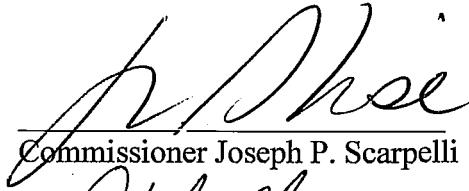


**September 16, 2008 Meeting Transcription approved by the Board of Commissioners of the Township of Nutley at their meeting held on Tuesday June 9, 2009.**



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Evelyn Rosario, RMC  
Municipal Clerk



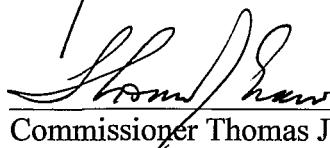
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Commissioner Joseph P. Scarpelli



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Commissioner Alphonse Petracco



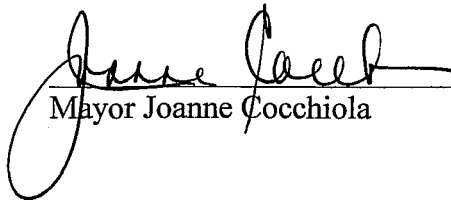
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Commissioner Thomas J. Evans



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Commissioner Mauro G. Tucci



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Mayor Joanne Cocchiola

TOWNSHIP OF NUTLEY  
COUNTY OF ESSEX, NEW JERSEY  
BOARD OF COMMISSIONERS

ORIGINAL

RE: )  
PUBLIC MEETING ) TRANSCRIPT OF  
 ) PROCEEDINGS:  
- - - - - )

Township of Nutley  
Municipal Building  
3rd Floor, Commission Chambers  
One Kennedy Drive  
Nutley, New Jersey 07111  
Tuesday, September 16, 2008  
7:00 p.m.

BEFORE:

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

ALSO PRESENT:

Evelyn Rosario, Township Clerk  
Kevin Harkins, Esq., Township Attorney  
Jack Magnifico, Resident  
Rory Moore, Resident  
Dave Negra, Resident  
Katie Aiello, Resident  
Ken Molkenthin, Resident  
Gene Downin, Resident

Job No.: 200651

1 Nutley Twp Board of Commissioners - 9/16/08

2 MAYOR COCCHIOLA: Can everyone  
3 please stand for the flag salute?

4 (Pledge of Allegiance is recited)

5 MAYOR COCCHIOLA: Madam Clerk, could  
6 you please reread the Sunshine Notice for  
7 the benefit of those who were not in  
8 executive session?

9 MADAM CLERK: Pursuant to the  
10 requirements of the open public law,  
11 Chapter 231, Public Law 1975, notice of  
12 the 5 p.m. executive session meeting was  
13 duly published in the September 11, 2008  
14 issues of the Nutley Sun and the Journal.  
15 A copy of this notice has been posted on  
16 the Nutley Town Hall bulletin board, and  
17 a copy is on file in the municipal  
18 clerk's office.

19 Pursuant to the requirements of the  
20 open public meeting law, Chapter 231,  
21 Public Law 1975, notice of this meeting  
22 was duly published in the September 13,  
23 2007 issues of the Nutley Sun, the  
24 Journal, the Star Ledger, and the Herald  
25 News. Said notice was amended to reflect

1 Nutley Twp Board of Commissioners - 9/16/08  
2 the new start time of all 2008 remaining  
3 meetings and duly published in the May  
4 29, 2008 issues of the Nutley Sun, the  
5 Journal, the Herald News, and the June 2,  
6 2008 issue of the Star Ledger. A copy of  
7 this notice has been posted on the Nutley  
8 Town Hall bulletin board, and a copy is  
9 on file in the municipal clerk's office.

10 Commissioner Scarpelli?

11 COMMISSIONER SCARPELLI: Here.

12 MADAM CLERK: Commissioner Petracco?

13 COMMISSIONER PETRACCO: Here.

14 MADAM CLERK: Commissioner Evans?

15 COMMISSIONER EVANS: Here.

16 MADAM CLERK: Commissioner Tucci?

17 COMMISSIONER TUCCI: Here.

18 MADAM CLERK: Mayor Cocchiola?

19 MAYOR COCCHIOLA: Here.

20 MADAM CLERK: All present, mayor.

21 MAYOR COCCHIOLA: And the record  
22 should note that the board did enter into  
23 an executive session at 5 o'clock this  
24 evening to discuss personnel matters.

25 Before we begin our normal business

1 Nutley Twp Board of Commissioners - 9/16/08  
2 this evening, I'd like to ask my  
3 colleagues and everyone here this evening  
4 to join us in a moment of silence in  
5 memory of Joyce Donadio. Not only was  
6 Joyce a longtime employee of the  
7 Township of Nutley, but she was also a  
8 very dedicated person in the community,  
9 and volunteered in many civic  
10 organizations, and I know that we're all  
11 going to miss her terribly.

12 Thank you.

13 Madam Clerk, you can proceed with  
14 reports. Commissioner Scarpelli?

15 COMMISSIONER SCARPELLI: Mayor, I  
16 have monthly progress reports, Mechanic  
17 Division, August 2008, Recycling, August  
18 2008, Road and Recycling Division, August  
19 2008, and Traffic Maintenance, August  
20 2008.

21 MAYOR COCCHIOLA: Thank you. Move  
22 on to bills.

23 MADAM CLERK: Yes, Mayor. Bill  
24 list, September 16, 2008. Public  
25 affairs, \$84,461.29. Revenue and

1 Nutley Twp Board of Commissioners - 9/16/08  
2 finance, \$2,128,997.35. Public safety,  
3 \$42,977.17. Public works, \$380,116.94.  
4 Parks and public property, \$96,602.68.  
5 Payroll as of September 16th -- I'm  
6 sorry, payroll as of September 5, 2008,  
7 \$748,331.18, for a grand total bill list  
8 of \$3,481,486.61. And that's all for  
9 bills, Mayor.

10 COMMISSIONER EVANS: Move the bills.

11 COMMISSIONER TUCCI: Second.

12 MADAM CLERK: Commissioner  
13 Scarpelli?

14 COMMISSIONER SCARPELLI: Aye.

15 MADAM CLERK: Commissioner Petracco?

16 COMMISSIONER PETRACCO: Aye.

17 MADAM CLERK: Commissioner Evans?

18 COMMISSIONER EVANS: Aye.

19 MADAM CLERK: Commissioner Tucci?

20 COMMISSIONER TUCCI: Aye.

21 MADAM CLERK: Mayor Cocchiola?

22 MAYOR COCCHIOLA: Aye.

23 MADAM CLERK: Thank you, Mayor.

24 MAYOR COCCHIOLA: Thank you. We can  
25 move on to introductions of ordinances.

1 Nutley Twp Board of Commissioners - 9/16/08

2 Commissioner Tucci?

3 COMMISSIONER TUCCI: This is an  
4 ordinance to amend an ordinance to fix  
5 the salaries of certain officers and  
6 employees of the Township of Nutley in  
7 the County of Essex in the State of New  
8 Jersey, effective date January 1, 2008e  
9 I move that this ordinance be passed to a  
10 second reading and advertised in the  
11 Nutley Sun together with the notice  
12 required by law, and that further  
13 consideration of said ordinance for final  
14 passage by the board of commissioners be  
15 held at its second reading on -- what's  
16 that date, Evelyn?

17 MADAM CLERK: That would be October  
18 21, 2008, Commissioner.

19 COMMISSIONER TUCCI: October 21,  
20 2008e I move the ordinance.

21 COMMISSIONER EVANS: Second.

22 MADAM CLERK: Commissioner  
23 Scarpelli?

24 COMMISSIONER SCARPELLI: Aye.

25 MADAM CLERK: Commissioner Petracco?

1 Nutley Twp Board of Commissioners - 9/16/08

2 COMMISSIONER PETRACCO: Aye.

3 MADAM CLERK: Commissioner Evans?

4 COMMISSIONER EVANS: Aye.

5 MADAM CLERK: Commissioner Tucci?

6 COMMISSIONER TUCCI: Aye.

7 MADAM CLERK: Mayor Cocchiola?

8 MAYOR COCCHIOLA: Aye.

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

11 MAYOR COCCHIOLA: Commissioner  
12 Petracco?

13 COMMISSIONER PETRACCO: Yes, I have  
14 two ordinances. An ordinance of the  
15 Township of Nutley adding Chapter 176 to  
16 the Nutley Municipal Code relating to  
17 canvassers. I move that this ordinance  
18e be passed to a second reading and  
19 advertised in the Nutley Sun together  
20 with the notice required by law, and that  
21 further consideration of said ordinance  
22 for final passage by the board of  
23 commission be held at its second reading  
24 on October 21, 2008e

25 COMMISSIONER SCARPELLI: Second.



1 Nutley Twp Board of Commissioners - 9/16/08

2 MADAM CLERK: Commissioner  
3 Scarpelli?

4 COMMISSIONER SCARPELLI: Aye.

5 MADAM CLERK: Commissioner Petracco?

6 COMMISSIONER PETRACCO: Aye.

7 MADAM CLERK: Commissioner Evans?

8 COMMISSIONER EVANS: Aye.

9 MADAM CLERK: Commissioner Tucci?

10 COMMISSIONER TUCCI: Aye.

11 MADAM CLERK: Mayor Cocchiola?

12 MAYOR COCCHIOLA: Aye.

13 COMMISSIONER PETRACCO: Okay, my  
14 second is an ordinance of the Township of  
15 Nutley amending Chapter 175 of the  
16 Township of Nutley Municipal Code  
17 relating to peddlers and solicitors. I  
18 move that the ordinance be passed to a  
19 second reading and advertised in the  
20 Nutley Sun together with the notice  
21 required by law, and that further  
22 consideration of said ordinance for final  
23 passage by the board of commissioners be  
24 held at its second reading on October 21,  
25 2008e

