

**Township of Nutley**  
**Board of Commissioners**  
**Meeting Minutes**  
**Tuesday, June 9, 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 May 28, 2009 issues of the Nutley Sun and the Journal. 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 (during the workshop session)
Commissioner Tucci	- Present
Mayor Cocchiola	- Present

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

Mr. Paul Ricci, of Phillips Preiss Shapiro Associates, Inc., Planning & Real Estate Consultants, came before the Board of Commissioners and provided an overview of the Petition for Substantive Certification of the Housing Element and Fair Share Plan, that will be submitted to the Council on Affordable Housing (COAH) upon approval by the Governing Body. (Report available at the Office of the Municipal Clerk)

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:**

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 May 28, 2009 issues of the Nutley Sun and the Journal. 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 (during roll call/delayed)
Commissioner Tucci	- Present
Mayor Cocchiola	- Present

**MINUTES: (18)**

Board of Commissioners Meetings held June 2, June 17, July 1, and July 15, 2008.

Motion to approve made by Commissioner Scarpelli, seconded by Commissioner Petracco. All ayes. (Commissioner Evans Absent-delayed)

Motion to consolidate the rest of the minutes was made by Commissioner Tucci, seconded by Commissioner Scarpelli. All ayes. (Commissioner Evans Absent-delayed)

Board of Commissioners Meetings held July 16 (Continued Meeting), August 5, August 19, September 4, September 16, September 19 (Continued Meeting), September 30 (Special Meeting), October 21, November 3, November 18, December 2, December 8 (Continued Meeting), December 16, and December 31, 2008.

Motion to approve made by Commissioner Scarpelli, seconded by Commissioner Petracco. All ayes. (Commissioner Evans Absent-delayed)

Mayor Cocchiola asked that the minutes be forwarded to the website.

**COMMUNICATIONS/CORRESPONDENCE: (4)**

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

Application/Social Affair Permit/Nutley Hall of Fame/November 8, 2009  
 Application/Social Affair Permit/Nutley Elks Lodge # 1290/July 4, 2009  
 Application/Catering Permit/Jim Dandy's/June 18, 2009, Rain Date July 24, 2009  
 Letter/Holy Family Church/Permission/18<sup>th</sup> Annual Italian Festival

Motion to approve was made by Commissioner Scarpelli, seconded by Commissioner Petracco. All ayes. (Commissioner Evans Absent-delayed)

**REPORTS: (1)**

Mayor Cocchiola submitted the Department of Public Affairs report for the month of May, 2009.

**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	\$	190,026.11
Department of Revenue & Finance	\$	2,030,886.40
Department of Public Safety	\$	54,188.67
Department of Public Works	\$	59,047.47

Department of Parks & Public Property	\$	484,513.40
Payroll as of May 15, 2009	\$	737,042.42
Bill List Grand Total	\$	3,555,704.47

Motion to approve the bills by Commissioner Tucci, seconded by Commissioner Scarpelli. All ayes. (Commissioner Evans Absent-delayed)

**ORDINANCE INTRODUCTIONS(2)**

**Commissioner Petracco/Ordinance No. 3107**

**“AN ORDINANCE TO AMEND AN ORDINANCE CODIFIED IN THE CODE OF THE TOWNSHIP OF NUTLEY, CHAPTER 228, ENTITLED VEHICLES AND TRAFFIC, PARTICULARY ARTICLE IX (ANGLE AND PERMIT PARKING), SECTION 32 ENTITLED “PERMIT PARKING.”**

Commissioner Petracco 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. (Commissioner Evans Absent-delayed) Commissioner Petracco read by title only.

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

**Commissioner Petracco/Ordinance No. 3108**

**“AN ORDINANCE TO AMEND ARTICLE 96-3, SECTION C4 IN THE CODE OF THE TOWNSHIP OF NUTLEY, COUNTY OF ESSEX, STATE OF NEW JERSEY.” (LOSAP)**

Commissioner Petracco 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. (Commissioner Evans Absent-delayed) Commissioner Petracco read by title only.

