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TOWNSHIP OF NUTLEY, NEW JERSEY
BOARD OF COMMISSIONERS

**Certified
Transcript**

)
PUBLIC MEETING) TRANSCRIPT OF
) PROCEEDINGS:
)

May 4, 2010

7:04 p.m.

BEFORE:

- Mayor Cocchiola
- Commissioner Evans
- Commissioner Petracco
- Commissioner Scarpelli
- Commissioner Tucci

- Township Clerk Rosario

Job No. NJ258339

1 MAYOR COCCHIOLA: -- read it.

2 MADAM CLERK: Are we on the record?

3 MAYOR COCCHIOLA: Yeah.

4 MADAM CLERK: Tuesday, May 4th,

5 2010. Pursuant to the requirements of

6 the Open Public Meeting Law, Chapter 231,

7 Public Laws, 1975, notice of this meeting

8 was published in the December 10, 2009

9 issues of the Nutley Sun, the Journal,

10 the Star Ledger and the Herald News. A

11 copy of this notice has been posted on

12 the Nutley Town Hall bulletin board and a

13 copy is on file in the municipal clerk's

14 office. Commissioner Scarpelli?

15 COMMISSIONER SCARPELLI: Here.

16 MADAM CLERK: Commissioner Petracco
17 is on his way.

18 MADAM CLERK: Commissioner Evans?

19 COMMISSIONER EVANS: Here.

20 MADAM CLERK: Commissioner Tucci?

21 COMMISSIONER TUCCI: Here.

22 MADAM CLERK: Mayor Cocchiola?

23 MAYOR COCCHIOLA: Here. Okay. I

24 think he's on his way. Here he comes.

25 Commissioner Petracco.

1 COMMISSIONER PETRACCO: Sorry, I'm
2 late.

3 MAYOR COCCHIOLA: Feh.

4 COMMISSIONER PETRACCO: First time
5 in two years. At least some of us --

6 MAYOR COCCHIOLA: We weren't keeping
7 score.

8 COMMISSIONER TUCCI: Better check
9 your attendance card.

10 COMMISSIONER PETRACCO: I was in
11 Montclair at a baseball game. Sorry.

12 COMMISSIONER TUCCI: Did they at
13 least win?

14 COMMISSIONER PETRACCO: They sure
15 did.

16 COMMISSIONER TUCCI: Good. All
17 right.

18 COMMISSIONER PETRACCO: 7-1.

19 MAYOR COCCHIOLA: Okay.
20 Commissioner Scarpelli, what do you have
21 tonight?

22 COMMISSIONER SCARPELLI: I have
23 nothing on the agenda tonight.

24 MAYOR COCCHIOLA: Wow.

25 COMMISSIONER TUCCI: Oh, what a guy.

1 MAYOR COCCHIOLA: Guy, Commissioner
2 doesn't have nothing.

3 COMMISSIONER SCARPELLI: See you
4 guys tomorrow.
5 (Laughter.)

6 MAYOR COCCHIOLA: Commissioner
7 Evans?

8 COMMISSIONER EVANS: I have a public
9 hearing regarding handicapped parking on
10 High Street. Also, the ordinance
11 allowing us to create a cap bank, under
12 Ordinance number 3137, which is a sort of
13 a paper entry for our books for future
14 years. And --

15 COMMISSIONER TUCCI: Excuse me, is
16 that going to remain as part of the new
17 wave?

18 COMMISSIONER EVANS: We don't know
19 yet, but we're just kind of creating it.
20 It's more likely than not, it will get
21 wiped.

22 COMMISSIONER TUCCI: Okay.

23 COMMISSIONER EVANS: So, we're just
24 going to put it there so we can erase it
25 later.

1 COMMISSIONER TUCCI: Okay.

2 COMMISSIONER EVANS: And then I have
3 two resolutions for a refund of property
4 taxes. All right. Nothing else, Mayor.

5 MAYOR COCCHIOLA: Commissioner
6 Tucci?

7 COMMISSIONER TUCCI: I have two
8 resolutions: one authorizing refunds of
9 tree permits, and one proclaiming May
10 15th as Arbor Day.

11 MAYOR COCCHIOLA: Commissioner
12 Petracco?

13 COMMISSIONER PETRACCO: I just have
14 one resolution: just the funding for the
15 Safe and Security. It's a grant through
16 the State. That's all I have.

17 MAYOR COCCHIOLA: And I have a
18 report and three resolutions:
19 authorizing video licenses for the
20 American Legion; National Nurses Week;
21 and a raffle license. We may or may not
22 have the award of a contract for solid
23 waste. We will need an executive session
24 at the end of the public meeting to
25 discuss contract negotiations, and we'll

1 then determine whether or not we're going
2 to continue the meeting or make an award.

3 I do want to take a couple of
4 minutes of -- I guess, about two months
5 ago, I circulated a draft ordinance
6 proposed by the Rent Leveling Board. I
7 did not recirculate it tonight, but I did
8 ask John Gizzo if he would just give us a
9 briefing on that ordinance before it's
10 actually formally presented. I'll move
11 it after we all have a better
12 understanding of what the Rent Leveling
13 Board is asking us to do. Okay.

14 Mr. Gizzo?

15 MR. GIZZO: Thank you.

16 MAYOR COCCHIOLA: You're on.

17 MR. GIZZO: Good evening. March
18 12th, I submitted to the Mayor a
19 proposed -- two resolutions or amendments
20 to the current Rent Leveling Board's
21 resolution, dealing with hardship and
22 dealing also with capital improvement.
23 The Board, after deliberating for about
24 eighteen months, had come to a
25 conclusion, that the current law, as it

1 exists, is rather ambiguous, and they
2 didn't quite understand how to apply it
3 with the language that was currently in
4 it.

5 So, they worked on the draft
6 language, which I submitted to the Mayor
7 back in March; that was one of my first
8 acts as Rent Leveling Board Attorney.

9 And, basically, what this new
10 ordinance does is, it clarifies what the
11 old ordinance, essentially, did:
12 providing for a seven percent return on
13 investment, it more clearly defines what
14 criteria have to be established in order
15 to meet that, it establishes a formula,
16 or a clearer formula, so that hopefully,
17 landlords, as well as the Rent Leveling
18 Board understand exactly what they need
19 to do in applying the hardship increase.

20 There's a separate section of
21 Section 532.5(d), dealing with capital
22 improvement increase, as well. Also, in
23 this ordinance, it spells out, exactly,
24 the procedures involved for a landlord in
25 noticing the tenants. It also provides,

1 there's a provision in there, to allow
2 the Rent Leveling Board to require
3 escrows to be deposited with the
4 Township, in the event that the Rent
5 Leveling Board needs to obtain an expert
6 to examine the financial records that the
7 landlords' ultimately will submit.

8 In discussing this matter with the
9 Chairman, I've discovered that apparently
10 this section of the ordinance hasn't been
11 used very much in the last twenty years.
12 But apparently when it did come before
13 the Board, they really had a difficult
14 time understanding it. And I read it,
15 and I understand there's one section that
16 refers to a seven percent return on
17 investment. There's another section that
18 refers to a ten percent return on
19 investment. So, it seems to have been
20 poorly drafted, and it also seems that it
21 was not thoroughly explained as to how
22 the landlord should go about noticing --
23 being noticed in this, and what they need
24 to do.

