

**Township of Nutley
Board of Commissioners
Meeting Minutes
Tuesday, February 16, 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.

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 Commissioner Scarpelli provided a brief power point presentation concerning the new Water Metter System. (Presentation Attached to Minutes)

MINUTES:

None.

COMMUNICATIONS/CORRESPONDENCE: (2)

REPORT(1)

Commissioner Tucci submitted the Department of Parks & Recreation Shade Tree 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 | \$ | 65,280.37 |
| Department of Revenue & Finance | \$ | 2,156,421.41 |
| Department of Public Safety | \$ | 26,793.89 |
| Department of Public Works | \$ | 123,875.10 |
| Department of Parks & Public Property | \$ | 65,435.34 |
| Payroll as of February 16, 2010 | \$ | 725,616.82 |
| Bill List Grand Total | \$ | <u>3,163,422.93</u> |

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

ORDINANCE INTRODUCTIONS: (1)

Commissioner Evans/Ordinance No. 3134

"AN ORDINANCE TO AMEND SECTION 210-4 OF CHAPTER 210 "ALCOHOLIC BEVERAGES", OF THE CODE OF THE TOWNSHIP OF NUTLEY, REGULATING LIQUOR LICENSE FEES." (Public Hearing March 16, 2010)

Commissioner Evans 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 read by title only.

A public hearing will be held on Tuesday, March 16, 2010.

ORDINANCE PUBLIC HEARINGS (3)

Commissioner Petracco/Bond Ordinance No. 3133

"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 14 ENTITLED "PARKING PROHIBITED DURING CERTAIN HOURS" TO ADD THE LOCATIONS SET FORTH THEREIN." (New Street)

Ordinance No. 3133 was introduced for second reading by Commissioner Petracco, seconded by Commissioner Scarpelli. Commissioner Petracco read by title only.

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

No Public Comments

Motion to close the public hearing by Commissioner Petracco, seconded by Commissioner Scarpelli. All Ayes.

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

Commissioner Evans/Ordinance No. 3132

Ordinance No. 3132 was introduced for second reading by Commissioner Evans , seconded by Commissioner Tucci. Commissioner Tucci read by title only.

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

No public comments.

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 Tucci. All ayes on a roll call vote.

RESOLUTIONS:

No. 55-10

WHEREAS, the Township of Nutley intends to file an application with the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust for the Proposed Water Meter Replacement Project;

NOW, THEREFORE BE IT RESOLVED, that Commissioner Scarpelli be authorized to act as the Authorized Representative to represent the Township of Nutley in all matters relating to the project undertaken pursuant to the above referenced New Jersey Environmental Infrastructure Loan to be executed with the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust. The Authorized Representative may be contacted at 1 Kennedy Drive, Nutley, New Jersey 07110, (973)284-4959.

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

No. 45-10

WHEREAS, Our Lady of Mount Carmel Church has submitted an application to the Code Enforcement Department for a ground sign located at 120 Prospect Street;

WHEREAS, the sign size and location requires Our Lady of Mount Carmel Church to appear before the Board of Adjustment for zoning approval;

WHEREAS, the Township of Nutley has offered to waive the application fee involved with variance for the ground sign.

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 application fee

related to the variance to install the ground sign at Our Lady of Mount Carmel Church be waived.

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

No. 52-10

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 \$5,967.74 for the said year.

| <u>BLOCK</u> | <u>LOT</u> | <u>ADDRESS</u> | <u>AMOUNT – YEAR</u> |
|--------------|------------|--------------------|----------------------|
| 2900 | 5 | 169 High Street | \$2903.99 – 2009 |
| 7200 | 7 | 9 Ideal Court | \$816.03 – 2010 |
| 1902 | 33 | 198 Lakeside Drive | \$2247.72 – 2009 |

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

No. 53-10

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 overpayment of water charges on the following account(s):

| | | |
|-------------------|-----------------------|--------------------|
| Block 4700 Lot 49 | 472 Bloomfield Avenue | \$ 50.38 |
| Block 3800 Lot 40 | 11 Hetherington Road | 1,004.27 |
| Block 3903 Lot 21 | 94 Hay Avenue | 165.40 |
| | Total | <u>\$ 1,220.05</u> |

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

No. 54-10

WHEREAS, 40A: 4-20 provides that where contracts, commitments or payments are to be made prior to the final adoption of the 2010 Budget, emergency appropriations may be lawfully made for the purposes and amounts required in the manner and time therein provided; and

WHEREAS, the total emergency temporary resolutions adopted in the year 2010 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S. 40A: 4-20), including this resolution, total \$22,935.

NOW, THEREFORE, BE IT RESOLVED that in accordance with N.J.S. 40A: 4-20:

1. Emergency temporary appropriations be and the same are hereby made for the total amount \$22,935.00;
2. That said emergency temporary appropriations will be provided for in the 2010 Budget as follows (see attached):

8. GENERAL APPROPRIATIONS

| <i>Operations Excluded From "CAPS"</i> | TEMPORARY APPROPRIATIONS |
|--|--------------------------|
| OJP FY2009 Recovery Act JAG Program | \$ 22,935.00 |
| 0-01-615-200 | |
| | |
| | |
| | |
| TOTAL | \$22,935.00 |

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

No. 46-10

WHEREAS, dating violence is a reality for many young people, and an issue that many are unaware of; and,

WHEREAS, 1 in 3 young people are affected by physical, sexual, or verbal dating violence, with 1 in 5 in a serious relationship reporting having been slapped, pushed, hit, threatened or coerced by a partner, and breakups can be a time of even greater risk even when a relationship was never physically abusive; and

WHEREAS, young people can choose better relationships when they understand that healthy relationships are based on respect and learn to identify early warning signs of an abusive relationship; and

WHEREAS, elimination of dating violence must be achieved through cooperation of individuals, organizations, and communities; and,

WHEREAS, Dating Violence Awareness & Prevention Month provides an excellent opportunity for citizens to learn more about preventing dating violence and to show support for the numerous organizations and individuals who provide critical advocacy, services and assistance to victims.

