

Township of Nutley
Board of Commissioners
Meeting Minutes
Tuesday, January 15, 2008

A regular meeting of the Board of Commissioners of the Township of Nutley was held in the 3rd floor Commission Chambers and called to order. Adequate notification was published in the official newspapers of the Township of Nutley. All present joined in the Pledge of Allegiance to the Flag. Roll call was taken.

OPEN PUBLIC MEETING STATEMENT:

Evelyn Rosario, Municipal Clerk read the following statement, "Pursuant to the requirements of the Open Public Meetings Law (Chapter 271, P.L. 1975), notice of this meeting was published in the December 13, 2007 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.

ROLL CALL:

Commissioner Evans	-Present
Commissioner Tucci	-Present
Commissioner Orechio	- Present
Commissioner Scarpelli	- Present
Mayor Cocchiola	- Present

Mayor Cocchiola: We have some special guests this evening, so we are going to take A few items out of order. Commissioner Tucci would you like to read with your resolution.

Commissioner Tucci: Yes, thank you Mayor. Before I offer this resolution, there is just a few things I would like to say about this organization. This was a group, that I understand it going back some years, had a great membership. And then, for whatever reason, as most organizations evolve, the numbers dwindled somewhat. Well, I am happy to report this evening and by this outpouring of support, for what is going to happen here tonight. I am to say, that the Nutley Irish American Association and or Alliance, depending upon which one we are using tonight, is back. The numbers have grown and I think it is a testament to the leadership of that group and to all the members and on behalf of this Township I would like to thank you for everything that you have done and everything you continue to do for the Township of Nutley.

So having said that, it is with a great sense of pride and honor, that I offer this resolution.

Commissioner Tucci reads resolution and is found in the Resolution portion of these minutes.

Honorees came forward and a photograph was taken with the Commissioners.

Mayor Cocchiola: Thanks everyone for attending this evening. Enjoy your evening.

We are going to take two other items out of order for Commissioner Orechio who has to leave early this evening. Do you want to read your resolutions, Commissioner.

Commissioner Orechio: First I want to announce that ordinance no's 3050 and 3051 regarding Charitable Solicitations will be deferred to a meeting in February 2008

Commissioner Orechio proceeded to read Resolution # 15-08 and # 16-08 found in the Resolution portion of these minutes.

MINUTES:

None.

COMMUNICATIONS/CORRESPONDENCE:

Evelyn Rosario, Municipal Clerk, read the following communications:

- a. Letter/Nutley Ice Hockey Booster Club, requesting permission to hold a street fair on May 18, 2008.
- b. Letter/Nutley Irish American Association, requesting permission to hold their annual Nutley St. Patrick's Day Parade, March 1, 2008.

REPORTS:

Commissioner Scarpelli submitted the Department of Public Works July through December 2007 monthly progress reports.

BILLS:

Evelyn Rosario, Municipal Clerk read the following departmental summary of bills for the approval of the Board of Commissions. (bill list attached to minutes)

Department of Revenue & Finance	\$2 ,352,685.92
Department of Public Safety	\$ 37,532.79
Department of Public Work	\$ 137,150.83
Department of Parks & Recreation	\$ 592,901.79
Payroll as of January 11, 2008	
Regular	\$ 666,758.96
Overtime	\$ 35,276.82
Bill List Grand Total	\$ 3,832,617.60

Motion to approve the minutes by Commissioner Evans seconded by Commissioner Tucci. All Ayes.

ORDINANCE INTRODUCTION (1):

Ordinance No. 3053

“ORDINANCE PROVIDING FOR RECONSTRUCTION OF THE ROADWAY ON PASSAIC AVENUE (SECTION 3), IN THE TOWNSHIP OF NUTLEY, IN THE COUNTY OF ESSEX, NEW JERSEY APPROPRIATING \$ 270,000.00 THEREFORE FROM GRANT MONIES RECEIVED FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE COST THEREOF.”