1 Nutley Twp Board of Commissioners - 9/16/08

2 COMMISSIONER SCARPELLI: Second.

3 MADAM CLERK: Commissioner

4 Scarpelli?

5 COMMISSIONER SCARPELLI: Aye.

6 MADAM CLERK: Commissioner Petracco?

7 COMMISSIONER PETRACCO: Aye.

8 MADAM CLERK: Commissioner Evans?

9 COMMISSIONER EVANS: Aye.

10 MADAM CLERK: Commissioner Tucci?

11 COMMISSIONER TUCCI: Aye.

12 MADAM CLERK: Mayor Cocchiola?

13 MAYOR COCCHIOLA: Aye. We can move

14 on to resolutions. Commissioner

15 Petracco?

16 COMMISSIONER PETRACCO: Yes.

17 Resolution authorizing the award of a  
18 nonfair and open contractor for Labor  
19 Counsel. Whereas the Township of Nutley  
20 Department of Public Safety has a need to  
21 acquire the services of a Labor Counsel  
22 as a nonfair and open contract pursuant  
23 to the provisions of New Jersey S.A.  
24 19:44A-20.4 or 20.5 as appropriate; and,  
25 whereas the director of public safety has

1 Nutley Twp Board of Commissioners - 9/16/08  
2 determined and certified in writing that  
3 the value of the acquisition will exceed  
4 17,500; and, whereas the anticipated term  
5 of this contract is July 1, 2008 through  
6 June 30, 2009 and may be extended as  
7 approved by this governing body; and  
8 whereas the law offices of Ruderman &  
9 Glickman, P.C. has submitted a proposal  
10 dated August 27th, indicated that they  
11 will provide labor council at a rate of  
12 125 dollars per hour; and, whereas the  
13 firm of Ruderman & Glickman has completed  
14 an submitted a Business entity Disclosure  
15 Certification which certifies that the  
16 firm has not made any reportable  
17 contributions to a political or candidate  
18 committee in the Township of Nutley in  
19 the previous one year, and that the  
20 contract will prohibit the firm of  
21 Ruderman & Glickman from making any  
22 reportable contributions through the term  
23 of contract; and, whereas the contract is  
24 not to exceed 25,000 dollars, and whereas  
25 funds are available from account 8-01-

1 Nutley Twp Board of Commissioners - 9/16/08  
2 308e209, and have been certified by the  
3 Chief Financial Officer, said  
4 certification being attached to this  
5 resolution; now therefore, be it resolved  
6 by the Board of Commissioners of the  
7 Township of Nutley authorizes a contract  
8 with the firm of Ruderman & Glickman as  
9 described hereon; and, be it further  
10 resolved that the Business Disclosure  
11 Entity Certification and the  
12 Determination of Value be placed on file  
13 with the resolution; and be it further  
14 resolved that a notice of this action  
15 shall be printed in the Nutley Sun in  
16 accordance with the Local Public  
17 Contracts Law. I move this resolution.

18 COMMISSIONER SCARPELLI: Second.

19 MADAM CLERK: Commissioner  
20 Scarpelli?

21 COMMISSIONER SCARPELLI: Aye.

22 MADAM CLERK: Commissioner Petracco?

23 COMMISSIONER PETRACCO: Aye.

24 MADAM CLERK: Commissioner Evans?

25 COMMISSIONER EVANS: Aye.

1 Nutley Twp Board of Commissioners - 9/16/08

2 MADAM CLERK: Commissioner Tucci?

3 COMMISSIONER TUCCI: Aye.

4 MADAM CLERK: Mayor Cocchiola?

5 MAYOR COCCHIOLA: Aye.

6 COMMISSIONER PETRACCO: That's all I  
7 have, Mayor.

8 MAYOR COCCHIOLA: Thank you.  
9 Commissioner Evans?

10 COMMISSIONER EVANS: Thank you,  
11 Mayor. Be it resolved by the Board of  
12 Commissioners of the Township of Nutley  
13 in the County of Essex, New Jersey that  
14 the Township Treasurer be and she is  
15 hereby authorized to refund Brinks Home  
16 Security, 14 Worlds Fair Drive, Unit B,  
17 Somerset, New Jersey 08873, in the amount  
18 of one hundred dollars for the refund of  
19 a permit fee for the installation of a  
20 burglar and fire alarm system at 141  
21 North Road. The installation contract  
22 has been withdrawn by the owner, Ms.  
23 Rudder, and all work scheduled with  
24 Brinks Home Security has been cancelled.  
25 Paid by check number 1100695 on July 21,

1 Nutley Twp Board of Commissioners - 9/16/08  
2 2008~~e~~ so moved.

3 COMMISSIONER TUCCI: Second.

4 MADAM CLERK: Commissioner  
5 Scarpelli?

6 COMMISSIONER SCARPELLI: Aye.

7 MADAM CLERK: Commissioner Petracco?

8 COMMISSIONER PETRACCO: Aye.

9 MADAM CLERK: Commissioner Evans?

10 COMMISSIONER EVANS: Aye.

11 MADAM CLERK: Commissioner Tucci?

12 COMMISSIONER TUCCI: Aye.

13 MADAM CLERK: Mayor Cocchiola?

14 MAYOR COCCHIOLA: Aye. Whereas  
15 raffle applications have been received  
16 from the following organizations:  
17 American Red Cross Nutley, license number  
18 49-08, American Red Cross Nutley, license  
19 number 50-08, both were on-premise, one  
20 cash raffle, one merchandise raffle,  
21 Nutley Music Boosters, license number 51-  
22 08 for an onepremise 50/50 cash raffle,  
23 Friends of Nutley Singers, license number  
24 52-08 for an on-premise 50/50 cash  
25 raffle. Whereas the applications have

1 Nutley Twp Board of Commissioners - 9/16/08  
2 been reviewed and approved by the  
3 Municipal Clerk and the Police  
4 Department. Therefore, be it resolved by  
5 the Board of Commissioners of the  
6 Township of Nutley, County of Essex,  
7 State of New Jersey that the  
8 aforementioned licenses are approved and  
9 the Municipal Clerk is authorized to  
10 issue the licenses. I move the  
11 resolution.

12 COMMISSIONER TUCCI: Second.

13 MADAM CLERK: Commissioner  
14 Scarpelli?

15 COMMISSIONER SCARPELLI: Aye.

16 MADAM CLERK: Commissioner Petracco?

17 COMMISSIONER PETRACCO: Aye.

18 MADAM CLERK: Commissioner Evans?

19 COMMISSIONER EVANS: Aye.

20 MADAM CLERK: Commissioner Tucci?

21 COMMISSIONER TUCCI: Aye.

22 MADAM CLERK: Mayor Cocchiola?

23 MAYOR COCCHIOLA: Aye. My second  
24 resolution, award for contract for trash  
25 removal has been postponed. This meeting

1 Nutley Twp Board of Commissioners - 9/16/08  
2 will not be adjourned this evening.  
3 Instead, we continue it until Friday  
4 morning at 10:15 a.m. where that award  
5 will be reconsidered.

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

10 MR. MAGNIFICO: Mayor Cocchiola,  
11 members of the board, Jack Magnifico, 160  
12 Park Avenue. This is in regards to the  
13 AMVEES at 140 Walnut Street. I'm going  
14 to send -- I'm going to give you each --

15 MADAM CLERK: Thank you.

16 COMMISSIONER PETRACCO: Thank you.

17 COMMISSIONER EVANS: I think I'm in  
18 trouble. He just slapped me.

19 MR. MAGNIFICO: AMVETS Post 30, the  
20 Veteran's Organization non-profit,  
21 established in 1947. One of the  
22 establishing people there was your  
23 father, Mayor. Anyway, we're having a  
24 problem, and it doesn't seem to get any  
25 resolved. And I'm stuck with a lot of



1 Nutley Twp Board of Commissioners - 9/16/08

2 debris that I can't move because  
3 everybody's afraid to touch it, including  
4 the people that came in from Essex County  
5 who were asked to come down and look at a  
6 problem. There was no problem with our  
7 property. AMVETS has owned it since  
8 1947, and prior to our town's explosion  
9 as far as growth goes, we used to use it  
10 for the town's picnics, until ITT let us  
11 use the bigger property because we got  
12 bigger and bigger. Fortunately, we kept  
13 the property. At one point,  
14 Mr. Cocchiola and myself, Mr. Orechio and  
15 Mr. Kelly tried to make it into a  
16 veterans' home set up in there, but the  
17 town turned it -- the board turned it  
18 down as far as homes go. So that's water  
19 under the bridge. Subsequently, we have  
20 been taking care of it for the past fifty  
21 years, or forty years, in the form of  
22 letting the neighbors use it for their  
23 children, et cetera, et cetera. We pay  
24 the insurance on it, we take care of it,  
25 and at this point, it's become a burden

1 Nutley Twp Board of Commissioners - 9/16/08

2 and we don't want to sell it, we don't  
3 want to give it to anybody, we want to  
4 hold on to it for the sole purpose of  
5 having a school parking lot to an  
6 addition to what we have. What we have,  
7 if you look on the map, is a problem.  
8 And I've given you a map, survey.  
9 There's a garage on our property. These  
10 people have been informed since 1900 to  
11 remove it, whoever was there at that  
12 point. There's a fence with a couple of  
13 put -- couple animals there that don't  
14 belong there. Fortunately, there was  
15 something up above in the corner, it says  
16 140, it's north 24, east 30. There used  
17 to be a building outside there, but the  
18 person took it down. Whoever had it  
19 there took it down.

