

**Township of Nutley  
Board of Commissioners  
Meeting Minutes  
Tuesday, August 18, 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	- Absent/Excused
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:**

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**ROLL CALL:**

Commissioner Scarpelli	- Present
Commissioner Petracco	- Present
Commissioner Evans	- Present
Commissioner Tucci	- Absent/Excused
Mayor Cocchiola	- Present

**MINUTES:**

None.

**COMMUNICATIONS/CORRESPONDENCE:**

Evelyn Rosario, Municipal Clerk, read the following communication:

Extension of Premises/Franklin Steakhouse/2009 Football Season/Various Dates 2009.

Mr. Harry Teaster, the General Manager of the Franklin Steakhouse came before the Board of Commissioners and requested permission to set up an outside area for Sundays during thr 2009 professional football season. After brief Discussion, the Governing Body asked that this be held to the next meeting scheduled for September 1, 2009.

Social Affair Application/Holy Family Church/September 24-27, 2009.

It was the consensus of the Governing Body to approve their request.

**REPORTS:**

Commissioner Scarpelli submitted the Department of Public Works report for the months of May and April, 2009.

**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, 805.32
Department of Revenue & Finance	\$	1,770,476.02
Department of Public Safety	\$	39,658.77
Department of Public Works	\$	41,240.04
Department of Parks & Public Property	\$	49,521.72
Payroll as of August 7, 2009	\$	759,275.41
Bill List Grand Total	\$	<u>2,727,977.28</u>

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

**ORDINANCE INTRODUCTION:**

Commissioner Petracco/Ordinance No. 3117

“AN ORDINANCE TO AMEND AN ORDINANCE CODIFIED IN THE CODE OF THE TOWNSHIP OF NUTLEY, CHAPTER 228, ENTITLED VEHICLES AND TRAFFIC, PARTICULARLY ARTICLE VIII (PUBLIC AND PRIVATE PROPERTY), SECTION 30, ENTITLED MUNICIPAL , BOARD OF EDUCATION AND PRIVATE PROPERTY, MAKING THE PROVISIONS OF SUBTITLE ONE OF TITLE 39 WITH VARIOUS TRAFFIC REGULATIONS APPLICABLE TO CAMBRIDGE HEIGHTS OF NUTLEY, A PLANNED RESIDENTIAL DEVELOPMENT (PRD), AND REGULATING THE USE OF SAID ROADWAYS, STEETS, DRIVEWAYS AND PARKING LOTS BY MOTOR VEHICLES.” (Public Hearing September 15, 2009)

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

A public hearing will be held on Tuesday, September 15, 2009.

**PUBLIC HEARINGS:**

**None.**

**RESOLUTIONS:**

No. 220-09

BE IT RESOLVED, By the Board of Commissioners of the Township of Nutley in the County of Essex, NJ that the Township Clerk is hereby authorized to advertise for sealed bids for the “Chestnut Street Firehouse floor strengthening project”.

Bids to be received on September 10, 2009 in the Commission Chambers, Township Hall, at 3:00 pm (prevailing time) at which time they will be publicly opened and read.

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

No. 221-09

CAPITAL BUDGET AMENDMENT

WHEREAS, the local capital budget for the year 2009 was approved on the 19th day of May, 2009; 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:

FROM  
CAPITAL BUDGET (CURRENT YEAR ACTION)

PLANNED FUNDING SERVICES FOR CURRENT YEAR-2009

	Estimated	Capital Improvement	Debt
<u>Project</u>	<u>Total Cost</u>	<u>Fund</u>	<u>Authorized</u>
Purchase of Turnout Gear	\$32,000.00	\$1,600.00	\$30,400.00
Renovation to Township Buildings	325,000.00	16,250.00	308,750.00
Imp. To Township Parks & Playgrounds	302,500.00	15,125.00	287,375.00
Purchase of Various DPW Trucks	190,000.00	9,500.00	180,500.00
Construction of Curbs & Sidewalks	275,000.00	13,750.00	261,250

6-YEAR CAPITAL PROGRAM 2009-2014  
Anticipated Project Schedule and Funding Requirements

	Estimated	Estimated	Funding Amounts
<u>Project</u>	<u>Total Cost</u>	<u>Completion Time</u>	<u>Per Year</u>
			<u>Budget Year 2007</u>
Purchase of Turnout Gear	\$32,000.00	1 Year	\$32,000.00
Renovation to Township Buildings	325,000.00	1 Year	325,000.00
Imp. To Township Parks & Playgrounds	302,500.00	1 Year	302,500.00
Purchase of Various DPW Trucks	190,000.00	1 Year	190,000.00
Construction of Curbs & Sidewalks	275,000.00	1 Year	275,000.00

