July 1, 2008 Meeting Transcription approved by the Board of Commissioners of the Township of Nutley at their meeting held on Tuesday June 9, 2009.

Evelyn Rosario, RMC
Municipal Clerk

Commissioner Joseph P. Scarpelli

Commissioner Alphonse Petracco

Commissioner Thomas J. Evans

Commissioner Mauro G. Tucci

Mayor Joanne Cocchiola
TOWNSHIP OF NUTLEY, NEW JERSEY
BOARD OF COMMISIONERS

PUBLIC MEETING

TRANSSCRIPT OF
PROCEEDINGS

149 Chestnut Street
Nutley, New Jersey 07110
Tuesday, July 1, 2008
8:12 p.m.

BEFORE:

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

Job No.e 202239
Nutley Board of Commissioners, 07/01/08

(Pledge of Allegiance)

(Sunshine Notice)

THE CLERK: Commissioner Scarpelli?
COMMISSIONER SCARPELLI: Here.

THE CLERK: Commissioner Petracco?
COMMISSIONER PETRACCO: Here.

THE CLERK: Commissioner Evans?
COMMISSIONER EVANS: Here.

THE CLERK: Commissioner Tucci?
COMMISSIONER TUCCI: Here.

THE CLERK: And Mayor Cocchiola?
MAYOR COCCHIOLA: Here.

THE CLERK: All present, Mayor.
MAYOR COCCHIOLA: Thank you. We have no minutes to approve so we can move onto communications.

THE CLERK: Yes, Mayor, I have one item of communication from Jim Dandy's of Nutley requesting to submit an ABC Catering permit to the State of New Jersey for approval for activities, concert in the park, Memorial Park, on July 10, 2008. And I need a motion and a second, please.
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COMMISSIONER EVANS: Motion.

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: And Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

THE CLERK: That's all for communications and correspondence, Mayor.

MAYOR COCCHIOLA: Thank you. Then we can move on to bills.

THE CLERK: Sure. Bill is July 1, 2008: Public affairs, $167,054.16; revenue and finance, $2,073,416.79; public safety $49,725.55; public works, $83,019.85; parks and public property, $66,335.21; payroll as of June 27, 2008 $834,622.20 for a grand total bill is $3,274,660.76. And that's all for bills,
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Mayor.

COMMISSIONER EVANS: Move the bills.
COMMISSIONER TUCCI: Second.
THE CLERK: Commissioner Scarpelli?
COMMISSIONER SCARPELLI: Aye.
THE CLERK: Commissioner Petracco?
COMMISSIONER PETRACCO: Aye.
THE CLERK: Commissioner Evans?
COMMISSIONER EVANS: Aye.
THE CLERK: Commissioner Tucci?
COMMISSIONER TUCCI: Aye.
THE CLERK: And Mayor Cocchiola?
MAYOR COCCHIOLA: Aye.
THE CLERK: Thank you, Mayor.
MAYOR COCCHIOLA: Thank you.

Commissioner Evans, you have an ordinance for introduction this evening?

COMMISSIONER EVANS: Yes, Mayor.

I'll read by title. "An ordinance to amend an ordinance codified in the code of the Township of Nutley, Chapter 228, entitled vehicles and traffic, particularly Article II, Section 10
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entitled 'stopping or standing prohibited during certain hours' to add the location set forth therein.' This would be the north side -- to the east side of Passaic Avenue, north of Satterthwaite given the new turn that's in place, eliminate parking on that turnout. I move that this ordinance is to be passed to the second reading and advertised in the Nutley Sun together with the notice required by law and that further considerations said ordinance with a final passage by the Board of Commissioners be held at second reading on August 5, 2008. So move.

MAYOR COCCHIOLA: Need a second.

COMMISSIONER SCARPELLI: Second.

THE CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Tucci?
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COMMISSIONER TUCCI: Aye.

THE CLERK: And Mayor Cocchiola?

MAYOR COCCHIOLA: Aye. And you have a public hearing this evening?

COMMISSIONER EVANS: Yes, Mayor.

MAYOR COCCHIOLA: Two actually. The first public hearing is Ordinance 306 which is to eliminate parking between 16 Ridge Road and 20 Ridge Road as it's separated by fifteen feet of curving and that is substandard and insufficient to park a vehicle. Both the residents on either side have requested this prohibition.

MAYOR COCCHIOLA: Is there anyone here this evening that would like to address the board with respect to this ordinance? There's no one.

COMMISSIONER EVANS: Close the public hearing?

COMMISSIONER SCARPPELLI AND COMMISSIONER PETRACCO: Second.

THE CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPPELLI: Aye.
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THE CLERK: Commissioner Petracco?
COMMISSIONER PETRACCO: Aye.

THE CLERK: Commissioner Evans?
COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Tucci?
COMMISSIONER TUCCI: Aye.

THE CLERK: Mayor Cocchiola?
MAYOR COCCHIOLA: Aye.

COMMISSIONER EVANS: Move the ordinance.

COMMISSIONER SCARPELLI: Second.

THE CLERK: Commissioner Scarpelli?
COMMISSIONER SCARPELLI: Aye.

THE CLERK: Commissioner Petracco?
COMMISSIONER PETRACCO: Aye.

THE CLERK: Commissioner Evans?
COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Tucci?
COMMISSIONER TUCCI: Aye.

THE CLERK: Mayor Cocchiola?
MAYOR COCCHIOLA: Aye.

COMMISSIONER EVANS: And the second ordinance is 306e2 which is to eliminate a handicap parking spot on Centre Street.
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and to add a handicap parking spot on
Yale Street at the request of the owners.

MAYOR COCCHIOLA: Is there anyone
here this evening that would like to
address the board with respect to
Ordinance No. 306@? There's no one.

COMMISSIONER EVANS: Close the
public hearing?

COMMISSIONER SCARPELLI: Second.

THE CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: And Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

COMMISSIONER EVANS: Move the
ordinance?

COMMISSIONER SCARPELLI: Second.

THE CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.
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THE CLERK: Commissioner Petracco?
COMMISSIONER PETRACCO: Aye.

THE CLERK: Commissioner Evans?
COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Tucci?
COMMISSIONER TUCCI: Aye.

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

COMMISSIONER EVANS: Thank you, Mayor.

MAYOR COCCHIOLA: Thank you.

Resolutions, Commissioner Scarpelli.

COMMISSIONER SCARPELLI: Thank you, Mayor.

Whereas, the Township of Nutley through the Department of Public Works has a need to acquire the service of an engineering consultant as a non-fair and open contract pursuant to the provisions of NJSA 19:44 A-20.4 or 20.5 as appropriate.

And, whereas, the engineering coordinator has determined and certified in writing that the value of the
aggregate service provided by the vendor for the term of the contract will exceed 17,500.

And, whereas, the anticipated term of this contract is seven months from June 1, 2008 through December 31, 2008.

And, whereas, Pennoni Associates, Incorporated, has submitted a proposal dated June 20, 2008 indicating they will provide engineering services according to the fee schedule attached to this resolution.

And, whereas, Pennoni Associates, Inc. has completed and submitted a Business Entity and Disclosure Certificate which certifies that said corporation has not made any reportable contributions to a political candidate committee in the Township of Nutley in the previous one year and the contract will prohibit Pennoni Associates from making any reportable contributions through the term of the contract.

And, whereas, the contract is not to
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exceed 120,000 dollars and, whereas,

funds are available from account 8-01-404-200 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 enter a contract with
Pennoni Associates, Inc. as described
herein, and be it further resolved that
the Business Disclosure Entity
Certificate and certification and the
Determination of Value be placed on file
with this resolution.

Be it further resolved that notice
of this action shall be printed once in
the Nutley Sun in accordance with the
Local Public's Contract Law. I move the
resolution.

COMMISSIONER PETRACCO: Second.

THE CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

THE CLERK: Commissioner Petracco?
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COMMISSIONER PETRACCO: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

COMMISSIONER SCARPELLI: Whereas,

the Township of Nutley is entered into contract with D&L Paving Contracting,
P.O. Box 507, Nutley, New Jersey 07110,
for a project known as Resurfacing of Passaic Avenue, Section 3 from the original contract amount of $170,04.87.

And, whereas, Engineering Services has recommended the attached Change Order, No. 2, in the amount of $6,34.50 dated June 27, 2008 for an asphalt increase.

And whereas, the funds are available from Ordinance No. 3053 in the amount of $6,34.50, and has been certified by the chief financial officer, said certification attached to this
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Now, therefore be it resolved by the Board of Commissioners, Township of Nutley, County of Essex, State of New Jersey, that the Change Order, No. 2, is attached as a change from the contract previously made by the Township of Nutley with D&L Paving Contractors, Inc. for a project known as Resurfacing of Passaic Avenue Section 3 is hereby authorized and approved. I move the resolution.

COMMISSIONER PETRACCO: Second.

THE CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: And Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

COMMISSIONER SCARPELLI: Whereas,

the Township of Nutley has entered into a
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contract with D&L Paving Contracting, P.O. Box 507, Nutley, New Jersey 07110, for a project known as Resurfacing of Passaic Avenue Section 3 from original contract amount of $170,048.71; and,

Whereas, engineering services has recommended the attached Change Order, No. 3, in the amount of $19,777.36 dated June 27, 2008 for extension of milling and asphalt.

