

Township of Nutley
Board of Commissioners
Meeting Minutes
Monday, June 2, 2008
7:00 P.M.

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 Meeting Law (Chapter 231, 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. Said notice was amended to reflect the new start time of all 2008 remaining meetings and duly published in the May 29, 2008 issues of the Nutley Sun, the Journal, the Herald News and the June 2, 2008 issue of the Star Ledger. 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 Scarpelli	- Present
Commissioner Petracco	- Present
Commissioner Evans	- Present
Commissioner Tucci	- Present
Mayor Cocchiola	- Present

MINUTES:

April 15, 2008 "Public Hearing & Adoption 2008 Municipal Budget"
Motion to approve the minutes by Commissioner Evans, seconded by Commissioner Evans. All Ayes.

COMMUNICATIONS/CORRESPONDENCE:

Evelyn Rosario, Municipal Clerk, read the following communications:
a. Communication/Nutley Family Service Bureau/Nutley Fall 5/October 12, 2008
b. Jim Dandy's of Nutley/Application Catering Permit/Concert in the Park/June 19, 2008

REPORTS:

Commissioner Scarpelli submitted the Department of Public Works progress report for the month of April 2008.
Commissioner Tucci submitted the Shade Tree report for the month of April 2008.
Mayor Cocchiola submitted the Department of Public Affairs monthly activities report for the month of May 2008.

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	\$ 13,790.50
Department of Revenue & Finance	\$ 1,882,132.78
Department of Public Safety	\$ 30,275.69
Department of Public Works	\$ 12,601.89
Department of Parks & Public Property	\$ 405,737.70
Payroll as of May 30, 2008	\$ 760,254.64
Bill List Grand Total	\$ 3,104,793.20

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

ORDINANCE INTRODUCTIONS:

Ordinance No. 3061

"AN ORDINANCE TO AMEND AN ORDINANCE CODIFIED IN THE CODE OF THE TOWNSHIP OF NUTLEY, CHAPTER 228, ENTITLED VEHICLES AND TRAFFIC, PARTICULARLY ARTICLE II (PARKING OF CERTAIN STREETS), SECTION 13 ENTITLED "PARKING PROHIBITED AT ALL TIMES" TO ADD THE LOCATIONS SET FORTH THEREIN." (Ridge Road)

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

A public hearing will be held on July 1, 2008.

Ordinance No. 3062

"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), SECTION 29A ENTITLED HANDICAPPED PARKING, TO ADD & ADD THE LOCATIONS SET FORTH THEREIN." (Yale Street & Centre Street)

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

A public hearing will be held on July 1, 2008.

PUBLIC HEARINGS:

None.

RESOLUTIONS: (16)

No. 180-08

WHEREAS, the Nutley Velodrome was built in 1933 on a 12 acre lot known as Joyce Quarry by Joe and Anthony Miele with the permission of Mayor Walter F. Reinheimer and the Board of Commissioners; and

WHEREAS, The Nutley Velodrome, with a capacity of 12,000 spectators, held bicycle races every Wednesday evening and Sunday afternoon and also was the site of four boxing matches and midget car racing; and

WHEREAS, The Nutley Velodrome attracted the best cyclists from Europe, Australia and the United States; and

WHEREAS, in 1942 the Nutley Velodrome was closed and torn down after interest in the races diminished; and

WHEREAS, June 4, 2008 marks the 75th Anniversary of the opening of the Nutley Velodrome;

NOW, THEREFORE BE IT RESOLVED that the Mayor and the Board of Commissioners of the Township of Nutley would like to honor the Nutley Velodrome as a symbol of Nutley's history; and

BE IT FURTHER RESOLVED by the Mayor and the Board of Commissioners of the Township of Nutley, in the County of Essex, State of New Jersey, that June 4, 2008 be proclaimed

"NUTLEY VELODROME DAY"

and the Mayor and Board of Commissioners join with the citizens of Nutley and the Nutley Historical Society in recognizing the 75th Anniversary of the Nutley Velodrome.

Introduced by Mayor Cocchiola, seconded by Commissioner Evans. All ayes.

Mayor Cocchiola called on Mr. Michael Gabriele to present him with two framed and signed copies of the Resolution, one for him and one for the Nutley Historical Society.

Mr. Gabriele: It's a great honor to be here. Thank you very much. It's a great day for Nutley. Your father was always a great inspiration to me all the years I was gathering research and information on the Velodrome so this is a special night. I was invited by the Nutley Historical Society to do a program this Wednesday which is the 75th anniversary date, at the Nutley Museum at 7:30 and I hope we have a good turnout talking about the history of the Velodrome

and why it's so important to Nutley and the history of cycling throughout the world. Thank you very much.

Mayor Cocchiola asked Mr. Gabriele to come forward for a photograph with the members of the Historical Society.

No. 181-08

WHEREAS, Bids for the purchase of Passaic Valley Water Commission Interconnect Radio Flow Readings or Approved Equal were received and opened May 30, 2008; and

WHEREAS, Neal Systems Incorporated, 122 Terry Drive, Newton, PA 18950 was the only bidder with a total bid price of \$44,698.00; and

WHEREAS, the funds are available from Bond Ordinance #3055 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 of the Township of Nutley, in the County of Essex, State of New Jersey, that a contract be awarded to Neal Systems Incorporated, 122 Terry Drive, Newton, PA 18940, not to exceed \$44,698.00 and that the Mayor and Township Clerk are hereby authorized to enter into and sign said contract for the Township of Nutley.

