

Township of Nutley
Board of Commissioners
Meeting Minutes
Tuesday, May 18, 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 |

Mr. Alan Genitempo was present in the absence of Mr. Harkins.

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 |

At this point in the meeting, Commissioner Evans made a motion to open the 2010 Municipal Budget Public Hearing, motion seconded by Commissioner Tucci.

Commissioner Evans gave the details of the 2010 Municipal Budget. Mayor Cocchiola asked if there was anyone from the public that would like to address the Board with respect to the 2010 Municipal Budget.

PBA attorney David DeFilippo wanted to know how much of the budget was for police wages. Mayor Cocchiola stated that they were in the middle of contract negotiations. Mr. DeFilippo again asked what part of the budget was for police wages since the budget was being presented at this time. Commissioner Evans indicated that the question could not be discussed openly without discussing what the increases were. The rest of the comments were inaudible. Mayor Cocchiola noted that the Board cannot answer questions about the cost at this time and would need to know what those costs would be in order to vote on it.

Rory Moore, 462 Chestnut Street, asked Commissioner Evans if Mr. Ray Sarinelli, from Nisivoccia & Co., was here tonight to "represent the budget and do the audits." Commissioner Evans told Mr. Moore that under governmental procedure, the outside auditors help prepare the state budget forms and it is a very acceptable process. Mr. Moore also wanted to know why the budget was being introduced if it still couldn't be told what the budget is. Commissioner Evans said that there was a budget but that there were implications associated with the open contracts that exist and until those matters are settled, there could be some things that could affect the numbers in the budget at a later date.

Nutley PBA President Michael O'Halloran spoke about Lyndhurst giving their police department a 2-year extension so they wouldn't have to pay the 1.5% increase and both sides were satisfied. Mr. O'Halloran stated that he thought the Board was intentionally waiting so the Governor could get the 2.5% increase instead of 1.5%.

Commissioner Petracco's comments were inaudible.

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

Resolution No. 138-10 "2010 Municipal Budget Resolution"

Introduced by Commissioner Evans, seconded by Commissioner Tucci. All ayes on a roll call vote. The resolution is attached to the official minutes.

At this point in the meeting Commissioner Evans stepped down from the dais and exited the Commission Chambers.

MINUTES:

None.

COMMUNICATIONS/CORRESPONDENCE:

None.

REPORTS: (2)

Commissioner Scarpelli submitted the Department of Public Works January, February, March & April 2010 reports.

Commissioner Tucci submitted the March & April 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 | \$ | 128,700.07 |
| Department of Revenue & Finance | \$ | 2,059,785.05 |
| Department of Public Safety | \$ | 14,582.04 |
| Department of Public Works | \$ | 95,143.38 |
| Department of Parks & Public Property | \$ | 36,602.50 |
| Payroll as of May 14, 2010 | \$ | 736,905.89 |
| Bill List Grand Total | \$ | <u>3,071,718.93</u> |

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

ORDINANCE INTRODUCTIONS: (2)

Commissioner Tucci FOR Commissioner Evans/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." (Public Hearing June 15, 2010)

Commissioner Tucci made a motion that this ordinance be introduced and passed for first reading and be advertised accordingly. Motion was seconded by Commissioner Petracco. All ayes. Commissioner Tucci read by title only. Commissioner Evans absent/excused

A public hearing will be held on Tuesday, June 15, 2010.

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)(Public Hearing June 15, 2010)

Commissioner Tucci made a motion that this ordinance be introduced and passed for first reading and be advertised accordingly. Motion was seconded by Commissioner Petracco. All ayes. Commissioner Tucci read by title only. Commissioner Evans absent/excused

A public hearing will be held on Tuesday, June 15, 2010.

ORDINANCE PUBLIC HEARINGS (2)

Commissioner Scarpelli/Ordinance No. 3139

"AN ORDINANCE PROVIDING FOR RECONSTRUCTION OF THE ROADWAY ON PASSAIC AVENUE (SECTION 4), IN THE TOWNSHIP OF NUTLEY, IN THE COUNTY OF ESSEX, NEW JERSEY APPROPRIATING \$342,100.00 THEREFORE FROM GRANT MONIES RECEIVED FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE COST THEREOF."

Ordinance No. 3139 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/excused

PUBLIC COMMENT:

Rory Moore, 462 Chestnut Street, asked Commissioner Scarpelli if the light on Harrison and Bloomfield Avenues will be moved. Commissioner Scarpelli stated that it was for Passaic Avenue.