20 In 1900 when I was the commander, I  
21 had this survey done. The original  
22 survey is here, all right, and we  
23 informed the people that had the things  
24 to remove them. They did. This  
25 gentleman removed his and this gentleman

1 Nutley Twp Board of Commissioners - 9/16/08  
2 removed his. Now it comes out -- I had a  
3 personal reason I had to leave for a  
4 while. I'm back, I'm the commander  
5 again, and we've got this situation with  
6 this garage there. Now, we want to put a  
7 gravel parking lot. We are doing a lot  
8 of work with the Department of Military  
9 Affairs with men coming in with -- we  
10 have two meetings a week, all right? And  
11 for instance, this coming month, we have  
12 a meeting where we're going to give out a  
13 hundred diplomas to veterans from Vietnam  
14 and World War II, and the parking lot  
15 that we have is too small because we try  
16 to accommodate our neighbors. All right?  
17 Our neighbors on Walnut Street don't have  
18 enough parking in their houses, so they  
19 come up and they park in our lot, which  
20 is okay, we don't mind. But now comes a  
21 time when we have to expand. And we are  
22 going to expand. But I want you to see  
23 what's on that map. I've already talked  
24 to Public Works. If you'll notice on the  
25 second page, there's a tree thing. In

1 Nutley Twp Board of Commissioners - 9/16/08

2 that section, we have no intentions of  
3 cutting trees along the railroad, no  
4 intention of cutting any trees out along  
5 the property line of the people that live  
6 behind us, our neighbors. The only ones  
7 we're going to have to take down, and  
8 with an approval, is the inside trees.  
9 That's all we want to do. So far, we've  
10 been very fortunate. We have a very good  
11 neighbor, Linda Frank, who's been with us  
12 ever since day one. They come in there,  
13 they clean it up, bulldoze it, and it's  
14 going to cost me four containers to take  
15 the garbage that's out there, including  
16 dumpsters -- not dumpsters, refrigerators  
17 and other stuff like that.

18 I would like these commissioners,  
19 here, to realize what we're trying to do  
20 and get on somebody's case because it's  
21 going nowhere at this point. It happened  
22 before the election, if you remember, and  
23 now it has gone nowhere. And I am  
24 getting static from my members and I'm  
25 getting static from other people I

1 Nutley Twp Board of Commissioners - 9/16/08  
2 shouldn't be getting it from.

3 MAYOR COCCHIOLA: Mr. Magnifico,  
4 what is it you're asking us to do?

5 MR. MAGNIFICO: I am asking you to  
6 somehow get the Building Department --  
7 all right, it's not your fault, the  
8 Building Department's fault. I know the  
9 people haven't given you their survey to  
10 show you that they're illegally on our  
11 property. Because my people want to sue  
12 them. I don't want to do that. I just  
13 want them to get off. All right?

14 COMMISSIONER EVANS: Jack, my  
15 understanding is through the Code  
16 Department, they've sent the property  
17 owners letters --

18 MR. MAGNIFICO: I know they did.

19 COMMISSIONER EVANS: -- informing  
20 them that they're encroaching on the  
21 property.

22 MR. MAGNIFICO: One of my members --

23 COMMISSIONER EVANS: There's a  
24 question of whether they are or they  
25 aren't. I've seen the survey tonight for

1 Nutley Twp Board of Commissioners - 9/16/08  
2 the first time, right, so there could be  
3 an issue between boundaries. I'm not  
4 saying there are --

5 MR. MAGNIFICO: I know.

6 COMMISSIONER EVANS: -- but that has  
7 to follow its course. So in the Building  
8 Department, I've asked them to draw it  
9 for clarity around the property line,  
10 whether or not there is an encroachment,  
11 right, whether or not permits have been  
12 taken out to construct whatever has been  
13 constructed there. And if there is a  
14 violation, they'll be noticed, the owners  
15 will be noticed. If it has to come down,  
16 ultimately, that's what we'll do, if  
17 that's, you know, if the fact is that  
18 between property owners there can't be an  
19 agreement reached to allow for an  
20 encroachment if one exists. So if you --  
21 that becomes a legal matter between the  
22 two property owners --

23 MR. MAGNIFICO: Um-hum.

24 COMMISSIONER EVANS: -- which you  
25 have to resolvee So to date, we've sent

1 Nutley Twp Board of Commissioners - 9/16/08  
2 out notices to get a better  
3 understanding. I've pushed to have those  
4 notices go out so I can better understand  
5 what the status is. I didn't see this  
6 until tonight, so you've given me  
7 information that I didn't have. So I  
8 became aware of it just recently, and  
9 we're making steps to take action.  
10 Because I was also -- I believe one of  
11 your colleagues --

12 MR. MAGNIFICICO: Hm?

13 COMMISSIONER EVANS: -- I thought it  
14 was at your behest, asked me to come by  
15 there Thursday morning to take a look.

16 MR. MAGNIFICICO: I know you're going  
17 to. I understand that.

18 COMMISSIONER EVANS: So I'm going to  
19 be meeting-- I'm going to meeting.

20 MR. MAGNIFICICO: But my point is that  
21 what we're trying to do is the betterment  
22 for us --

23 COMMISSIONER EVANS: Sure.

24 MR. MAGNIFICICO: -- and the  
25 community, and all I'm getting is static.

1 Nutley Twp Board of Commissioners - 9/16/08

2 Now, my people, my members, are up in  
3 arms. I mean, at our last meeting, they  
4 said how long are we going to put up with  
5 this, because they -- when I brought this  
6 thing out from 1990, they just about  
7 flapped. And I've been holding back on  
8 it because everybody asked me please,  
9 wait until after the election, which is  
10 I've done.

11 COMMISSIONER EVANS: Yeah.

12 MR. MAGNIFICO: Now, if we can't  
13 resolve this, let me know. Because we  
14 have a pro bono lawyer and I'll take care  
15 of it in that form. I don't want to do  
16 that with our community.

17 COMMISSIONER EVANS: I -- Jack, as I  
18 said. Thank you for this data tonight,  
19 which I didn't have, and we've asked for  
20 other information so we can put the two  
21 pieces of the puzzle together and  
22 proceed. So right now I'm at the data  
23 gathering stage.

24 MR. MAGNIFICO: Okay. Mr. Tucci,  
25 thank you very much for sending your tree



1 Nutley Twp Board of Commissioners - 9/16/08  
2 man over. I appreciate that, because we  
3 wouldn't know what's good or bad and  
4 without that we couldn't give you these  
5 documents. Mr. Scarpelli, I'll have to  
6 see you -- I have to talk to you about  
7 something. Thank you.

8 MAYOR COCCHIOLA: Thank you,  
9 Mr. Magnifico. Is there anyone else who  
10 would like to address the board this  
11 evening?

12 MR. MOORE: Rory Moore, 462 Chestnut  
13 Street. Ms. Cocchiola, you had an  
14 executive session this evening which ran  
15 late and you had it at last meeting as  
16 well. You stated that the matters were  
17 personnel issue. What was a CFO doing in  
18 a room on personnel matters?

19 MAYOR COCCHIOLA: Assisting the  
20 board with information.

21 MR. MOORE: As far as personnel?  
22 She's a financial officer.

23 MAYOR COCCHIOLA: As far as  
24 personnel, Mr. Moore.

25 MR. MOORE: I'm sorry, I can't hear

1 Nutley Twp Board of Commissioners - 9/16/08  
2 you.

3 MAYOR COCCHIOLA: As far as  
4 personnel, she was assisting the board  
5 with information.

6 MR. MOORE: She's a CFO; she doesn't  
7 do personnel.

8 MAYOR COCCHIOLA: Mr. Moore --

9 MR. MOORE: I'd like an answer --

10 MAYOR COCCHIOLA: -- it's an  
11 executive session matter that we're not  
12 at liberty to talk to you about.

13 MR. MOORE: I didn't ask you to.

14 MAYOR COCCHIOLA: Do you have any  
15 other questions?

16 MR. MOORE: Yes, I asked you why the  
17 CFO was in the room.

18 MAYOR COCCHIOLA: CFO was in the  
19 room to assist the board with personnel  
20 matters.

21 MR. MOORE: And she is in charge of  
22 finance.

23 MAYOR COCCHIOLA: I'm not answering  
24 any more of your questions.

25 MR. MOORE: Okay. All right.

1 Nutley Twp Board of Commissioners - 9/16/08

2 MAYOR COCCHIOLA: I just answered  
3 it. Do you have any other questions?

4 MR. MOORE: Absolutely. Mr. Tucci,  
5 I believe on the agenda this evening you  
6 had or did -- I believe you were waiting  
7 for Commissioner Scarpelli for the -- the  
8 four percent increase to the one year  
9 extension.

10 COMMISSIONER TUCCI: That's correct.

11 MR. MOORE: Where's the paperwork  
12 that goes along with it, the salaries,  
13 money, who was it for?

14 COMMISSIONER TUCCI: There's an  
15 ordinance. A copy of the ordinance is  
16 available from the clerk.

17 MR. MOORE: The only reason I'm  
18 asking, I'll be very honest with you --

19 COMMISSIONER TUCCI: Yeah.

20 MR. MOORE: -- because Commissioner  
21 Petracco has everything attached to his.

22 COMMISSIONER TUCCI: Um-hum.

23 MR. MOORE: And he just read them  
24 into ordinance. You didn't have to ask  
25 the question because they're here.

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2 COMMISSIONER TUCCI: Well, I don't  
3 know what Commissioner Petracco attached,  
4 but this was only an ordinance  
5 introduction that legally I have to read  
6 into the record by title, all right, and  
7 announce when the hearing is going to be.