And, whereas, the funds are available from Ordinance No. 2995A in the amount of $19,777.36, and has been certified by the chief financial officer, said certification attached to this resolution.

Now, therefore be it resolved by the Board of Commissioners, the Township of Nutley, County of Essex, State of New Jersey, that Change Order, No. 3, 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. I move the resolution.

COMMISSIONER PETRACCO: Second.

THE CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

Mr. Petracco?

COMMISSIONER PETRACCO: Thank you.

Be it resolved that by the Board of Commissioners in the Township of Nutley in the County of Essex, New Jersey, that the township clerk be and she is hereby authorized to advertise for sealed bids for police uniforms and equipment. Specifications are available in the purchasing department Town Hall on Kennedy Drive. Bids to be received on
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Tuesday, July 22, 2008, in the
Commissioner Chambers, Town Hall, Kennedy
Drive at 3 p.m. Prevailing time at which
time there will be publicly opened --
publicly opened and read. I move this
resolution.

COMMISSIONER SCARPELLI: Second.
THE CLERK: Commissioner Scarpelli?
COMMISSIONER SCARPELLI: Aye.
THE CLERK: Commissioner Petracco?
COMMISSIONER PETRACCO: Aye.
THE CLERK: Commissioner Evans?
COMMISSIONER EVANS: Aye.
THE CLERK: Commissioner Tucci?
COMMISSIONER TUCCI: Aye.
THE CLERK: And Mayor Cocchiola?
MAYOR COCCHIOLA: Aye. Commissioner
Evans?
COMMISSIONER EVANS: Thank you,
Mayor.

Whereas, NJSA 40A:5-4 requires the
governing body of every local unit to
have made an annual audit of its books,
accounts and financial transactions.
And, whereas, the annual report of audit for the year 2007 has been filed by a registered municipal accountant with the municipal clerk pursuant to NJSA 40A:5-6 and a copy of which has been received by each member of the governing body.

And, whereas, R.S. 52:27BB-34 authorizes that the local finance board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs.

And, whereas, the local finance board has promulgated NJAC 5:80-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the local finance board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual report entitled General Comments and Recommendations.

And, whereas, the members of the governing body have personally reviewed,
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as a minimum, the annual report of the audit specifically the sections Annual Audit entitled General Comments Recommendations as evidenced by the group affidavit form of the governing body attached hereto.

And, whereas, such resolution of certification shall be adopted by the governing body no later than forty-five days after the receipt of the annual order pursuant to NJAC 5:66.6.

And, whereas, all members of the governing body have received and have familiarized themselves with at least the minimum requirements of the local finance board of the State of New Jersey as stated aforesaid and have subscribed to the affidavit as provided by the local finance board.

And, whereas, failure to comply with the promulgations of the local finance board of the State of New Jersey may subject the members of the local governing body to the penalty provision
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of R.S. 52:27BB-52 to wit R.S. 52:27BB-52-A local office or member of the local governing body who after a date fixed for compliance fails or refuses to obey an order of the director under the provisions of this article shall be guilty of a misdemeanor upon conviction may be fined not more than 1000 dollars or imprisoned for not more than one year or both, in addition, shall forfeit his office.

Now, therefore be it resolved by the Board of Commissioners of the Township of Nutley, hereby states that it has complied by NJAC 5:30-6.6 and does hereby submit a certified copy of this resolution and the required affidavit to the Board of -- to show evidence of said compliance. So move.

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.
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THE CLERK: Commissioner Evans?
COMMISSIONER EVANS: I was looking for -- aye.

THE CLERK: Commissioner Tucci?
COMMISSIONER TUCCI: Aye.

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

COMMISSIONER EVANS: Be it resolved by the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey that the treasurer be and she is hereby authorized to refund all overpayments of property taxes in the amount of $767,60.69 due to tax court judgments as detailed below: Block 7604, Lot 18 $1,653.93 for the years 2006 and 7; Block 7605, Lot 13 $3,442.80 for 2006 and 2007; Block 46@2, Lot 22, $22,663.96 for 2007. So move.

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Scarpelli?
COMMISSIONER SCARPELLI: Aye.

THE CLERK: Commissioner Petracco?
COMMISSIONER PETRACCO: Aye.
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THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: And Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

COMMISSIONER EVANS: The next resolution relates to the tax rate for the current year. We're still waiting for the state to finalize and to give us notice as to the adjustments to our state aid. And as a result of that, the Essex Tax Board cannot certify the tax rate so we would run the risk of not being able to send out bills if we were to not have resolution enabling us to issue an estimated tax bill for the fourth quarter. So in anticipation of an event that may occur, this resolution is being introduced.

Whereas, the adoption of Township of Nutley 2008 certified tax rate will be delayed until the township receives notification from the Essex County Board
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of Taxation.

Whereas, the tax collector will not be able to complete the mailing of the 2008 tax bills before July 6, 2008 per Chapter 72, per the laws of 1994 without a certified rate.

Now, therefore be it resolved by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey as follows:

1) The tax collector of the Township of Nutley is hereby authorized and directed to prepare and issue estimated tax bills for the Township of Nutley for the third installment of 2008. The tax collector shall proceed and take action as permitted and required by Chapter 72 Public Laws of 1994 and NJSA 54:4-66.2 and 54:4-66.3.

2) The total estimated tax levy for 2008 is hereby set at $98,292,623.52. The total estimated tax rate for 2008 is hereby cited $2.28 per hundredths of a (indiscernible)
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COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: And Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

COMMISSIONER EVANS: Whereas, Sharon Bozza is employed as a department of revenue finance office of the municipal clerk; and whereas, Sharon L. Bozza is currently out of work due to a medical situation; and whereas, Sharon L. Bozza has exhausted all of her available sick leave and other time due; and whereas, a Phyllis Coldebella, purchasing agent, desires a transfer of a total of twelve of her cumulated sick days to Sharon L. Bozza.

Now, therefore be it resolved by the
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Board of Commissioners of the Township of Nutley that under the circumstances presented here and the governing body authorized the aforementioned transfer of sick days as described above. So move.

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: And Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

COMMISSIONER EVANS: Whereas, the governing body of the Township of Nutley petitioned the council on affordable housing for substantive certification of its Housing Element and Fair Share Plan on December 6, 2005.

And, whereas, the Township of Nutley's Fair Share Plan promotes an
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affordable housing program pursuant to
the Fair Housing Act and the COAH's Third
Round Substantive Rules NJSA 5:94-1.

And, whereas, pursuant to NJAC 5:94-7 and NJAC 5:80-26.1 the Township of
Nutley is required to appoint a municipal housing liaison for the administration of
the Township of Nutley's Affordable Housing Program to enforce the
requirements of NJAC 5:94-7 and NJAC 5:80-26.

And, whereas, the Township of Nutley has adopted Nutley Ordinance 2932 entitled Fair Share Plan to provide for
the appointment of a municipal housing liaison to administer the Township of
Nutley's Affordable Housing Program.

Now, therefore be it resolved by the governing body of the Township of Nutley in the County of Essex that John T.
Barry, Traffic Safety Officer, is hereby appointed by the governing body of the Township of Nutley as the municipal
housing liaison for the administration of
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the Affordable Housing Program pursuant
to and in accordance with the code of the
Township of Nutley. So move.

COMMISSIONER SCARPELLI: Second.
THE CLERK: Commissioner Scarpelli?
COMMISSIONER SCARPELLI: Aye.
THE CLERK: Commissioner Petracco?
COMMISSIONER PETRACCO: Aye.
THE CLERK: Commissioner Evans?
COMMISSIONER EVANS: Aye.
THE CLERK: Commissioner Tucci?
COMMISSIONER TUCCI: Aye.
THE CLERK: And Mayor Cocchiola?
MAYOR COCCHIO: Aye.
COMMISSIONER EVANS: Thank you, Mayor.

MAYOR COCCHIO: Thank you. Commissioner Tucci?

COMMISSIONER TUCCI: Yes.

Whereas, the Township of Nutley entered into a contract with D&L Paving Contractors, Inc. P.O. Box 507, Nutley, New Jersey for a walking path in Memorial Park I; and, whereas, the superintendent
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of parks and public property department
has recommended the following change
order from said contract as necessary.

Change Order No. 2, additional work
to expand the blacktop walking path along
the Memorial Bridge area in the amount of
7,600 dollars.

The money is available from account
number 2902 and has been certified by the
chief financial officer, said
certification being attached to this
resolution.

Now, therefore be it resolved that
the Board of Commissioners and the
township clerk be and they are hereby
authorized to enter into and sign said
contract for the Township of Nutley. I
move the resolution.

COMMISSIONER EVANS: Second.

THE CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Commissioner Evans?
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COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: And Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

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

MAYOR COCCHIOLA: Thank you.

Whereas, the Township of Nutley and the Township of Montclair wish to enter into an agreement pursuant to which the Township of Montclair will provide animal control services and animal cruelty investigative and enforcement services to the Township of Nutley pursuant to NJSA 26:82-1 et seq.