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

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/Excused.

Mayor Cocchiola/Ordinance No. 3138

"AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF NUTLEY, CHAPTER 285, ENTITLED "DEVELOPMENT FEES", SECTION 3, RESIDENTIAL DEVELOPMENT FEES TO ADD SECTION 3.C.5 AS FOLLOWS."

Ordinance No. 3138 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. Commissioner Evans absent/excused

No public comments.

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

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

RESOLUTIONS:

No. 134-10

BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey that Roger Luzzi, employee in the Department of Public Safety, be granted a medical leave of absence without pay effective May 15, 2010 through July 13, 2010.

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

No. 136-10

WHEREAS, sealed bids for furnishing and delivering POLICE UNIFORMS AND EQUIPMENT were publicly opened and read on April 29, 2010; and

WHEREAS, Turnout Uniforms was the lowest responsible bidder; and

WHEREAS, the funds are available in an appropriation entitled 0-01-310-200 "Police Clothing Maintenance & Allowance" and has 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 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 eyes on a roll call vote. Commissioner Evans Absent/~~Excused~~

No. 137-10

BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey that the following volunteers are being appointed as Assistant Chief's of the Nutley Fire Department:

| | |
|-------------------|----------------------|
| Michael Spagnuolo | Engine 2 |
| Jeff Taoramina | Engine 3 |
| Peter Fox | Engine 4 |
| John Tomburro | Department Secretary |

Introduced by Commissioner Petracco, seconded by Commissioner Scarpelli. All eyes on a roll call vote. Commissioner Evans Absent/~~Excused~~.

No. 131-10

CAPITAL BUDGET AMENDMENT

WHEREAS, the local capital budget for the year 2010 was introduced on the 6th day of April, 2010; and

WHEREAS, it is desired to amend said approved capital budget section;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey, that the following amendments to the approved capital budget section be made:

TO

CAPITAL BUDGET (CURRENT YEAR ACTION)

PLANNED FUNDING SERVICES FOR CURRENT YEAR-2010

| | Estimated | Capital | Debt |
|--|----------------|------------------|----------------|
| Project | Total Cost | Improvement Fund | Authorized |
| Water Meter Replacement & Retrofitting | \$3,100,000.00 | 0.00 | \$3,100,000.00 |

**6-YEAR CAPITAL PROGRAM 2010-2015
Anticipated Project Schedule and Funding Requirements**

| | Estimated | Estimated | Funding Amounts |
|---------|------------|------------|------------------|
| Project | Total Cost | Completion | Per Year |
| | | Time | Budget Year 2010 |

| | | | |
|--|----------------|--------|----------------|
| Water Meter Replacement & Retrofitting | \$3,100,000.00 | 1 Year | \$3,100,000.00 |
|--|----------------|--------|----------------|

YEAR CAPITAL PROGRAM 2010-2015
SUMMARY OF ANTICIPATED FUNDING SOURCES AND AMOUNTS

| Project | Estimated | Capital | Debt |
|--|----------------|------------------|----------------|
| | Total Cost | Improvement Fund | Authorized |
| Water Meter Replacement & Retrofitting | \$3,100,000.00 | 0.00 | \$3,100,000.00 |

Introduced by Commissioner Tucci for Commissioner Evans, seconded by Commissioner Scarpelli. All eyes on a roll call vote. Commissioner Evans Absent/Excused.

No. 132-10

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 \$14,935.80 due to successful Tax Court Judgments for the said years.

| <u>BLOCK</u> | <u>LOT</u> | <u>ADDRESS</u> | <u>AMOUNT – YEAR</u> |
|--------------|------------|-----------------------|----------------------|
| 3501 | 1 | 70 North Road | \$1,787.25 – 2009 |
| 4100 | 27 | 252 Grant Avenue | \$1,787.25 – 2009 |
| 7004 | 7 | 31 Msgr. Owens Place | \$2,885.81 – 2009 |
| 4002 | 12 | 189 Highfield Lane | \$1,787.25 – 2009 |
| 8900 | 21 | 110 Bloomfield Avenue | \$6,688.24 – 2007 |

Introduced by Commissioner Tucci for Commissioner Evans, seconded by Commissioner Scarpelli. All eyes on a roll call vote. Commissioner Evans Absent/Excused.

