TOWNSHIP OF NUTLEY, NEW JERSEY
BOARD OF COMMISSIONERS

PUBLIC MEETING

CERTIFIED
TRANSCRIPT

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
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Job No: 241695
MADAM CLERK: Could everyone please stand for the flag salute?

(Pledge of Allegiance is recited)

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

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

COMMISSIONER SCARPELLI?

COMMISSIONER SCARPELLI: Here.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Here.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Here.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Here.

MADAM CLERK: Mayor Cocchiola?
MAYOR COCCHIOLA: Hereo.

MADAM CLERK: All present, Mayor.

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

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

MAYOR COCCHIOLA: Need a motion.

MALE SPEAKER: Move it.

MALE SPEAKER: Second.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.
MADAM CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

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

MAYOR COCCHIOLA: Thank you. We'll move onto payment of bills.

MADAM CLERK: Yes, Mayor. Bill list, Tuesday, July 21st: Public Affairs is $689,052.58; Revenue and Finance, $2,078,019.57; Public Safety, $35,096.01; Public Works, $233,093.00; Parks and Public Property, $394,046.05; Payroll, $737,032.09; grand total, $40,096,032.09. And that's all for bills, Mayor.

MALE SPEAKER: Move the bills.

MALE SPEAKER: Second.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.
MADAM CLERK: And Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

MADAM CLERK: Thank you, Mayor.

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

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

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

When a cable company wants to renew
its franchise agreement, it has to apply to the municipality for municipal consent. That is called the municipal phase of the whole franchise agreement proceedings; that's what we are in right now. By law, we conduct a public hearing for the municipality. This public hearing was on notice to the municipality, I think -- do you have the date that it was published in the newspaper, Madam Clerk?

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

MAYOR COCCHIOLA: Okay.

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

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

MADAM CLERK: Yes, in accordance with the Board of Public Utilities, the BPUp.
MAYOR COCCHIOLA: Subsequent to this public hearing and the taking of public comments, Cablevision will negotiate the actual terms of the agreement with the Board of Commissioners and we will then decide — take a vote on the renewal of the franchise agreement at a later date.

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

We had some extensive discussions, those that were in the room, about that channel and the ability for people to access it. It's a little bit complex in that there is a matter pending before the FCC and the FCC will be the ultimate
decision maker with respect to whether or not the channel can and should be provided to those with only analog access. So that's going to be determined by a higher authority than us. If it is determined by the FCC that that channel must be provided to analog users, which means a household that has no cable TV access at all. Cablevision will have to make those arrangements to provide that service.

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

So we do have that -- we do have some plans for that, that just have not
been totally worked out yet. But we are trying to do something with respect to that. And that was actually an idea proposed by Commissioner Evans and I thank him for -- for that.

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

MR. VIAPREE: Thank you so much, Mayor.

MAYOR COCCHIOLA: So, welcome.

MR. VIAPREE: My name is Don Viapree. I am the director of Government Affairs for Cablevision. I've been in the industry, in the business, for some twenty-seven years now, and I'm pleased to stand before you on behalf of the company to go through the process of the franchise renewal with Nutley and I anticipate that we will continue discussions thereafter.
We'll go through the municipal process and then escalate to the state process who, at that level, will then grant the certificate of approval, thereby authorizing us to continue to operate in the franchise that we know as the municipal franchise process.

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

And I'll take any questions at this point.

MAYOR COCCHIOLA: Is there any member of the public that would like to address the board with respect to this Cablevision public hearing, this matter only, at this point in time. You can come forward.
MSు MITROVIC: Yes. I'm not sure what I'm in the right meeting or not.

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

MSు MITROVIC: Sally Mitrovic, One Park Drive, Nutley.

MAYOR COCCHIOLA: Are you here on the Cablevision matter?

MS. MITROVIC: On the Cablevision matter, ma'm.

MAYOR COCCHIOLA: Um-hum.

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

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

MS. MITROVIC: Okay. Looking at the -- my bill and just to two small items which I was looking at the amount of the remote control at the present time is ninety-five cents. Monthly cost and if you look at it in twenty-four months is -- we pay twenty-two dollars for our
remote control. And the next is the satellite box which is -- we're paying, per box, is 6.75, and in twenty-four months, that box, we pay 162 dollars. And if you add up a household who has two boxes, that doubles up in price. And that comes up to $554.00 in three years.

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

So, if we look at the cost that we are paying for one year and two boxes, or you look at it for two years and two boxes, one year alone, if you look at it for one box and a remote control is 184 dollars. If you look at an amount of ten years, okay, for two remote controls, a
person ends up paying an amount of $2,660 dollarso.

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

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

MR. VIAPREE: Yes.

MAYOR COCCHIOLA: -- that is probably the most common complaint is that --

MR. VIAPREE: Yes.

MAYOR COCCHIOLA: -- citizens are not happy with the amount of money that
they have to pay for their cable
television.

MRo VIAPREE: It is the common
practice within the industry, period, in
all providers, including our competitors,
to charge a monthly fee for the equipment
within the home.

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

So, the industry at this time and in
the past, have been continuing the rental
practice which had initiated from the
beginning of the industry. And though I
have heard those figures before and do
understand it, I can also emphasize and
reiterate that Cablevision is one of the few companies that don't charge any extra amount of money for any type of different converters.

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

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

The card that's in the digital converter is a card that one can take from Cablevision for, I think the figure...
would be two dollars a month, and if your new TVs have card applicability, then the company will provide you with another card thereby allowing you not to have a digital converter or -- and allowing you therefore only to be able to use that card with the programs that you wish to purchase in terms of your premium packages.

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

Meaning, for instance, what you -- what you're watching right now, what you wish to watch in two hours, some program that you missed, the description perhaps of exactly what the content matter is that you're watching. That interactivity
does not exist with the card applicability within the new televisions. But technology is undergoing change and we expect to have a card that will be available that will have two-way interactive capabilities.

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

MR. VIAPREE: Yes.

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

MR. VIAPREE: No, no --

MAYOR COCCHIOLA: -- TV with --

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

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

MR. VIAPREE: Well, it's a matter -- it's a matter for -- that is, I think, before the FCC at this point also, concerning a universal card; one that can be used anywhere within the United
States. And it is therefore interchangeable with any company as one travels from one location to another.

MAYOR COCCHIOLA: Did you want to --

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

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

MS. MITROVIC: Okay.

MAYOR COCCHIOLA: Thank you.

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

MR. VIAPREE: I did say thato

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

MR. VIAPREE: Two dollars.

MS. MITROVIC: A two dollar payment, so that you multiply that two dollar per year, it goes to -- what is it? Twelve dollars? And that's my issue. My issue
is the cost. Okay? And like he said, it
is before the FCC and what we -- what I'm
looking at here is that it is nationwide.

This problem is nationwide, it's not
just for Cablevision, like you said.
That these boxes are -- companies charge
per the usage or monthly service of these
boxes. And even though if it's before
the FCC, how many more years are we going
to continue? Because, if I just give an
example, my boxes prior were three
dollars and I had it for fifteen years.
So if you have a box for fifteen years,
which I already did, one box, it's 1,080
dollars.

That equipment must -- must to have
cost you no more than a hundred dollars.
The equipment alone. So, I already paid
that equipment ten times its value.
Okay? Which I don't find fair to our
customers, because we also paying on a
service. And although you mentioned that
you, Cablevision, is not charging a price
in the changing of that equipment itself,
the satellite HD, well, indirectly you
are because you have raised the prices. Now I'm paying 6.075 a month per my box
which I did not pay previously. So, one way or another, we're still paying for it. Okay? And how many more years are we going to wait for the FCC to change that practice?

MR. VIAO'REE: I can't speak for the FCC. It would be not just unfair to do so, but it would be inappropriate. I can answer the question concerning the digital converter rental of 6.075. The digital converter rental allows one to receive digital content. Digital content has since been expanded to include digital content and digital HD programming. So what I alluded to was one who has digital content and had a digital converter, in the exchange of getting a new HD converter from the company, the rate is the same and the package that you had is the same.

You have this access, the HD content, without the package changing and you have access to the HD content through
a digital HD converter without the rental changing.

That is not the case with other companies, primarily our competitors. That was the point I was making.

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

MAYOR COCCHIOLA: Every television.

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

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

MR. VIAPREE: You could have --

MALE SPEAKER: -- I could get --

MR. VIAPREE: -- no converter.

MALE SPEAKER: How would I --

MR. VIAPREE: You could have --

MALE SPEAKER: How --

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

MALE SPEAKER: But then I wouldn't
get HD.

