July 15, 2008 Meeting Transcription approved by the Board of Commissioners of the Township of Nutley at their meeting held on Tuesday June 9, 2009.

Evelyn Rosano, RMC
Municipal Clerk

Commissioner Joseph P. Scarpelli
Commissioner Alphonse Petracco
Commissioner Thomas J. Evans

Absent/Excused
Commissioner Mauro G. Tucci

Mayor Joanne Cocchiola
TOWNSHIP OF NUTLEY, NEW JERSEY

BOARD OF COMMISSIONERS

PUBLIC MEETING

TRANSCRIPT OF
PROCEEDINGS:

ORIGINAL

July 15, 2008
7:00 p.m.

BEFORE:

Mayor Cocchiola
Commissioner Evans
Commissioner Petracco
Commissioner Scarpelli

Job No: 202240
MADAM CLERK: Could everyone please stand for the flag salute?

(Pledge of Allegiance is recited)

MAYOR COCCHIOLA: Madam Clerk, could you please reread the Sunshine notice?

MADAM CLERK: Yes, Mayore Tuesday July 15, 2008. Pursuant to the requirements of the Open Public Meeting Law, Chapter 23a, Public Laws, 1955, notice of this meeting was published in the December 13th 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 29th 2008 issues of the Nutley Sun, the Journal, the Herald News and the June 2nd 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.

COMMISSIONER SCARPELLI: Here.
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MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Here.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Here.

MADAM CLERK: Commissioner Tucci is absent/excused at this time Mayor Cocchiola?

MAYOR COCCHIOLA: Here.

MADAM CLERK: All present, Mayor, with the exception of Commissioner Tucci who is absent/excused.

MAYOR COCCHIOLA: Thank you. We can move right on to reports Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Yes, Mayor.

I have monthly progress reports from the Parking Lot Division, June 2008, Traffic Maintenance Division, June 2008,

MAYOR COCCHIOLA: And I have a report of the monthly activities -- (feedback noise) whoa -- for the Department of Public Affairs for June of
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2008a I don't (feedback noise) -- is it me?

COMMISSIONER EVANS: It's a good thing we got it fixed. (Laughter)

MAYOR COCCHIOLA: Okay. I'm going to stay over here.

MADAM CLERK: Okay.

MAYOR COCCHIOLA: Bills.

MADAM CLERK: Yes, Mayor. Bill list July 15, 2008: Public Affairs, $198,429.49; Revenue & Finance, $2,031,765.83; Public Safety, $55,097.24; Public Works, $71,876.85; Parks & Public Property, $438,005.23; Payroll, as of July 11, 2008, $719,622.79 for a grand total bill list of $1,054,488.89. And that's all for bills, Mayor.

UNIDENTIFIED SPEAKER: Move the bills.

UNIDENTIFIED SPEAKER: Second.

MADAME CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Commissioner Petracco?
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COMMISSIONER PETRACCO: Ayee

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Ayee

MADAM CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Ayee

MADAM CLERK: Thank youe Mayore

MAYOR COCCHIOLA: Commissioner Evans, you can begin with the
introduction of your ordinance.

COMMISSIONER EVANS: Yes, I have one introduction tonight which I'll read by
title.

AN ORDINANCE TO AMEND ORDINANCE
NUMBER 3015, ADOPTED ON AUGUST 7, 2007,
TO FIX THE SALARIES OF CERTAIN OFFICERS
AND EMPLOYEES OF THE TOWNSHIP OF NUTLEY,
COUNTY OF ESSEX, NEW JERSEY, EFFECTIVE
JUNE 1, 2008.

I move that this ordinance be passed
to a second reading and advertised in the
Nutley Sun together with the notice
required by law and that further
consideration of said ordinance for final
passage by the Board of Commissioners be
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held at its second reading on August 19, 2008e So move.

COMMISSIONER SCARPELLI: Second.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

COMMISSIONER EVANS: Thank you, Mayor.

MAYOR COCCHIOLA: Thank you, I have a -- three ordinances for introduction this evening. The first is Ordinance number 3068 -- (feedback noise) it's my microphone -- which I'll introduce by reading -- (feedback noise) --

UNIDENTIFIED SPEAKER: Jo, try shutting it off and on.

MAYOR COCCHIOLA: -- which I'll introduce by reading its title.
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AN ORDINANCE SUPPLEMENTING THE
SCHEDULE OF REGULATIONS AS TO BULK,
HEIGHT AND OTHER REQUIREMENTS RESIDENTIAL
DISTRICTS TO ADJUST FRONT YARD SETBACK
MEASUREMENTS.

I move that this ordinance be passed
to second reading, advertised in the
Nutley Sun together with the notice
required by law and that further
consideration of the ordinance for final
passage by the board be held at its
second reading on July 24 -- I'm sorry,
August 19, 2008. I move the
resolution -- for the ordinance.

UNIDENTIFIED SPEAKER: Second.
MADAM CLERK: Commissioner
Scarpelli?
COMMISSIONER SCARPELLI: Aye.
MADAM CLERK: Commissioner Petracco?
COMMISSIONER PETRACCO: Aye.
MADAM CLERK: Commissioner Evans?
COMMISSIONER EVANS: Aye.
MADAM CLERK: Mayor Cocchiola?
MAYOR COCCHIOLA: Aye. My second
ordinance is Ordinance number 3069 which I'll read by its title.

AN ORDINANCE TO AMEND SECTION 240-3 OF THE CODE OF THE TOWNSHIP OF NUTLEY ENTITLED DEFINITIONS AND WORD USAGE AND IN PARTICULAR THE DEFINITION OF "LOT COVERAGE".

I move that the ordinance be passed to second reading, advertised in the Nutley Sun together with the notice required by law and that further consideration of the ordinance for final passage be held by the Board of Commissioners at its meeting on August 19, 2008. I move the ordinance.

UNIDENTIFIED SPEAKER: Second.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Ayee

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: And Mayor Cocchiola?
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MAYOR COCCHIOLA: Aye. My third ordinance for introduction is Ordinance number 3070e

AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF NUTLEY, CHAPTER 240, ZONING, TO AMEND ARTICLE III DEFINITIONS AND WORD USAGE, SECTION 3, DEFINITIONS; TO AMEND ARTICLE VIIA, TOWNHOUSES, SECTION 30.5, PARKING AREAS; AND TO AMEND ARTICLE X, PARKING SPACES AND LOADING BERTHS, SECTION 45, SCHEDULE OF MINIMUM REQUIRED PARKING SPACES.

I move the ordinance be passed to second reading and be advertised in the Nutley Sun together with the notice required by law and that further consideration of the ordinance for final passage by the board be held at its meeting of August 19e 2008e. I move the ordinance.

UNIDENTIFIED SPEAKER: Seconde

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye
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MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Ayee.

MADAM CLERK: And Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

UNIDENTIFIED SPEAKER: Excuse me, Mayor. I -- Morrow's mike might be working so if you chose to --

MAYOR COCCHIOLA: I'll move over?

Commissioner Evans, you have public hearings this evening. Would you like to proceed?

COMMISSIONER EVANS: Yes. I have a series of public hearings tonight regarding our capital ordinances for 2008. The first ordinance number is 3063 is for an aggregate amount of $227,600 dollars and covers such items as purchase of garbage trucks, replacement of some truck bodies, a purchase of an emergency tactical vehicle, part of our payments for the purchase of a fire truck coming up in 2009 would be some of the major
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Purchase of a bus, which is important subject to a matching grant with the CDBG process as well as ongoing renovations to our buildings, resurfacing of the tennis courts up at DeMuero Park, would be the major components of that ordinance.

MAYOR COCCHIOLA: Is there anyone here this evening that would like to address the board with respect to Ordinance number 3063?

MRe MOORE: Rory Moore, 462 Chestnut Street. Can you hear me? Can you hear me?

UNIDENTIFIED SPEAKER: I can hear you but I don't think your mike is working.

