

# Township of Nutley

## Board of Commissioners

### Meeting Minutes

Tuesday, July 7, 2009

7:00 P.M.

A workshop meeting of the Board of Commissioners of the Township of Nutley was held in the 3<sup>rd</sup> floor Commission Chambers Conference Room 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 January 8, 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.

The Board of Commissioners moved into the public portion of the meeting.

A regular meeting of the Board of Commissioners of the Township of Nutley was held in the 3<sup>rd</sup> 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:**

Sharon L. Bozza, Assistant 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 January 8, 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

#### **MINUTES**

None.

#### **COMMUNICATIONS/CORRESPONDENCE:**

None.

**REPORTS:**

Commissioner Scarpelli submitted the Department of Public Works report for the months of January, February, March, April & May 2009.

Mayor Cocchiola submitted the Department of Public Affairs report for the month of April, 2009.

**BILLS:**

Sharon L. Bozza, Assistant to the 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	\$	10,072.49
Department of Revenue & Finance		
	\$	2,068,385.11
Department of Public Safety	\$	123,345.36
Department of Public Works	\$	281,229.82
Department of Parks & Public Property	\$	57,951.25
Total Payroll as of June 26, 2009 (June 13, 2009 \$775.00)	\$	830,887.59
Bill List Grand Total	\$	3,854,935.17

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

**ORDINANCE INTRODUCTIONS**

None.

**PUBLIC HEARINGS: (4)**

Ordinance No.'s 3108 & 3109 advertised in the Nutley Sun Issue of Thursday, June 18, 2009

Ordinance No.'s 3110 & 3111 advertised in the Nutley Sun issue of Thursday, June 25, 2009

**Commissioner Petracco/Ordinance No. 3107**

**“AN ORDINANCE TO AMEND AN ORDINANCE CODIFIED IN THE CODE OF THE TOWNSHIP OF NUTLEY, CHAPTER 228, ENTITLED VEHICLES AND TRAFFIC, PARTICULARY ARTICLE IX (ANGLE AND PERMIT PARKING), SECTION 32 ENTITLED “PERMIT PARKING.”**

Motion to table to the next meeting of the Governing Body scheduled for July 21, 2009 by Commissioner Petracco, seconded by Commissioner Scarpelli. All ayes on a roll call vote.

**Commissioner Petracco/Ordinance No. 3108**

**“AN ORDINANCE TO AMEND ARTICLE 96-3, SECTION C4 IN THE CODE OF THE TOWNSHIP OF NUTLEY, COUNTY OF ESSEX, STATE OF NEW JERSEY.”**

Ordinance No. 3108 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.

**PUBLIC COMMENT:**

No Comments.

Motion to close the public hearing by Commissioner Petracco, seconded by Commissioner Scarpelli. All ayes on a roll call vote.

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. 3109**

**“AN ORDINANCE AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION PURSUANT TO N.J.S.A 40a:4-53 IN CONNECTION WITH THE COSTS ATTRIBUTABLE TO A STATUTORY REVIEW OF THE MASTER PLAN OF THE TOWNSHIP OF NUTLEY.”**

Ordinance No. 3109 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.

**PUBLIC COMMENT:**

Rory W. Moore, 462 Chestnut Street – asked if this is an additional \$50,000.00 from what was allotted for last year. Commissioner Evans responded and stated that yes it is an additional \$50,000.00 for a total of \$100,000.00.

Motion to close the public hearing by Commissioner Evans, seconded by Commissioner Tucci. All ayes on a roll call vote.

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

**Commissioner Evans/Ordinance No. 3110**

**“AN ORDINANCE TO AMEND AN ORDINANCE CODIFIED IN THE CODE OF THE TOWNSHIP OF NUTLEY, CHAPTER 228, ENTITLED VEHICLES AND TRAFFIC, PARTICULARLY ARTICLE V (THROUGH STREETS; STOP AND YIELD INTERSECTIONS), SECTION 20 ENTITLED “STOP INTERSECTIONS.” (Park Drive/Evelyn Place)**

Ordinance No. 3110 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.

