

Township of Nutley

Board of Commissioners

Meeting Minutes

Tuesday, June 15, 2010

7:00 P.M. AND

Continued Meeting of Wednesday, June 30, 2010 9:00 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 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 of the agenda items as listed in the below minutes, then moved into the Commission Chambers.

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

7:15 P.M. Commissioner Joseph P. Scarpelli stepped down from the dais and exited the commission chambers

At this point in the meeting the following resolutions were introduced and adopted.

No. 153-10

WHEREAS, Eleanore Caprio has been a resident of Nutley for fifty-nine years; and

WHEREAS, Eleanore and her husband Angel, "Cappy", have two children, Janet and Robert, and a Daughter-in-Law, Diana; and

WHEREAS, Eleanore Caprio has worked for the Township of Nutley in The Department of Revenue and Finance since 1974, starting as a Bookkeeping Machine Operator and working her way up to Supervisor of Water Billing & Meter Reading; and

WHEREAS, on June 30, 2010, Eleanore Caprio will be retiring after 36 years of dedicated service to the Township of Nutley;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners, of the Township of Nutley, County of Essex, NJ, join with the Citizens of Nutley, to honor and congratulate Eleanore Caprio on her retirement.

Introduced by Commissioner Evans, seconded by Commissioner Tucci. All Ayes on a roll call vote. Commissioner Scarpelli absent/excused.

Ms. Eleanor Caprio came forward and thanked the Governing Body for their recognition.

No. 160-10

WHEREAS, Dominic Rhein was appointed to the Nutley Police Department on April 22, 1985; and

WHEREAS, Officer Dominic Rhein served with distinction as a member of the uniform patrol division; and

WHEREAS, in March of 1992, Officer Rhein received special recognition from Mothers Against Drunk Driving for achieving the Nutley Police Department's highest yearly total of Driving While Intoxicated arrests; and

WHEREAS, Officer Rhein continually excelled while assigned to the Police Records Bureau, specifically by examining, updating, and improving departmental policies and procedures; and

WHEREAS, Officer Dominic Rhein further distinguished himself through the attainment of numerous citations for meritorious service; and

WHEREAS, Officer Dominic Rhein retired from the Nutley Police Department on June 1, 2010;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Nutley in the County of Essex, State of New Jersey that Officer Dominic Rhein's substantial contribution to the safety and welfare of the Township of Nutley be hereby recognized; and

BE IT FURTHER RESOLVED that the gratitude of this community be hereby extended to Officer Dominic Rhein for his 25 years of distinguished service with the Nutley Police Department.

Introduced by Commissioner Petracco, seconded by Commissioner Evans. All ayes on a roll call vote. Commissioner Scarpelli absent/excused.

MINUTES:

July 21, 2009

January 7, 2010

January 26, 2010

January 29, 2010 (Continued Meeting)

February 2, 2010/February 9, 2010

February 16, 2010

Commissioner Scarpelli made a motion to approve the minutes, seconded by Commissioner Evans. All ayes on a roll vote. Commissioner Petracco voted aye with the exception of the January 26, 2010 where he was absent/excused. Commissioner Scarpelli absent/excused.

COMMUNICATIONS/CORRESPONDENCE:

None.

REPORTS: (2)

Mayor Cocchiola (for Commissioner Scarpelli) submitted the Department of Public Works March & May 2010 reports.

Commissioner Evans submitted the Code Enforcement January – March 2010 reports.

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	\$	178,687.59
Department of Revenue & Finance	\$	2,163,989.10
Department of Public Safety	\$	90,961.37
Department of Public Works	\$	526,607.35
Department of Parks & Public Property	\$	77,466.02
Payroll as of June 11, 2010	\$	806,907.77
Bill List Grand Total	\$	<u>3,844,619.20</u>

Motion to approve the bills by Commissioner Evans, seconded by Commissioner Tucci. Commissioner Scarpelli absent/excused. All ayes.

ORDINANCE INTRODUCTIONS: (1)

Commissioner Petracco/Ordinance No. 3142

"AN ORDINANCE TO AMEND AN ORDINANCE CODIFIED IN THE CODE OF THE TOWNSHIP OF NUTLEY, CHAPTER 228, ENTITLED VEHICLES AND TRAFFIC, PARTICULARLY ARTICLE II (PARKING OF CERTAIN STREETS), SECTION 13 ENTITLED "PARKING PROHIBITED AT ALL TIMES" TO ADD THE LOCATIONS SET FORTH THEREIN."