MAYOR COCCHIOLA: You know what? Hold one. I think I turned off the wrong one. Okay.

UNIDENTIFIED SPEAKER: Try it nowe. Better.

MRe MOORE: Mre Evans, I'm looking at the items that you have listed in this
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evening's ordinance, and I see almost a
duplicate copy that was issued in
Ordinance 3029e. And I have a very deep
concern because in here you have -- Mr.
Tucci, who's not here this evening, has
the resurfacing of the tennis courts for
25,000 dollars which, as far as I know,
was never completed but yet in the
ordinance you have for this evening, you
have the resurfacing of the same tennis
courts for 100,000 dollars. Could you
explain how you could resurface the same
tennis courts?

COMMISSIONER EVANS: No, I can't,
how you would resurface the same ones but
I can explain because I did speak to
Commissioner Tucci at -- after you raised
your question is that the money from the
prior ordinance was not used for
resurfacing of the tennis courts. That
money was repurposed to purchase the turf
at Father Glotzbach Park, so now we're
doing these --

MRe MOORE: Where was the amendment
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for -- right now you're borrowing taxpayers' dollars and this is the part that annoys me.

COMMISSIONER EVANS: Thank you for the education.

MR. MOORE: If you're going to sit down with a paper and pencil and you're going to say I'm going to resurface the court but changed my mind, there should be an amendment to let the people know.

COMMISSIONER EVANS: Yes, there would be.

MR. MOORE: But there -- to my knowledge there wasn't I haven't seen any. But maybe I missed it, but I don't remember seeing one.

COMMISSIONER EVANS: Yeah, I can't -- if there's a specific document that would say how that was repurposed, I don't have that with me tonight but if you contact Commissioner Tuecci, I'm sure you would get it.

MR. MOORE: But that's -- isn't that after the fact? Tonight -- you're all...
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going to sign this. This is, like, no big deal.

COMMISSIONER EVANS: Right.

MR. MOORE: However, it's, like, you're doing it all over again. Now you're saying you want to borrow 100,000 dollars to resurface a court that if Mr. Tucci's ice dome goes in, the tennis courts gets ripped out. So to an average taxpayer, they might think that's not a very smart idea.

COMMISSIONER EVANS: I'm not sure I understand the -- your editorial comment but let me direct it to the fact --

MR. MOORE: You're going to resurface a tennis court for 100,000 dollars, which you're going to borrow the money, which the interest rates are going up --

COMMISSIONER EVANS: Right.

MR. MOORE: Now, Mr. Tucci's -- through OPRA I got the pictures, the overlays, which suggest that they're going to rip out the tennis court for
parking. So what's the purpose of financing 100,000 dollars to redo the tennis courts if you're going to rip them out?

COMMISSIONER EVANS: Well, let's clarify. The tennis courts that are being resurfaced are at DeMuro park, not at down on Park Avenue. So one is a different location.

MR. MOORE: DeMuro park was the last one that was --

COMMISSIONER EVANS: Yes, but let me repeat --

MR. MOORE: -- so you're spending 75,000 dollars --

MAYOR COCCHIOLA: Mr. Moore, let him answer the question.

COMMISSIONER EVANS: Let me repeat. The 25,000 dollars from three years ago or two years -- I'm not sure what year that was --

MR. MOORE: One year.

COMMISSIONER EVANS: -- it was not used for that purpose. It was
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reprogrammed for turf at Father Glotzbach Park --

MR. MOORE: I understand what you said.

COMMISSIONER EVANS: -- excuse me, which means those tennis courts were not resurfaced so we can clear up the fact that we're not resurfacing previously resurfaced courts.

. MR. MOORE: Okay, but how do you go up 75,000 dollars?

COMMISSIONER EVANS: Excuse me, I'm clarifying for your right? What the cost -- there's an estimate of what that cost is. It's 100,000 dollars to do that, all right? Not 100 minus 25 to 75. It's 100,000 dollars to do it today for what is the estimate of those repairs. So -- and tonight, it is the understanding of the Board of Commissioners that this money is being used for tennis courts. Anything else that you might suggest is not before the commissioners tonight.
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MR. MOORE: Well, I'm not suggesting anything else. What I'm suggesting is -- I'm trying to think of the rationale why you're borrowing money. It's not as if you had the money. So you're borrowing this money.

COMMISSIONER EVANS: There's a need for the --

MR. MOORE: So, last year --

COMMISSIONER EVANS: There's a need for the reimbursement.

MR. MOORE: Last year, that need for reimbursement was 25,000 dollars.

COMMISSIONER EVANS: That's correct.

MR. MOORE: Twelve month later, it goes up to 100,000 dollars.

UNIDENTIFIED SPEAKER: The scope of the project could be entirely different as well.

COMMISSIONER EVANS: Exactly right.

MR. MOORE: Well, how is it -- you're resurfacing tennis courts. What's the scope -- what's so different?

COMMISSIONER EVANS: What's involved
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with the resurfacing and to the extent of the repairs that need to be made, I would ask that you speak to Commissioner Tucci as it's his department.

Mрё MOORE: But meantime we're going to vote it in.

COMMISSIONER EVANS: Yeah, I'm comfortable with the fact that Commissioner Tucci --

Mрё MOORE: I know you're comfortable with spending the money.

COMMISSIONER EVANS: Well, then, I'm responsible for voting on it. I answered it. So let's move one.
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MRe MOORE: I really -- I'll move on but I really didn't get an answer where the 75,000 dollars increase was.

COMMISSIONER EVANS: It's part of the plan, whatever that is.

MRe MOORE: Oh, okay. Down here you have the purchase of two garbage trucks and you only have a five-year life span. Under New Jersey State law you have to have a fifteen-year span.

COMMISSIONER EVANS: For a garbage truck? It's personal property.

MRe MOORE: All trucks. All trucks.

COMMISSIONER EVANS: I'll clarify that.

MRe MOORE: So what are you going to do? Just put a one in the column and make it a fifteen?

COMMISSIONER EVANS: If I need to clarify it and amend it, I will.

MRe MOORE: So when you find out -- and your other one, your purchase of dump truck -- truck bodys. That's fifteen years as well, not five.
COMMISSIONER EVANS: I see it.

MR. MOORE: Okay. So then I can expect to have -- I can expect when you find out legitimately that these are fifteen year, not five years, that this will be amended?

COMMISSIONER EVANS: Of course.

MR. MOORE: Okay. Then the same thing you have down here emergency service vehicle tactical vehicle --

COMMISSIONER EVANS: Um-hum.

MR. MOORE: -- you have the same thing; a five-year purchase. It's supposed to be fifteen for a bond.

COMMISSIONER EVANS: As I said, I will clarify it. Whatever the useful life needs to be, it will be.

MR. MOORE: See, the dots don't connect very well because the next item you have a mobile data terminal computer upgrades. That's for fifteen years.

COMMISSIONER EVANS: I saw it.

MR. MOORE: Software only lasts eighteen months.
COMMISSIONER EVANS: Software for those vehicles lasts longer than that. It is five years, but it's not eighteen months, and I will check it.

MR. MOORE: I'll be happy to challenge you on it.

COMMISSIONER EVANS: I agree with you. I actually -- I don't disagree with you but I will clarify.

MR. MOORE: But you had it for fifteen years.

MR. MOORE: So how many times do you want me to say I'm going to clarify it before you get it?

MR. MOORE: You know what really bothers me at this ordinance, I'll be honest with you. Nobody dotted the Is and crossed the Ts.

COMMISSIONER EVANS: Well, I'll take that up with my treasurer.

MR. MOORE: When I have to sit here and look at a bank that failed and you say well, we're just going to borrow money --
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MAYOR COCCHIOLA: Mr. Moore, thanks for the commentary.

COMMISSIONER EVANS: Thank you for your comments.

MAYOR COCCHIOLA: Do you have any other questions?

MR. MOORE: I'm sorry, this is an ordinance and the public's allowed to speak.

