

**Township of Nutley
Board of Commissioners
Meeting Minutes
Tuesday, November 17, 2009
7:00 P.M**

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:

Sharon L. Bozza, Assistant to the 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 and re-advertised in the Herald *News issue of November 13, 2009 and the Star Ledger issue of November 14, 2009. 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 Via Telephone Conference
Commissioner Tucci	- Present Via Telephone Conference
Mayor Cocchiola	- Present

MINUTES:

None.

COMMUNICATIONS/CORRESPONDENCE:

None.

REPORTS:

None.

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	\$	76,574.46
Department of Revenue & Finance	\$	2,393,213.76
Department of Public Safety	\$	25,566.90
Department of Public Works	\$	33,297.29
Department of Parks & Public Property	\$	35,087.50
Payroll as of November 13, 2009	\$	745,561.90
Bill List Grand Total	\$	<u>3,309,301.81</u>

Motion to approve the bills by Commissioner Scarpelli, seconded by Commissioner Petracco. Commissioner Scarpelli "Aye", Commissioner Petracco "Aye" and Mayor Cocchiola "Aye". (Commissioners Evans & Tucci absent)

At this point in the meeting 7:24 P.M. Commissioner Evans entered via telephone conference

ORDINANCE INTRODUCTION:

Commissioner Petracco/Ordinance No. 3125

"AN ORDINANCE TO FIX THE SALARIES OF CERTAIN OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF NUTLEY, COUNTY OF ESSEX, STATE OF NEW JERSEY, EFFECTIVE JANUARY 1, 2010." (Fire Department) (Public Hearing December 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 Scarpelli. Commissioner Scarpelli "Aye", Commissioner Petracco "Aye", Commissioner Evans Via Telephone Conference Call "Aye", Mayor Cocchiola "Aye". (Commissioner Tucci Absent)
Commissioner Scarpelli read by title only.

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

Commissioner Evans/Ordinance No. 3123

"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 DELETE AND ADD THE LOCATION SET FORTH THEREIN." (Evergreen Avenue)(Amend/Correct Ordinance No. 3105) (Public Hearing December 15, 2009)

Commissioner Evans (Via Telephone Conference) made a motion that this ordinance be introduced and passed for first reading and be advertised accordingly. Motion was seconded by Commissioner Scarpelli. Commissioner Scarpelli "Aye", Commissioner Petracco "Aye", Commissioner Evans Via Telephone Conference Call "Aye", Mayor Cocchiola "Aye". (Commissioner Tucci Absent)
Commissioner Evans read by title only.

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

Commissioner Evans/Bond Ordinance No. 3124

" BOND ORDINANCE PROVIDING FOR THE REDEVELOPMENT OF MONSIGNOR OWENS PARK IN THE TOWNSHIP OF NUTLEY, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING THE AMOUNT OF \$995,000 THEREFOR, INCLUDING \$750,000 TO BE RECEIVED AS A GRANT AND LOAN FROM THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION GREEN ACRES PROGRAM, AND AUTHORIZING THE ISSUANCE OF \$232,500 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING PART OF THE COST THEREOF." (Public Hearing December 15, 2009)

Commissioner Evans (Via Telephone Conference) made a motion that this ordinance be introduced and passed for first reading and be advertised accordingly. Motion was seconded by Commissioner Scarpelli. Commissioner Scarpelli "Aye", Commissioner Petracco "Aye", Commissioner Evans Via Telephone Conference Call "Aye", Mayor Cocchiola "Aye". (Commissioner Tucci Absent)
Commissioner Evans read by title only.

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

RESOLUTIONS:

No. 298F-09

BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey that in accordance with the provision of R.S. 40A: 4-58, the following transfer(s) of appropriations in the 2009 Budget be and the same are hereby authorized and approved:

DEPARTMENT OF PUBLIC WORKS & WATER

<u>FROM:</u>		<u>TO:</u>	
Snow Removal S/W		Snow Removal O/E	
9-01-416-100	\$ 10,000.00	9-01-416-200	\$10,000.00
Total	\$ 10,000.00	Total	\$ 10,000.00

Introduced by Commissioner Scarpelli, seconded by Commissioner Petracco. All eyes on a roll call vote. (Commissioner Evans "Aye" Via Telephone Conference) (Commissioner Tucci Absent)

No. 298G-09

Whereas, a discrepancy exists with respect to water consumption and billing for the premises at 36 Woodland Avenue, Nutley, New Jersey, Block 7604, Lot 9; and

Whereas, due to an exterior equipment malfunction at the premises, an accurate reading was not obtained prior to billing; and

Whereas, the Township and Property Owner for Block 7604, Lot 9 have investigated this matter and resolved the water consumption and billing discrepancy; and

Whereas, the outstanding balance as of the date of this resolution is \$883.60.

Now, Therefore, Be It Resolved by the Board of Commissioners of the Township of Nutley, County of Essex, as follows:

The Property Owner for Block 7604, Lot 9 will make payments on the outstanding balance as agreed with the Township of Nutley.

As a result of the above, the Township Tax Collector is hereby authorized to remove 36 Woodland Avenue, Block 7604, Lot 9 from the Property Tax Sale.