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

**Mayor Cocchiola/FOR Commissioner Evans/Ordinance No. 3109**

**“AN ORDINANCE AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION PURSUANT TO N.J.S.A 40a:4-53 IN CONNECTION WITH THE COSTS ATTRIBUTABLE TO A STATUTORY REVIEW OF THE MASTER PLAN OF THE TOWNSHIP OF NUTLEY.”**

Mayor Cocchiola 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 Absent-delayed) Commissioner Petracco read by title only.

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

**PUBLIC HEARINGS: (3)**

**Advertised in the Nutley Sun Issue of Thursday, May 14, 2009**

**Re-Advertised in the Nutley Sun & the Journal Issues of Thursday, May 28, 2009**

**Commissioner Scarpelli/Ordinance No. 3103**

**“AN ORDINANCE TO AMEND ORDINANCE 2352 OF THE CODE OF THE TOWNSHIP OF NUTLEY, ENTITLED SOLID WASTE; RECYCLING, AND MORE SPECIFICALLY, CHAPTER 614, ARTICLE I, RECYCLING.”**

Ordinance No. 3103 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. (Commissioner Evans Absent-delayed).

**PUBLIC COMMENT:**

None.

Motion to close the public hearing by Commissioner Scarpelli, seconded by Commissioner Petracco. All ayes on a roll call vote. (Commissioner Evans Absent-delayed).

Motion to adopt on second and final reading by Commissioner Scarpelli, seconded by Commissioner Petracco. All ayes on a roll call vote. (Commissioner Evans Absent-delayed).

At this point in the meeting, Commissioner Evans entered and took his seat (8:10 P.M.)

**Commissioner Evans/Ordinance No. 3102**

**“AN ORDINANCE TO AMEND AN ORDINANCE CODIFIED IN THE CODE OF THE TOWNSHIP OF NUTLEY, CHAPTER 228, ENTITLED VEHICLES AND TRAFFIC, PARTICULARLY ARTICLE IV (ONE WAY STREETS), SECTION 18 ENTITLED “ONE WAY STREETS” TO ADD THE LOCATIONS SETFORTH THEREIN.**

Ordinance No. 3102 was introduced for second reading by Commissioner Evans, seconded by Commissioner Tucci. Commissioner Evans read by title only.

Motion to open the public hearing by Mayor Cocchiola seconded by Commissioner Evans. All ayes.

At this point in the meeting, Mr. John Barry, Traffic Coordinator for the Township of Nutley, gave a brief synopsis with respect to Ordinance No. 3102.

**PUBLIC COMMENT:**

Bob Siconolfi, 39 Evelyn Place: Mr. Siconolfi stated that the Evelyn Place Concerned Citizens Committee met to discuss the Ordinance before the Commissioners for adoption. They felt that they were always being asked to deal with traffic problems because of their proximity to Town Hall, limited parking for the High School, the Oval, and the Library as well as parking and traffic problems for park usage and all of the events and celebrations that take place in the area. Mr. Siconolfi stated that the Committee strongly objects to adopting Ordinance No. 3102. They would like to see the Town construct 3 or 4 speed bumps on Evelyn Place in order to resolve the dangerous speeding and also have a stop sign installed with painted crosswalks on the corner of Evelyn Place and Park Drive as well as a “no parking” area at that corner. In closing, Mr. Siconolfi noted that the Committee would like to see a police presence enforcement of the speed limits on Park Drive.

Mayor Cocchiola thanked Mr. Siconolfi for the manner in which the Committee handled the issue. The Mayor recommended that there be a follow-up meeting with the Committee and the Commissioners Scarpelli, Petracco, and Evans.

Motion to close the public hearing by Mayor Cocchiola, seconded by Commissioner Tucci. All ayes on a roll call vote.

Motion to table the vote until recommendations from the public are incorporated and necessary amendments are made to the Ordinance, by Commissioner Evans, seconded by Commissioner Tucci. All ayes on a roll call vote.

