

**Township of Nutley
Board of Commissioners
Meeting Minutes
Tuesday, September 1, 2009
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. 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	- Absent/Excused
Commissioner Tucci	- Present
Mayor Cocchiola	- Present

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

Commissioner Tucci commended Computer Technician Department for their research and efforts in seeking an internet and long distance phone service which would provide a cost savings to the Municipality. Resolution awarding a contract to Optimum Lightpath, Inc., will be presented tonight for adoption.

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 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 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	- Absent/Excused
Commissioner Tucci	- Present
Mayor Cocchiola	- Present

At this point in the meeting the following resolution was read into the record and adopted.

No. 231-09

WHEREAS, The Nutley East Little League All Star Team, comprised of 11 and 12 year old boys, had an outstanding 2009 season; and

WHEREAS, This team won the District 8 Championship and the Section 2 Championship placing them in the Final 4 in the State Tournament; and

WHEREAS, The All Stars came in 4th place out of over 300 little league teams making them one of only four teams in Nutley Little League history to reach this level; and

WHEREAS, Manager, Mike Nisivoccia, assisted by coaches Ed Rossi, Ray Bowes & Mike Kraft worked tirelessly to train and guide these athletes; and

WHEREAS, The members of the Nutley East Little League All Star Team are, Anthony Sabia, Anthony Rossi, Vincent Nisivoccia, Michael Blank, Patrick Minecci, Jesse Kraft, Mike Mattia, Tommy Pollitt, Robert Melillo, Mike Marino, Kyle Bowes, Kyle Cresci and Nick DiNorscio.

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 the Nutley East Little League 2009 All Star Team for their outstanding achievements.

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

MINUTES:

The following Board of Commissioners Meeting Minutes were approved on a motion by Commissioner Scarpelli, seconded by Commissioner Tucci. All ayes on a roll call vote. Commissioner Evans Absent/Excused

May 19, 2009
June 9, 2009
June 16, 2009
June 30, 2009
July 7, 2009
August 4, 2009

COMMUNICATIONS/CORRESPONDENCE:

Evelyn Rosario, Municipal Clerk, read the following communication:

Nutley Olde Towne Centre (NOTC)/Requesting Permission/Harvest-Fest, October 18, 2009

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

REPORTS:

Mayor Cocchiola submitted the Department of Public Affairs report for the month of August, 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	\$ 154,177.58
Department of Revenue & Finance	\$ 2,283,173.05
Department of Public Safety	\$ 36,793.46
Department of Public Works	\$ 94,327.82
Department of Parks & Public Property	\$ 457,189.82
Payroll as of August 21, 2009	\$ 740,163.54
Bill List Grand Total	<u>\$ 3,765,825.27</u>

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

ORDINANCE INTRODUCTION:

Commissioner Petracco/Ordinance No. 3120

"AN ORDINANCE TO AMEND AN ORDINANCE CODIFIED IN THE CODE OF THE TOWNSHIP OF NUTLEY, CHAPTER 228, ENTITLED VEHICLES AND TRAFFIC, PARTICULARLY ARTICLE II PARKING OF CERTAIN STREETS, SECTION 14 ENTITLED "PARKING PROHIBITED DURING CERTAIN HOURS" TO DELETE THE LOCATION SET FORTH THEREIN." (Public Hearing October 6, 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 Scarpelli. All ayes. Commissioner Evans Absent/Excused. Commissioner Petracco read by title only.

A public hearing will be held on Tuesday, October 6, 2009.

Mayor Cocchiola/Ordinance No. 3119

"AN ORDINANCE TO AMEND AN ORDINANCE CODIFIED IN THE TOWNSHIP OF NUTLEY CODE CHAPTER 364 ENTITLED "FOOD HANDLING ESTABLISHMENTS, RETAIL." (Public Hearing October 6, 2009)

Mayor Cocchiola 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 Absent/Excused. Mayor Cocchiola read by title only.

A public hearing will be held on Tuesday, October 6, 2009.

PUBLIC HEARINGS:

Commissioner Scarpelli FOR Commissioner Evans/Ordinance No. 3102

“AN ORDINANCE TO AMEND AN ORDINANCE CODIFIED IN THE CODE OF THE TOWNSHIP OF NUTLEY, CHAPTER 228, ENTITLED VEHICLES AND TRAFFIC, PARTICULARLY ARTICLE IV (ONE WAY STREETS), SECTION 18 ENTITLED “ONE WAY STREETS” TO ADD THE LOCATIONS SET FORTH THEREIN.” (Park Way West Entire Length – North Side)

Ordinance No. 3102 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 Commissioner Scarpelli seconded by Mayor Cocchiola. All ayes. Commissioner Evans absent/excused.