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

No. 182-08

WHEREAS, the Township of Nutley has entered into a contract with D&L Paving Contracting, PO Box 507, Nutley, New Jersey 07110, for a project known as Resurfacing of Passaic Avenue Section 3 for an original contract amount of \$170,704.87; and

WHEREAS, Engineering Services has recommended the attached Change Order #1 in the amount of \$27,000.00, dated May 23, 2008 for additional Concrete Sidewalk and Reset Brick Paving; and

WHEREAS, the funds are available from Ordinance #3053 in the amount of \$27,000.00, and have been certified by the Chief Financial Officer, said certification attached to this resolution;

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners in the Township of Nutley, County of Essex, State of New Jersey, that the Change Order No. 1, as attached, is a change from the contract previously made by the Township of Nutley with D&L Paving Contractors, Inc., for the project known as Resurfacing of Passaic Avenue Section 3 is hereby authorized and approved.

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

No. 183-08

WHEREAS, the Township of Nutley has a need to acquire the services of a professional real estate appraiser to complete the necessary procedures to ensure we capture added assessments arising from ongoing improvement activities in the Township 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 tax assessor has 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, Hendricks Appraisal Company, LLC has submitted a fee schedule for providing such services, the total of which is not to exceed \$30,000.00; and

WHEREAS, Hendricks Appraisal Company, LLC 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; and

WHEREAS, funds are available from account 8-01-204-200 and have been certified by the chief financial officer, said certification being attached to this resolution,

NOW, THEREFORE BE IT RESOLVED that the Board of Commissioners of the Township of Nutley authorizes the Mayor to enter into a contract with Hendricks Appraisal Company, LLC; 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 Commissioner Evans, seconded by Commissioner Tucci. All ayes.

No. 184-08

BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, 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 \$1,770.88. Property is now in exempt status.

Block & Lot	Address	Amount
5304 33	26 Cedar St.	\$1,770.88---year 2008

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

No. 185-08

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 \$3,958.55 due to a Tax Court Judgment as detailed below.

Block & Lot	Address	Amount
6700 7	242 Washington Ave.	\$ 3,958.55

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

No. 186-08

WHEREAS, on February 29, 2008 the Office of the Municipal Clerk received from Mr. Amjad Alzubi an ice cream vendor license application along with the \$100.00 application fee; and

WHEREAS, Mr. Alzubi has requested in writing to withdraw his application and has also requested the application fee be refunded to him.

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 Mr. Amjad Alzubi the vendor application fee of \$100.00.

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

No. 187-08

WHEREAS, the Holy Family Church has submitted an application to the Code Enforcement Department for renovations to the Parish Center located at 28 Brookline Avenue; and

WHEREAS, in 2006 the Building Committee of Holy Family Church met with the Township of Nutley and discussed the permit application process; and

WHEREAS, the initiative of this meeting was for Holy Family Church to plan their budget accordingly; and

WHEREAS, the Township of Nutley offered to waive any permit fees involved with Parish Center renovations.

NOW, THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, in the County of Essex, State of New Jersey that all permit fees related to the Parish Center renovations at Holy Family Church be waived.

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

188-08

WHEREAS, the Township of Nutley desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for approximately \$8,000.00 to continue the 2008 Recreation Opportunities for Individuals with Disabilities in a local setting; and

BE IT THEREFORE RESOLVED,

1. That the Township of Nutley does hereby authorize the application for such a grant: and
2. recognizes and accepts that the Department may offer a lesser or greater amount and therefore,
upon receipt of the grant agreement from New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also,
upon receipt of the fully executed agreement from the Department, does
further authorize the expenditure of funds pursuant to the terms of the agreement between the Township of Nutley and the New Jersey Department of Community Affairs.

BE IT FURTHER RESOLVED that the person whose name, title and signature appears below is authorized to sign the application, and that they or their successor in said title is authorized to sign the agreement, and any other documents necessary in connection therewith.

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

No. 189-08

BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, in the County of Essex, State of New Jersey, that the Township Treasurer is hereby authorized to refund a tree permit fee collected, in consideration of the fact that the required replacement tree was installed, per Shade Tree Preservation Ordinance. Payment would come from account C-01-904-906:

LuAnne Ritchie 164 Kingsland St \$50.00

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

No. 190-08

WHEREAS, an application has been received from the Stuart E. Edgar VFW Post 493 Ladies for a Raffle to be held on October 14, 2008 (# 36-08); 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, in the County of Essex, State of New Jersey that the license is approved and the Municipal Clerk is authorized to issue the license to Stuart E. Edgar VFW Post 493 Ladies Auxiliary.

Introduced by Mayor Cocchiola, seconded by Commissioner Tucci. All ayes.

191-08

WHEREAS, Michael D. Petrucelli, 167 Columbia Avenue, Nutley, New Jersey 07110, has applied for Constable No. 16; and

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

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, in the County of Essex, State of New Jersey that Michael D. Petrucelli be appointed as Constable No. 16 for a one-year term, beginning June 3, 2008.

Introduced by Mayor Cocchiola, seconded by Commissioner Evans. All ayes.

No. 192-08

WHEREAS, Robert F. Lessard, Jr., 484 Harrison Street, Nutley, New Jersey 07110, has applied for Constable No. 18; and

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

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, in the County of Essex, State of New Jersey, that Robert F. Lessard, Jr. be appointed as Constable No. 18 for a one-year term, beginning June 3, 2008.

Introduced by Mayor Cocchiola, seconded by Commissioner Tucci. All ayes.