Commissioner Evans made a motion that this ordinance be introduced and passed for first reading and be advertised accordingly. Motion was seconded by Commissioner Scarpelli . All Ayes. Commissioner Evans read by title only.

A public hearing will be held on February 19, 2008.

PUBLIC HEARINGS (1):

Ordinance No. 3049

“AN ORDINANCE PROVIDING FOR RIVER ROAD FENCING PROJECT, IN THE TOWNSHIP OF NUTLEY, IN THE COUNTY OF ESSEX, NEW JERSEY APPROPRIATING \$50,000.00 THEREFORE FROM GRANT MONIES RECEIVED FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE COST THEREOF.”

Ordinance No. 3049 was introduced for second reading by Commissioner Evans, seconded by Commissioner Tucci. Commissioner Evans read by title only.

Motion to open the public hearing by Mayor Cocchiola, seconded by Commissioner Evans. All Ayes.

No public comment.

Motion to close the public hearing by Commissioner Evans, seconded by Commissioner Tucci.

Motion to adopt on second and final reading by Commissioner Evans, seconded by Commissioner Tucci. All ayes on a roll call vote.

RESOLUTIONS: (22)

No. 14-08 WHEREAS, on Saturday, March 1, 2008, The Nutley Irish American Association Will hold its 30th Annual St. Patrick’s Day Parade; and

WHEREAS, the St. Patrick’s Day Parade has become an exciting event in the Township of Nutley, which is looked forward to and enjoyed by both spectators and participants alike; and

WHEREAS, The Nutley Irish American Association will celebrate its Annual St. Patrick’s Day Parade Grand Marshal Dinner on Saturday, February 2, 2008 at The Landmark in East Rutherford, N.J.; and

WHEREAS, This year’s Grand Marshal is Kevin O’Connor; and

WHEREAS, Mr. O’Connor is joined by Deputy Grand Marshall, Peggy O’Boyle Dunigan, and Member of the Year, Judy McIntyre along with Parade Queen, Kaitlyn Sussko as this year’s dignitaries; and

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Nutley, County of Essex, join with the citizens of Nutley to salute and congratulate Grand Marshal, Kevin O’Connor, Deputy Grand Marshal, Peggy O’Boyle Dunigan, Member of the Year, Judy McIntyre and Parade Queen Kaitlyn Sussko as they are honored here tonight.

Introduced by Commissioner Tucci, seconded by Commissioner Evans. All ayes.

No. 15-08 BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey that in accordance with the provision of R.S. 40A: 4-59, the following transfer(s) of 2007 Appropriation Reserves be and the same are hereby authorized and approved:

DEPARTMENT OF PUBLIC SAFETY

FROM:

TO:

Police S/W 7-01-308-101	\$ 2,000.00	Sr. Citz Transport O/E 7-01-017-200	\$2,000.00
Munic. Court S/W 7-01-325-101	11,000.00	Munic. Court O/E 7-01-325-204	11,000.00
TOTAL	\$ 13,000.00	TOTAL	\$ 13,000.00

Introduced by Commissioner Orechio, seconded by Commissioner Scarpelli. All ayes.

No. 16-08 WHEREAS, sealed bids were received and opened for a 50' Mid-Mount Boom Fire Pump Fire Truck; and

WHEREAS, Absolute Fire Protection Company, Inc. was the lowest responsible bidder with a bid of \$583,726.00; and

WHEREAS, funds are available from Ordinance #3029I in the amount of \$200,000 and have been certified by the Chief Financial Officer, said certification being attached to this resolution with the balance being subject to authorization for sufficient capital financing and exercise of an option to purchase pursuant to N.J.S.A. 40A:2-1, et seq.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that a lease and option contract be awarded to Absolute Fire Protection Company, Inc., 2800 Hamilton Boulevard, South Plainfield, New Jersey 07080 in a form satisfactory to the Township Attorney.

BE IT FURTHER RESOLVED that the Mayor and the Clerk of the Township of Nutley be and are hereby authorized to enter into and sign said Lease and Option Contract

Introduced by Commissioner Orechio, seconded by Commissioner Evans. All ayes.