(Grant Avenue/Washington Avenue) (Public Hearing July 6, 2010)

Commissioner Peracco 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 Petraccoread by title only.

A public hearing will be held on Tuesday, July 6, 2010.

ORDINANCE PUBLIC HEARINGS (2)

Commissioner Evans/Bond Ordinance No. 3140

"BOND ORDINANCE PROVIDING FOR THE REPLACEMENT OF WATER METERS AND THE RETROFIT OF METER HEADS IN THE TOWNSHIP OF NUTLEY, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING THE AMOUNT OF \$3,100,000 THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$3,100,000 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING PART OF THE COST THEREOF."

Ordinance No. 3140 was introduced for second reading by Commissioner Evans, seconded by Commissioner Tucci. Commissioner Evans read by title only. All ayes on a roll call vote. Commissioner Scarpelli absent/excused.

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

No Public Comment

Motion to close the public hearing by Commissioner Evans, seconded by Commissioner Tucci. All ayes. Commissioner Scarpelli absent/excused.

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

Commissioner Tucci/Ordinance No. 3141

"AN ORDINANCE TO AMEND AN ORDINANCE TO FIX THE SALARIES OF CERTAIN OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF NUTLEY, COUNTY OF ESSEX, STATE OF NEW JERSEY, EFFECTIVE May 1, 2010" (Supervising Carpenter)

Ordinance No. 3141 was introduced for second reading by Commissioner Tucci, seconded by Commissioner Evans. Commissioner Tucci read by title only. All ayes on a roll call vote. Commissioner Scarpelli absent/excused.

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

No Public Comment

Motion to close the public hearing by Commissioner Tucci, seconded by Commissioner Evans. All ayes. Commissioner Scarpelli absent/excused.

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

RESOLUTIONS:

No. 149-10

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 2010 in the sum of \$12,528.24, which item is now available as a revenue from the Clean Communities Program Grant pursuant to the provisions of statute; and

SECTION 2:

BE IT FURTHER RESOLVED, that a like sum of \$12,528.24 be and same is hereby appropriated under the caption of:

General Appropriations

(A) Operations-Excluded from 5% CAPS

Clean Communities Program Grant\$ 12,528.24

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 for Commissioner Scarpelli, seconded by Commissioner Tucci. All ayes on a roll call vote. Commissioner Scarpelli absent/excused.

No. 162-10

WHEREAS, Bids for Resurfacing of Passiac Avenue Section 4 for paving of street, sidewalk and curb replacement were received and opened on May 12, 2010; and

WHEREAS, Granada Construction Corp., 147 Thomas Street, Newark, NJ 07114, was the low bidder; and

WHEREAS, Base Bid in the amount of \$251,994.99 and Alternate Bid 1 in the amount of \$32,136.00, Alternate Bid 2 in the amount of \$7,176.00 and Alternate Bid 3 in the amount of \$13,230.00 for a total bid price of \$304,536.99; and

WHEREAS, funds are available from Bond Ordinance #3139 from monies received via a grant from New Jersey Department of Transportation (NJDOT) Local Aid Municipal Grant 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 Granada Construction Corp., not to exceed \$304,536.99 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 Petracco for Commissioner Scarpelli, seconded by Commissioner Tucci. All ayes on a roll call vote. Commissioner Scarpelli absent/excused.

No. 163-10

Be It Resolved, by the Board of Commissioners of the Township of Nutley, in the County of Essex, State of New Jersey that the Township Clerk be and she is hereby authorized to advertise for sealed bids for the purchase of 5/8 x 3/4 " Badger Water Meters, Badger Orion ADE Meter Reading System or Badger Orion RTR Meter Reading System and the material in their fabrication, in the Township of Nutley, to be received on behalf of the Board of Commissioners in the Commission Chambers, Township Hall, Kennedy Drive, Nutley, NJ, on Tuesday, July 13, 2010, at 3:00 p.m. prevailing time, at which time they will be opened and read.

Introduced by Commissioner Petracco for Commissioner Scarpelli, seconded by Commissioner Tucci. All ayes on a roll call vote. Commissioner Scarpelli absent/excused.