MRo VIAPREE: Correcto

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

MRo VIAPREE: You need an HD convertero

MALE SPEAKER: -- for each --

MRo VIAPREE: With digitalo

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

MRo VIAPREE: If you have five HDTVs --

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

MRo VIAPREE: Noo

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

MR. VIAPREE: At this time.

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

MR. VIAPREE: No.

MALE SPEAKER: -- at this time.

MR. VIAPREE: That's correct.

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

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

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

MR. VIAPREE: Not yet.

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

MR. VIAPREE: Well, not -- that's correct. If you recall me saying that the chairman of the FCC was just recently appointed and approved by the Congress and I'm sure that as the FCC
commissioners get down to business now
that the chairperson has been chosen for
such, that these issues will come up
before them on their agenda.

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

MS. SPIZER: (Indiscernible).

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

MS. SPIZER: (Indiscernible).

MR. VIAPREE: Which is?

MS. SPIZER: (Indiscernible).

MR. VIAPREE: No, I'm just telling
you what I've heard from our salespeople
who are out here, that they're getting
customers that are coming back for
various reasons. Billing is one. News
12 is the other. Access to local news
and the fact that they actually thought
it would be significantly cheaper. And
it's not.
MS. SPIZER: (Indiscernible).

MR. VIAPREE: Yes. Yes.

MS. SPIZER: (Indiscernible).

MR. VIAPREE: When was that call made?

MS. SPIZER: (Indiscernible).

MR. VIAPREE: I'll take you information down, because I would definitely be asking management to take action against those individuals because that is not the policy.

MS. SPIZER: (Indiscernible).

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

MS. SPIZER: (Indiscernible).

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

MAYOR COCCHIOLA: Thank you, Mr. Viapree.

Yeah, I don't want to discourage anyone so please feel free. You just
need to come back to the microphone so we can make sure we record the question.

MS. MITROVIC: Okay. I just want to add a couple of things. If you don't have the boxes, you can't get the rest of the channels even if you pay for the service, okay. So you'd get five channels, something like that. And just to make it clear, in ten years, between the control and the box, $60 dollars at a person's price.

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

MAYOR COCCIOLO: I suppose you could -- you could do any of that. You
know, it's -- with this kind of an issue, you're no different than we are. We're no different than the people in the next state. I mean, we have to pay for TV now. We have to pay for using a telephone now differently than we did when we were growing up. Times are changing; I don't think it's pleasant for any of us. But I knew, Mr. Viapree, that the rates were going to be an issue no matter what.

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

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

We still have a significant number
of analog content driven channels on analog. I know, also, that we have
migrated channels from analog to the digital platform and when we do so, we have a promotion that if those people who wish to follow that specific channel or channels which have been removed from analog and have continued on digital, that we have offered one free converter for one year.

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

COMMISSIONER SCARPELLI: Mayor?

MAYOR COCCHIOLA: Commissioner Scarpelli?

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

MR. VIAPREE: Over fifteen --

fifteen.

COMMISSIONER SCARPELLI: -- we've lost over fifteen channels, so you can
understand the frustration for someone who is used to getting most of the channels, besides the premium channels, all of a sudden now losing other channels. And, if that happens to be their favorite channel, now being forced into a converter box, that they no longer -- that they didn't use to have -- have to do, so it is a little frustrating from a --

MR. VIAPREE: Which is why --

COMMISSIONER SCARPELLI: --

consumer's point of view

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

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

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

The first one I got earlier today was about -- actually the person was
asking me, "Is there any way that the
Board of Commissioners can encourage more
competition?" It was a rate -- I think
it was an issue with the rates, as well,
and I explained that it's a free market
to that person. If --

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

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

MR. VIAOREE: No.

MAYOR COCCHIOLA: There's a
procedure under which if we wanted to
issue a report -- we would still be able
to vote on this franchise renewal, yes or
no. There's a procedure that begins two
years before if you want to issue a
certain type of paper --

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

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

MAYOR COCCHIO: This is -- you
know, and I've spoken to you about this
before and I really -- and I would guess
every other member of this governing body's going to want to talk about this again, but my second e-mail was about the senior citizen discount.

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

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

MR. VIAPREE: That's correct.
MADAM CLERK: -- and therefore --
MR. VIAPREE: The company at that time did not have a policy of issuing any discount.

MAYOR CACCHIOLA: In 1999?
MR. VIAPREE: Right.
MAYOR CACCHIOLA: So if it wasn't asked for in 1999, we were precluded for that first ten-year period from asking
for it again® Is that --

MR. VIAPREE: That's correct.

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

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

MAYOR COCCHIOLA: Um-hum.

MR. VIAPREE: Subsequently, because of the competitive landscape, we are still introducing the senior citizen discount despite the fact that no one else in the state of New Jersey is. And we are the only operator that has been offering a senior discount. Our
competitors don't.

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

And that four percent franchise fee that is state mandated says that three and a half percent goes back to the municipality and a half percent goes, as a senior discount, to the senior population. And that half percent is sent to the state of New Jersey for distribution to the seniors within the town.

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

MAYOR COCCHIOLA: And if -- for those who weren't present at the meeting, I had told Mr. Viapree that I would check
with the State Treasurer's office to see where that .5 percent on a statewide basis actually ended up and what's to be done with that --

MR. VIAPREE: That's an annual.

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

MR. VIAPREE: Was two percent.

MAYOR COCCHIOLA: -- it was two point --

MR. VIAPREE: Two percent of basic --

MAYOR COCCHIOLA: Two percento
MR. VIAPREE: -- of basic onlyo
MAYOR COCCHIOLA: Um-hum The way the legislature set up the change when Verizon was able to come into Nutley and wire, once they reached the capability of wiring --
MRo VIAPREE: Sixty.

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

MRo VIAPREE: Of the gross cable TV bill.

MAYOR COCCHIOLA: Of the gross cable TV bill.

MRo VIAPREE: Yeah.

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

MRo VIAPREE: Discounto.

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

MRo VIAPREE: Yes.

MAYOR COCCHIOLA: It should really go back in -- in one way or another to
the senior citizens.

MR. VIAPOREE: That's correct.

MAYOR COCCHIOLA: We'd all need to confirm that.

Members of the board?

COMMISSIONER TUCCI: Yeah, I have a question.

MAYOR COCCHIOLA: Um-hum.

COMMISSIONER TUCCI: Mr. Viable, number one I want to thank you for our -- the previous meeting that we had, for being as open and as honest as you have been throughout this entire process and informing us as to what things are available that we can avail ourselves to and some of the different strategies that we discussed on how we could provide that public access to all of our people.

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

Do we have any latitude in what percentage goes back to the seniors, as
far as discounts are concerned?

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

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

MR. VIAPREE: Correct.

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

MR. VIAPREE: Um-hum.

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

MR. VIAPREE: That's correct.

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

MR. VIAPREE: Um-hum.
COMMISSIONER TUCCI: And I understand, while I -- I'm not happy about it, I understand that everything goes up and that a pound of coffee is no longer a pound, and a one pound -- and what we thought was a one-pound can, it's only thirteen ounces. So that while we're paying a higher amount for our cable service, we're not getting as many channels. But our interest and our desire to work with you to provide our people with as much of the programming as possible at the least possible cost I know is something we're not all going to speak about now, but as the duration of this contract continues, provided that you are renewed -- and your service is a good one. It's an expensive one but it's a good one. I'm sure that's a discussion that we can continue to have. Am I correct?

MR. VIAPREE: We will

COMMISSIONER TUCCI: Good, thank you.

MAYOR COCCHIOLO: Any other member
of the Board of Commissioners?

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

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

MR. VIAPREE: Um-hum.

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

MR. VIAPREE: I believe that there is some discussion that will take place that the mayor will be privy to with some
of the superiors within the company, and
a meeting is supposed to be scheduled to
have that discussion. Once that takes
place, I'm sure some further escalation
will happen before a decision is finally
made. I can't put a timetable on that
date, because I know the meeting has to
be scheduled first. But it -- there is
ongoing discussion between myself and the
superiors concerning that matter.

COMMISSIONER PETRACCO:
Recognizing -- I just want to urge you to
push that quickly and that --

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

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

COMMISSIONER PETRACCO: Okay.

MAYOR COCCHIOLOA: And, Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Mr. Viapree, going back to the analog channels, are there more scheduled to go over to digital, are we losing more channels?

MRo VIAPREE: Not that I know of this year.

COMMISSIONER SCARPELLI: But in the future, that's going to happen?

MRo VIAPREE: That is a possibility, yes.

MAYOR COCCHIOLOA: Channel 12, is that available to analog users?