And, whereas, the New Jersey Interlocal Services Act provides that a municipality may enter into a contract with another municipality or local unit for the joint provision of any service.

And, whereas, the director of the Department of Public Affairs has determined it is in the best interest of
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the township to enter into such agreement
at an annual cost not to exceed $87,500
dollars for the period June 1, 2008
through December 31, 2008; $15,445 dollars
for the period of January 1, 2009 through
December 31, 2009; and $15,913.50 for the
period January 1, 2010 through December

Therefore, be it resolved with the
mayor and director of public affairs be
and she is hereby authorized to execute
the attached agreement with the Township
of Montclair for the provision of animal
control services and animal cruelty
investigative and enforcement services.

I move the resolution.

COMMISSIONER PETRACCO: Second.

THE CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Tucci?
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COMMISSIONER TUCCI: Aye.

THE CLERK: And Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

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

MR. NEGRA: Good evening, commissioners. Again, I guess, I presented a question in front of the commission about four weeks ago.

MAYOR COCCHIOLA: I'm sorry, your name and address.

COMMISSIONER SCARPELLI: Could you give your name and address for the record.

MR. NEGRA: I'm sorry. My name is Ed Negra, 649 Bloomfield Avenue in Nutley.

Four weeks ago, I was here and asked Commissioner Tucci some questions about the creative playground. At that time, he was very helpful and I've called back a couple times, I haven't received a
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response, but I'm assuming that you just haven't received the inspection reports back from the playground. And I'm just here tonight to ask you if you actually have a final report on the playground?

COMMISSIONER TUCCI: I have, Mr. Negra. I have two reports and as we transmitted to you we had one report but we were waiting for the second independent report to come in so we could confirm some of the things that were stated in the first one. I do have both reports in front of me this evening and, Mayor, if it's okay with you and the commissioners, I'd like to share some of the findings and this may answer a lot of questions from many folks here this evening.

The first report was done by a gentleman named Bruce DaVita. He's affiliated with the County of Essex. He also is a certified playground safety inspector and has a private business that goes by the name of Playground Safety
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First, LLC.

He did a walk-through of our creative playground on June 17th and he identified twelve Priority 1 hazards. And Priority 1 hazards are defined as following: Something that would cause death, brain damage, permanent paralysis, loss of vision, loss of speech, loss of limb, organ destruction.

And some of the POHés that he observed were: Exposed concrete footers, okay, which are the footings on the bottom of some of the apparatus there. And they're exposed, and I can explain why, because the playground has, in fact, been closed and we haven't put the surface down to absorb a fall of a child. So that's something that could, in fact, be easily remedied.

Safety surface in many critical locations was insufficient. Inadequate use zones for slides and swings, head entrapments in many locations, many entanglements, many protrusions.
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He identified the openings from the upper deck to the lower decks as POHs. Crush points, strangulation hazards, Falstrom tires, tire swing under the deck and he also identified something that there cannot be more than two swings per bay.

Some of the other items that he identified that are not POHs but are still very serious conditions are: The tires are holding water, which promotes insect activity, the hardware is severely rusted and worn and we do, in fact, treat that and address that on a weekly basis. Swing hangers are severely worn. Many of the bolts extend more than two threads past the nut. Rotted wood. Fungal growth on the some of the wood members.

He's identifying here the use of CCA lumber. And CCA lumber is lumber that's treated with copper chromate and arsenic. And it also goes by the name of "Wolmanized Lumber®. And then he states, "That if CCA lumber is used, it must be
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encapsulated or coated either with paint, varnish, polyurethane, or some other substance to keep that encapsulated.

What I plan on doing to determine whether or not this is CCA lumber, because at this point we don't know whether it is or not from either of the reports, and I'll share the second report with you also, is I'd like to ask the Mayor in her department if they could, in fact, have the wood tested so we know exactly what it is and what type of wood it is.

MAYOR COCCHIOLA: I'll ask Tom or Stan.

COMMISSIONER SCARPELLI: Tom or Stan?

MR. NEGRA: I could supply you with that information.

MAYOR COCCHIOLA: You could --

MR. NEGRA: We had that at the beginning of the project.

MAYOR COCCHIOLA: Well, that -- it was tested at the beginning of the project? Does it need to be tested
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again?

MR. NEGRA: It was actually -- CCA, chromate copper arsenic, at the beginning -- and Robert Lenders, the way he builds his playgrounds is that at the playground, if everyone was there, they noticed the big area where all of this lumber was sealed before it went over to the playground to be constructed. This sealing process actually puts a film and a coating over the CCA treating which eliminates any of this hazardous materials.

MAYOR COCCHIOLA: Does that ever have to be repeated or one treatment is enough?

MR. NEGRA: Well, I believe we've been treating the playground every year.

COMMISSIONER TUCCI: We have been treating it but, again, that minimizes the risk. That doesn't, in fact, eliminate the risk. And as I'm sure you know being in that business, this CCA lumber, the arsenic, can be transmitted
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to a small child just by touching it. I mean forget about sanding it or cutting it because then once it becomes airborne there are really serious health issues that are involved.

MR. NEGRA: But depending on what report you hear or you read there are differing opinions about that altogether throughout the industry.

COMMISSIONER TUCCI: Um-hum. Well, this is true. And I have one here that I downloaded today and this is "EPA Announces Ban on CCA Wood for Residential Use" and it talks about what CCA pressure-treated wood is. What it is, how the arsenic is released, how does the arsenic affect people, and I'll be happy to share this with you. And you're right. There are different schools of thought on this --

MR. NEGRA: There is

COMMISSIONER TUCCI: -- but nonetheless, the risk can be minimized. I don't know that the risk can, in fact,
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be totally eliminated. But that we will,
in fact, determine, all right?

MR. NEGRAe: Okay.

COMMISSIONER TUCCIe: I think we
should still have it treated. If you can
facilitate that for Mr. Restaino so we
can see what state that wood is, in fact,
in.

MAYOR COCCHIOLAE: Not a problem.

MR. NEGRAe: We did have --

COMMISSIONER TUCCIe: It is not ABA
compliant in all areas. We do have
protruding nails and that's just a
function of it being used and children
playing on it and we do address that but
they do come back.

We do have some checked cracked and
splintering wood. There are some
tripping hazards. There's some worn
chain and there's a loss of sight while
the child is, in fact, in the structure.

He closes this letter by saying, "I
hope this helps you with your decisions
that you will be making and I'm glad to
see that this playground has been closed. Please feel free to contact me at any
time. And that is the one, and this
tomorrow morning and available at the
come and see it.

MR. NEGRA: Okay, fine.

COMMISSIONER TUCCI: The second
report was from the PMK Group, which is
the safety group that, in fact, services
our joint insurance fund. I had asked
Mr. Pat Lorimer to come out and -- or, in
fact, send someone out to do an
evaluation. And he comes up with similar
findings but not the exact findings. And
actually, he submitted two reports. The
first report he sent me was more of a
political report, if I had to
characterize it in one way or another,
without actual definitive answers to some
of the questions and highlighting whether
or not there were, in fact, dangers and
whether or not there were things that
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needed to be addressed. So I called him and both of those reports will, in fact, be available, and I asked him to just have the report done, don't soft-soap it, tell us the truth. We need to know what we're looking at here because it affects our children and people in our township and folks from surrounding townships that use this park.

He came out on June 19th and he, in fact, conducted his certified playground inspection, and he states that there are no head entrapment or neck entrapment hazards to be found. He says, "Overall the wooden structures are in good condition." He didn't, in fact, address whether or not it was CCA-treated wood. He's approximating the age at fifteen years old and I believe the age of the playground is right around seventeen years old. And I believe from what I've learned that they usually have a life expectancy of right around twenty years.

He also stated that there had been a
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rat issue at the playground, but further questioning revealed that muskrat from a nearby stream had burrowed under some the playground structures and there was no evidence of rats there at the time he was there. Well, obviously, there were no rats there because the playground's been closed and there are no children there so there's no cookies, there are no sandwiches or snacks to attract them up.

He also speaks about standards for critical height and how many inches need to be cleared on different parts of it. He also identifies the fact that the east end of the facility contains eight swings and two bays per schooleage children and there are not tot swings and ASTM standards call for no more than two swings per bay. He speaks about the wood chips that are not there because we never prepared it for use because we weren't sure what the outcome would be.

He speaks to S-hooks that are open and creating an entanglement hazard. And
that they should not be open any more than four inches or, essentially, the width of a dime and that there is also an entanglement hazard created by the bolts and the center swing support which are not tightened down flush with the support of the surface. And he speaks to the fact as Mr. DaVita did that many of the bolts and the hardware are in fact rusted despite what we do to do that.

He speaks to the fact that the clearance between the swing on the far right and the swing support is twenty-nine inches and the ASTM standards require a minimum clearance of thirty inches. Not a big issue because someone like me, a lay person, looking at the swing but according to the standards it misses it by that one inch.

He speaks to the fact that the spiral slide has an overall height of seven feet two inches and that the metal sheets that are contained in that slide get hot when exposed to the sun and may
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create an entanglement hazard and a cut hazard if they begin to loosen up.

