

Township of Nutley
Board of Commissioners
Meeting Minutes
Thursday, December 31, 2009
8:30 A.M

A workshop meeting of the Board of Commissioners of the Township of Nutley was held in the 3rd floor Commission Chambers Conference Room and called to order. Adequate notification was published in the official newspapers of the Township of Nutley.

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 3rd 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: (1)

Evelyn Rosario, Municipal Clerk, read the following communication:
Holy Family Church seeking permission to hold Sunday monthly raffles in 2010.
It was the consensus of the Governing Body to approve their request.

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	\$	0
Department of Revenue & Finance	\$	280,847.91
Department of Public Safety	\$	0
Department of Public Works	\$	0
Department of Parks & Public Property	\$	0
Payroll as of December 24, 2009	\$	771,835.38
Bill List Grand Total	\$	<u>1,052,683.29</u>

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

ORDINANCE INTRODUCTIONS: (1)

Commissioner Scarpelli/Ordinance No. 3128

"AN ORDINANCE TO AMEND CHAPTER 532 OF THE CODE OF THE TOWNSHIP OF NUTLEY, ENTITLED RENT CONTROL, SECTION 532-14: WHEN EFFECTIVE: TERMINATION OF PROVISIONS."

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

A public hearing will be held on Tuesday, February 2, 2010

ORDINANCE PUBLIC HEARINGS:

None.

RESOLUTIONS:

No. 352-09

**2010 Holiday Schedule
For the month of January 2010
Township of Nutley**

Friday	January 1, 2010	New Year's Day
Monday	January 18, 2010	Dr. Martin Luther King Jr. Day

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

No. 342-09

BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey that in accordance with the provision of R.S. 40A: 4-58, the following transfer(s) of appropriations in the 2009 Budget be and the same are hereby authorized and approved:

DEPARTMENT OF PUBLIC WORKS & WATER

<u>FROM:</u>	<u>TO:</u>
Other Ins. Premiums 9-05-708-200 \$1,000.00	Group Ins. For Employees 9-05-707-200 \$ 1,000.00
Water Op. S/W 9-05-701-100 15,000.00	Passaic Valley Water 9-05-705-200 15,000.00
Weed & Leaf Removal O/E 9-01-418-200 6,000.00	Weed & Leaf Removal S/W 9-01-418-100 4,000.00
Engineering O/E 9-01-404-200 18,000.00	Parking Lot & Meter Maint. O/E 9-01-426-200 14,000.00
Road Repair S/W 9-01-408-100 5,000.00	Street Lighting 9-01-414-200 5,000.00
Recycling S/W 9-01-424-100 13,000.00	Sewer System O/E 9-01-420-200 5,000.00
Dir. Of Public Works O/E 9-01-402-200 1,000.00	Snow Removal O/E 9-01-416-200 21,000.00
Traffic Maint. S/W 9-01-406-100 6,000.00	Parking Lot & Meter Maint O/E 9-01-426-200 4,000.00
Traffic Maint. O/E 9-01-406-200 2,000.00	
Snow Removal S/W 9-01-416-100 2,000.00	
Total \$ 69,000.00	Total \$69,000.00

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

No. 347-09

WHEREAS, the Township of Nutley has entered into a contract with Smith Sondy, 150 Anderson Avenue, Wallington, New Jersey 07057, for a project known as Resurfacing of Bloomfield Avenue Section 4 for an original contract amount of \$183,973.92; and

WHEREAS, Engineering Services has recommended the attached Change Order #1 in the amount of \$ 27,530.76 dated December 4, 2009 for additional work; and

WHEREAS, funds are available from Ordinance #3095 in the amount of \$27,530.76 and have been certified by the Chief Financial Officer, said certification attached to this resolution;

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners in the Township of Nutley, County of Essex, State of New Jersey, that the Change Order No. 1, as attached, is a change from the contract previously made by the Township of Nutley with Smith Sondy, for the project known as Resurfacing of Bloomfield Avenue Section 4 is hereby authorized and approved.

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

No. 349-09

WHEREAS, Louis Luzzi is employed by the Township of Nutley Department of Public Works; and

WHEREAS, Louis Luzzi has exhausted all of his available sick leave and other time due; and

WHEREAS, four (4) employees of the Department of Public Works are desirous of transferring a total of thirty-five (35) days of their accumulated sick leave to Mr. Lou Luzzi; and

WHEREAS, under the circumstances presented herein and in view of Mr. Lou Luzzi's medical situation, and his service to the Department of Public Works, the Board of Commissioners are desirous of accommodating this request;

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

The following employees are permitted to transfer days to Louis Luzzi:

Michael Luzzi, Dominic Ferry, Frank Ferry and Michele Pontoriero.