6-YEAR CAPITAL PROGRAM 2009-2014  
SUMMARY OF ANTICIPATED FUNDING SOURCES AND AMOUNTS

	Estimated	Capital Improvement	<u>BONDS AND NOTES</u>
<u>Project</u>	<u>Total Cost</u>	<u>Fund</u>	<u>General</u>
Purchase of Turnout Gear	\$32,000.00	\$1,600.00	\$30,400.00
Renovation to Township Buildings	325,000.00	16,250.00	308,750.00
Imp. To Township Parks & Playgrounds	302,500.00	15,125.00	287,375.00
Purchase of Various DPW Trucks	190,000.00	9,500.00	180,500.00
Construction of Curbs & Sidewalks	275,000.00	13,750.00	261,250

TO

PLANNED FUNDING SERVICES FOR CURRENT YEAR-2009	Estimated	Capital Improvement	Debt
<u>Project</u>	<u>Total Cost</u>	<u>Fund</u>	<u>Authorized</u>
Purchase of Turnout Gear	\$29,000.00	\$1,450.00	\$27,550.00
Renovation to Township Buildings	300,000.00	15,000.00	285,000.00
Imp. To Township Parks & Playgrounds	225,000.00	11,250.00	213,750.00
Purchase of Various DPW Trucks	130,000.00	6,500.00	123,500.00
Section 20 Expenses	88,730.00	4,436.50	84,293.50
Construction of Curbs & Sidewalks	273,750.00	13,687.50	260,062.50

6-YEAR CAPITAL PROGRAM 2009-2014  
Anticipated Project Schedule and Funding Requirements

	Estimated	Estimated Completion	Funding Amounts
<u>Project</u>	<u>Total Cost</u>	<u>Time</u>	<u>Per Year</u>
			<u>Budget Year 2007</u>
Purchase of Turnout Gear	\$29,000.00	1 Year	\$29,000.00
Renovation to Township Buildings	300,000.00	1 Year	300,000.00
Imp. To Township Parks & Playgrounds	225,000.00	1 Year	225,000.00
Purchase of Various DPW Trucks	130,000.00	1 Year	130,000.00
Section 20 Expenses	88,730.00	1 Year	88,730.00
Construction of Curbs & Sidewalks	273,750.00	1 Year	273,750.00

6-YEAR CAPITAL PROGRAM 2007-2012  
SUMMARY OF ANTICIPATED FUNDING SOURCES AND AMOUNTS

	Estimated	Capital Improvement	<u>BONDS AND NOTES</u>
<u>Project</u>	<u>Total Cost</u>	<u>Fund</u>	<u>General</u>

Purchase of Turnout Gear	\$29,000.00	\$1,450.00	\$27,550.00
Renovation to Township Buildings	300,000.00	15,000.00	285,000.00
Imp. To Township Parks & Playgrounds	225,000.00	11,250.00	213,750.00
Purchase of Various DPW Trucks	130,000.00	6,500.00	123,500.00
Section 20 Expenses	88,730.00	4,436.50	84,293.50
Construction of Curbs & Sidewalks	273,750.00	13,687.50	260,062.50

BE IT FURTHER RESOLVED, that two certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services.

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

No. 222-09

WHEREAS, Requests for Proposals for "Payroll Processing" were opened and read on Thursday, June 18, 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 Request for Proposals are deemed null and void.

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

No. 223-09

BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, in the County of Essex, N.J. that the Township Treasurer be and she is hereby authorized to refund Blue Ribbon Fuel Corp., 59 Nicola Place, Nutley, New Jersey 07110, in the amount of \$416.00 for a refund of the fees for the following permits:

Permit #09-00558	95 Myrtle Avenue (north)	Tank Installation	\$108.00
Permit #09-00559	95 Myrtle Avenue (north)	Tank Removal	\$100.00
Permit #09-00560	95 Myrtle Avenue (south)	Tank Installation	\$108.00
Permit #09-00561	95 Myrtle Avenue (north)	Tank Removal	\$100.00

The tank closure contract has been withdrawn by the owner, Ms. Welsh, and all work scheduled with Blue Ribbon Fuel Corp. has been cancelled. Paid by check numbers 8894 and 8919 on June 11 and June 23, 2009.