MR. VIAPREE: Pardon me.

MAYOR COCCHIOLOA: Channel 12?

MRo VIAPREE: Yes.

MAYOR COCCHIOLOA: It is -- it's an analog channel. Okay.

Any other questions from any members of the board?

I just want to make one comment so
that the public understands that you cannot -- federal law only permits denial of a cable franchise for four reasons, and one of them is not because rates are high. And those four reasons are: One, that the cable operator has not substantially complied with the material terms of the existing franchise and with applicable law; two, the quality of the service: The signal quality, response to complaints, billing practices without regard to mix of quality of cable services or other services provided have not been reasonable in light of community needs; three, the operator does not have the financial, legal and technical ability to provide the services, facilities and equipment it has proposed to provide and four, that the operator's franchise renewal proposal is not reasonable to meet the future cable related needs and interests of the community, taking into account the cost of meeting such needs and interests.

So that it -- there's no
misconception, you can't as a governing body say that we're not going to grant franchise renewal because fees may be higher. I know everybody -- you know, we all protest the fees and we don't like it, but it's not -- that in and of itself is not a reason that this board would be denying a cable franchise renewal for Cablevision. Correct, Mr. Viapree?

MR. VIAPREE: That's correct.

MAYOR COCCHIOLA: Did I get that right?

MR. VIAPREE: Yes.

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

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

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

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

MAYOR COCCHIOLA: You an -- you are
an analog user right now?

MR. MOLKENTHIN: Yes, ma'am.

MAYOR COCCHIOLA: And, so Mr.
Molkentin, for -- solely analog in your
household, correct?

MR. MOLKENTHIN: That's correct.
MAYOR COCCHIOLA: And you did not want to take advantage of the offer to get the free box for -- the sole analog user -- now I want to make -- there's two different -- there were two different offers.

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

MR. MOLKENTHIN: That's correct.

MAYOR COCCHIOLA: You actually had an offer --

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

MAYOR COCCHIOLA: -- we cannot have a -- discussions like that.

You actually had an offer at one point in time that would extend through -- I'm going to let Mr. Viaprea represent the Cablevision representative explain what the offer was. But after he does, let me say that if you are solely an analog user and you have no cable box in your home, you are one of the people that we are working for a solution to try to help with respect to
getting better service and as long as you're solely an analog user.

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

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

And if I heard this gentlemen correctly, they will give me or loan me a box for a period of a year. Now after that year, they'll start charging a fee. And as this lady grandly pointed out, the fees far exceed the acquisition cost of the device. I don't mind free enterprise, but at the same time, I don't like being taken over the coals, either. Thank you.
MAYOR COCCHIOLA: Well, let me ask you a question, though. Let's take it to the extreme. If -- if this board were to deny the franchise agreement for Cablevision and they didn't have the ability to provide that service to you, would your situation be helped? Because then you would have only one option, which is Verizon or satellite or direct, I guess. And I don't know -- I haven't done a comparison; I don't know if it would be helpful to you at all.

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

MR. MOLKENTOHIN: It does not -- but you're also not considering one other alternative. I can buy a digital television set, at my cost, and I can also put up a new UHF antenna and be free of this entirely. I chose Cablevision at
the time because of the poor quality that we were getting off of the World Trade Center. I doubt this is going to happen now since all these companies are now involved in it.

And one other thing I'd like to point out. The quality of audio on Channel 2 -- there's a term we use in my business, the audio is clipping. Every other word is dropping out and it's because they are probably exceeding the bandwidth of the transmission on Channel 2. I would like that addressed also.

But, yes, you would help me. And I seem to be the only exception here.

MAYOR COCCHIOLA: No, you're not the only exception here. You're the one person who spoke up and has a problem and we respect that -- I want you to come up, I want you to express your dissatisfaction. I want Mr. Viapree to let you know about something that you -- I think you missed the opportunity at this point, but you would have an opportunity for lifetime to be able to
access the converter box. I'll let him explain it, but I think you're out of time at this point in time. I don't know if you missed the notification or not, but Cablevision actually did reach out to sole analog users like you.

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

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

MAYOR COCCHIOLA: I don't know.

MR. VIAPREE: Restate the question.

MR. MOLKENOTHIN: If I go to a digital television set and maintain my service that I now have, which is basic service from Cablevision, I still will not need a converter box. Is this
correct?

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

MR. MOLKENTHIN: A new digital --

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

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

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

The offer that the mayor was referring to that we made to the analog only households, households that had no converters at the time, last year, before the removal of the local Cablevision channel and the access channel, we contacted households by mail, direct mail, stating that this was going to take place and that we, the company, we'll
offer them the opportunity to receive one
converter per household for the life of
the basic customer and that they would
not have to pay for that converter a
monthly fee and they will continue to
receive those channels.

MR. MOLKENOTHIN: Is that offer still
available?

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

MR. MOLKENOTHIN: I was one of those
people who did not receive a
notification.

MR. VIAPREE: That's what the
mayor's referring too.

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

MR. MOLKENOTHIN: Thank you, Mayor.

MAYOR COCCHIOLA: You're welcome.

MALE SPEAKER: Just a quick point of
clarification. So, just to be clear with
what Ken raised; if someone was to purchase a new TV --

MR. VIAPREE: With a QAM tuner?

MALE SPEAKER: -- and they specifically inquired that it had a QAM?

MR. VIAPREE: QAM, Q-A-M

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

MR. VIAPREE: Correcto

MALE SPEAKER: I think it's important --

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

MALE SPEAKER: So a premium --

MR. VIAPREE: He was specifically stating --

MALE SPEAKER: No, I understand --

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

MALE SPEAKER: -- I -- that's why -- so just to be clear, I want to be clear
that if you purchase a brand new TV
that's digital that has a QAM tuner --

MR. VIABREE: Tuner.

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

MR. VIABREE: Correct.

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

MR. VIABREE: Correct.

MALE SPEAKER: Okay.

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

MR. VIABREE: If you want to
interactive, if you want to be able to
download and view certain things with the
use of your remote, you will need a
converter.

MAYOR COCCHIOLA: Okay.
MR. VIAPREE: Yeah.

MAYOR COCCHIOLA: No, I understand that.

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

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

MR. VIAPREE: Looking forward to those.

MAYOR COCCHIOLA: Thank you.

MR. VIAPREE: Thank you.

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

MALE SPEAKER: Second.

MADAM CLERK: Commissioner
Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

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

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

I noticed that there was a great deal of concern through the board. I just want to be clear that I went back on these sections of this ordinance -- this ordinance does not address anything to do with overnight parking whatsoever. What we're trying to do with this ordinance is make an accommodation for people that
live by Roche, et cetera, there are on
more streets, in order to be able to park
in front of their houses.

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

Okay. An ordinance to -- ORDINANCE
NUMBER 3107, AN ORDINANCE TO AMEND AN
ORDINANCE CODIFIED IN THE CODE OF THE
TOWNSHIP OF NUTLEY, CHAPTER 228 ENTITLED
VEHICLES AND TRAFFIC, PARTICULARLY ARTICLE
XI, ANGLE AND PERMIT PARKING, SECTION 32
ENTITLED PERMIT PARKING.

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

MS. DECILLA: Good evening. I'm
Phyllis DeCilla, from 100 Edison Avenue.
MAYOR COCCHIOLA: Good evening, Mrs. DeCilla.

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

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

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

MAYOR COCCHIOLA: Mrs. DeCilla, let me ask you. If the two hour restriction was removed, there -- you would -- there would be no restrictions on the street as
well, correct?

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

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

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

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

MS. DECILLA: Yes.

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

UNIDENTIFIED SPEAKER: No.

MAYOR COCCHIOLA: So the homeowner is getting ticketed --

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

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

MS. DECILLA: There's actually really several problems. There's the Roche and then us, as residents, we feel that we shouldn't be ticketed while we're on the street, if we decide to pull our cars on the street. You know, to sit there and say, "Oh, my goodness, there's
two hours and I have to get out there, and if I don't get out there, I'm ticketed no matter if I'm a resident, you know, and that I'm a resident there. I've had it done several times to me. You know, and I know people that are sitting behind me have had it done. And it's --

MAYOR COCCHIOLA: So why do you want --

MS. DE CILLA: -- become an issue.

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

MS. DE CILLA: Right.

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

MS. DE CILLA: Because if you -- if you remove that ban of the two hours,
what we're going to have is more chaos
with the Roche employees coming. I mean,
it's absolutely disgusting now and if you
would just park there and watch -- well,
maybe in another two months, if you park
there and watch, they come 8 o'clock in
the morning, they park their car there.

