

Township of Nutley
Board of Commissioners
Meeting Minutes
Monday, February 4, 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	-Absent/Excused
Commissioner Tucci	-Absent/Excused
Commissioner Orechio	- Present
Commissioner Scarpelli	- Present
Mayor Cocchiola	- Present

MINUTES:

None.

COMMUNICATIONS/CORRESPONDENCE:

Evelyn Rosario, Municipal Clerk, read the following communications:

- a. North Jersey District Water Supply Commission November 28, 2007 and December 19, 2007 meeting minutes..
- b. North Jersey District Water Supply Commission January 23, 2008 meeting agenda.
- c. Correspondence from Mr. E. Schapiro, MD and Jerry Pyenson requesting adoption of resolution urging moratorium on home foreclosures and congressional enactment of a homeowner's and bank protection act.
- d. Mr. M. Kopp requesting permission to hold a one day car sale for employees of the representing credit unions. Car sale to be held on Saturday April 26, 2008 at the Proponent Federal Credit Union.

Motion to approve sale by Commissioner Scarpelli, seconded by Commissioner Orechio. All Ayes.
Commissioner Evans Absent/Excused, Commissioner Tucci, Absent/Excused.

Town Atty Harkins: Mayor, it would also be subject to whatever state requirements there are.

Clerk: Yes, which they have attached.

- e. Franklin Steakhouse requesting permission to set up a one day tent and apply for a one day expansion of their liquor license for their March 1, 2008 event.

REPORTS:

Commissioner Tucci submitted the Shade Tree December 2007 monthly progress report.

Mayor Cocchiola submitted the Department of Public Affairs January 2008 monthly progress report.

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 Public Affairs	\$ 174,329.37
Department of Revenue & Finance	\$ 6,188,943.51
Department of Public Safety	\$ 208,971.86
Department of Public Work	\$ 132,110.74
Department of Parks & Recreation	\$ 538,604.29

Payroll as of January 11, 2008

Regular	\$ 679,937.11
Overtime	\$ 26,779.15
Bill List Grand Total	\$ 7,949,676.03

Motion to approve the bills by Commissioner Orechio seconded by Commissioner Scarpelli . All Ayes.
Commissioner Evans Absent/Excused, Commissioner Tucci Absent/Excused

ORDINANCE INTRODUCTION:

None.

PUBLIC HEARINGS (1):

ORDINANCE NO. 3052

“AN ORDINANCE TO AMEND AN ORDINANCE CODIFIED IN THE CODE OF THE TOWNSHIP OF NUTLEY, CHAPTER 228, ENTITLED VEHICLES AND TRAFFIC, PARTICULARLY ARTICLE VII” (SPECIAL ZONES AND AREAS, LANE USE RESERVATIONS), SECTION 28 ENTITLED BUS STOPS, TO ADD AND DELETE THE LOCATIONS SET FORTH THEREIN. (PASSAIC AVENUE, FRANKLIN AVENUE, TERRACE AVENUE, CATHEDRAL AVENUE, BLOOMFIELD AVENUE, LAKESIDE DRIVE & KINGSLAND STREET)

Commissioner Orechio: This public hearing has to do with a comprehensive review of the bus stops within the community. This review is in concert with New Jersey Transit and as a result there are some additions and some deletions involved in this revision.

Ordinance No. 3052 was introduced for second reading by Commissioner Orechio, seconded by Commissioner Scarpelli. Commissioner Orechio read by title only.

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

No one came forward.

Motion to close the public hearing by Commissioner Orechio, seconded by Commissioner Scarpelli. All ayes on a roll call vote.

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

RESOLUTIONS: (15)

No. 37-08 BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, in the County of Essex, N.J. that the Township Treasurer be and she is hereby authorized to refund SSG-Barco, Inc. of 2033 Route 130 South, Monmouth Junction, NJ 08852 in the amount of \$100.00 for a refund of the permit fee for the removal of an oil tank at 735 Bloomfield Avenue (Permit #07-01605). SSG-Barco, Inc. has notified the Code Enforcement Office that the homeowner no longer wishes to do the work. The total refund due is \$100.00. Paid by check #2978 on December 7, 2007.