**Commissioner Tucci/Ordinance No. 3104**

**“AN ORDINANCE PERMITTING CERTAIN ELIGIBLE EMPLOYEES TO WAIVE COVERAGE IN THE STATE HEALTH BENEFITS PLAN UNDER N.J.S.A. 52:14-17.31(a) WHICH PROVIDES FOR AN INCENTIVE IN LIEU OF COVERAGE.”**

Ordinance No. 3104 was introduced for second reading by Commissioner Tucci, seconded by Commissioner Evans. Commissioner Tucci read by title only. Motion to open the public hearing by Mayor Cocchiola seconded by Commissioner Tucci. All ayes.

**PUBLIC COMMENT:**

None.

Motion to close the public hearing by Commissioner Tucci, seconded by Commissioner Evans. All ayes on a roll call vote.

Motion to adopt on second and final reading by Commissioner Tucci, seconded by Commissioner Evans. All ayes on a roll call vote. Mayor Cocchiola Abstained

**RESOLUTIONS (15):**

**No. 160-09**

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 Passaic 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 Passaic 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 Passaic 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-00056 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.

**No. 161-09**

WHEREAS, Bids for Construction of Bloomfield Avenue Section 4 for paving of street and sidewalk and curb replacement were received and opened on May 27, 2009; and

WHEREAS, Smith-Sondy Asphalt, 150 Anderson Avenue, Wallington, NJ 07050, was the low bidder with a total price of \$183,973.92; and

WHEREAS, the funds are available from Bond Ordinance #3095 from monies received via a grant from New Jersey Department of Transportation 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 Smith-Sondy Asphalt, not to exceed \$183,973.92 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 ayes.  
Mayor Cocchiola Abstained

**No. 162-09**

WHEREAS, the Township of Nutley has entered into a contract with Cifelli & Son General Construction, Inc., 4 Coppola Street, Nutley, New Jersey 07110, for a project known as 2008 Various Street, Sidewalk & Curb Improvements for an original contract amount of \$387,086.35; and

WHEREAS, Engineering Services has recommended the attached Change Order #2 in the amount of \$ 5,000.00, dated May 13, 2009 for additional work; and

WHEREAS, funds are available from Ordinance #3027, in the amount of \$5,000.00 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. 2, as attached, is a change from the contract previously made by the Township of Nutley with Cifelli & Son General Construction Inc., for the project known as 2008 Various Street, Sidewalk & Curb Improvements is hereby authorized and approved.

Introduced by Commissioner Scarpelli, seconded by Commissioner Petracco. All ayes.

**No. 163-09**

WHEREAS, sealed bids for furnishing and delivering POLICE UNIFORMS AND EQUIPMENT, were publicly opened and read on April 29, 2009; and

WHEREAS, Turnout Uniforms was the lowest responsible bidder; and

WHEREAS, the funds are available in an appropriation entitled 9-01-310-200 "Police Clothing Maintenance & Allowance" in the amount of \$45,000.00 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, New Jersey, that a contract for furnishing and delivering POLICE UNIFORMS AND EQUIPMENT, consistent with the 2009 clothing voucher allocation be and is hereby awarded to Turnout Uniforms, 490 Riverview Drive, Totowa, NJ 07512.

Introduced by Commissioner Petracco, seconded by Commissioner Scarpelli. All ayes.  
Commissioner Tucci Abstained

**No. 164-09**

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 overpayments of the property taxes in the amount of \$3,008.60 from the year 2009 for the following accounts.

<b><i>Block &amp; Lot</i></b>	<b><i>Address</i></b>	<b><i>Amount</i></b>
<b>5602 22</b>	<b>18 Knox Pl.</b>	<b>\$3,008.60</b>

Introduced by Commissioner Evans, seconded by Commissioner Tucci. All ayes.