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

Okay, so they're coming out every
two hours and they're shifting their
cars, whether meaning from neighbor to
neighbor or going up the block and down
the block, and they're sharing spots and
they're waiting. So if you lift that,
it's bad enough that they're there and
there's been -- it's probably ten to one
that they don't get tickets. You know,
MAYOR COCCHIOLA: But you do? But if you park there?

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

MAYOR COCCHIOLA: Well this --

MS. DE CILLA: -- because of themo

COMMISSIONER PETRACCO: Mayor?

MAYOR COCCHIOLA: -- this

ordinance --

MS. DE CILLA: So if you lift it,
that's the issue.

COMMISSIONER PETRACCO: Mayor,

excuse --

MS. DECILLA: That would be the i --

that would even make it --

MAYOR CACCHIOLA: One second

Commissioner

MS. DECILLA: -- worse.

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

MS. DECILLA: No, it doesn't.

It's -- the wording --

MAYOR CACCHIOLA: This was actually one of my questions for Mr. Petracco.

MALE SPEAKER: Well, does it?

MALE SPEAKER: This is the big issue because --

MAYOR CACCHIOLA: If you reside on the str --
MALE SPEAKER: -- there's no place
of Edison Avenue in this --

MALE SPEAKER: There's nothing in
here --

MALE SPEAKER: ordinance.

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

MS. DECILLA: Oh, no, no.

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

MAYOR COCCHIOLA: It -- yeah,
you're not --

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

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

COMMISSIONER TUCCI: Yeah.

MALE SPEAKER: I actually requested
the listing; we're talking about fortye
nine different streets.
MAYOR COCCHIOLA: Yeah, I --

MALE SPEAKER: That -- Mayor --

MAYOR COCCHIOLA: I know, be --

you're -- Commissioner Tucci and Commissioner Evans are correct. This is a technicality, it doesn't involve Edison Avenue. But the way the ordinance was presented to us is that it says this is -- these are going to be the regulations and the rules for those streets listed below.

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

MS. DECILLA: Right.

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

MALE SPEAKER: So shouldn't it be pulled and then reintroduced?
MALE SPEAKER: The only question that I have is doesn't it say particularly? Article XI?

MAYOR COCCHIOLA: No.

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

MAYOR COCCHIOLA: Where?

MALE SPEAKER: Yes, it does.

MAYOR COCCHIOLA: Where?

MALE SPEAKER: So, Jack, can you --

MR. BARRY: It says it --

MALE SPEAKER: It's highlighted in black.

MR. BARRY: All right, if we could.

The --

MAYOR COCCHIOLA: I'm sorry, Mrs. DeCilla. You'll come back, don't worry.

We want to hear what --

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

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

MR. BARRY: Commissioner Petracco originally had come up with an ordinance
to give permits to certain streets, and
there was number of some twenty some
streets listed. But the form was
incorrect. He wasn't aware --

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

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

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

Now he wanted to -- he expressed his desire to -- let's say Edison Avenue. So, that's fine. Edison Avenue has a two hour time limit parking. But we didn't
specifically say Edison Avenue. He wanted the power to give permits to any
time limit parking. So therefore on the
second page of the ordinance, it's part
B, number 4, "resident vehicles that have
obtained and display a resident permit --

MAYOR COCCIO: Okay.

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

COMMISSIONER TUCCI: Okay.

MALE SPEAKER: Because --

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

MALE SPEAKER: Yes, sir.

COMMISSIONER TUCCI: And I
understand now that -- that it's being
explained but, quite frankly, I would
appreciate it -- and I understand what
the commissioner is trying to do and I
don't disagree with it, and I also
understand Mrs. DeCilla's point that she
wants the two hour parking to remain in
effect to deter the folks from Roche or
anywhere else from parking there all day
while at the same time you're looking for
an exemption for the residents whose
children may want to play in the
driveways.

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

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

COMMISSIONER TUCCI: I have -- I
have no problem with that, but I would
still like to see at least a majority
listing of the streets and then at the
commissioner's discretion, if he feels
that there are others that need to be
added as we go along, that would be his
decision. But before I vote on something
like this, I'd like to see what the
streets are, because quite frankly, Commissioner Evans and I were having a conversation and we weren't sure if it addressed Edison Street or not or the parking situation by Roche.

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

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

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

COMMISSIONER PETRACCO: That's fine.

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

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

MAYOR COCCHIOLA: Yes, sure, Commissioner Scarpelli.

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

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

And it outlines what they would like and why they would like it, and then on an individual basis, if ninety-nine percent of the people on the street want to put two hour parking -- or classic example: Edison is a two hour parking. Brookdale, the next street over, was also two hour parking. They petitioned us to
change it to forty-five minutes. That's what they wanted.

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

MR. BARRY: Right.

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

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

COMMISSIONER SCARBELLI: So, just go back to the procedures. So then, each of these streets -- when they came, was it just a petition or did they have a public hearing?
MR. BARRY: Oh, yes, sir. Petition, ordinance, this is all done --

COMMISSIONER SCARPELLI: Ordinance, public hearing --

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

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

MR. BARRY: Correct.

COMMISSIONER SCARPELLI: -- each had a public hearing?

MR. BARRY: Correct.

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

MAYOR COCCHIOLA: But I think --

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

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

MR. BARRY: That's not correct.

COMMISSIONER SCARPELLI: We're changing --

MAYOR COCCHIOLA: Yes, I think that
is what you're --

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

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

MAYOR COCCHIOLA: That is what --

that is what you're doing, Mr. Barry.

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

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

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

MAYOR COCCHIOLA: But, yeah, so now you're telling us to go to 4, and when we go to 4 and it takes us to Section 11, what the ordinance does is it effectively give the Director of Public Safety, by
approving this ordinance, the ability to
do this for over -- I think it's fifty-three streets in Nutley.
MR. BARRY: Correct.
MAYOR COCCHIOLO: Correct, right?
MR. BARRY: That's correct.
MAYOR COCCHIOLO: So that's --
MALE SPEAKER: Yeah, that's what it does.
MR. BARRY: To go back to
Commissioner Scarpelli's comment, the
genesis for most of this time limit
parking was not helpful in Roche. It was
along the bus routes to help the people
with the commute park on the New York bus
and get on a bus and be gone all day.
That's the vast majority of these forty streets.

Now we discussed this issue --
Edison Avenue has a problem with the
Roche people. The people on White Terrace, they've called and they said
they'd like to submit a petition also
because they have an issue -- it's time
limit parking but they have an issue with
everybody that gets on the 191 bus.

COMMISSIONER PETRACCO: Excuse me

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

MAYOR COCCHIOLA: Well, we have a
procedural issue here. So what I want to
ask Commissioner Tucci and Commissioner
Evans is, since you were not privy to
this information and were not -- before
walking in here, if your request is going
to be to table this or adjourn it or
continue the public hearing, I need to
know that because I think -- what I would
like to do, if that is going to be your
request, is we do have people from Edison
Avenue here and I want to allow them the
opportunity to be heard so they don't
have to come back, and maybe exchange
some questions and answers. We can then
adjourn -- you know, I guess we can close
it without taking a vote on it until such
time as you've had an opportunity to look
at the ordinance --

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

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

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

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

COMMISSIONER PETRACCO: No.
COMMISSIONER TUCCI: Is that a backdoor approval for overnight parking because that's not clear --

MR. BARRY: No because --

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

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

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

COMMISSIONER PETRACCO: Right.

COMMISSIONER TUCCI: I know there was a big move towards that in one of my thirty years on government and it seems
that in this ordinance, we're going the other way. Because, quite frankly, this is confusing to me and I'm not sure what it means. I'd like to see it spelled out because I am not a proponent of overnight parking. All right? But I am in favor of giving relief to folks who are being burdened by people parking in front of their homes and diminishing their quality of life, not only for themselves but for their children.

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

COMMISSIONER PETRACCO: Thank you, commissioner.

MAYOR COCCHIOLA: So, Mr. Harbins --

COMMISSIONER EVANS: I just --

just --

MAYOR COCCHIOLA: I'm sorry, Commissioner Evans?

COMMISSIONER EVANS: I just want to echo what Commissioner Tucci just
articulated very well. I'd like -- I
would like to understand this ordinance
better and I think we have to be clear in
here that it does not modify our current
position on overnight parking and that
this in itself is a very restrictive
ordinance so that it doesn't start to
open up other issues that I believe will
come as a result of this.

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

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

COMMISSIONER EVANS: I agree.

MAYOR COCCHIOLA: I agree with that,
as well.

COMMISSIONER EVANS: I agree.