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

No. 38-08 BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, in the County of Essex, N.J. that the Township Treasurer be and she is hereby authorized to refund SSG-Barco, Inc. of 2033 Route 130 South, Monmouth Junction, NJ 08852 in the amount of \$102.00 for a refund of the permit fee for the installation of an oil tank at 735 Bloomfield Avenue (Permit #07-01604). SSG-Barco, Inc. has notified the Code Enforcement Office that the homeowner no longer wishes to do the work. The total refund due is \$102.00. Paid by check #2978 on December 7, 2007.

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

No. 39-08 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:

Parking Lot & Meter Maint. S/W		Parking Lot & Meter Maint. O/E	
7-01-426-101	\$ 3,400.00	7-01-426-226	\$ 3,400.00
TOTAL	\$ 3,400.00	TOTAL	\$3,400.00

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

No. 40-08 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 property taxes in the amount of \$ 1,231.70 due to Tax Court Judgments as detailed below.

Block & Lot	Address	Amount
156 1	149 Church St.	\$1,231.70

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

No. 41-08 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 2007 property tax payments in the amount of \$3,656.07 made by the owners of the below listed address, Ann & Saverio Romeo, as requested by them.

Block & Lot	Address	Amount
4800 3	81 Coeyman Ave.	\$ 3,656.07

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

No. 42-08 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 property taxes in the amount of \$ 52,584.80 from said year.

<i>Block & Lot</i>	<i>Address</i>	<i>Amount</i>
496.B 20	2-6 Baltimore Street	\$4908.75 – 2004
1000 1 C5013	512 Coventry Drive	\$1976.57 – 2004
1000 1 C5024	523 Coventry Drive	\$2334.07 – 2004
1000 1 C5036	535 Coventry Drive	\$1907.82 – 2004
1000 1 C5042	541 Coventry Drive	\$2154.11 – 2004
1000 1 C5044	543 Coventry Drive	\$2021.25 – 2004
1000 1 C5049	548 Coventry Drive	\$2013.42 – 2005
1000 1 C5053	552 Coventry Drive	\$2158.75 – 2004
1000 1 C5054	553 Coventry Drive	\$1474.70 – 2004
1000 1 C5061	560 Coventry Drive	\$2251.57 – 2004
1000 1 C5073	572 Coventry Drive	\$2069.38 – 2004
1000 1 C5079	578 Brittany Circle	\$1973.13 – 2004
1000 1 C5084	583 Brittany Circle	\$2038.44 – 2004
1000 1 C5096	595 Hartford Drive	\$1003.75 – 2004
1502 12	536-544 Washington Avenue	\$4215.12 – 2005
1703 21	147 North Road	\$1808.12 – 2004
2803 15	4 Garden Place	\$1527.95 – 2004
3603 9	367 Washington Avenue	\$1711.88 – 2004
4100 10	39 Chestnut Street	\$1625.94 – 2004
6001 19	42 Church Street	\$1959.38 – 2004
7200 3 C0324	108-110 Passaic Ave. CC024	\$1743.89 - 2005
8204 32	78 Hopper Avenue	\$1347.41 - 2005
9601 2	20 Washington Avenue	\$2234.38 – 2004
9601 8	3 Hagert Street	\$1265.00 - 2004
601 3	636 Passaic Avenue	\$1340.64 - 2004
412 18	218 Washington Avenue	\$1519.38 - 2004

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

No. 43-08 WHEREAS, New Jersey State Statute allows erroneous charges to be cancelled by resolution;

NOW, THEREFORE, Be it Resolved, by the Board of Commissioners, of the Township of Nutley, County of Essex, State of New Jersey, that the following erroneous interest charge be cancelled on Block 403 Lot 21 C0001 known as 52 East Centre St Qualification number C0001

Payment for this property was applied to Block 403 Lot 21 creating a delinquent balance on Block 403 Lot 21 C0001 which then accrued this erroneous interest charge.