He says that there was a twenty-inch drop at the end of the slide and the maximum allowable drop is fifteen-inches and that many of the bolts on the metal sheets are, in fact, aged and rusted and should, in fact, be replaced.

He speaks that entanglement hazards existed above the slide exit with bolts having more than two threads exposed as Mr. DaVitaës report did.

He identified another entanglement hazard at the sliding pole with the bolt holding the pole to the surface. Again, having more than two threads exposed.

The top swing set had four swings in a single bay. Again, the standards call for no more than two. The upper swing support was incorrectly installed and badly rusted. Several of the S-hooks are open creating an entanglement hazard.

And, again, he speaks to how much they should be opened by.
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The tire crawl tube consists of a series of tires bolted together and suspended by chains covered by rubber hose. There were protruding bolts with more than two threads exposed and sharp edge metal plates inside the tires which, obviously, is not a good thing.

The rocking platform was wood supported by chains covered by rubber hose. He states that the structure is located only fortyeight inches from a wooden bench and has a wooden support beam that a child could easily strike when using or falling and/or jumping from the platform. And, again, ASTM standards call for a minimum play zone of eightye four inches and PMK recommended that this equipment be removed.

The rocking balance beam is both a trip hazard and a fall hazard. And, again, he speaks to the fact that there's no surface material to cushion that fall and we know why.

The layout of the play zone funnels
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children through this area where they can easily trip over this equipment and PMK recommends this piece of play equipment also be removed.

He speaks to the overhead rings. And, again, he addresses the S-hooks which were open creating the entanglement hazard and also a potential pinch-point between the chain and the S-hook and which normally is tied to the rings are supported by a vertical chain, not a loop of chain, and this loop can allow a child's finger to get between it and the support hook.

Then he speaks that "One play structure had a vertical tire crawl tube with the tire swing at the bottom. This too can allow a child to fall six and a half feet, had no impact surfacing beneath, the drop is unguarded at the top so small children may, in fact, accidentally fall through these tubes."

Then he goes through his summary of what should and should not be done.
So both of the reports, while similar and identifying different types of hazards and some of the same hazards, all right, I guess, at the end of the day, all point to the fact that the playground by today's standards just does not meet up, all right. And I understand the emotion and the attachment that many folks have with this playground. I know a lot of people put in a lot of hard work, a lot of hours. I, myself, worked on the playground with Commissioner Cocchiola at the time. It was a great community project.

The last piece of information that I'm waiting for is to see what state this wood is in. But, I think, we all agree that first and foremost our number one priority always has to be the safety and the health of our children no matter how attached we may be, no matter how unique and how exciting it is for people to see this and come here and experience this. As far as the project itself is
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called, it was a great community
project. It brought a lot of people
together.

So depending on what the final piece
tells us and if, in fact, we decide as a
township that we're going to change this
structure there to something else, what
I'd like to put out, not only for the
Mayor and the other commissioners, but to
all of you is the fact that I see no
reason why we couldn't once again come
together as a community and design
something that would be appropriate.

It appears by all indications that
this structure is just coming close to
its useful life. The end is, in fact, in
sight. I mean it was great, it's
wonderful, but --

MR. NEGRA: Can I ask you a
question?

COMMISSIONER TUCCI: Sure.

MR. NEGRA: The other facilities in
town, as far as the other player is, I'm
sure there's maintenance and there's
updated codes that you have to stick to.

COMMISSIONER TUCCI: Absolutely.

MR. NEGRA: Do you tear down those playgrounds or do you send a maintenance crew out there to take care of the problems and update them and bring them up to code and --

COMMISSIONER TUCCI: Well, as I'm sure, you know, because you interact with many of our employees, we maintain not only all of our playgrounds but all of our parks and all of our public buildings. We had, in fact, replaced just about every playground if not every playground. This may be the oldest playground that's left. We are presently in the process of rebuilding the playground in the Glotzbach Park, because that too had wooden structures there that were dangerous for the children. So all of our other ones are current playgrounds; they meet the current safety standards. And while we may agree or disagree on what type of equipment we
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have there, but with the one thing that
we can't deny is that everything that we
have replaced is, in fact, up to today's
standards, today's codes, and they are
safe for our children. And that's the
only thing we're looking to do here.
This is not a decision that I take
lightly. And I know a lot of people are
vested in this and are stakeholders in
what occurred and I appreciate that. I'm
one of them. But, again, I think first
and foremost we need to consider the
health and the safety of our children.

MR. NEGRA: Again, if
recommendations were proposed to you and
there were a group or town employees that
can update this playground to come up to
code, would that be acceptable without --

COMMISSIONER TUCCI: Absolutely.

MR. NEGRA: -- tearing down the
playground?

COMMISSIONER TUCCI: This is not
Cuba, all right. Whenever we do any
project in the parks department, as you
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should be aware, we have several
meetings, we have several hearings. We
come up with what we believe would be
appropriate and what we think is a good
idea. But, again, we tweak our plans.
We tweak our designs in conjunction with
our neighbors and with townspeople. We
have -- I don't believe we've ever built
anything exactly the same way we
originally envisioned it because everyone
sees things differently. And everyone
brings a different perspective and we
take those perspectives in account. And,
again, if that can happen here and we can
modify this, into something that will, in
fact, be safe, then of course we're open
to hearing that.

MR. NEGRA: Okay. When will that
decision process be made and who will be
a part of that decision process?

COMMISSIONER TUCCI: Well, as I said
before, I'm waiting for the last piece.
I'd like to get the test back on the wood
so I know exactly what it is we're
looking at and I'd like to get one or both of these gentlemen there and anyone else is invited. We'll set up a date, we'll actually walk it and we'll see what the hazards are, we'll have the experts tell us what we should do and what we should not do. Because while we're all well intentioned, we're not playground safety experts, at least I'm not aware of anyone here that is right now.

MR. NEGRA: Very true. And if it's feasible that he says we can bring it up to code --

COMMISSIONER TUCCI: Absolutely.

MR. NEGRA: -- then there would be a way to do that?

COMMISSIONER TUCCI: Absolutely.

There are no predetermined decisions here, Mr. Negra. Everything is on the table and we'll be happy to listen to everyone's comments. But, again, remember, at the end of the day, and I'll say it for the third time, we need to do what's best for our children.
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MR. NEGRA: Definitely. Security is first.

COMMISSIONER TUCCI: Then we agree.

MR. NEGRA: And how will I know, or the people know when this process is going to take place or --

COMMISSIONER TUCCI: You can call the parks department as I said and as I promised the reports will be available for everyone's inspection. And once we get back the report on the wood from the health inspector that will be available. We'll set a date that is convenient. And we'll just move forward and see what we can do.

MR. NEGRA: Okay. Before I leave, I'd just like to share a couple things that might be in the decision process, hopefully, that are very traditional to Nutley and I think have a great bearing on this project.

First of all, this is Nutley Hundred Years and within this middle of the page there's two sections, two main pages on
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the creative playground. 1992 is highlighted by the creative playground. And it says, "Creative playground; probably the largest volunteer project in Nutley history. A group of citizens first raised the idea of building this unique playground and the volunteers did everything, create, design, raise, and funded this project. Over a thousand volunteers took part in the actual construction opened in 1992."

One other letter I'd like to read.

I was project coordinator on this job and there were so many rewarding parts to this. At the end of the project I received a letter from a parent who had his wife and two children there working on the project and he said, "Ed, it gave us something -- this was a fantastic project. It gave us something to pass onto our kids. Not just the playground itself, but our sense of community pride. The playground is a precious symbol of camaraderie. You can't just go out and
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buy one of these things."

With that, I'll be in touch and
hopefully we can resolve any problems
that happen and hopefully we can keep the
playground. Thank you.

COMMISSIONER TUCCI: We'll see what
we can do.

MR. NEGRA: Okay.

COMMISSIONER TUCCI: Good luck.

MAYOR COCCHIOLA: Thank you, Mr.

Negra.

MAYOR COCCHIOLA: Good evening,

Mr. Magnifico.

MR. MAGNIFICO: Jack Magnifico, 160

Park Avenue.

Number one, congratulations to all
the commissioners. I wasn't here for
your installment but congratulations.
Thank you very much, Mr. Tucci, for your
assistance with the American Legion, with
the Boy's Day. You helped us become the
largest Boy's Day group to go down to
Rider College. I appreciate that very
much.
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COMMISSIONER TUCCI: Thank you, Jack. You do a great job.

MR. MAGNIFICO: And I know the men do and the parents do too. The next thing I have to ask of your group is you had a Mr. John and Tom Pandolfi check me out for trees. We proposed here, before the election, a parking lot. I belong to AMVETS. I'm the commander of AMVETS. And the AMVETS group have said to me, yes, we can give the town a loan of the area that belongs to us along the railroad tracks. There's 1.6 acres. And that property is ours. We, naturally at this point, are not going to use it for anything other than what it was used for before as a picnic ground but we don't really need that anymore. We got other parks that you have provided for us and we really don't need a personal picnic area. Anyway, your man came down and you were kind enough to survey the trees and I know I have about twenty trees that have to be cut down in the circle, inside
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the circle. That means that I would appreciate if we could get it for nothing, naturally. We're not a large organization. We're a large organization, but we're not wealthy.