MAYOR COCCHIOLA: I think, you know,
one of my concerns is also this is
extremely broad as the way it's written.

COMMISSIONER EVANS: Right.

MAYOR COCCHIOLOA: Extremely. And it does -- Commissioner Tuccio's right. If you look at B40 if all of us vaporized and there were a different set of five people here and not you, Mr. Barry, it could be construed that this could be applicable -- you might -- in your mind it's clear but it could be construed that this could be applicable to an overnight parking matter.

So, we are really concerned about that. That -- and I -- I'd like speak for myself, but I think I'm echoing the sentiments of the board that in no way, shape or form is it acceptable to even entertain a ban -- or eliminating the overnight parking ban in this community. So we -- and it can't -- there can't even be an opening to even think about that. So -- and I'm going to let Mrs. DeCi -- we want to hear from the Edison Avenue residents while they're here because they've taken the time to come here, but
it's way broad, as written. I don't -- I guess --

MR. BARRY: In order to --

MAYOR COCCHIOLA: -- and I'm going
to have some questions about it --

MR. BARRY: Yeah.

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

MR. BARRY: If you could -- in order
to simplify it, the first part B gives
the -- gives the director the ability to
issue permits. And then 1 through 5 are
all the requirements that you have to
fill to get a permit.

MAYOR COCCHIOLA: Well, then, let me
ask you a question. Or you, Commissioner
Petracco, it might be more appropriate to
ask you. In accordance -- I think the
word is with, not by -- in accordance
with regulations established by the
Director of Public Safety, what are those
regulations? What does that mean? Have
you proposed regulations? Are they
drafted? Are they --
COMMISSIONER PETRACCO: It's a criteria that we've come up with as far as, you know, one of the criterias (sic.) on our list is that it has to be fifty percent or more of the block that signs the petition in order to get it. You know --

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

COMMISSIONER TUCCI: Yeah.

MAYOR COCCHIOLA: -- what that little --

COMMISSIONER TUCCI: And did -- did all the folks on those forty-nine streets -- did they all -- did all those streets, all those forty-nine streets submit --

COMMISSIONER PETRACCO: Commissioner Tucci --

COMMISSIONER TUCCI: -- petitions over the years?

COMMISSIONER PETRACCO: -- let me just make a comment about that. We are not walking out of this meeting tonight and all of a sudden every street on this
section is going to be open. It's by --
we entertain it as they come. So we're
not leaving here tonight and saying okay,
there's --

MAYOR COCCIO: No, but you've
given --

COMMISSIONER PETRACCO: -- fifty-six
streets --

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

COMMISSIONER PETRACCO: Right.

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

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

COMMISSIONER TUCCI: How many is
most? Ten? Fifteen?
MRo BARRY: Oh, no, no, quite a few.

Quite a few. We've always --

COMMISSIONER TUCCI: So, out of
the -- out of the --

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

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

MRo BARRY: Correct.

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

COMMISSIONER TUCCI: Right.

MAYOR COCCHIOLA: -- exemption like this that they want -- how many streets on this -- out of this list of fifty, over fifty, how many residents -- let me just ask you, how many resident have come
to you, aside from Edison Avenue, saying that they don't want -- or that they want a permit to be able to park in front of their house for longer than the time restricted period?

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

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

MAYOR COCCOHIOLA: Yeah.

MR. BARRY: I can answer that.

COMMISSIONER PETRACCO: For permits?

it's --

MR. BARRY: There's only been a couple, 'cause they've asked me. There's only been a couple.

MAYOR COCCHIOLA: So there --

MALE SPEAKER: How many have submitted petitions?

MR. BARRY: One.

MALE SPEAKER: One?

MAYOR COCCHIOLA: And one -- there's
been a petition submitted on behalf of Edison Avenue?

COMMISSIONER PETRACCO: By Edison Avenue, yes.

MR. BARRY: Yes, but that doesn't -- that's not a fifty percent. There's forty residents -- forty addresses on the street and only sixteen residents signed. But the vast majority of the signers are closer to Kingsland Street rather than High Street. So, that -- you could -- you could just incorporate the section of the people that signed, you know, from Kingsland to, say, 200 feet south of Kingsland Street. You could do it that way.

MALE SPEAKER: Um-hum.

MAYOR COCCHIOLA: These -- and I'm going to -- I really want to hear from everybody, but these people have issues that are very particular to Roche. The Roche employees parking in front of their homes and I had a discussion with Mrs. DeCiòla today and she had a lot of problems with respect to the parking
that's going on by Roche and I think --
in my conversation that I had with her
today, as I said, this ordinance is not
going to solve those problems.

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

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

But my question is, outside of
saying, "Let's just issue permit parking
for the residents, 'd' what has been done? Have you gone to Roche? Have you thought of any other way to relieve these people of their problem? They have a pretty big problem now.

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

COMMISSIONER TUCCI: Um-hum.

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

So Roche really --

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

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

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

MAYOR COCCHIOLA: Which isn't --
was -- that's hardly any.

MR. BARRY: Excuse me?

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

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

But, there are -- as you said, there
are many other groups -- there are
business owners on Franklin Avenue who
would like permit parking so they could
park in front of their businesses. There
are people who want permits for different
reasons, apartment -- people who live in
apartments, they want permits.
So, as we go through a process of moving toward permits, there's a — it's not about Edison Avenue. And it's not — might not even be about fifty-three streets. It's about a whole lot of other issues, so I guess my questions to you is when you want to leave a car out on the street overnight, right now we have an overnight parking ban. If you want to leave your car out overnight, you call up the police department and you say, "Today is Tuesday, July 21st. I need to leave my car out overnight." And the police officer says okay, he writes it down and he makes sure he doesn't go and ticket you.

If in the whole town of Nutley sixteen people on Edison Avenue and three people on New Street, let's say, are the people who are having this problem, with regard to being able to park in front of their homes for longer than the time period, why wouldn't we think about maybe doing that? Instead of — instead of starting a whole new thing with permit
parking, why shouldn't they be able to
call, just like somebody who wants to
leave it out, and say, "Listen, I'm
Phyllis Decilla. I live on Edison Avenue.
I'm putting my car in front of my house
today for longer than two hours." It's
the same premise, isn't it? Isn't it the
same? "So, Mr. Policeman, don't ticket
me."

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

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

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

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

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

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

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

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

MR. BARRY: Commissioner?

COMMISSIONER PETRACCO: 8 to 6.

MR. BARRY: During the daytime.
COMMISSIONER TUCCI: Okay.

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

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

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

I don't have a problem with that. I have a problem with this. I have a problem with the way it's written.
COMMISSIONER PETRACCO: But you do have to look at ways --

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

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

COMMISSIONER TUCCI: I got it, I --

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

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

MR. BARRY: Okay.

COMMISSIONER TUCCI: I got it.

MAYOR COCCHIOLA: That's what --

COMMISSIONER PETRACCO: Yeah.

MAYOR COCCHIOLA: There's --
COMMISSIONER TUCCI: Okay? Right, that's not my issue.

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

COMMISSIONER PETRACCO: Just from my standpoint, yeah --

MAYOR COCCHIOLA: -- because they've been sitting here all night longo

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

MALE SPEAKER: Yes.

MALE SPEAKER: Right? Because I also agree with Commissioner Tucci that the way this ordinance is written, I don't necessarily believe it provides the relief that the residents of Edison Street (sic) needo Because I do think we need to go after Hoffmann-La Roche in a more deliberate way, a much more demonstrative way, and figure out how do we solve that further. And I'm willing to do that.
I'm also -- so anyway, so I think we should learn more about what all the issues are that are around Edi -- around Hoffmann-La Roche and what all of those residents are experiencing. And then also work separately to resolve what I believe are the administrative issues associated with this.

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

MALE SPEAKER: Let's hear from the residents.

MAYOR COCCHIOLA: Yes.

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

MALE SPEAKER: Umehum.

MR. GEHRING: We could care less if I park my car -- I've gotten tickets out there. As far as -- I was a cop for thirty years; you'd need six more cops sitting on the desk taking down people's
addresses and phone numbers all day. We don't want overnight; we just want to get a permit to park in front of the house that I pay taxes on. That's all we're asking for.

MALE SPEAKER: Um-hum.

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

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

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

MAYOR COCCHIOLA: Now do you -- is
it your interest that you want to just
put your car in front of your house and
leave it there so no one else can park
there? Or --

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

MAYOR COCCHIOLO: Okay, those --

okay --

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

Roche is not a good neighbor, as far
as I'm concerned. They do nothing to
help us. And if you go into the
carpoolers' parking lot, which is on Edison Avenue, up by Edison -- on Kingsland by Edison, and you go in there and you're not a carpooler, they -- you're out of the lots, then. Nobody can park in there anymore. And then they also have a pool where they put money in to pay the tickets. So they don't care if they get a ticket, a lot of them.

