, they come in,  
14 they pay them gladly because they -- as  
15 they told us, they have regained their  
16 street. They've gotten their street back  
17 because the forty-five minute ban doesn't  
18 allow anybody to sneak out on their  
19 coffee break from Roche, move their car  
20 and then go back.

21 COMMISSIONER SCARBELLI: So, just go  
22 back to the procedures. So then, each of  
23 these streets -- when they came, was it  
24 just a petition or did they have a public  
25 hearing?

1 MR. BARRY: Oh, yes, sir. Petition,  
2 ordinance, this is all done --

3 COMMISSIONER SCARPELLI: Ordinance,  
4 public hearing --

5 MR. BARRY: -- by ordinance. Every  
6 street on this list.

7 COMMISSIONER SCARPELLI: So each of  
8 those forty-nine streets, if we would go  
9 back fifty years --

10 MR. BARRY: Correct.

11 COMMISSIONER SCARPELLI: -- each had  
12 a public hearing?

13 MR. BARRY: Correct.

14 COMMISSIONER SCARPELLI: And  
15 basically, with this ordinance, in one  
16 public hearing, we're changing the rules  
17 for all forty-nine streets?

18 MAYOR COCCHIOLA: But I think --

19 MR. BARRY: No, that's not correct.

20 MAYOR COCCHIOLA: -- I think there's  
21 over fifty.

22 MR. BARRY: That's not correct.

23 COMMISSIONER SCARPELLI: We're  
24 changing --

25 MAYOR COCCHIOLA: Yes, I think that

1 is what you're --

2 MALE SPEAKER: That's what I  
3 understand we're doing.

4 COMMISSIONER SCARPELLI: Yeah,  
5 that's exactly what we're doing.

6 MAYOR COCCHIOLA: That is what --  
7 that is what you're doing, Mr. Barry.

8 MR. BARRY: B, the first section,  
9 "The Nutley Police Department may, in  
10 accordance by regulations established by  
11 the Director of Public Safety, issue  
12 resident parking permit decals at no cost  
13 to homeowners who reside on the streets  
14 listed below with the following  
15 provisions" --

16 MAYOR COCCHIOLA: Okay, but there's  
17 no streets listed below, so now you're  
18 referring --

19 MR. BARRY: Well, yes they are in  
20 Section 11.

21 MAYOR COCCHIOLA: But, yeah, so now  
22 you're telling us to go to 4, and when we  
23 go to 4 and it takes us to Section 11,  
24 what the ordinance does is it effectively  
25 give the Director of Public Safety, by

1 approving this ordinance, the ability to  
2 do this for over -- I think it's fifty  
3 three streets in Nutley.

4 MR. BARRY: Correct.

5 MAYOR COCCHIOLA: Correct, right?

6 MR. BARRY: That's correct.

7 MAYOR COCCHIOLA: So that's --

8 MALE SPEAKER: Yeah, that's what it  
9 does.

10 MR. BARRY: To go back to  
11 Commissioner Scarpelli's comment, the  
12 genesis for most of this time limit  
13 parking was not helpful in Roche. It was  
14 along the bus routes to help the people  
15 with the commute park on the New York bus  
16 and get on a bus and be gone all day.  
17 That's the vast majority of these forty  
18 streets.

19 Now we discussed this issue --  
20 Edison Avenue has a problem with the  
21 Roche people. The people on White  
22 Terrace, they've called and they said  
23 they'd like to submit a petition also  
24 because they have an issue -- it's time  
25 limit parking but they have an issue with

1 everybody that gets on the 191 bus.

2 COMMISSIONER PETRACCO: Excuse me  
3 one second, if I can.

4 Mayor, I don't have a problem at all  
5 if you would rather do this an ordinance  
6 per street, as on a request; I have no  
7 problem rephrasing this and rewriting it.  
8 And then every time it's -- person has a  
9 problem on a street or the majority of  
10 people on a block, they could come before  
11 the board and we could take it ordinance  
12 by ordinance, if that's what you like.

13 MAYOR COCCHIOLA: Well, we have a  
14 procedural issue here. So what I want to  
15 ask Commissioner Tucci and Commissioner  
16 Evans is, since you were not privy to  
17 this information and were not -- before  
18 walking in here, if your request is going  
19 to be to table this or adjourn it or  
20 continue the public hearing, I need to  
21 know that because I think -- what I would  
22 like to do, if that is going to be your  
23 request, is we do have people from Edison  
24 Avenue here and I want to allow them the  
25 opportunity to be heard so they don't

1 have to come back, and maybe exchange  
2 some questions and answers. We can then  
3 adjourn -- you know, I guess we can close  
4 it without taking a vote on it until such  
5 time as you've had an opportunity to look  
6 at the ordinance --

7 COMMISSIONER PETRACCO: You could do  
8 that -- either you could -- you could  
9 close the hearing and table the vote on a  
10 motion or you could just continue the  
11 hearing, obtain the new information and  
12 continue the discussion.

13 MAYOR COCCHIOLA: But I'd need to  
14 know what your pleasure is.

15 MALE SPEAKER: I'd like to see a  
16 listing of the streets and I also have a  
17 question because in reading B4, it also  
18 says that residents' vehicles that have  
19 obtained and display a resident parking  
20 permit decal shall be exempt from time  
21 limit parking. Is this a backdoor  
22 approval for overnight parking?

23 MR. BARRY: Excuse me; is it a  
24 backdoor what?

25 COMMISSIONER PETRACCO: No.

1           COMMISSIONER TUCCI: Is that a  
2 backdoor approval for overnight parking  
3 because that's not clear --

4           MRo BARRY: No because --

5           COMMISSIONER TUCCI: -- because  
6 that's not clear to me.

7           MR. BARRY: -- time limit parking is  
8 no longer -- overnight parking is no  
9 longer time limit parking. It used to be  
10 three hour limit between the hour of 1  
11 and 5. In 2001, the ordinance was  
12 changed to prohibit any vehicle from  
13 parking from 2 to 6, so this does not  
14 affect that. However, it does open the  
15 door to permits for any other parking  
16 things that may be in the whole chapter.

17           COMMISSIONER TUCCI: What I would  
18 like to see, and I'm not looking to hold  
19 up your ordinance, commissioner, but I --  
20 other than the listing, I'd like this to  
21 be spelled out in plainer language.

22           COMMISSIONER PETRACCO: Right.

23           COMMISSIONER TUCCI: I know there  
24 was a big move towards that in one of my  
25 thirty years on government and it seems

1           that in this ordinance, we're going the  
2           other way. Because, quite frankly, this  
3           is confusing to me and I'm not sure what  
4           it means. I'd like to see it spelled out  
5           because I am not a proponent of overnight  
6           parking. All right? But I am in favor  
7           of giving relief to folks who are being  
8           burdened by people parking in front of  
9           their homes and diminishing their quality  
10          of life, not only for themselves but for  
11          their children.

12                 So, if this can be clarified so that  
13          I can understand it and gain a comfort  
14          level with this, I would love to support  
15          this, but in its present form I don't  
16          think I can.

17                 COMMISSIONER PETRACCO: Thank you,  
18          commissioner.

19                 MAYOR COCCHIOLA: So, Mr. Harbins --

20                 COMMISSIONER EVANS: I just --  
21          just --

22                 MAYOR COCCHIOLA: I'm sorry,  
23          Commissioner Evans?

24                 COMMISSIONER EVANS: I just want to  
25          echo what Commissioner Tucci just

1 articulated very well. I'd like -- I  
2 would like to understand this ordinance  
3 better and I think we have to be clear in  
4 here that it does not modify our current  
5 position on overnight parking and that  
6 this in itself is a very restrictive  
7 ordinance so that it doesn't start to  
8 open up other issues that I believe will  
9 come as a result of this.

10 So we have to really be clear as  
11 what we do and I -- and I agree,  
12 commissioner, with your suggestion that  
13 it shouldn't be blanket, it should be --  
14 we should be able to address each  
15 situation as it occurs.

16 COMMISSIONER TUCCI: I think what  
17 that does is it gives an opportunity for  
18 us to hear from all the residents, you  
19 know, of those streets.

20 COMMISSIONER EVANS: I agree.

21 MAYOR COCCHIOLA: I agree with that,  
22 as well.

23 COMMISSIONER EVANS: I agree.

24 MAYOR COCCHIOLA: I think, you know,  
25 one of my concerns is also this is

1 extremely broad as the way it's written.

2 COMMISSIONER EVANS: Right.

3 MAYOR COCCHIOLA: Extremely. And it  
4 does -- Commissioner Tucco's right. If  
5 you look at B40 if all of us vaporized  
6 and there were a different set of five  
7 people here and not you, Mr. Barry, it  
8 could be construed that this could be  
9 applicable -- you might -- in your mind  
10 it's clear but it could be construed  
11 that this could be applicable to an  
12 overnight parking matter.

13 So, we are really concerned about  
14 that. That -- and I -- I'dl speak for  
15 myself, but I think I'm echoing the  
16 sentiments of the board that in no way,  
17 shape or form is it acceptable to even  
18 entertain a ban -- or eliminating the  
19 overnight parking ban in this community,.  
20 So we -- and it can't -- there can't even  
21 be an opening to even think about that.  
22 So -- and I'm going to let Mrs. DeCi --we  
23 want to hear from the Edison Avenue  
24 residents while they're here because  
25 they've taken the time to come here, but

1           it's way broad, as writteno I don't -- I  
2           guess --

3           MR. BARRY: In order to --

4           MAYOR COCCHIOLAo -- and I'm going  
5           to have some questions about it --

6           MR. BARRØ: Yeah.

7           MAYOR COCCHIOLA: -- as well before  
8           we close this public hearing. I have  
9           some other questions.

10          MR. BARRØ: If you could -- in order  
11          to simplify it, the first part B gives  
12          the -- gives the director the ability to  
13          issue permitso And then 1 through 5 are  
14          all the requirements that you have to  
15          fill to get a permit.

