

**Township of Nutley
Board of Commissioners
Meeting Minutes
Tuesday, February 2, 2010
7:00 P.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 December 10, 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.

At this point in the meeting the following executive session resolution was read into the records and the Board entered into executive session

Executive Session Resolution No. 43-10

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

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

At 8:00 P.M. the Board of Commissioners exited executive session and went into open public session

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 December 10, 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

At this point in the meeting the following resolution was adopted.

Resolution No. 40-10

WHEREAS, On Saturday, March 6, 2010, the Irish American Association will hold its 32nd Annual St. Patrick's Day Parade; and

WHEREAS, The St. Patrick's Day Parade has become an exciting event in the Township of Nutley, which is looked forward to and enjoyed by both spectators and participants alike; and

WHEREAS, The Nutley Irish American Association will celebrate its Annual St. Patrick's Day Parade, Grand Marshal Dinner, on Saturday, February 6, 2010 at The Landmark in East Rutherford, N.J.; and

WHEREAS, This year's Grand Marshal is Jack Kane; and

WHEREAS, Mr. Kane is joined by Deputy Grand Marshal, Dave Hutchison, and NIAA Member of the Year, Joe Castles, along with Parade Queen, Danielle Irwin as this year's dignitaries; and

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Nutley, County of Essex, join with the citizens of Nutley to salute and congratulate Grand Marshal, Jack Kane, Deputy Grand Marshal, Dave Hutchison, NIAA Member of the Year, Joe Castles and Parade Queen, Danielle Irwin as they are honored here tonight.

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

Mr. Thomas J. McEnery, President of the Nutley Irish American Association came forward and thanked the Board of Commissioners for their continued support to the Nutley Irish American Association Annual Parade.

MINUTES:

None.

COMMUNICATIONS/CORRESPONDENCE: (2)

Evelyn Rosario, Municipal Clerk, read the following communications:

Enterprise Rent – A – Car requesting permission to hold a one day special car sale at the Proponent Federal Credit Union on May 1, 2010.

It was the consensus of the Governing Body to approve their request.

The Nutley Chamber of Commerce requesting permission to hold their Annual 5K & fun run on Sunday, May 2, 2010.

It was the consensus of the Governing Body to approve their request. Commissioner Scarpelli asked the Municipal Clerk if the event application has been completed, the Municipal Clerk responded and stated that the event application has not been finalized and that she is currently working on the completion of the application with Salvatore Ferraro, the application should be completed by the end of the week.

REPORT(1)

Mayor Cocchiola submitted the Department of Public Affairs January 2010 report.

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	\$	15,078.91
Department of Revenue & Finance	\$	6,462,670.50
Department of Public Safety	\$	83,291.03
Department of Public Works	\$	81,800.17
Department of Parks & Public Property	\$	576,685.69
Payroll as of February 5, 2010	\$	723,090.24
Bill List Grand Total	\$	<u>7,942,616.54</u>

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

ORDINANCE INTRODUCTIONS:

None.

ORDINANCE PUBLIC HEARINGS (3)

Commissioner Evans/Bond Ordinance No. 3131

“BOND ORDINANCE PROVIDING FOR THE REDEVELOPMENT OF MONSIGNOR OWENS PARK IN THE TOWNSHIP OF NUTLEY, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING THE AMOUNT OF \$995,000 THEREFOR, INCLUDING \$750,000 TO BE RECEIVED AS A GRANT AND LOAN FROM THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION GREEN ACRES PROGRAM, \$225,000 TO BE RECEIVED AS ESSEX COUNTY OPEN SPACE FUNDING, AND AUTHORIZING THE ISSUANCE OF \$19,000 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING PART OF THE COST THEREOF.”

Ordinance No. 3131 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 Commissioner Evans seconded by Commissioner Petracco. All ayes.

Public Comments:

Rory W. Moore, 462 Chestnut Street, Asked how much was the loan for and the rate of interest. Commissioner Evans responded and stated that he believes the amount is \$500,000.00 at a 2% rate of interest.

Motion to close the public hearing by Commissioner Evans, seconded by Commissioner Tucci All Ayes.

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

Mayor Cocchiola/Ordinance No. 3126

“AN ORDINANCE TO AMEND CHAPTER 320 OF THE CODE OF THE TOWNSHIP OF NUTLEY, SECTION 320-3 ENTITLED IMMUNIZATION FEES.”

Ordinance No. 3126 was introduced for second reading by Mayor Cocchiola , seconded by Commissioner Tucci. Mayor Cocchiola read by title only.

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

No public comments.

Motion to close the public hearing by Mayor Cocchiola, seconded by Commissioner Tucci All Ayes.

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

Mayor Cocchiola/Ordinance No. 3130

“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.”

Ordinance No. 3130 was introduced for second reading by Mayor Cocchiola , seconded by Commissioner Tucci. Mayor Cocchiola read by title only.