25 So, this new proposal deals with the

1 notice requirements. It deals with
2 escrow, which was not authorized under
3 the previous ordinance. And it spells
4 out more clearly what the expenses are
5 that the landlord needs to show in order
6 to make the hardship requirement. It
7 also indicates for the capital
8 improvement section, where the landlord
9 is entitled to a capital improvement
10 increase and that increase will exist so
11 long as the IRS allows the write offs for
12 those capital improvement increases.

13 UNIDENTIFIED COMMISSIONER: What is
14 that rate, John?

15 MR. GIZZO: The --

16 UNIDENTIFIED COMMISSIONER: The rate
17 of increase that they'll allow on a
18 capital improvement.

19 MR. GIZZO: Well, under -- capital
20 improvement, I believe, it's based on
21 what -- there is a cap on that, and
22 exactly what that cap, I'd have to check
23 it. I don't recall off the top of my
24 head. I know it's seven percent on the
25 hardship.

1 UNIDENTIFIED COMMISSIONER: Yup.

2 MR. GIZZO: And, they can't ask
3 for -- they can't come in -- and what
4 they're entitled to do is they can get
5 their regular increase, and they will get
6 the hardship increase if they meet the
7 criteria. And that has a sunset
8 provision, under the new ordinance,
9 because now it allows -- as long as they
10 can deduct it on their income taxes, once
11 that deduction ends, once the write off
12 ends that will have a sunset provision in
13 it.

14 They will still get their four or
15 five percent increase depending upon
16 whether or not they provide heat and
17 utilities to the tenants or not. That
18 hasn't changed. So -- I'm sorry, I was
19 looking for your -- to answer your
20 question. And I think it also provides
21 for a fee which was permitted under the
22 previous statute. Ten percent is the max
23 on capital improvement.

24 UNIDENTIFIED COMMISSIONER: And
25 that's one time?

1 MR. GIZZO: Yeah.

2 "In conjunction with any provisions
3 of the Rent Leveling Board to increase
4 rents up to a maximum of ten percent or
5 at the discretion of the Board to
6 increase rents over ten percent, up to
7 the limit set as per guidelines published
8 by the Internal Revenue Service."

9 So, that's the guidelines that the
10 Board would use.

11 COMMISSIONER TUCCI: But that's not
12 necessarily a one-time ten percent.
13 Whenever there's a capital improvement,
14 they can go for that exemption.

15 MR. GIZZO: Whatever the capital
16 improvements are, yes.

17 COMMISSIONER TUCCI: Right.

18 MR. GIZZO: Yes. In a given year,
19 let me say that.

20 COMMISSIONER TUCCI: Right. Um-hum.

21 COMMISSIONER EVANS: Is there
22 anything that differentiates between,
23 like, a capital improvement that says
24 that, you know, I put a new roof on it --

25 MR. GIZZO: Right.

1 COMMISSIONER EVANS: -- or I put,
2 you know, I put new sheet rock up on the
3 walls with some -- you know, I changed
4 the (indiscernible) versus --

5 MR. GIZZO: There is nothing defined
6 in here as to -- you mean, defining what
7 capital improvement is?

8 COMMISSIONER EVANS: Well, I'm
9 looking at is, is that, if the landlord,
10 you know, makes those improvements, where
11 basically they don't really change the
12 functionality of the unit, right?

13 MR. GIZZO: Right.

14 COMMISSIONER EVANS: Or the kitchen,
15 or things like that.

16 MR. GIZZO: Right.

17 COMMISSIONER EVANS: But there --
18 you know, it's neater, it's cleaner, and
19 so on. You know, I can say that if the
20 rent's 1,000 dollars, they can get ten
21 percent maximum adjustment. The rent's
22 now 1,100 bucks. But, if they go
23 through, and they, like, completely redo
24 the living conditions, that could cost
25 thousands of dollars.

1 MR. GIZZO: Yes.

2 COMMISSIONER EVANS: Right? Which
3 seems to me that there's -- there might
4 be some kind of overall harsh constrain
5 on what a landlord can do, when they make
6 those kinds of investment. So, really my
7 question is, is there a differentiation
8 between a major renovation versus a --

9 MR. GIZZO: No.

10 COMMISSIONER EVANS: -- minor
11 renovation.

12 MR. GIZZO: Not in the proposed
13 ordinance. There's no language to that
14 effect. But I would think what you're
15 referring to also, is that if there was a
16 gut of the entire building --

17 COMMISSIONER EVANS: Yeah, yeah.

18 MR. GIZZO: -- then I would
19 certainly assume under those conditions,
20 no tenants would be living there. And
21 that when they reoccupy -- if they're new
22 tenants, if the place was empty, that --
23 the rents would be dictated by market
24 rates.

25 COMMISSIONER EVANS: By market --

1 okay, I didn't realize that.

2 MR. GIZZO: That's correct. And
3 then rent-control would kick in after
4 that.

5 UNIDENTIFIED COMMISSIONER: Is that
6 in there because other towns, it's not
7 that. Even if you don't have a tenant in
8 there, no one is (indiscernible), you put
9 someone else back there, it's based on
10 the prior rent, which you were getting --

11 MR. GIZZO: You mean, if you move a
12 tenant out?

13 UNIDENTIFIED COMMISSIONER: You move
14 a tenant out --

15 MR. GIZZO: And then move him back
16 in?

17 UNIDENTIFIED COMMISSIONER: You
18 renovate a hundred percent, you move a
19 tenant back, you could only add ten
20 percent of what the existing rate was.

21 MR. GIZZO: Well, I think if that's
22 an existing tenant, I think then, it
23 would be governed by that Rent Control
24 Ordinance. But if, what Commissioner
25 Evans is saying, if the building is empty

1 and they redo everything, gut the inside,
2 interior, put new roof, windows,
3 bathrooms, kitchens, and then they rent
4 it out, and these are new tenants coming
5 in, market rate's going to dictate that.
6 I don't see that happening, quite
7 frankly, too much. I mean, I think
8 apartments, if they are updated, they're
9 updated as tenants vacate. But --

10 COMMISSIONER EVANS: But even if a
11 tenant vacates, I'm just making sure I
12 understand, under our current ordinance,
13 if an existing tenant vacates a unit, and
14 even with, you know, they spruce it up
15 with some paint and things like that.
16 And a new tenant comes in, not the
17 previous tenant but a new tenant comes
18 in, market prevails at that point then,
19 too.

20 MR. GIZZO: That's correct. That's
21 under our current ordinance rules.

22 COMMISSIONER EVANS: Right, in
23 Nutley. Yeah.

24 MR. GIZZO: Yes.

25 COMMISSIONER TUCCI: But there's no

1 definition of what a capital improvement
2 is?

3 MR. GIZZO: Not in the ordinance as
4 it's been submitted, no. And I think
5 that that's also something that would lie
6 with the discretion of the Board. Now,
7 obviously, if there are major
8 improvements -- because that wasn't
9 defined, quite frankly, under the old --
10 under the current ordinance --

11 COMMISSIONER TUCCI: Right.

12 MR. GIZZO: -- or under the proposed
13 new ordinance. So, I think, the Board
14 definitely has latitude there in defining
15 what a capital improvement is. According
16 to Chairman Boland, I don't think
17 anyone's come in, in many, many years to
18 ask for such an increase. But, for
19 clarity sake, they wanted to redefine
20 this, and make it more understandable to
21 everybody as to what they can do. But
22 you can't come in and ask for capital
23 improvement, and ask for hardship.