No. 193-08

BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, in the County of Essex, State of New Jersey, that renewal Plenary Retail Consumption Licenses, Plenary Retail Distribution Licenses, and Club License be granted to the following, said Licenses to be effective July, 2008 through June 30, 2009.

BE IT RESOLVED that the State of New Jersey, Department of Treasury, Division of Taxation has provided Tax Clearance Certificates for each establishment listed below for this renewal period.

BE IT FURTHER RESOLVED that these establishments have been inspected by the Board of Health, Fire Department and Code Enforcement Department of the Township of Nutley and are in satisfactory condition.

WHEREAS, American Legion Nutley Post # 70 T/A American Legion Nutley Post # 70, 45 Franklin Avenue, 0716-31-030-001, in the amount of \$180.00; and

WHEREAS, Nutley Post 30 American Vets of World War II T/A AMVETS Post 30, 184 Park Avenue, 0716-31-031-001, in the amount of \$180.00; and

WHEREAS, Columbia Club of Nutley (St. Mary's Knights of Columbus) T/A St. Mary's Knights of Columbus, 150 Chestnut Street, 0716-31-032-001, in the amount of \$180.00; and

WHEREAS, Nutley New Jersey Lodge 1290 BPO Elks, 242 Chestnut Street, 0716-31-033-001, in the amount of \$180.00; and

WHEREAS, Stuart E. Edgar Post No. 493 Veterans of Foreign Wars T/A VFW Holding Co. of Nutley, 271 Washington Avenue, 0716-31-035-001, in the amount of \$180.00; and

WHEREAS, Jim Dandy's of Nutley, LLC T/A Jim Dandy's, 561-563 Franklin Avenue, 0716-32-008-009, in the amount of \$1,432.80; and

WHEREAS, Castelli, Inc. T/A Nutley Diner, 372 Centre Street, 0716-33-006-002, in the amount of \$1,432.80; and

WHEREAS, East Green Jade Corporation T/A The Green Jade, 227 Franklin Avenue, 0716-33-016-009, in the amount of \$1,432.80; and

WHEREAS, K.J.M., Inc. T/A American Bistro, 24-26 Washington Avenue, 0716-33-018-006, in the amount of \$1,432.80; and

WHEREAS, JO-KA, Inc. T/A Washington Park Tavern, 174 Washington Avenue, 0716-33-019-006, in the amount of \$1,432.80; and

WHEREAS, TBG, Inc. T/A Park Pub, 789 Bloomfield Avenue, 0716-33-023-003, in the amount of \$1,432.80; and

WHEREAS, Nutley Pub, LTD T/A Nutley Pub, 227-229 Centre Street, 0716-33-024-004, in the amount of \$1,432.80; and

WHEREAS, Kishan Restaurant, Inc., 238 Franklin Avenue, 0716-33-028-004, in the amount of \$1,432.80; and

WHEREAS, Prahar Corporation T/A Heller & Heller Liquors, 200 Franklin Avenue, 0716-44-013-007, in the amount of \$1,072.80; and

WHEREAS, Franklin Wine Shop, Inc. T/A Nutley Wine Shop, 558 Franklin Avenue,
0716-44-021-006, in the amount of \$1,072.80; and

WHEREAS, Ruchika Corporation T/A Nutley News & Liquors, 98 Centre Street,
0716-44-025-009, in the amount of \$1,072.80;

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, in the County of Essex, State of New Jersey, that the Municipal Clerk be and she is hereby directed and authorized to issue said licenses for the licensing period of July 1, 2008 through June 30, 2009.

Introduced by Mayor Cocchiola, seconded by Commissioner Evans. All ayes.

MEETING OPEN TO PUBLIC
PUBLIC COMMENTS:

Mr. Negra: Good evening. My name is Ed Negra. I haven't had this opportunity before but I would like to first congratulate all the Commissioners for being elected to the Board, well deserved. Hopefully, if all your campaign promises could be obtained, I'm sure Nutley will be a better place. I guess my main concern and my main question is directed to Commissioner Tucci. It has to do with the Parks & Rec, in particular with the Creative Playground. I received quite a few calls from citizens who labored over that project and did a lot of work and put a lot of time into that project and we'd like to get some questions as to why first of all the playground has been closed for 2 months, what is the problem, what strategies you have to fix the problem, and when the park will be open again.

Commissioner Tucci: That's a very fair question. We have a serious health and safety issue there. The playground is infested with rodents. The rodents are being attracted not only from droppings of cookies and sandwiches and snacks from the children that utilize it, but also the wood beneath the soil is beginning to deteriorate. I also participated in that project when it was first constructed.

Mr. Negra: Along with your brother.

Commissioner Tucci: Exactly. And it was a great project, however, I believe that the playground is coming close to its' useful end. It's no longer safe while it is something nice to look at. I'm not sure functionally how safe it will be moving forward. We're awaiting a few more evaluations and we will be making a decision in the very near future as to the continuance of that or the demolition of that existing structure at which time we will propose a replacement and then hold several community meetings as we do with all of our projects.

Mr. Negra: So is it actually a rodent problem or the deterioration underneath the playground?

Commissioner Tucci: It's both. There's a serious rodent problem and we bate it every year and there's also an issue with the structure.

Mr. Negra: So you think the playground is the main problem for the rodents in the parks?

Commissioner Tucci: Yes.

Mr. Negra: Really?

Commissioner Tucci: Actually with the Creative Playground the wood is attracting along with the scraps that are left and the cookies and what-have-you from the children, are attracting the rodents up from the banks. And as a matter of fact we had one situation where there was actually a rat that actually burrowed into one of the neighbors' homes and nested under one of her children's beds. So it's not something that we've taken lightly, I mean it's not something that we arbitrarily decided to do to close it. We have since bated it, we're evaluating it and very shortly we will come to a conclusion.