**PUBLIC COMMENT:**

No Comments.

Motion to close the public hearing by Commissioner Evans, seconded by Commissioner Tucci. All ayes on a roll call vote.

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

**Commissioner Evans/Ordinance No. 3111**

**“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), SECTION 29A ENTITLED HANDICAPPED PARKING, TO ADD THE LOCATIONS SET FORTH THEREIN.”  
(Washington Avenue)**

Ordinance No. 3110 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.

**PUBLIC COMMENT:**

Jack Magnicio, 160 Park Avenue, thanked the Governing Body for considering adoption of this ordinance.

Motion to close the public hearing by Commissioner Evans, seconded by Commissioner Tucci. All ayes on a roll call vote.

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

**RESOLUTIONS:**

No. 188-09

WHEREAS, bids were received, opened and read on June 10, 2009 for the complete furnishing and installation of one twin jack oil hydraulic passenger elevator; and

WHEREAS, the lowest responsible bid was significantly higher than the costs projected and 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 of the Township of Nutley that all bids heretofore advertised, received and opened for the furnishing and installation of a passenger elevator are hereby rejected.

Introduced by Commissioner Tucci, seconded by Commissioner Evans. All ayes.

189-09

WHEREAS, George F. Librizzi was duly appointed to the position of Municipal Tax Assessor on November 22, 2004 to a four (4) year term in accordance with N.J.S.A. 40A:9-146 et seq. and N.J.S.A. 54:1-35.25, et seq.; and

WHEREAS, George F. Librizzi is and has been certified as a Certified Tax Assessor since May 21, 1987 and satisfied the continuing education requirements for said certification; and

WHEREAS, the appointing authority of the Township of Nutley is desirous of reappointing George F. Librizzi, CTA as Municipal Tax Assessor for the Township of Nutley in accordance with N.J.S.A 54:1-35.31 et seq.; and

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners the Township of Nutley, County of Essex, State of New Jersey, hereby reappoint George F. Librizzi to the position of Municipal Tax Assessor in the Township of Nutley effective July 1, 2009.

Introduced by Commissioner Evans, seconded by Commissioner Scarpelli. All ayes.

190-09

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 \$26,147.94 for the said year.

<u>BLOCKLOT</u>		<u>ADDRESS</u>	<u>AMOUNT – YEAR</u>
2100	9	Qual. C0205 800 Bloomfield Avenue #205	\$1166.04 – 2007
2701	12	339 High Street	\$1824.50 – 2007
2804	9	52 Overlook Terrace	\$2182.74 – 2007
3801	30	54 Hay Avenue	\$1032.84 – 2007
4401	22	396 Franklin Avenue	\$6515.74 – 2007
5001	20	27 Forest Avenue	\$4073.77 – 2007
5206	1	134 Cedar Street	\$2413.37 – 2007
5400	20	30 Hickory Road	\$1918.80 – 2007
7300	3	295 Centre Street	\$3822.76 – 2007
7501	7	196 Franklin Avenue	\$1197.38 – 2007

Introduced by Commissioner Evans, seconded by Commissioner Tucci. All ayes.

191-09

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 \$17,691.87 due to successful Tax Court Judgments for the said years.

<u>BLOCK</u>	<u>LOT</u>	<u>ADDRESS</u>	<u>AMOUNT – YEAR</u>
7604	16 C0203	179-185 Franklin Ave.	\$561.87 – 2008
1100	1	492 River Road	\$17,130.00 – 2008

Introduced by Commissioner Evans, seconded by Commissioner Tucci. All ayes.

192-09

WHEREAS, Requests for Proposals for Interactive Web and Citizen Communication Services were opened and read on Tuesday, March 24, 2009; and

WHEREAS, pursuant to N.J.S.a. 40A:11-24, the time for awarding the Contract or rejecting all bids has expired;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, in the County of Essex, State of New Jersey all bids are deemed null and void.

Introduced by Commissioner Evans, seconded by Commissioner Tucci. All ayes.