16          MAØOR COCCHIOLA: Well, then, let me  
17          ask you a questiono Or you, Commissioner  
18          Petracco, it might be more appropriate to  
19          ask you. In accordance -- I think the  
20          word is with, not by -- in accordance  
21          with regulations established by the  
22          Director of Public Safety, what are those  
23          regulations? What does that mean? Have  
24          you proposed regulations? Are they  
25          drafted? Are they --

1                   COMMISSIONER PETRACCO: It's a  
2                   criteria that we've come up with as far  
3                   as, you know, one of the criterias (sic.)  
4                   on our list is that it has to be fifty  
5                   percent or more of the block that signs  
6                   the petition in order to get it. You  
7                   know --

8                   MAYOR COCCHIOLA: See, we -- I think  
9                   it would be helpful if we could see --

10                  COMMISSIONER TUCCI: Yeah.

11                  MAYOR COCCHIOLA: -- what that  
12                  little --

13                  COMMISSIONER TUCCI: And did -- did  
14                  all the folks on those forty-nine  
15                  streets -- did they all -- did all those  
16                  streets, all those forty-nine streets  
17                  submit --

18                  COMMISSIONER PETRACCO: Commissioner  
19                  Tucci --

20                  COMMISSIONER TUCCI: -- petitions  
21                  over the years?

22                  COMMISSIONER PETRACCO: -- let me  
23                  just make a comment about that. We are  
24                  not walking out of this meeting tonight  
25                  and all of a sudden every street on this

1 section is going to be open. It's by --  
2 we entertain it as they come. So we're  
3 not leaving here tonight and saying okay,  
4 there's --

5 MAYOR COCCHIOLA: No, but you've  
6 given --

7 COMMISSIONER PETRACCO: -- fifty-six  
8 streets --

9 COMMISSIONER TUCCI: No, no, no. I  
10 understand that, commissioner.

11 COMMISSIONER PETRACCO: Right.

12 COMMISSIONER TUCCI: But my question  
13 is pretty much for Mr. Barry. Over the  
14 years, did all the folks who live on  
15 those forty-nine streets submit a  
16 petition requesting that they have this  
17 parking -- this permit parking on the  
18 streets and exempting them from the  
19 regulation?

20 MR. BARRY: I can't answer for fifty  
21 years ago, but for most of the stuff that  
22 we've done recently, that's what we've  
23 asked for.

24 COMMISSIONER TUCCI: How many is  
25 most? Ten? Fifteen?

1           MRo BARRY: Oh, no, no, quite a few  
2           Quite a few. We've always --

3           COMMISSONER TUCCI: So, out of  
4           the -- out of the --

5           MRo BARRY: Anything that affected a  
6           large group, we've -- Brookdale did it --  
7           top of my head. Brookline Avenue -- or  
8           Brookfield Avenue by the -- by Yantacaw  
9           School they requested time limit. We  
10          told them, "Give us a petitiono" They  
11          bring the petition in, most people sign  
12          ito

13          MAYOR COCCHIOLA: They've requested  
14          the time limitation be placed, just like  
15          at --

16          MRo BARRY: Correct.

17          MAYOR COCCHIOLA: -- some point in  
18          time Edison Avenue did. Is your question  
19          how many have requested --

20          COMMISSIONER TUCCI: Righto

21          MAYOR COCCHIOLA: -- exemption like  
22          this that they want -- how many streets  
23          on this -- out of this list of fifty,  
24          over fifty, how many residents -- let me  
25          just ask you, how many resident have come

1 to you, aside from Edison Avenue saying  
2 that they don't want -- or that they want  
3 a permit to be able to park in front of  
4 their house for longer than the time  
5 restricted period?

6 You just said that Brookdale is  
7 forty-five minutes; they don't want it  
8 lifted. How many other streets have been  
9 impacted with this request? How many  
10 other neighborhoods?

11 COMMISSIONER TUCCI: Wait, how many  
12 have asked for an exemption?

13 MAYOR COCCHIOLA: Yeah.

14 MR. BARRØ: I can answer that.

15 COMMISSIONER PETRACCO: For permits,  
16 it's --

17 MR. BARRØ: There's only been a  
18 couple, 'cause they've asked me. There's  
19 only been a couple.

20 MAYOR COCCHIOLA: So there --

21 MALE SPEAKER: How many have  
22 submitted petitions?

23 MR. BARRY: One.

24 MALE SPEAKER: One?

25 MAYOR COCCHIOLA: And one -- there's

1           been a petition submitted on behalf of  
2           Edison Avenue?

3           COMMISSIONER PETRACCÒ:   By Edison  
4           Avenue, yeso

5           MR. BARRY:   Yes, but that doesn't --  
6           that's not a fifty percento   There's  
7           forty residen -- forty addresses on the  
8           street and only sixteen residents signed.  
9           But the vast majority of the signers are  
10          closer to Kingsland Street rather than  
11          High Street.   So, that -- you could --  
12          you could just incorporate the section of  
13          the people that signed, you know, from  
14          Kingsland to, say, 200 feet south of  
15          Kingsland Street.   You could do it that  
16          way.

17          MALE SPEAKER:   Um-hum.

18          MAYOR COCCHIOLA:   These -- and I'm  
19          going to -- I really want to hear from  
20          everybody, but these people have issues  
21          that are very particular to Roche.   The  
22          Roche employees parking in front of their  
23          homes and I had a discussion with Mrs.  
24          DeCidla today and she had a lot of  
25          problems with respect to the parking

1 that's going on by Roche and I think --  
2 in my conversation that I had with her  
3 today, as I said, this ordinance is not  
4 going to solve those problems.

5 So I guess my question to you is  
6 have you had any discussions with Roche?  
7 It seems to me this is one street where  
8 you -- if -- they are taxpayers and they  
9 want relief and they deserve attention  
10 paid here.

11 What have we done, other than think  
12 about something like this -- have you  
13 gone to Roche? Have you checked to  
14 determine if the changes at Roche are  
15 going to result in maybe a -- different  
16 parking arrangements for their employees?  
17 Has anyone -- I mean, this is one  
18 particular street. The street right  
19 around the corner from it doesn't have  
20 the same problem. Maybe it's twentyfive  
21 feet away, or whatever, they're happy to  
22 have the restriction and I guess it's  
23 being enforced because they're happy.

24 But my question is, outside of  
25 saying, "Let's just issue permit parking

1 for the residents, ' what has been done?  
2 Have you gone to Roche? Have you thought  
3 of any other way to relieve these people  
4 of their problem? They have a pretty big  
5 problem now.

6 MR. BARRY: Roche has ample parking.  
7 They have assigned parking. However,  
8 most of the people that park on Edison,  
9 the other streets, are not happy that  
10 they have to walk from Kingsland --  
11 Cathedral Avenue --

12 COMMISSIONER TUCCI: Um-hum.

13 MR. BARRY: -- so they park as close  
14 as they can. Now, they're also, the same  
15 people, if they violate Roche's internal  
16 parking policies, they lose their parking  
17 privilege and bam, they're out on the  
18 street.

19 So Roche really --

20 MAYOR COCCIAIOLA: And is -- for the  
21 Roche employee who parks in front of  
22 their home for longer than two hours,  
23 what is -- I mean, to me, there's an  
24 enforcement issue here as well.

25 If they're saying that the Roche

1 employee parks there and can leave their  
2 car there from 8 to 5 and doesn't get a  
3 ticket but they go out and park there in  
4 front of their home for more than two  
5 hours on a particular day, they get a  
6 ticket, it doesn't sound ri -- it  
7 doesn't -- it sounds to me like there's  
8 some -- something that needs to be  
9 attended to in terms of enforcement.

10 MR. BARRY: In deference to the  
11 parking enforcement lady last year,  
12 she -- where the lady made the comment  
13 she would come at 9 o'clock, these were  
14 not her only duties; she was -- she had  
15 the whole town. So she would get there  
16 at a certain time; we pulled up some data  
17 today and we saw that between January and  
18 May of last year, she wrote 200  
19 tickets -- no, not -- she wrote 244 times  
20 limit parking tickets through out the  
21 town. And on Edison Avenue, if you'll  
22 bear with me a minute, she wrote fifty  
23 nine, in a five-month period, on Edison  
24 Avenue.

25 MAYOR COCCHIOLA: Which isn't --

1 was -- that's hardly any.

2 MR. BARRY: Excuse me?

3 MAYOR COCCHIOLA: That's nothing if  
4 the problem is that severe.

5 Let me ask you this question. If  
6 you -- right now we have an overnight  
7 parking ban in place. It's the permit --  
8 we're going into a whole new area in --  
9 when we deal with permit parking going  
10 into a whole new realm of thinking a  
11 whole new practice that we have not had  
12 in this community before. And it  
13 could relieve this neighborhood of  
14 problems. I don't think this ordinance is  
15 going to relieve them of their problems  
16 based on my -- what I'm beginning to  
17 understand about them.

18 But, there are -- as you said, there  
19 are many other groups -- there are  
20 business owners on Franklin Avenue who  
21 would like permit parking so they could  
22 park in front of their businesses. There  
23 are people who want permits for different  
24 reasons. apartment -- people who live in  
25 apartments. they want permits.

1           So, as we go through a process of  
2 moving toward permits, there's a -- it's  
3 not about Edison Avenue. And it's not --  
4 might not even be about fifty-three  
5 streets. It's about a whole lot of other  
6 issues, so I guess my questions to you is  
7 when you want to leave a car out on the  
8 street overnight, right now we have an  
9 overnight parking ban. If you want to  
10 leave your car out overnight, you call up  
11 the police department and you say, "Today  
12 is Tuesday, July 21st. I need to leave  
13 my car out overnight." And the police  
14 officer says okay, he writes it down and  
15 he makes sure he doesn't go and ticket  
16 you.

17           If in the whole town of Nutley  
18 sixteen people on Edison Avenue and three  
19 people on New Street, let's say, are the  
20 people who are having this problem, with  
21 regard to being able to park in front of  
22 their homes for longer than the time  
23 period, why wouldn't we think about maybe  
24 doing that? Instead of -- instead of  
25 starting a whole new thing with permit

1 parking, why shouldn't they be able to  
2 call, just like somebody who wants to  
3 leave it out, and say, "Listen I'm  
4 Phyllis DeCilla, I live on Edison Avenue.  
5 I'm putting my car in front of my house  
6 today for longer than two hours." It's  
7 the same premise, isn't it? Isn't it the  
8 same? "So, Mr. Policeman, don't ticket  
9 me."

10 MR. BARRY: You'll have to address  
11 your question to Commissioner Petracco.

12 COMMISSIONER PETRACCO: Mayor, let  
13 me just -- let me just say this to you

14 MAYOR COCCHIOLA: But I'd like to  
15 hear from the residents as well.

16 COMMISSIONER PETRACCO: I have to  
17 make a comment about that. First of all,  
18 you just can't call up and say, "I feel  
19 like parking my car overnight," and the  
20 cop's,

21 like, "Okay, no problem." You have to  
22 have a legitimate reason; you can't  
23 continue to do it. And the police  
24 officers give you a hard time if you  
25 continue to do it because that is a town

1 ordinance.

2 You know what? It takes up a lot, a  
3 lot of time in our police department  
4 which is getting busier and busier all  
5 the time to field these kind of nonsense  
6 calls. So if we're going to start  
7 entertaining, you know, policemen to do  
8 secretarial work, you know, I think it's  
9 opening up the wrong door.