No. 150-10

WHEREAS, the Township of Nutley has a need to acquire professional services to assist with labor counsel within the Nutley Police Department as a non-fair and open contract pursuant to the provisions of N.J.S.A. 5:34-2.1; and

WHEREAS, the Chief of Police has determined and certified in writing that the value of the aggregate services provided by the vendor for the year will exceed \$17,500; and

WHEREAS, Ruderman & Glickman, P.C. have completed and submitted a Business Entity Disclosure Certification which certifies that they have 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 them from making any reportable contributions through the term of the contact; and

WHEREAS, the Township of Nutley recognizes the specialized and qualitative nature of the consulting services required as it pertains to the expertise of the labor counsel; and

WHEREAS, the approximate cost for this twelve (12) month professional service will be \$30,000.00;

WHEREAS, funds are available from account 0-01-012-205 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 pursuant to N.J.S.A. 40A:11-5(1)(a)ii and 18 A:18A-5a(2), a contract for labor counsel be awarded to Ruderman & Glickman, P.C., 675 Morris Avenue, Springfield, NJ 07081-1523 and authorizes the Mayor to enter into a contract with Ruderman & Glickman, P.C.; and

BE IT FURTHER RESOLVED that notice of this award shall be published in accordance with the law.

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

Introduced by Commissioner Petracco, seconded by Commissioner Evans. All ayes on a roll call vote. Commissioner Scarpelli absent/excused.

No. 151-10

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 property tax deductions for the tax year 2009 in the amount of \$1,500 00 The below listed taxpayers are eligible to receive \$250 00 each.

Block & Lot	Address	Amount	Deduction
5202 3	63 Carlton Terrace	\$250.00	Veteran
7300 4	291 Centre Street	\$250.00	Veteran
9106 24	40 Gless Avenue	\$250.00	Veteran
9700 11	1 River Road G-12	\$250.00	Veteran
9700 11	1 River Road I-9	\$250.00	Veteran
5404 4	146 Ohlson Avenue	\$250.00	Disabled

Introduced by Commissioner Evans, seconded by Commissioner Tucci. All ayes on a roll call vote. Commissioner Scarpelli absent/excused.

No. 159-10

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 \$16,303.35 for the said year.

<u>BLOCK YEAR</u>	<u>LOT</u>	<u>ADDRESS</u>	<u>AMOUNT -</u>	
1000	1	C5019	518 Coventry Drive	\$2567.22 – 2009
1704	13		158 North Road	\$2414.76 – 2009
3200	4		33 Elm Place	\$2181.22 – 2009
5101	20		244 Coeyman Avenue	\$2381.21 – 2010
7901	6		17 Webster Street	\$2425.61 – 2009
8103	7		143 Mount Vernon Street	\$2114.99 – 2009
9106	21		26 Gless Avenue	\$2218.34 – 2009

Introduced by Commissioner Evans, seconded by Commissioner Tucci. All ayes on a roll call vote. Commissioner Scarpelli absent/excused.

No. 152-10

WHEREAS, the Nutley Post #30 AMVETS has submitted an application to the Code Enforcement Department for a parking lot on their site located at 184 Park Avenue;

WHEREAS, the parking lot requires the AMVETS to appear before the Board of Adjustment for zoning approval;

WHEREAS, the Township of Nutley has offered to refund the application fee involved with variance for the parking lot.

NOW, THEREFORE, BE IT RESOLVED, BY THE Board of the Commissioners of the Township of Nutley, County of Essex, State of New Jersey that the Township Treasurer be and she is hereby authorized to refund the application fee related to the variance to create a parking lot at the Nutley Post #30 AMVETS in the amount of \$500.00 be refunded to the Nutley Post #30 AMVETS, 184 Park Avenue, Nutley, New Jersey 07110.

Introduced by Commissioner Evans, seconded by Commissioner Tucci. All ayes on a roll call vote. Commissioner Scarpelli absent/excused.

No. 165-10

WHEREAS, the Essex County Board of Taxation is unable to certify tax rates for the year 2010 by June 14, 2010 per N.J.S.A. 54:4-66.2; and

WHEREAS, the Tax Collector will not be able to complete the mailing of the 2010 tax bills before July 6, 2010, 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 2010 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 2010 is hereby set at \$103,239,077.39. The total estimated tax rate for 2010 is hereby set at \$2.76.

Introduced by Commissioner Evans, seconded by Commissioner Tucci. All ayes on a roll call vote. Commissioner Scarpelli absent/excused.