PUBLIC COMMENT:

Joseph Olivo, 15 Evelyn Place, Thanked the Board of Commissioners for considering the adoption of this ordinance.

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

Commissioner Scarpelli FOR Commissioner Evans/Ordinance No. 3112

“AN ORDINANCE TO AMEND AN ORDINANCE CODIFIED IN THE CODE OF THE TOWNSHIP OF NUTLEY, CHAPTER 228, ENTITLED VEHICLES AND TRAFFIC, PARTICULARLY ARTICLE II (PARKING OF CERTAIN STREETS), SECTION 13 ENTITLED “PARKING PROHIBITED AT ALL TIMES” TO ADD THE LOCATIONS SET FORTH THEREIN.”

Ordinance No. 3112 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 Commissioner Scarpelli seconded by Mayor Cocchiola. All ayes. Commissioner Evans absent/excused.

PUBLIC COMMENT:

No public comment.

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

Commissioner Scarpelli FOR Commissioner Evans/Ordinance No. 3113

“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 AND DELETE THE LOCATIONS SET FORTH THEREIN.” (Chase Street, Hillside Avenue & Milton Avenue)

Ordinance No. 3113 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 Commissioner Scarpelli seconded by Mayor Cocchiola. All ayes. Commissioner Evans absent/excused.

PUBLIC COMMENT:

No public comment.

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

Commissioner Scarpelli FOR Commissioner Evans/Bond Ordinance No. 3114

“BOND ORDINANCE PROVIDING FOR RECONSTRUCTION OF VARIOUS STREETS AND SIDEWALKS IN AND BY THE TOWNSHIP OF NUTLEY, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$273,750 THEREFOR, AND AUTHORIZING \$260,062.50 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING PART OF THE COST THEREOF.

Ordinance No. 3114 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 Commissioner Scarpelli seconded by Mayor Cocchiola. All ayes. Commissioner Evans absent/excused.

PUBLIC COMMENT:

No public comment.

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

Commissioner Evans/Bond Ordinance No. 3115

“BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF FIRE HYDRANTS IN AND BY THE TOWNSHIP OF NUTLEY, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$21,900 THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$20,805 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING PART OF THE COST THEREOF.

Ordinance No. 3115 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 Commissioner Scarpelli seconded by Mayor Cocchiola. All ayes. Commissioner Evans absent/excused.

PUBLIC COMMENT:

No public comment.

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

Commissioner Evans/Bond Ordinance No. 3116

“BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN THE TOWNSHIP OF NUTLEY, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$748,980 THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$711,531 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING PART OF THE COSTS THEREOF”.

Ordinance No. 3116 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 Commissioner Scarpelli seconded by Mayor Cocchiola. All ayes. Commissioner Evans absent/excused.

PUBLIC COMMENT:

Rory Moore, 462 Chestnut Street, Mr. Moore asked for a list concerning section 3, b, c and d. Ms. Rosemary Costa CFO/Treasurer responded and stated that she would provide the information. Mr. Moore stated he would request this in writing.

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

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

RESOLUTIONS:

No. 236-09

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 \$6,575.42 for the said year.

<u>BLOCK</u>	<u>LOT</u>	<u>ADDRESS</u>	<u>AMOUNT – YEAR</u>
4601 2009	21	22 Mountainview Avenue	\$ 3200.00 –
8400 2009	4	95 Margaret Avenue	\$3375.42 -

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

No. 234-09

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 of Recreation Commission Fees and Charges to the following:

<u>Participant</u>	<u>Program</u>	<u>Amount</u>
Marie Conforti	Flag Football	\$36.35

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

No. 230-09

WHEREAS, the Township has the need for internet and long distance phone service; 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 internet and long distance phone service; and

WHEREAS, the proposal from Optimum Lightpath, Inc., 200 Jericho Quadrangle, Jericho, NY 11753, in the amount of \$32,988.00 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 Commissioner Mauro G. Tucci is hereby authorized to enter into a three (3) year contract with Optimum Lightpath for the provision of internet and long distance phone service.