24 COMMISSIONER EVANS: That was my
25 other question.

1 MR. GIZZO: You can't. No.

2 COMMISSIONER EVANS: Okay.

3 MAYOR COCCHIOLA: Do you think -- do
4 you know, if in other municipalities,
5 capital improvement is defined in their
6 ordinances?

7 MR. GIZZO: I don't know that
8 answer.

9 COMMISSIONER TUCCI: Typically,
10 capital improvement is something that has
11 a life expectancy --

12 MAYOR COCCHIOLA: Yeah, no, I know,
13 but, I mean, if you --

14 COMMISSIONER TUCCI: -- of at least
15 five years.

16 MR. GIZZO: Like a new roof.

17 UNIDENTIFIED COMMISSIONER: Exactly.

18 MR. GIZZO: If a landlord is going
19 out and spending 50,000 dollars on a new
20 roof, it's a capital improvement.

21 COMMISSIONER TUCCI: It's usually
22 major components, roofing, plumbing --

23 COMMISSIONER EVANS: Tax guidelines
24 would set it.

25 COMMISSIONER TUCCI: Yeah.

1 COMMISSIONER EVANS: Yeah.

2 COMMISSIONER TUCCI: I mean, I'm
3 sure there's guidance somewhere.

4 MR. GIZZO: Well, then, and I think
5 we refer to that as far as the IRS
6 regulations.

7 COMMISSIONER TUCCI: Yeah, yeah.

8 MAYOR COCCHIOLA: You know, in
9 leases and other types of legal
10 agreements, a lot of times, there is a
11 definition, but, I guess, if you're
12 leaving it up to the discretion of the
13 Board, it's -- under what scenario would
14 you envision the hiring of an expert?

15 MR. GIZZO: Well, the ordinance
16 requires the landlord to come in with all
17 kinds of financials to prove that they
18 are not getting a seven percent return on
19 their investment. If the Board felt, in
20 its discretion, that it could not make
21 that decision based on the information
22 that's being provided, or if they came in
23 with their own accountant, and had their
24 accountant present that information, the
25 Board wants the authority to, basically,

1 say, we would like a separate accountant
2 to examine that information and to
3 determine is it accurate.

4 MAYOR COCCHIOLA: And whose
5 responsibility would it be to pay for
6 that?

7 MR. GIZZO: The tenant -- the
8 landlord, I'm sorry. The landlord would
9 be responsible.

10 COMMISSIONER TUCCI: Is that a
11 common practice?

12 MR. GIZZO: Similar to what is done
13 before the Planning Board or the Zoning
14 Board, when --

15 COMMISSIONER TUCCI: No, I know it's
16 done before those --

17 MR. GIZZO: Right.

18 COMMISSIONER TUCCI: I'm saying in
19 other towns, is that the practice?

20 MR. GIZZO: In other towns, I'm not
21 sure. I haven't been able to ascertain
22 that yet.

23 COMMISSIONER TUCCI: Because I'm
24 sure it would happen here, but you always
25 have the danger --

1 MR. GIZZO: Right.

2 COMMISSIONER TUCCI: -- of the Board
3 becoming arbitrary and you know, just
4 moving forward --

5 MR. GIZZO: Oh, I agree.

6 COMMISSIONER TUCCI: -- and eating
7 up people's dollars through escrow
8 accounts.

9 MR. GIZZO: I agree.

10 COMMISSIONER TUCCI: Which is not
11 something you want to do --

12 MR. GIZZO: No.

13 COMMISSIONER EVANS: Agreed.

14 COMMISSIONER TUCCI: -- because you
15 don't want to, you know, discourage them
16 from making the capital improvements.

17 COMMISSIONER EVANS: Agreed, agreed.

18 MR. GIZZO: Right, right. No, I
19 agree. There hasn't been anything that I
20 am aware of in other -- before other
21 Boards, as to whether or not -- but,
22 obviously, the idea that the Board had
23 was they don't want the Town picking up
24 that expense, but they would like to make
25 an informed decision.

1 So, it's the idea of allowing the
2 Rent Leveling Board to make an informed
3 decision, based on the opinion of an
4 expert, as opposed to just flying by the
5 seat of your pants.

6 COMMISSIONER TUCCI: Does that
7 expertise presently exist on the Board?

8 MR. GIZZO: Well, Mr. Kuchta, as a
9 Board member, has a financial
10 background --

11 MAYOR COCCHIOLA: Dave Grossman's on
12 the Board.

13 COMMISSIONER TUCCI: And Grossman,
14 Dave Grossman?

15 MR. GIZZO: And Dave Grossman has a
16 background, yes.

17 COMMISSIONER TUCCI: Okay, well,
18 then it does have a background. Um-hum.
19 Okay.

20 MR. GIZZO: So, questions?

21 MAYOR COCCHIOLA: Any questions
22 anyone? Thank you.

23 MR. GIZZO: Okay. That's it.

24 MAYOR COCCHIOLA: That's it.

25 COMMISSIONERS: Thank you.

1 MR. GIZZO: Thank you all. Have a
2 good night.

3 MAYOR COCCHIOLA: Thank you.
4 Anybody else?

5 (Off the record from 7:18 p.m.-7:20 p.m.)

6 (Audio occasionally fades out and words
7 are indiscernible, 7:20 p.m.-7:48 p.m.)

8 MAYOR COCCHIOLA: Would everyone
9 please stand for the flag salute?

10 (Pledge of Allegiance declared.)

11 MAYOR COCCHIOLA: Madam Clerk, could
12 you please reread the Sunshine Notice?

13 MADAM CLERK: -- requirements of the
14 Open Public Meeting Law, Chapter 231,
15 Public Laws, 1975, notice of this meeting
16 was published in the December 10, 2009
17 issues of the Nutley Sun, the Journal,
18 the Star Ledger and the Herald News. A
19 copy of this notice has been posted on
20 the Nutley Town Hall bulletin board and a
21 copy is on file in the clerk's office.
22 Commissioner Scarpelli?

23 COMMISSIONER SCARPELLI: Here.

24 MADAM CLERK: Commissioner Petracco?

25 COMMISSIONER PETRACCO: Here.

1 MADAM CLERK: Commissioner Evans?

2 COMMISSIONER EVANS: Here.

3 MADAM CLERK: Commissioner Tucci?

4 COMMISSIONER TUCCI: Here.

5 MADAM CLERK: Mayor Cocchiola?

6 MAYOR COCCHIOLA: Here.

7 MADAM CLERK: All present, Mayor.

8 MAYOR COCCHIOLA: Thank you.

9 We have no minutes or Correspondence
10 to review this evening. And I have one
11 report to enter into the record. It's a
12 report of the Department of Public
13 Affairs Monthly Activities, for April
14 2010. We can move on to payment of
15 bills.

16 MADAM CLERK: Okay, Mayor. Tuesday,
17 May 4th, 2010:

18 Public Affairs \$7,086.08,
19 Revenue & Finance \$6,319,660.05,
20 Public Safety \$7,268.28,
21 Public Works \$16,173.41,
22 Parks & Public Property \$482,548.28,
23 Payroll as of April 30th, 2010,
24 \$738,053.28,
25 for a grand total bill list of

1 \$7,570,789.38.

