

**Township of Nutley**  
**Board of Commissioners**  
**Meeting Minutes**  
**Tuesday, June 16, 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	- Absent/Excused
Commissioner Tucci	- Absent/Excused
Mayor Cocchiola	- Present

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

The Board of Commissioners moved into the public portion of the meeting.

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:**

Sharon L. Bozza, Assistant 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	- Absent/Excused
Commissioner Tucci	- Absent/Excused
Mayor Cocchiola	- Present

**MINUTES: (12)**

Board of Commissioners Meetings held January 6, 2009, January 7, 2009 (continued meeting), January 20, 2009, February 3, 2009, February 17, 2009, March 3, 2009, March 17, 2009, March 31, 2009 (continued meeting), April 7, 2009, April 20, 2009, May 1, 2009 & May 5, 2009

Motion to approve the minutes made by Commissioner Scarpelli, seconded by Commissioner Petracco. All ayes. (Commissioners Evans & Tucci Absent/Excused)

**COMMUNICATIONS/CORRESPONDENCE: (2)**

Evelyn Rosario, Municipal Clerk, read the following correspondence was read into the record. It was the consensus of the Governing Body to approve all the requests as submitted.

Letter/Holy Family Church seeking permission to hold a Sunday raffle on September 27, 2009.

Application/Social Affair Permit Application/St. Mary’s Church/September 26, 2009

**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	\$	228, 695.93
Department of Revenue & Finance	\$	2,165,046.76
Department of Public Safety	\$	156,633.61
Department of Public Works	\$	386,311.93
Department of Parks & Public Property	\$	57,951.25
Total Payroll as of May 15, 2009	\$	836,315.12
Bill List Grand Total	\$	3,830,954.60

Motion to approve the bills by Commissioner Scarpelli, seconded by Commissioner Petracco. All ayes. (Commissioners Evans & Tucci Absent/Excused)

**ORDINANCE INTRODUCTIONS (2)**

**Commissioner Scarpelli FOR Evans/Ordinance No. 3110**

**“AN ORDINANCE TO AMEND AN ORDINANCE CODIFIED IN THE CODE OF THE TOWNSHIP OF NUTLEY, CHAPTER 228, ENTITLED VEHICLES AND TRAFFIC, PARTICULARLY ARTICLE V (THROUGH STREETS; STOP AND YIELD INTERSECTIONS), SECTION 20 ENTITLED “STOP INTERSECTIONS.” (Public Hearing July 7, 2009) (Park Drive/Evelyn Place)**

Commissioner Scarpelli made a motion that this ordinance be introduced and passed for first reading and be advertised accordingly. Motion was seconded by Commissioner

Petracco. All ayes. (Commissioners Evans & Tucci Absent/Excused) Commissioner Scarpelli read by title only.

A public hearing will be held on Tuesday, July 7, 2009.

**Commissioner Scarpelli FOR Evans/Ordinance No. 3111**

**“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 LOCATIONS SET FORTH THEREIN.” (Public Hearing July 7, 2009) (Washington Avenue)**

Commissioner Scarpelli made a motion that this ordinance be introduced and passed for first reading and be advertised accordingly. Motion was seconded by Commissioner Petracco. All ayes. (Commissioners Evans & Tucci Absent/Excused) Commissioner Scarpelli read by title only.

A public hearing will be held on Tuesday, July 7, 2009.

**PUBLIC HEARINGS: (2)**

**Advertised in the Nutley Sun issue of Thursday, May 28, 2009**

**Commissioner Scarpelli FOR Evans/Ordinance No. 3105**

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

Ordinance No. 3105 was introduced for second reading by Commissioner Scarpelli, seconded by Commissioner Petracco. Commissioner Scarpelli read by title only.

Motion to open the public hearing by Mayor Cocchiola seconded by Commissioner Scarpelli. All ayes. (Commissioners Evans & Tucci Absent/Excused)

**PUBLIC COMMENT:**

None.