At this point in the meeting Commissioner Orechio stepped down from the dais and exited the Commission Chambers.

No. 17-08 BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, in the County of Essex, State of New Jersey, that the Treasurer be and she is hereby authorized to refund overpayments of the taxes due to successful Tax Court Judgments in the amount of \$19,098.18 for said years.

BLOCK & LOT	Address	Amount
437 82	239 Walnut Street	\$739.02 – 2007
479 23	427 Washington Avenue	\$218.00 – 2007
78 31	213-221 Harrison Street	\$5,243.90 – 2006 \$5,576.44 – 2007
480 1 CH119	110 Barclay Drive	\$708.50 – 2004 \$783.00 – 2005
435 2.01	11 Durant Place	\$538.46 – 2007
469 26	264 Rutgers Place	\$658.36 – 2007
174 28	269 Chestnut Street	\$4,632.50 – 2007

Introduced by Commissioner Evans, seconded by Commissioner Tucci. All ayes. Commissioner Orechio Absent/Excused

No. 18-08 BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, in the County of Essex, State of New Jersey, that the Treasurer be and she is hereby authorized to refund overpayments of taxes for said years in the amount \$28,431.26

BLOCK & LOT		Address	Amount
331.01	31	5 Fernwood Terrace	\$1527.50 – 2004
348	14 CB015	108 Passaic Avenue B-15	\$1440.76 – 2004
350	1	Charles & Cheryl Kovac	\$1328.44 – 2005
361	40	45 Hampton Place	\$2052.19 – 2004
378	34	59 St. Mary’s Place	\$2220.20 – 2004
438	45	297 Washington Avenue	\$1697.85 – 2005
448	26	59 Brookfield Avenue	\$1975.94 – 2004
449	1	27 Brookfield Avenue	\$2004.21 – 2005
454	52	174 Satterthwaite Avenue	\$3811.73 – 2005
480	1 CH026	125 Stratford Drive	\$1259.22 – 2004
480	2 CH089	214 Barringer Drive	\$1299.37 – 2004
480	3 CH082	315 Winthrop Drive	\$1787.50 – 2004
480	4 CH033	432 Hartford Drive	\$2059.07 – 2004
480	4 CH068	467 Hartford Drive	\$2067.29 – 2004
480	4 CH100	429 Manchester Drive	\$1899.99 – 2004

Introduced by Commissioner Evans, seconded by Commissioner Tucci. All ayes. Commissioner Orechio Absent/Excused

No. 19-08 WHEREAS, the Township of Nutley heretofore entered into a contract with O’Donnell, McCord & DeMarzo PC, 15 Mount Kemble Avenue, Morristown, NJ as special tax counsel in connection with the defense of municipal tax appeals; and

WHEREAS, there were additional legal costs with respect to 2007 tax appeals necessitating a change order pursuant to the current contract; and

WHEREAS, this change order in the amount of \$2,378.00 is recommended by the Township Tax Assessor; and

WHEREAS, the funds are available in account 7-01-204-205,

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.

Introduced by Commissioner Evans, seconded by Commissioner Tucci. All ayes. Commissioner Orechio Absent/Excused

20-08 WHEREAS, there exists an outstanding check on the books of the Public Assistance Trust Fund II Account; and

WHEREAS, this check has been investigated and it has been determined that it should be cancelled;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners, of the Township of Nutley, County of Essex, New Jersey, that the following outstand check totaling \$921.00 be and is hereby cancelled.