2 And that's all for bills, Mayor.

3 MAYOR COCCHIOLA: Thank you.

4 UNIDENTIFIED COMMISSIONER: Second.

5 MADAM CLERK: Commissioner

6 Scarpelli?

7 COMMISSIONER SCARPELLI: Aye.

8 MADAM CLERK: Commissioner Petracco?

9 COMMISSIONER PETRACCO: Aye.

10 MADAM CLERK: Commissioner Evans?

11 COMMISSIONER EVANS: Aye.

12 MADAM CLERK: Commissioner Tucci?

13 COMMISSIONER TUCCI: Aye.

14 MADAM CLERK: Mayor Cocchiola?

15 MAYOR COCCHIOLA: Aye.

16 MADAM CLERK: Thank you, Mayor.

17 MAYOR COCCHIOLA: Thank you.

18 Commissioner Evans, you have two Public

19 Hearings this evening.

20 COMMISSIONER EVANS: Yes, Mayor,

21 thank you.

22 MAYOR COCCHIOLA: You have the

23 floor.

24 COMMISSIONER EVANS: -- vehicles

25 and -- handicapped parking -- parking in

1 the High Street area.

2 MAYOR COCCHIOLA: Is there anyone
3 here this evening that would like to
4 address the Board with respect to this
5 Ordinance number 3136? There is no one.

6 COMMISSIONER EVANS: Close the
7 Public Hearing.

8 COMMISSIONER TUCCI: Second.

9 MADAM CLERK: Commissioner
10 Scarpelli?

11 COMMISSIONER SCARPELLI: Aye.

12 MADAM CLERK: Commissioner Petracco?

13 COMMISSIONER PETRACCO: Aye.

14 MADAM CLERK: Commissioner Evans?

15 COMMISSIONER EVANS: Aye.

16 MADAM CLERK: Commissioner Tucci?

17 COMMISSIONER TUCCI: Aye.

18 MADAM CLERK: Mayor Cocchiola?

19 MAYOR COCCHIOLA: Aye.

20 COMMISSIONER EVANS: Move the
21 ordinance.

22 COMMISSIONER TUCCI: Second.

23 MADAM CLERK: Commissioner
24 Scarpelli?

25 COMMISSIONER SCARPELLI: Aye.

1 MADAM CLERK: Commissioner Petracco?

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 EVANS: I have a second
10 ordinance tonight, which is on
11 establishing a municipal cap bank. We
12 are -- under statute, if we are -- can
13 manage our appropriation to within the
14 cap limits, we are allowed to create,
15 what they call, a cap bank, in such, such
16 that in such some time in the future, in
17 twenty-four months, if we need that extra
18 appropriation, we're allowed to use that.
19 It's a statutory memo item. It's not
20 money. It's just a memo transaction.

21 There's a lot of debate on these
22 types of items that exist within the
23 legislature today, given the governor's
24 proposals and stuff. But, we're advised
25 that it's still appropriate to establish

1 this. This is an ordinance to establish
2 the ability to create the --

3 MAYOR COCCHIOLA: Is there anyone
4 here this evening that would like to
5 address the Board with respect to this
6 ordinance? There is no one.

7 COMMISSIONER EVANS: Close the
8 Public Hearing.

9 COMMISSIONER TUCCI: Second.

10 MADAM CLERK: Commissioner
11 Scarpelli?

12 COMMISSIONER SCARPELLI: Aye.

13 MADAM CLERK: Commissioner Petracco?

14 COMMISSIONER PETRACCO: Aye.

15 MADAM CLERK: Commissioner Evans?

16 COMMISSIONER EVANS: Aye.

17 MADAM CLERK: Commissioner Tucci?

18 COMMISSIONER TUCCI: Aye.

19 MADAM CLERK: Mayor Cocchiola?

20 MAYOR COCCHIOLA: Aye.

21 Resolutions.

22 MADAM CLERK: Mayor, we need --

23 MAYOR COCCHIOLA: I'm sorry; no, he
24 has to move the ordinance.

25 COMMISSIONER EVANS: Move the

1 ordinance.

2 COMMISSIONER TUCCI: 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.

14 COMMISSIONER EVANS: Thank you,

15 Mayor.

16 MAYOR COCCHIOLA: Now we can move on
17 to resolutions. Commissioner Petracco?

18 COMMISSIONER PETRACCO: Thank you.

19 Whereas, the Township of Nutley, County
20 of Essex, New Jersey, wishes to apply for
21 funding a project under the Safe and
22 Secure Communities Program (Grant P-
23 4609). And, whereas, the Board of
24 Commissioners of the Township of Nutley,
25 in the County of Essex, New Jersey, has

1 reviewed the accompanying application and
2 has approved said request. And, whereas,
3 the project is a joint effort between the
4 Department of Law and Public Safety and
5 the Township of Nutley, County of Essex,
6 New Jersey, for the purposes described in
7 the application.

8 Now, therefore, be it resolved, by
9 the Board of Commissioners of the
10 Township of Nutley, in the County of
11 Essex, New Jersey, that: 1) As a matter
12 of public policy the Township of Nutley,
13 County of Essex, New Jersey, wishes to
14 participate to the fullest extent
15 possible with the Department of Law and
16 Public Safety; 2) The Attorney General of
17 New Jersey will receive funds on behalf
18 of the applicant; 3) The Division of
19 Criminal Justice shall be responsible for
20 the receipt and review of the
21 applications for said funds; 4) The
22 Division of Criminal Justice shall
23 initiate allocations to each application
24 as authorized. I move the resolution.

25 COMMISSIONER SCARPELLI: Second.

1 MADAM CLERK: Commissioner
2 Scarpelli?

3 COMMISSIONER SCARPELLI: Aye.

4 MADAM CLERK: Commissioner Petracco?

5 COMMISSIONER PETRACCO: Aye.

6 MADAM CLERK: Commissioner Evans?

7 COMMISSIONER EVANS: Aye.

8 MADAM CLERK: Commissioner Tucci?

9 COMMISSIONER TUCCI: Aye.

10 MADAM CLERK: Mayor Cocchiola?

11 MAYOR COCCHIOLA: Aye.

12 COMMISSIONER PETRACCO: That's all I
13 have, Mayor.

14 MAYOR COCCHIOLA: Thank you.

15 Commissioner Evans?

16 COMMISSIONER EVANS: Thank you,
17 Mayor.

18 Be it resolved, by the Board of
19 Commissioners, of the Township of Nutley,
20 in the County of Essex, State of New
21 Jersey, that the Treasurer be and she is
22 hereby authorized to refund Senior
23 Citizen property tax deductions for the
24 tax year 2009 in the amount of 250
25 dollars: Block 2402, Lot 12, 250

1 dollars. So moved.

2 COMMISSIONER TUCCI: 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.

14 COMMISSIONER EVANS: Be it resolved,

15 by the Board of Commissioners, of the

16 Township of Nutley, in the County of

17 Essex, New Jersey, that the Treasurer be

18 and she is hereby authorized to refund

19 Veteran property tax deductions for the

20 tax year 2009 in the amount of 1,250

21 dollars: Block 1705, Lot 3, 250; Block

22 1900, Lot 9, 250; Block 3904, Lot 12,

23 250; Block 7701, Lot 10, 250; and Block

24 9000, Lot 80, 250. So moved.