10 You know, this is simple. I think  
11 we're looking into this too hard. I'm  
12 going to have a kid in the overnight  
13 parking -- this is simply to give a  
14 neighborhood relief with a placard. Put  
15 a placard in their car so a Nutley police  
16 officer could recognize that placard and  
17 they could park in front of their house  
18 like we all could park in front of our  
19 house. So I guess we should listen to  
20 what they're complaining about.

21 COMMISSIONER TUCCI: During -- this  
22 is during daytime hours, correct?

23 MR. BARRY: Commissioner?

24 COMMISSIONER PEERACCO: 8 to 6.

25 MR. BARRY: During the daytime.

1 COMMISSIONER TUCCI: Okay.

2 MALE SPEAKER: In deference to the  
3 commissioner, he came to me and asked me  
4 to help draw up the ordinance and that's  
5 what I did. As far as the rationale and  
6 everything else, you have to --

7 COMMISSIONER TUCCI: But I don't  
8 have a problem with the rationale and I  
9 think this does address what they want to  
10 do. I think it just needs to be a whole  
11 lot clearer. Because I believe, and  
12 correct me if I'm wrong, what you're  
13 looking for is -- the relief you're looking for is  
14 you want to be exempt from the two hour  
15 parking. You don't want it eliminated  
16 because then you're open game; people can  
17 park there all day long and your  
18 situation becomes worse.

19 But for those of you that live there  
20 that want to enjoy what everyone else in  
21 this town pretty much enjoys, you want to  
22 be exempt from the two hour parking.

23 I don't have a problem with that. I  
24 have a problem with this. I have a  
25 problem with the way it's written.

1                   COMMISSIONER PETRACCO: But you do  
2                   have to look at ways --

3                   COMMISSIONER TUCCI: And, Jack, with  
4                   all due respect, I'm sure this is written  
5                   to the letter of the law and I know you  
6                   have a lot of experience, but for traffic  
7                   novices like myself, please make it  
8                   clearer.

9                   MRo BARRY: Well, no -- just -- in  
10                  order to give out a permit, you have to  
11                  have a set of rules. Like, you can't  
12                  say, "I live in Montclair and I want to  
13                  get a permit on Edison Avenue," so a) You  
14                  have to be a resident of the street,  
15                  b) --

16                  COMMISSIONER TUCCI: I got it, I --

17                  MR. BARRY: -- if it's a leased  
18                  vehicle.

19                  COMMISSIONER TUCCI: I got it, I  
20                  read it, I understand it.

21                  MRo BARRY: Okay.

22                  COMMISSIONER TUCCI: I got it.

23                  MAYOR COCCHIOLA: That's what --

24                  COMMISSIONER PETRACCO: Yeah.

25                  MAYOR COCCHIOLA: There's --

1           COMMISSIONER TUCCI:   Okay?   Right,  
2           that's not my issue.

3           MAYOR COCCHIOLA:   Let's hear from  
4           the residents --

5           COMMISSIONER PETRACCO:   Just from my  
6           standpoint, yeah --

7           MAYOR COCCHIOLA:   -- because they've  
8           been sitting here all night long

9           COMMISSIONER PETRACCO:   Excuse me,  
10          and I agree.   I think what you're hearing  
11          is a lot of the commissioners have a lot  
12          of questions regarding the way the  
13          ordinance is written.

14          MALE SPEAKER:   Yes.

15          MALE SPEAKER:   Right?   Because I  
16          also agree with Commissioner Tucci that  
17          the way this ordinance is written, I  
18          don't necessarily believe it provides the  
19          relief that the residents of Edison  
20          Street (sic) need.   Because I do think we  
21          need to go after Hoffmann-La Roche in a  
22          more deliberate way, a much more  
23          demonstrative way, and figure out how do  
24          we solve that further.   And I'm willing  
25          to do that.

1 I'm also -- so anyway, so I think we  
2 should learn more about what all the  
3 issues are that are around Edi -- around  
4 Hoffmann-La Roche and what all of those  
5 residents are experiencing. And then  
6 also work separately to resolve what I  
7 believe are the administrative issues  
8 associated with this.

9 MAYOR COCCHIOLA: I agree, well  
10 said. I agree.

11 MALE SPEAKER: Let's hear from the  
12 residents.

13 MAYOR COCCHIOLA: Yes.

14 MR. GEHRING: Joe Gehring, 79  
15 Edison. Just to clarify one thing and  
16 Mr. Tucci's bringing the thing up  
17 right -- put the nail there. No one back  
18 here has ever mentioned anything about  
19 night pa -- overnight parking.

20 MALE SPEAKER: Um-hum.

21 MR. GEHRING: We could care less if  
22 I park my car -- I've gotten tickets out  
23 there. As far as -- I was a cop for  
24 thirty years; you'd need six more cops  
25 sitting on the desk taking down people's

1 addresses and phone numbers all day. We  
2 don't want overnight, we just want to get  
3 a permit to park in front of the house  
4 that I pay taxes on. That's all we're  
5 asking for.

6 MALE SPEAKER: Um-hum.

7 MAYOR COCCHIOLA: Thank you. Would  
8 anyone else -- we really do want to hear  
9 your concerns, so please feel free.

10 MR. SCHWIER: Bob Schwier, 90 Edison  
11 Avenue. You're talking about the two  
12 hour signs. Hoffmann-La Roche people  
13 come out, dozens of them, and move their  
14 cars. If they're parked in front of 90  
15 Edison Avenue, she pulls out, somebody  
16 that was parked in front of 100 pulls in  
17 her spot, she goes in the 100. How can  
18 you stop that?

19 We've e-mailed and we've talked to  
20 people in Roche. They do nothing. These  
21 people that come out, they waste a half  
22 an hour coming out, moving their cars and  
23 going back and Roche does nothing about  
24 it. That's the problem.

25 MAYOR COCCHIOLA: Now do you -- is

1           it your interest that you want to just  
2           put your car in front of your house and  
3           leave it there so no one else can park  
4           there? Or --

5           MR. SCHWIER: I want to be able to  
6           get in my driveway and I want to have the  
7           street cleaned. We can't --

8           MAYOR COCCHIOLO: Okay, those --  
9           okay --

10          MR. SCHWIER: -- they can't clean  
11          the street because the street is packed  
12          I had to have a new pipe put in a year  
13          and a half ago, in the street, I had to  
14          pull my car out at 4 o'clock in the  
15          morning and leave it there so that when  
16          the town came to fix the pipe, they  
17          blocked it off and then I moved my car  
18          out of the way. Otherwise, Roche would  
19          have been parked there and I would have  
20          had no water in the house. It's -- all  
21          the time, it's the same thing. And Roche  
22          does not cooperate.

23          Roche is not a good neighbor, as far  
24          as I'm concerned. They do nothing to  
25          help us. And if you go into the

1 carpoolers' parking lot, which is on  
2 Edison Avenue, up by Edison -- on  
3 Kingsland by Edison, and you go in there  
4 and you're not a carpooler, they --  
5 you're out of the lots, then. Nobody can  
6 park in there anymore. And then they  
7 also have a pool where they put money in  
8 to pay the tickets. So they don't care  
9 if they get a ticket, a lot of them.

10 MAYOR COCCHIOLA: Are they the same  
11 people --

12 MR. SCHWIER: And that's a fact.

13 MAYOR COCCHIOLA: Are they the same  
14 people parking on your street? Are,  
15 like, repeated offenders, the --

16 MR. SCHWIER: Same people --

17 MAYOR COCCHIOLA: -- same cars --

18 MR. SCHWIER: -- over and over  
19 again.

20 MAYOR COCCHIOLA: So you can  
21 identify who the cars --

22 MR. SCHWIER: Sure.

23 MAYOR COCCHIOLA: So we can  
24 almost --

25 MR. SCHWIER: And the police can't

1 do anything about it because they're gone  
2 in two hours.

3 MAYOR COCCHIOLA: Yeah, 'cause  
4 they're actually complying with the lawo

5 MR. SCHWIER: Yeah, because they  
6 keep moving themo Brookdale don't have  
7 the problem because of the forty-five  
8 minute parking.

9 MAYOR COCCHIOLA: But now, tha --  
10 but this ordinance doesn't solve that  
11 problem for youo

12 MR. SCHWIER: Well, if we had no  
13 parking and we only had residents, it  
14 would solve the problem.

15 MALE SPEAKER: It would.

16 MR. SCHWIER: Which Clifton haso  
17 Clifton has it all over, especially where  
18 you go --

19 MAYOR COCCHIOLA: No, it only --

20 MR. SCHWIER: -- to Route 3 to get  
21 the buses and all that because people  
22 are --

23 MALE SPEAKER: You have to go to no  
24 parkingo

25 MR. SCHWIER: -- going to New York

1 and parking there all day with their  
2 cars --

3 MAYOR COCCHIOLA: They don't --

4 MRo SCHWIER: -- to get the bus to  
5 New York.

6 MAYOR COCCHIOLA: -- it solves his  
7 problem if he wants to leave his car in  
8 front of his house all day long.

9 MALE SPEAKER: Right.

10 MAYOR COCCHIOLA: But if leaves to  
11 go to the store, someone could come and  
12 park in front of his house --

13 COMMISSIONER TUCCI: Right. For two  
14 hours.

15 MAYOR COCCHIOLA: -- for two hours.

16 COMMISSIONER TUCCI: I don't think  
17 the objection is the two hours. I think  
18 the objection is one Roche employee --  
19 and I don't want to bash Roche, they're  
20 good neighbors, they pay a lot of taxes  
21 in this town, and a lot of folks from  
22 Nutley have worked there over the years  
23 but --

24 MR. SCHWIER: They pay more to  
25 Clifton, don't they?

1           COMMISSIONER TUCCI: I don't know.  
2           Do they, commissioner?

3           MALE SPEAKER: They -- I think they  
4           do.

5           MR. SCHWIER: Yeah, there's more  
6           buildings in Clifton.

7           COMMISSIONER TUCCI: Well, they  
8           still pay a substantial amount to Nutley  
9           and we don't want to --

10          MR. SCHWIER: We get the traffic.

11          COMMISSIONER TUCCI: Right, and we  
12          don't want to lose them.

13          MALE SPEAKER: They're the largest  
14          tax payer in Nutley.

15          COMMISSIONER TUCCI: Right. But in  
16          any event, I think what they don't want  
17          is one employee parking for two hours and  
18          when they go to move their car another  
19          one right behind them.

