

**Township of Nutley
Board of Commissioners
Meeting Minutes
Tuesday, August 17, 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	- Absent/Excused
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.

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

No. 203A-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

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 ayes on a roll call vote. Commissioner Petracco 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	- Absent/Excused
Commissioner Evans	- Present
Commissioner Tucci	- Present
Mayor Cocchiola	- Present

MINUTES:

None.

COMMUNICATIONS/CORRESPONDENCE:

None.

REPOR

None.

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	\$	67,194.40
Department of Revenue & Finance	\$	2,230,214.72
Department of Public Safety	\$	23,813.73
Department of Public Works	\$	172,886.58
Department of Parks & Public Property	\$	62,296.61
Payroll as of August 6, 2010	\$	739,476.63
Payroll as of August 20, 2010	\$	845,516.82
Bill List Grand Total	\$	<u>4,141,399.49</u>

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

ORDINANCE INTRODUCTIONS: (1)

Commissioner Evans/Ordinance No. 3144

"AN ORDINANCE TO AMEND CHAPTER 57 OF THE CODE OF THE TOWNSHIP OF NUTLEY ENTITLED FIRE DEPARTMENT, SPECIFICALLY SECTION 57-4, ENTITLED OFFICERS ENUMERATED."(Public Hearing September 21, 2010)

Commissioner Scarpelli (For Commissioner Petracco) 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 Scarpelli read by title only. Commissioner Petracco absent/excused

A public hearing will be held on Tuesday, September 21, 2010.

ORDINANCE PUBLIC HEARINGS

None.

RESOLUTIONS

No. 214-10

WHEREAS, William "Bill" Eimer is a lifelong resident of Nutley; and

WHEREAS, Bill served with distinction in the United States Navy during the Vietnam War from May 26, 1969 through February 1, 1971; and

WHEREAS, Bill began his career in the Township of Nutley on May 12, 1980 working for the Department Public Works as a Water Repairer and working his way up to the position of Water Foreman on August 1, 1991 and Supervisor of Water on December 1, 1993; and

WHEREAS, Bill has earned the respect and admiration of all who know him, and his dedication and commitment to the Township of Nutley has set standards which we should all strive to achieve; and

WHEREAS, on July 31, 2010, William "Bill" Eimer retired from the Department of Public Works after thirty years of dedicated service to the Township of Nutley;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey that William "Bill" Eimer's long serving dedication and service to the Township of Nutley and its residents be hereby recognized; and

BE IT FURTHER RESOLVED, that the gratitude of this community be hereby extended to William "Bill" Eimer for his thirty years of service to the Township of Nutley, Department of Public Works.

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

No. 215-10

WHEREAS, Frank Ferry Jr. began his career in the Township of Nutley on July 1, 1986 working for the Department of Parks and Public Property; and

WHEREAS, on December 1, 1986, Frank transferred to the Department of Public Works, starting as a Road Repairer and working his way up to Sewer Foreman; and

WHEREAS, Frank was a member of Nutley Friends of Abused and Special Children helping to raise much needed funds for children and families in need; and
WHEREAS, Frank has earned the respect and admiration of all who know him, and his dedication and commitment to the Township of Nutley has set standards which we should all strive to achieve; and

WHEREAS, Frank is the proud father of four children, Donna, Dominic, Frank and Lisa and three grandchildren Jordan, Jake and Sabrina; and

WHEREAS, on June 30, 2010, Frank Ferry Jr. retired from the Department of Public Works after twenty-five years of dedicated service to the Township of Nutley;
NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey that Frank Ferry Jr.'s long serving dedication and service to the Township of Nutley and its residents be hereby recognized; and

BE IT FURTHER RESOLVED, that the gratitude of this community be hereby extended to Frank Ferry Jr. for his twenty-five years of service to the Township of Nutley, Department of Public Works.