8 MR. MOORE: No, the only reason I'm  
9 saying is this is your ordinance --

10 COMMISSIONER TUCCI: Um-hum.

11 MR. MOORE: -- here, one sheet.

12 COMMISSIONER TUCCI: Sure, right.

13 MR. MOORE: Nothing's here. And  
14 Commissioner Petracco and also  
15 Commissioner Scarpelli, also, it's --  
16 they're here, the ordinance is  
17 attached --

18 COMMISSIONER TUCCI: Um-hum.

19 MR. MOORE: Everything is here so  
20 you could read it. Because under the  
21 presentation, everybody gets a free copy.  
22 And I'd just like to know why the  
23 salaries weren't attached.

24 COMMISSIONER EVANS: It's  
25 referencing the ordinance. It's salary

1 Nutley Twp Board of Commissioners - 9/16/08  
2 ordinance 2901 --

3 COMMISSIONER TUCCI: Yeah.

4 MR. MOORE: Yes, but I --

5 COMMISSIONER TUCCI: -- which is  
6 obviously available.

7 COMMISSIONER TUCCI: Yeah.

8 MR. MOORE: -- it says four percent.  
9 For who?

10 COMMISSIONER TUCCI: It's four  
11 percent for teamsters' union personnel.  
12 I believe that information is available  
13 through the clerk's office.

14 MADAM CLERK: I do have the contract  
15 in my office.

16 COMMISSIONER EVANS: Or just get a  
17 copy of the ordinance.

18 COMMISSIONER TUCCI: And the  
19 contract is there. You're welcome to it.

20 MR. MOORE: No, the reason I was  
21 asking --

22 COMMISSIONER TUCCI: Um-hum.

23 MR. MOORE: -- is -- maybe Mr. Evans  
24 could -- is there any standards? Maybe  
25 that should be part of the audit, why

1 Nutley Twp Board of Commissioners - 9/16/08

2 some go out without information and some  
3 go out with information. Shouldn't there  
4 be some consistency so at least everybody  
5 could see how much? Because you say four  
6 percent, for who?

7 MAYOR COCCHIOLA: Mr. Harkins, does  
8 the format of the ordinance comply with  
9 the law?

10 MR. MOORE: I'm sorry, I'm speaking  
11 with Mr. Tucci.

12 MR. HARKINS: Yeah, the ordinance  
13 complies --

14 MAYOR COCCHIOLA: Mr. Harkins --

15 MR. HARKINS: And I -- I think what  
16 we'll do is we'll -- for a public  
17 hearing, we'll attach Ordinance 2991.  
18 It'll be available.

19 COMMISSIONER TUCCI: Yeah, we have  
20 no problem -- we have no problem doing  
21 that. If this was a new contract and a  
22 new ordinance, we were introducing, we'd  
23 attach all of that information just as a  
24 general practice. But being that this is  
25 only a one-year extension following the

1 Nutley Twp Board of Commissioners - 9/16/08  
2 lead of a public safety department, it's  
3 a one-pager. But all of the backup  
4 information is available.

5 MR. MOORE: But under the ordinance  
6 title --

7 COMMISSIONER TUCCI: There isn't any  
8 requirement that we absolutely -- that  
9 I'm aware of that we --

10 MR. MOORE: There is.

11 COMMISSIONER TUCCI: -- absolutely  
12 have to attach all of that, too. Just  
13 that it needs to be available, and it is.

14 MR. MOORE: So moving forward, can  
15 we say that everybody will attach a copy  
16 of the ordinance so that we can read it?

17 COMMISSIONER TUCCI: Yeah, you're  
18 welcome to.

19 MR. MOORE: Commissioner Petracco, I  
20 hate to broach the subject; I realize  
21 that you're not responsible, you share no  
22 responsibility for it is for Mr. Pesci.  
23 And I conducted my research, and the last  
24 time I was here, I said that the only  
25 peaceful conversation I had with Frank

1 Nutley Twp Board of Commissioners - 9/16/08

2 Cocchiola was this -- I said it was an  
3 ordinance. It's a state law. And that  
4 included -- this is the employee  
5 handbook. A copy of the original letter  
6 from the then town -- the council,  
7 Mr. Genitempo, was to comply with  
8 insurance, as far as the state was  
9 concerned, that all employees had to  
10 review this. All employees had to sign a  
11 waiver which is in front of the book, and  
12 all waivers had to be posted. In there,  
13 it specifically addresses drug abuse. It  
14 specifically addresses the use -- the  
15 nonlegal use of town property. When  
16 Pesci used the town truck to reconnect  
17 the cable, Mr. Orechio and Mr. Scalera  
18 were well aware of this. I'd like to  
19 know what's going to be done. Since this  
20 is the law and is covered by the  
21 insurance of the town, what steps are  
22 going to be taken to prevent this from  
23 happening again?

24 COMMISSIONER PETRACCO: Well, we are  
25 actively seeking a drug policy in our



1 Nutley Twp Board of Commissioners - 9/16/08  
2 fire department for the upcoming  
3 contract. But as of right now, to my  
4 knowledge, there is no drug policy  
5 through the town.

6 MR. MOORE: There is a drug policy,  
7 here. This is -- was -- I'm not trying  
8 to be argumentative. It was through  
9 Mr. Genitempo.

10 COMMISSIONER EVANS: He did -- I  
11 think the difference is, though,  
12 commissioner, you're talking about  
13 firemen who are subject to collective  
14 bargaining, whereas this personnel  
15 manual, employee manual, although it does  
16 include a drug policy, obviously, which  
17 sounds to me like a support with respect  
18 to the firefighters, that's subject to  
19 collective bargaining and we're going to  
20 see what we can do.

21 MR. MOORE: No, that's incorrect.  
22 It's not. Because I just did a case  
23 study on this one.

24 COMMISSIONER PETRACCO: And Rory --

25 MR. MOORE: What?

1 Nutley Twp Board of Commissioners - 9/16/08

2 COMMISSIONER PETRACCO: -- maybe the  
3 short and long of this is also when I  
4 decided to reinstate Pesci, there were  
5 stipulations in that procedure to take  
6 him back that he would be randomly drug  
7 tested. Now, if we negotiate into our  
8 contract with the firemen in their  
9 upcoming contract whichever is greater,  
10 if it's our demeanor that we put on him  
11 or the contractual agreement, whichever  
12 is greater, that's what he'll be subject  
13 to.

14 MR. MOORE: Actually, it already is  
15 part of as the New Jersey state law for a  
16 drug-free workplace. And there were  
17 several cases --

18 COMMISSIONER PETRACCO: Well, I  
19 can't answer why he wasn't drug-tested  
20 before. I wasn't there.

21 MR. MOORE: No, no, no, I'm not  
22 trying to -- I'm not trying to belittle  
23 (sic) a point to say why wasn't it done  
24 before. We know that Scalera and Orechio  
25 allowed it to happenede Moving

1 Nutley Twp Board of Commissioners - 9/16/08

2 forward --

3 MR. HARKINS: Mr. Moore, I think  
4 you're confusing, though, with the drug-  
5 free workplace versus, you know,  
6 mandatory testing and those types of  
7 issues.

8 MR. MOORE: It's right here in the  
9 work -- this is a book that was signed by  
10 Genitempo. There's no confusion.

11 MR. HARKINS: I'm talking about the  
12 state's statute and what they do with  
13 collective bargaining.

14 MR. MOORE: No, no, this has nothing  
15 to do with collective bargaining.

16 MR. HARKINS: No, it has everything  
17 to do with it when you're talking about  
18 police and fire.

19 COMMISSIONER PETRACCO: Well, are  
20 you saying that through that state law,  
21 everyone in the township is supposed to  
22 be drug tested?

23 MR. MOORE: Yes, under the state  
24 law -- actually it's -- not to be verbose  
25 but it's Rollins v. Jersey City police --

1 Nutley Twp Board of Commissioners - 9/16/08  
2 that it's covered by public safety, in  
3 which public safety is anybody who  
4 interacts in an emergency situation with  
5 the public, that has to be drug-tested.  
6 Now, that's very concise, that's very  
7 clear. And that's also under their --  
8 it's been amended since -- this is 1997,  
9 but there have been amendments to it to  
10 include alcohol and drugs. Now, there's  
11 plenty of case law for it.

12 MR. HARKINS: I think we have very  
13 able labor counsel who we can address  
14 that with him. And, you know, moving  
15 forward, we're going to be taking a look  
16 at the --

17 MR. MOORE: Who's your legal  
18 counsel?

19 COMMISSIONER PETRACCO: Actually, if  
20 you don't mind, I do have my chief of the  
21 fire department -- maybe he can explain  
22 it to us.

23 MR. MOORE: I'd be happy to.

24 COMMISSIONER PETRACCO: He's here.

25 MR. GUILIANO: Mark Guiliano, Deputy

1 Nutley Twp Board of Commissioners - 9/16/08

2 Fire Chief in Nutley. To my knowledge,  
3 and I'm along the lines of a new  
4 commissioner. I'm the chief for about  
5 eight months now, and fire departments  
6 statewide either do or do not have  
7 random drug tests or drug policies.  
8 We're in the process, with the new  
9 commissioner, of instituting, through  
10 collective bargaining, a drug policy.  
11 I'm a fireman here for twenty-six years.  
12 We never did have an alcohol or drug  
13 policy, but when there was due cause, we  
14 would react. And that's what we've done  
15 in the past and we plan on expanding on  
16 that in the future in our contract.

17 This I haven't seen yet, so I really  
18 can't comment on it.

19 MAYOR COCCHIOLA: Thank you, Chief.  
20 Any questions? Mr. Tucci?

21 COMMISSIONER TUCCI: I have a  
22 question to Mr. Harkens about bringing up  
23 public employees at a public meeting  
24 without them being notified. Any  
25 restrictions to that?