Mr. Negra: Well you know because you worked on the project the Creative Playground is actually a landmark. It's not only a playground for kids. It's a project that myself and a lot of other people spent years on, a year and a half on, to try and organize this thing. I mean it's not taken lightly that this is just a playground that can be torn down whenever somebody wants to tear it down. This is something that has been there for sixteen years. There's rodent problems throughout the parks in Nutley. So if you want to tear down this project or close this project I mean you're going to have to close down the other parks also.

Commissioner Tucci: The main difference is we don't have this problem in any of the other parks to this extent.

Mr. Negra: But don't you think it would be feasible to try to address the problem, try and fix the problem, instead of tearing down a project of this magnitude?

Commissioner Tucci: Absolutely and we've investigated that, we've bated it at least once, sometimes twice a year, and no matter what course of action we take we can't seem to resolve the issue with the rodents. We don't take tearing down any of our structures or any of our playgrounds or modifications to any of them lightly. Nothing is done without a considerable amount of thought and anticipation as to what would be replaced in the event that we do remove something. And the only time we remove or replace something is to update it for health and safety reasons because the last thing in the world we want as impressive as that Creative Playground may be, is to have a structure in town that number one, exposes our children to a danger and number two, exposes the Township to a liability. So all of these things do go into account when we

make decisions. We don't do them lightly, we understand the level of community involvement there and that cuts both ways. There are folks who would not like to see the playground removed and there are also folks who would like to see it removed because there are parking problems, there are rodent problems, there are safety issues and quite frankly after sixteen, seventeen years it's close to the end of its' lifespan.

Mr. Negra: Well I understand that you have a certified inspector in the Parks Department that does an inspection every year. Is there any documented evidence that this is a safety problem?

Commissioner Tucci: We no longer have a certified inspector in the Parks Department and that is the final evaluation that we are waiting for. We're reaching out to have someone from outside Nutley come in and give us an independent evaluation as to how we should proceed.

Mr. Negra: But over sixteen years have there been any safety issues?

Commissioner Tucci: I'm sorry?

Mr. Negra: Over the past sixteen years have there been any safety issues?

Commissioner Tucci: Not as many as we've had over the last I'd say four or five years when they are really becoming compounded.

Mr. Negra: Are they documented?

Commissioner Tucci: I believe that they are.

Mr. Negra: And they're public knowledge obviously.

Commissioner Tucci: Of course. Everything's public knowledge.

Mr. Negra: What would it take a petition or whatever to convince you that the playground shouldn't be torn down?

Commissioner Tucci: No, what it would take is someone telling me that it's safe for our children to utilize it and there is no imminent danger.

Mr. Negra: Is this going to be done by an outside outfit as far as inspection?

Commissioner Tucci: Yes, I believe that's what I just said.

Mr. Negra: Okay, and the rodent problem, are we doing anything else to seek professional help to take care of the problem?

Commissioner Tucci: The rodent problem is always addressed by professionals here. Absolutely.

Mr. Negra: Who is the park bated by?

Commissioner Tucci: The park is bated by outside professionals that come in and do that for us.

Mr. Negra: Outside professionals?

Commissioner Tucci: That's correct. We have had some done by our interior people and we've had some outside folks come in and do that also for us.

Mr. Negra: And when do you expect the inspection to be done on the playground?

Commissioner Tucci: I don't have a time limit on that right now but until that's done it will remain closed because I will not expose our children to any dangers.

Mr. Negra: I can understand that, sure. Do you have anything scheduled though as far as an outside guy.

Commissioner Tucci: Not yet. We're in discussion as to who we are going to call in to do that final evaluation.

Mr. Negra: Okay. And when can I check back with you to find out when it's done?

Commissioner Tucci: Check back in a week and I'd be happy to give you all the information that we have.

Mr. Negra: Okay, should I contact you down at the pool department.

Commissioner Tucci: No contact me at my office on Park Avenue.

Mr. Negra: Okay.

Commissioner Tucci: If you want to by a pool you can contact me at the pool store but you can call me at the Parks Department.

Mr. Negra: Okay, I'll be in touch with you.

Commissioner Tucci: Great, thank you.

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

Rory Moore, 462 Chestnut Street. Miss Cocchiola, with the executive session I believe Mr. Harkins said there was two issues. One was litigation. I didn't hear what the other one was.

Mayor Cocchiola: One was litigation and the other was a real estate transaction. Is that correct, Mr. Harkins?

Mr. Harkins: Yes it was an acquisition of property.

Mr. Moore: Could you explain to me why an acquisition of property had to be with an executive session.

Mayor Cocchiola: Exemption under the Open Public Meetings Act.

Mr. Moore: Under real estate?

Mayor Cocchiola: Acquisition of property.

Mr. Harkins: There are non-exemptions, that happens to be one of them.

Mr. Moore: Mr. Evans, this afternoon I printed off the Nutley website and in here is Public Safety. I believe that you have several ordinances or resolutions where I believe if I understand correctly, Mr. Barry was moved over to your department under Code Enforcement. Is that correct?

Commissioner Evans: Traffic Safety Coordinator, Civilian Traffic Safety Coordinator is under the Code Department and yes, it's in my department.

Mr. Moore: Mr. Orechio, originally, when Mr. Barry's position was created, it was created under an ordinance for Traffic Safety. I do remember that one.