No. 154-10

WHEREAS, the Township of Nutley has received and reviewed Requests for Qualifications for the Msgr. Owens Field Reconstruction Project; and

WHEREAS, the Township has considered all proposals on many factors including technical, management and cost criteria; and

WHEREAS, Neglia Engineering Associates, 34 Park Avenue, Lyndhurst, N.J. 07071, has submitted a proposal indicating that they will provide their service for a fee, not to exceed \$48,710.00; and

WHEREAS, funds are available from Account #3131, and have been certified by the Chief Financial Officer, said certification being attached to this resolution.

NOW THEREFORE, B E 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 Neglia Engineering, 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. Commissioner Scarpelli absent/excused.

No. 155-10

WHEREAS, Request for Proposals for a Township Forester were opened on May 20, 2010; and

WHEREAS, only one Request for Proposal was received by the municipality; and

WHEREAS, N.J.S.A. 40A: 11-13.2 permits the rejection of all proposals under such circumstances.

NOW THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley that all proposals heretofore advertised, received and opened are hereby rejected.

Introduced by Commissioner Evans, seconded by Commissioner Tucci. All ayes on a roll call vote. Commissioner Scarpelli absent/excused.

No. 161-10

BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey that the Township Treasurer is hereby authorized to refund a tree permit fee collected, in consideration of the fact that the required replacement trees were installed, per Shade Tree Preservation Ordinance. Payment would come from account C-01-904-906:

Maureen Paonessa 94 N. Spring Garden Ave \$100.00

Introduced by Commissioner Evans, seconded by Commissioner Tucci. All ayes on a roll call vote. Commissioner Scarpelli absent/excused.

No. 156-10

WHEREAS, the Department of Public Affairs desires to enter into a contract for the furnishing of health services of a technical and professional nature with the Township of Montclair; and

WHEREAS, the Township of Nutley shall provide the services of a licensed Registered Nurse who will administer public health nursing activities within the territorial jurisdiction of the Township of Montclair; and

WHEREAS, the Township of Montclair agrees to pay the Township of Nutley during the contract period, January 1, 2010 to December 31, 2010, thirty-five dollars (\$35) per hour of nursing time which includes administrative costs for 15 hours per week of nursing time.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley that the Director of Public Affairs and the Township Clerk are hereby authorized to enter into an agreement for health services within the Township of Montclair.

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

No. 157-10

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 License be granted to 547 Franklin Avenue Corporation, License No. 0716-33-029-007, said license to be effective July 1, 2008 through June 30, 2009.

BE IT RESOLVED, that the State of New Jersey, Department of Treasury, Division of Taxation has provided Tax Clearance Certificate for said establishment for the July 1, 2008 through June 30, 2009 renewal period.

BE IT FURTHER RESOLVED, that license number 0716-33-029-007 is NOT actively used at an operating place of business.

Introduced by Commissioner Evans, seconded by Commissioner Tucci. All ayes on a roll call vote. Commissioner Scarpelli absent/excused. Mayor Cocchiola Abstained.

No. 158-10

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 License be granted to 547 Franklin Avenue Corporation, License No. 0716-33-029-007, said license 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 Certificate for said establishment for the July 1, 2009 through June 30, 2010 renewal period.

BE IT FURTHER RESOLVED, that license number 0716-33-029-007 is NOT actively used at an operating place of business.

Introduced by Commissioner Evans, seconded by Commissioner Tucci. All eyes on a roll call vote. Commissioner Scarpelli absent/excused. Mayor Cocchiola Abstained.

No. 166-10

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, Plenary Retail Distribution Licenses and Club License be granted to the following, said Licenses to be effective July 1, 2010 through June 30, 2011.