MAYOR COCCHIOLA: Are they the same people --

MR. SCHWIER: And that's a fact.

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

MR. SCHWIER: Same people --

MAYOR COCCHIOLA: -- same cars --

MR. SCHWIER: -- over and over again.

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

MR. SCHWIER: Sure.

MAYOR COCCHIOLA: So we can almost --

MR. SCHWIER: And the police can't
do anything about it because they're gone in two hours.

MAYOR COCCHIOLA: Yeah, 'cause they're actually complying with the law.

MR. SCHWIER: Yeah, because they keep moving them. Brookdale don't have the problem because of the forty-five minute parking.

MAYOR COCCHIOLA: But now, tha-- but this ordinance doesn't solve that problem for you.

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

MALE SPEAKER: It would.

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

MAYOR COCCHIOLA: No, it only --

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

MALE SPEAKER: You have to go to no parking.

MR. SCHWIER: -- going to New York.
and parking there all day with their cars --

MAYOR COCCHIOLA: They don't --

MR. SCHWIER: -- to get the bus to New York.

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

MALE SPEAKER: Right.

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

COMMISSIONER TUCCI: Right. For two hours.

MAYOR COCCHIOLA: -- for two hours.

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

MR. SCHWIER: They pay more to Clifton, don't they?
COMMISSIONER TUCCI: I don't know. Do they, commissioner?

MALE SPEAKER: They -- I think they do.

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

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

MR. SCHWIER: We get the traffic.

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

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

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

MR. SCHWIER: That's it, right?

MALE SPEAKER: It's organized.

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

MR. SCHWIER: They don't do anything
about it.

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

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

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

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

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

MR. SCHWIER: Because the problem now with the entrance moved down, Kingsland the traffic is better and the cars aren't there. Soon as they move the
entrance back, they'll all be back againo

MALE SPEAKER: We'll address it.

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

COMMISSIONER PETRACCO: Absolutely.

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

COMMISSIONER PETRACCO: Right.

COMMISSIONER TUCCI: -- the

enforcement ramifications --

MAYOR COCCHIOLA: Right.

COMMISSIONER TUCCI: -- as well as
the inconvenience that they are creating.

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

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

COMMISSIONER PETRACCO: Well, I
think one would address the other.
MAYOR COCCHIOLA: Yes.

MS. TENORE: Hello. I'm Mary Tenore, 66 Edison Avenue. I'm happy to be here tonight because I'm hearing a lot of input and I'm very happy that you're having us here to voice our opinions.

Commissioner Petracco, Commissioner Tucci, I want to commend both of you because you -- in a nutshell, the two of you understand completely what we're feeling. And I know the other commissioners are trying to understand as well and I appreciate that. But there are two issues here.

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

Our issue here, in a nutshell, is that we are property owners, we pay taxes in town and we should be allowed to park in front of our own residence during the
day. Not overnight, just during the day, without worrying about getting a ticket.
There's nothing more frustrating than coming out of your house and seeing a ticket on your car right in front of your house.

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

I recently had my roof done in February and I had a dumpster right in my driveway so obviously could not park in the driveway. So I called the town, the police department and I, you know, got the permission for overnight parking.

The next day I went to work, my husband went to work, my daughter has a car, she
had to park it on the street. I specifically said to her, "Make sure you don't stay there for over two hours. Move the car."

She did just that, she moved the car. Moved the car and I came home at lunchtime, I looked at the car and there was a ticket. And the ticket was on -- placed on that car not ten minutes before I got home. So I'm, like -- I was very frustrated but you know what? I paid the ticket. And the reason I did was because on other occasions I came to court and I spent three hours in court waiting for my turn to explain that I'm a homeowner, I parked in front of my house, I left, I came back and I got a ticket. And of course the ticket was waived but it took me three hours of my day to get to that point, to have that ticket waived. And I don't feel like, you know, that's not necessary as I'm a homeowner and I shouldn't have to, you know, take time out of my workday to come to court to fight a ticket.
It's not even the point of the ticket; it's thirty-five thirty dollars or whatever. It's the principle of the thing. You don't want to receive a ticket for something that should not be -- it just shouldn't be the case because I'm a taxpayer as -- and so are you and everyone else in this room.

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

I don't know if that's feasible but
any kind of, you know, resolution would be beneficial to us. But I think this matter absolutely needs to be addressed, and not the Hoff — I mean, the Hoffmann-La Roche matter, absolutely, too. But they're separate issues in my opinion —

MAYOR COCCHIOLA: Agreed.

MS. TENORE: -- and not one.

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

MS. TENORE: Well, I hope so.

MAYOR COCCHIOLA: And we really appreciate --

MS. TENORE: It's just the matter of the frustration. You want to hear from us and that's basically where we are. We're just frustrated because we are residents of the town and, you know, we — it's a burden and it's not like it's — in my case it's not an everyday event because I do — I don't — I'm not home during the day mostly and weekends aren't an issue, but it's just the fact that when I have to park in front of my
house, I just -- it's hard to understand that I need -- that if I'm not careful, I'm going to get a ticket. And then if I get the ticket, I have to go try to fight it and by the time and -- and time is money, you know. I'm losing hours at work to come here to fight a ticket.

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

MS. TENORE: I believe it is.

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

MS. TENORE: I don't know.

MR. BARRY: The -- Monday through Saturday.

MAYOR COCCHIOLA: Saturday?

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

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

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

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

We're asking that if we do consider this we'd consider on a one -- one street by one street basis. I guess when I was thinking of this so broad, fifty streets, how do you manage -- if they -- let's say all fifty, theoretically, wanted some sort of relief, two people here, whatever. How do you manage that many permits and the color coding and the transfer of bill -- I know it says they're not -- you can't transfer them, but if Edison Avenue and Bolten Place
have the same color -- it just, there's a lot of little -- I'm a lawyer, I can't help but, like, take things to --

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

MAYOR COCCIOLOA: -- ad nauseam, but --

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

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

And he was going to work out that plan but, again, it's an administrative problem. Every time a person buys a new car or borrows a car and -- but the
Department of Public Safety would have to keep computer records and it's a problem but it's not something that can't be worked out.

MAYOR COCCHIOLA: Correcto

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

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

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

MR. BARRY: Correcto

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

MR. BARRY: Now, another Roche -- similar problem was on Bloomfield Avenue across from Nichols Park. If you'll
recall, we eliminated the parking there.
The problem, the houses were so tightly packed that the curb space was so small that they were always parking over their -- the curbs. So we painted the lines, we tried everything and then the residents wrote us a petition that said, "Eliminate the parking. We don't want anybody to park there. It makes our whole life a lot easier." And that was done, so that was taken care of.

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

We did spend quite a number of meetings and time trying to come up with
the best procedural method to move forward. But if you want to do it on a per street basis, we could do it similar to the first section, but we needed the authority to say, "Oh, you have to live on the street, if it's a leased car you have to provide a letter from your company." We needed to outline all those things to give the commissioner the authority to issue permits not just randomly to anybody comes in and say, "Hey, I want a permit to park on Edison Avenue." 

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

MR. BARRY: Correct. 

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

Okay, so --

COMMISSIONER TUCCI: Jack, I understand your point. I don't think we're going to solve tonight all the questions and the things that have to be addressed as part of this -- this
ordinance. So I just want to suggest that we sit down and do it as a -- you know, revising this -- do it as a -- at a conference session, but table the ordinance for tonight so that we have the time to reflect on what needs to be changed.

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

MAJOR COCCHIOLA: Reintroduce it.

MALE SPEAKER: -- new notice, publication, hearing, al\l that.

MAJOR COCCHIOLA: Yeah.

MALE SPEAKER: And it sounds as though that's probably the direction it's going to

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

MALE SPEAKER: If the consensus is yeah, that this is going to be substantially or substantively amended,
yeah, that's the way to do it. If --

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

MALE SPEAKER: I guess it really --

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

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

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

MALE SPEAKER: I agree.

COMMISSIONER TUCCI: -- for three
more months --

MAYOR COCCHIOLA: Well, yeah --

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

MAYOR COCCHIOLA: -- they need some interim relief.

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

MALE SPEAKER: Right.

MALE SPEAKER: I like that.

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

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

MALE SPEAKER: -- and if it turns out that this is some other version we could address it at that time, but for
now, we could just continue the public hearing.