193-09

WHEREAS, the North Jersey District Water Supply Commissioner (the “*Commission*”) is a public body corporate and politic of the State of New Jersey (the “*State*”), organized and existing under and by virtue of the laws of the State, and , in particular, N.J.S.A. 58:5-1 *et seq.*, as amended and supplemented (the “*Act*”), for the purpose, among other things, of providing local government water supplies;

WHEREAS, the Township of Nutley (the “*Local Unit*”) a municipal corporation of the State located in the County of Essex, and the Commission have previously entered into that certain “*Agreement*” dated as of April 13, 1982, among the City of Bayonne, the township of Bloomfield, the Township of Cedar Gove, the Town of Kearny, the City of Newark, the Town of Nutley, and the Township of Wayne (including the Local Unit, each a “*Contracting Local Unit*” and collectively, the “*South Local Units*”), as amended, and as the same may be further amended or supplemented in accordance with its terms (collectively, the “*South Service Contract*”);

WHEREAS, pursuant to and in accordance with the provisions of the Act, on August 22, 1986, the Commission adopted that certain resolution entitled, “*General Bond Resolution of the North Jersey District Water Supply Commission Securing One or More Series of Wanaque South Project Revenue Bonds*” (the “*South General Bond Resolution*”), as may be amended and supplemented (the *South General Bond Resolution* and all supplemental resolutions thereto shall be collectively referred to as

the “*South Bond Resolution*”), authorizing, among other things, the issuance of one or more series of Bonds, including any and all Additional Bonds, as such terms are defined in the South Bond Resolution, by the commission in order to finance and refinance the commission’s share of the costs of the acquisition, construction and improvement of the Wanaque South Project, as such term is defined in the South Bond Resolution:

WHEREEAS, pursuant to and in accordance with the provisions of the Act, on July 16, 1999, the Commission adopted that certain resolution entitled “Resolution Providing for the Issuance of Subordinate Wanaque South Project Water System Bonds of the North Jersey District Water Supply Commission and for the Rights of the Holders Thereof, and authorizing \$1,075,000 Principal Amount Thereof” (the “*South Subordinate General Bond Resolution*”) as amended and supplemented (the South Subordinate General Bond Resolution and all supplemental resolutions thereto, including without limitation, the Ninth Supplemental Subordinate Resolution, as such term is defined herein, shall be collectively referred to as the “*South Subordinate Bond Resolution*”) authorizing, among other things, the issuance of one or more series of subordinate Bonds by the Commission, including any and all Additional Bonds, as such term is defined in the South Subordinate Bond Resolution and which such Bonds or Additional Bonds shall be issued on a subordinate basis to any and all bonds issued pursuant to the South Bond Resolution, in order to finance and refinance the commission’s share of the costs of the acquisition, construction and improvement of the Wanaque South Project;

WHEREAS, the South Service Contract sets forth the terms and conditions of the relationship between the Local Unit, the other Contracting Local Units and the Commission in connection with the Commission’s Wanaque South Project;

WHEREAS, the Commission intends to undertake improvement, reconstruction and renovation of existing water supply facilities of the Commission including the following with respect to the Wanaque South Project: (i) relocation of the Wanaque Treatment Plant main entrance gate and security facilities closer to the Ringwood Avenue for critical improvements to the security facilities and traffic control at the Plant entrance ; and (ii) the costs of issuance of the herein defined Wanaque South 2009 Program Loan Bonds (the “*Wanaque South Water Treatment Plant Security Zone Extension Improvement Project*”);

WHEREAS, pursuant to the provisions of the New Jersey Environmental Infrastructure Trust Financing Program (the “*Program*”), established pursuant to N.J.S.A. 58:11B-1 *et seq.* (the “*Trust Act*”), funds may be available for the purpose of financing certain projects eligible for inclusion in the Program (“*Program Eligible Projects*”);

WHEREAS, as a project that provides security improvements, most if not all of the Wanaque South Water Treatment Plant Security Zone Extension Improvements Project qualifies under the Program and the Trust Act as a Program Eligible Project, subject to a final determination made by the New Jersey Environmental Infrastructure Trust (the “*Trust*”) and the New Jersey Department of Environmental Protection (the “*DEP*”)

