

**Township of Nutley
Board of Commissioners
Meeting Minutes
Tuesday, August 3, 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	- Absent/Excused
Mayor Cocchiola	- Present

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

Evelyn Rosario, Municipal Clerk read the following Executive Session resolution into the record.

No. 197A-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 Matters
2. Litigation 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 Evans, seconded by Commissioner Scarpelli. All eyes on a roll call vote. Commissioner Tucci absent/excused.

At this point in the meeting the Board of Commissioners exited Executive Session and entered into 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	- Absent/Excused
Mayor Cocchiola	- Present

MINUTES:

None.

COMMUNICATIONS/CORRESPONDENCE:

REPORT(1)

Mayor Cocchiola submitted the Department of Public Affairs July 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	\$	11,396.56
Department of Revenue & Finance	\$	6,601,171.32
Department of Public Safety	\$	17,245.05
Department of Public Works	\$	61,215.02
Department of Parks & Public Property	\$	480,565.21
Payroll as of July 23, 2010	\$	725,991.71
Bill List Grand Total	\$	<u>7,897,584.87</u>

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

ORDINANCE INTRODUCTIONS: (1)

Commissioner Evans/Ordinance No. 3143

"AN ORDINANCE TO AMEND AN ORDINANCE CODIFIED IN THE CODE OF THE TOWNSHIP OF NUTLEY, CHAPTER 228, ENTITLED VEHICLES AND TRAFFIC, PARTICULARLY ARTICLE VII (SPECIAL ZONES AND AREAS, LANE USE RESERVATIONS), SECTION 28 ENTITLED BUS STOPS TO ADD AND DELETE THE LOCATIONS SET FORTH THEREIN." (Public Hearing September 7, 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 Scarpelli. All ayes. Commissioner Evans read by title only. Commissioner Tucci absent/excused

A public hearing will be held on Tuesday, September 7, 2010.

ORDINANCE PUBLIC HEARINGS

None.

RESOLUTIONS

No. 201-10

WHEREAS, Bids for the purchase of 5/8 x 1/2 Badger water meters were opened and read on Tuesday, July 13, 2010.

WHEREAS, L/B Water Service, Inc., 4101 Sylon Blvd., Hainesport, NJ 08036 was the lowest bidder priced at 5/8 x 1/2 read head at \$175.00 each,

WHEREAS, funds are available from account number 702-216 in the amount of \$10,000.00 and account number 714-200 in the amount of \$20,000.00 and have been certified by the Chief Financial Officer, said certification being attached to this resolution and:

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 L/B Water in the amount not to exceed \$30,000.00, and that 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 Scarpelli, seconded by Commissioner Petracco. All eyes on a roll call vote. Commissioner Tucci absent/excused

No. 202-10

WHEREAS, an emergency has arisen with respect to the Emergency Repair of the Township Well located behind Town hall;

WHEREAS, services will be contracted for and manpower and supplies will be expended to respond to said emergency;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, in the County of Essex, New Jersey, that an emergency is hereby declared to exist which will not permit for the advertisement for public bids, subject to the verification of funds by the chief financial officer of the Township of Nutley.

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

No. 197-10

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 7806 Lot 13	14 Taft Street	\$ 140.34
Block 307 Lot 48	263 Hillside Avenue	10.80
Block 8701 Lot 9	57 Plymouth Road	43.18
Total		<u>\$ 194.32</u>

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

No. 198-10

WHEREAS, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2009 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs, and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled General Comments and Recommendations; and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit and specifically the sections of the Annual Audit entitled General Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 to wit:

R.S. 52:27BB-52-A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT REOLVED, that the Board of Commissioners of the Township of Nutley, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance

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

No. 199-10

BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, in the County of Essex, NJ that the Township Clerk be and she is hereby authorized to

advertise for SEALED BIDS for SURPLUS EQUIPMENT no longer in use by the Township. The equipment is as listed:

- | | | |
|--|------------------|-----------------------|
| 1. MULLER CEMENT MIXER | SIZE 9-S | SERIAL #113658 |
| 2. CH & E TANDEM ROLLER | 1-TON SERIES 900 | MODEL #911R10 |
| 3. GARDNER DENVER AIR
COMPRESSOR | MODEL RP-85-GA | SERIAL #416534 |
| 4. 1989-VOLVO RECYCLING TRK.
FE6-13 (STRIPPED-NON DRIVABLE) | | VIN#YB3U6A7AXKB434429 |

BE IT FURTHER RESOLVED that the equipment is to be sold "AS IS" and "WHERE IS". Bids to be received on Wednesday, August 25, 2010 at 3:00pm prevailing time in the Commission Chambers, Township Hall, 1 Kennedy Drive, Nutley, N.J., at which time they will be publicly opened and read.