All of these employees have provided their consent to said transfers in writing to the Township Clerk.

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

No. 350-09

BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that the Township Clerk is hereby authorized to advertise for sealed bids for the Resurfacing of St. Mary's Place from Hancox to Centre Street, St. Mary's Place from Hancox to Belleville border and William Street from Franklin Avenue to Vincent Place. Sealed bids are to be received on behalf of the Board of Commissioners, in the Commission Chambers, Township Hall, 1 Kennedy Drive, Nutley, New Jersey on January 27, 2010 at 3:00 P.M. prevailing time, at which time they will be opened and read.

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

No. 345-09

BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey that in accordance with the provision of R.S. 40A: 4-58, the following transfer(s) of appropriations in the 2009 Budget be and the same are hereby authorized and approved:

DEPARTMENT OF PUBLIC SAFETY

<u>FROM:</u>		<u>TO:</u>	
Fire S/W		Fire O/E	
9-01-314-100	19,000.00	9-01-314-200	\$19,000.00
Total	\$19,000.00	Total	\$ 19,000.00

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

No. 340-09

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 \$6827.70 due to successful Judgments for the said years.

<u>BLOCK</u>	<u>LOT</u>	<u>ADDRESS</u>	<u>AMOUNT – YEAR</u>
6801	4	181 River Road	\$4476.64 – 2008 Tax Court

1901	16 County Bd.	16 Fernwood Terrace	\$238.302009
2002	5 County Bd.	5 Saint Pauls Place	\$532.04 – 2009
3502	17 County Bd.	174 Highfield Lane	\$455.15 – 2009
4301	21 County Bd.	15 Calico Lane	\$997.67 – 2009
9000	58 County Bd.	75 Franklin Avenue	\$127.90 – 2009

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

No. 341-09

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 \$23,592.83 for the said year.

<u>BLOCK LOT</u>		<u>ADDRESS</u>	<u>AMOUNT – YEAR</u>
502	25	150 Kingsland Street	\$2624.13 – 2009
900	1 Qual. C4049	448 Hartford Drive	\$2546.99 – 2009
900	1 Qual. C4063	462 Hartford Drive	\$2581.49 – 2009
900	1 Qual. C4071	400 Manchester Drive	\$2619.90 – 2009
3905	3	260 Washington Avenue	\$7866.53 – 2008
9000	43	110 Prospect Street	\$3615.53 – 2008
9300	5	186 Conover Avenue	\$1738.26 – 2006

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

No. 344-09

BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey that in accordance with the provision of R.S. 40A: 4-58, the following transfer(s) of appropriations in the 2009 Budget be and the same are hereby authorized and approved:

DEPARTMENT OF REVENUE & FINANCE

<u>FROM:</u>		<u>TO:</u>	
Annual Audit		Contingent	
9-01-222-200	\$ 5,000.00	9-01-232-200	\$ 5,000.00
Total	\$5,000.00	Total	\$5,000.00

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

No. 346-09

WHEREAS, all local government units must prepare and submit a Corrective Action Plan as part of the annual audit process in accordance with OMB A-133 and 98-01;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey, that the attached Corrective Action Plan for the audit year 2008 is hereby approved.

BE IT FURTHER RESOLVED, that a copy of this Corrective Action Plan is to be kept on file in the Township Clerk's Office and one certified copy is to be submitted to Director of the Division of Local Government Services.

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

No. 343-09

BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey that in accordance with the provision of R.S. 40A: 4-58, the following transfer(s) of appropriations in the 2009 Budget be and the same are hereby authorized and approved:

DEPARTMENT OF PARKS & PUBLIC PROPERTY

<u>FROM:</u>		<u>TO:</u>	
Other Ins Premiums		Pub. Bldgs. & Grounds S/W	
9-01-522-200	3,000.00	9-01-508-100	\$2,000.00
		Sr. Citz. Transport. S/W	
		9-01-517-100	1,000.00
Total	\$ 3,000.00	Total	\$ 3,000.00

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

No. 351-09

WHEREAS, raffle applications have been received from the following organizations; and

Business & Professional Woman's Club Tri Town Belleville, Bloomfield & Nutley	License No. 06-10 "On-Premise 50/50 Cash Raffle"	February 7, 2010
St. Mary's RC Church	License No. 07-10 "Off-Premise 50/50 Cash Raffle"	February 27, 2010
Rotary Club of Nutley	License No. 09-10 "On-Premise Merchandise Raffle"	January 29, 2010
Nutley Lions Club	License No. 10-10 "Off-Premise 50/50 Cash Raffle"	April 15, 2010

WHEREAS, the applications have been reviewed and approved by the Municipal Clerk and the Police Department.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey that the aforementioned licenses are approved and the Municipal Clerk is authorized to issue the licenses.

