

**Township of Nutley  
Board of Commissioners  
Meeting Minutes  
Tuesday, October 20, 2009  
7:00 P.M**

A workshop meeting of the Board of Commissioners of the Township of Nutley was held in the 3<sup>rd</sup> floor Commission Chambers Conference Room and called to order. Adequate notification was published in the official newspapers of the Township of Nutley. All present joined in the Pledge of Allegiance to the Flag. Roll call was taken.

**OPEN PUBLIC MEETING STATEMENT:**

Evelyn Rosario, Municipal Clerk, read the following statement: Pursuant to the requirements of the Open Public Meeting Law (Chapter 231, P.L.1975), notice of this meeting was published in the January 8, 2009 issues of the Nutley Sun, the Journal, the Star Ledger and the Herald News. A copy of this notice has been posted on the Nutley Town Hall bulletin board and a copy is on file in the Municipal Clerk's Office.

**ROLL CALL:**

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

The Board of Commissioners at their workshop session reviewed all the agenda items as listed in below minutes.

A regular meeting of the Board of Commissioners of the Township of Nutley was held in the 3<sup>rd</sup> floor Commission Chambers and called to order. Adequate notification was published in the official newspapers of the Township of Nutley. All present joined in the Pledge of Allegiance to the Flag. Roll call was taken.

**OPEN PUBLIC MEETING STATEMENT:**

Evelyn Rosario, Municipal Clerk, read the following statement: Pursuant to the requirements of the Open Public Meeting Law (Chapter 231, P.L.1975), notice of this meeting was published in the January 8, 2009 issues of the Nutley Sun, the Journal, the Star Ledger and the Herald News. A copy of this notice has been posted on the Nutley Town Hall bulletin board and a copy is on file in the Municipal Clerk's Office.

**ROLL CALL:**

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

**MINUTES:**

None.

**COMMUNICATIONS/CORRESPONDENCE:**

None.

**REPORTS:**

None.

**BILLS:**

Evelyn Rosario, Municipal Clerk read the following departmental summary of bills for the approval of the Board of Commissions. (bill list attached to minutes)

Department of Public Affairs	\$	206,715.74
Department of Revenue & Finance	\$	3,020,864.45
Department of Public Safety	\$	32,614.59
Department of Public Works	\$	59,869.41
Department of Parks & Public Property	\$	78,321.64
Payroll as of October 16, 2009	\$	773,106.24
Bill List Grand Total	\$	<u>4,171,492.07</u>

Motion to approve the bills by Commissioner Evans, seconded by Commissioner Tucci. All ayes.

**ORDINANCE INTRODUCTION: (1)**

**Commissioner Evans/Ordinance 3122**

ORDINANCE PROVIDING FOR MONSIGNOR OWENS FIELD LIGHTING PROJECT IN THE TOWNSHIP OF NUTLEY, IN THE COUNTY OF ESSEX, NEW JERSEY APPROPRIATING \$225,000.00 THEREFORE FROM GRANT MONIES RECEIVED FROM THE ESSEX COUNTY OPEN SPACE TRUST FUND 2005 LOCAL AID PROGRAM FOR THE COST THEREOF.

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

A public hearing will be held on Tuesday, November 17, 2009.

**ORDINANCE PUBLIC HEARINGS**

None.

**RESOLUTIONS:**

No. 271-09

WHEREAS, Bids for Leaf Removal for Recycling were received and opened on October 8, 2009; and

WHEREAS, S. Rotondi & Sons, Inc. 139 Reeder Road, Harmony Township, New Jersey 08865 was the low bidder priced at \$ 6.38/per cubic yard, for the removal of leaves for recycling; and

WHEREAS, the funds are available from the account entitled Leaf Removal-Tipping, Account #9-01-422-200 in the amount of \$61,000.00 and Account #9-01-421-200 in the amount of \$25,000.00 and have been certified by the Chief Financial Officer, said certification being attached to this resolution;

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that a contract be awarded to S. Rotondi & Sons, Inc., not to exceed \$ 86,000.00, and that the Mayor and Township Clerk are hereby authorized to enter into and sign said contract for the Township of Nutley.