MAYOR COCCHIOLA: No, no. You're commenting and you are pontificating and we don't need to listen to it.

MR. MOORE: Yes, if you look up the ordinance --

MAYOR COCCHIOLA: If you have a question about the ordinance, and you did and Mr. Evans answered -- Commissioner Evans answered it. Do you have any other questions about this ordinance?

MR. MOORE: You have the purchase of the fire truck for five years.

MAYOR COCCHIOLA: He said he'll clarify it.

COMMISSIONER EVANS: If the useful
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life of the fire truck is --

MR. MOORE: Don't you think that

some rationale --

COMMISSIONER EVANS: I will
double-check --

MR. MOORE: When you're going to
ask -- you're asking the taxpayers, under
these economic times, that you're going
to sit here and say okay, we just want to
borrow a million dollars.

COMMISSIONER EVANS: Okay.

MR. MOORE: We can change it as we
go along, but we want to borrow a million
dollars. Don't you think you should dot
the Is and cross the Ts?

COMMISSIONER EVANS: I absolutely
agree.

MR. MOORE: Than why don't you at
least do the decency -- these are
nonemergency items. Why don't you amend
the ordinance to have it corrected so
then at least the people could know
exactly what we're buying?

COMMISSIONER EVANS: I will
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double-check the technical clarification
of the useful life. It does not impact
the amounts that are being borrowed
tonight so if we have to clarify it, we
will.

MAYOR COCCHIOLA: That's if they
need to be corrected. We don't know
that.

MRE MOORE: Oh, that's if we would
you -- are you willing to lose your
license on this one? I'd love to --

MAYOR COCCHIOLA: Mre Moore --

UNIDENTIFIED SPEAKER: Mre Moore --

MAYOR COCCHIOLA: -- enough

UNIDENTIFIED SPEAKER: -- listen

Listen. The ordinance describes the
improvement and the purpose, the
appropriation estimated cost, maximum
amount of bonds or notes and, as
Commissioner Evans indicated, if the
ordinance needs to be amended in terms of
period of usefulness, we'll certainly do
that.

MRE MOORE: Then you have down
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here --

UNIDENTIFIED SPEAKER: Anything else?

MRe MOORE: Yes, I do. I'm looking at all of it because you haven't gotten any of the purchase of a fire truck, five years.

MAYOR COCCHIOLA: We just said we're going to amend it if necessary, Mre. Moore. Do you have any other questions about the ordinance?

MRe MOORE: Yes, I do. If you stop interrupting me.

MAYOR COCCHIOLA: You don't need to go through item by item. We're going to check the usefulness period.

MR. MOORE: Thank you. I'm talking to Mre. Evans, please. You have down here the purchase of a bus. Now, the last ordinance -- last year you bought a bus. How many more buses are you going to buy?

COMMISSIONER EVANS: Speak to Commissioner Tucci.

MRe MOORE: Oh, but Mre. Tucci isn't
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here tonight and you're going to vote on
an ordinance and a public question is not
being answered. Every ordinance you go
through to borrow money, you always buy a
bus.

COMMISSIONER EVANS: Made a
determination that we need a bus. I'm
comfortable that we need a bus.

MR. MOORE: You're comfortable with
it? And you have it down a purchase --
purchase of --

COMMISSIONER EVANS: If you'd like
to be comfortable with it on our side,
then run for commissioner.

MR. MOORE: But I'd like to be
comfortable too because I'm the one who
pays property taxes.

COMMISSIONER EVANS: I agree.

MR. MOORE: Down here it says -- on
item H, purchase of trucks. What trucks?

COMMISSIONER EVANS: Well, it's a
specific as it needs to be --

COMMISSIONER EVANS: I know it's
only five years, I know we've been here.
Commissioner Evans: It's as specific as it needs to be as far as the type of trucks, they're in the Parks Department so I assume that they're small utility trucks.

Mr. Moore: Well, how can you assume at 70,000 dollars? Is that one truck? Two trucks? One big one?

Commissioner Evans: Could be multiple.

Mr. Moore: But it -- could you please have it down --

Unidentified Speaker: Mr. Moore, it says purchase of trucks, plural --

Commissioner Evans: It specifies it's for trucks.

Unidentified Speaker: -- 70,000 dollars, period.

Mr. Moore: It says trucks, that's plural. What kind of trucks are we buying?

Commissioner Evans: Ask Commissioner Tucci.

Mr. Moore: But he's not here, how
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can you vote on an ordinance?

MAYOR COCCHIOLA: Move on to your next question, Mr. Moore, or sit down.

MR. MOORE: No, I want a question to my first question.

MAYOR COCCHIOLA: Move on to your next question.

MR. MOORE: Then you're renovating town buildings again and you renovated town buildings over here. What town buildings are you renovating?

COMMISSIONER EVANS: There are renovations that are going on right now at Public Safety which needs significant renovations. There are ongoing renovations at Town Hall. Every year we're going to be renovating the buildings. The buildings are very old.

MR. MOORE: According to Section 3 of New Jersey State law, you're supposed to articulate what you're spending the money on. You haven't done that.

MR. HARKINS: Mr. Moore, that's an adequate --
MR. MOORE: No, it is not.

MR. HARKINS: -- description of the New Jersey law.

MR. MOORE: I'll send it to you.

MR. HARKINS: This was run by our bond counsel.

MR. MOORE: I'll send it to you tomorrow morning.

MR. HARKINS: I don't need to see it.

MAYOR COCCHIOLA: Do you have your license, Mr. Moore?

MR. HARKINS: If we wanted to categorize --

MR. MOORE: No, but if you're willing to bet it, I'll go along with you.

MAYOR COCCHIOLA: I don't need to bet with you. I have a license, you don't. Listen to Mr. Harkins.

MR. HARKINS: The titles are here have been --

MAYOR COCCHIOLA: Do you have any other questions?
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MR. MOORE: Yeah, the park improvement: How come you have $140,000 for park improvements? What park improvements? Is the Creative Playground included in that?

COMMISSIONER EVANS: No, it's note.

MR. MOORE: It's not. So we're going to go improve all the other parks but we're going to ignore the Creative Playground?

COMMISSIONER EVANS: It's for a series of improvements to the park. It doesn't have to be clarified any further, and it's already been cleared with bond counsel.

MR. MOORE: It's right in here, you did it eighteen months ago, and it wasn't that, actually, and you approved the parks for $100,000 dollars.

COMMISSIONER EVANS: Yes.

MR. MOORE: Okay.

COMMISSIONER EVANS: Because the repairs --

MR. MOORE: So we have $100,000 --
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COMMISSIONER EVANS: -- Mr. Moore --

MR. MOORE: And 140 --

COMMISSIONER EVANS: -- we will have, on a regular basis, a need to continue to do renovations for our buildings, for our parks and public property. So every year we probably will have a line item that covers that.

MR. MOORE: I'll take it out later. So I can expect that this is going to be amended, because I'll send you the amendments tomorrow morning.

COMMISSIONER EVANS: I don't need them from you.

MAYOR COCCHELLA: Is there anyone else who would like to address the board with respect to Ordinance number 3063? We need a motion to close. Oh, I'm sorry.

MR. MOLKENTHEN: My name is Kenneth Molkenthin, I live at 44 Chestnut Street in Nutley. Commissioner Evans, in light of what I've just heard, how in good conscience can you ask any of these
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commissioners to vote on any of these bills if they're all incorrect?

COMMISSIONER EVANS: The question that was raised tonight is the period of useful life, not the amount or the use of the money.

MR. MOLKENTHIN: It still, as I understand, from what I just heard, is incorrect. Yes or no?

COMMISSIONER EVANS: The useful life may need to be modified. It's been cleared through bond counsel; it's been cleared through my treasurer. I will follow-up on Mr. Moore's question and if there's a need subsequently to amend the useful life, we will do that.