The parking lot became a big issue. We received a letter from the Board of Education saying that this could not be done. Well, I further studied it out with some lawyers. We are a nonprofit operation. We are not making any money on this. We have been asked by the Mayor and other people if we could provide help for the town in the form of having space for Washington School parents to pick up their children, which we do now, which would be a lot more safer if I had more space, or we had more space, I should say. Not I personally. Therefore, I am asking this commission to go after the Board of Education and see what we can do to change the altitude of the individuals that told me that we could not do this.

I also, I've talked to Mr. Petracco
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about some gentleman that has decided
that he can build a garage on our
property and I think he's looking into
it; I'm sure he is and I would like that
removed as soon as possible so we don't
get into any more hassle.

We have been taking care of that
property since we got it through the
kindness of the paving company across the
street, cleaning it up, stuff like that.
It's become a problem for us and of late
I have already had made three reports
that we are getting more and more young
men having parties back there and doing
things that are not supposed to be done
and we'd like to have it stop -- you
know, put a stop to it. The police
department is working on that.

I also, I know you're working on
solar, and if you have any problem I have
a guy that I'm working with that we
started back in '02 with and he's going
to -- he's starting with me on my
building and a lot of new codes out
there. I don't know if he's told you about them, the new people, because if not, we'll get together.

Last but not least, consolidation. I think you and I talked about that, Tom. We have to somehow help this town. How do we have to help it? We've got to consolidate a lot of our efforts. Garage efforts, parking efforts, whatever you want to call them. We have to sit down somehow and find out why we have -- it keeps raising them, there's no question about it. I think there has to be a consolidation of operations with garages, automobiles. We got two hundred and some odd vehicles. I got the records of it. It's unbelievable. And I'm not bitching. I've been a long time resident of this town and I worked with a number of commissioners to try and do things, not as a politician but as a friend, as a member of this town. And I would sure as heck I'd like to see the town keep its older people and how do we do that is by
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not burdening them with expensive other things. And what I'm trying to get to is the -- well, we know about the elder care; that's taken care of, thank you and it'll go further I'm sure. But these are the things that I'm really trying to push -- not push them for me, my times are short, but there are other people in this town that need help and if we don't get to them, they're just going to sit home and rot away. And that's what happens to them because I've had to go to a number of these calls and take them out of their homes and bring them to veteran's homes or get them some place so that they don't take the long -- the short way home. All right. So these are things I want to bring forth to the new commissioners. I know you're all intelligent, you know what's going on in this world, but this is our town. It's probably one of the best towns in the country. And before I die, I want to make sure it stays that way. And if you
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would please, please look into that
parking lot. I know, the Mayor would
love it and I would love it. Not for me,
it's for the senior citizen to go places
and leave their car somewhere where it
could be protected. And I assure you,
you're going to get a complaint -- all of
the neighbors, the lights and stuff.
Anything we plan, lighting, will be all
against -- lighting all through the trees
so that nobody -- it's not affecting the
lights in the houses. The fence along
where the houses are will all have a
barrier with trees on it. We've already
figured that out. I've got guys that are
willing to do this. I have builders that
are willing to help. But it's all up to
you now. Thank you, Commissioners.

MAYOR COCCHIOLA: Thank you, Mr.
Magnifico.

MR. SCERBO: How you doing? Lou
Scerbe, 21 Edgewood Ave. Good evening,
Commissioners.

I came to talk to you guys tonight
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about the code of ethics. I'm sure you
guys have received many packets from me
over the last two months, but yet, I have
yet to receive any resolution in terms of
the information I sent to you and the
facts that are included within it. I had
a few questions to ask the commissioners.

Do you all agree that the Town of
Nutley needs to uphold the code of ethics
that we follow? I don't believe there
will be any disagreement in that.

MAYOR COCCHIOLA: Mr. Scerbo, are
you referring to the State Code of Ethics
that you provided to each one of us?

MR. SCERBO: Yes, I am.

MAYOR COCCHIOLA: State Code of
Ethics governed by the Commission on
Ethical Standards is applicable to state
employees and special state officers.

MR. SCERBO: Well, I also requested
our code of ethics and I was told that we
follow the state. When I called the
state, they said that this is the code of
ethics and although it may be slightly
different whether it's state officials, it's pretty darn close. And since we do not have one as a town, it was my only other alternative to submit a code of ethics that's followed by the state.

MAYOR COCCHIOLA: And it's a document that everybody should abide by.

MR. SCERBO: I agree.

MAYOR COCCHIOLA: It's a well thought out document.

MR. SCERBO: So that being said, another question is, Commissioners, do you agree that George Anderson, William Speezio and Pennoni the engineering firm for our town are all well respected at what they do and know this town and its codes extremely well. Does anyone have an objection to that?

MAYOR COCCHIOLA: Mr. Scerbo, we don't really know what you're --

MR. SCERBO: I'm getting to that.

MAYOR COCCHIOLA: -- what are you asking?

MR. HARKINS: Mayor, if I could jump
Mayor Cocchiola: Thank you, Mr. Harkins.

Mr. Harkins: I did read your package, Mr. Scerbo. And I think what you're referring to are some actions taken by the planning board --

Mr. Scerbo: Yes, I'm getting to that.

Mr. Harkins: And the actions of some of the members on the planning board. And as you know, that's an autonomous board.

Mr. Scerbo: Sure.

Mr. Harkins: It's a board separate from this board and if you're unhappy with the decision of that board or have concerns about the propriety of some of these actions there, there are certain avenues that you can follow. This is not one of them.

Mr. Scerbo: What are they?

Mr. Harkins: If you aggrieved by a decision of the board, you have a right
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to file an appeal --

MR. SCERBO: I -- wait -- with all
due respect, Mr. Harkins, I did send you
out information, I did call you over two
months ago looking for this type of
guidance. I have also requested through
the planning board attorney that there is
a conflict of interest which is clearly
stated in the code of ethics, that no
planning board member, whether it's a
spouse, a relative or a close personal
friend, should have any interest -- let
me finish; I've waited two months, I feel
I have the right -- should have any
personal interest in an application. Two
planning board members and I have sent
you all the minutes -- wait, let me --

MR. HAWKINS: I don't want to --

play a little bit straight here.

MR. SCERBO: I'm not going straight.

MR. HAWKINS: I mean I'm starting to
connect the dots here and I just -- you
know, that board has its own counsel,
very able counsel.
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MR. SCERBO: Granted, but how can I get something down if that attorney --

MR. HAWKINS: I'm sure you have counsel, very able counsel --

MR. SCERBO: -- wait a minute, wait a minute. We all agree that a board attorney cannot send out an application, they work for the town, they cannot send out an application without a motion and a vote.

MAYOR COCCHIOLA: Hold on, hold on, Mr. Scerbo --

MR. SCERBO: Without a motion and a vote.

MAYOR COCCHIOLA: -- Mr. Scerbo.

MR. SCERBO: We know that. That's law.

MAYOR COCCHIOLA: Hold on a minute.

MR. SCERBO: Sure.

MAYOR COCCHIOLA: You're referring to the code of ethics.

MR. SCERBO: No, no, not right now.

MAYOR COCCHIOLA: No, no, you started out referring to the code of
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ethics.

MR. SCERBO: Yeah, I did. It's been breached.

MAYOR COCCHIOLA: Premise number one, this governing body, the five of us, cannot influence, cannot get involved with any application of the planning board.

MR. SCERBO: I'm not asking you to.

MAYOR COCCHIOLA: Yes, you are.

MR. SCERBO: I'm asking -- no, I'm not.

MAYOR COCCHIOLA: Sure. Now, wait a minute.

MR. SCERBO: I'm not asking you to get involved --

MAYOR COCCHIOLA: Sitting three feet to your right is Phil McGovern who is chair of the planning board. What I'm going to ask you to do is at the conclusion of this meeting if there is something that you feel you've been aggrieved or something that you need to discuss, you need to discuss it with him.
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MR. SCERBO: Well, I have something that the police commissioners --

MAYOR COCCHEIOLA: You cannot discuss it with us.

MR. SCERBO: -- okay, let's go back to the code of ethics then, can I discuss that with you?

MAYOR COCCHEIOLA: For what purpose?

MR. SCERBO: Can I discuss the code of ethics with the Commissioners of Nutley, yes or no?

MAYOR COCCHEIOLA: If someone needs to be recused from a matter involving the planning board, then you bring it to the attention of the chair --

MR. SCERBO: I've done that and gotten nowhere. I've done it a board attorney who refuses to answer my e-mails.

COMMISSIONER EVAN: Mr. Scerbo.

MAYOR COCCHEIOLA: Mr. Scerbo, at the conclusion of this meeting, Mr. Kozyraès here, Mr. McGovernès here. It's 9 o'clock at night, they're still here.
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MR. SCERBO: So let me ask you this.

MAYOR COCCHIOLA: They will sit and they will speak to you.

MR. SCERBO: So for the last two months that I've reached out to the planning board attorney and had nothing, was that --

MAYOR COCCHIOLA: No, I think you've had some e-mails back and forth.