CHECK NUMBER	AMOUNT
2635	\$ 340.00
466	76.00
734	59.00
779	59.00
798	59.00
1237	210.00
119	59.00
158	59.00
TOTAL	\$ 921.00

Introduced by Commissioner Evans, seconded by Commissioner Tucci. All ayes. Commissioner Orechio Absent/Excused

21-08 WHEREAS, N.J.S.A. 40A: 5-14 mandates that the governing body of a municipal corporation shall, by resolution, passed by a majority vote of the full membership thereof, adopt a cash management plan; and

WHEREAS, all deposits and investments of its funds shall be made pursuant to said plan;

No. 25-08 Whereas, a water bill was rendered in the amount of \$1,628.25 for the property known as Lot 8503, Block 8; and

Whereas, an error occurred in water billing; and

Whereas, it is necessary to correct the amount billed by canceling charges in the amount of \$277.22:

Now, Therefore, Be It Resolved by the Board of Commissioners of the Township of Nutley, County of Essex, as follows:

The Township Treasurer is hereby authorized to cancel water charges in the amount of \$277.22 and the property owner shall pay to the Township of Nutley the amount of \$1320.22 for the billing in dispute.

Introduced by Commissioner Scarpelli, seconded by Commissioner Tucci. All ayes. Commissioner Orechio Absent/Excused

No. 26-08 BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey that in accordance with the provision of R.S. 40A: 4-59, the following transfer(s) of 2007 Appropriation Reserves be and the same are hereby authorized and approved:

DEPARTMENT OF PUBLIC WORKS & WATER

FROM:

TO:

<i>Water Admin O/E</i> 7-05-701-200	\$ 5,000.00	<i>Water Operating S/W</i> 7-05-702-102	\$ 5,000.00
Annual Audit 7-05-706-205	2,400.00	<i>Water Operating O/E</i> 7-05-702-226	2,400.00
Recycling S/W 7-01-424-101	22,000.00	Street Lighting 7-01-414-237	22,000.00
Parking Lot & Meter Maint S/W 7-01-426-101	1,500.00	Parking Lot & Meter Maint O/E 7-01-426-226	1,500.00
TOTAL	\$ 30,900.00	TOTAL	\$ 30,900.00

Introduced by Commissioner Scarpelli, seconded by Commissioner Tucci. All ayes. Commissioner Orechio Absent/Excused

No. 27-08 WHEREAS, applications for renewal of video game licenses have been received from:

1. Ruthie’s Third Base
150 Bloomfield Avenue
Nutley, NJ 07110
(1) Mega Touch Video @ \$300.00
2. JO-KA Inc. T/A Washington Park
174 Washington Avenue
Nutley, New Jersey 07110
(1) Bowling @ \$300.00
(1) Mega Touch Video @ \$300.00

WHEREAS, the applications have been reviewed by the Code Enforcement Department and the Office of the Municipal Clerk; and

WHEREAS, the license fee of three hundred dollars (\$300.00) for each machine has been paid.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex that said license is hereby approved and the Municipal Clerk is authorized to issue the video game license to the “Ruthie’s Third Base & JO-KA, Inc. T/A Washington Park”.

Introduced by Mayor Cocchiola, seconded by Commissioner Tucci. All ayes. Commissioner Orechio Absent/Excused

No. 28-08 WHEREAS, applications have been received from:

1. Home School Association of
Good Shepherd Academy
24 Brookline Avenue
Nutley, New Jersey 07110
“On Premise 50/50 Cash Raffle”
Raffle License No. 15-08 AND
“Tricky Tray Raffle License”

Raffle License No. 17-08

2. St. Mary's Rosary Society
17 Monsignor Owens Place
Nutley, New Jersey 07110
"On Premise Gift Auction Raffle License"
License No. 16-08 AND
"On Premise 50/50 Cash Raffle"
License No. 18-08

WHEREAS, the applications have been reviewed and approved by the Municipal Clerk and the Police Department.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey that the licenses are approved and the Municipal Clerk is authorized to issue the aforementioned licenses.

Introduced by Mayor Cocchiola, seconded by Commissioner Tucci. All ayes. Commissioner Orechio Absent/Excused

No. 29-08 BE IT RESOLVED, the 2008 Holiday Schedule was adopted by the Board of Commissioners of the Township of Nutley at their meeting held on December 18, 2007 via resolution number 331-07 and amended via resolution no. 9-08 at a Board of Commissioners meeting held on January 2, 2008;

BE IT FURTHER RESOLVED, the correct Lincoln's Birthday Holiday (Observed) is Tuesday, February 12, 2008.