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

No public comments

Motion to close the public hearing by Mayor Cocchiola, seconded by Commissioner Tucci All Ayes.

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

RESOLUTIONS:

No. 33-10

WHEREAS, the Township of Nutley through the Department of Public Works has a need to acquire the services of an engineering consultant as a non-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, the engineering coordinator has determined and certified in writing that the value of the aggregate services provided by the vendor for the term of this contract will exceed \$17,500; and

WHEREAS, the anticipated term of this contract is for twelve (12) months, from January 1, 2010 through December 31, 2010; and

WHEREAS, Pennoni Associates, Inc., 210 Malapardis Road, Suite 104, Cedar Knolls, NJ 07927 has submitted a proposal dated January 15, 2010 indicating they will provide engineering services according to a fee schedule attached; and

WHEREAS, Pennoni Associates, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that said corporation has not made any reportable contributions to a political or candidate committee in the Township of Nutley in the previous one year, and that the contract will prohibit Pennoni Associates from making any reportable contributions through the term of the contract; and

WHEREAS, the contract is not to exceed \$165,000.00 for general engineering services and whereas funds are available from the current fund, subject to adoption of 2010 Municipal Budget and have been certified by the chief financial officer, said certification being attached to this resolution,

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Nutley enter into a contract with Pennoni Associates, Inc. as described herein; and

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

BE IT FURTHER RESOLVED that a notice of this action shall be printed once in the Nutley Sun in accordance with the Local Public Contracts Law.

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

No. 34-10

BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, the Township Clerk is hereby authorized to advertise for sealed bids for the 2009 Reconstruction of Various Streets, Sidewalks and Curbs, Nutley, New Jersey 07110, to be received on behalf of the Board of Commissioners, in the Commission Chambers, Township Hall, 1 Kennedy Drive, Nutley, NJ, on Thursday, March 4, 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 ayes on a roll call vote.

No. 35-10

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: 4-59, the following transfer(s) of 2009 Appropriation Reserves be and the same are hereby authorized and approved:

DEPARTMENT OF PUBLIC WORKS & WATER

FROM:

TO:

Engineering Serv. O/E 9-01-404-200	\$ 500.00	Street Lighting 9-01-414-299	\$ 500.00
TOTAL	\$ 500.00	TOTAL	\$ 500.00

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

No. 36-10

WHEREAS, Margaret O'Brockta is employed by the Department of Public Safety; and

WHEREAS, Margaret O'Brockta has exhausted all of her available sick leave and other time due; and

WHEREAS, twenty-one (21) employees of the Department of Public Safety are desirous of transferring a total of thirty-two (32) days of their accumulated sick leave to Margaret O'Brockta; and

WHEREAS, under the circumstances presented herein and in view of Ms. O'Brockta's medical situation, and her service to the Department of Public Safety, 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 Margaret O'Brockta – Kathy Knouf, Tiffany Patterson, Sharon Quinn, Ann Rizos, Kathy Mirucki, Patricia Conroy, Dana Melillo, Dominick Santangelo, Darlene Walsh, Ted Schenke, Peter Graziano, Dominic Rhein, Mark Strober, Greg Damurjian, Mike Kraft, Ted Durand, Ted Reilly, Richard Carroll, Peter LoCurto, Isiah Cardinale and Mark DeLitta.

These employees have provided their consent to said transfers in writing to the Township Clerk.

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

No. 37-10

WHEREAS, COAH fees were inadvertently collected for the following locations:

Block	Lot	Address
5702	16	364 Bloomfield Avenue
8900	19	102 Bloomfield Avenue
4000	20	156 Grant Avenue

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Nutley in the County of Essex, that the following amounts be refunded from the COAH Trust Fund Account as follows:

- Don Delli Paoli \$ 4,875.00
157 Highfield Lane
Nutley, New Jersey 07110
(For 364 Bloomfield Avenue)
- Sullivan Group \$ 5,900.00
14 Madison Street
Newark, New Jersey 07105
(For 102 Bloomfield Avenue)
- Randy & Elizabeth Wilson \$7,220.00
156 Grant Avenue
Nutley, New Jersey 07110

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

No. 38-10

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 \$4,667.00 due to successful Tax Court Judgments for the said years.

<u>BLOCK</u>	<u>LOT</u>	<u>ADDRESS</u>	<u>AMOUNT – YEAR</u>
4602	22	353 Franklin Avenue	\$2,284.00 – 2008 \$2,383.00 – 2009

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

No. 42-10

*Friday, January 1, 2010 New Year's Day & Monday, January 18, 2010 Dr. Martin Luther King Jr. Day Holidays adopted by the Board of Commissioners on December 31, 2009 via resolution number 352-09

2010 Holiday Schedule
Township of Nutley

Friday	February 12, 2010	Lincoln's Birthday (Observed)
Monday	February 15, 2010	President's Day
Friday	April 2, 2010	Good Friday
Monday	May 31, 2010	Memorial Day