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2 MRe HARKINS: You mean in terms of  
3 whether or not Mr. Guiliano --

4 COMMISSIONER TUCCI: I mean, when we  
5 talk about policies, it's one thing.  
6 When we start talking about employees --

7 MR. HARKINS: No, no --

8 COMMISSIONER TUCCI: -- individuals.

9 MR. HARKINS: -- I agree with you.  
10 When you start talking about personnel  
11 matters of specific personnel, no, that's  
12 not supposed to be something that we talk  
13 about. If you want to talk more  
14 generically about drug policies in the  
15 fire department or police department or  
16 anywhere else, that's okay.

17 MAYOR COCCHIOLA: Have you  
18 discussed --

19 MR. HARKINS: But I agree, I think  
20 we should refrain from addressing any  
21 specific personnel.

22 MAYOR COCCHIOLA: If you discuss  
23 specific personnel, they have to be  
24 noticed.

25 MR. HARKINS: That's right.

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2 MRe GUILIANO: And just for the  
3 record, I've seen this -- I saw this  
4 years ago, but I don't think -- I think  
5 at the time when it came out, this  
6 employee manual, it wasn't carried out  
7 completely. I think the unions got  
8 involved and it was stalled. And I don't  
9 think, you know, Mr. Harkins --

10 MR. HARKINS: I don't -- I  
11 haven't -- I don't know what you're  
12 looking at, what version it is or, you  
13 know.

14 MR. GUILIANO: Yeah, I remember this  
15 from twenty years ago. Twenty years ago.  
16 And I don't think -- I think this was  
17 proposed, but I don't think it was  
18 carried through on the local level. So  
19 maybe you can check into that.

20 MR. HARKINS: I'll have to check  
21 with whoever -- Mr. Genitempo, I guess.

22 MR. MOORE: Thank you.

23 MAYOR COCEHIOLA: Thanks,  
24 Mr. Harkins. Thanks, Chief.

25 MR. MOORE: The letter of

1 Nutley Twp Board of Commissioners - 9/16/08

2 Mr. Genitempo, he was counsel for the  
3 Suburban Essex Joint Insurance Fund. So  
4 if the insurance fund -- I remember  
5 Mr. Cocchiola talking because he was the  
6 one who was very knowledgeable in this,  
7 we're not covered unless this is  
8 addressed. Mr. Genitempo did, in the  
9 language of his letter, state the only  
10 difference is at will versus the union  
11 employee. They wanted to clear that  
12 language up. And that he suggested that  
13 that language be added to the waiver that  
14 should have been signed. There was no --  
15 did we enforce this, did we adopt it?  
16 There's no discretion on that. It was  
17 adopted, whether we liked it or not.

18 MR. HARKINS: Well I'll follow up  
19 with Mr. Genitempo and see exactly what  
20 the issue is.

21 MR. MOORE: Because under here, it  
22 says -- it clearly states the drug  
23 policy. It's -- I don't see where we're  
24 going to get into an issue, but then I  
25 went further because I figured you were



1 Nutley Twp Board of Commissioners - 9/16/08  
2 going to argue the point and I looked  
3 up --

4 MR. HARKINS: I'm not arguing with  
5 you. I just -- I'm -- you're asking me  
6 questions about a document that I'm not  
7 reading, I don't see, I don't know  
8 whether it was implemented or not.

9 MR. MOORE: Under Rollins v. Jersey  
10 City --

11 MR. HARKINS: The Deputy Chief said  
12 he doesn't know whether it's been  
13 implemented.

14 MAYOR COCCHIOLA: Mr. Moore,  
15 Mr. Harkins is going to --

16 MR. HARKINS: So I sort of --

17 MAYOR COCCHIOLA: -- check with  
18 Mr. Genitempo and get back to us and  
19 advise us as to what the status of that  
20 employee manual is.

21 MR. MOORE: I already spoke to  
22 Mr. Genitempo on the records when  
23 Mr. Harkins was here -- he was absent one  
24 evening and Mr. Genitempo --

25 MAYOR COCCHIOLA: Mr. Harkins will

1 Nutley Twp Board of Commissioners - 9/16/08  
2 get back to us on your specific  
3 questions.

4 MR. MOORE: I'd like to answer --  
5 finish my answer without being  
6 interrupted. Mr. Genitempo was here, and  
7 I did ask on the record about the  
8 validity of this document.

9 MAYOR COCCHIOLA: Excuse me. I just  
10 told you that he said he would check into  
11 it and get back to us and answer any of  
12 your questions after he speaks to  
13 Mr. Genitempo.

14 MR. MOORE: Mr. Genitempo already  
15 stated this position. It was already  
16 done on the public record.

17 MAYOR COCCHIOLA: He will get back  
18 and he will speak to you on the record  
19 after he speaks to Mr. Genitempo.

20 MR. MOORE: And it's very clearly  
21 stated under case law where under public  
22 safety there is no discretion on this  
23 issue.

24 MAYOR COCCHIOLA: Mr. Moore, I just  
25 told you he would get back --

1 Nutley Twp Board of Commissioners - 9/16/08

2 MR. MOORE: I'm sorry --

3 MAYOR COCCHIOLA: -- enough, okay?

4 MR. MOORE: -- I wasn't talking to  
5 you. I was talking to Mr. Harkins.

6 MAYOR COCCHIOLA: You can move on to  
7 your next question. You can speak to  
8 Mr. Harkins through me.

9 MR. MOORE: No, I don't. I speak to  
10 Mr. Harkins right there.

11 MAYOR COCCHIOLA: No. I chair the  
12 meeting; you speak to him through me.

13 MR. MOORE: No, you're just the  
14 mayor. Under commissioner form of  
15 government, you're just the head of

16 MAYOR COCCHIOLA: Mr. Moore, any  
17 other questions?

18 MR. MOORE: -- whatever department  
19 you have.

20 MR. HARKINS: Mr. Moore, we're not  
21 going to spar. Please, next question.

22 MR. MOORE: I'd like to know when I  
23 can get an answer on that.

24 MR. HARKINS: I'll talk to  
25 Mr. Genitempo as soon as I can reach him

1 Nutley Twp Board of Commissioners - 9/16/08  
2 and then I'll report back to the mayor  
3 and board of commissioners. That's who I  
4 report to.

5 MAYOR COCCHIOLA: Any other  
6 questions, Mr. Moore?

7 MR. MOORE: Yes, absolutely.  
8 Mr. Evans, I spoke to Mr. Harkins prior  
9 to the meeting. I went through the book,  
10 and I found out when Mr. Barry was -- his  
11 position was created under two separate  
12 ordinances: 2580 and 2582. In here, it  
13 clearly states that he reports to the  
14 traffic safety coordinator for the code  
15 enforcement. However, he directly  
16 reports to the director of public safety.  
17 That's a point that you left out,  
18 originally.

19 MR. HARKINS: Yeah, no, you're --  
20 he's accurate, and I think we've had this  
21 discussion before that there's an  
22 inconsistency, largely because when that  
23 coordinator position was created, it was  
24 in public safety. Recently, it was moved  
25 over to revenue and finance, so it wasn't

1 Nutley Twp Board of Commissioners - 9/16/08

2 clarified. It's a housekeeping matter  
3 that we do need to address, and we'll  
4 just amend the ordinance to provide that  
5 it falls under the direction of -- I  
6 think probably the best thing which is  
7 whatever department it's assigned to, as  
8 opposed to a specific --

9 COMMISSIONER EVANS: Ultimately,  
10 yes. So to answer your question, we will  
11 be introducing an ordinance modification  
12 to correct the language, given the change  
13 in structure of the department.

14 MR. MOORE: Shouldn't there be an  
15 immediate resolution to say that he's  
16 temporarily transferred over because you  
17 still have an ordinance that it's  
18 outstanding where he does report to the  
19 director of public safety. Very clear.

20 COMMISSIONER EVANS: Thank you for  
21 your comment.

22 MR. MOORE: Now, my other question  
23 is under his title, since Mr. Harkins had  
24 indicated that he was going to do  
25 housecleaning on this one, what is -- are

1 Nutley Twp Board of Commissioners - 9/16/08

2 you going to list his duties? Because it  
3 says he reports to the director of public  
4 safety. And as I had mentioned to you  
5 before, Jack Barry was working with the  
6 television cameras downstairs, and when I  
7 went to a library board meeting, he was  
8 involved in a real estate transaction.  
9 So if he's a traffic coordinator in the  
10 state under code enforcement, what's he  
11 doing in television cameras and real  
12 estate?

13 COMMISSIONER EVANS: Again,  
14 Mr. Moore, I think Commissioner Scarpelli  
15 raised the issue, really, we're not going  
16 to address specific personnel, whether  
17 he's at the library or not, I have no  
18 idea. But --

19 MR. MOORE: It had -- it had to do  
20 with the expansion of the library and the  
21 transfer of property.

22 COMMISSIONER EVANS: I don't know  
23 the answer to that question.

24 MR. MOORE: No, no, my question is  
25 very specific. Mr. Barry was involved

1 Nutley Twp Board of Commissioners - 9/16/08

2 because his name was brought up by the  
3 library board as being the person who's  
4 transferring the title with the county.

5 COMMISSIONER EVANS: I have no  
6 knowledge of that. I will follow up.

7 MR. MOORE: Then to simply -- to try  
8 to -- to resolve this, can you put  
9 language in the ordinance to say that --  
10 what his duties are specifically?

11 COMMISSIONER EVANS: Thank you for  
12 your comment.

13 MR. MOORE: I didn't ask you to  
14 comment. I said can you put language in.

15 COMMISSIONER EVANS: I said thank  
16 you for your comment.

17 MAYOR COCCHIOLA: Mr. Moore, any  
18 other questions?

19 COMMISSIONER EVANS: I'll decide  
20 what I need to do.

21 MR. MOORE: Yes, I want to know why  
22 we can't put specific language in there  
23 when you transfer him over as to what he  
24 actually does.