25 COMMISSIONER TUCCI: Second.

1 MADAM CLERK: Commissioner
2 Scarpelli?

3 COMMISSIONER SCARPELLI: Aye.

4 MADAM CLERK: Commissioner Petracco?
5 (No audible response.)

6 MADAM CLERK: Commissioner Evans?

7 COMMISSIONER EVANS: Aye.

8 MADAM CLERK: Commissioner Tucci?

9 COMMISSIONER TUCCI: Aye.

10 MADAM CLERK: Mayor Cocchiola?

11 MAYOR COCCHIOLA: Aye.

12 COMMISSIONER EVANS: Thank you,
13 Mayor.

14 MAYOR COCCHIOLA: Commissioner
15 Tucci?

16 COMMISSIONER TUCCI: Yes.

17 Be it resolved, by the Board of
18 Commissioners of the Township of Nutley,
19 in the County of Essex, New Jersey, that
20 the Township Treasurer is hereby
21 authorized to refund a tree permit fee
22 collected, in consideration of the fact
23 that the required replacement tree was
24 installed, and that's per Shade Tree
25 Preservation Ordinance. Payment would

1 come from account C-01-904-906: First
2 one, to Tony Ann Farro, 16 Sunset Drive
3 East, in the amount of 50 dollars; and
4 the second, to Lois McLellan, 63 Plymouth
5 Road, in the same amount. I move the
6 resolution.

7 COMMISSIONER EVANS: Second.

8 MADAM CLERK: Commissioner
9 Scarpelli?

10 COMMISSIONER SCARPELLI: Aye.

11 MADAM CLERK: Commissioner Petracco?
12 (No audible response.)

13 MADAM CLERK: Commissioner Evans?

14 COMMISSIONER EVANS: Aye.

15 MADAM CLERK: Commissioner Tucci?

16 COMMISSIONER TUCCI: Aye.

17 MADAM CLERK: Mayor Cocchiola?

18 MAYOR COCCHIOLA: Aye.

19 COMMISSIONER TUCCI: Whereas, in
20 1949, the legislature set aside the last
21 Friday of April as Arbor Day to promote
22 the planting of trees, and to encourage
23 the protection of our forests from fires
24 and pests that destroy the beauty and
25 usefulness of our woodlands. And,

1 whereas, half of New Jersey's total land
2 area is forested or tree covered. And,
3 whereas, trees play an important role in
4 the ecosystem in which we live, and trees
5 reduce the erosion of our precious
6 topsoil caused by wind and water, clean
7 the air we breathe and the water we
8 drink, produce oxygen, provide habitat
9 for birds and wildlife and reduce heating
10 and cooling costs by moderating
11 temperature. And, whereas, trees are a
12 renewable resource giving us paper for
13 fine literature, wood for homes, fuel for
14 fires, and countless other wood products.
15 And, whereas, trees provide increased
16 property value, enhanced economic
17 viability, and pleasing aesthetic
18 qualities along streets and properties in
19 municipalities. And, whereas, tree
20 planting in yards and farms, in school
21 yards and parks, and along streets and
22 highways creates an enduring heritage for
23 generations that follow. And, whereas,
24 the Township of Nutley has completed its
25 twenty-third year, as a member of Tree

1 City, USA.

2 And, whereas, I, Commissioner Mauro
3 Tucci, Director of Parks and Public
4 Property of the Township of Nutley, do
5 hereby proclaim May 15, 2010 as Arbor
6 Day, in the community of Nutley, and urge
7 all citizens to support efforts to
8 protect our trees and woodlands and to
9 support our town's urban forestry
10 program. And, further, I urge all
11 citizens to plant trees to gladden hearts
12 and promote the well-being of present and
13 future generations. I move the
14 resolution.

15 COMMISSIONER EVANS: Second.

16 MADAM CLERK: Commissioner
17 Scarpelli?

18 COMMISSIONER SCARPELLI: Aye.

19 MADAM CLERK: Commissioner Petracco?

20 (No audible response.)

21 MADAM CLERK: Commissioner Evans?

22 COMMISSIONER EVANS: Aye.

23 MADAM CLERK: Commissioner Tucci?

24 COMMISSIONER TUCCI: Aye.

25 MADAM CLERK: Mayor Cocchiola?

1 MAYOR COCCHIOLA: Aye.

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

4 MAYOR COCCHIOLA: Whereas,
5 applications for two video game licenses
6 have been received from the American
7 Legion Post 70, 45 Franklin Avenue,
8 Nutley, New Jersey. Whereas, the
9 applications have been reviewed by the
10 Code Enforcement Department and the
11 Office of the Municipal Clerk. More as,
12 the license fee of 600 dollars, 300
13 dollars for each machine, has been paid.

14 Now, therefore, be it resolved, by
15 the Board of Commissioners of the
16 Township of Nutley, County of Essex, that
17 the licenses are hereby approved and the
18 Municipal Clerk is authorized to issue
19 the video game licenses to the American
20 Legion Post 70. Move the resolution.

21 COMMISSIONER TUCCI: Second.

22 MADAM CLERK: Commissioner
23 Scarpelli?

24 COMMISSIONER SCARPELLI: Aye.

25 MADAM CLERK: Commissioner Petracco?

1 COMMISSIONER PETRACCO: Aye.

2 MADAM CLERK: Commissioner Evans?

3 COMMISSIONER EVANS: Aye.

4 MADAM CLERK: Commissioner Tucci?

5 COMMISSIONER TUCCI: Aye.

6 MADAM CLERK: Mayor Cocchiola?

7 MAYOR COCCHIOLA: Aye.

8 Whereas, National Nurses Week is
9 celebrated annually from May 6th, also
10 known as National Nurses Day, through May
11 12th, the birthday of Florence
12 Nightingale, the founder of modern
13 nursing. Whereas, the nearly 3.1 million
14 registered nurses in the United States
15 comprise our nation's largest health care
16 profession. Whereas, the depth and
17 breath, of the registered nursing
18 profession meets the different and
19 emerging health care needs of the
20 American population in a wide range of
21 settings. And, whereas, the cost-
22 effective, safe and quality health care
23 services provided by registered nurses
24 will be an ever more important component
25 of the US health care delivery system in

1 the future.

2 Therefore, be it resolved, that the
3 Board of Commissioners of the Township of
4 Nutley, County of Essex, State of New
5 Jersey, hereby designates the week of May
6 6th through 12th, 2010, as Nurse Week in
7 the Township of Nutley. Be it further
8 resolved, that the Board of Commissioners
9 and the citizens of the Township of
10 Nutley recognize the importance of nurses
11 and their role in providing quality
12 healthcare for the public. Move the
13 resolution.

14 COMMISSIONER TUCCI: Second.

15 MADAM CLERK: Commissioner
16 Scarpelli?

17 COMMISSIONER SCARPELLI: Aye.

18 MADAM CLERK: Commissioner Petracco?

19 COMMISSIONER PETRACCO: Aye.

20 MADAM CLERK: Commissioner Evans?

21 COMMISSIONER EVANS: Aye.

22 MADAM CLERK: Commissioner Tucci?

23 COMMISSIONER TUCCI: Aye.

24 MADAM CLERK: Mayor Cocchiola?

25 MAYOR COCCHIOLA: Aye.

1 Whereas, a raffle application has
2 been received from the Nutley Irish
3 American Alliance, license number 38-10
4 for an off-premise 50/50 cash raffle,
5 July 24th, 2010. Whereas, the
6 application has been reviewed and
7 approved by the Municipal Clerk and the
8 Police Department.