MR. MOLKENTHIN: But you're going to ask you four commissioners to vote yes on spending our taxpayers' dollars on something that is based on incorrectness.

COMMISSIONER EVANS: A technical incorrectness on useful life, not the underlying substance of the need to purchase these capital improvements for
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the amounts that are indicated.

MAYOR COCCHIOLA: It wouldn't be a substantive change, Mr. Molkenthin. Even if we adopted this, it's not a substantive change that would change the substance of what we are voting on.

MR. MOLKENTHIN: Mayor, we can dress it up and drag it as long as you want. What's right is right, what's wrong is wrong.

MAYOR COCCHIOLA: Well, it hasn't been determined that it's wrong, either.

MR. MOLKENTHIN: If the numbers that you are presenting, as you have specified in a written document, are five years and Mr. Moore is correct, and I have no reason to doubt that he is, has fifteen years, then you're asking you four people to put your name on something and sign something that is incorrect. Wrong is wrong.

COMMISSIONER EVANS: Thank you for your comment.

MAYOR COCCHIOLA: Thank you, sir.
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Is there anyone else who like to address the board with respect to this ordinance? Then we need to close the public hearing.

COMMISSIONER SCARPELLI:

Mrs. Harkins, do we have any problem voting on this ordinance?

MRS. HARKINS: No, I mean -- we could do one of two things. We could either vote on it as is and if the period of usefulness needs to be changed, we can subsequently amend it; we could, right now, just postpone the vote until the next meeting and if those periods of usefulness are incorrect, just change it then. That might be the easier way to go, although I would say that you have the improvement and purpose described, the appropriation and estimated costs and max amount of the bond and notes which are the substantive parts of what you're voting one.

UNIDENTIFIED SPEAKER: Commissioner Evans? I don't know if we can postpone this but some of the things that are
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listed here, according to Parks and Rec
and not having Commissioner Tucci here, I
think to postpone it might be something
that I could be interested in.

COMMISSIONER EVANS: We have a
question that has been raised on useful
life, not the amount, so even in here
that the -- there are things that need to
go out to bid and once we vote on it
tonight there is a twenty-day estoppel
period, for a waiting period, before we
execute. Gives us ample time to
investigate which -- tomorrow morning, my
treasurer, Ro Costa, will follow up and
if there is a technical correction to the
useful life, it does not impact the fact
that we need the vehicle or whatever the
capital improvement relates to. How we
depreciate it over time is an accounting
vehicle that will spread the cost over
some useful life. It won't have any
impact as to whether or not we need to
make the underlying purchase. So it's
just -- one aspect of this is a technical
accounting correction as to useful life,
not the substance of the actual purchase.

So, for example, if the useful life
needs to be corrected on the purchase of
the dump trucks, if we delay to the next
meeting, and we ultimately find that that
needs to be changed to fifteen years, it
has no substantive impact on the fact
that we need to purchase two dump trucks.
We will make sure that, based upon the
inquiries that have been made tonight, to
make sure that the useful lives are
corrected and that we do the appropriate
paperwork and the amendment to make sure
that that accounting period is correct.
I will verify it in the morning with
counsel, bond counsel, and our treasurer
and if it has to change, I will make sure
those amendments are made but it still
doesn't impact the fact that in Public
Works, we need to purchase two dump
trucks. It doesn't impact the fact that
in Public Safety, we need to purchase a
tactical unit. And before we --
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UNIDENTIFIED SPEAKER: I'm very clear on what my part of the budget is, it's just that it seems to be, without Commissioner Tucci here, that it's a little unclear what he's asking for.

COMMISSIONER EVANS: I've talked to Commissioner Tucci. My prior -- we went through the -- through our meetings, we went through our discussion of these are the capital items that are there, and it is -- I'm comfortable that the items that need to be purchased, do need to be purchased. There's justification for it. It's a question of useful life.

MAYOR COCCHIOLA: Mr. Harkins, what would you recommend?

MR. HARKINS: I mean, the critical inquiry is whether it's substantive or not and that would not be something that's substantive. If there's -- if it's not substantive, we can certain vote on it and we could amend it later. If you're more comfortable or if the commission is more comfortable closing
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the public hearing and tabling the vote,
you could do that as well.

COMMISSIONER SCARPELELI: Mr. Evans,
where does this put us if we table the
vote on the garbage trucks? I'd like to
have those for the fall because that's
when I need them. So where does that put
us as far as timing?

COMMISSIONER EVANS: If we don't
vote it tonight, it goes to the next
meeting in two weeks and then a
twenty-day period probably puts you the
very end of August, early September, when
you can actually sit down to negotiate
the acquisition of those vehicles and
then whatever the delivery time is on
getting the trucks here, whatever that
process is. And the same thing for the
tactical unit. You know, it's a
possibility if you want to do that.

MAYOR COCCHIOLA: Saying if we want
we could not adjourn the meeting and
continue it tomorrow afternoon. He'll
get the answer first thing in the morning
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and then we could reconvene tomorrow?

UNIDENTIFIED SPEAKER: That's probably the best bet because then you'll have the answers.

UNIDENTIFIED SPEAKER: I'm comfortable with that.

MAYOR COCCHIOLA: And then we're not losing any time.

UNIDENTIFIED SPEAKER: Just continue the meeting.

UNIDENTIFIED SPEAKER: What time?

UNIDENTIFIED SPEAKER: We'll have to set a time. It would not be until the end of the day because I'm not in town tomorrow.

MAYOR COCCHIOLA: I'm okay with tomorrow anytime so if everyone else is, maybe we can do that.

UNIDENTIFIED SPEAKER: Fine.

UNIDENTIFIED SPEAKER: I probably couldn't get back here before 5 o'clock.

MAYOR COCCHIOLA: 5 o'clock?

UNIDENTIFIED SPEAKER: 5 o'clock's fine.
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MAYOR COCCHIOLA: Okay.

UNIDENTIFIED SPEAKER: Do we know that Commissioner Tuerci's going to be able to attend that or we're just going to --

MAYOR COCCHIOLA: Well, we'll reach out to him but I think it's a better alternative than waiting two weeks.

UNIDENTIFIED SPEAKER: Okay.

MADAM CLERK: Mayor will continue the meeting to Wednesday, July 16th, 5 p.m., okay?

UNIDENTIFIED SPEAKER: Mayor, I think you want to close the public hearing.

UNIDENTIFIED SPEAKER: Yes.

MAYOR COCCHIOLA: Yes, we're going to close the public hearing and --

MADAM CLERK: We'll need a motion.

MAYOR COCCHIOLA: -- we'll table the vote until tomorrow at 5.

UNIDENTIFIED SPEAKER: Move to close the public hearing.

UNIDENTIFIED SPEAKER: Second.
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MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Ayee

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Ayee

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Ayee

MADAM CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Ayee

UNIDENTIFIED SPEAKER: Now we need a motion to table the vote.

MADAM CLERK: Um-hum.

UNIDENTIFIED SPEAKER: Motion to table the vote until tomorrow afternoon at 5 p.m.

UNIDENTIFIED SPEAKER: Seconde

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Ayee

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Ayee

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Ayee

. MADAM CLERK: Mayor Cocchiola?
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MAYOR COCCHIOLA: Aye. Number 3064.

Commissioner Evans?

COMMISSIONER EVANS: Yes. This is for the acquisition of new fire hydrants in the amount of $11,000 dollars.

MAYOR COCCHIOLA: Is there anyone here this evening that would like to address the Board with respect to Bond Ordinance number 3064?

MR. MOORE: Rory Moore, 462 Chestnut Street. Where are the fire hydrants going in?

COMMISSIONER EVANS: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Excuse me, Mr. Moore?

MR. MOORE: There's absolutely nothing attached how many fire hydrants and where they're going in. I'm just curious.

COMMISSIONER SCARPELLI: Well, first, we don't know how many fire hydrants because we don't know what they're going to cost when we go out to
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MR MOORE: Then how can you put a price down if you don't know what it is?