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

No. 233-09

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

Rotary Club of Nutley	License No. 46-09 "On-Premise Merchandise Raffle"	October 4, 2009
Rotary Club of Nutley	License No. 47-09 "On-Premise 50/50 Cash Raffle"	October 4, 2009
PTO Nutley High School	License No. 48-09 "On-Premise Merchandise Raffle"	November 13, 2009
PTO Nutley High School	License No. 49-09 "On-Premise 50/50 Cash Raffle"	November 13, 2009
American Red Cross Nutley	License No. 50-09 "On-Premise Merchandise Raffle"	November 14, 2009
American Red Cross Nutley	License No. 51-09 "On-Premise 50/50 Cash Raffle"	November 14, 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 on a roll call vote. Commissioner Evans Absent/Excused

WHEREAS, land-use is an essential component of overall sustainability for a municipality; and

WHEREAS, poor land-use decisions can lead to and increase societal ills such as decreased mobility, high housing costs, increased greenhouse gas emissions, loss of open space and the degradation of natural resources; and

WHEREAS, well planned land-use can create transportation choices, provide for a range of housing options, create walkable communities, preserve open space and allow for continued use of vital natural resources; and

WHEREAS, given New Jersey's strong tradition of home rule and local authority over planning and zoning, achieving a statewide sustainable land-use pattern will require municipalities to take the lead;

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Nutley that the Board resolves and requests that the Planning Board and Board of Adjustment resolve to take the following steps with regard to our municipal land-use decisions with the intent of making Nutley a truly sustainable community. It is our intent to include these principles in the next master plan revision and to update our zoning accordingly.

I. Facilities Siting- To the extent feasible, take into consideration factors such as walkability, bikability, access to transit and proximity to other uses when siting new or relocated municipal facilities. The actions of a municipality when locating their own facilities can set a positive precedent and encourage other public and private sector entities to consider sustainable land use considerations into account when locating their own facilities.

II. Housing Variety- Through the use of our zoning and revenue generation powers, to foster a diverse mix of housing types to meet the needs of people from all ages and walks of life.

III. Natural Resource Preservation- To preserve open space and create recreational opportunities within our municipality. As the most densely populated state in the nation, open space in New Jersey is at a premium. Preserving what is left of our open space, for its ecological and recreational value, is critical for a sustainable future.

IV. Transportation Choices- To create transportation choices within our municipality by considering all modes of transportation, including walking, biking, transit and automobiles, when planning transportation projects. Given that emissions from transportation, mainly passenger cars, make up the largest share of the state's carbon footprint, creating transportation alternatives at the local level is critical to reducing the state's overall carbon footprint.

V. Mix of Uses- To use our zoning power to allow for a mix of uses in areas that make the most sense for our municipality and the region.

VI. Green Design- To incorporate the principles of green design and renewable energy generation when updating our site plan and subdivision requirements. Green design

strategies not only improve the environmental performance of buildings but lessen the impact of those buildings on the surrounding environment.

VII. Regional Cooperation- To reach out to administrations of our neighboring municipalities concerning land-use decisions, and to take into consideration their concerns when making regional level land-use decisions.

VIII. Parking Regulations- To reevaluate our parking requirements and parking revenues on a continuing basis and to promote, where appropriate, shared parking arrangements.

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

No. 231-09

WHEREAS, despite significant progress, prostate cancer remains the most commonly diagnosed cancer and the second leading cause of cancer death in men in the United States; and

WHEREAS, National Prostate Cancer Awareness Month is an opportunity to renew our commitment to find better ways to prevent, detect and control this disease; and

WHEREAS, we must ensure that more men are educated about all aspects of the disease including prevention, early detection and possible treatment options; and

WHEREAS, September is National Prostate Cancer Awareness Month, a time when the Township recognizes the importance of early detection and screening for men;

NOW THEREFORE BE IT RESOLVED, that the Board of Commissioners recognizes September as National Prostate Cancer Awareness Month and encourages all male residents to join in activities to increase awareness of the importance of early screening and detection for prostate cancer.

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

No. 237-09

BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey that Michael J. Viola be re-appointed as Municipal Court Judge through May 15, 2012.

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

MEETING OPEN TO THE PUBLIC:

Dr. Philip Casale, President, Nutley Board of Education, Dr. Casale, read a letter from the counsel and chief negotiator for the Nutley Board of Education. The Nutley Board of Education intends to vote on the teachers' contract on Monday, October 5, 2009 at their public meeting.

David Farrell., 7 Duncan Place, Expressed his concerns with respect to the Council on Affordable Housing (COAH) and the potential zoning changes along with other developmental changes that would affect the municipality. Mayor Cocchiola stated that his comments would be taken under advisement and thanked him for coming forward.

ADJOURNMENT:

Motion to adjourn by Commissioner Scarpelli, seconded by Commissioner Petracco. All ayes. Meeting adjourned at 8:20 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