Commissioner Evans: And in the ordinance itself it said the position of the Civilian Traffic Safety Coordinator would be established in the Code Department.

Mr. Moore: Then why is it that under the Nutley website it's not listed?

Commissioner Evans: I have no idea.

Mayor Cocchiola: The website has not been updated yet, I can tell you that. There's a lot of updating that has to be done.

Mr. Moore: Well according to the contract you signed with Exquisite, there's a contract, it's supposed to be updated. And an update on a website takes about three minutes.

Mayor Cocchiola: And Mr. Moore, we are in office about two weeks and we haven't done all of that yet.

Mr. Moore: Miss Cocchiola, you're into my business right now and an update to a website is about three minutes.

Commissioner Evans: The information has to be supplied by the Board of Commissioners. We're newly elected and we have a lot of work to do. It will get done shortly.

Mr. Moore: That's okay, I understand your excuse.

Mayor Cocchiola: I know its okay.

Mr. Moore: I know its okay because I am trying to figure out why on an old Nutley site under the old conditions, Mr. Barry is listed under Public Safety and not under Code Enforcement and this is off your website today.

Mayor Cocchiola: We can't explain that right now. All I can tell you is that we are in the process of updating our bios and all the information on the website and it will be done shortly.

Mr. Moore: Well then I'm trying to understand, under the old provisions Mr. Barry worked in...

Mayor Cocchiola: Whatever was under the old doesn't matter anymore. We have a new session, we're a new Board, we're moving forward so if you would like to address something that the five of us can answer, feel free to.

Mr. Moore: Yes, yes, you could absolutely. Mr. Evans put this under his department not your department, actually. I would like to know why under Code Enforcement Mr. Barry was not listed there prior to the arrangement.

Commissioner Evans: I have no knowledge of why he wasn't. I couldn't answer that.

Mr. Moore: So under which qualification, you have Electrical Inspector, Technical Assistant, Technical Assistant, Technical Assistant, Technical Assistant, and a Plumbing Inspector. What code do these fall under?

Commissioner Evans: I'm not sure I understand your point.

Mr. Moore: I'll show it to you if you like.

Commissioner Evans: I don't need to see it. I don't understand your point.

Mayor Cocchiola: Mr. Moore, what was on the website before doesn't matter. Do you have another question?

Mr. Moore: Yes I do, actually I do.

Mayor Cocchiola: Well then move on.

Mr. Moore: Under the Patrol Bureau, that's where Mr. Barry's listed.

Mr. Harkins: Mr. Moore, can I interrupt for a second? You are referring to the town website or whatever it is that you're looking at, we have ordinances, we have resolutions that govern all these things and I could assure you, everybody is appropriately assigned to where they should be. In fact, if there's

an update, I'm sure it will be in the near future. As the Mayor said, they've been office two weeks.

Mr. Moore: But this is four years old.

Mayor Cocchiola: It doesn't matter. If you have a question that's relevant for today then move on Mr. Moore.

Mr. Moore: I'd like to know why you're introducing two traffic ordinances under your name when they should be under Traffic & Safety because it wasn't under Code Enforcement and I'd like to see where Mr. Barry's ordinance was changed for his title to your department.

Commissioner Evans: It hasn't been changed and the in original ordinance, the Civilian Traffic & Safety Coordinator is in Code Department.

Mr. Moore: According to this it's not.

Commissioner Evans: It's an error there. I said it may be an error there and you've been informed several times already that it needs to be updated so if you're having difficulty understanding that, I can't help you.

Mayor Cocchiola: The empowerment authority comes from the reorganization resolution that was introduced May 20 and adopted May 20. Do you have any other questions?

Mr. Moore: Yes I do. Actually, you signed the contract for Exquisite to have it updated so to say it's two weeks, it's a little futile.

Mayor Cocchiola: Mr. Moore, I'm not going to talk about the website again. Move on. It will be updated shortly. Anything else?

Mr. Moore: Yes there is.

Mayor Cocchiola: Okay.

Mr. Moore: Mr. Evans, you introduced some ordinances this evening. I don't know if you pulled the one for the Capital Budget. Was that pulled?

Commissioner Evans: Yes.

Mr. Moore: It was. Under the Ordinance Presentation Act I'm allowed to get a copy of all that information. I would like a copy because I'd like to know why you're going to purchase an emergency service unit tactical vehicle for \$50,000 and you put it in on a line for \$70,000.

Commissioner Evans: We're not going to purchase it for \$50,000. If we introduced the Capital Budget tonight, there would have been a Capital Budget amendment which would have increased it from \$50,000 to \$70,000 but we didn't do that tonight. It's not a matter before the Board.

Mr. Moore: Will this be corrected?

Commissioner Evans: Obviously.

Mr. Moore: There's other items that I also think that you listed there. I'd like to get a better clarification. For instance, I think there's a backstop that has to be rebuilt. I'd

like to find out where those actually are.

Commissioner Evans: Well you could once the Capital Budget is introduced. It will be a matter before the Board of Commissioners. We then can have conversation about it and there would be a public hearing that would occur at the second meeting in July which would be the appropriate time to raise your questions.

Mr. Moore: Yes but I'm allowed to see it prior to that so I know what appropriate questions to ask.

Commissioner Evans: There's no matter pending before the Board of Commissioners tonight because it was withdrawn.

Mr. Moore: I'm sorry my allergies are bothering me. I'm sorry.

Commissioner Evans: We do not have a matter before the Board of Commissioners tonight because the Capital Budget ordinances were pulled.