MR. SCERBO: Yes, stating that he doesn't feel he's in breach and that the two women who came out against me are not in breach.

MAYOR COCCHIOLA: Look. I see the e-mails too.

MR. SCERBO: Right, you've seen the e-mails.

MAYOR COCCHIOLA: So you need to have a discussion with Mr. Kozyra and Mr. McGovern, they are both here.

MR. SCERBO: I thought I was having that discussion, but Mr. Kozyra --

MAYOR COCCHIOLA: They are both willing to sit --
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MR. SCERBO: -- refuses to answer my e-mails.

MAYOR COCCHIOLA: They're right here. They have waited all night long.

MR. SCERBO: I know that. Why won't you answer my e-mails, Mr. Kozyra?

MAYOR COCCHIOLA: Okay. So when -- Mr. Scerbo, I'm going to ask you to calm down and if you can't I'm going to ask you to leave.

MR. SCERBO: Okay.

MAYOR COCCHIOLA: They're here, they will sit and they will discuss this with you at the conclusion of this meeting.

MR. SCERBO: Yeah, that's why I thought I came here tonight.

MAYOR COCCHIOLA: They're here.

MR. SCERBO: I thought I did come here tonight.

MAYOR COCCHIOLA: They'll sit down with you at the conclusion of this meeting --

MR. SCERBO: I have one other question then. I have one other
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question --

MAYOR COCCHIOLA: -- and they will discuss this with you.

MR. SCERBO: -- I think I'm entitled to that. If a -- if a homeowner applies for a variance for a three-foot fence and he's granted that variance but then goes ahead and puts a six-foot fence up, how do you think the recourse and protocol is to that?

MAYOR COCCHIOLA: We can't answer that question right now.

MR. SCERBO: Of course.

MAYOR COCCHIOLA: We're the governing body of the municipality.

MR. SCERBO: Fair enough, fair enough.

MAYOR COCCHIOLA: Do you have any other questions. Mr. Kozyra and Mr. McGovern are both here.

MR. SCERBO: I don't have any other questions other than the fact that there's been a breach. I hope it's in the minutes. There's been a breach in
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the code of ethics from Ms. Tangorra, Ms.
Craine and Mr. Kozyra.

UNIDENTIFIED SPEAKER: Mr. Scerbo, I wouldn't necessarily name names here and if you're aggrieved you have recourse.

MAYOR COCCHIOLA: Okay, thank you, Mr. Scerbo. Is there anyone else that would like to address the board this evening?

MR. SCERBO: I'll be in touch with you, Mr. Kozyra and Mr. McGovern.

MR. COFFEE: Good evening all.

Commissioners.

MAYOR COCCHIOLA: Good evening.

MR. COFFEE: Most of you know who I am. My name is John Coffee (ph.). I live at 47 Lake Street in Nutley. And that is a dead-end street that runs right -- if you don't stop at the dead-end street, you'll end up in Nichols Park.
I'm right next to the park.

After reading the article which appeared in the Nutley Sun, dated June 26, 2008 on page 7, I wrote a letter to
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the editor and sent copies to
Commissioner Tucci and Tom Pandolfi. Did
you get a copy?

COMMISSIONER TUCCI: Yes, I did.

MR. COFFEE: Great. I feel the
article, as written, has some mistakes
and errors. The first error being a
listing of Hudson Place which was close
to the park. This should have been
Funston Place. Now, that set it off
because if you've got an error in an
article like that, there's going to be
other problems.

Now, the second statement in the
article I question is Donna Hickey's, in
quotes, "Harrowâng Taleâ saying she spent
fifteen thousand dollars to among other
things have rats removed from her oven.
She also stated, according to the Nutley
Sun, "My home has been invaded by rats.
They got up to the second floor into my
child's room and into the bed. They had
babies and everything."  

Now, the article goes on to state,
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"The wood has to go. I had to buy a new floor, bed and clothing for my child."

Now, my question to Mrs. Hickey is this, were you and your family out of your home for a period of time when something as unbelievable as what was printed could happen? I was an exterminator for Terminix for several years and I have personal knowledge with rats, I have never seen a rat do that. The article was written -- as written has given the impression that this part of Nutley, by Nichols Park, that is Funston Place, Lake Street, Cottage Place and Bloomfield Avenue is overrun by rats. That is not true. But if you think it is true, you'll have to prove it to me at your earliest convenience.

Nichols Park is now and has always been an open park where children play and adults play softball and, yes, some even have picnics. People come there from other towns, that's true: Clifton, Passaic, Bloomfield and Caldwell. Some
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say we should keep it just for the people of Nutley. How? How do you propose to do that? It would be impossible to even try to do it.

I helped to build a creative playground along with the Commissioner and mistakes were made. Parking is a big problem and having the garbage removed every day is another one, especially during the summer. And if there is a noise in the park after the curfew is in effect at 10 p.m., call the police and report it. They patrol the park twice an evening and have for years. I know because I requested that personally myself. Thank you, very much.

MAYOR COCCHIOLA: Thank you, Mr. Coffee.

MS. GAYNOR: Hi, my name is Alex Gaynor, 197 Hillside Avenue. I'm also here to talk about the creative playground. I know Commissioner Tucci had said a bunch of things that I didn't know -- I didn't know all the violations
and stuff, but I've been playing at that park, probably since I was about two, and I'm fourteen. And I'm fine, so -- I mean, I know you said there's a bunch of, like, like things sticking out and things that children can get hurt on but I've been fine. I haven't really -- never really known anybody whose gotten hurt by the park and -- I mean the fact that it's like that, you know, with, like, the wood and all the different kind of corners and stuff makes it unique. You know, I know you say it's not -- it doesn't meet the health codes but it's been -- or whatever, sorry, but it's been working so far in my opinion, so. And I know it's a community effort and all that stuff and I really hope that there is a way to save it. And I don't have many facts and stuff but I'm just coming to say that I really -- that's my favorite park. I mean I still like the parks even though, you know, I'm a teenager. But I really hope that they're -- you can find a way
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to repair what needs to be repaired
because it sounded like a bunch of things
could be repaired, like the loose nails
and stuff, but I'm not really sur e And
I just -- I'm just hoping that it could
be saved because that's one of my
favorite parks stille Thank youe

MAYOR COCCHIOLA: Thank you, Alexe

MSe NOCERA: Tina Nocera, 66 Union
Avenuee I didn't really think there was
anything I needed to add to the
playground comments especially after all
the eloquent speeches and this young girl
who just appreciates the parke I just do
want you to keep one thing in mind,
Commissioner Tucci, I guess, first of
all, did we get the pied piper or did the
rat problem now just go away? Because
all I've heard you talking about was the
safety of the park, so what happened with
that situation? I'm not clear on thate

COMMISSIONER TUCCI: The rat problem
existed because of the children that were
playing theree And as I've said time and
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time again, because of them dropping cookies and pieces of sandwich and things like that attracted the rats --

MS. NOCERA: Don't we plan to invite the children back?

COMMISSIONER TUCCÉ: -- excuse me, let me finish -- attracted the rats up into the playground. So with the playground closed, obviously, there are no children in there so there is no food in there so it's not attracting them up. And we have, in fact, baited it.

MS. NOCERA: But when we have the children back and little -- the goldfish crackers, etcetera will -- I mean I'm not -- I'm confused about that --

COMMISSIONER TUCCÉ: I'm sorry I --

MS. NOCERA: -- all the children go to all the parks and they all have little snacks so I'm not clear on --

COMMISSIONER TUCCÉ: Right. But the other parks are a little bit different than the creative playground as you well know.
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MS. NOCERA: Right.

COMMISSIONER TUCCI: The creative playground does, in fact, some enclosed areas. And those enclosed areas are where the rats are attracted to. The others are open. So if the child does drop a piece of a sandwich or if a child does drop a cookie, the birds will take it, the squirrels will take it, they're much more open. They don't have as many concealed areas as the creative playground.

MS. NOCERA: Well, the other playgrounds are designed by lawyers; this playground was designed by children.

COMMISSIONER TUCCI: Right.

MS. NOCERA: And that's probably the biggest difference.

COMMISSIONER TUCCI: But no matter who it was designed by, I think we all agree that it needs to be safe. And if it's not safe, then it's not good for our children.

MS. NOCERA: Right.
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COMMISSIONER TUCCI: No matter how much time those of us who did participate in it have invested it, if it's not good for our children, then it's really not good for any of us.

MS. NOCERA: No one disagrees with that at all. I don't think anyone here would ever argue with you about the safety of our children being the first and most important thing. What we're talking about is that if there needs to be, in fact, a new structure, that it will have the same intensity, the same passion, the same commitment as the people who are representing that first playground in this room. And the only way you're going to do that is to really replicate the exact situations that happen, which was community involvement, awareness, participation. And maybe, maybe this young girl, maybe this very sweet young girl can lead the charge.

COMMISSIONER TUCCI: I couldn't agree with you more, Ms. Nocera. I
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couldn't agree with you more.

MS. NOCERA: So all I'm asking is if
this has to happen, it doesn't look like
the other very sterile lawyer-designed
playgrounds.