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

No. 44-08 WHEREAS, R.S. 40 A:5-17 allows for the cancellation of property tax credits or delinquent amounts in the amount of less than \$10.00 ; and,

WHEREAS, the governing body may authorize the Tax Collector to process, without further action on their part, any cancellation of property tax credits or delinquencies of less than \$10.00

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners, of the Township of Nutley, County of Essex, State of New Jersey, hereby authorize the Tax Collector to cancel said amounts as deemed necessary

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

No. 45-08 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 REVENUE & FINANCE

FROM:

TO:

Tax Collector S/W 7-01-206-101	\$ 500.00	Tax Collector O/E 7-01-206-200	\$ 2,500.00
Tax Assessor O/E 7-01-204-205	2,000.00		
Total	\$ 2,500.00	Total	\$ 2,500.00

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

No. 46-08 WHEREAS, 40A: 4-20 provides that where contracts, commitments or payments are to be made prior to the final adoption of the 2008 Budget, emergency appropriations may be lawfully made for the purposes and amounts required in the manner and time therein provided; and

WHEREAS, the total emergency temporary resolutions adopted in the year 2007 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S. 40A: 4-20), including this resolution, total \$9,000.00.

NOW, THEREFORE, BE IT RESOLVED that in accordance with N.J.S. 40A: 4-20:

1. Emergency temporary appropriations be and the same are hereby made for the total amount \$9,000.00;
2. That said emergency temporary appropriations will be provided for in the 2008 Budget as follows (see attached):

8. GENERAL APPROPRIATIONS
(A) Operations-Within "CAPS"

DEPARTMENT OF PUBLIC SAFETY	TEMPORARY APPROPRIATIONS
Purchase of Police Cars 8-01-332-200	\$ 9,000.00

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

No. 47-08 BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey that the Township enter an agreement with the New Jersey Association for retarded Citizens, Essex County Unit, Inc., a New Jersey Corporation, with offices on Naylor Avenue in the Township of Livingston, Essex County, New Jersey, wherein the "Unit" agrees to provide services to mentally retarded individuals and their families in the Township of Nutley, effective January 1, 2008 through December 31, 2008 in consideration of payment by the Township of Nutley to the "Unit" of \$1,000.00 payable in one sum, as a partial reimbursement of costs and services; and

BE IT FURTHER RESOLVED that the Director of Public Affairs and the Township Clerk are hereby authorized and directed to execute said agreement on behalf of the Township of Nutley.

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

No. 48-08 WHEREAS, the Township of Nutley and Northwest Essex Community Healthcare Network, Inc., 570 Belleville Avenue, Belleville, NJ, desire to enter into an agreement wherein the Community Mental Health Services will provide mental health services to Nutley residents; and

WHEREAS, it is in the best interest of the Township of Nutley to enter into this agreement for a fee of \$10,000 for 2008;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey that the Director of Public Affairs and Township Clerk are hereby authorized to execute an agreement with Northwest Essex Community Healthcare Network, Inc.

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

No. 49-08 BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex,

State of New Jersey that Joanne Cocchiola and Kathy Rempusheski be appointed as representatives of the

Community Development Block Grant Committee from January 1, 2008 to May 20, 2008.

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

No. 50-08 WHEREAS, Black History Month was initially established in 1926 and has since become a national observance; and

WHEREAS, the purpose of Black History Month is to commemorate and recognize the contributions of citizens in our country, state and town that are of African American descent;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey join the citizens of Nutley in recognizing and observing the month of February as "Black History Month".

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

No. 51-08 WHEREAS, coronary heart disease and stroke are the No. 1 and No 3 killers of Americans; and

WHEREAS, more than 64 million Americans suffer from one or more forms of cardiovascular disease, including high blood pressure, coronary heart disease, congestive heart failure, stroke, and congenital heart defects; and

WHEREAS, a combination of heart healthy nutrition, living a healthy lifestyle (including exercise, eliminating tobacco, etc.) and following your healthcare professional's recommendations are all part of reducing your risk for heart disease, heart attack and stroke; and

WHEREAS, to celebrate February as Heart Health Month, a Heart Healthy Cooking Demonstration for both men and women will be held on Thursday, February 28, 2008 at the Nutley High School Cafeteria at 300 Franklin Avenue and will feature a presentation on nutritional and dietary benefits of healthy eating, as well as free blood pressure, cholesterol and body fat screenings;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey does hereby recognize February 2008 as American Heart Month and encourages our citizens to learn more about heart health and to reduce their risk factors for serious heart conditions. By making healthy choices, we can live longer and better lives.