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

No. 348-09

WHEREAS the Zoning Board of Adjustment received \$2,000.00 escrow deposit from Mr. & Mrs. Raymond Peluso of Little Angels Nursery located at 176 Washington Avenue for engineering services, and

WHEREAS the applicant did not pursue the application; and

WHEREAS the Zoning Board of Adjustment has reviewed and determined the remaining escrow balance of \$2,000.00 to Mr. & Mrs. Raymond Peluso.

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, NJ, that the above amount to be refunded to Mr. & Mrs. Raymond Peluso.

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

No. 353-09

BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey that in accordance with the provision of R.S. 40A: 4-58, the following transfer(s) of appropriations in the 2009 Budget be and the same are hereby authorized and approved:

DEPARTMENT OF PUBLIC AFFAIRS

FROM: Garbage & Trash	TO: Civic Celebrate O/E
---------------------------------	-----------------------------------

9-01-138-200	\$ 20,000.00	9-01-018-200	\$20,000.00
Total	\$ 20,000.00	Total	\$20,000.00

Introduced by Mayor Cocchiola, seconded by Commissioner Scarpelli. All ayes on a roll call vote.

354-09

BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex,

State of New Jersey that Joanne Cocchiola and Kathy Rempusheski be appointed as representatives of the

Community Development Block Grant Committee expiring December 31, 2010.

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

No. 355-09

BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey that Joanne Cocchiola be reappointed to the Local Assistance Board effective January 1, 2010 and expiring December 31, 2010

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

No. 356-09

BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex,

New Jersey that Alan Genitempo be reappointed Assistant Municipal Township Attorney and Municipal Prosecutor for the Township of Nutley, effective January 1, 2010 and expiring December 31, 2010.

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

No. 357-09

BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey that Angelo Servidio be reappointed Public

Defender for the Township of Nutley, effective January 1, 2010 and expiring December 31, 2010.

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

No. 358-09

BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey that Kevin Harkins be reappointed Township Attorney for the Township of Nutley, effective January 1, 2010 and expiring December 31, 2010.

Introduced by Mayor Cocchiola, seconded by Commissioner Tucci. 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.

Rory W. Moore, 462 Chestnut Street, Asked why in paragraph three of resolution number 322-09 indicate "Pennoni Engineering, Inc., the Township Engineering Company" and not a different engineering company. Commissioner Tucci responded and stated Pennoni was retained for the previous study and he felt that it was prudent that the same engineering company conduct this updated study as well.

Robert Iacobucci, 41 Cathedral Avenue, Asked if resolution number 339-09 indicated a \$25,000.00 transaction to insure a roof. Commissioner Tucci responded and stated no, that the \$25,000.00 is part of a transfer of appropriations (2009 budget).

Mr. Iacobucci asked is the township researched and compared prices for the purchase of a bus, Commissioner Tucci responded and stated that the Bidding process was used in order to award the contract. The contract was awarded to the lowest bidder as indicated in resolution number 321-09

Mr. Iacobucci asked Commissioner Petracco how many paid firemen are in the Township of Nutley and asked how i it possible that many other municipalities can provide the same level of service with volunteer firefighters only. Commissioner Petracco responded and stated that the Township has thirty-seven (37) paid firefighters and that every municipality has different needs and that the Township of Nutley has a need for paid firefighters along with volunteer firefighters.


ADJOURNMENT:

Motion to adjourn by Commissioner Scarpelli, seconded by Commissioner Petracco . All ayes. Meeting adjourned at 8:27 p.m.

ATTEST:




Evelyn Rosario, RMC
Municipal Clerk

X 

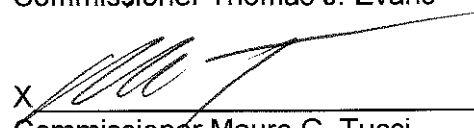
Commissioner Joseph P. Scarpelli

X 

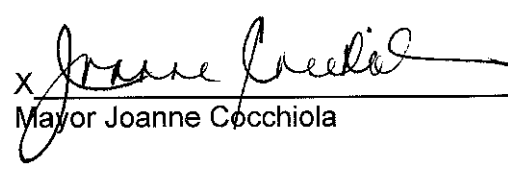
Commissioner Alphonse Petracco

X 

Commissioner Thomas J. Evans

X 

Commissioner Mauro G. Tucci

X 

Mayor Joanne Cocchiola