Introduced by Mayor Cocchiola, seconded by Commissioner Tucci. All ayes. Commissioner Orechio Absent/Excused

No. 30-08 WHEREAS the Nutley Zoning Board received \$1,500.00 escrow deposit from LAURA RIZZO for property at 61 Prospect Street for engineering services, and

WHEREAS PENNONI ASSOC., INC. (Township Engineer) has reviewed the final mylar and plans submitted for compliance with the New Jersey map Filing Law (Chapter 258), and

WHEREAS the Nutley Zoning Board has reviewed and determined the remaining escrow balance of \$340.00 to LAURA RIZZO

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, NJ, that the above amount to be refunded to LAURA RIZZO.

Introduced by Mayor Cocchiola, seconded by Commissioner Tucci. All ayes. Commissioner Orechio Absent/Excused

No. 31-08 WHEREAS, pursuant to N.J.S.A. 40:76-23.1 et. Seq. Arbor Hills is recognized as a "qualified private community"; and

WHEREAS, the Township is responsible to reimburse a qualified private Community for certain services including solid waste disposal or to provide said services to the qualified private community in the same fashion as the municipality provides these services on public roads and streets:

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, in the County of Essex, as follows;

1. The Director of Public Affairs be and is hereby authorized to enter into a Municipal Services Agreement for solid waste collection and disposal with 432 Owners, 1 River Road, Nutley known as Arbor Hills in a form approved by the Township Attorney.
2. A copy of this Resolution, as well as the Municipal Services Agreement, shall be placed on file with the Clerk and a notice of this action shall be printed once in the Nutley Sun.

Introduced by Mayor Cocchiola, seconded by Commissioner Evans. All ayes. Commissioner Orechio Absent/Excused

No. 32-08 WHEREAS, an application to conduct "Senior Bingo Games" has been received from the Nutley Parkside Apartments Tenants Association to conduct non-profit bingo games for the residents for the 2008 year; and

WHEREAS, the application has been reviewed and approved by the Municipal Clerk and the Police Department.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey that the license is approved and the Municipal Clerk is authorized to issue the license to Nutley Parkside Apartments Tenants Association.

Introduced by Mayor Cocchiola, seconded by Commissioner Tucci. All ayes. Commissioner Orechio Absent/Excused

No. 33-08 BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex,

New Jersey that Alan Genitempo be reappointed Assistant Municipal Township Attorney and Municipal Prosecutor for the Township of Nutley as of January 1, 2008 and expiring May 20, 2008.

Introduced by Mayor Cocchiola, seconded by Commissioner Tucci. All ayes. Commissioner Orechio Absent/Excused

No. 34-08 BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex,

New Jersey that Angelo Servidio be reappointed Public Defender for the Township of Nutley as of January

1, 2008 and expiring May 20, 2008.

Introduced by Mayor Cocchiola, seconded by Commissioner Evans. All ayes. Commissioner Orechio Absent/Excused

No. 35-08 WHEREAS, the Township of Nutley has the need to appoint a Township Attorney to perform legal services on behalf of the Township; and

WHEREAS, such legal services may be acquired as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44 A-20.4 or 20.5, as appropriate; and

WHEREAS, the purchasing agent has determined and certified in writing that the anticipated value of the acquisition will exceed \$17,500; and,

WHEREAS, the anticipated term of this contract is from January 1, 2008 to May 20, 2008; and

WHEREAS, Kevin P. Harkins and McElroy, Deutsch, Mulvaney & Carpenter, LLP submitted a proposal indicating they will provide the legal services for the sum of \$44,000.00 annually; and

WHEREAS, Kevin P. Harkins and McElroy, Deutsch, Mulvaney & Carpenter, LLP have completed and submitted a Business Entity Disclosure Certification which certifies that Kevin P. Harkins and McElroy, Deutsch, Mulvaney & Carpenter, LLP 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 Kevin P. Harkins and McElroy, Deutsch, Mulvaney & Carpenter, LLP from making any reportable contributions through the term of the contract; and