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

Mayor Cocchiola That concludes the business portion of our meeting this evening.

Meeting Open To The Public:

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

Rory Moore of 462 Chestnut Street came forward and said: Ms. Cocchiola, you had an executive session this evening.

Mayor Cocchiola: Yes we did.

Mr. Moore: Was it personnel? Is that correct?

Mayor Cocchiola: Correct. That's what the resolution said.

Mr. Moore: That's what the resolution said. Would you explain to me what the CFO and the auditor were present for a personnel meeting.

Mayor Cocchiola: No, I'm not going to explain what went on in Executive Session.

Mr. Moore: Ms. Cocchiola, I am going to file a complaint tomorrow -----

Town Atty. Harkins: Mr. Moore, Mr. Moore, we went into executive session for personnel. The minutes will be released at the appropriate time.

Mr. Moore: What is the appropriate time?

Town Atty. Harkins: When the matter is resolved.

Mr. Moore: When's that.

Town Atty. Harkins: I don't know.

Mr. Moore: According to the law, it is 90 days.

Mayor Cocchiola: The minutes have to be voted on and approved and the matter at hand Has to be resolved in order for us to issue the minutes to anybody, Mr. Moore. You know that, Mr. Moore, because you know the law. Right?

Mr. Moore: Yes, I do.

Mayor Cocchiola: Good.

Mr. Moore: I just want to know what the finance people were there for a personnel matter. Ms. Cocchiola, this evening you are covering for Mr. Evans. Is that correct?

Mayor Cocchiola: I read his resolutions. That's correct.

Mr. Moore: Yes. You had appropriations – transfer for \$9,000 for the emergency purchase of a police car.

Mayor Cocchiola: There's a temporary appropriation for \$9,000 to purchase a police car.

Mr. Moore: If I read the ordinance – or the resolution, was that an emergency?

Mayor Cocchiola: It's a temporary appropriation.

Mr. Moore: It is not listed as an emergency.

Mayor Cocchiola: I read it as an emergency. I read it as the resolution read, Mr. Moore.

Mr. Moore: Okay. Thank you.

Mayor Cocchiola: If you have a question, you can contact Mr. Evans' office tomorrow.

Mr. Moore: I will.

Mayor Cocchiola: Thank you. Anything else.

Mr. Moore: In an OPRA response, I asked about an event that took place in the Chandelier and it was under your office, I believe and it was for the Thanksgiving Survivors'. Who are they?

Mayor Cocchiola: Thanksgiving -- you mean the Nutley Thriving Survivors'. They are a private LLC right now.

Mr. Moore: I'm sorry.

Mayor Cocchiola: Nutley Thriving Survivors'. They are there own corporation now. They are no longer under the office.

Mr. Moore: So the town paid for –

Mayor Cocchiola: I don't know what you mean by Thanksgiving – you must mean

Mr. Moore: Well;, that is what it said. That is what it said in the response. And that is why I am asking you.

Mayor Cocchiola: In what response?

Mr. Moore: The OPRA response.

Mayor Cocchiola: I don't even know what you have in your hand.

Mr. Moore: I'll show it to you later.

Mayor Cocchiola: You can –

Town Atty. Harkins: Mr. Moore, if you have a statement, just go ahead and make a statement---

Mr. Moore: No, No, there is no statement, I am asking a question. Would you please stop interrupting.

Mayor Cocchiola: What's the question, Mr. Moore? Why don't you just ask me the question.

Mr. Moore: The question is, I put an OPRA request and I received an answer –

Mayor Cocchiola: And what was your question?

Mr. Moore: The question is who are the Thanksgiving Survivors because that was what the party was listed for.

Mayor Cocchiola: There is nothing called the Thanksgiving Survivors. There is a not for profit 501 C 3 corporation called the Nutley Thriving Survivors. It was formally a committee under my department. They are now a not for profit corporation.

Mr. Moore: I'll get the copy and find out. You signed a contract recently for (inaudible) for the wall and fence.

Mayor Cocchiola: I don't think that – you ask me this every meeting.

Mr. Moore: No, no, this is something different. This is a different. one.