25 MR. HARKINS: I think his duties,

1 Nutley Twp Board of Commissioners - 9/16/08  
2 are by ordinance --

3 MR. MOORE: Yes, they are, right  
4 here, to the director of public safety.

5 MR. HARKINS: Right, and whatever  
6 those duties are as assigned by the  
7 director of the department that he's  
8 assigned to --

9 MR. MOORE: It doesn't say that.

10 MR. HARKINS: -- like many of the  
11 other positions, if you take a look at  
12 the ordinance.

13 MR. MOORE: It doesn't say that. It  
14 says the director of public safety.

15 MR. HARKINS: That's exactly what  
16 we're going to amend.

17 MR. MOORE: Yes, but there's al --  
18 and his salary, what's his current  
19 salary? Under the ordinance, the  
20 original one was fifty thousand dollars.

21 MR. HARKINS: I'll tell you, I don't  
22 know what his current salary is.

23 COMMISSIONER SCARPELLI: I think if  
24 you look at our reorganization  
25 ordinances, it kind of clarifies where



1 Nutley Twp Board of Commissioners - 9/16/08  
2 there are some inconsistencies. It says  
3 that, you know, in those ordinances --

4 MR. HARKINS: Yes.

5 COMMISSIONER SCARPELLI: -- it's  
6 supposed to clarify everything that  
7 wasn't consistent with it.

8 MR. HARKINS: Well --

9 MR. MOORE: Yes, but that would  
10 require a change in the ordinance.

11 MR. HARKINS: In the reorg -- I  
12 agree with you, Commissioner. It  
13 established the clarity of the reporting  
14 relationship there. What Mr. Moore is  
15 referring to is the original ordinance  
16 that just hasn't been updated. It's just  
17 part of the housekeeping that we have to  
18 do.

19 MAYOR COCCHIOLA: It needs  
20 modification, which you said,  
21 Commissioner Evans, you're going to take  
22 care of.

23 MR. HARKINS: Right.

24 COMMISSIONER EVANS: Yes.

25 MAYOR COCCHIOLA: Thank you.

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2 MRe MOORE: Under ordinance,  
3 Mr. Evans, 24@6, which I obtained through  
4 OPRA, it has to do with residency  
5 requirements for people who work in the  
6 Township of Nutley. And you just hired  
7 that individual, Dade. Now according to  
8 the individual that you hired, he doesn't  
9 comply with the ordinance. And you've  
10 done this before with your executive  
11 assistant.

12 COMMISSIONER EVANS: Which ordinance  
13 are you referring to?

14 MR. MOORE: It's 24@6.

15 COMMISSIONER EVANS: And what's the  
16 date of that ordinance?

17 MR. MOORE: 19 -- it's February 6,  
18 1996. Would you like a copy of it?

19 COMMISSIONER EVANS: No, I know the  
20 ordinance. It's been modified since  
21 then.

22 MR. MOORE: It was modified for EMTs  
23 from Mr. Orechio.

24 COMMISSIONER EVANS: No, it was not.  
25 It was modified for -- I don't know the

1 Nutley Twp Board of Commissioners - 9/16/08

2 exact language; Mr. Harkins, I don't know  
3 if you remember it, but --

4 MRe HARKINS: I, yeah, it was  
5 amended.

6 COMMISSIONER EVANS: It did get  
7 modifiede

8 MR. MOORE: It was modified for the  
9 four EMTs, yese

10 COMMISSIONER EVANS: It was not  
11 modified just for the EMTse It was  
12 modified as a residency modificatione

13 MR. MOORE: If there's a  
14 modification, I'd like to see ite

15 MRe HARKINS: It's an ordinance,  
16 it's on the bookse

17 MAYOR COCCHIOLA: It was modified to  
18 permit --

19 MRe HARKINS: It's across the  
20 boardse

21 COMMISSIONER EVANS: It's on the  
22 bookse OPRA ite

23 MAYOR COCCHIOLA: It was modified to  
24 permit discretion of the individual  
25 director of the departmente

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2 MR. MOORE: Under the four EMTs that  
3 was -- it was done.

4 COMMISSIONER EVANS: No~~e~~ that's not  
5 correct. That's not correct.

6 MR. MOORE: Then I'd like to see it~~e~~  
7 because I'd like to see that language.

8 COMMISSIONER EVANS: Then OPRA it.

9 MR. MOORE: I will. Thank you.

10 MAYOR COCCHIOLA: Is there anyone  
11 else that would like to address the board  
12 this evening?

13 MR. NEGRA: Dave Negra~~e~~ 649  
14 Bloomfield Avenue. Commissioner Tucci~~e~~  
15 my request is for you. Obviously, we've  
16 created a playground again.

17 COMMISSIONER TUCCI: Um-hum.

18 MR. NEGRA: I've been waiting for  
19 four weeks for a call as far as public  
20 involvement in an issue about the  
21 playground. Supposed to get a third  
22 party involved. Just wondering if  
23 there's any more --

24 COMMISSIONER TUCCI: Actual~~l~~y~~e~~ the  
25 third party was involved. The third

1 Nutley Twp Board of Commissioners - 9/16/08  
2 party conducted an investigation. I  
3 received the report late yesterday.  
4 Quite frankly, I haven't had a chance to  
5 go through it yet. But once I do, we  
6 will make it available to everyone and  
7 share with everyone what the  
8 recommendations are.

9 MR. NEGRAe Okay. I had thought  
10 that public involvement meant going to  
11 the park and being involved with that  
12 issue, as far as the actual report, also,  
13 and talking to the person involved.

14 COMMISSIONER TUCCIe We had  
15 attempted that, and we will try to  
16 schedule that, but what we felt --

17 MR. NEGRA: You attempted? How did  
18 you attempt? The report is done already.  
19 It wasn't attempted prior to that third  
20 party inspecting the properties.

21 COMMISSIONER TUCCI: We will attempt  
22 to give everyone a chance to ask a  
23 question of the gentleman that conducted  
24 the third inspection, all right? The  
25 fellow was only able to come at 10

1 Nutley Twp Board of Commissioners - 9/16/08

2 o'clock in the morning, which I did not  
3 believe was a convenient time for most of  
4 our residents. So I'm going to share --

5 MR. NEGRA: It would have been  
6 convenient for me.

7 COMMISSIONER TUCCI: Well, you're  
8 not all of our residents, are you?  
9 You're one.

10 MR. NEGRA: But I'm the public  
11 involved with this project.

12 COMMISSIONER TUCCI: Well, you'll be  
13 afforded the opportunity to look at it;  
14 you'll be afforded the opportunity to  
15 contact the gentleman, and if I can --

16 MR. NEGRA: When will this fellow be  
17 available for our questions?

18 COMMISSIONER TUCCI: -- let me  
19 finish speaking; if I can get him here to  
20 walk through the project with everyone, I  
21 will be happy to do that.

22 MR. NEGRA: because this is the  
23 third time that you publicly stated that  
24 you would be --

25 COMMISSIONER TUCCI: Um-hum.

1 Nutley Twp Board of Commissioners - 9/16/08

2 MR. NEGRA: -- getting public  
3 involved --

4 COMMISSIONER TUCCI: Um-hum.

5 MR. NEGRA: -- with this project,  
6 which you have not.

7 COMMISSIONER TUCCI: Right.

8 MR. NEGRA: I've been waiting for a  
9 call, now, for two and a half months to  
10 be involved with this project, and I have  
11 not received the call.

12 COMMISSIONER TUCCI: Well,  
13 Mr. Negra, there's no involvement for you  
14 at this point other than to review the  
15 recommendations of the inspectors.

16 MR. NEGRA: Well, you know what, I  
17 think this is a high-profile type --

18 COMMISSIONER TUCCI: Um-hum.

19 MR. NEGRA: -- playground. It's a  
20 landmark playground. The public did work  
21 on this, we raised money for this  
22 project, it was a public project from the  
23 beginning, we put it in, that playground.  
24 We put it in, that park, and we gave it  
25 over to the town. And now if you don't

1 Nutley Twp Board of Commissioners - 9/16/08

2 have the courtesy to get the public  
3 involved in something --

4 COMMISSIONER TUCCI: Um-hum.

5 MR. NEGRA: -- that they donated and  
6 they raised money for and they did hard  
7 work for, then there's something wrong  
8 with that.

9 COMMISSIONER TUCCI: Well,  
10 Mr. Negra, I don't think anyone's saying  
11 that we're not going to get the public  
12 involved. What I'm saying is --

13 MR. NEGRA: Well, we haven't been  
14 involved.

15 COMMISSIONER TUCCI: -- we have --  
16 because the time is inappropriate for the  
17 public to be involved. Everyone --

18 MR. NEGRA: When can I expect your  
19 phone call?

20 COMMISSIONER TUCCI: -- everyone --  
21 let me finish -- everyone who worked on  
22 the playground, who had an interest in  
23 the playground, or donated to the  
24 playground is welcome to review all of  
25 the reports. And as I said before, I



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2 wilã see if we can get the gentleman  
3 here, and if I can't get the fellow who  
4 did all -- the fellow who did the last  
5 inspection as well as the first two, all  
6 right, we will get someone here to walk  
7 through so that everyone can understand  
8 exactly what the recommendations are.

9 MR. NEGRA: And when can I expect  
10 your phone call this time?

11 COMMISSIONER TUCCI: Well, I will  
12 contact him once I read the report and  
13 digest the report -- and the report will  
14 be made available, just as the other two  
15 were -- all right, and then we will try  
16 to schedule something that's convenient  
17 for everyone that wants to come and see  
18 it.

19 MR. NEGRA: And do you know when  
20 you're going to review the report?

21 COMMISSIONER TUCCI: Well, I haven't  
22 called him. I will start looking at the  
23 report tomorrow, all right, and we will  
24 move accordingly.