COMMISSIONER SCARPELLI: Well, we're going to be able to buy as many -- we need fire hydrants because they're old and they have to be --

MR MOORE: That's not --

COMMISSIONER SCARPELLI: Wait, wait, let me finish. And public safety -- you know, for public safety, to make sure if there's a fire that they work. A lot of our fire hydrants are very, very old. So it's an ongoing maintenance program of changing those fire hydrants over. So there was an amount of money in the budget last year and this year and we're going to purchase as many fire hydrants as we can. This is not enough money to replace all the fire hydrants that we have to replace.

MR MOORE: No, I understand that.

I'll give you an example. If you call up the city of Newark and ask them how many
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they're going to replace, they'll tell you fifty, a hundred. They'll give you a number. And all I'm saying is, again, you're asking to go out and bid on borrowed money for an item that is well needed -- that's not in dispute --

COMMISSIONER SCARPELLI: Mrs. Moore, I'm very comfortable going out to bid with the amount of money that's in here.

MRS. MOORE: Is it possible to say we'd like to replace fifty? So we could have some kind of an idea?

COMMISSIONER SCARPELLI: I don't know how many I don't know.

MR. MOORE: Okay. That's all.

MAYOR COCCHIOLA: Is there anyone else who would like to address the board? We need to close the hearing.

UNIDENTIFIED SPEAKER: Motion to close the public hearing.

MADAM CLERK: I need a second, please.

UNIDENTIFIED SPEAKER: Second.

MADAM CLERK: Commissioner
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Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

COMMISSIONER EVANS: Move the ordinance.

UNIDENTIFIED SPEAKER: Second.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye. Ordinance number 3065. Mr. Evans?

COMMISSIONER EVANS: Yes. This ordinance relates to road construction improvements for streets and sidewalks in
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the township in the amount of $220,000,
part of our ongoing road maintenance
program.

MAYOR COCCHIOLA: We'd like to open
up the public hearing. Is there anyone
here who would like to address the board
with respect to this ordinance? There's
no one.

COMMISSIONER EVANS: Motion to close
the public hearing?

COMMISSIONER SCARPELLI: Second.

MADAM CLERK: Commissioner
Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

COMMISSIONER EVANS: Move the
ordinance.

COMMISSIONER SCARPELLI: Second.

MADAM CLERK: Commissioner
Scarpelli?

COMMISSIONER SCARPELLI: Ayee

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Ayee

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Ayee

MADAM CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Ayee

COMMISSIONER EVANS: Last ordinance relates to -- back when we had to review the school board budget there was an item included which is the acquisition of land behind the middle school and we agreed that we would -- because of our bonding requirements for capital are different from the school system that we agreed that we would help them with that acquisition by including it in our capital and through an interlocal services arrangement, the school board would then reimburse us over the bond's life for the acquisition of that land. So through a sharing arrangement, we are working together with the district to
help them acquire this piece of property for their use.

MAYOR COCCHIOLO: Is there anyone here this evening that would like to address the Board with respect to this ordinance?

MR. MOORE: Rory Moore, 462 Chestnut Street. I believe the original ordinance had stated that there was going to be an interlocal agreement attached with this ordinance, and I called around and there is no interlocal agreement. How are you going to have the Board of Education contribute without an interlocal agreement?

COMMISSIONER EVANS: We will craft the interlocal agreement. What this does is it enables -- by establishing this ordinance, it enables the township to then incur the financing to purchase the land. We will then -- now, once we get this on the books, we will create the agreement with the school board.

MR. MOORE: Well, that's incorrect because I called Mr. Zarra today and he
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explained to me that this was nixed from
the budget because the capital -- because
you removed the capital budget and the
only thing he remembers is that
Ms Cocchiola saying don't worry we'll
buy the propertye. There is no interlocal
agreemente. They don't have onee. They
don't know anything about thise

COMMISSIONER EVANS: I just said it
will be drafted. It doesn't exist todaye.
He's absolutely correct in the fact that
that doesn't existe.

MR MOORE: Under Title 40:8A-1e you
can't draft it after; you have to draft
it beforee. That's the law. Interlocal
agreements are beforee.

COMMISSIONER EVANS: Noe.

MR. HARKINS: Mr. Moore, all this
does is appropriate the moneye. We
haven't bought the property yet --

MR. MOORE: You already dide. We all
know thet.

MR HARKINS: As part -- if this is
passed, we will then enter into a
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contract to purchase the property and,
simultaneously, enter into an interlocal
service agreement with the Board of
Education.

MR. MOORE: Well --

MR. HARKINS: That's how the process
works.

MR. MOORE: No, it's not.

MR. HARKINS: It is.

MR. MOORE: It's right here. It's
under 40:48A --

MR. HARKINS: I don't know what
you're reading but I know the statute.

MR. MOORE: I'm reading it too.

MR. HARKINS: You don't need to read
it to me, sir.

MR. MOORE: Okay, then it says
clearly, it's not for parking lots.
Interlocal agreements have to reduce
property taxes. That's the law.

MR. HARKINS: Mr. Moore, you're way
off base. You don't need to read or show
me anything. I don't know where you're
getting these things. You're way off
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MR. MOORE: I got it from DCA; they actually faxed it to me today.

MR. HARKINS: Okay. Good.

MR. MOORE: So you're going to buy a piece of property so out of state -- out of town teachers can park.

MR. HARKINS: You got the cart ahead of the horse here, Mr. Moore.

MR. MOORE: Pardon me?

MR. HARKINS: All this does is authorize and appropriate the money. We haven't bought the property yet.

MR. MOORE: Mr. Harkins, it's right here. It's in the law. You have to have it first.

MR. HARKINS: Mr. Moore, I know the law.

MR. MOORE: Well, obviously, you don't.

MR. HARKINS: No, I do and do you know what? I think you're going to learn to speak respectfully to me and every other member of this Board of
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Commissioners, okay?

MRe MOORE: Well, I am speaking respectfully to you.

MRe HARKINS: No, you're not.

MRe MOORE: It's right here.

MRe MOORE: You don't need to stand there and lecture and pontificate.

MAYOR COCCHIOLA: Mre Moore, you're not a lawyer, so, please.

MRe HARKINS: If you have something to say, say it.

MRe MOORE: Well, I do. It's very simple. Right now the teachers park in this church parking lot and they don't pay any money. So they park there for free. So why do we have to pay $314,000 dollars so the teachers can continue to park free?

MRe HARKINS: Because if somebody else is going to buy the property, they're not parking free anymore, are they?

MRe MOORE: Well, let them go find someplace to park because under the law,
that you've obviously missed, is the fact that it can't be used for parking. Public safety, environmental --

MR. HARKINS: Mr. Moore, I disagree with you.

MR. MOORE: -- and it has to reduce income taxes.

MR. HARKINS: I don't even know what you're looking at and, you know, I've been down this road so many times with you.

MR. MOORE: Forty --

MR. HARKINS: I'm satisfied that we're okay.

MR. MOORE: I know; you're all satisfied.

MAYOR COCCHIOLA: Mr. Moore, Mr. Harkins knows the law. Do you have another question?

MR. MOORE: Yeah, I do.

MAYOR COCCHIOLA: Okay, good.

MR. MOORE: So tonight, if you didn't pass this ordinance, tomorrow morning the teachers are still going to
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park there and it doesn't cost the taxpayers 314,000 dollars.

MAYOR COCCHIOLA: Well, when someone else purchases the property and the teachers have nowhere else to park --

MAYOR MOORE: But there are no other bidders. Nobody else is buying the property.

MAYOR HARKINS: How do you know that?

MAYOR COCCHIOLA: Well, you know what? We don't need to get into this with you.

MAYOR MOORE: You want to know why?

MAYOR COCCHIOLA: It's our decision and that's the decision that we've made.

MAYOR MOORE: Because under -- when I called Mrs. Zarra, he told me there was no other bidder.