20          MR. SCHWIER: That's it, right.

21          MALE SPEAKER: It's organized.

22          COMMISSIONER TUCCI: Yeah, I mean I  
23          don't think they're looking to monopolize  
24          the parking on the block --

25          MR. SCHWIER: They don't do anything

1 about it.

2 COMMISSIONER TUCCI: -- either,  
3 they're just looking for a fair shake.

4 MR. SCHWIER: We've sent themoe-  
5 mails telling them this is happening,  
6 we've talked to the big shots over there  
7 and nobody does anything. They don't  
8 care.

9 MALE SPEAKER: I've been working  
10 with Hoffmann-La Roche; I will be on the  
11 phone with them first thing in the  
12 morning because I want to address this  
13 with them again. But it doesn't mean  
14 that we're not going to address your  
15 problem, but I want to address it with  
16 them, too.

17 MR. SCHWIER: When is this -- the  
18 new entrance going to be open?

19 MALE SPEAKER: Jack, it's under  
20 construction. Yeah, I was just going to  
21 say --

22 MR. SCHWIER: Because the problem  
23 now with the entrance moved down,  
24 Kingsland the traffic is better and the  
25 cars aren't there. Soon as they move the

1 entrance back, they'll all be back againo

2 MALE SPEAKER: We'll address it.

3 COMMISSIONER TUCCI: I agree with  
4 Commiss -- I think Commissioner Petracco  
5 also needs to be involved in that --

6 COMMISSIONER PETRACCO: Absolutely.

7 COMMISSIONER TUCCI: -- so that they  
8 can understand --

9 COMMISSIONER PETRACCO: Right.

10 COMMISSIONER TUCCI: -- the  
11 enforcement ramifications --

12 MAYOR COCCHIOLA: Right.

13 COMMISSIONER TUCCI: -- as well as  
14 the inconvenience that they're creating.

15 COMMISSIONER PETRACCO: And is there  
16 anything, also, that says we can't, in  
17 that particular area, increase the  
18 parking fine to a number that makes it  
19 unreasonable for them to put money in a  
20 pool for it?

21 MALE SPEAKER: Yeah, but then we're  
22 going to do the same thing to the  
23 residents and they'll be paying more.

24 COMMISSIONER PETRACCO: Well, I  
25 think one would address the other.

1           MAYOR COCCHIOLA:   Yeso

2           MS. TENORE:   Hello.   I'm Mary  
3           Tenore, 66 Edison Avenue.   I'm happy to  
4           be here tonight because I'm hearing a lot  
5           of input and I'm very happy that you're  
6           having us here to voice our opinionso  
7           Commissioner Petracco, Commissioner  
8           Tucci, I want to commend both of you  
9           because you -- in a nutshell, the two of  
10          you understand completely what we're  
11          feeling.   And I know the other  
12          commissioners are trying to understand as  
13          well and I appreciate that.   But there  
14          are two issues hereo

15                 One is the Hoffmann-La Roche parking  
16                 issue, and for that reason we definitely  
17                 need the two hour ordinance because that  
18                 does help our block and surrounding  
19                 blocks.   That's one issue and I  
20                 understand that that needs to be  
21                 addressedo but that's a separate issue.

22                 Our issue here, in a nutshell, is  
23                 that we are property owners, we pay taxes  
24                 in town and we should be allowed to park  
25                 in front of our own residence during the

1 day. Not overnight, just during the day,  
2 without worrying about getting a ticket  
3 There's nothing more frustrating than  
4 coming out of your house and seeing a  
5 ticket on your car right in front of your  
6 house.

7 And I have on occasions, I've  
8 only -- I've lived in town for thirteen  
9 years now and I have maybe gotten a  
10 ticket two, three times in that time.  
11 Because I don't abuse it. You know, I  
12 have a driveway, I do park in my driveway  
13 whenever it's, you know, whenever I can.  
14 I work during the day; I'm not even home,  
15 so that's not really an issue. But there  
16 are times, you know, that I might be  
17 home.

18 I recently had my roof done in  
19 February and I had a dumpster right in my  
20 driveway so obviously could not park in  
21 the driveway. So I called the town, the  
22 police department and I, you know, got  
23 the permission for overnight parking.  
24 The next day I went to work, my husband  
25 went to work, my daughter has a car, she

1 had to park it on the street. I  
2 specifically said to her, "Make sure you  
3 don't stay there for over two hours.  
4 Move the car."

5 She did just that, she moved the  
6 car. Moved the car and I came home at  
7 lunchtime, I looked at the car and there  
8 was a ticket. And the ticket was on --  
9 placed on that car not ten minutes before  
10 I got home. So I'm, like -- I was very  
11 frustrated but you know what? I paid the  
12 ticket. And the reason I did was because  
13 on other occasions I came to court and I  
14 spent three hours in court waiting for my  
15 turn to explain that I'm a homeowner, I  
16 parked in front of my house, I left, I  
17 came back and I got a ticket. And of  
18 course the ticket was waived but it took  
19 me three hours of my day to get to that  
20 point, to have that ticket waived. And I  
21 don't feel like, you know, that's not  
22 necessary as I'm a homeowner and I  
23 shouldn't have to, you know, take time  
24 out of my workday to come to court to  
25 fight a ticket.

1           It's not even the point of the  
2           ticket; it's thirty-five, thirty dollars  
3           or whatever. It's the principle of the  
4           thing. You don't want to receive a  
5           ticket for something that should not  
6           be -- it just shouldn't be the case  
7           because I'm a taxpayer as -- and so are  
8           you and everyone else in this room.

9           We're taxpayers of this town and  
10          we're just looking for an easy  
11          resolution -- permit parking. Just a  
12          little sticker, something, saying you  
13          know what, you're a resident, you should  
14          have the privilege of parking in front of  
15          your house and not worrying about getting  
16          a ticket during the day. And you know  
17          whether it be that or some kind of pass  
18          or something or even if the police  
19          officers could have a list of  
20          residents. I don't know if it costs  
21          money to call in a plate, you know, to  
22          see if this is somebody who's living  
23          right here and then you won't give them a  
24          ticket.

25                 I don't know if that's feasible, but

1 any kind of, you know, resolution would  
2 be beneficial to us. But I think this  
3 matter absolutely needs to be addressed,  
4 and not the Hoff -- I mean, the Hoffmann-  
5 La Roche matter, absolutely, too. But  
6 they're separate issues in my opinion --

7 MAYOR COCCHIOLA: Agreed.

8 MS. TENORE: -- and not one.

9 MAYOR COCCHIOLA: One way or  
10 another, you're going to get relief,  
11 believe me.

12 MS. TENORE: Well, I hope so.

13 MAYOR COCCHIOLA: And we really  
14 appreciate --

15 MS. TENORE: It's just the matter of  
16 the frustration. You want to hear from  
17 us and that's basically where we're at.  
18 We're just frustrated because we are  
19 residents of the town and, you know,  
20 we -- it's a burden. And it's not like  
21 it's -- in my case it's not an everyday  
22 event because I do -- I don't -- I'm not  
23 home during the day mostly and weekends  
24 aren't an issue, but it's just the fact  
25 that when I have to park in front of my

1 house, I just -- it's hard to understand  
2 that I need -- that if I'm not careful,  
3 I'm going to get a ticket. And then if I  
4 get the ticket, I have to go try to fight  
5 it and by the time and -- and time is  
6 money, you know. I'm losing hours at  
7 work to come here to fight a ticket.

8 MAYOR COCCHIOLA: Is that a Monday  
9 through Friday restriction or is that a  
10 restriction --

11 MS. TENORE: I believe it is.

12 MAYOR COCCHIOLA: Is that -- Mr.  
13 Barry, does the sign say Monday through  
14 Friday or --

15 MS. TENORE: I don't know.

16 MR. BARRY: The -- Monday through  
17 Saturday.

18 MAYOR COCCHIOLA: Saburday?

19 MS. TENORE: Even Saturday? Oh, I  
20 didn't know that.

21 MALE SPEAKER: I think we're all  
22 sympathetic to the plight of the people  
23 on Edison. I just want to go back that  
24 the ordinance is really what we have a  
25 problem with.

1 MALE SPEAKER: Exactly.

2 MALE SPEAKER: And I think the  
3 consequences of what we do sometimes are  
4 long term and we have to also look at  
5 that, too.

6 MAYOR COCCHIOLA: Mr. Barry, I'm  
7 going to ask you to think of a couple  
8 things when you work on the redrafting of  
9 this and Commissioner Petracco. The --  
10 something that I -- I don't know how  
11 you're conceiving -- let's just take it  
12 to its logical extreme -- well, we're  
13 not.

14 We're asking that if we do consider  
15 this we'd consider on a one -- one street  
16 by one street basis. I guess when I was  
17 thinking of this so broad, fifty streets,  
18 how do you manage -- if they -- let's say  
19 all fifty, theoretically, wanted some  
20 sort of relief, two people here,  
21 whatever. How do you manage that many  
22 permits and the color coding and the  
23 transfer of bill -- I know it says  
24 they're not -- you can't transfer them,  
25 but if Edison Avenue and Bolten Place

1 have the same color -- it just, there's a  
2 lot of little -- I'm a lawyer, I can't  
3 help but, like, take things to --

4 MR. BARRY: No, you're correct, and  
5 we went through this --

6 MAYOR COCCHIOLA: -- ad nauseam,  
7 but --

8 MR. BARRY: -- we went through  
9 this -- that was the very question I  
10 asked Chief Holland.

11 I said, "How are we going to  
12 differentiate a permit for Edison  
13 Avenue -- what's to prevent the Edison  
14 Avenue resident from going down to East  
15 White terrace, parking there and getting  
16 on the New York bus all day?" And he  
17 said, well the Department of Defense has  
18 a three -- three method stamp and one  
19 could have the name of the street and the  
20 expiration date and then what the  
21 permit's for.

22 And he was going to work out that  
23 plan but, again, it's an administrative  
24 problem. Every time a person buys a new  
25 car or borrows a car and -- but the

1 Department of Public Safety would have to  
2 keep computer records and it's a problem  
3 but it's not something that can't be  
4 worked out.

5 MAYOR COCCHIOLA: Correcto

6 MR. BARRY: Oh, here's the example  
7 of the decal that Chief Holland broughto

8 A point of clarification: the fine  
9 is twenty-nine dollars. And, for  
10 example, in 2007, last year, I have full  
11 yearly recordso The parking enforcement  
12 officer wrote 40,000 dollars' worth of  
13 summonses, that's close to a thousand  
14 summonses for time limit parking  
15 throughout the township. Not just in the  
16 area.