Mr. Moore: No, no I understand that. I understand that but I'd just like to look at it prior to, which I'm allowed to do. Miss Cocchiola I know I've asked you prior about this. I believe it says here to purchase a piece of property 6,500 feet is it? Is that the piece of property behind the school for the teachers' parking?

Mayor Cocchiola: What are you asking about Mr. Moore?

Mr. Moore: There's an ordinance that I believe it was introduced for public hearing.

Commissioner Evans: There was not.

Mr. Moore: There wasn't?

Mayor Cocchiola: It was not introduced for public hearing. We just went through that.

Commissioner Evans: What's the ordinance number?

Mr. Moore: Wanna see it?

Commissioner Evans: No, I want you to tell me the number.

Mr. Moore: 3066.

Mayor Cocchiola: It was not introduced.

Commissioner Evans: It was pulled tonight.

Mr. Moore: It was pulled tonight. Will it be reintroduced?

Commissioner Evans: At another date.

Mr. Moore: My question really is, is this the property in question for the teachers' parking up behind Franklin School?

Commissioner Evans: Yes. It actually relates to the Board of Commissioner's review of the School Board Budget where we will enter an interlocal sharing agreement where we will have to purchase that property which will actually help the School Board by sharing between the municipality and the district.

Mr. Moore: It doesn't say that.

Commissioner Evans: It doesn't have to.

Mr. Moore: Oh. If it's an interlocal agreement you have to have an interlocal...

Mayor Cocchiola: Is there anything else Mr. Moore?

Mr. Moore: Under Mr. Evans, if Code Enforcement is in your area, I have two letters that concern the property on East Centre Street where it was Mr. Cafone and that's under yours.

Commissioner Evans: What's the address?

Mr. Moore: 75 East Centre Street, Block 396, Lot 18. Would you like me to show you the letters?

Commissioner Evans: Absolutely.

Mr. Moore: There from your department where he is violation of garbage. And I'd like to know when that's going to be addressed because it's been there for about a year now.

Commissioner Evans: Well I'm actually following up on East Centre Street with my department tomorrow so I will find out then. I don't have an answer right now.

Mr. Moore: I'd be happy to give you copies of the letters, they're certified.

Commissioner Evans: These are letters from my department?

Mr. Moore: Absolutely. Mr. Spiezio and Joe Petti, the Health Inspectors.

Mayor Cocchiola: Are they letters addressed to you Mr. Moore?

Commissioner Evans: Are those letters addressed to you?

Mr. Moore: No they're public documents.

Commissioner Evans: In what form?

Mr. Moore: Would you like to see them?

Commissioner Evans: Did you obtain them through an OPRA request?

Mr. Moore: Yes I did.

Commissioner Evans: What's the OPRA request?

Mr. Moore: I don't have it and I don't have to prove what I'm talking about.

Commissioner Evans: Evelyn, was there an OPRA request?

Clerk Rosario: I'm not aware of it in my office, no.

Mr. Harkins: I just suggest we'll talk to Mr. Spiezio and find out what's going on.

Commissioner Evans: I would like to know the source of these documents and where you got them from.

Mr. Moore: I believe they're stamped Town Clerk.

Commissioner Evans: I know that but who gave them to you?

Mr. Moore: I just told you. I don't care if you don't believe me.

Commissioner Evans: No, it's not that I don't believe you it's just a question of where did you get them from.

Mr. Moore: You can copy them but I'd like the originals back.

Commissioner Evans: You can have them now.

Mr. Moore: Okay.

Commissioner Evans: The records are in our department.

Mr. Moore: So you're going to (inaudible – Mr. Moore was not speaking into microphone).

Commissioner Evans: I understand. I just got there two weeks ago.

Mayor Cocchiola: Anything else Mr. Moore?

Mr. Moore: Nope. Not right now.

Mayor Cocchiola: Thank you. Anyone else like to address the Board this evening?

Tina Nocera, 66 Union Avenue: I'd like to further Mr. Negra's point about the Creative Playground with Mr. Tucci. I'd like to just share something. There are points here that are both emotional and factual as you could imagine. From the emotional standpoint I'd like to read you something that has immortalized the playground in a sense. "If I was

asked to describe the most rewarding experience of my life, without hesitation I would say it was building a playground in our town. At the time, my husband and I only knew a few people. I overheard a conversation about something called a Creative Playground. With two toddlers, I wanted to learn more. We became involved in a year of planning, raising money, and boosting awareness. This led to a remarkable five days where hundreds of volunteers built a 19,000 square-foot playground. To this day as we drive by the playground, I am filled with pride because of what it meant to the community and I thank the Commissioner Frank Cocchiola for caring more about the families than the politics. Giving back, helping others, or participating in a community project filled the needs that many of us feel we have to give." This was in my book, "Because Kids Don't Come With Manuals" which was published in 2006. That's the emotional part of it. And truthfully, for any of us who were involved in that, it was the most incredible experience. It was equivalent to an old-fashioned barn raising. From the factual side, I heard you say that there was a relatively new problem and considering the fact that the playground has been in existence for sixteen years, I was curious that is it possible that the construction being done by Hoffman La Roche is in fact, a disruption and causing the rodents to now appear and cause problems for those residents?

Commissioner Tucci: Naturally, any disturbance of any soil anywhere, if there are rodents in the area, will cause them to run but we don't believe that that is the source of it.