Introduced by Commissioner Scarpelli, seconded by Commissioner Petracco. All eyes on a roll call vote.

No. 275-09

WHEREAS, the Nutley Fire Department had determined that the "Foam Pumper" that was acquired several years ago at no cost has been expensive to maintain, is rarely used and is difficult to garage; and

WHEREAS, the Nutley Fire Department has sought out other agencies who would be in need of such vehicle; and

WHEREAS, Warren County Department of Public is interested in the said vehicle and has agreed to "loan" the pumper to us should the need arise; and

WHEREAS, the Township of Nutley would like to foster good will and promote shared services between other agencies; and

NOW, THEREFORE, the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, do hereby agree to sell the "Foam Pumper" to Warren County Department of Public Safety for the amount of \$1.00.

Introduced by Commissioner Petracco, seconded by Commissioner Scarpelli. All eyes on a roll call vote.

No. 268-09

BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, in the County of Essex, State of New Jersey, that the Treasurer be and she is hereby authorized to refund overpayment of property taxes in

the amount of \$4,635.17 due to successful Tax Court Judgments for the said years.

<u>BLOCK</u>	<u>LOT</u>	<u>ADDRESS</u>	<u>AMOUNT – YEAR</u>
9503	15	89-91 Washington Avenue	\$1458.42 – 2007
9503	16	89 Washington Avenue	\$1689.50 – 2007
2001	25 C0007	641 Franklin Avenue #1A	\$300.84 – 2007 \$429.39 – 2008
2001	25 C0008	641 Franklin Avenue #1B	\$313.92 – 2007 \$443.10 – 2008

Introduced by Commissioner Evans, seconded by Commissioner Tucci. All ayes on a roll call vote.

No. 269-09

BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, in the County of Essex, State of New Jersey, that the Treasurer be and she is hereby authorized to refund an overpayment of property taxes in the amount of \$30,367.81 for the said year.

<u>BLOCK</u>	<u>LOT</u>	<u>ADDRESS</u>	<u>AMOUNT – YEAR</u>
1000 2008	1	Qual. C5052 551 Coventry Drive	\$2429.06 –
1000 2008	1	Qual. C5068 567 Coventry Drive	\$2429.06 –
1501 2008	4	19 Wilmington Drive	\$3865.14 –
2000 2008	25	289 Hillside Avenue	\$1820.35 –
2202 2008	2	36 Lake Street	\$2119.95 –
2400 2008	43	143 Alexander Avenue	\$1840.46 –
3304 2008	5	26 Edgar Place	\$1831.20 –
4500 2008	31	89 Hillside Avenue	\$3231.30 –
5103 2007	11	107 Stanley Avenue	\$1821.61 –
6401 2008	10	31 Shepard Place	\$1655.71 –
7301 2008	12	22 Florence Street	\$125.00 –
7605 2007	6	65 Stager Street	\$1850.12 –
7704 2008	15	308 Harrison Street	\$2414.27 –
7904 2007	7	263 Bloomfield Avenue	\$2934.58 –

Introduced by Commissioner Evans, seconded by Commissioner Tucci. All ayes on a roll call vote.

No. 270-09

WHEREAS, several Block and Lots throughout the Township have been combined with existing Block and Lots;

WHEREAS, the preliminary billing for said years still exist on the accounts in the Tax Collector's Office which must be cancelled.

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, the County of Essex, State of New Jersey, that the following billingFor the eliminated Block and Lots be cancelled for said years.

BLOCK & LOT		Amount	Year
134	10	\$ 3,179.53	2008
134	11	5,066.62	2008
163	5	6,668.62	2008
241	19	6,639.19	2008
242	67	9,806.02	2008
379	2	4,061.34	2008
379	3	4,416.68	2008
379	52	3,017.12	2008

Introduced by Commissioner Evans, seconded by Commissioner Tucci. All ayes on a roll call vote.

No. 272-09 (photocopy of entire resolution attached to original minutes)

This Resolution authorizes certain steps to be taken to sell Bonds on November 10, 2009.