MAYOR HARKINS: I don't know where he's getting --

MAYOR MOORE: So if you're going to go into a local agreement with Mrs. Zarra --

MAYOR HARKINS: Mrs. Moore --

MAYOR MOORE, we're not going to spar here.
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MAYOR COCCHIOLA: You don't know the history of the whole transaction anyway, Mr. Moore --

MR. MOORE: Pardon me?

MAYOR COCCHIOLA: -- and you're incorrect.

MR. MOORE: Pardon me?

MAYOR COCCHIOLA: I said you don't know the history of the transaction and what's transpired and you are incorrect.

MR. MOORE: Well, I talked to Mr. Zarra, so I think I know better.

MAYOR COCCHIOLA: Well, I don't care if you talked to Mr. Zarra. We talk to him all the time.

MR. MOORE: Oh, so then did he tell me a lie?

MAYOR COCCHIOLA: Do you have any other questions?

MR. MOORE: Yes. I want to know -- in the master plan next year there's supposed to be a proposed -- for a level parking deck. Now, why would you want to spend 314,000 dollars to buy one piece of
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MAYOR COCCHIOLA: Who's talking about a parking deck in a master plan?

MRe MOORE: I heard -- I went to the master planners. I heard that they were considering --

MAYOR COCCHIOLA: You did? Well that meeting --

MRe MOORE: Yes.

MAYOR COCCHIOLA: -- occurs tomorrow night so if you went to it, I don't think that you --

MRe MOORE: Okay. Okay.

MAYOR COCCHIOLA: Okay? That's tomorrow night.

MRe MOORE: So, I just want to make sure, for the record, you're going to spend $14,000 dollars so the teachers can park?

MAYOR COCCHIOLA: We're going to purchase property that we in turn are going to lease to the Board of Education, okay?

MRe MOORE: That's taxpayers' money.
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Let them lease it.

MAYOR COCCHIOLA: That's what we're doing.

MR. HARKINS: You want them to park on your lawn? I mean -- come on.

MR. MOORE: Pardon me?

MR. HARKINS: They need parking.

MR. MOORE: So do I.

MAYOR COCCHIOLA: We don't need to argue the case anymore. We're purchasing property that we will lease to the Board of Education. Do you have any other questions?

MR. MOORE: How much are you going to lease it for?

MAYOR COCCHIOLA: It hasn't been determined yet.

MR. MOORE: Oh, okay.

MAYOR COCCHIOLA: Is there anyone else that would like to address the board with regard to Ordinance number 3066?

COMMISSIONER EVANS: Motion to close the public hearing.

UNIDENTIFIED SPEAKER: Second.
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MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

COMMISSIONER EVANS: Move the ordinance.

UNIDENTIFIED SPEAKER: Second.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye.

COMMISSIONER EVANS: Thank you.

Mayor.

MAYOR COCCHIOLA: Thank you.
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Resolutions, Mr. Scarpelli?

COMMISSIONER SCARPELLI: Yes, Mayor.

I have a resolution on a refund.

Whereas, a payment was made for a new water line service at 364 Bloomfield Avenue, Nutley, New Jersey, Block 5702, Lot 16-01.

And whereas, the homeowner will use the existing water line service at 364 Bloomfield Avenue, Block 5702, Lot 16-01.

And whereas, the Town Treasurer is hereby authorized to refund the homeowner for a new water line service in the amount of $2,000.00 dollars.

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 Township Treasurer is authorized to refund said payment in the amount of $2,000.00 dollars. I move the resolution.

COMMISSIONER PETRACCO: Seconde

MADAM CLERK: Commissioner Scarpelli?
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COMMISSIONER SCARPEL&I: Ayee

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Ayee

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Ayee

MADAM CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Ayee

COMMISSIONER SCARPEL&I: That's all I have, Mayor.

MAYOR COCCHIOLA: Thank youe Commissioner Petracco?

COMMISSIONER PETRACCO: I have two resolutions

Be it resolved by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that Jason Weber, employee in the Department of Public Safety, be granted a medical leave of absence without pay effective July 7, 2008 through August 31, 2008a I move the resolution.

COMMISSIONER SCARPEL&I: Seconde

MADAM CLERK: Commissioner Scarpelli?
Be it resolved by the Board of
Commissioners of the Township of Nutley,
County of Essex, State of New Jersey,
that the Township Clerk be and she is
hereby authorized to advertise for sealed
bids for township towing services.
Specifications are available in the
Purchasing Department, Town Hall, One
Kennedy Drive, Nutley, NJ. Bids to be
received on Tuesday, August 12, 2008 in
the Commission Chambers, Third Floor,
Township Hall, Kennedy Drive, at 3 PM,
prevailing time, at which time they will
be publicly opened and read. I move the
resolution.

COMMISSIONER SCARPELLI: Second
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MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Mayor Cocchiola?

MAYOR COCCHIOŁA: Aye. Commissioner Evans?

COMMISSIONER EVANS: Thank you, Mayor.

Whereas, a professional services contract was awarded to Raymond Sarinelli, R.M.A.E. of the firm of Nisivoccia & Company, Certified Public Accountants, 5 Emery Road (sic), Randolph, New Jersey, via Resolution number 22-08 adopted by the Board of Commissioners of the Township of Nutley at their meeting held January 15, 2008.

And whereas, an amendment to the resolution number 22-08 is required in order to comply with the provisions of
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nonfair and open contracts laws pursuant to N.J.S.A. 19:44A-20 or 20.5 as appropriate.

And whereas Raymond Sarinelli, R.M.A., of the firm Nisivoccia & Company has completed and submitted the Business Entity Disclosure Certification which certifies Raymond Sarinelli, R.M.A., has 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 Raymond Sarinelli, R.M.A., of the firm Nisivoccia & Company from making any reportable contributions through the term of the contract.

Whereas, N.J.S.A. 40A:5-4 requires that the governing body of every local unit shall cause an annual audit of its books, accounts and financial transactions to be made and completed within five months after the close of its fiscal year and for that purpose shall employ a registered municipal accountant.
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of New Jersey

Now, therefore, be it resolved by
the Board of Commissioners of the
Township of Nutley, County of Essex, that
the aforementioned amendment is hereby
authorized and approved. So movee

COMMISSIONER SCARPELLI: Seconde
MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.
MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Ayee
MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Ayee
MADAM CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Ayee

COMMISSIONER EVANS: Thank you,

Mayore

MAYOR COCCHIOLA: Thank youe

Whereas, the City of Newark's
housing authority has agreed to sell
property located on Grafton Avenue in
Newark, near the Passaic River, to Air
Pegasus Helicopters, LLC for the purpose
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of developing commercial helicopter
landing and take-off facilities, which
would include corporate and charter
flights.

Whereas, the proposed helicopter
facility is adjacent to a residential
area in Newark and, on the other side of
the Passaic River, directly opposite
residential areas close to and near the
Township of Nutley.

Whereas, residents on the ground
under and adjacent to helicopter flight
paths are subject to harmful effects of
helicopter engines, including reduced air
quality as well as excessive noise, which
is intrusive and disruptive, interfering
with residents' quality of life and quiet
enjoyment of their homes and property.

Whereas, the proposed helicopter
landing facility would produce
considerable noise nuisance and would
augment existing aircraft noise due to
the existence of numerous routes to and
from Newark and Teterboro airports that
pass over or very close to the Township of Nutley.

Whereas no environmental impact study has been conducted to assess the impact of the proposed helicopter facility or air quality pollution.

Therefore be it resolved by the Mayor and Board of Commissioner of the Township of Nutley that they strongly oppose the proposed development of the helicopter landing and take-off facilities on Grafton Avenue in Newark due to the site's proximity to areas in the Township of Nutley as it will result in unacceptable levels of noise pollution and other adverse environmental impacts.

I move the resolution.