9 Therefore, be it resolved, by the
10 Board of Commissioners of the Township of
11 Nutley, County of Essex, that the
12 aforementioned license is approved and
13 the Municipal Clerk is authorized to
14 issue the license. I move the
15 resolution.

16 COMMISSIONER TUCCI: Second.

17 MADAM CLERK: Commissioner
18 Scarpelli?

19 COMMISSIONER SCARPELLI: Aye.

20 MADAM CLERK: Commissioner Petracco?

21 (No audible response.)

22 MADAM CLERK: Commissioner Evans?

23 COMMISSIONER EVANS: Aye.

24 MADAM CLERK: Commissioner Tucci?

25 COMMISSIONER TUCCI: Aye.

1 MADAM CLERK: Mayor Cocchiola?

2 MAYOR COCCHIOLA: Aye.

3 I'm going to hold my final
4 resolution until the conclusion of
5 executive session. And for now, we'll
6 take public comment now, before the Board
7 goes into executive session. Is there
8 anyone who would like to address the
9 Board this evening?

10 All persons addressing the Board of
11 Commissioners regarding -- come up, Ms.
12 Manderichio -- regarding community
13 concerns should approach the microphone
14 and provide their name and address for
15 the record. Unless further time is
16 granted by the board, each person shall
17 limit their address to five minutes. All
18 remarks to the Board and its individual
19 members must be addressed to the Mayor.
20 The Mayor may defer citizen comments to
21 the appropriate member of the Board.
22 Dialogue between citizens and others
23 addressing the Board shall be allowed
24 unless the Mayor or presiding officer or
25 the majority of the membership of the

1 Board shall determine that the interest
2 of decorum and/or expeditious conduct of
3 the municipal business are being
4 adversely affected by such dialogue.

5 Ms. Manderichio, you need to put
6 your name and address on the record.

7 MS. MANDERICHIO: -- Manderichio, 19
8 Brookline Avenue, Nutley, New Jersey.
9 Tonight, I was supposed to be at Mayor
10 Cocchiola's office -- regarding stray
11 cats and -- I have been attempting to
12 work with her department since the middle
13 of July of last year -- regarding the so-
14 called population explosion -- one minute
15 we are allocated funds, the next minute
16 we have no funds.

17 Everybody in her office, Thomas
18 Restaino, Joe Petti, and JoAnn along with
19 Kathy, know what I've been doing, as far
20 as feeding them to get them to know me,
21 capturing them, sending them up to
22 Montclair Animal Shelter, having them
23 spaded, if they can not be adopted out,
24 at my expense.

25 There is a neighbor behind me who

1 has taken upon himself to shoot them with
2 BB guns, and poison them. I could not
3 get him on video or on tape, bragging how
4 he's poisoning them. But it's -- Mayor
5 Cocchiola's office is well aware of this.
6 This meeting was canceled tonight; I was
7 not aware of it. That's why I'm here
8 tonight.

9 That situation is down to now four
10 cats. The ASPCA has been involved; I
11 notified them. -- did not -- allegedly
12 on my part, I know he's doing this, but I
13 can not prove it -- allegations.

14 Notified everybody on his block as far as
15 whoever has a dog. Put it this way,
16 there's a storm coming, and it's already
17 hit. I don't know what else to do; I'm
18 at wits end right now, because, like I
19 said, we have four animals left, I don't
20 want to see them harmed. I'm trying to
21 do the right thing here. And I'm tired
22 of getting lip-service from this
23 department. You got to help here,
24 Joanne. I don't know what to do with
25 this guy.

1 MAYOR COCCHIOLA: For the benefit of
2 the Board, let me just explain that for
3 probably --

4 MS. MANDERICCHIO: I'm disgusted
5 right now.

6 MAYOR COCCHIOLA: -- eight, nine,
7 ten months, my department has been
8 working on a situation involving feral
9 cats or stray cats, in the neighborhood
10 of Brookline Avenue. We're trying to
11 make this work for everyone. Numerous
12 members in that area, or numerous
13 neighbors in that area --

14 MS. MANDERICCHIO: No one showed up
15 tonight.

16 MAYOR COCCHIOLA: Lisa, excuse me a
17 minute, Ms. Manderichio. Mr. Restaino
18 spent the past few days in the hospital,
19 and the meeting had to be canceled.
20 Obviously, I'm here --

21 MS. MANDERICCHIO: No one advised us.

22 MAYOR COCCHIOLA: He was handling
23 the meeting for me. He was sick and in
24 the hospital; he canceled the meeting.

25 MS. MANDERICCHIO: No one was

1 advised. Kathy just advised me --

2 MAYOR COCCHIOLA: Listen to me for
3 just a minute. I found this out at 5
4 o'clock.

5 MS. MANDERICCHIO: -- Joe Petti
6 was -- to cancel the meeting.

7 MAYOR COCCHIOLA: I'm not going to
8 argue with you. Let me explain something
9 to the Board.

10 MS. MANDERICCHIO: I'm not arguing,
11 either. I don't deal like that. If I
12 have to cancel something, everyone gets
13 noticed.

14 MAYOR COCCHIOLA: What happened
15 was -- I'm asking you to please be quiet
16 for a minute. We worked on this
17 situation. What we tried to do to try to
18 do something orderly is bring all the
19 neighbors together to try to appease --
20 and the neighbors who are continually
21 complaining about the cats in the
22 neighborhood -- who've got children,
23 who've got dogs -- tried to make this
24 work.

25 Mr. Restaino was in the hospital

1 over the weekend. -- had to cancel this
2 meeting. Meeting is not postponed
3 indefinitely; it will be rescheduled.
4 All of your neighbors will be there, and
5 we'll try to work out something
6 acceptable.

7 MS. MANDERICCHIO: I will make sure
8 that --

9 MAYOR COCCHIOLA: The fact of the
10 matter is, the law does not allow anyone
11 to feed stray cats, period. That's what
12 the law does not allow. We're trying to
13 make a situation palatable for you and
14 your neighbors.

15 MS. MANDERICCHIO: We've gone through
16 this, I understand that.

17 MAYOR COCCHIOLA: And your neighbors
18 are still complaining.

19 MS. MANDERICCHIO: Who's complaining?
20 The one who's shooting at them with a BB
21 gun.

22 MAYOR COCCHIOLA: Talk to the Police
23 Department about your neighbor who's
24 allegedly shooting a BB gun.

25 MS. MANDERICCHIO: And?

1 MAYOR COCCHIOLA: Advise the Police
2 Department. No one has seen him do it.

3 MS. MANDERICHIO: I advised the
4 Police Department. We've already had him
5 looked up.

6 MAYOR COCCHIOLA: Okay.

7 MS. MANDERICHIO: He's got a rifle
8 on license.

9 MAYOR COCCHIOLA: All right. Your
10 problem is that a meeting was canceled
11 this evening. I just explained to you
12 that our Public Health Liaison was sick
13 in the hospital. If that's not an
14 acceptable excuse for you, I apologize to
15 you.