Motion to close the public hearing by Commissioner Scarpelli, seconded by Commissioner Petracco. All ayes on a roll call vote. (Commissioners Evans & Tucci Absent/Excused)

Motion to adopt on second and final reading by Commissioner Scarpelli, seconded by Commissioner Petracco. All ayes on a roll call vote. (Commissioners Evans & Tucci Absent/Excused)

**Commissioner Scarpelli FOR Evans/Ordinance No. 3106**

**“ORDINANCE APPROPRIATING \$25,000.00 FROM THE RESERVE IN THE GENERAL CAPITAL FUND FOR LOCAL IMPROVEMENTS FOR CERTAIN LOCAL IMPROVEMENTS.”**

Ordinance No. 3106 was introduced for second reading by Commissioner Scarpelli, seconded by Commissioner Petracco. Commissioner Scarpelli read by title only.

Motion to open the public hearing by Mayor Cocchiola seconded by Commissioner Scarpelli. All ayes. (Commissioners Evans & Tucci Absent/Excused)

**PUBLIC COMMENT:**

None.

Motion to close the public hearing by Commissioner Scarpelli, seconded by Commissioner Petracco. All ayes on a roll call vote. (Commissioners Evans & Tucci Absent/Excused)

Motion to adopt on second and final reading by Commissioner Scarpelli, seconded by Commissioner Petracco. All ayes on a roll call vote. (Commissioners Evans & Tucci Absent/Excused)

**RESOLUTIONS (9):**

**No. 176-09**

WHEREAS, N.J.S.A. 40A:5-16.1 permits for the advance payment to officers and employees of the local unit for authorized official travel and expenses and requires that all expenses incurred be verified for reasonableness and documented by receipts for such expenses incurred;

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

1. Captain Thomas Strumolo is to receive an advance payment in the amount of \$2,000.00 for expenses to be incurred while attending the FBI Academy, Quantico, Va., from July 12, 2009 through September 18, 2009.
2. Captain Thomas Strumolo must submit a completed expense report in the format to be provided by the Treasurer's office.
3. The completed expense report must be signed by Captain Strumolo and approved by his superior officer and returned to the Treasurer's Office within 10 days after the completion of the travel for which the advance was made.
4. The expenses reported must be reasonable and actual and documented by original receipts for the expenses incurred.
5. Any advance in excess of those expenses actually incurred must be repaid to the township within 10 days after the completion of the travel for which the advance was made.
6. Should repayment of any excess not be made, it will be considered income to Captain Strumolo and treated in accordance with the appropriate statutes and

laws.

Introduced by Commissioner Petracco, seconded by Commissioner Scarpelli. All ayes.  
(Commissioners Evans & Tucci Absent/Excused)

**177-09**

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 \$28,410.91 for the said year.

<u>BLOCK</u>	<u>LOT</u>	<u>ADDRESS</u>	<u>AMOUNT – YEAR</u>
300	49	31 Cathedral Avenue	\$3979.11 –
2007			
704	19	10 Roosevelt Street	\$1941.35 – 2007
800	1 C3101	334 Winthrop Drive	\$2334.44 – 2007
900	1 C4071	400 Manchester Drive	\$2607.75 –
2007			
1000	1 C5061	560 Coventry Drive	\$2304.20 – 2007
1200	2 C4208	442H River Road	\$1466.44 – 2007
1200	2 C6206	462F River Road	\$1336.09 – 2007
1902	14	599 Passaic Avenue	\$2182.74 –
2007			
4903	5	239 Vreeland Avenue	\$3766.50 –
2007			
5004	8	174 Raymond Avenue	\$2014.49 -
2009			
5701	75	30 Valley Road	\$2413.38 – 2007
7803	2	69 Race Street	\$2064.42 -
2008			

Introduced by Commissioner Scarpelli, seconded by Commissioner Petracco. All ayes.  
(Commissioners Evans & Tucci Absent/Excused)

**178-09**

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

Holy Family Church	License No. 31-09 “Off-Premise Super 50/50 Cash Raffle”	September 27, 2009
Holy Family Church	License No. 32-09 “On-Premise Hourly 50/50 Cash Raffle”	September 24, 2009 TO September 27, 2009