MALE SPEAKER: Okay. I think that’s a good idea.

MALE SPEAKER: That’s fine.

MALE SPEAKER: Very good.

MALE SPEAKER: Thank you.

MALE SPEAKER: Thank you.

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

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

MS. DECILLA: Because of the fact that the streets -- you know, the cars
that are on the street, we don't have cleaning and when we do, sorry, but it is half-assed because -- and they'll only --

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

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

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

MS. DECILLA: No.

COMMISSIONER SCARPELLI: Okay.

MS. DECILLA: Not at all.

COMMISSIONER SCARPELLI: All right.

MS. DECILLA: And then, I know when we've spoken amongst many of us that live on the street, we have an issue with potholes that were just recently filled but we had to wait probably since the fall for two big, major potholes to be filled.
COMMISSIONER SCARPELLI: Let me explain some of the pothole --

MS. DECILLA: And as you know --

COMMISSIONER SCARPELLI: -- problem --

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

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

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

COMMISSIONER SCARPELLI: That's
another issue; we'll deal with that in
the winter.

MALE SPEAKER: Yeaho

MS. DECILLA: Right.

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

MS. DECILLA: Right.

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

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

COMMISSIONER SCARPELLI: It's the
pool store owner.

COMMISSIONER TUCCI: There you go.

COMMISSIONER SCARPELLI: We had many
days of rain in June. We cannot fill
potholes when it rains so, of course,
that put us behind.
MS. DECILLA: Right.

COMMISSIONER SCARPELLI: And that's the reason that you're seeing the potholes filled now --

MS. DECILLA: Right.

COMMISSIONER SCARPELLI: -- we've had some good weather; we're able to get the hot asphalt this time of year, so you'll see more of those potholes filled.

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

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

MAYOR COCCHIOLA: Is there -- it was before you -- do you remember the woman, I think she was from Edison Avenue, was
MALE SPEAKER: Yes, Maria Bantao.

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

MALE SPEAKER: Yes, um-hum.

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

COMMISSIONER SCARPELLI: That's when the street got paved.

MAYOR COCCHIOLA: Okay. Yeah.

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

MAYOR COCCHIOLA: That's okay with me. You know, I think that the two of you need to have some serious discussions with them. I mean, this is -- it's not acceptable what's going on at all.

COMMISSIONER TUCCI: And I just think they need to hear from the residents as well.
MALE SPEAKER: Yeah, I don't know how they allow their employees to leave at two hour intervals.

MSô DECILLA: They actually don't allow and I don't even really think that they know what's going on and what happens is as far as Brookline is concerned, I think that they are happy because what happened is, is they park there and you have to see how it's so organized. And they come down and they actually -- you know, they come down in loads and then they shift and they know that when they get to one street they've got the forty-five minutes and that one has that and -- it's just it's amazing to watch.

You know, we've had them where -- in front of our homes it's one car parking. And they'd pull up and save a spot so they'd block my driveway, they'll block my neighbor's driveway. I have a curb between my other neighbor and my driveway that's not a parking spot; it's just a curb with a telephone pole. And I had
one woman park there, no ticket, all day, up until about 6 o'clock at night, so I couldn't get out. I had to get somebody -- I had a test to take that day, I had to get somebody to come get me. I mean, it's just --

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

MS. DECOLLA: It was actually before --

COMMISSIONER TUCCI: -- and have that car towed.

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

COMMISSIONER PETRACCO: Thanks.

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

My thing -- you know, I think we all have the same feeling as far as -- you know, I visit other friends that live on other streets that don't have restricted parking and, you know, I just feel
that -- and we all do, we all feel that, you know, as residents and, you know, we keep reiterating the same thing, but that's what it comes down to. That we feel that yes, we do have a bigger problem on Edison than let's say Alexander or Joerg or any of them going up that way.

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

It's -- I've had people empty ashtrays -- I've been there since 2000, empty ashtrays in front of my home, drop their Wendy's bags, you don't even want to know what else I've seen. But, it's
just -- it's an issue. It's definitely
an issue. I don't -- you know, they're
all assigned parking spots. And the
thing is Edison Avenue is the closest to
some of their buildings, so that's why
they park there.

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

MALE SPEAKER: Not unreasonable.

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

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

I'm able -- I come down and -- isn't
it lovely? We come down and there's
spots. You know, so you can't say pull out of your parking -- you know, out of your driveway and park on the street. Now we can because now it's longer for them to get to their building, so now they've gone back to their assigned parking. In two months, when that light goes up, different story. It's going to go back to the same thing. So -- and again, it's just to reiterate, we are residents and that's what we feel that we deserve. So, consider it and get back to us --

MAYOR COCCHIOLA: Thank you so much.

MS. DECILLA: Thank you.

MAYOR COCCHIOLA: Thank you for your patience and --

MS. DECILLA: Thanks.

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

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

Then we are going to continue this
public hearing to a date not specified right now, I guess.

MALE SPEAKER: Yes.

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

COMMISSIONER PETRACCO: Yes.

MADAM CLERK: Yes -- a motion.

MALE SPEAKER: make a motion.

MADAM CLERK: What date are we going to --

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

MAYOR COCCHIOLA: Do you --

COMMISSIONER PETRACCO: Only be --

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

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

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

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

COMMISSIONER PETRACCO: To continue the public hearing.
MALE SPEAKER: Yes.

COMMISSIONER TUCCIO: Okay. I'll second that motion.

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

MAYOR COCCHIOLA: But we have an unspec --

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

MALE SPEAKER: We may need more than that --

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

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

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

MALE SPEAKER: Right.

MALE SPEAKER: Yes.

MADAM CLERK: Okay.

MAYOR COCCHIOLA: We'll notify -- all the residents will be notified of the next date and any progress that we have made to date as well. Commissioner Petracco --
MADAM CLERK: Okay.

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

COMMISSIONER PETRACCO: Call the question.

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

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

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

MALE SPEAKER: Yeah, we'd have to readvertise it because we're not designating a date.

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

MALE SPEAKER: Yes, I seconded it.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Commissioner Evans?
COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Mayor Cocchiola?

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

MALE SPEAKER: Thank you.

MALE SPEAKER: Thank you.

MAYOR COCCHIOLA: And we can move on to resolutions. Commissioner Petracco?

COMMISSIONER PETRACCO: WHEREAS bids for the purchase of Smiths Detection HazMat ID system products were received and opened on June 30th, 2009 and WHEREAS Smiths Detection, 21 Commerce Drive, Danbury, Connecticut 06810 was the only bidder for an upgrade to the HazMatID Command System at $12,000 dollars, the Aldrich-ICHEM Library Package at $14,075, the Extract IR at $1,500 and Extract IR Consumables at $500. And WHEREAS the funds are available from account T15909912 and have been certified by the chief financial officer, said certification being attached to this
resolution, now therefore be it resolved
by the Board of Commissioners, Township
of Nutley, County of Essex, State of New
Jersey that a contract be awarded to
Smiths Detection, not to exceed 290,075
dollars and that the mayor and the
township clerk be and they are hereby
authorized to enter into a signed said
contract for the township of Nutley. I
move the resolution.

MALE SPEAKER: Secondo

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETERACCO: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: And Mayor Cocchiola?

MAYOR COCCHIOLA: Aye

COMMISSIONER PETERACCO: Be it
resolved by the Board of Commissioners.

Township of Nutley, County of Essex,
State of New Jersey that Nicole Marquez, employee in the Department of Public Safety, be granted a medical leave of absence without pay, effective July 27th through August 26th, 2009. I move the resolution.

MALE SPEAKER: Second.
MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Commissioner Petracco?
COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Commissioner Evans?
COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Tucci?
COMMISSIONER TUCCI: Aye.

MADAM CLERK: And Mayor Cocchiola?
MAYOR COCCHIOLA: Aye.

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

MAYOR COCCHIOLA: Thank you.

Commissioner Evans?

COMMISSIONER EVANS: Thank you, Mayor.

MAYOR COCCHIOLA: You're welcome.
COMMISSIONER EVANS: Resolution authorizing the award of a non-fair and open contract for professional services WHEREAS the township of Nutley has a need to acquire website, e-mail and related technology services, a non-fair and open public -- open contract pursuant to the provisions of N.J.S.A. 19:44A-20.64 or 20.65, as appropriate, and WHEREAS it has been determined and certified in writing that the value of the aggregate services provided by the vendor for the year will exceed 17,500 and WHEREAS C3 Holdings, LLC has submitted a proposal indicating that it will provide such services for the sum of 24,000 dollars and WHEREAS C3 Holdings has completed and submitted a business entity disclosure certification which certifies that they have not made any reportable contributions to a political or candidate committee in the township of Nutley in the previous one year and that the contract will prohibit them from making any reportable contributions through the term of the
contract, WHEREAS the funds are available in account 901110200, 901200, 901308000, 901314000, 90148200, 901506200 -- and by the way, that's spread because this particular contract is spread among the five departments -- now therefore be resolved that the Board of Commissioners of the township of Nutley to enter into a contract with C3 Holdings, LLC and be it further resolved that the business disclosure entity certification and determination of value be placed on file with this resolution. So moved.