16 MS. MANDERICHIO: Somebody needs to
17 do something about whoever was supposed
18 to cancel this meeting.

19 MAYOR COCCHIOLA: Fine.

20 MS. MANDERICHIO: Only two people
21 showed up. Everyone else I spoke to has
22 already said, gee, everything has been
23 under control; we haven't had a problem.

24 MAYOR COCCHIOLA: Well, they haven't
25 told us that.

1 MS. MANDERICCHIO: Nobody's going to
2 any meetings.

3 MAYOR COCCHIOLA: When they tell us
4 that -- well, but, Ms. Manderichio,
5 understand, the fact that the matter is,
6 the law does not permit people to feed
7 stray animals outside of their house.
8 More and more accumulate, and it creates
9 a public health hazard.

10 MS. MANDERICCHIO: Let me ask you a
11 question: why do we have our own trap-
12 and-release program, here, in town?

13 MAYOR COCCHIOLA: That's not a
14 formal program.

15 MS. MANDERICCHIO: If you cannot get
16 them to be adopted out --

17 MAYOR COCCHIOLA: The trap-neuter-
18 and-release program is not a formal
19 program. It's a program I present to the
20 neighbors. If they accept it, we come in
21 and do it, if there's funding available.
22 It's not an absolute. It's not a
23 necessity. It's not something that
24 anyone is entitled to. It's something I
25 present if there's funding, and if every

1 neighbor in the surrounding area agrees
2 to it. If they don't and they don't want
3 cats on their property, they're as much a
4 taxpayer as you are.

5 MS. MANDERICCHIO: Oh, I understand
6 that. And we've tried to get them all in
7 a so-called --

8 MAYOR COCCHIOLA: They will all be
9 in the same room with you when he is
10 recovered from his hospital visit. Thank
11 you very much.

12 MS. MANDERICCHIO: You're welcome.
13 I'm just trying to get some service.

14 MAYOR COCCHIOLA: Is there anyone
15 else who would like to address the Board
16 this evening? Mr. Riley (ph.).
17 Congratulations to you.

18 MR. RILEY: Ben Riley, 22 Raymond
19 Avenue. I'm here tonight before the
20 Commissioners to discuss improving
21 relations between the Board of Education
22 and the Commissioners. First the
23 initiatives to form a new committee, of
24 which Mr. Spasato and myself will be
25 involved in, and hopefully we can meet

1 the Commissioners monthly to discuss
2 shared services.

3 I think at this point in time,
4 there's a public mandate to have tangible
5 discussions on -- inefficiencies in our
6 governments. A few of the items that I
7 think we could talk about would be joint
8 personnel, sharing personnel, vehicle
9 repairs and maintenance, telephone
10 services, internet services, purchasing,
11 possibly, sharing personnel with
12 purchasing, plus parking, snow removal,
13 water treatment, security, the local
14 grants and agreements with the
15 municipality for possibly solar energy.

16 Also, I think we are all in
17 agreement, that elementary ball fields
18 are in disarray and in need of care, and
19 hopefully there might be some care that
20 we could -- together. So, I come here
21 with hat in hand, looking for your help,
22 hopefully, five of you feel the same
23 way. -- forward -- shared services, and
24 I --

25 MAYOR COCCHIOLA: I'm going to let

1 each member of the Board speak -- jobs,
2 but I think we have always been open --
3 trying to work together as two boards --
4 as much as we can -- separate entities,
5 that shouldn't and don't want to
6 influence each other -- and work
7 together -- and I think that we would all
8 agree that we have -- had the position
9 that we should -- but, you know, you
10 would have to work with us in small
11 groups -- on a approach -- one of us
12 handled different departments, I think
13 that would -- that's totally up to you.

14 MR. RILEY: I appreciate that. I
15 didn't mean to be unfair in my statement.
16 Obviously, we already have shared
17 services with Parks and Recreation with
18 our ball fields, with DeMuro, with the
19 basketball program in our school.
20 Obviously, with Commissioner Scarpelli
21 and Public Works, with -- I'm saying I
22 believe that maybe we could really take a
23 quantum leap forward in these other
24 areas, and realize efficiencies and cost
25 savings in doing so.

1 MAYOR COCCHIOLA: Always room for
2 more, I applaud you for your efforts.
3 Commissioner Evans, any Commissioners
4 want to -- Mr. Riley?

5 COMMISSIONER SCARPELLI: I welcome
6 the opportunity to work -- obviously, you
7 know, with salt purchase, and other snow
8 removal, we work hand in hand with the
9 Board of Education, presently. But I
10 think we really need a plan to move
11 forward. And that takes more than lip
12 service. That takes sitting down and
13 talking.

14 MR. RILEY: Right.

15 COMMISSIONER SCARPELLI: So, I
16 welcome the opportunity. And, how ever
17 way you want to do this, individually, or
18 groups of two, I don't -- I guess it's up
19 to us how we see --

20 COMMISSIONER TUCCI: Mayor, if I
21 might? Mr. Riley, I'd also like to thank
22 you for coming and making that offer. As
23 you know, and as you have just said, for
24 years we've been informally sharing
25 services, but there comes a time when we

1 need to formalize things a bit more, and
2 I totally agree. We can do more, and we
3 should do more. All right?

4 It's one tax dollar, whether it's
5 your Board, or our Board, and it's one
6 constituency. So, whatever we can do
7 collectively to make the quality of life,
8 not only for our children, but for all of
9 our residents better in this town, that's
10 what we're responsible for, and that's
11 what we're supposed to do. So, thank
12 you. It's a wonderful gesture you're
13 making, and it's something that we
14 absolutely need to follow through on.

15 COMMISSIONER PETRACCO: Mayor, if I
16 may also, and Mr. Riley, to thank you for
17 coming tonight also. As you know, we
18 shared a trip through the middle school
19 already together on a Saturday morning
20 with the residents. I'd just like to
21 say, that we do have a tactical team in
22 place, actually Chief John Holland was
23 going to contact Mr. Zarra tomorrow,
24 about participating in the drills, for
25 the safety -- before, for some reason, it

1 never came to a head.

2 So, I'm really happy to see you here
3 and that we could really provide some
4 safety plans for -- I would just like to
5 say that, even in the past, the two years
6 that I'm here, it was always taboo for --
7 you know, to walk into a school or you
8 know, uninvited. And, I'm looking
9 forward to a new Board as well, accepting
10 the help from the Police Department. I
11 really think we could do a lot of
12 work, good work there together. So, I
13 appreciate you're coming.

14 COMMISSIONER TUCCI: Sometimes,
15 perception is reality, sometimes not.
16 But those -- those walls down, and I've
17 already spoken to the Superintendent --
18 we would like the Public Safety
19 Department to be part of that.

20 MR. RILEY: Thank you for your time.
21 I appreciate it.

22 MAYOR COCCHIOLA: Thank you.
23 Congratulations to you again, Mr. Riley.
24 Is there anyone else who would like to
25 address the Board this evening?

1 MR. OHANA: Michael Ohana (ph.) in
2 228 Chestnut Street. Mayor, do you
3 anticipate voting on the PBA contract
4 anytime soon?

5 MAYOR COCCHIOLA: It's not listed
6 for us to vote on tonight. In fact, I
7 think we're -- still in deliberation,
8 waiting for some information.

9 MR. OHANA: Waiting for some --

10 MAYOR COCCHIOLA: Anyone else like
11 to address the Board? I'm going to
12 entertain a motion to move into executive
13 session. Actually it's my motion to move
14 into executive motion.