**No. 165-09**

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 \$38,465.38 due to successful Tax Court Judgments for the said years:

<b><u>BLOCK</u></b>	<b><u>LOT</u></b>	<b><u>ADDRESS</u></b>	<b><u>AMOUNT – YEAR</u></b>
3905	3	260 Washington Avenue	\$ 8,351.70 – 2006 \$ 9,755.50 – 2007 \$ 10,220.90 – 2008
7604	16	C0201 181 Franklin Avenue	\$ 930.86 – 2007
7604	16	C0203 181 Franklin Avenue	\$ 536.28 – 2007

7604	16	C0204	181 Franklin Avenue	\$ 2,631.17 – 2008
7604	16	C0205	181 Franklin Avenue	\$ 1,835.56 – 2007
				\$ 1,923.13 – 2008
7604	16	C0304	181 Franklin Avenue	\$ 2,280.28 – 2007

Introduced by Commissioner Evans, seconded by Commissioner Tucci. All ayes.

**No. 166-09**

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

WHEREAS, the accounts have been satisfied for said years however, and over-payments 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 over-payments for the eliminated Block and Lots be cancelled for said years.

<b><i>BLOCK &amp; LOT</i></b>		<b><i>Amount</i></b>	<b><i>Year</i></b>
<b>231</b>	<b>5.01</b>	<b>\$57.06</b>	<b>2006</b>
<b>335</b>	<b>72</b>	<b>\$18.76</b>	<b>2005</b>
<b>354</b>	<b>30</b>	<b>\$38.42</b>	<b>2006</b>
<b>370</b>	<b>18</b>	<b>\$12.76</b>	<b>2006</b>

Introduced by Commissioner Evans, seconded by Commissioner Tucci. All ayes.

**No. 167-09**

WHEREAS, the Code of the Township of Nutley, Sections 240-4 (Failure to Comply) and 240-5 (Brush, Grass and Weeds) allows the Township of Nutley to cut grass, weeds, brush, hedges, and other impediments if homeowners do not comply with Section 520-1 (Property Maintenance) of the Code, as well as recover the costs of such involved; and

WHEREAS, a contractor who is not an employee of the Township of Nutley must be hired on an as needed basis for this work.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Nutley in the County of Essex, New Jersey, that pursuant to a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et. seq., the Township Clerk be and she is hereby authorized to advertise for SEALED PROPOSALS for Grass Trimming, Shrubbery Trimming and Debris Clean-up on non-complying property owners.

PROPOSALS to be received on Tuesday, June 30, 2009 at 3:00 p.m., prevailing time, at which time they will be publicly opened and read.

SPECIFICATIONS are available in the Office of the Purchasing Agent.

Introduced by Commissioner Evans, seconded by Commissioner Tucci. All ayes.



**No. 168-09**

WHEREAS, the Essex County Board of Taxation is unable to certify tax rates for the year 2009 by June 14, 2009 per N.J.S.A. 54:4-66.2; and

WHEREAS, the Tax Collector will not be able to complete the mailing of the 2009 tax bills before July 6, 2009, per Chapter 72, Public Laws of 1994 without a certified rate;

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. The Tax Collector of the Township of Nutley is hereby authorized and directed to prepare and issue estimated tax bills for the Township of Nutley for the third installment of 2009 taxes. The Tax Collector shall proceed and take such action as is permitted and required by Chapter 72, Public Laws of 1994, and N.J.S.A. 54:4-66.2 and 54:4-66.3.
2. The total estimated tax levy for 2009 is hereby set at \$99,758,554.31. The total estimated tax rate for 2009 is hereby set at \$2.41.

Introduced by Commissioner Evans, seconded by Commissioner Tucci. All ayes.

**No. 169-09**

WHEREAS, the Board of Commissioners of the Township of Nutley strives to save tax dollars, assure clean air and water, improve working and living environments to build a community that is sustainable economically, environmentally and socially; a community which would thrive well into the new century; and

WHEREAS, the Board of Commissioners wishes to build a model of government which benefits our residents now and far into the future with green community initiatives which are easy to replicate and affordable to implement; and

WHEREAS, in an attempt to focus attention on "Green" issues, the Board of Commissioners hereby establish a Green Team Advisory Committee (GTAC); and

WHEREAS, the Green Team Advisory Committee will coordinate and plan the Township's first Eco-Fest, and provide support to the governing body in encouraging participation of the community to embrace a greener lifestyle by coordinating events and initiatives to further that goal.