Holy Family Church	License No. 33-09 "On-Premise Carnival Games"	September 24, 2009 To September 27, 2009

Introduced by Mayor Cocchiola, seconded by Commissioner Scarpelli. All ayes.  
(Commissioners Evans & Tucci Absent/Excused)

**179-09**

BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, in the County of Essex, State of New Jersey, that renewal Plenary Retail Consumption Licenses and Plenary Retail Distribution Licenses be granted to the following, said Licenses to be effective July 1, 2009 through June 30, 2010.

BE IT RESOLVED, that the State of New Jersey, Department of Treasury, Division of Taxation has provided Tax Clearance Certificates for each establishment listed below for this renewal period.

BE IT FURTHER RESOLVED, that these establishments have been inspected by the Board of Health, Fire Department and Code Enforcement Department of the Township of Nutley and are in satisfactory condition.

Jo-Ka Inc. T/A Washington Park Tavern	174 Washington Avenue	0716-33-019-006	\$1,432.80
RU POD Inc. T/A Ruthie's 3 <sup>rd</sup> Base	150 Bloomfield Avenue	0716-33-001-006	\$1,432.80
Papillion LLC T/A Papillion Restaurant	338 Passaic Avenue	0716-33-011-005	\$1,432.80
Nutley Pub LTD T/A Nutley Pub	227-229 Centre Street	0716-33-024-004	\$1,432.80
Ruchika Corporation T/A Nutley News & Liquors	98 Centre Street	0716-44-025-009	\$1,072.80

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey that the Municipal Clerk be and she is hereby directed and authorized to issue said licenses for the licensing period of July 1, 2009 through June 30, 2010.

Introduced by Mayor Cocchiola, seconded by Commissioner Scarpelli. All ayes.  
(Commissioners Evans & Tucci Absent/Excused)

**180-09**

BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, in the County of Essex, State of New Jersey, that renewal Plenary Retail Consumption Licenses Club Licenses listed below be granted conditionally upon receipt of the State of New Jersey Tax Clearance Certificate, said Licenses to be effective July 1, 2009 through June 30, 2010.

Nutley New Jersey Lodge 1290 BPO Elks	242 Chestnut Street	0716-31-033-001	\$180.00
Giant Vending Inc., T/A Franklin Steakhouse & Tavern	522-526 Franklin Avenue	0716-32-020-009	\$1,432.80
Diamond Spring Café LLC T/A Diamond Spring I	116 Harrison Street	0716-33-015-003	\$1,432.80
Park Place Pizza T/A Terrazza Restaurant	507 Franklin Avenue	0716-33-017-007	\$1,432.80
South Side Grill, LLC T/A Ritacco's Midtown Bar & Grill	223A Franklin Avenue	0716-33-027-009	\$1,432.80

**BE IT FURTHER RESOLVED**, that these establishments have been inspected by the Board of Health, Fire Department and Code Enforcement Department of the Township of Nutley and are in satisfactory condition.

**NOW, THEREFORE BE IT RESOLVED** by the Board of Commissioners of the Township of Nutley, that the Municipal Clerk be and she is hereby directed and authorized to issue said licenses for the licensing period of July 1, 2009 through June 30, 2010 upon receipt of the State of New Jersey Tax Clearance Certificate

Introduced by Mayor Cocchiola, seconded by Commissioner Scarpelli. All ayes.  
(Commissioners Evans & Tucci Absent/Excused)

**182-09**

WHEREAS, N.J.S.A. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount;

**SECTION 1:**

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in

the budget of the year 2009 in the sum of \$4,000.00, which item is now available as a revenue from the Click It Or Ticket Grant pursuant to the provisions of statute; and

**SECTION 2:**

BE IT FURTHER RESOLVED, that a like sum of \$4,000.00 be and same is hereby appropriated under the caption of:

General Appropriations	
(A) Operations-Excluded from 5% CAPS	
Click It Or Ticket Grant	
Police	
Salaries & Wages.....	\$4,000.00

BE IT FURTHER RESOLVED, that the Township Clerk forward two (2) certified copies of this resolution to the Director of Local Government Services

Introduced by Commissioner Petracco, seconded by Commissioner Scarpelli. All ayes.  
(Commissioners Evans & Tucci Absent/Excused)

**183-09**

WHEREAS, N.J.S.A. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount;

**SECTION 1:**

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2009 in the sum of \$25,000.00, which item is now available as a revenue from the 2008 Community Stewardship Incentive Program Grant pursuant to the provisions of statute;

**SECTION 2:**

BE IT FURTHER RESOLVED, that a like sum of \$15,000.00 be and same is hereby appropriated under the caption of:

General Appropriations				
(A) Operations-Excluded from 5% CAPS				
2008 Community Stewardship Incentive Program				
Grant.....		\$ 25,000.00		

**SECTION 3:**

BE IT FURTHER RESOLVED, that the above is the result of revenues available from the 2008 Community Stewardship Incentive Program Grant;



BE IT FURTHER RESOLVED, that the municipal matching share for the 2008 Community Stewardship Incentive Program Grant in the amount of \$8,333.00 is included in the 2009 adopted budget and is hereby appropriated for said purpose;

BE IT FURTHER RESOLVED, that the Township Clerk forward two (2) certified copies of this resolution to the Director of Local Government Services

Introduced by Commissioner Petracco, seconded by Commissioner Scarpelli. All ayes.  
(Commissioners Evans & Tucci Absent/Excused)

**184-09**

Resolution: Approval to submit a grant application and execute a grant agreement with the New Jersey Department of Transportation for the 2010 Municipal Aid Application for Alexander Avenue Road Improvements.

WHEREAS, the Township of Nutley continues to develop projects that will improve access and maintenance on public roads; and

WHEREAS, the Township of Nutley's Engineering Department has provided plans specifically designed to address and improve traffic flow/safety issues and maintenance on our roads; and

WHEREAS, the Township of Nutley has submitted plans to the State of New Jersey, Department of Transportation for Municipal Aid and will continue to do so in the future; and

WHEREAS, the Township of Nutley has identified Alexander Avenue in desperate need of repair;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Commissioners of the Township of Nutley, in the County of Essex, State of New Jersey formally approves the grant application for Alexander Avenue.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as *MA-2010 Nutley Township-00577* to the New Jersey Department of Transportation on behalf of the Township of Nutley.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Nutley and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Introduced by Commissioner Scarpelli, seconded by Commissioner Petracco. All ayes.  
(Commissioners Evans & Tucci Absent/Excused)

**185-09**

WHEREAS, the Township of Nutley HazMat unit currently uses a Smith's Detection HazMat ID System that was purchased in 2003 at the cost of \$47,740.00; and

WHEREAS, an upgrade to the Smith's Detection HazMatID Command System is available, as well as an ICHM Library Package, ExtractIR and ExtractIR-Consumables for use with the Command System; and

WHEREAS, it is in the best interest of the Township to upgrade equipment that is currently in use as opposed to bidding for an entirely new system at a much greater cost;

NOW, THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that the Township Clerk be and she is hereby authorized to advertise for sealed bids for an upgrade from the HazMat ID System to the HazMatID Command System, the ICHM Library Package, the ExtractIR, and ExtractIR-Consumables.

Bids to be received on TUESDAY, JUNE 30, 2009 in the Commission Chamber, Township Hall, Kennedy Drive at 3:00 PM prevailing time at which time they will be publicly opened and read.

Introduced by Commissioner Petracco, seconded by Commissioner Scarpelli. All ayes. (Commissioners Evans & Tucci Absent/Excused)

**MEETING OPEN TO THE PUBLIC:**

No public comment.

**ADJOURNMENT:**

Motion to adjourn by Commissioner Scarpelli, seconded by Commissioner Tucci. All ayes. Meeting adjourned at 7:40 p.m.