Mrs. Nocera: Okay. I'm sure having been involved in this you remember that the very inception of the idea was the children of the community who, I believe many of them are now in college. So the whole engineering firm had actually gone out to the schools and the children designed this so you could see why there's such an incredible strong emotional connection to this. So I would ask you how, I mean I heard you say how you would proceed and it's based on safety which I totally agree with, that's the most important thing for the children

and for the residents in the area, but I suppose my question is if you think that the most prudent objective would be to tear the playground down, what remnants of the playground could be saved? How could people who spent so much time, you know, and heart and blood and tears, participate in such a project? Obviously our objective is not to tear it down.

Commissioner Tucci: And Mrs. Nocera, I'd like to reassure you and everyone else that was involved with that project, this is not a decision that we take lightly. It's not something we do just for the sake of renewal, if you will. If it was not a health and safety issue, it would not be an issue. We would continue with the upgrades that it requires and keep it operating the way it is. And if in fact, after our final evaluation the determination is different than everything we've heard up until this point, it may not be demolished. That decision has not been made but if in fact the final outcome is that the rodents are in fact attracted to that structure because the wood is decaying below the soil and because of the other issues that I've raised because of the snacks and the children leaving things there, and we do clean it regularly, then at that point that decision will be made. I mean if there are other options, we're open to those options. You know this is not a decision that is cast in concrete, but again, it's the health and welfare and safety of our children and our community that is paramount here. And I understand the emotional ties to it. It was a great project. It involved a lot of folks and it

was very well planned and executed but when you have emotions up against reality, and the reality creates an exposure and a danger, then we need to be smart and move accordingly. And that's what we're doing.

Mrs. Nocera: Thank you.

Commissioner Tucci: You're welcome.

Mrs. Shuster: Excuse me for sitting. Sera T. Shuster, 462 Chestnut Street, Nutley. I have a few questions I would like to say. I told you years ago to kill the 4-legged rats and they're still around so that's one. Two, I'd like to ask you Mr. Evans, all these ordinances that you have here, they were in Public Safety. Why do you have them now?

Commissioner Evans: I already answered that, Sera.

Mrs. Shuster: Okay. Also, about Jack Barry, that job was made especially for Jack Barry. And at the time, the old cops had called and told me that job that he's doing, any cop could do it. We don't need him.

Mayor Cocchiola: Mrs. Shuster, do you have any questions for the Board because it's not time for comment.

Mrs. Shuster: Yes I do and I'm gonna talk. Do you want me to put it in another letter? I'll put it in another letter.

Mayor Cocchiola: I'd like you to ask questions.

Mrs. Shuster: So anyway another thing, now that you have Code Enforcement you said you were going to look into the wall and fence. Did you look into it?

Commissioner Evans: It's being reviewed right now.

Mrs. Shuster: I beg your pardon?

Commissioner Evans: It's being reviewed right now.

Mrs. Shuster: It's being reviewed?

Commissioner Evans: Yes.

Mrs. Shuster: Are you going to get in touch with me?

Commissioner Evans: Yes.

Mrs. Shuster: Cause you know I'm not going away.

Commissioner Evans: That I'm certain of.

Mrs. Shuster: You know that. Okay now I have a question. Commissioner Petracco, are you aware of the fact that Nutley volunteer firemen have a flag?

Commissioner Petracco: They have a flag?

Mrs. Shuster: Yes.

Commissioner Petracco: Yes I am.

Mrs. Shuster: You are aware of it, but it wasn't in the parade. I understand only about ten volunteers marched and the other seventy-five watching wanted to know where their flag was. So I think you should get John Hunt and let him tell you where he hid the flag, because he hid it. Okay, I have a feeling, and I don't care what you do with it or say, I feel Carmen is still controlling this Board. Two people I'm positive of, the third one I know I'm not, and I hope the young one doesn't get pulled in.

Mayor Cocchiola: Any other questions Mrs. Shuster.

Mrs. Shuster: No I will continue talking.

Mayor Cocchiola: No, you can ask questions but you're not here to sit and give us your comments.

Mrs. Shuster: I have a right to speak.

Mr. Harkins: Mrs. Shuster, you have a right to speak on matters affecting this governing body.

Mrs. Shuster: And you're not supposed to address me.

Mr. Harkins: Mrs. Shuster, I am supposed to address you. You may address this Board with the same courtesy and respect that they deserve, okay? Do you have a comment? Go ahead and make it.

Mrs. Shuster: Would you stop shouting so I could hear you?

Mr. Harkins: Please, make your comment.

Mrs. Shuster: Well the remarks that was on Channel 12 that you said there was no wrongdoing in the Police Department, it sounded like it came out of Carmen's mouth.

I hope he didn't put it there.

Mayor Cocchiola: Mrs. Shuster, enough okay? If you have something that concerns the business of these five members of the Board of Commissioners you can ask us a question. If you're going to continue to do this, I'm going to tell you to stop.

Mrs. Shuster: My wall and fence has been an issue. It's gonna be seven years.

Mayor Cocchiola: And Commissioner Evans told you that he's looking into the fence

just like everyone else that looked into the fence.

Mrs. Shuster: Well I just want it on the record that your daddy told me that you were gonna help me.

Mayor Cocchiola: Don't mention my father.

Mrs. Shuster: I said your daddy.

Mayor Cocchiola: Thank you.

Mrs. Shuster: I liked your father and I liked your mother.

Mayor Cocchiola: You can move on right now.

Mrs. Shuster: And then you didn't help me.

Mayor Cocchiola: You can move on right now.

Mrs. Shuster: I beg your pardon?

Mayor Cocchiola: I said move on.

Mrs. Shuster: Move on? Let me see now, I did tell you about the parade, the wall and fence, Carmen. Joseph Scarpelli, you came to my house and you said "Sera, if I am lucky to get re-elected, if I do something that you don't like would you tell me about it?" I said I certainly will. So I want you to know Joseph, I am watching you.