25 MR. NEGRA: Thank you.

1 Nutley Twp Board of Commissioners - 9/16/08

2 MAYOR COCCHIOLA: Thank you,  
3 Mr. Negra. You can come forward.

4 MS. AIELLO: Hi. I'm Katie Aiello.  
5 I live at 121 Walnut Street. I'm  
6 responding to Mr. Magnifico's claim that  
7 my garage is on AMVE'S property. We have  
8 our original deed surveys done. I've  
9 lived at that property for thirty years,  
10 and it's never been a problem. We have  
11 all of our land designated, lined up, so  
12 if I could just present that to you so  
13 you can see all that?

14 MR. HARKINS: Yeah, sure.

15 MS. AIELLO: There's copies of it.

16 MR. HARKINS: Thank you. Is there  
17 one set here, or is there -- oh, great,  
18 that's very helpful. Thank you.

19 MAYOR COCCHIOLA: Thank you, Katie.

20 MS. AIELLO: We also -- excuse me,  
21 I'm also here -- all of the neighbors  
22 from Walnut Street from between Park and  
23 Grant Avenue. We definitely are very  
24 against having any kind of parking lot  
25 put behind our homes on that street. And

1 Nutley Twp Board of Commissioners - 9/16/08

2 we're all here to support that claim. I  
3 know that Mr. Magnifico is saying that  
4 they want to put in a parking lot just  
5 for their own. We heard that school  
6 buses were going to be put back there. I  
7 don't know if that's true.

8 MAYOR COCCHIOLA: No, actually, I  
9 also spoke with your husband --

10 MS. AIELLO: Yes.

11 MAYOR COCCHIOLA: -- Ms. Aiello, and  
12 I -- his concern, also, was that there  
13 was -- I think someone entered your  
14 property --

15 MS. AIELLO: Yes.

16 MAYOR COCCHIOLA: -- and told you  
17 that the township was building a parking  
18 lot to park buses. The township is not  
19 building a parking lot to park buses. I  
20 think Mr. Magnifico indicated that the  
21 AMVEES is -- on their own is looking to  
22 expand their parking into that area. I  
23 don't know how far along they are in that  
24 process, but the township is not involved  
25 in that at all.

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2 MS. AIELLO: Okay.

3 COMMISSIONER TUCCI: Mayor, I'd like  
4 to comment on that, also --

5 MAYOR COCCHIOLA: Commissioner  
6 Tucci?

7 COMMISSIONER TUCCI: -- because I  
8 received an e-mail from someone who was  
9 very upset that we were allowing a  
10 parking lot to be built. Just to echo  
11 what the mayor has said, this is private  
12 property owned by the AMVEES. They took  
13 two trees down, and when I learned of it,  
14 I enquired immediately, and our ordinance  
15 states that if they remove dead trees or  
16 diseased trees, they don't need a permit.  
17 I sent the forester there just to clarify  
18 Mr. Magnifico's comment, just to assure  
19 our department that the trees were, in  
20 fact, dead trees. So the Parks  
21 Department nor any other department, to  
22 my knowledge, is doing anything on that  
23 property because it's not public  
24 property. It's private property.

25 MR. NEGRA: Okay. Okay, thank you.

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2 MAYOR COCCHIOLA: You're welcome.

3 Thank you. Is there anyone else that  
4 would like to address the board this  
5 evening? Good evening, Mr. Molkenthin.

6 MR. MOLKEN~~TH~~IN: Good evening,  
7 Mayor. Ken Molkenthin, 44 Chestnut  
8 Street. I would like to retouch on the  
9 drug testing. I would like you all to  
10 consider expanding whatever law,  
11 ordinance you wish to put in to include  
12 not only the word employee, but to  
13 include volunteer, to include partetime,  
14 to include contractual. In other words,  
15 any person who is representing the town  
16 of Nutley should also be included in the  
17 random drug testing or substance abuse  
18 drug testing. I spent thirtyeight years  
19 as a volunteer for this town. I drove  
20 tractor trailers; I borrowed equipment  
21 from the Public Works Department as all  
22 my other people did. We are duly  
23 licensed. But at the same time, we were  
24 never subject to a drugetesting. We  
25 could have an accident in one of these

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2 vehicles, and the town could still be  
3 liable. So therefore, anyone having  
4 contact, position, borrowing, using,  
5 interaction should also be underneath  
6 this ordinance. Because the first time  
7 somebody crashes a fire truck or a town  
8 truck or a volunteer truck, whatever the  
9 cost of the drug testing, it's going to  
10 be miniscule compared to the lawsuits.

11 So please, I don't understand why  
12 the fire department has been exempt.  
13 I've spoken to our police department. It  
14 amazes me that we have our police  
15 department go through drug testing, but  
16 for some reason, the fire department or  
17 the rest of the town workers, are not  
18 included in this. I know, Mr. Petracco,  
19 this is not something that you did.

20 COMMISSIONER PETRACCO: No, like I  
21 have been saying, that we are coming into  
22 new negotiations and contracts this year,  
23 and it's no secret that we are definitely  
24 looking to implicate something on the  
25 fire side.

1 Nutley Twp Board of Commissioners - 9/16/08

2 MRe MOLKEN~~TH~~HIN: Well, my suggestion  
3 is that you start on that now. You start  
4 a plan as soon as possible, and then you  
5 include your negotiations with the police  
6 department. You include your  
7 negotiations with the fire department,  
8 and you include the negotiations with  
9 public works. Put it in place now.  
10 Let's prevent any more problems that are  
11 going to occur here.

12 And once again, as a volunteer, and  
13 I'm using myself as an example, if I  
14 don't want to go by those rules, then you  
15 don't need me as a volunteer. Because  
16 there's a lot of substance abuse going on  
17 throughout the town in our departments,  
18 in past and present.

19 Thank you.

20 MAYOR COCCHIOLA: Your point is  
21 welletaken. Thank you, Mr. Molkenthin.  
22 Is there anyone else that would like to  
23 address the board this evening?

24 MR. MOORE: Rory Moore, 462. I  
25 didn't mean to get up and speak a second

1 Nutley Twp Board of Commissioners - 9/16/08

2 time, but you're incorrect on that tree  
3 ordinance. Under the ordinance that you  
4 wrote the last time, if it was a dead  
5 tree, they had to go to the forester.  
6 The forester has to declare it a dead  
7 tree, so if you had put a permit in to  
8 have that, the money would have been  
9 returned. But that's very clear in the  
10 language of your ordinance.

11 COMMISSIONER TUCCI: No, if you look  
12 under the exceptions, it reads  
13 differently. I originally thought  
14 exactly what you're stating, but that is  
15 not correct.

16 MR. MOORE: Because in that case --

17 COMMISSIONER TUCCI: Check the  
18 exceptions. There's not a permit fee.

19 MR. MOORE: The exception stated  
20 that in order to have a tree declared  
21 dead -- I don't have it in front of me --

22 COMMISSIONER TUCCI: Right.

23 MR. MOORE: -- but I specifically  
24 remember the language. In order to have  
25 a tree declared dead, you had to have it



1 Nutley Twp Board of Commissioners - 9/16/08  
2 by a certification.

3 COMMISSIONER TUCCI: Right. And the  
4 forester visited the site and certified  
5 it. He did.

6 MR. MOORE: But he cut the tree  
7 down.

8 COMMISSIONER TUCCI: The forester  
9 was there.

10 MR. MOORE: But under the rules that  
11 you wrote --

12 COMMISSIONER TUCCI: Right, under my  
13 tree ordinance, that's right.

14 MR. MOORE: -- they would have to  
15 apply for the permit --

16 COMMISSIONER TUCCI: No.

17 MR. MOORE: -- the forester would  
18 have certified it, and then the money  
19 would have been returned.

20 COMMISSIONER TUCCI: Not correct.  
21 I --

22 MR. MOORE: Okay, then I'm going to  
23 get it, I'm going to challenge you on  
24 this one.

25 COMMISSIONER TUCCI: -- I

1 Nutley Twp Board of Commissioners - 9/16/08  
2 investigated the same point that you're  
3 bringing up because I understood it to be  
4 that way, and it was pointed out to me  
5 that that was not the way it is, that  
6 under the exceptions, they don't need a  
7 tree permit. Only when a tree is taken  
8 down, all right, or proposed to be taken  
9 down, should an individual take out a  
10 tree permit. And then once that tree is  
11 removed, if one is planted in its place,  
12 the fifty dollar permit fee is, in fact,  
13 refunded.

14 MR. MOORE: Yeah, no, I understand  
15 that.

16 COMMISSIONER TUCCI: Yeah.

17 MR. MOORE: That's not the point.  
18 Because you said the tree was dead.

19 COMMISSIONER TUCCI: Um-hum.

20 MR. MOORE: And according to the  
21 ordinance --

22 COMMISSIONER TUCCI: Two trees, I  
23 said, were dead.

24 MR. MOORE: -- the tree has to be --  
25 two trees -- but the tree has to be

1 Nutley Twp Board of Commissioners - 9/16/08  
2 certified that it was dead.

3 COMMISSIONER TUCCI: Right. And it  
4 was. I mean, I don't have -- I don't  
5 have the authority or the expertise to do  
6 that, so that's why we sent out the  
7 forester. And he did that, and there  
8 were only two trees that were removed,  
9 and they were both dead.

10 MR. MOORE: Mr. Evans, also I  
11 believe you stand corrected because  
12 Ms. Shuster has a very similar problem  
13 with encroachment. And Mr. Harkins and  
14 Mr. Orechio, he kept telling him it was a  
15 civil action. And I'd like to know if  
16 this is between two individuals, why is  
17 the township not taking the position.  
18 Can we have some consistency? Are you  
19 going to take a position with this two  
20 private entities and ignore Ms. Shuster  
21 and her neighbor?