The full Resolution includes a listing of Bonds being combined by this Resolution and is available for viewing in the Office of the Municipal Clerk.

BE IT RESOLVED that certain issues of General Improvement Bonds of the Township of Nutley in the Count of Essex, New Jersey, be combined into a single issue of Bonds aggregating \$4,700,000 in principal amount and that the bonds of the issue shall be designated as "General Improvement Bonds" and shall be sold and issued in accordance with the provisions of the Local Bond Law.

RESOLUTION PROVIDING FOR THE COMBINATION OF CERTAIN ISSUES OF  
GENERAL IMPROVEMENT BONDS OF THE TOWNSHIP OF NUTLEY, IN THE  
COUNTY OF ESSEX, NEW JERSEY INTO A SINGLE ISSUE OF BONDS  
AGGREGATING \$4,700,000 IN PRINCIPAL AMOUNT

Introduced by Commissioner Evans, seconded by Commissioner Tucci. All ayes on a roll call vote.

No. 273-09 (photocopy of entire resolution attached to original minutes)  
This Resolution authorizes certain steps to be taken to sell General Improvement Bonds on November 10, 2009.

The full Resolution is available for viewing in the Office of the Municipal Clerk.

BE IT RESOLVED that the Bonds referred to and described in Resolution No. 272-09 entitled "Resolution Providing for the Combination of Certain Issues of General Improvement Bonds" in the Township of Nutley in the County of Essex, New Jersey, into a single issue of Bonds aggregating \$4,700,000 in principal amount be issued as "General Improvement Bonds" to mature on December 1 of the years and in the principal amounts set forth below.

<u>Year</u>	<u>Amount</u>
2010	\$300,000
2011	\$300,000
2012	\$600,000
2013	\$600,000
2014	\$600,000
2015	\$600,000
2016	\$600,000
2017	\$600,000
2018	\$600,000

RESOLUTION DETERMINING THE FORM AND OTHER DETAILS OF \$4,700,000 GENERAL IMPROVEMENT BONDS OF THE TOWNSHIP OF NUTLEY, IN THE COUNTY OF ESSEX, NEW JERSEY AND PROVIDING FOR THEIR SALE.

Introduced by Commissioner Evans, seconded by Commissioner Tucci. All ayes on a roll call vote.

No. 276-09

WHEREAS, the Township of Nutley has received approval from the Director of the Division of Local Government Services for the following dedication by riders:

Social Security Reimbursement and Operation Nutley Cares/Hurricane Katrina Relief Donations; and

WHEREAS, those dedication by riders are no longer needed and the corresponding reserves have been cancelled by resolution;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey, as follows:

1. The Dedication by Riders for Social Security Reimbursement and Operation Nutley Cares/Hurricane Katrina Relief Donations are hereby rescinded.
2. A copy of this resolution shall be forwarded to the Director of the Division of Local Government Services.

Introduced by Commissioner Evans, seconded by Commissioner Tucci. All ayes on a roll call vote.

No. 267-09

WHEREAS, The Township of Nutley heretofore entered into a contract with D & S Land Development, 13 Alida Place, Ramsey, N.J. for DeMuro Park Tennis and Basketball Courts Project; and

WHEREAS, The Superintendent of the Parks and Public Property Department and the Township Engineer has recommended the following change order from said contract as necessary:

CHANGE ORDER #1, Additional Fencing and additional swipe keys cards - \$9,536.00

The money is available from Account # 3063JA and has been certified by the Chief Financial Officer and said certification is attached to this resolution.

NOW THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that change order number 1, \$9,536.00 for the DeMuro Park Tennis and Basketball projects is hereby authorized and approved.

Introduced by Commissioner Tucci, seconded by Commissioner Evans. All ayes on a roll call vote.