NOW, THEREFORE, BE IT RESOLVED that the Green Team Advisory Committee will consist of the following individuals:

Mayor Joanne Cocchiola, Commissioner Tom Evans, Commissioner Alphonse Petracco, Commissioner Joe Scarpelli, Commissioner Mauro Tucci (or their designees), Paul Scudato, Chairperson/Board of Adjustments (or his designee), Phil McGovern, Chairperson/Planning Board (or his designee), Phyllis Coldebella, Purchasing Agent, Tom Pandolfi, Superintendent/Parks and Public Property, Harry Kirk, General Supervisor/Parks and Public Property, Vince LoCurcio, President-Nutley Chamber of Commerce, Reverend David LeDuc, President/Nutley Clergy Association, Bonnie Berish, Meredith Blank, Patty Davis, Michelle Hinz, Patty Howard, Melanie Kennedy,

Michael Marra, Loren McCreesh, Dana Melillo, Jordyn Perdon, Eleni Pettas, Kathy Rempusheski, Kathy Ritacco, Bob Rodriguez, Dave Rubin, Michael Ryder, Sal Scarpelli, Tom Shaw, Tara Spinelli, Karen Wallace, and any other members designated by the governing body as participants.

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

**No. 170-09**

WHEREAS, the Township of Nutley and Northwest Essex Community Healthcare Network, Inc., 570 Belleville Avenue, Belleville, New Jersey, desire to enter into an agreement wherein the Community Mental Health Services will provide mental health services to Nutley residents; and

WHEREAS, it is in the best interest of the Township of Nutley to enter into this agreement for a fee of \$10,000 for 2009.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey, that the Director of Public Affairs and Township Clerk are hereby authorized to execute an agreement with Northwest Essex Community Healthcare Network, Inc.

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

**No. 171-09**

WHEREAS, the Nutley Planning Board received a \$5,000.00 escrow deposit from GERARD TUCCI for property at 347-351 Passaic Avenue for engineering services; and

WHEREAS, PENNONI ASSOC. INC. (Township Engineer) has reviewed the plans submitted for compliance with the New Jersey Map Filing Law (Chapter 258); and

WHEREAS, the Nutley Planning Board has reviewed and determined the remaining escrow balance of \$1,150.00 be refunded to GERARD TUCCI.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey, that the above amount be refunded to GERARD TUCCI.

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

Commissioner Tucci Abstained

**No. 172-09**

WHEREAS, the Nutley Planning Board received a \$1,500.00 escrow deposit from Dimpesh D. Darjee for property at 51 Msgr. Owens Place for engineering services; and

WHEREAS, PENNONI ASSOCIATES, INC. (Township Engineer) has reviewed the final mylar and plans submitted for compliance with the New Jersey Map Filing Law (Chapter 258); and

WHEREAS, the Nutley Planning Board has reviewed and determined the remaining escrow balance of \$135.00 be refunded to Dimpesh D. Darjee.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey, that the above amount be refunded to Dimpesh D. Darjee.

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

**No. 173-09**

WHEREAS, the Township of Nutley has a need to acquire the services of a Municipal Planning Service for REEXAMINATION of the MASTER PLAN and to develop and provide an updated FAIR SHARE PLAN to meet the Third Round Council on Affordable Housing requirements for the Township of Nutley as a Fair and Open Contract pursuant to the provisions of N.J.S.A. 19:44 A-20.4 or 20.5, as appropriate; and

WHEREAS, proposals were received, reviewed and considered by the Planning Board; and

WHEREAS, Phillips Preiss Shapiro Associates, Inc., 434 Sixth Avenue, New York, New York 10011 submitted the most favorable proposal based upon the established criteria; and

WHEREAS, the contract is in an amount not to exceed \$85,000.00 and funds are available in current account number C-01-905-902 & C-01-905-903 as evidenced by the Chief Financial Officer's Certification attached hereto; and

WHEREAS, the term of the contract expires February, 2010; and

WHEREAS, the contract is being awarded through a fair and open process, pursuant to NJSA 19:44A-20.4 et seq.