WHEREAS, the Commission desires to finance all, or a portion, of the costs of the Wanaque South Water Treatment Plant Security Zone Extension Improvements Project from (i) the proceeds of a loan (the “*Wanaque South 2009 Subordinate Trust Loan*”) from the Trust to the Commission, such loan to be secured by a Bond issued by

the Commission to the Trust (the "*Wanaque South Subordinate 2009 Trust Loan Bond*") pursuant to the South Subordinate Bond Resolution, (ii) the proceeds of a loan (the "*Wanaque South 2009 Subordinate Fund Loan*", and together with the Wanaque South 2009 Subordinate Trust Loan, the "*Wanaque South 2009 Subordinate Program Loans*") from the Fund to the Commission, such loan to be secured by a Bond, issued by the commission to the Fund (the "*Wanaque South 2009 Subordinate Fund Loan Bond*" and together with the Wanaque South 2009 Subordinate Trust Loan Bond, the "*Wanaque South 2009 Subordinate Program Loan Bonds*", pursuant to the South Subordinate Bond Resolution in the maximum aggregate stated principal amount not exceeding \$2,500,000;

WHEREAS, pursuant to the provisions of the South Subordinate General Bond Resolution the Commission has scheduled for adoption, at its regularly scheduled meeting of July 22, 2009, that certain Supplemental Resolution No. 9 (the "*Ninth Supplemental Subordinate Resolution*"), authorizing the issuance of the Wanaque South 2009 Subordinate Program Loan Bonds;

WHEREAS, the Wanaque South 2009 Subordinate Program Loan Bonds shall be issued on a parity basis with all other Bonds of the commission previously issued pursuant to the South Subordinate Bond Resolution (which Bonds are subordinate to any and all bonds issued pursuant to the South bond Resolution) and shall be equally secured by the Trust Estate, as such term is defined in the South Local Units under and pursuant to the South Service Contract;

WHEREAS, in accordance with the South Service Contact, the Commission shall obtain the consent, at a minimum, of two-thirds of the South Local Units, which such consent shall be evidenced by resolution, duly adopted by the governing body of the applicable South Local Unit, prior to the Commission's adoption of the Ninth Supplemental Subordinate Resolution and the issuance of the Wanaque South 2009 Subordinate Program Loan Bonds

WHEREAS, as a condition precedent to the issuance of any and all of the Wanaque South 2009 Subordinate Program Loan Bonds and in accordance with all applicable law, including without limitation N.J.S.A. 58:11 B-9(a), the Commission shall submit an application (the "*Local Finance Board Application*") to the Local Finance Board in the Division of the Local Government Services of the State's Department of Community Affairs (the "*Local Finance Board*") for the Local Finance Board's approval of the issuance of the Wanaque South 2009 Subordinate Program Loan Bonds.

WHEREAS, pursuant to and in accordance with the provisions of the Act, on June 17, 2009, the Commission caused to be filed with the Clerks of each Contracting Local Unit, including the Local Unit, copies of the Ninth Supplemental Resolution and notice of a public comment to be held by the commission on July 22, 2009, regarding the issuance of the Wanaque South 2009 Subordinate Program Loan Bonds; and

WHEREAS, the Commission believes: (i) it is in the public interest to accomplish such purpose; (ii) said purpose is for the health, wealth, convenience or betterment of the inhabitants of the South Local Units served by the Commission; (iii) the amounts to be expended for said purpose are not unreasonable or exorbitant; and (iv) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the South Local Units served by the Commission and will not create an undue financial burden to be placed upon the Commission.

NOW, THEREFORE BE IT RESOLVED by the Local Unit as follows:

Section 1. In accordance with the provisions of the South Service Contract, the Local Unit hereby consents to the issuance of the Wanaque South 2009 Subordinate Program Loan Bonds. The Local Unit is providing this consent because the Commission's participation in the Program provides the Commission with below market funding for the Wanaque South Water Treatment Plant Security Zone Extension Improvements Project, which is vital to the Commission in achieving its purposes in the distribution of drinking water to the South Local Units and in order to obtain energy efficiencies and cost savings.