22 MR. HARKINS: I can speak to that  
23 because I've been dealing with this issue  
24 for a good many years, and the  
25 determination was that it was a purely

1 Nutley Twp Board of Commissioners - 9/16/08

2 private matter, but at the suggestion of  
3 the board -- and some of these members  
4 weren't even board members at that  
5 time -- he asked me to intercede to see  
6 if I could help work out a resolution.  
7 That may well be the case here. I'm  
8 going to take a look at what they have.

9 MR. MOORE: So if this is a purely  
10 private matter, that becomes a civil  
11 action that the two individuals have to  
12 address?

13 MR. HARKINS: I think, you know  
14 what, I haven't even been to the  
15 property, I haven't looked at the survey,  
16 I haven't looked at what this --

17 MR. MOORE: I'm not trying to put  
18 you on the spot.

19 MR. HARKINS: -- woman presented  
20 tonight.

21 MR. MOORE: I'm not trying to put  
22 you on the spot.

23 MR. HARKINS: We're going to take a  
24 look at it. And if it's a private  
25 action, we're going to tell them that,

1 Nutley Twp Board of Commissioners - 9/16/08

2 but if we can help resolve the issue  
3 among them with just some ideas, we'd be  
4 happy to do that, as well.

5 MR. MOORE: Okay, so that -- but as  
6 far as, if it becomes a private issue,  
7 then the township has no standing in that  
8 case at all.

9 MR. HARKINS: If it's a private  
10 issue, then we're going to tell them  
11 that.

12 MR. MOORE: Okay.

13 MAYOR COCCHIOLA: Is there anyone  
14 else would like to address the board this  
15 evening?

16 MR. DOWNIN: Yeah, I'm Gene Downin;  
17 I'm with all my neighbors from Walnut  
18 Street. And we came here not knowing the  
19 plans of the AMVEES and why they were  
20 bulldozing the property. We came here  
21 confused, and now I guess the gentleman  
22 from the AMVEES said they want to put a  
23 parking lot. What's involved and what is  
24 the process, and what can we do, we don't  
25 know.

1 Nutley Twp Board of Commissioners - 9/16/08

2 MAYOR COCCHIOLA: I think --

3 MRe DOWNIN: What's the process go  
4 by and is that zoned for a parking lot?  
5 Can they have -- I mean, they hold  
6 weddings down there and --

7 MAYOR COCCHIOLA: Commissioner  
8 Evans, I believe there's --

9 MRe DOWNIN: -- it's late night  
10 parking.

11 COMMISSIONER EVANS: Yeah.

12 MAYOR COCCHIOLA: -- there could be  
13 a code issue here.

14 COMMISSIONER EVANS: Right, there  
15 could be. I just don't -- I heard the  
16 plan tonight for the first time, so I  
17 need some time to, you know, investigate  
18 it, just like I got this information  
19 tonight on whether or not there's a  
20 property line issue or not. So please, I  
21 can talk to you after the meeting, but I  
22 need to get more information myself  
23 before I can decide whether or not  
24 there's a code issue or there's a code  
25 needs to be involvede

1 Nutley Twp Board of Commissioners - 9/16/08

2 But barring that, it's private  
3 property, and if it complies with code,  
4 and it complies with respecting what his  
5 rights are as a private citizen, you  
6 know, private property, then he's well  
7 within his rights to do with his property  
8 as he wishes. So we have to -- but I  
9 don't have enough information to actually  
10 answer your question tonight.

11 MR. DOWNIN: Okay.

12 COMMISSIONER EVANS: I need to  
13 gather more information. I'd be happy to  
14 meet with you and figure out how to --  
15 reach you and I'll come out and meet you  
16 so we all understand what's going on  
17 there at the same time.

18 MR. DOWNIN: Okay.

19 MAYOR COCCHIOLA: Thank you.

20 COMMISSIONER TUCCI: Mayor, if I  
21 might, just during the normal course of  
22 business, though, when one goes for  
23 permits, there are plans that need to be  
24 submitted that need to be reviewed by --

25 COMMISSIONER EVANS: Absolutely.

1 Nutley Twp Board of Commissioners - 9/16/08

2 COMMISSIONER TUCCI: -- the building  
3 department to make sure that they're in  
4 compliance with all of the codes that are  
5 on the books. And if there's something  
6 that doesn't comply and there are  
7 variances that are needed -- and I don't  
8 know that there are or there aren't --  
9 but in the event that there are, people  
10 would have to be noticed within two  
11 hundred feet, so you can come out and  
12 have your say.

13 COMMISSIONER EVANS: Right.

14 COMMISSIONER TUCCI: But again, we  
15 got this tonight. We're hearing about  
16 this at the same time that you are,  
17 officially. We hear little rumblings  
18 here and there from all different corners  
19 of the town, but now that we have this,  
20 I'm sure Commissioner Evans and his  
21 department are going to look into it as  
22 well as the rest of it because we have an  
23 interest in preserving our neighborhood  
24 as well as you do.

25 MR. DOWNIN: Thank you.



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2 MAYOR COCCHIOBA: Thank you. Is  
3 there anyone else that would like to  
4 address the board this evening?

5 COMMISSIONER TUCCI: Move to  
6 adjourn.

7 MAYOR COCCHIOBA: No, we're not  
8 going to adjourn. This meeting's going  
9 to be continued until Friday morning at  
10 10:15 a.m. Thank you.

11 (End of proceedings)  
12  
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25

## C E R T I F I C A T I O N

I, Dena Page, 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 in the matter of the: PUBLIC MEETING OF THE TOWNSHIP OF NUTLEY BOARD OF COMMISSIONERS.

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 12, 2009e

Dena Page am  
Dena Page

**Township of Nutley  
Board of Commissioners  
Meeting Minutes  
Continued Meeting of Tuesday, September 16, 2008  
held on Friday, September 19 2008  
12:00 P.M.**

A continued meeting of September 16, 2008 was held on Friday, September 19, 2008 at 12:00 P.M.

**ROLL CALL:**

Commissioner Scarpelli	- Present (via telephone conference)
Commissioner Petracco	- Present
Commissioner Evans	- Present (via telephone conference)
Commissioner Tucci	- Present (via telephone conference)
Mayor Cocchiola	- Present

**The following resolution was adopted:**

**Resolution No. 275-08**

WHEREAS, the Township of Nutley received sealed bid proposals for: collection, removal and disposal of all ashes, offal, garbage, debris, and other refuse waste matter in the Township of Nutley on August 27, 2008; and

WHEREAS, the Township of Nutley received bid proposals from the following contractors:

1. Scuffy Carting, LLC  
80 Liberty Street, Passaic, NJ 07055
2. Waste Management of NJ, Inc.  
107 Sylvia Street, Ewing, NJ 08628
3. Marangi Waste Industries, Inc.  
155 Michigan Avenue, Paterson, NJ 07503
4. Omni Waste Services  
507 East 35<sup>th</sup> Street, Paterson, NJ 07504

WHEREAS, the Township of Nutley desires to award a contract for a term of three (3) years with a one (1) year option at the discretion of the municipality wherein said contractor will be obligated to provide collection services to include all residential township condominiums, and multi-family units and pick up bulky waste one time per week;

WHEREAS, Scuffy Carting, LLC submitted the lowest responsible bid proposal for said services in the amount of \$ 2,017,565.00.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, that Scuffy Carting, LLC whose principal place of business is 80 Liberty Street, Passaic, NJ 07055, be awarded a contract for the collection, removal, disposal of all ashes, offal, garbage, debris and other refuse waste matter in the Township of Nutley, including condominiums and multi-family units to pick up bulky waste one (1) time per week, for a period of three (3) years with a one (1) year option at the discretion of the municipality to begin October 1, 2008.

BE IT FURTHER RESOLVED that the Mayor of Public Affairs and the Township Clerk are authorized to sign such contract on behalf of the Township of Nutley.

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

**Bill List Item:**

The following item was submitted for approval "EMTECH ASSOCIATES", \$4,695.00 (Dept. of Public Safety)

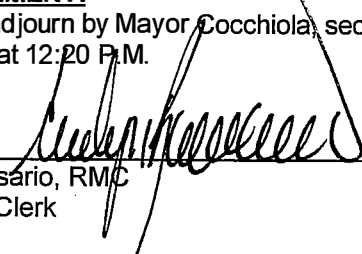
Introduced by Mayor Cocchiola, seconded by Commissioner Petracco. All Ayes on a roll call vote.


\*This bill list item will be listed on the October 7, 2008 complete bill list.

**ADJOURNMENT:**

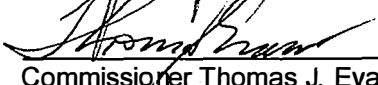
Motion to adjourn by Mayor Cocchiola, seconded by Commissioner Petracco. All ayes. Meeting adjourned at 12:20 P.M.


ATTEST:

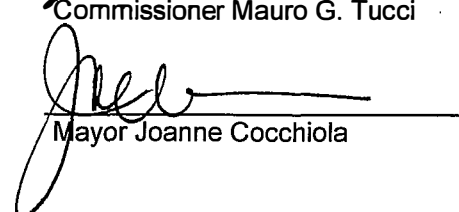
  
\_\_\_\_\_  
Evelyn Rosario, RMC  
Municipal Clerk

  
\_\_\_\_\_  
Commissioner Joseph P. Scarpelli

  
\_\_\_\_\_  
Commissioner Alphense Petracco

  
\_\_\_\_\_  
Commissioner Thomas J. Evans

  
\_\_\_\_\_  
Commissioner Mauro G. Tucci

  
\_\_\_\_\_  
Mayor Joanne Cocchiola