

**Township of Nutley
Board of Commissioners
Meeting Minutes
Friday, December 30, 2011
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 2, 2010 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

Mr. Alan Genitempo, Esq., Assistant Township Attorney - Present

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

A regular meeting of the Board of Commissioners of the Township of Nutley was held in the 3rd floor Commission Chambers and called to order. Adequate notification was published in the official newspapers of the Township of Nutley. All present joined in the Pledge of Allegiance to the Flag. Roll call was taken.

OPEN PUBLIC MEETING STATEMENT:

Evelyn Rosario, Municipal Clerk, read the following statement: Pursuant to the requirements of the Open Public Meeting Law (Chapter 231, P.L.1975), notice of this meeting was published in the December 2, 2010 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

Mr. Alan Genitempo, Esq., Assistant Township Attorney - Present

MINUTES:

None.

REPORTS:

None.

BILLS:

None.

ORDINANCE INTRODUCTIONS:

None.

ORDINANCE PUBLIC HEARINGS: (1)

Commissioner Evans/Ordinance No. 3188

“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 ON CERTAIN STREETS), SECTION II ENTITLED PARKING TIME LIMITED, TO ADD THE LOCATIONS SET FORTH THEREIN.”(Friedland Rd., St. Mary’s Pl. & Union Ave.)

Ordinance No. 3188 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.

Richard (Resident)– Commented that the ordinance published in the Nutley Sun indicated restricting parking on Friedland Road and Union Avenue would be Monday - Friday, the resident asked if this would apply to St. Mary’s Place as well, Commissioner Evans responded and stated that the restricted parking on St. Mary’s Place would be Monday – Sunday, but that he would verify this information with the Traffic Safety Coordinator

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

Motion to continue the adoption of this ordinance to the next meeting of the Board of Commissioners scheduled for January 3, 2012 by Commissioner Evans, seconded by Commissioner Tucci. All Ayes.

Mayor Cocchiola/Ordinance No. 3189

“AN ORDINANCE ESTABLISHING AN HISTORIC PRESERVATION COMMISSION AND PROVIDING FOR THE DESIGNATION AND REGULATION OF HISTORIC LANDMARKS WITHIN THE TOWNSHIP OF NUTLEY.”

Mayor Cocchiola commented that comments from the Construction Official concerning this ordinance were recently received, she agrees with a few of his comments but not all, she continued and stated that the Board as a whole has agreed that clarification from the Construction Official and the committee that worked on the drafting of this ordinance would be needed, the public hearing will be held today, but the adoption or re-introduction of this ordinance will be held at the January 17, 2012 Board of Commissioners meeting.

Ordinance No. 3189 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.

Kristen Sesnik, came forward and commented that she has a 105 year old home and it's the reason she moved here to restore the house. Ms. Sesnik asked if there a guidelines concerning zoning variances for repairs to a historical home. Mayor Cocchiola responded and stated that a variance would be needed to have work done to the home, the homeowner would have to go before the Zoning Board of Adjustments, the Board would review the application along with the recommendations of the Historic Preservation Board. Ms. Sesnik commented that she is very enthusiastic about this ordinance.

Jim Levandowsky, 19 Colonial Terrace – Commented and stated that he applauds the Commissioners for considering this new ordinance. He feels that this ordinance is very necessary and long overdue, he fully supports this ordinance. He commented that the comments from the Construction Official concerning this ordinance should be reviewed carefully and not alter the ordinance too much from the original as introduced. He continued and stated that this ordinance was well considered and thought out by the Planning Board, the Planning Board Attorney and the Historic Preservation Committee.

Jack Magnifico, - Asked if an owner of a historical property does not want to preserve the property, can the Building Department prevent the owner from not preserving the historical site, Commissioner Evans responded and stated that the ordinance does not provide for such an enforcement.

Kristen Sesnik, came forward and asked if a present owner gets their property designated under this ordinance, can a future owner remove it? or does it follow?, Mayor Cocchiola responded and stated that would require a legal interpretation.

John Demmer, Township Historian – 263 Harrison St., Came forward and commented that he pleased that this ordinance has been introduced and stated that great attention has been given to homeowner rights in this, and as written this is a very non-limiting ordinance, and believes that this could only benefit the town He continued and stated that the Board should move forward with this ordinance, he feels it's an important starting point for the continued preservation of this community. He thanked the Board for their support and interest concerning this ordinance.

Jeannie Van Steen - Came forward and commented that she is glad that this ordinance is finally coming before the board for consideration, she feels it's a wonderful thing, and hopes that the Historic Preservation Commission the Commissioners and the Planning Board will review the guidelines which are place for historic preservation and use those guidelines when making a determination concerning a historical property.