Section 2. The Local Unit hereby authorizes the preparation and the distribution of financial statements and demographic and other information concerning the Local Unit to be used by (i) the Commission, the Trust or the State in connection with the Wanaque South 2009 Subordinate Program Loan Bonds, (ii) any rating agency ("*Rating Agency*") providing a rating on the Wanaque South 2009 Subordinate Program Loan Bonds, or (iii) any bond insurer ("*Bond Insurer*") insuring the Wanaque South 2009 Subordinate Program Loan Bonds. In furtherance of such authorization, the Local Unit hereby directs the Mayor, Chief Financial Officer and Clerk of the Local Unit (collectively, the "*Authorized Officer*") to take such action as the Authorized Officer, after consultation with counsel to the Local Unit, bond counsel to the Commission and other professional advisors to the Commission (the "*Consultants*"), deems necessary, desirable or convenient in connection with the preparation and distribution of such information to the Commission, the Trust, the State, Rating Agency or Bond Insurer.

Section 3. The Local Unit hereby authorizes the performance of any act and the execution or acknowledgment and delivery of any document, instrument or closing certificate, that the Authorized Officer, after consultation with the Consultants, deems necessary, desirable or convenient in connection with the Wanaque South 2009 Subordinate Program Loan Bonds, and the Local Unit hereby directs the Authorized Officer to execute or acknowledge, and to cause the Clerk of the local Unit (the "*Clerk*") to attest and affix the seal, where required, upon, any such document, instrument or closing certificate or to execute any certificate, the authorization of which actions shall be conclusively evidenced by the execution or acknowledgment, attestation, affixation and delivery, as the case may be, thereof by such persons. Such closing certificates shall include, without limitation, (i) a determination that all legislative actions taken by the Local Unit in connection with the Wanaque South 2009 Subordinate Program Loan Bonds, including without limitations the authorization of the South Service Contract, as of the date of issuance of the Wanaque South 2009 Subordinate Program Loan Bonds, have not been altered, amended, supplemented or repealed and as such, are in full force and effect, and (ii) any representations, warranties or covenants required by the Commission, the Trust, the State, Bond Insurer and/or Rating Agency.

Section 4. This resolution shall take effect immediately.

Section 5. Upon the adoption hereof, the Clerk of the Local Unit shall forward certified copies of this resolution to the Authorized Officer, to counsel to the Local Unit, to Michael Restaino, Executive Director of the Commission and Stephen B. Pearlman, Esq. of Decotiis, FitzPatrick, Cole & Wisler, LLP, bond counsel to the Commission.

Introduced by Commissioner Evans, seconded by Commissioner Tucci. All ayes.

194-09

WHEREAS, Robert F. Lessard Jr., 484 Harrison Street, Nutley, New Jersey 07110 has applied for renewal of Constable No. 18; and

WHEREAS, the application has been reviewed by the Municipal Clerk and 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 Robert F. Lessard Jr. be re- appointed as Constable No. 18 for a one year term, beginning July 8, 2009.

Introduced by Mayor Cocchiola, seconded by Commissioner Tucci. All ayes.

195-09

WHEREAS, Leslie H. Porschen submitted records request number 24-09 on April 21, 2009 and was charged an incorrect fee of \$217.75.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, in the County of Essex, State of New Jersey that the Township Treasurer is hereby authorized to refund Leslie H. Porschen \$217.75.

Introduced by Commissioner Evans, seconded by Commissioner Tucci. All ayes.

197-09

Resolution for Grant Number CW =06-027

The governing body of the Township of Nutley desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of \$29,210.00 to fund an Elgin Pelican Street Sweeper.

Therefore, the governing body resolves that the Mayor or the successor to the office of the Mayor is authorized (a) to make application for such a grant, (b) if awarded, to execute a grant agreement with the State for a grant in an amount not less than \$29,210.00 and not more than \$29,210.00, and (c) to execute any amendments thereto or any amendments thereto which do not increase the Grantee's Obligations.