No. 133-10

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 \$2,293.81 for the said year.

| <u>BLOCK</u> | <u>LOT</u> | <u>ADDRESS</u> | <u>AMOUNT – YEAR</u> |
|--------------|------------|-------------------|----------------------|
| 6200 | 9 | 28 William Street | \$2,293.81 – 2009 |

Introduced by Commissioner Tucci for Commissioner Evans, seconded by Commissioner Scarpelli. All eyes on a roll call vote. Commissioner Evans Absent/Excused.

No. 127-10

WHEREAS, C. Walter Searle Insurance, 410 Franklin Avenue, Nutley NJ 07110 was awarded a contract for professional risk management consulting services on April 6, 2010 via resolution number 94-10.

WHEREAS, the correct contract amount is \$32,152.28

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of The Township of Nutley, County of Essex, New Jersey does hereby authorize the amendment to resolution number 94-10 to reflect the correct contract amount of \$32,152.28

Introduced by Commissioner Tucci, seconded by Commissioner Scarpelli. All ayes on a roll call vote. Commissioner Petracco Abstained, Commissioner Evans Absent/Excused.

No. 128-10

WHEREAS, sealed bids for The 2010 Underground Storage Tank Closure Project were opened and read on April 29, 2010; and

WHEREAS, the lowest responsible bid was significantly higher than the cost budgeted by the municipality; and

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

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

BE IT FURTHER RESOLVED, that the Township Clerk be and is hereby authorized to again advertise for sealed bids for bids for the 2010 Underground Storage Tank Closure Project; and

BE IT FURTHER RESOLVED that bids are to be received on Wednesday, June 9, 2010 In the Commissioner Chambers, Township Hall at 3:00 pm (prevailing time) at which time they will be opened and read.

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

No. 129-10

WHEREAS, Township Ordinance Section 127 provides an Incentive Program for Waiver of Health Benefits to eligible employees on certain conditions; and

WHEREAS, Township Ordinance Section 127 results in savings to the Township; and

WHEREAS, Section 127-34 and Section 127-35 of the Township Ordinance provide that the township establish an amount payable to an employee choosing to waive health benefits coverage, which amount cannot be more than fifty percent (50%) of the amount saved by the Township; and

WHEREAS, Chapter 2, P.L 2010, effective May 22, 2010 limits the amount an employer may offer an employee who waives coverage to twenty five percent (25%) of the amount saved by the employer or \$5,000.00 whichever is less;

NOW THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that except as otherwise provided by law, the incentive amount payable pursuant to Municipal Ordinance 127 for the Year 2010 shall be fifty percent (50%) for the period from January 1, 2010 to May 31, 2010 and twenty five percent (25%) for the period June 1, 2010 to December 31, 2010.

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

No. 135-10

WHEREAS, the Township of Nutley has the need for analog phone lines for existing alarm systems and departmental fax lines; and

WHEREAS, NJSA 40A:11-5 (f) permits the award of a contract without bidding for the supply of any service which is a public utility subject to the jurisdiction of the BPU; and

WHEREAS, the Township received three (3) proposals for the provision of this service; and

WHEREAS, the proposal from McGraw Communications, in the amount of \$17,718.72 per year, will result in substantial savings and improved quality and is recommended by the Township's Office of Information Technology; and

WHEREAS, Funds are available from Account #510-237, and have been certified by the Chief Financial Officer, and said certification is 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 The Mayor and Township Clerk be and they are hereby authorized to enter into a contract with McGraw Communications for the provision of analog phone lines throughout the Township of Nutley.

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

No. 130-10

WHEREAS, the Nutley Health Department has collected a late fee from the following retail food establishments in error:

| | | |
|-------------------------------|--------------------------------|----------|
| Rita's Ice | 371 Centre St. | \$50.00 |
| Cavallo's Market | 173 Bloomfield Ave. | \$50.00 |
| Hoffman La Roche CC | 340 Kingsland St. | \$50.00 |
| Five Chris | 7 Franklin Ave. | \$50.00 |
| Aromi Di Napoli | 246 Washington Ave. | \$50.00 |
| Queen Marguerita | 249 Washington Ave. | \$50.00 |
| TCBY | 226 E Franklin Ave. | \$50.00 |
| Ruthie's 3 rd Base | 150 Bloomfield Ave. | \$50.00 |
| Peter the Great | 238 Franklin Ave. | \$50.00 |
| Subway | 251 Franklin Ave. | \$50.00 |
| Modern Leaf & Tea | 146 Chestnut St. | \$50.00 |
| Bill Tone's Deli | 95 Harrison St. | \$50.00 |
| Vitiello's Bakery | 105 Franklin Ave. | \$50.00 |
| Centre Deli | 553 Centre St. | \$50.00 |
| Michael's Pasteria | 143 Franklin Ave. | \$50.00 |
| Petite Café | 231 Franklin Ave. | \$50.00 |
| Cerreto's Old World | 350 Passaic Ave. | \$50.00 |
| Thai Essence | 231 Franklin Ave. | \$100.00 |

NOW, THEREFORE, by the Board of Commissioners of the Township of Nutley, in the County of Essex, New Jersey; and

BE IT FURTHER RESOLVED, that the Township Treasurer be and is hereby authorized to refund said fees as indicated above.