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

No. 212-10

BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey that Anthony Kulzy, employee in the Department of Public Safety, requires an

unpaid leave of absence effective August 16, 2010 through October 14, 2010.

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

No. 205-10

WHEREAS, New Jersey State Statute 54:4-3.30 provides certain war veterans, who have suffered serious disability while in service, full tax exemption of their dwelling house and the lot on which it is located.

WHEREAS, the following taxpayer has filed an application for allowance of a full exemption with proper supporting documentation thus making the taxpayer eligible,

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that Joseph Foti be granted full exemption from payment of property taxes from March 1, 2009 and all subsequent years thereafter on block 8004 lot 3 known as 47 Clement Street; and that payments received from March 1, 2009 to August 31, 2010 shall be refunded to Mr. Foti in the amount of \$6,683.04 for 2009 and \$5,905.72 for 2010.

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

No. 206-10

WHEREAS, the Township of Nutley entered into a contract with Millennium Strategies LLC for "Grant Consulting" services via resolution number 44-10 adopted by the Board of Commissioners at their continued meeting held on February 9, 2010; and

WHEREAS, the contract stipulates that the contract time shall be measured from the date of commencement, and shall run for a period of six (6) months with an option for the Township to extend through December 31, 2010; and

WHEREAS, on July 20, 2010 at the Board of Commissioners Workshop Session Millennium Strategies, LLC provided the Board of Commissioners with a presentation along with an activity report outlining all of the work performed through July 2010.

WHEREAS, the Governing Body of the Township of Nutley has evaluated and reviewed the six (6) month activity report that Millennium Strategies LLC provided on July 20, 2010; and

WHEREAS, Millennium Strategies, LLC will provide Grant Consulting services for \$3,333.00 per month through December 31, 2010.

WHEREAS, funds are available from account no. 10-01-209-200 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, as follows:

1. The contract between the Township of Nutley and Millennium Strategies, LLC 60 Roseland Avenue, Caldwell, New Jersey 07006 shall be extended through December 31, 2010.
2. A copy of this Resolution as well as the Contract shall be placed on file with the Township Clerk.

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

No. 213-10

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 \$30,387.63 due to successful Tax Court Judgments for the said years.

<u>BLOCK</u>	<u>LOT</u>	<u>ADDRESS</u>	<u>AMOUNT – YEAR</u>
4201	1	338 Passaic Avenue	\$2,227.96 – 2007 \$3,031.18 – 2009
3305	8	51 Maple Place	\$8,000.60 – 2007 \$8,382.28 – 2008 \$8,745.61 – 2009

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

No. 203-10

WHEREAS, on June 16, 2010, Allen Alfano was honored at the 2010 Nutley American Little League Award Ceremony on his retirement as President of the League; and

WHEREAS, Allen is a lifelong resident of The Township of Nutley and has three children; Michelle, Alan Jr. and Marc; and

WHEREAS, Allen has been with Nutley American Little League for 24 years, spending 10 of those years as President of the League, and all of those years as coach of the Rotary Team with the safety of the players as his first priority; and

WHEREAS, during Al's Presidency, the Nutley American League saw the addition of T-Ball, built a new T-Ball/B-League field and overhauled the Farm League Field as it continues to be one of the finest run little leagues in the state; and

WHEREAS, during his tenure, Nutley American hosted the 9-10 Year Old Little League State Finals, hosted numerous district, sectional and Championships games, created 11- year old all star teams and formed travel teams.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Nutley, County of Essex, join with the citizens of Nutley to honor and congratulate Allen Alfano and to recognize the valuable contributions he has made to The Nutley American Little League and to the Township of Nutley.