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	\$150.00
Nutley Post 30 American Vets of World War II T/A Nutley Amvets Post 30	184 Park Avenue	0716-31-031-001	\$150.00
Columbian Club of Nutley T/A St. Mary's Knights of Columbus	150 Chestnut Street	0716-31-032-001	\$150.00
Nutley New Jersey Lodge 1290 BPO Elks	242 Chestnut Street	0716-31-033-001	\$150.00
Castelli Inc. T/A Nutley Diner	372 Centre Street	0716-33-006-002	\$1,719.36
Jim Dandy's of Nutley LLC T/A Jim Dandy's	561-563 Franklin Avenue	0716-32-008-009	\$1,719.36
JO-KA Inc. T/A Washington Park Tavern	174 Washington Avenue	0716-33-019-009	\$1,719.36

Kishan Restaurant Inc.	238 Franklin Avenue	0716-33-028-004	\$1,719.36
Prahar Corp., T/A Heller & Heller Liquors	200 Franklin Avenue	0716-44-013-007	\$1,287.36
Franklin Wine Shop	558 Franklin Avenue	0716-44-021-006	\$1,287.36
Majagdamba LLC T/A Nutley News & Liquors	98 Centre Street	0716-44-025-010	\$1,287.36

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, 2010 through June 30, 2011.

Introduced by Commissioner Evans, seconded by Commissioner Tucci. All ayes on a roll call vote. Commissioner Scarpelli absent/excused. Mayor Cocchiola Abstained.

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.

David DeFilippo PBA Representative ,addressed the Board of Commissioners and expressed his concerns concerning the PBA contract which expired a year and a half ago. He continued and stated that there was a tentative settlement agreement with the assistance of an arbitrator signed on April 5, 2010. He asked why the Governing Body has not listed this matter on the agenda for consideration. The Governing Body responded and stated that they have not completed their review of the potential financial impact this may have and are currently reviewing the budgetary figures. The Governing Body continued and stated that additional time will be needed to continue and complete the financial review associated with the negotiation of this contract.

Michael O'Halloran, PBA Representative, commented that it has been approximately ten weeks that the Governing Body has been reviewing the budgetary paperwork concerning the PBA contract negotiations.

Eliana, a resident of the Township of Nutley came forward and asked for an explanation of a parking ticket she received. Mayor Cocchiola responded and stated

that she will ask the Police Chief to give her a call tomorrow and review the ticket issued.

Tom Wasman, 79 Williams Street, commented that he addressed the Board of Commissioners at the last meeting with concerns regarding the light fixtures that were being installed near his property, he continued and stated that the lights are extremely bright and would like to know the status of his request to have the lights dimmed. Mayor Cocchiola responded and stated that she would contact Commissioner Scarpelli and ask him to give Mr. Wasman a call.

At this point in the meeting the Municipal Clerk read the following Executive Session resolution.

No. 167-10

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. Pending Litigation

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 Tucci. All eyes on a roll call vote. Commissioner Scarpelli absent/excused.

The Board of Commissioners moved into Executive Session at 8:20 P.M. The Board of Commissioners exited Executive Session at 10:05 P.M.

Mayor Cocchiola announced that this meeting will be continued to Wednesday, June 30, 2010 at 9:00 A.M.

A continued meeting was held on Wednesday, June 30, 2010 at 9:00 A.M. 3rd floor commission chambers conference room.

Roll Call:

Commissioner Scarpelli – Present via telephone conference
Commissioner Petracco – Present via telephone conference
Commissioner Evans - Present
Commissioner Tucci - Absent/Excused
Mayor Cocchiola - Present via telephone conference

Also present via telephone conference: Kevin P. Harkins, Esq., Township Attorney

The following resolutions were introduced and adopted.

No. 168-10

WHEREAS, N.J.S.A. 40A:65-1, et seq., the Uniform Shared Services and Consolidation Act permits joint activities among municipalities and school districts

by Contract; and

WHEREAS, the Township of Nutley and the Nutley Board of Education recognize the value of shared services as a way of reducing local expenses; and

WHEREAS, the COPS Secure Our Schools (SOS) grant provides funding to assist with the development of school safety resources; and

WHEREAS, the Township of Nutley and the Nutley Board of Education wish to enter into a Memorandum of Understanding in order to define the respective rights and obligations of the Township of Nutley and the Nutley Board of Education regarding the SOS grant.

NOW, THEREFORE, BE IT RESOLVED, that the Township of Nutley be and is hereby authorized to enter into a Memorandum of Understanding with the Nutley Board of Education in order to obtain COPS Secure Our Schools grant funding and define the rights and obligations of both thereunder, subject to the review and approval of the Township Attorney of both the substance and form of the grant application and the memorandum of understanding.

Introduced by Commissioner Petracco, seconded by Commissioner Scarpelli.