COMMISSIONER PETRACCO: Second.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Commissioner Evans?
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COMMISSIONER EVANS: Ayee

MADAM CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Ayee

Whereas, an application has been received from the Nutley Irish American Alliance, Inc. for an off-premise raffle to be held on October 18, 2008 (#40-08).

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

Therefore, be it resolved by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey that the license is approved and the Municipal Clerk is authorized to issue the license to the Nutley Irish American Alliance, Inc. I move the resolution

COMMISSIONER PETRACCO: Second.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Ayee

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Ayee
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MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Mayor Cocchiola?

MAYOR COCCHIOLA: Aye. That concludes the business portion of our meeting. Is there any member of the public that would like to address the Board this evening?

MR. NEGRA: Ed Negra, 649 Bloomfield Avenue. First of all, I would like to commend the commissioners for passing the two ordinances tonight that were recommended by the Planning Board that address a development problem here in Nutley. I think it's a step in the right direction.

MAYOR COCCHIOLA: They were introduced this evening, Mr. Negra. There'll be — actually, there'll be a public hearing on August 19th.

MR. NEGRA: Okay.

MAYOR COCCHIOLA: And that will be passed on that date.

MR. NEGRA: Well, it's a step.
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MAYOR COCCHIOLA: Thank you.

MRe NEGRA: Unfortunately, Commissioner Tucci's not here tonight because the Creative Playground Committee had some concrete resolutions to present to him as far as the Creative Playground goe[se]. I guess I'll have to address that at the next meeting.

MAYOR COCCHIOLA: Or you can submit them to him in writing, as well.

MRe NEGRA: No, I don't like to do that.

MAYOR COCCHIOLA: Okay.

MR. NEGRA: I like to talk face-to-face.

MAYOR COCCHIOLA: Okay.

MR. NEGRA: So I can see what I'm up against. I have to admit that Mre. Moore was on a roll tonight. Am I allowed to ask a question to Ms. Rosario, Town Clerk?

MAYOR COCCHIOLA: Well --

MR. HARKINS: I think if you address it to the board and they feel
MR. NEGRA: Well, I submitted a OPRA request, probably last week, in reference to some materials out of the Parks and Rec Department and I have not today received any information. I just wondered if Ms. Rosario had that information and when can I receive it because I believe the seveneday period is up either tomorrow or Thursday.

MADAM CLERK: You will have that tomorrow. I spoke to Ms. Kathy Ritacco, Commissioner Tucci's administrative assistant, this afternoon, and it's on its way. I should have it first thing in the morning.

MR. NEGRA: Okay, good.

MADAM CLERK: I can give you a call and you can pick that up.

MR. NEGRA: Thank you.

MADAM CLERK: You're welcome.

MR. NEGRA: That's all.

MAYOR COCCHIOLA: Thank you. Is there anyone else that would like to
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address the board?

Mr. MOLKENTHIN: Kenneth Molkenthin, 44 Chestnut Street in Nutley Board members, I've lived in this town all my life. I was a volunteer in this town for thirty-eight years, and I also run a local business in this town.

Commissioners, what I would like to know, and I would like to applaud Commissioner Petracco on his use and purchase of the Segway and the bicycle.

COMMISSIONER PETRACCO: Thank you.

MR. MULCANTHON: But I would also like to know what else we are doing to reduce our gas bills. For too many years in the past there have been abuses, there have been cars seen on Long Beach Island with unmarked plates and no markings, cars down on Point Pleasant, cars in Bay Head. There's a lot of town buses that get used for concerns that are not necessarily townwide. It seems some of the past commissioners have forgotten what the word meant "for the good of the
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people".

I'd like to know why -- with the exception of our detective bureau, why we have so many unmarked cars running around this town and why we're burning so much gasoline. Why do I see HazMat vehicles parked on the streets of Nutley all over when there seems to be no calls? I listen to the radio, people. There just seems to be an awful lot of gas waste. We can't afford it. This town is no longer just bleeding; we're hemorrhaging. And I think you need to do something.

Industry has left this town. Past administrations have chased it. I know because a lot of those industries were my customers. They're no longer here. They've been replaced by condominiums. Condominiums only increase taxes to us in the way of services, in the way of overloading our schools, overloading every service we own. So, I think -- I would ask that you all evaluate how many vehicles you have on the road.
Unfortunately, Mr. Petracco, you're new, but the amount of vehicles increased under the HazMat and fire department is astronomical. I spent time on the Nutley Volunteer Fire Department. We had one station wagon. We call it the service car. Why do we need so many vehicles? Once again, sir, this is not of your doing. And the pat answer of the past commissioners, it's a federal grant. It's a county grant. It's a state grant. It seems to me that some of you people have forgotten we are the federal, we are the county; we are the state. It's out of our pockets. The amount of houses for sale in the Township of Nutley; unbelievable. And they're not selling. A few are here and there but be aware, it's not a good situation and it's not getting better, it's getting worse.

So, please, I am now becoming a senior citizen. I don't know how I can stay here, so I really don't know how some of my neighbors can. We're
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hemorrhaging, commissioners. Please do something. Don't talk. Don't come up with these wild plans like our governor, you just shift costs all over the place. Do something constructive. Bite the bullet. We're going to be angry at you one way or the other. Let's be honest about it. But I'd rather be angry at you doing something constructive for the entire town, not just a few people.

Thank you.

MAYOR COCCHELLO: Thank you Mr. Molkenthin. Thank you for your comments. Thank you for your respectfulness, as well.

UNIDENTIFIED SPEAKER: Good evening, commissioners. Frank Colluery (ph.) from Cambridge Heights. I would just like to address the statement that was made about condominiums being a drain on this township. I live over at Cambridge Heights. We donate, free of charge, about five million dollars a year in taxes. We're a very little drain on the
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resources of the township I wish some
of you people would stop knocking
Cambridge Heights and realize that we
give a lot of money to the township in
terms of taxese Thank youe

MAYOR COCCHIOLA: Thank youe

MRe MOORE: Rory Moore, 462 Chestnut
Streete Mre Evans, two meetings ago, I
had asked you a question about the TV
monitors downstairs -- I believe I asked
you privately and you told me that they
were monitored across the streete
They're note Because that night I went
over to the police department and I asked
the duty sergeant who said they don't
monitor them theree I can respect a
disagreement with each othere That's
okaye But I hate being lied toe

Tonight in your resolution, you have
Nisivoccia coming in of the audit againe
I'd like a copy of the initial audit
letter that you had sent to hime It
should have been attached, but there
isn't onee It should only be two pages
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and it should specifically tell
Nisivoccia what he's authorized to audit

COMMISSIONER EVANS: Say again what
you're specifically asking for

MRe MOORE: When you first have an
audit, you have to have an audit
agreement. In other words, you told
Nisivoccia this is the areas that you are
going to audit. He's not allowed to go
outside of the bounds of the area. It's
an initial audit letter.

COMMISSIONER EVANS: Excuse me, just
by clarification, it's Nisivoccia &
Company.

MRe MOORE: Okay, I'm sorry.

COMMISSIONER EVANS: Two, an
independent auditor, you cannot tell them
what they can look at or not look at
because that's a scope restriction that
would violate the principles of an audit.

MRe MOORE: You have to provide an
initial letter.

COMMISSIONER EVANS: It is a
representation letter that is --
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MR. MOORE: Yes, I'd like to see that.

COMMISSIONER EVANS: You're welcome to it.

MR. MOORE: I would say two page -- I'll put an OPRA request and I'll have the pages in the mail to me.

COMMISSIONER EVANS: You betcha.

MR. MOORE: It should be the initial letter. In the caucus meeting --

COMMISSIONER EVANS: Excuse me. I would also like to respond --

MR. MOORE: Oh, I'm sorry.

COMMISSIONER EVANS: -- to your comment, okay? I did not lie to you.

Okay.

MR. MOORE: Yes, you did. You told me --

COMMISSIONER EVANS: Excuse me.

MR. MOORE: -- it was monitored over there.

COMMISSIONER EVANS: Excuse me.