Mayor Cocchiola: What is this one?

Mr. Moore: You spent \$15000 for a retainer wall and for repairs of the steps at the library.

Mayor Cocchiola: What month was this? When was this?

Mr. Moore: I believed you signed it, I don't have the papers in front of me, unless somebody else has them, I believe you sign them in September.

Mayor Cocchiola: That grant was not a grant that came through my office. It was a grant that the library board got on their own. I think you wrong. I don't think I signed that contract. If you have a copy with my signature on it, I'll take a look at it.

Mr. Moore: Well, that is what I'm trying to find out because –

Mayor Cocchiola: I don't believe that I signed that – that was a separate grant that they funded. The grant prior to that came through my office, I saw all the paper work. This grant was handled strictly through the library. You could contact Joann Troppiano or Mr. Iannarone and get any information with respect –

Mr. Moore: Oh, I already contacted the state.

Mayor Cocchiola: You could contact whoever you want but, I am saying that I don't think my signature is on that so I can't answer the question.

Mr. Moore: The real question comes down to when it was issued -- and it was issued to a Nutley landscaper.

Mayor Cocchiola: We didn't issue the contract. It came from the library board. This Board or I had nothing to do with that.

Mr. Moore: You have a resolution. I have a copy of the resolution.

Mayor Cocchiola: Authorizing what?

Mr. Moore: \$15,000 for a retaining wall –

Mayor Cocchiola: You mean we authorized a bill payment that probably was paid through the Department of Public Affairs, through the Mayor's Office.

Mr. Moore: No.

Mayor Cocchiola: You know what – I am not going to play a game with you.

Mr. Moore: Okay. Alright.

Mayor Cocchiola: Mr. Harkins, take a look at it and find out what he wants.

Mr. Moore: No, no don't worry about it. I took care of it.

Mr. Orechio, I received a copy of a response from Rosemary Costa and she included a copy of a memo from your Captain Hund -- H - u - n - d I believe his name is. And in there he answered something. But he also attached a copy of the Office of a Local Environmental Management. I called them because in there he cited correspondence from Debra Pinto. I called Ms. Pinto and she had no idea of what I was talking about so after I faxed all the letters over to her, she never sent this over to Mr. Hund. This was never included. This has to do with the haz mat when you want to find out the building on it. In here Mr. Hund writes "that it is in accordance with New Jersey State Law." So when I called up Ms. Pinto, she had no idea of what was going on. I called up Joe DeVincenzo's office, they had no idea of what was going on. So when I called up the Prosecutor's Office, they told me what was going on. And apparently you can't build because you don't have an ordinance to build. So I want to know what's going on. So I want to know where the money is going.

Commissioner Orechio: I'm not aware that you're correct on that statement. We don't do anything illegally.

Mr. Moore: Pardon me?

Commissioner Orechio: We don't do anything illegally in our department.

Mr. Moore: Oh, I wait, wait, let's just talk about this.

Commissioner Orechio: Let me ask you a question.

Mr. Moore: I'd like to finish mine first. I'll be happy to—

Commissioner Orechio: I'll have to check that out

Mr. Moore: You're going to check on this?

Commissioner Orechio: You wrote me a letter on December 19th

Mr. Moore: An e mail actually.

Commissioner Orechio: Let me ask you as question.

Mr. Moore: Go right ahead.

Commissioner Orechio: You said I'm aware you're (inaudible) sexual orientation misdirection a desire suffered by people like you and McGreevy he mentioned in his book. What kind of nonsense is that?

Mr. Moore: It is right here. It's in your manual.

Commissioner Orechio: You're out of your mind.

Mr. Moore: Oh, it is.

Commissioner Orechio: You're out of your mind.

Mr. Moore: It's signed by Mr. Genitempo, Town Attorney.

Commissioner Orechio: You ought to quit. You ought to go home. Go back where you came from

Mr. Moore: Town Attorney. He signed it.

Commissioner Orechio: Ridiculous.

Mr. Moore: It's right here.

Commissioner Orechio: Ridiculous.

Mayor Cocchiola: Mr. Moore, do you have anything else?

Town Atty. Harkins: Mr. Moore, if you have a statement go ahead and make it.