WEHREAS, funds are available from account 8-01-012-205 and 7-01-012-101.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Nutley authorizes the Mayor to enter into a contract with Kevin P. Harkins, and the firm of McElroy, Deutsch, Mulvaney & Carpenter, LLP; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

Introduced by Mayor Cocchiola, seconded by Commissioner Tucci. All ayes. Commissioner Orechio Absent/Excused

Meeting Open To The Public:

Rory Moore of 462 Chestnut Street came forward and said: Ms. Cocchiola can I get a clarification. This evening you just --

Commissioner Evans: That was Mayor wasn't it?

Mr. Moore: Pardon me?

Commissioner Evans: Did I hear you say Mayor?

Mr; Moore: No, I said Ms. Cocchiola. This evening you put two resolutions through, one reappointing Mr. Genitempo and one reappointing Mr. Harkins. What are the salaries on those resolutions, please.

Mayor Cocchiola: The –

Town Atty. Harkins: They are the same, Mayor. Annually.

Mayor Cocchiola: Mr. Servidio is not the same. Mr. Genitempo is the same amount.

Town Atty. Harkins. Right. I thought he asked for Mr. Genitempo and myself.

Mayor Cocchiola: I believe Mr. Servidio is in the area of \$11,000. I would have to check tomorrow, Mr. Moore.

Mr. Moore: So you don't know Mr. Genitempo and Mr. Harkins.

Mayor Cocchiola: Mr. Genitempo and Mr. Harkins have the same salary.

Mr. Moore: What is that? That was my only question.

Town Atty. Harkins: She read it in the resolution. It's \$44,000 annually.

Mr. Moore: No, that was under a different one – you have three. That's what I am asking the clarification for.

Town Atty. Harkins: I don't understand what you are asking.

Mr. Moore: I don't understand it either. That is why I am asking the question.

Mayor Cocchiola: It's \$44,000 – it might be \$44,500. It's approximately \$44,000. It's a matter of public record, you can get it tomorrow.

Mr. Moore I am not worried about the matter of public record, I worried about the way you had it listed You had it listed as a pay to play for \$17,500.

Mayor Cocchiola: I said it is valued over \$17,500.

Mr. Moore: You had it listed and then you said \$44,000 for a non competitive bid. But, it doesn't say what Mr. Harkins (inaudible) resolutions.

Mayor Cocchiola: The resolution doesn't have to say that.

Mr. Moore: Yes, it does.

Town Atty. Harkins: Mr. Moore I think she read the resolution. She read the resolution. I don't know what you are talking about.

Mr. Moore: Excuse me. You're not an elected official. I'm asking the Mayor.

Mayor Cocchiola: Mr. Harkins, is there any problem with the format of the resolution?

Town Atty. Harkins: No. The resolutions are all in proper form.

Mayor Cocchiola: Thank you. There is nothing wrong with the format of the resolution.

Mr. Moore: You have a resolution appointing Mr. Harkins as the Town Attorney. You have another resolution appointing ---

Mayor Cocchiola: They are salaried W-2 employees. He is not. There is a difference between --

Mr. Moore: That is why I am asking for clarification, because I don't understand the way it was written.

Mayor Cocchiola: The resolutions are written differently because they are paid differently.

Mr. Moore: So Mr. Harkins is being paid twice.

Town Atty Harkins: No. For me, it is a matter of housekeeping within my firm. The total amount paid for the office of the township attorney is \$44,000. It is as simple as that. Annually.

Mr. Moore: Under the rules of (inaudible) conduct – Section One, which has to do with law firms, it would be with the law firm – your law firm – not with you. I didn't mean to sound that way. You have to clarify that under this competitive bid, you have to have the law firm, and you have to have all the disclosures---

Mayor Cocchiola: Mr. Moore, Mr. Harkins will check that out for its accuracy. He's the attorney. I don't believe you are. I'll have him check that out for accuracy. Is there anything else you would like to address the Board --

Mr. Moore: Oh, I'll get the accuracy – that's not going to be an issue.