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

The Mayor and Clerk are hereby authorized and directed to execute an agreement with Phillips Preiss Shapiro Associates, Inc., in accordance with the proposal submitted.

A copy of this Resolution, as well as the contract, shall be placed on file with the Clerk.

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

**No. 174-09**

BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, in the County of Essex, State of New Jersey, that renewal of Plenary Retail Consumption Licenses, Plenary Retail Distribution Licenses and Club License 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.

American Legion Nutley Post # 70	45 Franklin Avenue	0716-31-030-001	\$180.00
Nutley Post 30 American Vets of World War II T/A Nutley Amvets Post 30	184 Park Avenue	0716-31-031-001	\$180.00
Columbian Club of Nutley T/A St. Mary's Knights of Columbus	150 Chestnut Street	0716-31-032-001	\$180.00
Stuart E. Edgar Post No. 493 Veteran of Foreign Affairs T/A VFW Holding Co. of Nutley	271 Washington Avenue	0716-31-035-001	\$180.00
Castelli Inc. T/A Nutley Diner	372 Centre Street	0716-33-006-002	\$1,432.80
Jom Dandy's of Nutley LLC T/A Jim Dandy's	561-563 Franklin Avenue	0716-32-008-009	\$1,432.80
East Green Jade Corp T/A East Green Jade	225 Franklin Avenue	0716-33-016-009	\$1,432.80
KJM Inc. T/A American Bistro	24-26 Washington Avenue	0716-33-018-006	\$1,432.80
TNG INC. T/A Park Pub	789 Bloomfield Avenue	0716-33-023-003	\$1,432.80
Kishan Restaurant Inc.	238 Franklin Avenue	0716-33-028-004	\$1,432.80
Prahar Corp., T/A Heller & Heller Liquors	200 Franklin Avenue	0716-44-013-007	\$1,072.80
Franklin Wine Shop	558 Franklin Avenue	0716-44-021-006	\$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 Petracco. All ayes.

**MEETING OPEN TO THE PUBLIC:**

Jack Magnifico, 187 Washington Avenue: Mr. Magnifico wanted to know if the County still offers help from the correctional facility for odds-and-ends jobs at no cost, as opposed to paying people to do the jobs. Mr. Magnifico also had a question about PSE&G with respect to payment of the electric bill for the poles on Town property that he installed into the meters. Lastly, Mr. Magnifico, as Commander of the AMVETS, stated that they are in need of approximately \$30,000 to finish the graveled parking lot on the property.

Rory Moore, 462 Chestnut Street: Mr. Moore asked why overtime was paid on the 15<sup>th</sup> to three employees. He also wanted to know why 8 different payments to W.D. Mason were

not put under one account. Mr. Moore also had questions about Medicare Part B payments for retirees.

Commissioner Tucci thanked everyone, over 700 participants, who donated their time to "Relay for Life" and helped to raise \$89,900 in conjunction with the American Cancer Society.

At this point in the meeting Evelyn Rosario, Municipal Clerk, read the following "Executive Session" resolution into the record.

**No.175-09**

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. Pending Litigation
2. Personnel 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.

Introduced by Commissioner Evans, seconded by Commissioner Petracco. All ayes.

The Board of Commissioners moved into "Executive Session". The Board of Commissioners exited "Executive Session" at 10:12 p.m.

**ADJOURNMENT:**

Motion to adjourn by Commissioner Scarpelli, seconded by Commissioner Tucci. All ayes. Meeting adjourned at 10:15 p.m.

ATTEST:

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Evelyn Rosario, RMC  
Municipal Clerk

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Commissioner Joseph P. Scarpelli

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Commissioner Alphonse Petracco

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Commissioner Thomas J. Evans

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Commissioner Mauro G. Tucci

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Mayor Joanne Cocchiola

Prepared by:

*Linda Posternock*

Linda Posternock