17 MAYOR COCCHIOLA: But like you said,  
18 there weren't very many issued in this  
19 one neighborhood --

20 MR. BARRY: Correcto

21 MAYOR COCCHIOLA: -- where it seems  
22 to be a very large problem.

23 MR. BARRY: Now, another Roche --  
24 similar problem was on Bloomfield Avenue  
25 across from Nichols Park. If you'll

1 recall, we eliminated the parking there.  
2 The problem, the houses were so tightly  
3 packed that the curb space was so small  
4 that they were always parking over  
5 their -- the curbs. So we painted the  
6 lines, we tried everything and then the  
7 residents wrote us a petition that said,  
8 "Eliminate the parking. We don't want  
9 anybody to park there. It makes our  
10 whole life a lot easier." And that was  
11 done, so that was taken care of.

12 Bloomfield Avenue, the forty-five  
13 minutes on Brookfield and now Edison is  
14 coming -- and I project that Darling  
15 Avenue, we have a problem with commuters,  
16 as I said before, East White Terrace,  
17 Franklin Avenue has time unlimited  
18 parking because of the 191 bus, the 32  
19 New York buses. A lot of people get on  
20 these buses every day and again, I'm  
21 not -- I understand, as you all do, what  
22 the problem is here. It's just a  
23 question of how we're going to do this.

24 We did spend quite a number of  
25 meetings and time trying to come up with

1 the best procedural method to move  
2 forward. But if you want to do it on a  
3 per street basis, we could do it similar  
4 to the first section, but we needed the  
5 authority to say, "Oh, you have to live  
6 on the street, if it's a leased car you  
7 have to provide a letter from your  
8 company." We needed to outline all those  
9 things to give the commissioner the  
10 authority to issue permits not just  
11 randomly to anybody comes in and say,  
12 "Hey, I want a permit to park on Edison  
13 Avenue."

14 MAYOR COCCHIOLA: Oh, it shouldn't  
15 be a discretionary --

16 MR. BARRY: Correct.

17 MAYOR COCCHIOLA: -- thing at all.  
18 There should be very strict criteria for  
19 the issuance of it.

20 Okay, so --

21 COMMISSIONER TUCCI: Jack, I  
22 understand your point. I don't think  
23 we're going to solve tonight all the  
24 questions and the things that have to be  
25 addressed as part of this -- this

1 ordinance. So I just want to suggest  
2 that we sit down and do it as a -- you  
3 know, revising this -- do it as a -- at a  
4 conference session, but table the  
5 ordinance for tonight so that we have the  
6 time to reflect on what needs to be  
7 changed.

8 MALE SPEAKER: If there are going to  
9 be substantive amendments, we probably  
10 have to -- you know --

11 MAJOR COCCHIOLA: Reintroduce it.

12 MALE SPEAKER: -- new notice,  
13 publication, hearing, alb that.

14 MAJOR COCCHIOLA: Yeah.

15 MALE SPEAKER: And it sounds as  
16 though that's probably the direction it's  
17 goingo

18 MAJOR COCCHIOLA: So we wouldn't  
19 continue this public hearing. We would  
20 conclude it and then reconvene a public  
21 hearing at -- when the ordinance is  
22 redrafted. Is that --

23 MALE SPEAKER: If the consensus is  
24 yeah, that this is going to be  
25 substantially or substantively amended,

1           yeah, that's the way to do it.  If --

2           COMMISSIONER TUCCI:  My question is  
3           are we substantially amending it or will  
4           we be clarifying the intent of this  
5           ordinance?

6           MALE SPEAKER:  I guess it really --

7           COMMISSIONER TUCCI:  And that's a  
8           question for you, Jack.

9           MALE SPEAKER:  I mean, it really  
10          kind of depends on what the next version  
11          looks like, but from what I'm hearing, it  
12          sounds as though, you know, you kind of  
13          have to look at it are more people likely  
14          or maybe even less likely to come out in  
15          favor or against this ordinance based on  
16          whatever the changes are and maybe those  
17          clarifications might invite more people  
18          out or satisfy other people, so.

19          COMMISSIONER TUCCI:  My only concern  
20          is I don't want to make a federal project  
21          out of this, all right, and prolong this  
22          to a point where these people are going  
23          to be inconvenienced for --

24          MALE SPEAKER:  I agree.

25          COMMISSIONER TUCCI:  -- for three

1 more months --

2 MAYOR COCCHIOLA: Well, yeah --

3 COMMISSIONER TUCCI: -- while we  
4 hash this out, so --

5 MAYOR COCCHIOLA: -- they need some  
6 interim relief.

7 MR. BARRY: We could just change --  
8 we could just change item number 4, where  
9 we could delete that Section 11 reference  
10 and just put "The following streets:  
11 Edison Avenue." And then if some other  
12 street comes on at a later date and  
13 requests a similar thing, an amendment to  
14 the ordinance to add any additional  
15 street or delete any additional street.

16 MALE SPEAKER: Right.

17 MALE SPEAKER: I like that.

18 MALE SPEAKER: Well, then, why don't  
19 we maybe just continue the public  
20 hearing --

21 MALE SPEAKER: I think that's a good  
22 idea.

23 MALE SPEAKER: -- and if it turns  
24 out that this is some other version we  
25 could address it at that time, but for

1 now, we could just continue the public  
2 hearingo

3 MALE SPEAKER: Okay. I think that's  
4 a good idea.

5 MALE SPEAKERo That's fine.

6 MALE SPEAKER: Very good.

7 MALE SPEAKER: Thank you.

8 MALE SPEAKER: Thank you.

9 MAYOR COCCHIOLA: Is there anyone  
10 else from Edison Avenue that's here this  
11 evening that would like to address the  
12 board so that we can get everyone's --  
13 you're -- and please come back when we  
14 continue the public hearing. You can and  
15 you should.

16 Mrs. DeCilla, you didn't really  
17 finish. Did you -- is there anything  
18 else -- I mean, we really want to hear  
19 what you have to -- and if there are any  
20 other problems while you're here, you  
21 might as well tell us because the street  
22 cleaning issue Commissioner Scarpelli can  
23 probably work on and --

24 MS. DECILLA: Because of the fact  
25 that the streets -- you know, the cars

1 that are on the street, we don't have  
2 cleaning and when we do, sorry, but it is  
3 half-assed because -- and they'll only --

4 COMMISSIONER SCARPELLI: Well, if  
5 there's cars there it's a little  
6 difficult. What time do they usually --  
7 the cars from Roche get there in the  
8 morning?

9 MS. DECILDA: Oh, they're 8 o'clock  
10 to 5, 6, 7, all depending on who's coming  
11 from --

12 COMMISSIONER SCARPELLI: So if we  
13 got there early at 6:30, 7 o'clock in the  
14 morning, would not be a problem?

15 MS. DECILLA: No.

16 COMMISSIONER SCARPELLI: Okay.

17 MS. DECILDA: Not at all.

18 COMMISSIONER SCARPELLI: All right.

19 MS. DECILDA: And then, I know when  
20 we've spoken amongst many of us that live  
21 on the street, we have an issue with  
22 potholes that were just recently filled  
23 but we had to wait probably since the  
24 fall for two big, major potholes to be  
25 filled.

1 COMMISSIONER SCARPELLI: Let me  
2 explain some of the pothole --

3 MS. DECILLA: And as you know --

4 COMMISSIONER SCARPELLI: -- problema

5 MS. DECILLA: -- there have been  
6 many of the people -- the other issue,  
7 I'm sorry to interrupt you, but before I  
8 forget. The other thing is they've paved  
9 half the street and then -- it's just  
10 like when they plow; they plow and they  
11 get to a certain part of the street and  
12 they stop, so you can go so far to drive  
13 up Edison Avenue and then you get  
14 stuck --

15 COMMISSIONER SCARPELLI: I don't  
16 know how you can stop in the middle of  
17 the street plowing, but that's a whole  
18 other issue

19 MS. DECILLA: Well, they usually  
20 stop by -- if it's not Spruce, it's  
21 Emily. And then from Emily to High  
22 Street it's usually all snow because I've  
23 gotten stuck in it and I've had to get  
24 pushed

25 COMMISSIONER SCARPELLI: That's

1 another issue; we'll deal with that in  
2 the winter.

3 MALE SPEAKER: Yeah

4 MS. DECILLA: Right.

5 COMMISSIONER SCARPELLI: The problem  
6 with the potholes as far as filling them.  
7 During the winter it's very difficult,  
8 you can't find hot asphalt we use cold  
9 patch which usually doesn't last.

10 MS. DECILLA: Right.

11 COMMISSIONER SCARPELLI: Once we get  
12 into the spring, this spring was not that  
13 warm and the asphalt companies did not  
14 open until late. Then we had June where  
15 we had twenty-three days of rain, we  
16 can't fill --

17 COMMISSIONER TUCCI: Twenty-seven  
18 out of thirty-one.

19 COMMISSIONER SCARPELLI: It's the  
20 pool store owner.

21 COMMISSIONER TUCCI: There you go.

22 COMMISSIONER SCARPELLI: We had many  
23 days of rain in June. We cannot fill  
24 potholes when it rains so, of course,  
25 that put us behind.

1 MS. DECILLA: Right.

2 COMMISSONE~~R~~ SCARPELLI: And that's  
3 the reason that you're seeing the  
4 potholes filled now --

5 MS. DECILLA: Right.

6 COMM~~ISSIONE~~R SCAR~~BELLI~~: -- we've  
7 had some good weather; we're able to get  
8 the hot asphalt this time of year, so  
9 you'll see more of those potholes filled.

10 The extension of Edison, as far as  
11 being paved, I have to look and see where  
12 we're on the list. I could just tell you  
13 that we're going to be paving, through a  
14 grant, Bloomfield Avenue from Kingsland  
15 to High Street, in that area, it's going  
16 to cost us 240,000 dollars to pave there.

17 We allow in capital 220,000, 225,000  
18 for paving a year; doesn't allow us to do  
19 many streets, so it -- you know, some of  
20 that issue is monetary and some of it is  
21 just priority, where the worst streets  
22 are.

23 MAYOR COCCHIOLA: Is there -- it was  
24 before you -- do you remember the woman,  
25 I think she was from Edison Avenue, was

1 it Mrs. Banta? Is that her name?

2 MALE SPEAKER: Yeso Maria Bantao

3 MAYOR COCCHIOLA: Was she from  
4 Edison Avenue? Because she had been  
5 coming here for a while --

6 MALE SPEAKERo Yes, um-humo

7 MAYOR COCCHIOLA: -- asking -- about  
8 a pothole in particular -- and that --  
9 that was fixed, right?

10 COMMISSIONER SCARDELLI: That's when  
11 the street got pavedo

12 MAYOR COCCHIOLA: Okay. Yeah.

13 COMMISSIONER TUCCI: Mayor, I  
14 also -- there's -- we're going to suggest  
15 that since we're continuing the public  
16 hearing that we invite Hoffmann-La Roche  
17 to be at our next meeting.