COMMISSIONER TUCCI: I have to
disagree with you. I'm not so sure that
I'd characterize all the other
playgrounds as sterile, but if the
township would like something a bit
different, a bit more creative, then
absolutely we will entertain that.

MS. NOCERA: Then all I ask is that
you involve the children, okay?

COMMISSIONER TUCCI: We will
involve --

MS. NOCERA: And by the way --

COMMISSIONER TUCCI: -- we will
involve everyone.

MS. NOCERA: -- I'd like to offer,
I'm a member of the International
Association of a Child's Right to Play
which is a national organization
sanctioned by the UN, which is -- it's
very important that our children do learn
to play, you know, especially in this
technological age with texting and the
games and all that stuff, there is
nothing like fresh air and spiders and
dirt and, yeah, maybe even some
splinters.

COMMISSIONER TUCCI: Well, some

splinters wouldn't be so bad, but

splinters laced with arsenic are not a
good thing.

MS. NOCERA: Good point. Point
taken. Thank you very much.

COMMISSIONER TUCCI: Thank you.

MR. RECCHIONE: Hi, I'm Mike
Recchione, 565 Passaic Avenue and I want
to talk about the park too.

It was an impressive list of
violations that you read, but most of
them were protruding bolts, too many
swings in a bay, the chips that you
removed when you closed the park, they
could be put back, a drop from a slide
that was too far. There were a couple of
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small structures that could be moved, but
it sounded very much like everything that
you cited could be fixed pretty easily
with the right kind of maintenance. A
swing support installed upside down,
that's human error, right. There's no
fundamental flaw in the design of the
park. So the one fundamental issue is
whether or not CCA lumber structures can
still meet code.

It appears from the first report
that you cited that they can as long as
they're coated. You don't eliminate the
risk completely, but there's no such
thing as a risk-free structure anyway.
So as long as it's still legal to have
wooden structures, and they're all going
to be made out of some kind of pressuree
treated wood that's coated with something
to make them safer, there's nothing
that's fundamentally wrong with this
park. Is there a way that we can
approach this very conservatively and
say, what would it take us to fix it and
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keep the structure, the basic
architecture and the concept of it as a
fantasy park that was community designed
rather than replacing the entire
structure with something modern? There
was nothing in your list that was very
difficult to fix or even a major
structural or conceptual flaw.

COMMISSIONER TUCCI: I'm sure that's
a very easy statement for you to make
from where you stand, but from where I
sit, and from overseeing over a hundred
acres of parkland and all the municipal
buildings and all of the playgrounds and
all of the other facilities we have in
the township, it's not such an easy task.

MR. RECCHIONE: Well, I mean if
we're talking about a few bolts that are
protruding --

COMMISSIONER TUCCI: I would agree
with you -- let me finish -- I would
agree with you that nothing is impossible
and that we will, in fact, entertain
modifying it, eliminating the hazards and
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seeing what we could do to do that. But
I do want to read one other part here.
And it says here, very succinctly, "CCAe
treated wood should not be used as
playground mulch or equipment". So I
mean we can minimize the risk by coating
it and encapsulating it, but you never
eliminate the risks.

MR. RECCHIONE: Right. You're
quoting from -- what website was that?

COMMISSIONER TUCCI: The jury is
still on that and we want to see to what
degree the risk presents itself. That's
why we're going to have the wood tested.

MR. RECCHIONE: Commissioner Tucci,
can you give me the reference on that
website? Was that a US Government
website that sets standards for
playgrounds or was it just a website?

COMMISSIONER TUCCI: It's a
website --

MR. RECCHIONE: There are thousands
and thousands of websites.

COMMISSIONER TUCCI: -- actually, it
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comes out of the handbook, the Public
Playground Safety Handbook put out by the

MR. RECCHIONE: All right. And is
there a mandate to not use wood?

COMMISSIONER TUCCI: "Saving Lives
and Keeping Families Safee."

MR. RECCHIONE: In other words, can
wood meet code? What material --

COMMISSIONER TUCCI: I'm sorry, can
the wood be what?

MR. RECCHIONE: Can wood be made to
meet code for a playground?

COMMISSIONER TUCCI: Not CCAetreated
wood. There are different types of wood
that can, in fact, be utilized.

MR. RECCHIONE: Right. That
conflicts with the first report that you
read.

COMMISSIONER TUCCI: And there are
different types that -- are we going to
speak over each other, Mr. Recchione or
are we going to talk in a civilized
manner?
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MR. RECCHIONE: You know, I've got a stake in the park, my kids loved it too and it's a unique resource. The way that you presented your arguments made it clear that you had arrived at a conclusion.

COMMISSIONER TUCCI: I'm not -- let's just make one thing perfectly clear, I'm not presenting an argument, I'm presenting facts. They're not my findings, they're not my conclusions, they're the conclusions of playground safety inspectors. All right. I'm just giving you information.

MR. RECCHIONE: Okay. There was --

COMMISSIONER TUCCI: All right. And I'm sharing information with everyone. It's open for everyone to review.

MR. RECCHIONE: There was one fundamental issue in all of the violations -- all of the problems that you cited. The one fundamental one was whether or not it's legal to have CCAe treated wood as a structural material in
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a park --

COMMISSIONER TUCCI: I haven't seen anything that says it's illegal --

MR. RECCHIONE: -- particularly, if it's a grandfather park.

COMMISSIONER TUCCI: -- all right, but it's not recommended.

MR. RECCHIONE: It's a dangerous world, right. But if the park can be made to meet code and preserve it's current design, are you committed to take that course or are you at this point committed to taking a course which involves --

COMMISSIONER TUCCI: I'll say it again, because, obviously you didn't hear me when Mr. Negra was speaking, I said, all options are open. We will entertain any reasonable alternative to make the park safe. Whether that's modifying what's there, whether it's removing what's there, building something else. There has not been a determination made. I come into this with no preconceived
determinations as to the outcome of this park.

I mean I don't know what else I can say. I understand how people feel about it. I also have a close attachment to the park. I'm very happy that this young lady took the time out of her schedule to come here and to share with us how she feels about the park. I know Mr. Levindoski (ph.e) has written me a letter on behalf of the preservation group about the park. I mean there are many people that have a vested interest in this park and would like to see it saved in some way, shape or form. And all those options are open to us. So am I committed to keeping those options open? Absolutely, yes, I am.

MR. RECCHIONE: Okay. Thank you.

COMMISSIONER TUCCI: You're welcome.

MAYOR COCCHIOLA: Thank you, Mr. Recchione.

MR. LEVINDOSKI: Jim Levindoski, 19 Colonial Terrace. I'm sorry. I think --
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first of all, Commissioner Tuccé, thank you for sharing all that information and I appreciate your openness (sic)e. Just as I get clarity so -- because there seem to have been different things in the press and whatnot, there's no proposal to remove the facility in its entirety? I mean a playground will remain provided that what remains is -- that the risks are mitigated and so on and so forth.

COMMISSIONER TUCCI: Right. It's my opinion that we need a playground in that park, yes.

MR. LEVINDOSKI: Okay. So it's not going to be demolished, I mean there's nothing there?

COMMISSIONER TUCCI: That was never in my plans.

MR. LEVINDOSKI: Okay. All right, thank you.

COMMISSIONER TUCCI: Thank you, Jim.

MR. DOLACHECK: Bill Dolacheck (ph.e), 501 Centre Street. I'd also like to talk about the park.
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I just would like to say the majority of the (indiscernible) that's on the wood on the surface by this time have been washed away by rain. By sealing it, I believe, the wood would be perfectly safe. And I would like to offer my services, my son's services, to fix anything that's unsafe for any children at the park and we'll reform the committee. And we'll get volunteers back in there to make the park safe for everybody. And I think I got my first one right over there.

COMMISSIONER TUCCI: I think you're right.

MR. DOLACHECK: Thank you very much.

MAYOR COCCHIOLA: Thank you, Mr. Dolacheck.

MR. HICKEY: Thomas Hickey, I live at 44 Funston Place in Nutley. My house is the house which had the rat in it. And either I cut the hole in myself or we made this up. Guys, I don't -- I'm not an expert at extermination, but I've had
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mice in my house over the last fifteen years when I lived there. High rains, change of weather you get them once in a while you see the droppings. I had no idea there was anything in my house at all. There was no signs of it.

(Indiscernible) wasn't in. My kids were hearing things in the walls. Had no idea what it could possibly be. My daughters said they saw some in the kitchen. Said, "Guys, there's no signs of mice. We've had them all the time." I've had exterminators in my house twice a year for the last fifteen years. If it does happen, I have it taken care of.

I had just changed the floors in my daughter's room for -- son's room, five months ago. I know the baseboards; it's what I do for a living. When I saw something, the kids were screaming upstairs, there was something in the room, I went upstairs I said "I'm going to settle this right now. I've had it." Because I've been hearing it for two
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weeks. When I moved all the furniture out the way, there was a hole in the wall. Because I said, "If there's a rat in here, I'm not going to let it leave. I'll fix this right now." Somebody came out from the town -- an exterminator that was sent by the town. We called the town, there was a problem. He was the one who explained to me, believe it or not he said, "These rats are intelligent." I've had traps, he said, "They're not going to go in the traps." He said, "It's not a mouse, it's a rat", which is a problem. It had destroyed underneath the carpet in the room and, honestly, for sanitary reasons I tossed out the beds, I got rid of everything.