MR. MOORE: It's not.

COMMISSIONER EVANS: Let me make it
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really clear.

MRe MOORE: Please.

COMMISSIONER EVANS: At the time I spoke to you, I had no knowledge of the fact that the monitor at Police Headquarters was not displaying the monitor at Town Halle. That has now since been corrected. At the time I spoke to you, I had every understanding that it was there. And today you will find, if you go over to that monitor, there is an icon that they can now access that will demonstrate the fact that they can see over to Town Halle.

Second thing is, is that I'm a little troubled by the fact that the duty officer, whoever you spoke to, would actually talk to you about the security situation for the Township of Nutley and expose my people to a higher level of risk by sharing that information freely.

So I would ask Commissioner Petracco to make sure that it doesn’t happen again because it is part of our security.
umbrella.

Second, there is a buzzer that is part of the cashier's office that is connected across the street so in the event there was a problem, we have immediate access to resources.

MR. MOORE: We didn't speak about the buzzer. We spoke specifically about the TV sets.

COMMISSIONER EVANS: I'm clarifying and I just explained to you I did not lie to you at the time I spoke to you. It has been since corrected. I became aware of the fact that it was not up there. I did speak to Jason Kirk, who is my technology person, who followed up and corrected it.

COMMISSIONER PETRACCO: Mr. Moore? I'm over here.

MR. MOORE: Hi.

COMMISSIONER PETRACCO: What's the interest of that icon in --

MR. MOORE: There's no interest. There's absolutely no interest
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whatsoever couldn't care lesse It's just that the research that I did, I knew it wasn't monitored over there and it should be but whether it is or it isn't --

COMMISSIONER PETRACCO: So are you telling me that they brought you behind into the com center and showed you --

MRe MOORE: No, noe I just went to the window and I had asked a general question of the duty supervisor --

COMMISSIONER PETRACCO: Who did you ask the question to?

MRe MOORE: He was the sergeant on duty that nighte It was two weeks ago -- two meetings agoe And I had just asked do you guys monitor Town Hall and they said noe And he said if they did, they didn't know about ite That's all he said
e

COMMISSIONER PETRACCO: And it was a sergeant?

MRe MOORE: It was a sergeante It was a duty sergeante
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COMMISSIONER PETRACCO: Do you have the date?

MR. MOORE: It was two meetings ago. Whatever two meetings ago was. And no, I never asked to go behind to see it, to violate the security agreement. I don't think I would ever do that. The --

Mr. Scollara (ph.e spoke of a 700 megahertz system in the joys and wonders --

COMMISSIONER EVANS: Mr. Who?

MR. MOORE: Mr. Scollara, in the caucues meeting.

COMMISSIONER PETRACCO: Mr. Moore, excuse me. It was at what time did you go there, did you say?

MR. MOORE: 7:30, 8, a little bit after 8. Between 8 and 8:30.

COMMISSIONER PETRACCO: Thank you.

MR. MOORE: The 700 megahertz system that Mr. Scollara talks about, I had put one in. It's good for -- would help Mr. Scarpelli, separately; it would help Commissioner Petracco wonderfully but you
can never put -- you can never put
Internet throughput through the schools
because it's only 700 megahertz
Mrs. Molkenthin and I, you're into our
areas and we can tell you the rights and
wrongs I'm not trying to put a damper
on it, it's just that this is not the
greatest in the world. Nobody in the
state of New Jersey combines the DPW
channels with health and safety channels.
It's just never done.

COMMISSIONER EVANS: Thank you.

MRS. MOORE: Because of different
reasons.

COMMISSIONER EVANS: Thank you. All
we had a conversation about was doing a
study to investigate, so thank you for
that information.

MRS. MOORE: But the throughput for
700 megahertz, it's a voice. It's just
data.

COMMISSIONER EVANS: Thank you.

MRS. MOORE: And there's one last
question I do have, I'm looking for it.
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Oh, Mr. -- the Traffic Safety Coordinator under the reorganization was changed to your department.

COMMISSIONER EVANS: Correct.

MR. MOORE: According to Town Ordinance 38:82 and 38:83, it clearly puts in under the direction of -- the Division of Public Safety, not your office. So there's language that you either have to correct or the Traffic Safety Officer reports to Commissioner Petracco.

COMMISSIONER EVANS: Mr. Harkins --

MR. MOORE: It's right here, you can't miss it.

COMMISSIONER EVANS: No, the ordinance -- we do need to amend the ordinance and I think I addressed that with the board and I'll prepare an amendment. It places him -- it doesn't place him in that department but there is some confusion in some of the wording as to who he reports to.

MR. MOORE: No, 38:82 --
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COMMISSIONER EVANS: No, I read the ordinance.

MR. MOORE: Yeah, but 38:03 puts him in Public Safety.

COMMISSIONER EVANS: No. No. It's -- he's in the Code Enforcement --

MR. MOORE: Yes, under 82 he's in Code Enforcement.

COMMISSIONER EVANS: Right and he takes -- prior to the reorganization here, Code Enforcement was in Public Safety.

MR. MOORE: 83?

COMMISSIONER EVANS: Right. So we just need to -- it's a matter of housekeeping cleaning up in that ordinance to indicate --

MR. MOORE: Right, under the Walsh Act you have to put him over under a resolution.

COMMISSIONER EVANS: Right.

MR. MOORE: But then I would ask the question on the building on Bloomfield and Harrison --
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COMMISSIONER EVANS: The what?

MR. MOORE: The building on Bloomfield and Harrison, they've now put -- I believe it's six parking spaces that had been indented and they're within twenty feet of a crosswalk on both sides. They're blocking a driveway. Why do I have to come and tell you that there's something wrong with the traffic and that the traffic should be -- there's no time limit so anybody could park there and stay there all day long. If it's for a business, it should be fifteen-minute parking or there should be parking meters.

COMMISSIONER EVANS: I have no answer for that tonight. I will speak to the Traffic Coordinator in the morning.

UNIDENTIFIED SPEAKER: I did speak to Jack about that and he said they are in compliance and he says it's twenty-five feet.

MR. MOORE: It's twenty.

UNIDENTIFIED SPEAKER: You measured
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it?

MRe MOORE: No, it's the ordinance, it's the law.

UNIDENTIFIED SPEAKER: So --

MRe MOORE: I'll send it to you tomorrow, I'd be happy to do it.

UNIDENTIFIED SPEAKER: And how far is it from an intersection?

MRe MOORE: It's less than twenty feet because it's right in from the crosswalk.

UNIDENTIFIED SPEAKER: I did speak to him on this and he was confident.

MRe MOORE: I respectfully will challenge him on this one.

UNIDENTIFIED SPEAKER: Did you measure it?

MRe MOORE: I'll be happy to do that.

MAYOR COCCHIOBA: Is there anyone else that would like to address the board this evening? Our meeting will be continued until 5 o'clock p.m. tomorrow in the chamber.
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UNIDENTIFIED SPEAKER: Adjourn it to that time, Mayor?

(End of audio)
CERTIFICATION

I, Zipporah Geralnik, 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

Zipporah Geralnik
A continued meeting of July 15, 2008 was held on Wednesday, July 16, 2008 at 5:00 P.M.

**ROLL CALL:**
- Commissioner Scarpelli - Present
- Commissioner Petracco - Present
- Commissioner Evans - Present
- Commissioner Tucci - Present
- Mayor Cocchiola - Present

**The following bond ordinance was adopted:**

**Bond Ordinance No. 3063**
"BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN THE TOWNSHIP OF NUTLEY, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF $1,227,600 THEREFOR, AND AUTHORIZING THE ISSUANCE OF $1,166,220 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING PART OF THE COSTS THEREOF."

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

**ADJOURNMENT:**
Motion to adjourn by Commissioner Evans, seconded by Commissioner Petracco. Meeting adjourned at 5:10 P.M.

**ATTEST:**

Evelyn Rosario, RMC
Municipal Clerk

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