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

No. 200-10

WHEREAS, emissions from gasoline and diesel-powered vehicles contribute significantly to air pollution, including greenhouse gases, ozone formation, fine particulates; and

WHEREAS, numerous scientific studies have found links between exposure to fine particles and health effects including premature death, and increased incidents of asthma, allergies, and other breathing disorders; and

WHEREAS, the United States Environmental Protection Agency has classified diesel exhaust as likely to be carcinogenic to humans; and

WHEREAS, vehicle idling occurs in locations (e.g. school grounds, parking lots, distribution centers, strip malls, construction sites, business centers, etc.) where New Jerseyans can be exposed to concentrated sources of air pollutant emissions; and

WHEREAS, asthma is a significant public health concern in New Jersey, especially among children (up to 25% of New Jersey's school-age children are asthmatic) and the elderly; and

WHEREAS, the reduction of fine-particle emissions from diesel engines could also prevent 16,000 new asthma cases annually and save \$770 million to \$10 billion in health care and related costs in the State; and

WHEREAS, petroleum-based gasoline and diesel fuel are nonrenewable fuels and should be used wisely and not wasted; and

WHEREAS, idling more than 10 seconds uses more fuel and emits more pollutants than turning an engine off and on again; and

WHEREAS, current state law prohibits the idling of vehicles for more than three minutes and studies have shown that an anti-idling policy will save fuel, prolong engine life, and improve air quality.

NOW THEREFORE BE IT RESOLVED that the Mayor and the Board of Commissionership of the Township of Nutley, County of Essex, State of New Jersey support the adoption of a strong anti-idling policy by government agencies, schools, businesses, and other organizations by:

1. Encouraging any gasoline or diesel-powered motor vehicle to turn off their engines immediately at schools and off-site school related events to minimize exposure of children to vehicle emissions;
2. Maintaining municipal vehicles to eliminate any visible exhaust and complying with the annual inspection requirement for those vehicles;
3. Consider the promotion of widespread use of emission controls in construction contracts; and
4. Supporting broad education of the public about the health, environmental and economic impacts of idling and ways to reduce idling.

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

Terri Quirk, 45 Hampton Place, asked where on the township website are Board meeting dates listed. Ms. Kathy Rempusheski responded and stated that the meeting dates are listed on the main page of the website under the calendar title.

Ms. Quirk asked if the Board of Commissioners Meetings can be televised, Mayor Cocchiola responded and stated that the Board is considering a shared service with the Board of Education and hopefully will have the meetings televised by the end of this year or the beginning of next year.

Ms. Quirk, commented that on the township website there is a listing for the Traffic Safety Bureau under the Department of Public Safety and asked if the Traffic Safety Coordinator is the same position. Commissioner Evans responded and stated that the two titles are different and that the Traffic Safety Coordinator is under the direction of Revenue & Finance/Code Enforcement, the Traffic Safety Coordinator handles matters involving the Department of Transportation along with safety issues regarding traffic lights and stop signs.

Ms. Quirk, commented that grants for solar stop signs "Safe Routes to Schools" are available and stated that funding may be made available starting in January 2011.

Ms. Quirk, asked Commissioner Petracco if he can review the youth center committee.

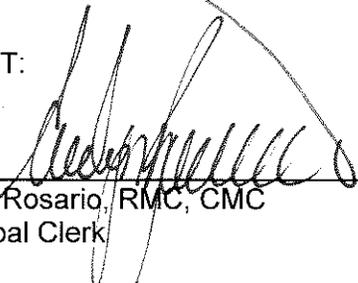
Rory Moore, 462 Chestnut St, asked Commissioner Evans several questions concerning sending an employee to a computer training camp and commented that township should have send the employee to local training facility rather than an out of state facility.

Mr. Moore asked Commissioner Evans several questions concerning an employee and salary increases received by this employee. Commissioner Evans responded and stated that the documents he is viewing does not indicate a salary increase the figures indicate overtime pay. Commissioner Evans continued and stated that he will review the information with the Township Treasurer.

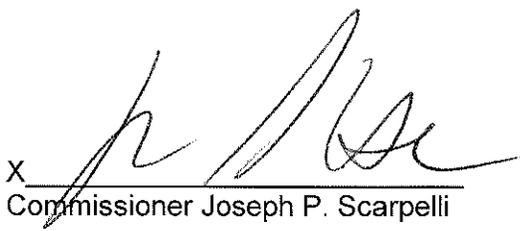
ADJOURNMENT:

Motion to adjourn by Commissioner Scarpelli, seconded by Commissioner Petracco
All ayes on a roll call vote. Commissioner Tucci absent/excused Meeting adjourned at
8:53 P.M.

ATTEST:



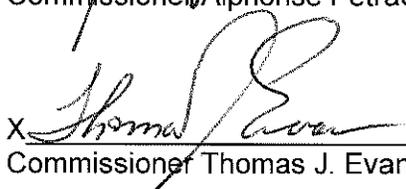
Evelyn Rosario, RMC, CMC
Municipal Clerk

X 

Commissioner Joseph P. Scarpelli

X 

Commissioner Alphonse Petracco

X 

Commissioner Thomas J. Evans

X 

Commissioner Mauro G. Tucci
(Absent/Excused)

X 

Mayor Joanne Cocchiola