Mayor Cocchiola: Mr. Moore –

Commissioner Orechio: Why do we have to listen to this guy? He's nonsense.

Mr. Moore: Because it is a public meeting.

Commissioner Orechio: He has many things in his background – he doesn't even belong here at a public meeting.

Mayor Cocchiola: Mr. Moore, it's a public meeting but you have to get to the point. You can't just stand up here and rattle on and on. You have to get to the point.

Cannot hear conversation – everyone speaking at once.

Commissioner Orechio: I'm sick and tired of this nonsense. He wastes time – meeting after meeting. Most negative people in this whole community. Do nothing at all in a benevolent way. So all you is come over here and waste time – waste time.

Mr. Moore: I'm just asking questions – there's a contract –

Mayor Cocchiola: Mr. Moore –

Commissioner Orechio: You're nuts.

Mr. Moore: Yes I do have –

Commissioner Orechio: I'm not going to waste any more time with these clowns.

Mayor Cocchiola: Mr. Moore why don't you give it to Mr. Harkins if you think there is something you need answered. He'll channel it and he'll answer the question.

Mr. Moore: But this is a public question and this is again another OPRA response from you, from your office, in which I ask for the salaries. And in here it says the base salary and the maximum salary, but it doesn't say the salary.

Mayor Cocchiola: All the salaries are a matter of public record.

Mr. Moore: Well where is the public record.

Town Atty. Harkins: You're holding it.

Mr. Moore: Base salary and total salary and there is nothing in between it. What is the actual salary. Township Physician and it says \$10,400 and there is another figure. What is his salary.

Mayor Cocchiola: \$10,400.

Mr. Moore: Assistant Town Physician' Pediatrician \$10,400 – oh no the other ones – I'm sorry. The Registrar, whoever that is, goes from \$55,000 up to \$60,000. And this is a salary ordinance. What is the salary?

Mayor Cocchiola: I don't know what you are looking at.

Mr. Moore: Okay. This is a responsibility of your office.

Mayor Cocchiola: Every salary in the township is a matter of public record. Anybody in Nutley is entitled to it. So

Mr. Moore: Good. So then I want to make arrangements of you all –

Mr. Harkins: Mr. Moore, If you want to look at them, make an OPRA request, you can come in and look at them.

Mr. Moore: I did that already.

Town Atty Harkins: Well then you're holding it. That's the answer.

Mr. Moore: I hope you are satisfied with that.

Town Atty. Harkins: I am satisfied.

Mr. Moore: Good.

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

Sera Schuster of 462 Chestnut Street came forward and said: I did have questions for all the commissioners but I see two are missing.

Mayor Cocchiola: They are not here this evening.

Ms. Schuster: I beg your pardon.

Mayor Cocchiola: They are not here this evening. You can hold their questions till next time.

Ms. Schuster: I know they are not here. I said they are missing. I didn't mean in action. They are not here

Mayor Cocchiola: Any questions Ms. Schuster.

Ms. Schuster: Yes. I spoke to you about two meetings ago about the crossing guard at the driveway on Chestnut Street. I think it's a shame that there is no crossing guard and those children have to go in by buses and trucks and cars go in. And someday somebody is going to get hurt and I understand that a child wrote a letter to the Nutley Sun, he wanted to know why there was no crossing guard there. You had said that you were going to take care of it the next day.

Mayor Cocchiola: I said that Ms. Schuster?

Ms. Schuster: Oh, yes you did.

Mayor Cocchiola: I don't govern crossing guards.

Ms. Schuster: You said I will call tomorrow and take care of it. But there are two crossing guards on the corner of Chestnut and Franklin Avenue. Okay. Now, that leads me to something else. Are you aware Commissioners that a man was hit by a car on New Year's Day. He was crossing the street with his walker. He was hit and he died the next day. You're not aware of it.?

Commissioner Orechio; Yes, I am aware of it.

Ms. Schuster: You're aware of it.

Commissioner Orechio: Yes I am.

Ms. Schuster: Are you going to put an Officer on the corner? I'll call a lot of people--

Commissioner Orechio: Based on the experience over the years we have statistics, and there is another requirement, basically a number of people have been struck there but basically because of their own fault in crossing against the light.