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

No. 204-10

WHEREAS, the Township of Nutley has a need to acquire specialized professional services as a fair and open contract pursuant to the provision of *N.J.S.A. 19:44 A-20.5*; and

WHEREAS, The Requests for Proposal for Township Forester was received and opened on July 15, 2010 by the Township Clerk and,

WHEREAS, a response to the request for proposal was from The Shade Tree Department LLC, John Linson, 52 Ricker Road, Kinnelon, NJ 07405, and

WHEREAS, The Shade Tree Department LLC , John Linson, NJ Certified Tree Expert #198 has provided these services in the past to the Township of Nutley and is particularly suited to provide continued service; and

WHEREAS, the anticipated term of this contract is one year; and

WHEREAS, the contract is not to exceed \$24, 000.00 and funds are available from Account # 001-512-200 in the amount of \$21,000.00 and Account # 9-01-634-200 in the amount of \$3,000.00, 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 that a contract be awarded to The Shade Tree Department, LLC, John Linson as described herein; and

BE IT FURTHER RESOLVED that the response to the Request for Proposal be placed on file with this resolution, and

BE IT FURTHER RESOLVED that a notice of this action shall be printed once in the Nutley Sun in accordance with the Local Public Contracts Law.

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

No. 207-10

WHEREAS, the Board of Commissioners of the Township of Nutley in the County of Essex, New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and

WHEREAS, the Board of Commissioners of the Township of Nutley further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in the community; and

WHEREAS, the Township of Nutley has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Essex; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Nutley in the County of Essex, New Jersey that the Board of Commissioners hereby recognizes the following:

1. The Board of Commissioners does hereby authorize submission of, and0 application for, the Nutley Municipal Alliance grant for the calendar year 2011in the amount of \$22,000.00.
2. The Board of Commissioners acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

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

No. 208-10

WHEREAS, Louis Luzzi is employed by the Township of Nutley, Department of Public Works; and

WHEREAS, Louis Luzzi has exhausted all of his available sick leave and other time due; and

WHEREAS, Joann Dunleavy from the Department of Public Affairs is desirous of transferring a total of Three hundred (300) days of her accumulated sick leave to Louis Luzzi; and

WHEREAS, under the circumstances presented herein and in view of Louis Luzzi's medical situation, and his service to the Department of Public Works, the Board of Commissioners are desirous of accommodating this request;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Nutley in the County of Essex, New Jersey as follows;

Joann Dunleavy, a Township employee is permitted to transfer days to Louis Luzzi.

Joann Dunleavy has provided her consent to said transfers in writing to the Township Clerk.

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

No. 209-10

WHEREAS, as a result of a resignation, a vacancy has been created for the position of Registrar of Vital Statistics for the Township of Nutley within the Department of Public Affairs; and

WHEREAS, in recognition of the challenges of the current economic climate and ongoing efforts to manage costs for reasons of budgetary constraint, the Department is consolidating job duties among existing personnel; and

WHEREAS, Kathy Rempusheski has been certified to perform the duties of Registrar of Vital Statistics;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Nutley that Kathy Rempusheski be appointed Registrar of Vital Statistics of the Township of Nutley, for a term of three years, beginning September 1, 2010 subject to the approval of the State Department of Health.

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

No. 210-10

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 Papillion LLC C/O Joseph Cerreto, 734 Franklin Avenue, Nutley, New Jersey 07110, license No. 0716-33-011-005, said license 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 Certificate for said license for the July 1, 2010 through June 30, 2011 renewal period.

BE IT FURTHER RESOLVED, that license number 0716-33-011-005 is NOT actively used at an operating place of business.

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

No. 211-10

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

American Red Cross Nutley (Montclair-Glen Ridge-Nutley Chapter of the American Red Cross)	<u>License No. 45-10</u> "On-Premise 50/50 Cash Raffle" <u>License No. 46-10</u> "On-Premise Merchandise Raffle"	November 13, 2010 7:00 P.M. – 11:00 P.M.

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 Scatpelli. All ayes on a roll call vote. Commissioner Petracco 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.

Sera T. Schuster, 462 Chestnut St., asked why the Township has awarded a contract for Township Forester when the Department of Parks & Public Property has a qualified employee that can do the job. Commissioner Tucci responded and stated that the employee does not have the required certifications to perform the duties of Township Forester.