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

No. 224-09

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 \$33,819.30 for the said year.

<u>BLOCK</u>	<u>LOT</u>	<u>ADDRESS</u>	<u>AMOUNT – YEAR</u>
7202	6	331 Park Avenue	\$33,569.30 – 2008
6300	5	128 Oakridge Avenue	\$250.00 – 2008

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

225-09

WHEREAS, the Board of Education is mandated to provide nursing services to nonpublic school students within its School District:

WHEREAS, the Nutley Department of Public Affairs is a public agency approved by the New Jersey Department of Health that is capable of providing nursing services of the type needed; and

WHEREAS, the Board of Education desires to enter into an agreement with the Nutley Department of Public Affairs for the provision of these services;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Nutley that the Township of Nutley hereby approves the Agreement of Nursing Services in the form attached hereto, and authorizes the Director of Public Affairs to execute the final draft of same on behalf of the Township; and

BE IT RESOLVED that a duly executed copy of the Agreement for Nursing Services and this Resolution shall be placed on file with the Municipal Clerk.

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

226-09

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

VFW Post # 493Stuart E. Edgar	License No. 43-09 "Pull Tab Raffle"	September 1, 2009 thru September 1, 2010
Nutley Music Booster Assn	License No. 44-09 "On-Premise50/50 Cash Raffle"	November 7, 2009
Nutley Music Booster Assn	License No. 45-09 "Tricky-Tray"	November 7, 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 Scarpelli. All ayes on a roll call vote. Commissioner Tucci Absent/Excused

No. 227-09

WHEREAS, Nutleyite Alice Perrine was born in 1904, when the average life expectancy was only 47 years; she has seen 18 U.S. Presidents hold office, five states enter the Union, the establishment of income tax, and the creation of Mother's Day and Father's Day;

WHEREAS, Alice married Jesse a.k.a. "Dick Foote" and spent much of her early life traveling the world with her husband, including Canada, Bermuda, and Europe; and

WHEREAS, family is the most special and important thing to Alice: she is the mother of three daughters and one son, grandmother to 11, great-grandmother to 19, and great-great grandmother to 19; and

WHEREAS, Alice, with her youthful vitality, has a beautiful outlook on life and finds happiness and pleasure in the simple things; and

WHEREAS, Alice's attitude serves as an example for all of us. She believes that enjoying and being thankful for what you have and being happy all the time, despite the hardships of life, is the secret to a long life;

WHEREAS, July 20, 2009 marks a rare milestone for Alice, a celebration of her 105<sup>th</sup> birthday;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey join with the family of Alice Perrine and the citizens of Nutley to congratulate Alice on celebrating her 105<sup>th</sup> birthday and wish her many more years of health and happiness.

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

No. 228-09

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 2008 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 Mayor Cocchiola, seconded by Commissioner Scarpelli. All ayes on a roll call vote. Commissioner Tucci Absent/Excused

No. 229-09

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, the Township of Nutley is authorized to accept and utilize donations from private citizens, organizations, and businesses to defray the cost of its Go Green Program in accordance with N.J.S.A. 40A: 50-29; and the Division of Local Government Services has recommended the establishment of a dedicated trust for the collection of said fees; and

WHEREAS, N.J.S.A. 40A: 4-39 provides that the Director of the Division of Local Government Services may approve expenditures of monies by dedication by rider;

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

1. The Board of Commissioners does hereby request permission of the Director of the Division of Local Government Services to pay expenditures for the Go Green Program.
2. The Township Clerk is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

Introduced by Mayor Cocchiola, seconded by Commissioner Petracco. 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.

Jack Magnifico, 160 Park Avenue, came before the Board on behalf of the AM Vets and stated that they are trying to get approval to utilize the 1.6 acres for resident parking. The Governing Body referred Mr. Magnifico to the Zoning Board as it may require a variance.

**ADJOURNMENT:**

Motion to adjourn by Commissioner Scarpelli, seconded by Commissioner Petracco. All ayes. Meeting adjourned at 8:25 p.m.

ATTEST:

\_\_\_\_\_  
Evelyn Rosario, RMC  
Municipal Clerk

\_\_\_\_\_  
Commissioner Joseph P. Scarpelli

\_\_\_\_\_  
Commissioner Alphonse Petracco

\_\_\_\_\_  
Commissioner Thomas J. Evans

\_\_\_\_\_  
Commissioner Mauro G. Tucci

\_\_\_\_\_  
Mayor Joanne Cocchiola