15 COMMISSIONER TUCCI: Jack's here.

16 COMMISSIONER EVANS: You have one
17 more.

18 MAYOR COCCHIOLA: I'm sorry, Jack.

19 MR. MAGNIFICO: I'm back. 160 Park
20 Avenue. Mayor, thank you very much for
21 the help you're giving us on that, what
22 do you call it? You've just brought up
23 something that's very interesting to me.
24 This green -- you've got anything
25 available, like arborvitaes, that we can

1 get thirty of?

2 COMMISSIONER TUCCI: I'm sorry, like
3 what?

4 MR. MAGNIFICO: Arborvitaes trees,
5 that I can get thirty of?

6 COMMISSIONER TUCCI: I don't know
7 that we have thirty arborvitaes on hand,
8 to --

9 MR. CAPRIGLIONE: This would be --
10 it would basically be for our
11 (indiscernible) along the railroad and
12 all that stuff. I'm trying to plant
13 something that looks nice, and would be
14 green --

15 COMMISSIONER TUCCI: Right.

16 MR. MAGNIFICO: -- consistently. As
17 opposed to getting summons from the Board
18 of Health and Essex County mosquito
19 people for about our garbage back there,
20 which is what we've been trying to clean
21 up, etcetera, etcetera. So, but
22 arborvitaes would be perfect to mask off
23 that 155 feet. I need thirty of them, if
24 you got them. If you don't, I know where
25 to can get them. I don't know if we

1 could get any kinds of monies for that.
2 If we can, we would appreciate it. Okay,
3 thank you for all time.

4 COMMISSIONER TUCCI: I'd be happy to
5 look into it for you.

6 MAYOR COCCHIOLA: Thank you Mr.
7 Magnifico. I'm going to make a motion
8 for us to move into executive session to
9 discuss contract negotiations.

10 UNIDENTIFIED COMMISSIONER: Second.

11 MADAM CLERK: Whereas, the Board of
12 Commissioners of the Township of Nutley
13 in the County of Essex, desires to
14 proceed to closed executive session.

15 Now, therefore, be it resolved by
16 the Board of Commissioners that the
17 Township Commission shall now move into
18 executive session to discuss: contract
19 negotiations.

20 Be it further resolved, that the
21 time when such discussions may be
22 disclosed to the public shall be when and
23 as such disclosure may be made without
24 adversely affecting the Township pending
25 and/or anticipated legal, personnel,

1 contractual matters and other matters
2 within the exceptions provided for by
3 statute.

4 (End of audio)

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

I, Karen Schiffmiller, 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:
June 6, 2010.



Karen Schiffmiller

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

I, Karen Schiffmiller, 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:
June 6, 2010.

Karen Schiffmiller
Karen Schiffmiller

Board of Commissioners Meeting May 4, 2010.

The Board of Commissioners entered Executive Session at 8:40 P.M. and exited at 9:00 P.M.

At this point in the meeting the following resolution was adopted

Resolution No. 126-10

WHEREAS, the Township of Nutley received sealed bid proposals for the collection, removal and disposal of solid waste matter in the Township of Nutley on April 28, 2010; and

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

1. F. Basso, Jr. Rubbish Removal
905 Passaic Avenue, East Newark, NJ 07029
2. Future Sanitation, LLC
80 Liberty Street, Passaic, NJ 07055
3. Interstate Waste Services
500 N Franklin Turnpike, Ramsey, NJ 07446
4. Joseph Smentkowski, Inc
75 County Avenue, Secaucus, NJ
5. Marangi Sanitation, Inc
155 Michigan Avenue, Paterson, NJ 07503
6. Waste Industries
800 East Grand Street, Elizabeth, NJ 07201
7. Waste Management
107 Sylvia Street, Ewing, NJ 08628

WHEREAS, the Township of Nutley desires to award a contract for a term of three years with a one year option exercised at the discretion of the municipality wherein said contractor will be obligated to provide collection services in accordance with the bid specifications and the contract; and

WHEREAS, Future Sanitation, Inc. submitted the lowest responsible bid proposal for said services in the amount of \$ 2,369,000; and

WHEREAS, the funds are available from account number 0-01-138-200 and have been certified by the Chief Financial Officer, said certification being attached hereto.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, that Future Sanitation, Inc. whose principal place of business is 80 Liberty Street, Passaic, NJ 07055, be awarded a contract for the collection, removal, disposal of solid waste for a period of three years with a one year option exercised at the discretion of the municipality to begin May 15, 2010.

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

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

ADJOURNMENT:

Motion to adjourn by Commissioner Petracco, seconded by Commissioner Tucci. Meeting adjourned at 9:05 P.M.

ATTEST:

Evelyn Rosario, RMC, CMC
Municipal Clerk

Commissioner Joseph P. Scarpelli

Commissioner Alphonse Petracco

Commissioner Thomas J. Evans

Commissioner Mauro G. Tucci

Mayor Joanne Cocchiola

ORDINANCE No. 3136
INTRODUCED BY COMMISSIONER EVANS
INTRODUCED ON APRIL 6, 2010
PUBLIC HEARING MAY 4, 2010
ADVERTISE IN THE NUTLEY SUN ISSUE OF APRIL 15, 2010

ORDINANCE No. 3136

AN ORDINANCE TO AMEND AN ORDINANCE CODIFIED IN THE CODE OF THE TOWNSHIP OF NUTLEY, CHAPTER 228, ENTITLED VEHICLES AND TRAFFIC, PARTICULARLY ARTICLE VII (SPECIAL ZONES AND AREAS), SECTION 29A ENTITLED HANDICAPPED PARKING, TO ADD THE LOCATION SET FORTH THEREIN.

BE IT ENACTED by the Board of Commissioners of the Township of Nutley that Article VII, Section 29A of Chapter 228 of the Code of the Township of Nutley, entitled Handicapped Parking, is hereby amended to set forth the ADDITION of the following location:

ADD

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
High Street	North	Beginning at a point 39 feet west of Funston Place, continuing in an westerly direction for a distance of 20 feet.

BE IT FURTHER ENACTED that all other terms and conditions and locations in Article VII, Section 29A, Chapter 228 shall remain as heretofore set forth in the Code of the Township of Nutley, except where such a reading would not give meaning to and further the application of this amendment. In such case and in such event, the terms and conditions shall have a meaning consistent with the intent of this amendment; and

BE IT FURTHER ENACTED that the within ordinance shall become effective after passage and publication, pursuant to law.

Ordinance No. 3137

Introduced by Commissioner Evans

Introduced on April 6, 2010

Public Hearing May 4, 2010

Advertise in the Nutley Sun Issue of April 15, 2010

Ordinance No. 3137

STATE FISCAL YEAR 2010

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK**

(N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 0.0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriations and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Commissioners of the Township of Nutley in the County of Essex finds it advisable and necessary to increase its SFY 2010 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Commissioners hereby determines that a 3.5% increase in the budget for said year, amounting to \$1,188,991.76 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS, the Commissioners hereby determine that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Commissioners of the Township of Nutley, in the County of Essex, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the SFY 2010 budget year, the final appropriations of the Township of Nutley shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5% , amounting to \$1,188,991.76, and that the SFY 2010 municipal budget for the Township of Nutley be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services with 5 days of introduction; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.