No. 274-09

WHEREAS, sealed bids were received for the Msgr. Owens Park Multi Purpose Field Lighting System on October 8, 2009; and

WHEREAS, Lucas Electric Co. Inc., 415 Mercer St, Hightstown, N.J. 08520, was the low bidder at \$375,410.00; and

WHEREAS, funds are available from Open Space Account # 09-0525 in the amount of \$225,000, Capital Account # 3029F in the amount of \$93,600 and Capital Account #2992 in the amount of \$56,810.00, and have been certified by the Chief Financial Officer, said certification being attached to this resolution;

NOW THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that a contract be awarded to Lucas Electric Co., Inc., not to exceed \$375,410.00 and the Mayor and Township Clerk be and they are hereby authorized to enter into and sign said contract for the Township of Nutley.

Introduced by Commissioner Tucci, seconded by Commissioner Evans. All ayes on a roll call vote.

**MEETING OPEN TO THE PUBLIC:**

Mayor Cocchiola read the following statement into the record:

All persons addressing the Board of Commissioners regarding community concerns should approach the microphone and provide their name and address for the record. Unless further time is granted by the Board, each person shall limit their address to five (5) minutes. All remarks to the Board and its individual members must be addressed to the Mayor. The Mayor may defer citizen comments to the appropriate member of the Board. Dialogue between citizens and others addressing the Board shall be allowed unless the Mayor, or presiding officer, or the majority of the membership of the Board, shall determine that the interests of decorum and/or the expeditious conduct of municipal business are being adversely affected by such dialogue.

Jack Magnifico, 160 Park Avenue, addressed the Governing Body and asked for the status of the solar and energy program. Commissioner Tucci responded and stated that the Township of Nutley has a general understanding with the solar and energy construction company to begin the process of evaluating our current systems and installing real time monitoring systems, solar and thermal panels. The cost associated with this project is approximately \$47,000.00, originally this project was going to be done in conjunction with the Board of Education, but the Board of Education has not been able to fund part of this project, therefore the original proposal is in the process of being amended to reflect solar and energy systems for municipal buildings only.

At this point in the meeting Evelyn Rosario, Municipal Clerk read the following resolution into the record:

**No. 277-09**

WHEREAS, the Board of Commissioners of the Township of Nutley, in the County of Essex, and State of New Jersey desires to proceed to closed executive session; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Nutley that the Township Commission shall now move into closed executive session to discuss:

1. Personnel Matter
2. Acquisition of Real Property
3. Litigation Matter



BE IT FURTHER RESOLVED, that the time when such discussions may be disclosed to the public shall be when and as such disclosure may be made without adversely affecting the Township of Nutley pending and/or anticipated legal, personnel, contractual matters and other matters within the exceptions provided for by statute.

Motion by Commissioner Tucci, seconded by Commissioner Scarpelli. All ayes on a roll call vote.

The Board of Commissioners moved into "Executive Session".

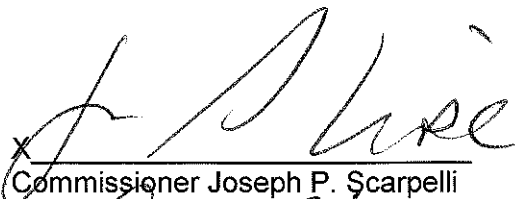
The Board of Commissioners exited "Executive Session" at 8:35P.M.

**ADJOURNMENT:**


Motion to adjourn by Commissioner Scarpelli, seconded by Commissioner Petracco. All ayes. Meeting adjourned at 8:38 P.M.

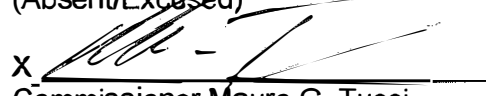
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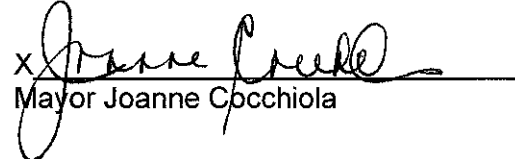
  
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Evelyn Rosario, RMC  
Municipal Clerk

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

X   
\_\_\_\_\_  
Commissioner Alphonse Petracco

X   
\_\_\_\_\_  
Commissioner Thomas J. Evans  
(Absent/Excused)

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

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