NOW THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the Township of Nutley, County of Essex, acknowledge February as Dating Violence Awareness & Prevention Month in the township of Nutley.

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

GRANT AGREEMENT
BETWEEN

TOWNSHIP OF NUTLEY
AND
THE STATE OF NEW JERSEY
BY AND FOR
THE DEPARTMENT OF ENVIRONMENTAL PROTECTION

GRANT IDENTIFIER: PF 10-179

GOVERNING BODY RESOLUTION

The governing body of _____ Township of Nutley

(print Grantee's name)

desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of approximately \$ 7000.00 to fund the following project:

2009 Business Stimulus Fund Grant (BSF)

Therefore, the governing body resolves that Mauro G. Tucci or the successor to the office of

(print name)

Commissioner of the Parks & Public Property is authorized (a) to make application for such a grant, (b) if awarded, to execute

(print title of authorized official)

a grant agreement with the State for a grant in an amount not less than \$ 7,000.00 and not more than \$ 7,000.00, and (c) to execute any amendments thereto any amendments thereto which do not increase the Grantee's obligations.

*The Township of Nutley Board of Commissioners authorizes and hereby agrees to

(print name of Grantee's governing body, e.g., board of chosen freeholders)

match n/a % of the Total Project Amount, in compliance with the match requirements of the agreement. The availability of the match for such purposes, whether cash, services, or property, is hereby certified. n/a % of the match will be made up of in-kind services (if allowed by grant program requirements and the agreement).*

The Grantee agrees to comply with all applicable federal, State, and municipal laws, rules, and regulations in its performance pursuant to the agreement.

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

No. 48-10

BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, in the County of Essex,

New Jersey, that the Mayor and the Township Clerk be and they are hereby authorized to execute and

attest to on behalf of the Township of Nutley, a grant application with the Township of Nutley

and the Essex County Department of Senior Services for Visiting Nurse Services, effective January 1,

2010 and shall terminate December 31, 2010.

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

No. 49-10

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

| | | |
|-----------------------------|--|----------------|
| H.S.A Good Shepherd Academy | License No. 23-10 "On-Premise 50/50 Cash Raffle" | April 23, 2010 |
| H.S.A Good Shepherd Academy | License No. 24-10 "On-Premise Merchandise Raffle" | April 23, 2010 |
| H.S.A Good Shepherd Academy | License No. 25-10 "Off-Premise 50/50 Cash Raffle" | April 23, 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.

No. 50-10

BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, in the County of Essex, New Jersey, that the Mayor and the Township Clerk be and they are hereby authorized to advertise for SEALED BIDS for the COLLECTION, REMOVAL AND DISPOSAL OF ALL SOLID WASTE MATTERS IN THE TOWNSHIP OF NUTLEY.

Said bids to be received on behalf of the Board of Commissioners in the Commission Chambers, third floor, Township Hall, Nutley, New Jersey on April 28, 2010 at 3P.M., prevailing time, at which time they will be publicly opened and read.

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

No. 51-10

WHEREAS, an application for renewal of two video game licenses has been received from "Washington Park T/A Jo-Ka Inc.", 174 Washington Avenue, Nutley, New Jersey 07110; and

WHEREAS, the application has been reviewed by the Code Enforcement Department and the Office of the Municipal Clerk; and

WHEREAS, the license fee of six hundred dollars (\$600.00) (\$300.00 per machine) has been paid.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex that said license is hereby approved and the Municipal Clerk is authorized to issue the video game licenses to "Washington Park T/A Jo-Ka, Inc."

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

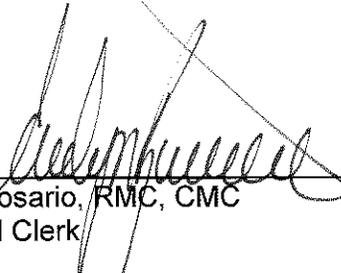
MEETING OPEN TO THE PUBLIC:

No Public Comments.

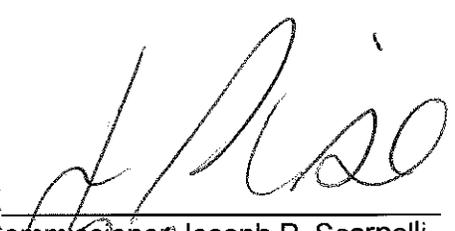
ADJOURNMENT:

Motion to adjourn by Commissioner Tucci, seconded by Commissioner Evans
All ayes on a roll call vote. Meeting adjourned at 8:00 P.M.

ATTEST:



Evelyn Rosario, RMC, CMC
Municipal Clerk

X 

Commissioner Joseph P. Scarpelli

X 

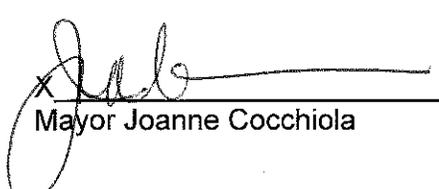
Commissioner Alphonse Petracco

X 

Commissioner Thomas J. Evans

X 

Commissioner Mauro G. Tucci

X 

Mayor Joanne Cocchiola