Mayor Cocchiola: That's not a problem.

Mr. Moore: Last week, there was an Executive Session, which was called by Mr. Orechio. And this evening you had an Executive Session that was called by Mr. Harkins. Can you explain the difference please.

Mayor Cocchiola: Can I explain what?

Mr. Moore: Can you explain how Mr. Orechio could call for an Executive Session.

Mayor Cocchiola: Why can't he?

Mr. Moore: That is why I am asking, why should he? It was a session involving on going litigation.

Mayor Cocchiola: He had a matter to discuss involving litigation.

Mr. Moore: Wouldn't his attorney call for litigation?

Mayor Cocchiola: No.

Mr. Moore: And if Mr. Harkins wasn't the attorney, who was the attorney that gave the update?

Mayor Cocchiola: Mr. Genitempo.

Mr. Moore: He wasn't there.

Mayor Cocchiola: Mr; Genitempo gave an update – look, don't play a game with me. There was an executive session Mr. Genitempo was at where we discussed litigation. There was an executive session that Mr. Harkins was at where we discussed litigation, the specifics of which I am not at liberty to reveal to you.

Mr. Moore: I didn't ask you to reveal them.

Mayor Cocchiola: So that's – and there were two separate executive sessions. Any one of us can call for executive session as is permitted by statute.

Mr. Moore: For ongoing litigation?

Mayor Cocchiola: For any matter that is permitted to be exempted from the Sunshine Law.

Mr. Moore: For ongoing litigation. I know the law too.

Town Atty. Harkins: Mr. Moore, If you have a statement on a governmental issue, go ahead and make your statement please.

Mr. Moore: I am not making statements, I am asking questions.

Town Atty Harkins: Your gonna make statements if you want to say something so go ahead and make your statement please.

Mayor Cocchiola: Any other questions, Mr. Moore?

Mr. Moore: Yes, yes. I do. I do have several of them actually.

Mayor Cocchiola: Questions though. Not your dissertations on the law. Okay?

Mr. Moore: Pardon me?

Mayor Cocchiola: Questions. Not your dissertations on the law.

Mr. Moore: Obviously, you lost that one already.

Mr. Evans, under the lease – did I understand Mr. Orechio to say that the fire engine was being leased again?

Mr. Evans: The agreement – there is a lease agreement and it has a purchase option associated with that so we are not going to lease it, we are going to purchase the vehicle upon delivery, which won't be until 2009.

Mr. Moore: Why was there a lease agreement then.

Mr. Evans: Just the wording in the contract so that we can begin the construction of a fire truck that we will need in 2009 and recognize that while we are choosing as a municipality to spread the payments out, the cost of that truck over a three year period versus bundling it up into a single year. So to do it in accordance with the statutes, and the laws that govern that, it is an operating lease with a purchase option. So as long as it has a purchase option, we're ok.

Mr. Moore: So we're not going to be like the E 1 where we paid like \$200,000 more for the fire engine. I think you remember that one.

Mr. Evans: I do remember that – I don't agree with you on that but that is for another discussion. But no, this is a purchase.

Mr. Moore: Under the – you just put in here a resolution for Nisivocci. I understood that Nisivoccia is going to do the accountant records.

Commissioner Evans: Nisivoccia & Company is the name of the public accounting firm that will do the independent audit of our books. Correct. And Raymond Sarinelli is the partner responsible for --

Mr. Moore: I just want to make a distinction because I thought I heard you say that they were going to prepare records.

Commissioner Evans: No. They audit the records.

Mr. Moore: They are going to do the audit.

Commissioner Evans: Yes, that is exactly right.

Mr. Moore: That is what I wanted to find out. This afternoon I was down – this morning I was downstairs and I see that your office is being built over in the corner and there is an office next to it. What is that office going to be used for?

Commissioner Evans: Staff.

Mr. Moore: How many staff people are going to fit in the office?

Commissioner Evans: One.

Mr. Moore: Just one. Who is that going to be for?