18 MAYOR COCCHIOLA: That's okay with  
19 me. You knowo I think that the two of  
20 you need to have some serious discussions  
21 with themo I mean, this is -- it's not  
22 acceptable what's going on at allo

23 COMMISSIONER TUCCI: And I just  
24 think they need to hear from the  
25 residents as well.

1           MALE SPEAKER: Yeah, I don't know  
2           how they allow their employees to leave  
3           at two hour intervals.

4           MSO DECILLA: They actually don't  
5           allow and I don't even really think that  
6           they know what's going on and what  
7           happens is as far as Brookline is  
8           concerned, I think that they're happy  
9           because what happened is, is they park  
10          there and you have to see how it's so  
11          organized. And they come down and they  
12          actually -- you know, they come down in  
13          loads and then they shift and they know  
14          that when they get to one street they've  
15          got the forty-five minutes and that one  
16          has that and -- it's just it's amazing to  
17          watch

18          You know, we've had them where -- in  
19          front of our homes it's one car parking.  
20          And they'dl pull up and save a spot so  
21          they'dl block my driveway, they'll block  
22          my neighbor's driveway. I have a curb  
23          between my other neighbor and my driveway  
24          that's not a parking spot; it's just a  
25          curb with a telephone pole. And I had

1 one woman park there, no ticket, all day,  
2 up until about 6 o'clock at night, so I  
3 couldn't get out. I had to get  
4 somebody -- I had a test to take that  
5 day, I had to get somebody to come get  
6 me. I mean, it's just --

7 MALE SPEAKER: I would suggest, I  
8 would suggest -- I don't know if I speak  
9 for Commissioner Petracco, I would  
10 suggest when that happens you call the  
11 Public Safety Department --

12 MS. DECILLA: It was actually  
13 before --

14 COMMISSIONER TUCCI: -- and have  
15 that car towed.

16 MS. DECILLA: It was actually before  
17 he was in office.

18 COMMISSIONER PETRACCO: Thanks.

19 MS. DECILLA: So -- but I will call  
20 him if it does happen again

21 My thing -- you know, I think we all  
22 have the same feeling as far as -- you  
23 know, I visit other friends that live on  
24 other streets that don't have restricted  
25 parking and, you know, I just feel

1           that -- and we all do, we all feel that,  
2           you know, as residents and, you know, we  
3           keep reiterating the same thing, but  
4           that's what it comes down to. That we  
5           feel that yes, we do have a bigger  
6           problem on Edison than let's say  
7           Alexander or Joerg or any of them going  
8           up that way.

9           That needs to be addressed, but we  
10          also are restricted parking which we feel  
11          that as residents and taxpayers that we  
12          shouldn't have to have to deal with that  
13          on a daily basis. You know, and I know  
14          the cone situation -- I've done that.  
15          Where I've had work done on my home and  
16          ran the kids to school and come back and  
17          they actually do move your garbage pails  
18          or your cones or whatever you do have in  
19          front of your house to park to get to  
20          their place of business.

21          It's -- I've had people empty  
22          ashtrays -- I've been there since 2000,  
23          empty ashtrays in front of my home, drop  
24          their Wendy's bags, you don't even want  
25          to know what else I've seen. But, it's

1 just -- it's an issue. It's definitely  
2 an issue. I don't -- you know, they're  
3 all assigned parking spots. And the  
4 thing is Edison Avenue is the closest to  
5 some of their buildings, so that's why  
6 they park there.

7 It's not my concern about their  
8 production is nil, as far as Roche is  
9 concerned, because if they were my  
10 employee, I would fire them. That's not  
11 my concern, that's not our concern. Our  
12 concern is we're residents and that's  
13 what we're asking you to consider.

14 MALE SPEAKER: Not unreasonable

15 MALE SPEAKER: I agree and I've  
16 heard you -- I heard everyone tonight.

17 MS. DECIBLA: I mean, the main  
18 buil -- when we spoke today, the main  
19 gate has been closed the last two months  
20 and it is -- we are ecstatic on our  
21 street because I am able to come home  
22 from a store, once I get out of work, and  
23 park on my street.

24 I'm able -- I come down and -- isn't  
25 it lovely? We come down and there's

1 spots. You know, so you can't say pull  
2 out of your parki -- you know, out of  
3 your driveway and park on the street.  
4 Now we can because now it's longer for  
5 them to get to their building, so now  
6 they've gone back to their assigned  
7 parking. In two months, when that light  
8 goes up, different story. It's going to  
9 go back to the same thing. So -- and  
10 again, it's just to reiterate, we are  
11 residents and that's what we feel that we  
12 deserve. So, consider it and get back to  
13 us --

14 MAYOR COCCHIOLA: Thank you so much.

15 MS. DECILLA: Thank you.

16 MAYOR COCCHIOLA: Thank you for your  
17 patience and --

18 MS. DECILLA: Thanks.

19 MAYOR COCCHIOLA: -- for all of your  
20 comments and for being here tonight.  
21 Thank you.

22 Is there anyone else that would like  
23 to address the board with respect to  
24 Ordinance number 3107?

25 Then we are going to continue this

1 public hearing to a date not specified  
2 right now I guess.

3 MALE SPEAKER: Yes.

4 MAYOR COCCHIOLA: Commissioner  
5 Petracco? Do I need a motion for that?

6 COMMISSIONER PETRACCO: Yes.

7 MADAM CLERK: Yes -- a motion.

8 MALE SPEAKER: make a motion.

9 MADAM CLERK: What date are we going  
10 to --

11 MALE SPEAKER: Can we make a date at  
12 a later time?

13 MAYOR COCCHIOLA: Do you --

14 COMMISSIONER PETRACCO: Only be --

15 MAYOR COCCHIOLA: It's up to you,  
16 whatever --

17 COMMISSIONER PETRACCO: You know,  
18 only because I don't know my  
19 availability --

20 MAYOR COCCHIOLA: -- you could  
21 pick -- choose a date --

22 COMMISSIONER TUCCI: Is the motion  
23 to continue the public hearing?

24 COMMISSIONER PETRACCO: To continue  
25 the public hearing.

1 MALE SPEAKER: Yes.

2 COMMISSIONER TUCCIO Okay. I'll  
3 second that motion.

4 MALE SPEAKER: Is it to the next  
5 meeting or to the --

6 MAYOR COCCHIOLA: But we have an  
7 unspec --

8 MALE SPEAKER: It won't be the next  
9 meeting.

10 MALE SPEAKER: We may need more than  
11 that --

12 MALE SPEAKER: Okay, fine. That's  
13 fine.

14 MALE SPEAKER: -- that's why we'll  
15 not put a date on it. Yeah.

16 MADAM CLERK: So a motion to  
17 continue to a later date?

18 MALE SPEAKER: Right.

19 MALE SPEAKER: Yes.

20 MADAM CLERK: Okay.

21 MAYOR COCCHIOLA: We'll notif -- all  
22 the residents will be notified of the  
23 next date and any progress that we have  
24 made to date as well. Commissioner  
25 Petracco --

1 MADAM CLERK: Okayo

2 MAYOR COCCHIOLA: -- we'll leave it  
3 up to you to make sure the residents know  
4 what's happening.

5 COMMISSIONER PETRACCO: Call the  
6 question.

7 MADAM CLERK: What I'dl do, Mayor,  
8 as soon as I receive the date, I'll  
9 readvertise it, with the --

10 MAYOR COCCHIOLA: Um-hum, we'll put  
11 it up on the website --

12 MADAM CLERK: -- and I'll make sure  
13 it's advertised in the paper --

14 MALE SPEAKER: Yeah, we'd have to  
15 readvertise it because we're not  
16 designating a dateo

17 MADAM CLERK: Okay, so I have a  
18 motion. Was there a second?

19 MALE SPEAKER: Yes, I seconded it.

20 MADAM CLERK: Commissioner  
21 Scarpelli?

22 COMMISSIONER SCARPELLI: Ayeo

23 MADAM CLERK: Commissioner Petracco?

24 COMMISSIONER PETRACCO: Aye.

25 MADAM CLERK: Commissioner Evans?

1 COMMISSIONER EVANS: Aye.

2 MADAM CLERK: Commissioner Tucci?

3 COMMISSIONER TUCCI: Aye.

4 MADAM CLERK: Mayor Cocchiola?

5 MAYOR COCCHIOLA: Aye. Thank you  
6 again, everyone, for being here.

7 MALE SPEAKER: Thank you.

8 MALE SPEAKER: Thank you.

9 MAYOR COCCHIOLA: And we can move on  
10 to resolutions. Commissioner Petracco@

11 COMMISSIONER PETRACCO: WHEREAS bids  
12 for the purchase of Smiths Detection  
13 HazMat ID system products were received  
14 and opened on June 30th, 2009 and WHEREAS  
15 Smiths Detection, 21 Commerce Drive,  
16 Danbury, Connecticut 06810 was the only  
17 bidder for an upgrade to the HaøMatID  
18 Command System at 12,600 dollars, the  
19 Aldrich-ICHEM Library Package at 14,875,  
20 the Extract IR at 1,500 and Extract IR  
21 Consumables at 500. And WHEREAS the  
22 funds are available from account  
23 T15909912 and have been certified by the  
24 chief financial officer, said  
25 certification being attached to this

1 resolution, now therefore be it resolved  
2 by the Board of Commissioners, Township  
3 of Nutley, County of Essex, State of New  
4 Jersey that a contract be awarded to  
5 Smiths Detection, not to exceed 29,475  
6 dollars and that the mayor and the  
7 township clerk be and they are hereby  
8 authorized to enter into a signed said  
9 contract for the township of Nutley. I  
10 move the resolution.

11 MALE SPEAKER: Secondo

12 MADAM CLERK: Commissioner  
13 Scarpelli?

14 COMMISSIONER SCARPELLI: Aye.

15 MADAM CLERK: Commissioner Petracco?

16 COMMISSIONER PETRACCO: Aye.

17 MADAM CLERK: Commissioner Evans?

18 COMMISSIONER EVANS: Aye.

19 MADAM CLERK: Commissioner Tucci?

20 COMMISSIONER TUCCI: Aye.

21 MADAM CLERK: And Mayor Cocchiola?

22 MAYOR COCCHIOLA: Aye.

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

1 State of New Jersey that Nicole Marquez,  
2 employee in the Department of Public  
3 Safety, be granted a medical leave of  
4 absence without pay effective July 27th  
5 through August 26th, 2009. I move the  
6 resolution.