<u>Record of Vote</u>	Commissioner Scarpelli	Commissioner Petracco	Commissioner Evans	Commissioner Tucci	Mayor Cocchiola
Yes	Via Telephone Conference	Via Telephone Conference	X As Revised		Via Telephone Conference
No					
<u>Not Voting</u>					
Absent/Excused				X	

No. 169-10

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 and Club License be granted to the following, said Licenses to be effective July 1, 2010 through June 30, 2011.

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.

Stuart E. Edgar Post No. 493 Veteran of Foreign Wars T/A VFW Holding Co. of Nutley	271 Washington Avenue	0716-31-035-001	\$150.00
RU Pod, Inc	150 Bloomfield Avenue	0716-33-001-006	\$1,719.36
Diamond Spring Café LLC T/A Diamond Spring Café I	116 Harrison Street	0716-33-015-003	\$1,719.36
KJM Inc. T/A American Bistro	24-26 Washington Avenue	0716-33-018-006	\$1,719.36
TBG Inc. T/A Park Pub	789 Bloomfield Avenue	0716-33-023-003	\$1,719.36
Nutley Pub LTD T/A Nutley Pub	227-229 Centre Street	0716-33-024-004	\$1,719.36

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, 2010 through June 30, 2011.

Introduced by Commissioner Evans, seconded by Commissioner Scarpelli.

Record of Vote	Commissioner Scarpelli	Commissioner Petracco	Commissioner Evans	Commissioner Tucci	Mayor Cocchiola
Yes	Via Telephone Conference	Via Telephone Conference	X		Via Telephone Conference
No					
Not Voting					
Absent/Excused				X	

No. 170-10

WHEREAS, the following Plenary Retail Consumption Licenses have not received Tax Clearance certificates as required by the Division of Alcoholic Beverage prior to the Governing Body acting on the renewals: and

WHEREAS, in order for the licensee to continue operating after 12:00 A.M. July 1, 2010, they must obtain a temporary permit from the Division of Alcoholic Beverage Control: and

WHEREAS, the establishments have submitted their renewal applications along with the appropriate fees to the Office of the Municipal Clerk: and

WHEREAS, the licensee (s) must complete an "Ad Interim Permit" application which must be signed by the Municipal Clerk on behalf of the Governing Body indicating that the Municipality does not object to the issuance of the Ad Interim Permit.

NOW, THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, in the County of Essex, State of New Jersey, that the Municipal Clerk is hereby authorized to sign Ad Interim permit applications for the following Plenary Retail Consumption Licensees.

Giant Vending Inc., T/A Franklin Steakhouse	522-526 Franklin Avenue	0716-32-020-009	\$1,719.36
Park Place Pizza T/A Terrazza Ristorante & Bar	507 Franklin Avenue	0716-33-017-007	\$1,719.36
South Side Grill, LLC T/A Ritacco's Midtown Bar & Grill	223A Franklin Avenue	0716-33-027-009	\$1,719.36

Introduced by Commissioner Evans, seconded by Commissioner Scarpelli.

Record of Vote	Commissioner Scarpelli	Commissioner Petracco	Commissioner Evans	Commissioner Tucci	Mayor Cocchiola
Yes	Via Telephone Conference	Via Telephone Conference	X		
No					
Not Voting					ABSTAIN due to conflict
Absent/Excused				X	

ADJOURNMENT:

Motion to adjourn by Commissioner Evans, seconded by Commissioner Scarpelli. All eyes on a roll call vote. Commissioner Tucci absent/excused. Meeting adjourned at 9:30 A.M.

Signature Page
Board of Commissioners Meeting Held
June 15, 2010 & June 30, 2010 Continued Meeting

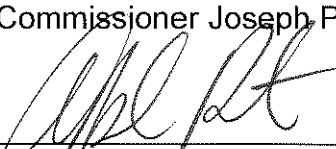
ATTEST:

X



Evelyn Rosario, RMC
Municipal Clerk

X



Commissioner Joseph P. Scarpelli

X



Commissioner Alphonse Petracco

X



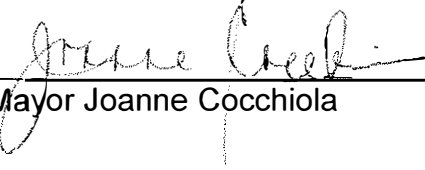
Commissioner Thomas J. Evans

X



Commissioner Mauro G. Tucci

X



Mayor Joanne Cocchiola