Ms. Schuster asked if Louis Luzzi is related to Mike Luzzi, Mayor Cocchiola responded and stated that yes they are brothers. Ms. Schuster asked if Kathy Rempusheski will be performing the duties of Vital Statistics Registrar and also asked if she will be receiving the same salary as Mrs. Dunleavy. Mayor Cocchiola responded and stated that Kathy would not be receiving the same salary but would be compensated accordingly.

Ms. Shuster read a letter into the record concerning the fence and wall encroachments at 2 Margaret Avenue the letter is dated August 13, 2010. (Letter attached to official minutes) Commissioner Evans commented that he is in receipt of this letter and stated that he has asked the Code Enforcement Department to visit the property and observe the condition of the fence, if it is determined that there is a maintenance issue, the next door neighbor will be advised accordingly. Commissioner Evans continued and stated that he is aware that the underground footing of the fence is on her property, he is continuing to work to see if there is a resolution and that as far as the fence itself, the

the condition of the fence, if it is determined that there is a maintenance issue, the next door neighbor will be advised accordingly. Commissioner Evans continued and stated that he is aware that the underground footing of the fence is on her property, he is continuing to work to see if there is a resolution and that as far as the fence itself, the

Board of Adjustments granted a variance to allow the fence to be a solid fence, as far as the situation concerning the rear part of her property, the owner of the rear yard property has been advised of the encroachment, the property owner has acknowledged that he is willing to repair it and move the wall accordingly. The Code Enforcement Department has been advised to inspect the run-off on her property if there is run-off the property owner will be advised to make the necessary repairs.

Jim Riccio, 115 Margaret Ave., expressed his concerns regarding planes flying over his home, the aircraft noise is constant and disturbing. Mayor Cocchiola responded and stated that she is aware that this is an ongoing issue and that she will write a letter to Congressman Pascrell on behalf of the Board of Commissioners asking for assistance to have the flight patterns changed.

Rory Moore, 462 Chestnut St, commented that he contacted a real estate agent concerning the property on Margaret Ave., owned by Ms. Schuster, he was advised that that fence was only going to be moved one inch. Commissioner Evans responded and stated that it has no bearing on the action the Code Enforcement Department will take.

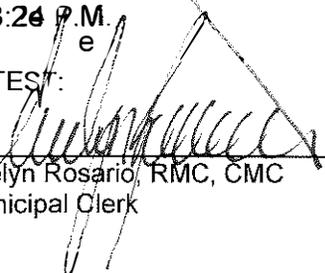
Mr. Moore commented on the election pay received by various employees in the Township of Nutley.

Mr. Moore commented of the usage of township issued cell phones to various employees.

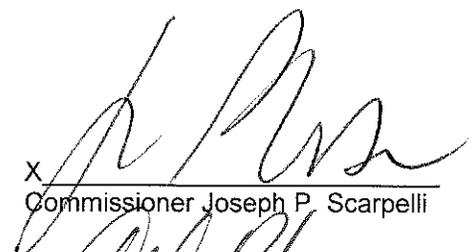
ADJOURNMENT:

Motion to adjourn by Commissioner Scarpelli, seconded by Commissioner Tucci
All ayes on a roll call vote. Commissioner Petracco absent/excused Meeting adjourned
at 8:26 P.M.

ATTEST:



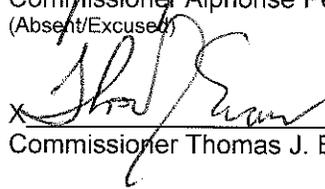
Evelyn Rosario, RMC, CMC
Municipal Clerk

x 

Commissioner Joseph P. Scarpelli

x 

Commissioner Alphonse Petracco
(Absent/Excused)

x 

Commissioner Thomas J. Evans

x 

Commissioner Mauro G. Tucci

x 

Mayor Joanne Cocchiola