Monday	July 5, 2010	Independence Day
Monday	September 6, 2010	Labor Day
Monday	October 11, 2010	Columbus Day
Tuesday	November 2, 2010	Election Day
Thursday	November 11, 2010	Veteran's Day
Thursday	November 25, 2010	Thanksgiving Day
Friday	November 26, 2010	Day After Thanksgiving
Thursday	December 23, 2010 ½ day	(For) Christmas Eve
Friday	December 24, 2010	Christmas Day
Thursday	December 30, 2010 ½ day	(For) New Year's Eve

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

No. 1-10

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

Nutley Music Booster Assn	License No. 21-10 "On-Premise 50/50 Cash Raffle"	March 27, 2010
Nutley Music Booster Assn	License No. 22-10 "On-Premise Merchandise Raffle"	March 27, 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 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 Moore, 462 Chestnut Street, asked Commissioner Scarpelli several questions concerning resolution number 33-10, he asked how much the Township paid Pennoni Associates last year, Commissioner Scarpelli responded and stated that they were paid approximately \$ 97,000.00. Mr. Moore asked if the item on page two of the Pennoni proposal is the amount that will be paid to Pennoni, Commissioner Scarpelli responded and stated that the \$60,000.00 is an estimated budget for engineering tasks and functions as outlined on page 2 of the proposal. Commissioner Scarpelli continued and stated that Pennoni would be paid on a percentage basis for capital improvement projects as outlined on page 3. Mr. Moore asked Commissioner Scarpelli if has any relatives working for Pennoni Associates, Commissioner Scarpelli responded and said no.

Mr. Moore addressed Commissioner Evans and asked if he could provide details of an item on the bill list for \$7,866.53 payable to Christ Gospel Church. Commissioner Evans responded and stated he would review and provide him with information as soon as he obtains it.

Meeting continued to Tuesday, February 9, 2010 at 5:00 P.M.

A continued meeting was held on Tuesday, February 9, 2010 at 5:00 P.M.

ROLL CALL:

Commissioner Scarpelli	- Present via telephone conference
Commissioner Petracco	- Present via telephone conference
Commissioner Evans	- Present
Commissioner Tucci	- Present via telephone conference
Mayor Cocchiola	- Present

The following resolution was introduced and adopted

Resolution No. 44-10

WHEREAS, the Township has received and reviewed Requests for Proposals for Grants Consulting Services to the Township of Nutley; and

WHEREAS, the Township has considered all proposals on the most advantageous price and other factors considered, including technical, management and cost criteria; and

WHEREAS, Millennium Strategies LLC has submitted a proposal indicating they will provide the services for \$3,333.00 per month, for a period of six months to be followed by a period of evaluation and review at which time the contract may be extended for a period that will end December 31, 2010; and

WHEREAS, funds are available from current account, subject to the adoption of the 2010 Municipal Budget 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, as follows:

1. A contract shall be entered into between the Township of Nutley and Millennium Strategies LLC, 60 Roseland Avenue, Caldwell, New Jersey 07006 for Grants Consulting Services.

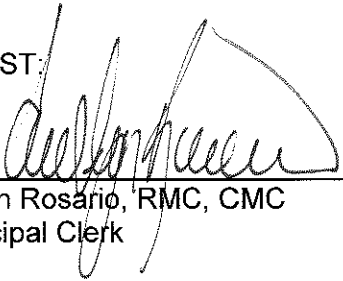
2. A copy of this Resolution as well as the Contract shall be placed on file with the Township Clerk.

Introduced by Commissioner Evans, seconded by Commissioner Tucci (via telephone conference). All ayes on a roll call vote. Commissioners Scarpelli, Petracco & Tucci via telephone conference.

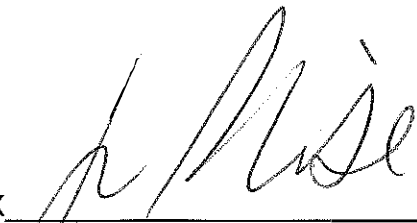
ADJOURNMENT:

Motion to adjourn by Commissioner Evans, seconded by Commissioner Tucci (via telephone conference) All ayes on a roll call vote. Commissioners Scarpelli, Petracco & Tucci via telephone conference. Meeting adjourned at 5:15 P.M.

ATTEST:



Evelyn Rosario, RMC, CMC
Municipal Clerk

X 

Commissioner Joseph P. Scarpelli

X 

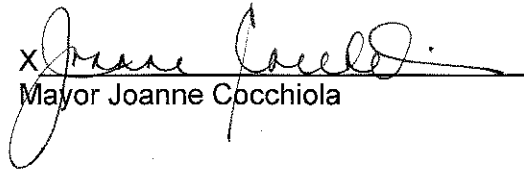
Commissioner Alphonse Petracco

X 

Commissioner Thomas J. Evans

X 

Commissioner Mauro G. Tucci

X 

Mayor Joanne Cocchiola