MALE SPEAKER: Secondo

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Ayeo

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Ayeo

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Ayeo

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Ayeo
COMMISSIONER EVANS: WHEREAS sealed bids for grass and shrubbery cutting and debris removal services were received by the township clerk on Tuesday, June 30th and WHEREAS Donofrio & Son, Inc. 433 Hillside Avenue, Hillside, New Jersey was the lowest bidder and WHEREAS the square foot rates submitted for cutting weeds and grass below twelve inches in height at the time of the property is ordered cut is at five cents per square foot and square foot rate for cutting weeds and grass above twelve inches in height at the time of the property is ordered cut is point seven and a half cents per square foot and the cost of shrub cutting and debris removal is eightyfive dollars per hour, not to exceed twenty-five thousand dollars and WHEREAS the funds are available from the Local Improvement Ordinance number 3106 and have been certified by the chief financial officer, said certification being attached to this resolution, and now therefore be it resolved by the Board of Commissioners of
the Township of Nutley, County of Essex, State of New Jersey that the contract is -- be awarded to Donofrio & Son, Inc. and that the mayor and township clerk be and are hereby authorized to enter into and sign said contract for the township of Nutley. So moved.

MALE SPEAKER: Second.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Just before I vote, I just have a question. We only had one Nutley landscaper --

COMMISSIONER EVANS: Yes.

COMMISSIONER TUCCI: -- submit a bid on this? With all the landscapers we have in town?

MALE SPEAKER: Yeah, only one.

COMMISSIONER EVANS: We had
responses from New York and all over, but only one responded.

MALE SPEAKER: They're all conflicted out.

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

COMMISSIONER EVANS: I had no choice.

MADAM CLERK: And Mayor Cocchiola?

MAYOR COCCHIOLA: Aye. Commissioner Tucci?

COMMISSIONER TUCCI: Yes. WHEREAS the township of Nutley entered into a contract with M.W. D'Arminio Inc., 130 West Franklin Street, Hackensack, New Jersey for the resurfacing of the walking path at Glotzbach Park and WHEREAS the superintendent of the Parks and Public Property Department has recommended the following change order from said contract as necessary. Change order number 1, exo cavation, stone and asphalt square footage which exceeded the contract amounts at the rate of 1460 dollars a
square -- 1,400 square feet in the amount of 2,000 dollars. The money is available from capital ordinance 30.9E in the amount of 2,000 and has been certified by the chief financial officer, said certification being attached to this resolution. Now therefore be it resolved that the Board of Commissioners and the township clerk be and they are hereby authorized to enter into and sign said contract for the township of Nutley.

I move the resolution.

MALE SPEAKER: Second.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: And Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

COMMISSIONER TUCCI: WHEREAS New
Jersey Transit has funds for the purchase of bus shelters throughout the state of New Jersey and WHEREAS the governing body of the municipality of New Jersey are Board of Chosen Freeholders of accounting may apply to NJ Transit Corp for the purchase and installation of bus shelters at legally designated bus stops and WHEREAS the township of Nutley in the interest of promoting public transportation, conservation of energy, traffic safety and for the convenience of the public endorses the concept of providing bus shelters within its jurisdiction now therefore be it resolved that the application is hereby made by the township of Nutley to NJ Transit Corp for the purchase and installation of one bus shelter on the west side of River Road, 1100 feet south of Kingsland Street. Further be it resolved that the mayor and municipal clerk be authorized to execute an agreement or agreements with NJ Transit to arrange for the purchase and
installation of the shelter.

I move the resolution.

MALE SPEAKER: Second.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: And Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

COMMISSIONER TUCCI: That's all I have, ma'am.

MAYOR COCCHIOLA: Thank you.

WHEREAS an application has been filed for a person to person transfer of plenary retail distribution license number 0716e 44e025-009 heretofore issued to Ruchika Corporation trading as Nutley News & Liquors for premises located at 98 Center Street, Nutley, New Jersey, WHEREAS the submitted application form is complete in
all respects the transfer fees have been paid and the license has been properly renewed for the current license term, WHEREAS the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33, and WHEREAS the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business, therefore be it resolved that the township of Nutley governing body hereby approves effective July 9th, 2009 the transfer of the aforesaid plenary retail consumption license to Magagdamba LLC, trading as Nutley News & Liquors, and hereby directs the township clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all
its terms and conditions is hereby transferred to Maγagdamba LLC, trading as Nutley News & Liquors, effective July 24th, 2009."

I move the resolution.

MALE SPEAKER: Second.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: And Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

WHEREAS raffle applications have been received from the following organizations, Holy Family Church, license number 3609 and for a money wheel September 24th to September 27th, 2009; Rotary Club of Nutley, license number 3709 off premise fifty/fifty cash raffle for November 19th, 2009; and the Nutley
Parent Advocacy Network, license number 3809, 3909 and 4009 for various raffles for October 16th, 2009. WHEREAS the applications have been reviewed and approved by the municipal clerk and police department therefore be it resolved by the Board of Commissioners of the Township of Nutley that the aforementioned licenses are approved and the municipal clerk is authorized to issue the licenses.

I move the resolution.

MALE SPEAKER: Second.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: And Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.
WHEREAS National Parents' Day was first established in 1996 for recognizing, supporting and celebrating the role of parents and the everlasting positive effect they have on their children, WHEREAS parenting is one of the most rewarding and challenging endeavors in life, parental love and support plays a vital role toward the development of our children into responsible and caring adults, WHEREAS being a child's first teacher, parents are the single most influential and effective instructor throughout the course of their child's life by instilling a sense of responsibility, character and integrity, parents are helping shape the leaders of tomorrow, WHEREAS the experience and wisdom of parents may be shared with both the new and future parents and families within our community, the township of Nutley is therefore committed to supporting the concept of family and celebrating the parents who exemplify the ideals of good citizenship, therefore be
it resolved that the mayor and Board of Commissioners of the Township of Nutley both claim Sunday, July 26th to be declared as Parents' Day in honor of the mothers and fathers who strive each day toward betterment of our children in our community.

I move the resolution.

MALE SPEAKER: Second.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: And Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

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

Mr. Molkenthin, I'm not going to --
you know the drill, right? Do you want me to read the whole thing?

MR. Mulkenthin: No, ma'am.

Mayor Cocchiola: You know that your remarks are limited to five minutes. Thank you very much.

MR. Mulkenthin: I have only one question.

Mayor Cocchiola: Shoot.

MR. Mulkenthin: What's happened to the drug policy, the sexual harassment policy and the employment policy handbook in the township of Nutley?

Mayor Cocchiola: I guess I have only one answer and that is we're still working on it.

Male Speaker: Mayor, may I suggest that we -- I've been just as guilty as everybody. If we really put our minds -- we got the summer, we have August, maybe we don't have as much on our plate, that we look at that handbook and get that done?

Mayor Cocchiola: Do we want to -- if you need to address the board, don't
we -- I wonder if we want to sub it or do we -- we really should each really look at it. I mean, we could sub it to just two of us, to review it and report back. But, it's extremely extensive.

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

MALE SPEAKER: I agree.

MAYOR COCCHIOLA: So, let's -- okay.

Commissioner Scarpelli.

COMMISSIONER SCARPELLI: I agree.

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

MALE SPEAKER: I suggest Mro
Harkins -- can you e-mail that back out to us? This way, we have it fresh, we don't have to go searching for it.

MR. HARKINS: Absolutely.

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

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

MAYOR COCCHIOLA: Big job.

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

MAYOR COCCHIOLA: I think you're probably right.

MR. MOLKENTHIN: Okay. Thank you.

MAYOR COCCHIOLA: You're welcome.

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

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

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

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

MALE SPEAKER: Can't pave roads.

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

MALE SPEAKER: Agreed.

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

MAYOR COCCHIOLA: Thank you. Anyone else? Then I need a motion to adjourn.

MALE SPEAKER: Moved.

MALE SPEAKER: Second.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: And Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

(Hearing adjourned at 9:46 PM)
CERTIFICATION

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:

Sara Davis

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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