7 MALE SPEAKER: Second.

8 MADAM CLERK: Commissioner  
9 Scarpelli?

10 COMMISSIONER SCARPELLI: Aye.

11 MADAM CLERK: Commissioner Petracco?

12 COMMISSIONER PETRACCO: Aye.

13 MADAM CLERK: Commissioner Evans?

14 COMMISSIONER EVANS: Aye.

15 MADAM CLERK: Commissioner Tucci?

16 COMMISSIONER TUCCI: Aye.

17 MADAM CLERK: And Mayor Cocchiola?

18 MAYOR COCCHIOLA: Aye.

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

21 MAYOR COCCHIOLA: Thank you.  
22 Commissioner Evans?

23 COMMISSIONER EVANS: Thank you,  
24 Mayor.

25 MAYOR COCCHIOLA: You're welcome.

1                   COMMISSIONER EVANS: Resolution  
2                   authorizing the award of a non-fair and  
3                   open contract for professional services  
4                   WHEREAS the township of Nutley has a need  
5                   to acquire website, e-mail and related  
6                   technology services, a non-fair and open  
7                   public -- open contract pursuant to the  
8                   provisions of N.J.S.A. 19:44A-20.4 or  
9                   20.5, as appropriate, and WHEREAS it has  
10                  been determined and certified in writing  
11                  that the value of the aggregate services  
12                  provided by the vendor for the year will  
13                  exceed 17,500 and WHEREAS C3 Holdings,  
14                  LLC has submitted a proposal indicating  
15                  that it will provide such services for  
16                  the sum of 24,000 dollars and WHEREAS C3  
17                  Holdings has completed and submitted a  
18                  business entity disclosure certification  
19                  which certifies that they have not made  
20                  any reportable contributions to a  
21                  political or candidate committee in the  
22                  township of Nutley in the previous one  
23                  year and that the contract will prohibit  
24                  them from making any reportable  
25                  contributions through the term of the

1 contract, WHEREAS the funds are available  
2 in account 901110200, 901220, 901308000,  
3 901314000, 901408200, 901506200 -- and by  
4 the way, that's spread because this  
5 particular contract is spread among the  
6 five departments -- now therefore be  
7 resolved that the Board of Commissioners  
8 of the township of Nutley to enter into a  
9 contract with C3 Holdings, LLC and be it  
10 further resolved that the business  
11 disclosure entity certification and  
12 determination of value be placed on file  
13 with this resolution. So moved.

14 MALE SPEAKER: Secundo

15 MADAM CLERK: Commissioner

16 Scarpelli?

17 COMMISSIONER SCARPELLI: Aye

18 MADAM CLERK: Commissioner Petracco?

19 COMMISSIONER PETRACCO: Aye

20 MADAM CLERK: Commissioner Evans?

21 COMMISSIONER EVANS: Aye

22 MADAM CLERK: Commissioner Tucci?

23 COMMISSIONER TUCCI: Aye.

24 MADAM CLERK: Mayor Cocchiola?

25 MAYOR COCCHIOLA: Aye

1           COMMISSIONER EVANS:   WHEREAS sealed  
2           bids for grass and shrubbery cutting and  
3           debris removal services were received by  
4           the township clerk on Tuesday, June 30th  
5           and WHEREAS Donofrio & Son, Inc. 433  
6           Hillside Avenue, Hillside, New Jersey was  
7           the lowest bidder and WHEREAS the square  
8           foot rates submitted for cutting weeds  
9           and grass below twelve inches in height  
10          at the time of the property is ordered  
11          cut is at five cents per square foot and  
12          square foot rate for cutting weeds and  
13          grass above twelve inches in height at  
14          the time of the property is ordered cut  
15          is point -- seven and a half cents per  
16          square foot and the cost of shrub cutting  
17          and debris removal is eighty-five dollars  
18          per hour, not to exceed twenty-five  
19          thousand dollars and WHEREAS the funds  
20          are available from the Local Improvement  
21          Ordinance number 3106 and have been  
22          certified by the chief financial officer  
23          said certification being attached to this  
24          resolution, and now therefore be it  
25          resolved by the Board of Commissioners of

1 the Township of Nutley, County of Essex,  
2 State of New Jersey that the contract  
3 is -- be awarded to Donofrio & Son, Inc.  
4 and that the mayor and township clerk be  
5 and are hereby authorized to enter into  
6 and sign said contract for the township  
7 of Nutley. So moved.

8 MALE SPEAKER: Second.

9 MADAM CLERK: Commissioner  
10 Scarpelli?

11 COMMISSIONER SCARPELLI: Aye.

12 MADAM CLERK: Commissioner Petracco?

13 COMMISSIONER PETRACCO: Aye.

14 MADAM CLERK: Commissioner Evans?

15 COMMISSIONER EVANS: Aye.

16 MADAM CLERK: Commissioner Tucci?

17 COMMISSIONER TUCCHI: Just before I  
18 vote, I just have a question. We only  
19 had one Nutley landscaper --

20 COMMISSIONER EVANS: Yes.

21 COMMISSIONER TUCCHI: -- submit a bid  
22 on this? With all the landscapers we  
23 have in town?

24 MALE SPEAKER: Yeah, only one.

25 COMMISSIONER EVANS: We had

1 responses from New York and all over, but  
2 only one responded.

3 MALE SPEAKER: They're all  
4 conflicted out.

5 COMMISSIONER TUCCI: This is absurd,  
6 but even -- we follow the letter of the  
7 law. Aye.

8 COMMISSIONER EVANS: I had no  
9 choice.

10 MADAM CLERK: And Mayor Cocchiola?

11 MAYOR COCCHIOLA: Aye. Commissioner  
12 Tucci?

13 COMMISSIONER TUCCI: Yes. WHEREAS  
14 the township of Nutley entered into a  
15 contract with M.J. D'Arminio Inc., 130  
16 West Franklin Street, Hackensack, New  
17 Jersey for the resurfacing of the walking  
18 path at Glotzbach Park and WHEREAS the  
19 superintendent of the Parks and Public  
20 Property Department has recommended the  
21 following change order from said contract  
22 as necessary. Change order number 1,  
23 excavation, stone and asphalt square  
24 footage which exceeded the contract  
25 amounts at the rate of 1400 dollars a

1 square -- 1400 square feet in the amount  
2 of 2,000 dollars. The money is available  
3 from capital ordinance 3029E in the  
4 amount of 2,000 and has been certified by  
5 the chief financial officer, said  
6 certification being attached to this  
7 resolution. Now therefore be it resolved  
8 that the Board of Commissioners and the  
9 township clerk be and they are hereby  
10 authorized to enter into and sign said  
11 contract for the township of Nutley.

12 I move the resolution.

13 MALE SPEAKER: Second.

14 MADAM CLERK: Commissioner  
15 Scarpelli?

16 COMMISSIONER SCARPELLI: Aye.

17 MADAM CLERK: Commissioner Petracco?

18 COMMISSIONER PETRACCO: Aye.

19 MADAM CLERK: Commissioner Evans?

20 COMMISSIONER EVANS: Aye.

21 MADAM CLERK: Commissioner Tucci?

22 COMMISSIONER TUCCI: Aye.

23 MADAM CLERK: And Mayor Cocchiola?

24 MAYOR COCCHIOLA: Aye.

25 COMMISSIONER TUCCI: WHEREAS New

1 Jersey Transit has funds for the purchase  
2 of bus shelters throughout the state of  
3 New Jersey and WHEREAS the governing body  
4 of the municipality of New Jersey are  
5 Board of Chosen Freeholders of accounting  
6 may apply to NJ Transit Corp for the  
7 purchase and installation of bus shelters  
8 at legally designated bus stops and  
9 WHEREAS the township of Nutley in the  
10 interest of promoting public  
11 transportation, conservation of energy,  
12 traffic safety and for the convenience of  
13 the public, endorses the concept of  
14 providing bus shelters within its  
15 jurisdiction, now therefore be it  
16 resolved that the application is hereby  
17 made by the township of Nutley to NJ  
18 Transit Corp for the purchase and  
19 installation of one bus shelter on the  
20 west side of River Road, 1100 feet south  
21 of Kingsland Street. Further be it  
22 resolved that the mayor and municipal  
23 clerk be authorized to execute an  
24 agreement or agreements with NJ Transit  
25 to arrange for the purchase and

1 installation of the shelter.

2 I move the resolution.

3 MALE SPEAKER: Second.

4 MADAM CLERK: Commissioner

5 Scarpelli?

6 COMMISSIONER SCARPELLI: Aye.

7 MADAM CLERK: Commissioner Petracco?

8 COMMISSIONER PETRACCO: Aye.

9 MADAM CLERK: Commissioner Evans?

10 COMMISSIONER EVANS: Aye.

11 MADAM CLERK: Commissioner Tucci?

12 COMMISSIONER TUCCI: Aye.

13 MADAM CLERK: And Mayor Cocchiola?

14 MAYOR COCCHIOLA: Aye.

15 COMMISSIONER TUCCI: That's all I

16 have, ma'am.

17 MAJOR COCCHIOLA: Thank you.

18 WHEREAS an application has been filed for

19 a person to person transfer of plenary

20 retail distribution license number 0716e

21 44e025-009 heretofore issued to Ruchika

22 Corporation trading as Nutley News &

23 Liquors for premises located at 98 Center

24 Street, Nutley, New Jersey, WHEREAS the

25 submitted application form is complete in

1 all respects the transfer fees have been  
2 paid and the license has been properly  
3 renewed for the current license term,  
4 WHEREAS the applicant is qualified to be  
5 licensed according to all standards  
6 established by Title 33 of the New Jersey  
7 Statutes, regulations promulgated  
8 thereunder, as well as pertinent local  
9 ordinances and conditions consistent with  
10 Title 33, and WHEREAS the applicant has  
11 disclosed and the issuing authority  
12 reviewed the source of all funds used in  
13 the purchase of the license and the  
14 licensed business and all additional  
15 financing obtained in connection with the  
16 licensed business, therefore be it  
17 resolved that the township of Nutley  
18 governing body hereby approves effective  
19 July 9th, 2009 the transfer of the  
20 aforesaid plenary retail consumption  
21 license to Maḡagdamba LLC, trading as  
22 Nutley News & Liquors, and hereby directs  
23 the township clerk to endorse the license  
24 certificate to the new ownership as  
25 follows: "This license, subject to all

1 its terms and conditions is hereby  
2 transferred to Maḡagdamba LLC, trading as  
3 Nutley News & Liquors, effective July  
4 24th, 2009o"

5 I move the resolution.

6 MALE SPEAKER: Second.

7 MADAM CLERK: Commissioner  
8 Scarpelli?

9 COMMISSIONER SCARPELLI: Aye.

10 MADAM CLERK: Commissioner Petracco?

11 COMMISSIONER PETRACCO: Aye.

12 MADAM CLERK: Commissioner Evans?

13 COMMISSIONER EVANS: Aye.

14 MADAM CLERK: Commissioner Tucci?

15 COMMISSIONER TUCCI: Aye.

16 MADAM CLERK: And Mayor Cocchiola?

17 MAYOR COCCHIOLA: Aye.

18 WHEREAS raffle applications have  
19 been received from the following  
20 organizations, Holy Family Church,  
21 license number 3609 and for a money wheel  
22 September 24th to September 27th, 2009;  
23 Rotary Club of Nutley, license number  
24 3709 off premise fifty/fifty cash raffle  
25 for November 19th, 2009; and the Nutley

1 Parent Advocacy Network, license number  
2 3809, 3909 and 4000 for various raffles  
3 for October 16th, 2000. WHEREAS the  
4 applications have been reviewed and  
5 approved by the municipal clerk and  
6 police department therefore be it  
7 resolved by the Board of Commissioners of  
8 the Township of Nutley that the  
9 aforementioned licenses are approved and  
10 the municipal clerk is authorized to  
11 issue the licenses.