Commissioner Scarpelli: Keep my feet to the fire.

Mrs. Shuster: I beg your pardon?

Commissioner Scarpelli: Keep my feet to the fire.

Mrs. Shuster: You're gonna keep what?

Commissioner Scarpelli: Keep my feet to the fire.

Mrs. Shuster: Okay. Another thing, you said at the beginning you didn't know where Code Enforcement was so I'll give you some of Nutley's history. Code Enforcement was always in Public Works. At that time, there was big argument between Pat Intindola and Pete Scarpelli, something over a fence. And it couldn't be solved so Mayor Chenoweth who was in charge of Public Safety, he calmed the waters and took Code Enforcement under his wing. So when he was no longer the Mayor he went up to Public Affairs but Code Enforcement stayed there. And I think you should look into it because it's a very sad situation. Did you ever go look at the building on Bloomfield Avenue?

Commissioner Evans: Which building?

Mrs. Shuster: The one that the gutter's hitting the traffic light. You didn't go look at that?

Commissioner Evans: Oh that one. The new building, the new construction.

Mrs. Shuster: I beg your pardon?

Commissioner Evans: The new construction on Bloomfield and Harrison? That's the property you're looking into?

Mrs. Shuster: The big building that everybody's talking about. And like the other house on the corner of Jefferson and Bloomfield Avenue. You need an airplane to get in it and a parachute to get out. And that wasn't built according to code. It was changed.

Commissioner Evans: Thank you.

Mrs. Shuster: Are you aware of that?

Mayor Cocchiola: Commissioner Evans, you could look into that, correct?

Commissioner Evans: Yes.

Mayor Cocchiola: Anything else Mrs. Shuster?

Mrs. Shuster: Yes. I would like to offer my assistance to Public Safety. If you need any help, you call me and I'll donate my time. And I'll take you into every corner. I'll tell you where to look.

Commissioner Petracco: Thank you, Sera.

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

Mrs. Shuster: And by the way, thank you for the chair.

Mrs. Greulich: I wasn't planning to speak. Nancy Greulich, 48 Raymond Avenue. I just want to say that I too, like all these other people, worked on the Creative Playground. I still have my shirt to prove it. I do keep my clothes a long time. But I just want to say in addressing rats and that situation, you know I walk the parks. And there are rats in every park. That's what happens when you have flowing water, etc. etc. I have seen them in Kingsland Park. I have seen them in the Mudhole area. I didn't know that people have rats burrowing into their homes. Do you get complaints from other families whose homes border the park and the water and so forth that there are rats infesting their homes? Because we used to have a man that went to the parks, I think it was a local that you obviously gave permission to, who used to capture them. Now rats, as far as candy wrappers and cookies, I think we have to educate parents a bit and you know how I feel about that. I pick up, I have a shopping bag with me and I pick up when I walk in Kingsland Park. Of course there are liquor bottles and other things, too. But that is the problem. I can't see how the structure that we worked so hard on is causing

a rat infestation. I don't understand it because we have water going straight through this whole town. And there are rat problems in other places but we don't rip down playgrounds because of it. Thank you.

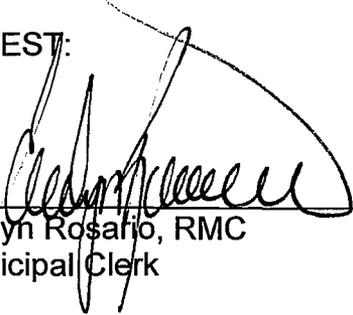
Mayor Cocchiola: Thank you. Is there anyone else that would like to address the Board this evening?

There were no other members of the public that wanted to address the Board.

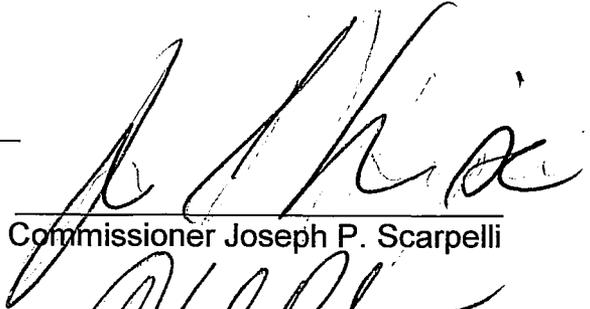
ADJOURNMENT:

Motion to adjourn by Commissioner Scarpelli, seconded by Commissioner Evans. Meeting adjourned at 8:56 p.m.

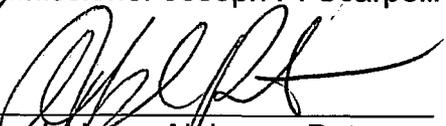
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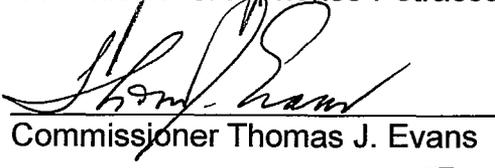
Evelyn Rosario, RMC
Municipal Clerk



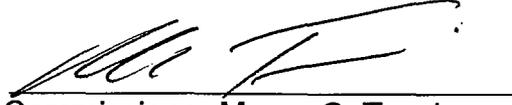
Commissioner Joseph P. Scarpelli



Commissioner Alphonse Petracco



Commissioner Thomas J. Evans



Commissioner Mauro G. Tucci



Mayor Joanne Cocchiola

Prepared by:

Linda Posternock

Linda Posternock