Now, I love the park too. I mean, guys, my kids played in that park. They grew up in that park. I have no problem with the park. I don't want the park torn down. The problem I have is when that park shut down, you had signs out, nobody's allowed in the park. When you
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walk by there, you could stand there
midday and you could see rats inside the
park running all over the place. It's a
problem. How hard is it to get somebody
to take care of the rat problem? I mean
if we take care of the problem, I have no
complaint over it.

But -- I didn't even want to speak
here tonight but for somebody to come up
and say that it was made up, the story
was made up, in twenty years you've never
seen anything happen like that? I've no
reason to lie about it. And, guys, I'm
not kidding you, I love the park too.
But it did happen, okay. It did happen.
It's either that or I'm a liar.

MR. COFFEE: I didn't say you were a
liar.

MR. HICKEY: If the problem's taken
care of, I have no issues with anything,
guys. And I -- c'mon. They figured out
a way to charge four dollars for a gallon
of gas or four dollars for a gallon of
milk, we can't get rid of the rats.
That's all I say, guys. I'm all for it. I want to keep it. My friends built that park too. I have a lot of buddies in town. We talk about it. And they say the same thing to me. Guys, c'mon. It's been there a long time. They have no issue with it. But if it's a problem to the safety in your house with your children, think about it. It's either taken care of or you take care of the problem. That's it. You tear it down. And I have no problem with it at all.

But, guys, I mean how hard is it? I'll make the phone calls to the exterminators. There's got to be somebody who knows their job well enough where it can done. Guys, that's all I came here to say. Please. I know everybody wants the park. They -- she's willing to keep it. And it's almost twenty years, huh? Son of a gun. Guys, thank you. Congratulations, guys, nice job.

MAYOR COCCHIOLA: Mr. Hickey, one
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question. Your wife was here, I guess, at the last meeting and after she -- she was the only resident who complained at that meeting about the rats. We sent someone over. Did you get any relief from that? I know that we sent some exterminators over.

MR. HICKEY: They said there was an issue with it and they're taking care of it. That's why I love Nutley, guys. You're taking care of your business. All right. But I'd rather keep the peace and get it taken care of. All righty. Thanks for the time.

MAYOR COCCHIOLA: Thank you. Is there anyone else who would like to address the board this evening? You can --

MS. ACKNEBERG: Tell them your name. What's your name?

NOAH: Noah.

MS. SCHNAKENBERG: Okay. Do you want to ask them anything about the park?

MAYOR COCCHIOLA: Hi, what's your
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name?

NOAH: Noah.

MS. SCHNAKENBERG: What do you want to say now, Noah.


MS. SCHNAKENBERG: You asked to say something. You want to say anything or not? We don't have a lot of time.

MAYOR COCCHEIOLA: You want to tell us something?

MS. SCHNAKENBERG: Do you want me to tell them?

NOAH: You can.

MS. SCHNAKENBERG: You want to say please save my park?

NOAH: Can we save it.

MS. SCHNAKENBERG: Okay. I think what my son wanted to say was he was going to ask you to please save the park.

NOAH: Yeah. Good.

MS. SCHNAKENBERG: Is that it?

NOAH: Yeah.

MS. SCHNAKENBERG: Okay. Go back to dad.
MAYOR COCCHIOLA: Thank you, honey.

MS. SCHNAKENBERG: Thank for indulging him. It's his civics lesson for today. My name is Ashley (ph.) Schnakenberg. I'm at 268 Washington Ave in Clifton. (Indiscernible) in town, but I did want to come here to implore you to do what you can to remediate your situation with the park. I'm here as a parent and not just a parent but a parent of a child in New Jersey. And living in New Jersey we have a lot of problems with toxins and hazards and such. I myself have a lead problem in my backyard. I had to deal with arsenic in my garage. I have lead in my soil. I dealt with that through encapsulation. The arsenic well have to have removed, but there was a half a box of it we found. They used to spray fruit trees with this. But this lead in my soil is a situation we've had to deal with.

I chose as a parent not to remove all the soil from my property given the
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expense to that kind of a situation, you can understand what that would involve, that kind of remediation. But encapsulation in the form of -- I'm also a horticulturist, keeping the ground covered with turf and keeping the children from digging in the soil has been an acceptable solution, encapsulation, and I would implore you to consider that as you see those various arguments on whether -- what level is safe, what level do you consider safe, what's acceptable. As a parent, I'm okay with encapsulation as long as the child isn't eating off the substance and dealing with old decks, you don't want to be serving food or having your hands touch it and then consuming food. But it's a creative playground, it deserves a creative solution. I think you have a lot of people here, you have something special. Even this many years later you have support. Not just support from within your own town but outside your
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town. And there's a lot of people perception and a lot of good you can do with this kind of a coming together.

And the situation with the rats and problems with the neighbors and all, there's a lot of ways that you can come up with solutions for that. You can do permit parking only, you can create other parking areas, you can tighten up on the rat situation. Manhattan had an awful rat situation for a long time. They got rid of most of them, it was a big deal, they cleaned up the rats.

Perhaps the surface areas you can look at dealing with the mulch and the chips and all. Perhaps you can bring the park up to 21st Century standards. Dealing with different surfaces, modern surfaces, it would be easier to clean and remove litter from that didn't involve mulch.

As you said yourself, Mr. Tucci, there's a lot of measurements and things. There's a lot of standards you can bring
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it back to. And I appreciate all the
care and concern in taking to keep my
child safe. But there's also a need for
a creative place to play. And I have to
tell you, there is no other creative
place to play nearby. The only other
park of this kind that I happen to have
seen is maybe in Madison or New Falls,
New York; Madison, New Jersey and New
Falls, New York I believe I've seen
these. And we really treasure your park
and hope that you'll come up with some
creative solutions for your creative
playground. Thank you.

MAYOR COCCHIOLA: Thank you.

MS. HICKEY: Connie Hickey, 44
Funston Place. I'm not up here to talk
to them; I'm up here to talk to the town,
really. I'm the one that lives with
that; my husband who was just up here.

Yes, it was a rat, it was a huge rat
and the rat had babies in my home. All
right. That was taken care of --

MAYOR COCCHIOLA: Ms. Hickey, you
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want to direct your comments to us into
the microphone?

MS. HICKEY: -- sorry -- and it's
gone. And it's gone. The town has come
in, they've taken care of whatever
they've taken care of.

I understand all the emotions and
the feelings that all the children have
because my children have the same
feelings. They do not want the park to
come down. I will not allow my children
to go there and play because there are
rats embedded. They have homes in the
bottom of the wood. I see them there.
My neighbors see them there. If you want
your child to play there and you want to
risk them being under that wood and a rat
coming out and chomping their finger or
getting the germs and diseases from them,
then shame on you. Because that's just
stupidity, okay.

It's a beautiful playground. No,
there's not many out there like it, but
it is not safe for the children. And,
yes, a lot of children have gotten hurt
in that playground and it come to my home
and I have called ambulance and I have
taken care of those children. And it
does happen. And I know it happens in
all parks, but it does happen there and
it happens often. And I would love to
keep the park, but I think it's almost
impossible to reground that wood and get
it safe and clean for our children. You
have to think about the safety of our
kids. How would those volunteers feel if
a child got hurt or had a fatal disease
from a rodent or from the wood? You have
to think about that. Don't you think
they would rather come in and rebuild
something together as a community?
That's how I feel. I live there. I see
it. They're not even -- they're all over
the place. You have to be there to see
it night and day. And the people that
come in out of town, they leave garbage
all over the place, they don't care about
our streets. We pick up diapers, we pick
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up bottles; it's constant. Because it is a special place to come, they like to come there and I know something could be done about that, we can police that situation. But as far as the safety of these kids, of our children, and even our adults and our animals and our dogs and people who walk the park and (indiscernible) it is, in my eyes, living there day in and day out and I am there with the kids all day, I play softball in that park, I have four children, I have parties and parties and parties and kids are around my house constantly. I am a kid-friendly person. It is not safe for our children. And I'm sorry for all the people who have emotional issues and who want to keep this park, but think about the children first not about your emotions. It's business. It's not a personal situation here. You have to think about these kids and the safety of them and the adults and our dogs. And whatever animals that
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other people are walking in the park,
whatever.

But I don't know what else to say.
I know it's emotional and I feel horrible
hearing everybody's situation. But it's
true and it's there and something really
has to be done. And that's just the way
it is. Thank you.

MAYOR COCCHIOLA: Thank you,
Ms. Hickey. Is there anyone else who
would like to address the board this
evening?

COMMISSIONER SCARPELLI: Let's do
adjourn.

MAYOR COCCHIOLA: Need a second.

COMMISSIONER EVANS: Second.

THE CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.
THE CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye. Meeting adjourned.

(End of audio)
CERTIFICATION

I, Ellen S. Kolman, hereby certify that the foregoing is a true and correct transcription, to the best of my ability, of the sound recorded proceedings submitted for transcription.

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

In witness whereof, I hereby sign this date:

May 26, 2009.

Ellen S. Kolman