Susan Beadle - 571 Passaic Avenue, Came forward and commented that she has been a Nutley resident since 1997 and is currently a member of the Nutley Community Preservation Partnership, she is immensely grateful to the people who worked so hard on this ordinance and the previous ordinance and all the attempts that have been made over the years.

At this point Mayor Cocchiola thanked everyone who appeared before the Board of Commissioners expressing their support for this ordinance.

Motion by Mayor Cocchiola, seconded by Commissioner to table this ordinance to the Tuesday, January 17, 2012 Board of Commissioners meeting. All Ayes.

RESOLUTIONS

No. 288-11

WHEREAS, Bids for the Reconstruction of Curbs and Sidewalks were received and opened on Tuesday, December 27, 2011; and

WHEREAS, P.A. Contractors, Inc., 105 Davis Avenue, Kearny, New Jersey 07032, was the low bidder; and

WHEREAS, the base bid for the Reconstruction of Curbs and Sidewalks was in the amount of \$67,430.26 for a total bid of \$67,430.26; and

WHEREAS, funds are available from 1-01-408-209 in the amount of \$40,000.00 and from Ordinance #3183 in the amount of \$27,430.26 for a total not to exceed \$67,430.26 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, P.A. Contractors, Inc., for the base bid in the amount not to exceed \$67,430.26 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 on a roll call vote.

No. 289-11

BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey that in accordance with the provision of R.S. 40A: 4-58, the following transfer(s) of appropriations in the 2011 Budget be and the same are hereby authorized and approved:

<u>DEPARTMENT OF PUBLIC WORKS & WATER</u>			
From:		To:	
Engineering Repair S/W	\$25,000.00	Road Repair O/E	\$125,000.00
1-01-404-205		1-01-408-211	
Road Repair S/W	\$30,000.00		
1-01-408-101			
Snow Removal	\$20,000.00		
1-01-416-102			
Weed & Leaf Removal S/W	\$10,000.00		
1-01-418-102			
Sewer S/W	\$10,000.00		
1-01-420-100			
Parking Lot S/W	\$30,000.00		
1-01-426-101			
Total	\$125,000.00	Total	\$125,000.00

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

At this point in the meeting (10:15 AM) Commissioner Scarpelli stepped down from the dais and exited the Commission Chambers.

No. 290-11

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

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey, that the attached Corrective Action Plan for the audit year 2010 is hereby approved.

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

Introduced by Commissioner Evans, seconded by Commissioner Tucci. All ayes on a roll call vote. Commissioner Scarpelli not present.

No. 291-12

WHEREAS, the Township of Nutley desires to participate in the Essex County Community Development Block Grant's ("CDBG") "Urban County" Requalification Process For Program Year 2012-2014; and

WHEREAS, a letter has been drafted by the Mayor of the Township of Nutley to the Essex County Division of Housing and Community Development notifying them of the Township's desire to participate in this process; and

WHEREAS, past funding from CDBG has provided the Township of Nutley the fiscal capability to complete many beneficial projects that might not have been possible otherwise; and

NOW THEREFORE, BE IT RESOLVED, that the Mayor and the Board of Commissioners of the Township of Nutley, in the County of Essex, hereby authorizes the Mayor to execute the attached letter to the Essex County Division of Housing and Community Development.

BE IT FURTHER RESOLVED that a copy of the letter shall be maintained on file in the Township Clerk's office.

Introduced by Mayor Cocchiola, seconded by Commissioner Tucci. All ayes on a roll call vote. Commissioner Scarpelli not present.

No. 292-11

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

BOPE # 1290
Nutley Elks Lodge
License # 9-12
January 31, 2012 – December 31, 2012

BOPE# 1290
Nutley Elks Lodge
License # 10-12
March 10, 2012

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, that the 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. Commissioner Scarpelli not present.

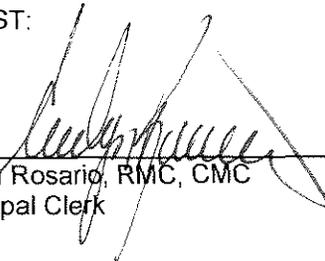
MEETING OPEN TO THE PUBLIC:

Jack Magnifico, Thanked Commissioner Tucci and the Department of Parks & Public Property for resolving the gas line issue with PSE&G.

ADJOURNMENT:

Motion to adjourn by Commissioner Petracco, seconded by Commissioner Tucci. All ayes on a roll call vote. Commissioner Scarpelli not present. Meeting adjourned at 10:20 A.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 Resigned Effective Noon January 31, 2012
Mayor Joanne Cocchiola