12 I move the resolution.

13 MALE SPEAKER: Second.

14 MADAM CLERK: Commissioner  
15 Scarpelli?

16 COMMISSIONER SCARPELLI: Aye.

17 MADAM CLERK: Commissioner Petracco?

18 COMMISSIONER PETRACCO: Aye.

19 MADAM CLERK: Commissioner Evans?  
20 Commissioner Evans?

21 COMMISSIONER EVANS: Aye.

22 MADAM CLERK: Commissioner Tucci?

23 COMMISSIONER TUCCI: Aye.

24 MADAM CLERK: And Mayor Cocchiola?

25 MAYOR COCCHIOLA: Aye.

1           WHEREAS National Parents' Day was  
2           first established in 1994 for  
3           recognizing, supporting and celebrating  
4           the role of parents and the everlasting  
5           positive effect they have on their  
6           children, WHEREAS parenting is one of the  
7           most rewarding and challenging endeavors  
8           in life, parental love and support plays  
9           a vital role toward the development of  
10          our children into responsible and caring  
11          adults, WHEREAS being a child's first  
12          teacher, parents are the single most  
13          influential and effective instructor  
14          throughout the course of their child's  
15          life by instilling a sense of  
16          responsibility, character and integrity,  
17          parents are helping shape the leaders of  
18          tomorrow, WHEREAS the experience and  
19          wisdom of parents may be shared with both  
20          the new and future parents and families  
21          within our community, the township of  
22          Nutley is therefore committed to  
23          supporting the concept of family and  
24          celebrating the parents who exemplify the  
25          ideals of good citizenship, therefore be

1           it resolved that the mayor and Board of  
2           Commissioners of the Township of Nutley  
3           both claim Sunday, July 26th to be  
4           declared as Parents' Day in honor of the  
5           mothers and fathers who strive each day  
6           toward betterment of our children in our  
7           communityo

8           I move the resolution.

9           MALE SPEAKER:    Second.

10          MADAM CLERK:    Commissioner

11          Scarpelli?

12          COMMISSIONER SCARPELLI:    Ayeo

13          MADAM CLERK:    Commissioner Petracco?

14          COMMISSIONER PETRACCO:    Ayeo

15          MADAM CLERK:    Commissioner Evans?

16          COMMISSIONER EVANS:    Aye.

17          MADAM CLERK:    Commissioner Tucci?

18          COMMISSIONER TUCCI:    Ayeo

19          MADAM CLERK:    And Mayor Cocchiola?

20          MAYOR COCCHIOLA:    Aye.

21                 That concludes the business portion  
22                 of our meeting this evening.    Is there  
23                 any member of the public that would like  
24                 to address the board?

25                 Mrs Molkenthin, I'm not going to --

1           you know the drill, right? Do you want  
2           me to read the whole thing?

3           MR. MOLKENTHIN: No, ma'am.

4           MAYOR COCCHIOLA: You know that your  
5           remarks are limited to five minutes.  
6           Thank you very much.

7           MR. MOLKENTHIN: I have only one  
8           question.

9           MAYOR COCCHIOLA: Shoot.

10          MR. MOLKENTHIN: What's happened to  
11          the drug policy, the sexual harassment  
12          policy and the employment policy handbook  
13          in the township of Nutley?

14          MAYOR COCCHIOLA: I guess I have  
15          only one answer and that is we're still  
16          working on it.

17          MALE SPEAKER: Mayor, may I suggest  
18          that we -- I've been just as guilty as  
19          everybody. If we really put our minds --  
20          we got the summer, we have August, maybe  
21          we don't have as much on our plate, that  
22          we look at that handbook and get that  
23          done?

24          MAYOR COCCHIOLA: Do we want to --  
25          if you need to address the board, don't

1 we -- I wonder if we want to sub it or do  
2 we -- we really should each really look  
3 at it. I mean, we could sub it to just  
4 two of us, to review it and report back.  
5 But, it's extremely extensive

6 I don't know who's really taken the  
7 time to look at it; it's very in depth  
8 and detailed. And I think -- I was going  
9 to suggest we sub it out, but to be  
10 honest, as directors of our own  
11 departments, we really have to be looking  
12 at it individually and really marking it  
13 up. There's a lot of markup required on  
14 the draft that we have.

15 MALE SPEAKER: I agree.

16 MAYOR COCCHIOLA: So, let's -- okay,  
17 Commissioner Scarpelli.

18 COMMISSIONER SCARPELLI: I agree.

19 MAYOR COCCHIOLA: Let's give it a  
20 first round -- our first round look at it  
21 if you haven't already and just try to  
22 get some general markup provisions and  
23 then we'll at least be able to generate a  
24 second draft for everybody.

25 MALE SPEAKER: I suggest Mr

1 Harkins -- can you e-mail that back out  
2 to us? This way, we have it fresh, we  
3 don't have to go searching for it.

4 MR. HARKINS: Absolutely

5 MALE SPEAKER: If you can read it,  
6 it should be with the comments that you  
7 have so far, because I know we had made  
8 some comments but I'm sure there are a  
9 lot more.

10 MR. HARKINS: I'll get it sent back  
11 out.

12 MAYOR COCCHIOLA: Big job.

13 MR. MOLKENTHIN: I believe, as of  
14 September, that we will be coming up on  
15 one year --

16 MAYOR COCCHIOLA: I think you're  
17 probably right.

18 MR. MOLKENTHIN: Okay. Thank you.

19 MAYOR COCCHIOLA: You're welcome.  
20 Is there anyone else that would like to  
21 address the board this evening?

22 COMMISSIONER TUCCI: You want me to  
23 do it, you want --

24 MAYOR COCCHIOLA: Commissioner  
25 Tucci?

1           COMMISSIONER TUCCI: Mayor, I just  
2           have one comment. I know we approved the  
3           major portion of our operating budget,  
4           but our capital budget is still not  
5           finalized. So can we be ready to  
6           introduce and all work with Commissioner  
7           Evans' office to cut that wherever we  
8           have -- I know I've cut mine two or three  
9           times and, quite frankly, we're missing  
10          the construction season. Because if we  
11          approve this tonight, we're probably  
12          looking at sometime in September before  
13          the funds would become available.

14          So, if I can just urge everyone to  
15          go back and take another look at this, we  
16          really need to finalize this and get it  
17          moving, because we're losing valuable  
18          time. And, you know, in the winter  
19          months, I know Commissioner Scarpelli --

20                 MALE SPEAKER: Can't pave roads.

21                 COMMISSIONER TUCCI: -- can't pave;  
22          I can't do a lot of my outdoor work, all  
23          right, and a lot of the outdoor work that  
24          needs to be done to buildings and parks  
25          is just not going to get done unless we

1 move on this.

2 MALE SPEAKER: Agreed.

3 COMMISSIONER TUCCI: That's all I  
4 have, Mayor, thank you.

5 MAYOR COCCHIOLA: Thank youo Anyone  
6 else? Then I need a motion to adjourn.

7 MALE SPEAKER: Moved.

8 MALE SPEAKER: Second.

9 MADAM CLERK: Commissioner  
10 Scarpelli?

11 COMMISSIONER SCARPELLI: Aye.

12 MADAM CLERK: Commissioner Petracco?

13 COMMISSIONER PETRACCO: Aye.

14 MADAM CLERK: Commissioner Evans?

15 COMMISSIONER EVANS: Aye.

16 MADAM CLERK: Commissioner Tucci?

17 COMMISSIONER TUCCI: Aye.

18 MADAM CLERK: And Mayor Cocchiola?

19 MAYOR COCCHIOLA: Aye.

20 (Hearing adjourned at 9:46 PM)

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

I, Sara Davis, 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.

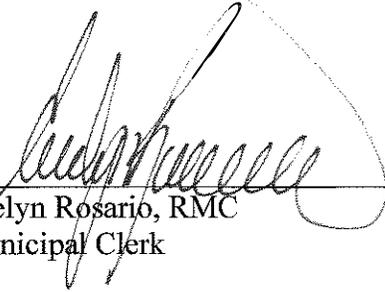
I further certify that I am not employed by nor related to any party to this action.

In witness whereof, I hereby sign this date:  
March 3, 2010.



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Sara Davis

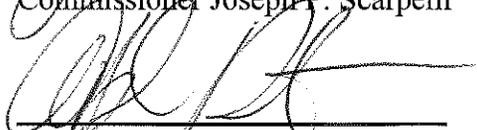
**July 21, 2009 Meeting Transcription approved by the Board of Commissioners of the Township of Nutley at their meeting held on Tuesday June 15, 2010.**



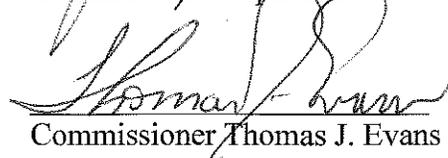
Evelyn Rosario, RMC  
Municipal Clerk



Commissioner Joseph P. Scarpelli



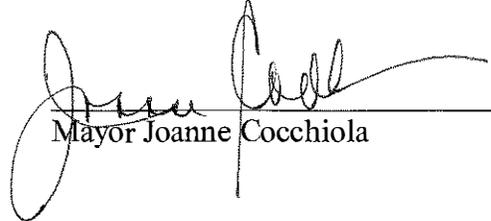
Commissioner Alphonse Petracco



Commissioner Thomas J. Evans



Commissioner Mauro G. Tucci



Mayor Joanne Cocchiola