Ms. Schuster: No, no you're wrong. Because Paul Morrison was crossing with the light when Mr. Verdi hit him, he went on to the hood of the car, went to the floor and Mrs. Verdi opened the window and said "Did you get hurt?" and they drove away

Commissioner Orechio: We did a very, very comprehensive analysis of the accidents at that intersection. Mr. Barry, do you want to supplement what I said.

Ms. Schuster: Before Mr. Barry comes up, I take notice that on the corner of Kingsland and Franklin Avenue there is a camera on the traffic light but there is none on the corner of Franklin and Centre Street. There's cameras on some of the lights.

Commissioner Orechio: That is being worked on.

Ms. Schuster: Oh, it's being worked on.

Commissioner Orechio: Yes, it costs money to do that.

Ms. Schuster: Reminds me of when that little girl was hit by a car and Sonny Ferrara said she was only tapped.

Mayor Cocchiola: Mr.; Barry, why don't you step forward and answer that question of Ms. Schuster.

Jack Barry, the Traffic Coordinator for the Town of Nutley came forward and said: Reference to Franklin Avenue and Centre Street, if I recall correctly, at Ms. Schuster request a study was done of the pedestrian accidents was done at the intersection of Franklin and Centre. As a result of that study, an appeal was made to the County of Essex to update that traffic signal. As of last week I had met with the engineers down there and we are going to – the County is going to rebuild the signal with state of the art equipment to include count down pedestrian timers.

In reference to the question she had about the gentleman that was injured on January 1st, we are not allowed to make any comments in reference to that accident in that the Prosecutor's Office is conducting an investigation and it is in litigation and so we are not allowed to comment at all.

(Meeting: February 4, 2008)

In reference to the camera at Franklin Avenue and Kingsland Street, as you have been here a long time, Kingsland Street is a state highway and what those cameras are, rather than put loop detectors buried in the roadway, those cameras look at the traffic conditions and change the light as required.

Commissioner Orechio: Do you want to comment on the crossing guard location at the –

Mr. Barry: Oh, the crossing guard location at the driveway is not under the jurisdiction of the municipality. That, for the last few years, the school board has put someone there at their expense but I understand that they are having a problem getting some else to put there because they do not want to pay too much money. But, I do not know if that is an absolute fact.

Ms. Schuster: Incidentally, if Ralph D’Andrea had that school, he would be standing out there watching the children.

Mr. Barry: Well, he’s not here.

Ms. Schuster: I know he’s not here – there are a lot of things that have change.

Mayor Cocchiola: Do you have any other questions, Ms. Shuster?

Ms. Schuster: I beg your pardon?

Mayor Cocchiola: Any other questions or comments?

Ms. Schuster: Yes, talking about the man who was hit, Barry says you can’t talk about it. But, when I get phone calls. People tell me – do you know this person got hit? But, Aaron Morrison, he must be spinning in his grave, because he wanted a crossing guard there for years.

Mayor Cocchiola: Mrs. Schuster, if a matter is under investigation we are not permitted to –Mr. Barry is not permitted to discuss it so we can’t offer you any information at this point.

Ms. Schuster: The Prosecutor’s Office, they close their eyes and you wonder why that is the end of that case. I know –

Mr. Barry: Which case would that be mama?

Ms. Schuster: I’m talking about in the past but this I’ll have to follow up on.

Mr. Barry: Is there any particular case that you’re talking about they close their eyes.

Ms. Schuster: They close their eyes to a lot of things, we could go back years.

Mr. Barry: But you don’t have any particulars.

Mayor Cocchiola: Thank you Mrs. Schuster. Is there anyone else that would like to address the Board this evening?

No one came forward.

Adjournment:

Motion to adjourn by Commissioner Orechio, seconded by Commissioner Scarpelli. All Ayes. Commissioner Evans Absent/Excused, Commissioner Tucci Absent/Excused. Meeting adjourned at 7:29 PM.

ATTEST:

Evelyn Rosario, RMC
Municipal Clerk

Mayor Joanne Cocchiola

Absent/Excused

Commissioner Thomas J. Evans

Absent/Excused

Commissioner Mauro G. Tucci

Commissioner Carmen A. Orechio

Commissioner Peter C. Scarpelli