Commissioner Evans: My assistant.

Mr. Moore: Your assistant. At the last meeting I was here, I asked you about the haz mat money, when I was going to get a resolve on it. You told me it was in the mail. That was two weeks ago. I have never received it.

Commissioner Evans: I understand that was done -- it was resolved.

Mr. Moore: That is what you told me two weeks ago.

Commissioner Evans: As far as my knowledge as of this moment, that was resolved. And if wasn't, I will correct that in the morning.

Mr. Moore: But I haven't gotten a copy – that was under a OPRA request.

Commissioner Evans: Well, thank you for sharing that with me, I'll fix it in the morning.

Mr. Moore: Do I get a copy of it or do I have to go to court to get a copy of it?

Town Atty. Harkins: Mr. Moore, listen – you made an OPRA request – we responded to the OPRA request and you are a little bit misguided how the two forms work. Okay?

Mr. Moore: Yes, we know that. It was supposed to be mailed. It was already taken care of.

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Town Atty. Harkins: Commissioner is going to look into.

Mayor Cocchiola: Commissioner Evans, you're going to check on that tomorrow, right?

Commissioner Evans: Absolutely.

Mayor Cocchiola: Anything else, Mr. Moore?

Mr. Moore: Not right now.

Mayor Cocchiola: Is there anyone else that would like to address the Board this evening?

Jack Magnifico of _____ came forwarded and said: Good evening, Board. You know I was not able to come for quite a while. In the meantime, I did want to thank the Board, Mayor, Tucci, etc. for the generosity that you have showed the veterans of our town in the fact that you allowed us to use municipal place for that Family that came down and for the Mayor in helping us get that together. Thank you very much on behalf of the veterans. As a result you all know the veteran's organizations, many years ago, purchased lands. And in our purchase, we purchased a big plot, Amvets did, it's 1.6 acres along the railroad. Over the years we have asked for various uses of that, and we could have gotten, but we thought about this and since the Mayor has brought it to our attention that she needed additional parking for the senior citizens for certain occasions and we couldn't accommodate them because of the functions of our post. But we have thought about this, and I've got permission from our post members to present the plan. I've got five - may I -

Mayor Cocchiola: Mr. Magnifico, let me just clarify something before you move ahead. My request, probably about a year ago, was whether or not you would consider leasing those spots for the commuter shuttle passengers. Not for senior citizens.

Mr. Magnifico: This is a survey from the town of our property and we have decided (inaudible) the Board of Education - if you look we have 1.6 acres and it goes down right almost to the other end of Walnut Street to see if we can't convert that into a public parking area so that we can do the things that you want Mayor and maybe we can talk the Board of Education into saving us \$30,000 a year in an area over by E. Centre Street where we can park the big buses and the small buses in the back - all the way in the back - and may we will get rid of some of - We can use the property - we don't want to sell it - we prefer leasing it with arrangement to the town. So if you all consider that - looking at that property and see where I've drawn in all little yellow spots and stuff. I think it would behoove us to undertake this project because we can get grants, it is for the public good, you are not buying the land. We are going to lease it to you for a dollar a year, whatever. You have the same obligations that you have presently. With the Board of Education, they have to put out the insurance for the buses to be on that property. We have, naturally, insurance on our public parking lot so that wouldn't be a problem. So if you look at that and consider it and get in touch with me, in the future, I would appreciate it. And the Amvets are pleased to do this. It was their vote and their decision. Thank you.

Commissioner Evans: Thank you, Jack.

Mayor Cocchiola: Thank you. Excellent idea. Anyone else that would like to address the Board this evening.

No one came forward.

Adjournment:

Motion to adjourn by Commissioner Tucci, seconded by Commissioner Scarpelli. Meeting adjourned at 8:29 PM.

ATTEST:

Evelyn Rosario, RMC
Municipal Clerk

Mayor Joanne Cocchiola

Commissioner Thomas J. Evans

Commissioner Mauro G. Tucci

Commissioner Carmen A. Orechio

Commissioner Peter C. Scarpelli