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

MEETING OPEN TO THE PUBLIC:

Mayor Cocchiola read the following statement into the record:

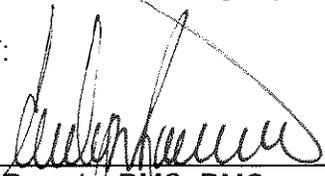
All persons addressing the Board of Commissioners regarding community concerns should approach the microphone and provide their name and address for the record. Unless further time is granted by the Board, each person shall limit their address to five (5) minutes. All remarks to the Board and its individual 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, thanked Mayor Cocchiola for putting his name on the outside banner. The Mayor stated that it was something that was done in the Township of Nutley. Mr. Moore asked Commissioner Tucci about the telephone lines that were being put in. Commissioner Tucci asked Mr. Kirk, from the Technology Department, to answer those questions. Mr. Moore's questions were in regard to money being spent to put in analog lines for the fax machines. Mr. Kirk gave an explanation, much of which was inaudible on the tape. The additional comments from Mr. Moore with regard to the First Aid Squad, was incomplete due to the parties not speaking into the microphone.

ADJOURNMENT:

Motion to adjourn by Commissioner Tucci, seconded by Commissioner Evans. All eyes on a roll call vote. Meeting adjourned at 7:54 p.m.

ATTEST:

X 

Evelyn Rosario, RMC, RMC
Municipal Clerk

X 

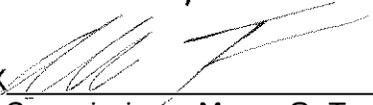
Commissioner Joseph P. Scarpelli

X 

Commissioner Alphonse Petracco

X 

Commissioner Thomas J. Evans

X 

Commissioner Mauro G. Tucci

X 

Mayor Joanne Cocchiola

Prepared by:

Linda Posternock

Linda Posternock

SUMMARY OF APPROPRIATIONS

| | | |
|---|---------|------------------|
| 5. GENERAL APPROPRIATIONS: | xxxxxxx | |
| Within "CAPS" | xxxxxxx | |
| (a&b) Operatlons Including Contingent | 34-201 | \$ 34,720,800.28 |
| (e) Deferred Charges and Statutory Expenditures - Municipal | 34-209 | \$ |
| (g) Cash Deflcit | 46-885 | |
| Excluded from "CAPS" | xxxxxxx | |
| (a) Operations - Total Operations Excluded from "CAPS" | 34-305 | \$ 6,138,166.87 |
| (c) Capital Improvements | 44-999 | \$ 75,000.00 |
| (d) Municipal Debt Service | 45-999 | \$ 1,876,000.00 |
| (e) Deferred Charges - Municipal | 46-999 | \$ 220,000.00 |
| (f) Judgements | 37-480 | \$ |
| (n) Transferred to Board of Education for Use of Local Schools (N.J.S.A. 40:48-17.1 & 17.3) | 29-405 | \$ |
| (g) Cash Deflcit | 46-885 | \$ |
| (k) For Local District School Purposes | 29-410 | \$ |
| (m) Reserve for Uncollected Taxes (Include Other Reserves If Any) | 50-899 | \$ 4,016,083.57 |
| 6. SCHOOL APPROPRIATIONS, TYPE 1 SCHOOL DISTRICTS ONLY (N.J.S.A. 40A:4-13) | 07-195 | \$ |
| Total Appropriations | 34-499 | \$ 47,045,050.70 |

It is hereby certified that the within budget is a true copy of the budget finally adopted by resolution of the Governing Body on the 18th day of May, 2010.
 It is further certified that each item of revenue and appropriation is set forth in the same amount and by the same title as appeared in the 2010 approved budget and all amendments thereto, if any, which have been previously approved by the Director of Local Government Services.

Certified by me this 18th day of May, 2010, _____, Clerk

Evelyn Rosario
Signature

**Evelyn Rosario
Municipal Clerk
Township of Nutley**