The Township of Nutley authorizes and hereby agrees to encumber \$117,016.00 of the total cost of the Elgin Pelican Street Sweeper. The availability of these funds for said purpose, whether case, services or property is hereby certified.

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

Introduced and passed on Tuesday, July 7, 2009.

Introduced by Commissioner Scarpelli, seconded by Commissioner Petracco. All ayes.

198-09

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

Nutley Irish American Alliance Inc.	License No. 34-09 "On-Premise Merchandise Raffle"	October 17, 2009
BPOE #1209 Nutley Elks Lodge	License No. 35-09 "Off-Premise Raffle Awarding Cash"	October 24, 2009

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.

199-09

WHEREAS, the Township of Nutley desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for approximately \$10,000.00 to continue the 2010 Recreation Opportunities for Individuals with Disabilities in a local setting; and

BE IT THEREFORE RESOLVED,

1. That the Township of Nutley does hereby authorize the application for such a grant: and
2. recognizes and accepts that the Department may offer a lesser or greater amount and therefore,  
upon receipt of the grant agreement from New Jersey Department of Community Affairs, does  
further authorize the execution of any such grant agreement; and also, upon receipt of the fully  
executed agreement from the Department, does further authorize the expenditure of funds  
pursuant to the terms of the agreement between the Township of Nutley and the New Jersey  
Department of Community Affairs.

BE IT FURTHER RESOLVED, that the person whose name, title and signature appears below is authorized to sign the application, and that they or their successor in said title is authorized to sign the agreement, and any other documents necessary in connection therewith:

Introduced by Commissioner Tucci, seconded by Commissioner Evans. All ayes.

200-09

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 a tree permit fee collected, in consideration of the fact that the required replacement trees was installed, per Shade Tree Preservation Ordinance. Payment would come from account C-01-904-906:

Kevin Fahey 41 Enclosure \$100.00

Introduced by Commissioner Tucci, seconded by Commissioner Evans. All ayes.

201-09

WHEREAS, Wilbur Gary Bell is employed by the Department of Public Safety; and

WHEREAS, Wilbur Gary Bell has exhausted all of his available sick leave and other time due; and

WHEREAS, eleven employees of the Department of Public Safety are desirous of transferring a total of 23 days of their accumulated sick leave to Mr. Bell; and

WHEREAS, under the circumstances presented herein and in view of Mr. Bell's medical situation, and his service to the Department of Public Safety, 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;

The following employees are permitted to transfer days to Wilbur Gary Bell –

John Holland, Kathy Knouff, Paul Mascolo, Robert McDermott, Peter LoCurto, Kenneth Watson, Jeff Luberto, Michael O'Halloran, Dennis Alamo, Maria Hamlin and Paul Edwards.

All of these employees have provided their consent to said transfers in writing to the Township Clerk.

Introduced by Commissioner Petracco, seconded by Commissioner Scarpelli. All ayes.

**MEETING OPEN TO THE PUBLIC:**

Rory W. Moore, 462 Chestnut Street, asked Mr. Tucci what types of programs are associated with the grant application resolution he just introduced (resolution No. 199-09), Commissioner Tucci responded and stated that there is fun baseball program, fun soccer program, various holiday parties associated with these programs.

Mr. Moore asked Commissioner Tucci why there were two items on the bill list payable to Mr. Scarpelli, Commissioner Tucci responded that they are probably re-imburements for Medicare part B and health insurance for two months.

At this point in the meeting Commissioner Petracco addressed the public and stated that Petracco commended the Fire Department for their hard work and dedication and for their efforts and cooperation throughout the contract negotiations.

Mayor Cocchiola thanked the Fire Department for their hard and dedication.

At this point in the meeting, Mayor Cocchiola congratulated Mr. Jack Magnifico on his 80th birthday and presented him with a proclamation. Mr. Magnifico thanked the Governing Body for this presentation.

**ADJOURNMENT:**

Motion to adjourn by Commissioner Scarpelli, seconded by Commissioner Tucci. All ayes.  
Meeting adjourned at 8:10 P.M.