Introduced by Commissioner Scarpelli, seconded by Commissioner Petracco. All eyes on a roll call vote. (Commissioner Evans "Aye" Via Telephone Conference) (Commissioner Tucci Absent)

No. 298D-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:

TO

CAPITAL BUDGET (CURRENT YEAR ACTION)

PLANNED FUNDING SERVICES FOR

CURRENT YEAR-2009

<u>Project</u>	<u>Estimated Total Cost</u>	<u>Grants in Aid And Other Funds</u>	<u>Capital Improvement Fund</u>	<u>Debt Authorization</u>
Monsignor Owens Park Redevelopment Project-Green Acres Grant and Loan	\$ 995,000.00	750,000.00	\$ 12,500.00	\$232,500.00

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

<u>Project</u>	<u>Estimated Total Cost</u>	<u>Estimated Completion Time</u>	<u>Funding Amounts Per Year Budget Year 2009</u>
Monsignor Owens Park Redevelopment Project-Green Acres Grant and Loan	\$ 995,000.00	1 Year	\$ 995,000.00

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

<u>Project</u>	<u>Estimated Total Cost</u>	<u>Grant in Aid And Other Funds</u>	<u>Capital Improvement Fund</u>	<u>Debt Authorization</u>
Monsignor Owens Park Redevelopment Project-Green Acres Grant and Loan	\$ 995,000.00	\$750,000.00	\$ 12,500.00	\$232,500.00

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 (Via Telephone Conference), seconded by Commissioner Scarpelli. All eyes on a roll call vote. (Commissioner Evans "Aye" Via Telephone Conference) (Commissioner Tucci Absent)

No. 298B-09

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

PTO Yantacaw School	License No. 04-10 "Off-Premise 50/50 Cash Raffle"	March 27, 2010
---------------------	--	----------------

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 license is approved and the Municipal Clerk is authorized to issue the license.

Introduced by Mayor Cocchiola, seconded by Commissioner Scarpelli. All ayes on a roll call vote. (Commissioner Evans "Aye" Via Telephone Conference) (Commissioner Tucci Absent)

No. 298C-09

WHEREAS an accurate census count is vital to our community and residents' well being by helping planners, determine where to locate schools, day care centers, roads and public transportation, hospitals and other facilities, and achieving an accurate and complete count of the nation's growing and changing population;

WHEREAS more than \$435 billion per year in federal and state funding is allocated to states and communities based, in part, on census data;

WHEREAS census data helps determine how many seats each state will have in the U.S. House of Representatives and often is used for the redistricting of state legislatures, county and city councils and voting districts;

WHEREAS the 2010 Census creates jobs that stimulate economic growth and increase employment;

WHEREAS the information collected by the census is confidential and protected by law;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Nutley is committed to partnering with the U.S. Census Bureau to help ensure a full and accurate count in 2010

As a 2010 Census partner, we will:

1. Support the goals and ideals for the 2010 Census and disseminate 2010 Census information to encourage those in our community to participate.
2. Encourage people in our community to place an emphasis on the 2010 Census and participate in events and initiatives that will raise overall awareness and ensure a full and accurate census.
3. Support census takers as they help our community complete an accurate count.

4. Create or seek opportunities to collaborate with other like minded groups in our community by participating in Complete Count Committees.

BE IT FURTHER RESOLVED that copies of this resolution be transmitted to Geraldine Clark, Partnership Coordinator of the U.S. Census Bureau and the New Jersey League of Municipalities

Introduced by Mayor Cocchiola, seconded by Commissioner Scarpelli. All ayes on a roll call vote. (Commissioner Evans "Aye" Via Telephone Conference)
(Commissioner Tucci Absent)

No. 298H-09

WHEREAS, the Nutley High School Marching Band competed in the USSBA Northern State Championship series in Allentown, Pennsylvania on Saturday, November 14, 2009; and

WHEREAS, the Band competed against eleven bands from five states; and

WHEREAS, the Nutley High School Marching Band was awarded the Group IIA Championship based upon their outstanding performance; and

WHEREAS, the Nutley High School Marching Band also earned the distinguished honors of Best Music, Best Performance and Best Effects;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Board of Commissioners join with the citizens of Nutley in congratulating, with pride, the Nutley High School Marching Band and its Director, John Maiello; Assistant Director Stephanie Tirri, Percussion Instructor Jeff Brown and Drill Director Mike Coppola on the Band's outstanding accomplishments and Championship award.

Introduced by Mayor Cocchiola, seconded by Commissioner Scarpelli. All ayes on a roll call vote. (Commissioner Evans "Aye" Via Telephone Conference)
(Commissioner Tucci Absent)

No. 298I-09

WHEREAS, The Nutley High School Varsity Football Team, known as the Nutley Raiders, has had a very successful 2009 season; and

WHEREAS, The Nutley High School Varsity Football Team has succeeded to the semi final round of the NJSIAA North 2 Group 3 State Playoffs; and

WHEREAS, the Nutley Raiders will challenge the West Morris Highlanders on Saturday, November 21, 2009 at the Nutley Park Oval at 1:00 p.m.; and

WHEREAS, a victory in the semi final round against West Morris will enable the team to compete in the NJSIAA North 2 Group 3 State Finals on December 7, 2009;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Board of Commissioners of the Township of Nutley, County of Essex, join with the citizens of Nutley to wish Coach Steve DiGregorio, and the Nutley Raider Varsity Football team and coaching staff the best of luck as they challenge the West Morris Highlanders on Saturday, November 21, 2009, and further we encourage all of the residents of our community to come out to support the team and participate in the Raider celebratory atmosphere on game day.

Introduced by Mayor Cocchiola, seconded by Commissioner Scarpelli. All ayes on a roll call vote. (Commissioner Evans "Aye" Via Telephone Conference)
(Commissioner Tucci Absent)

No. 298E-09

BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey that in accordance with the provision of R.S. 40A: 4-58, the following transfer(s) of appropriations in the 2009 Budget be and the same are hereby authorized and approved:

DEPARTMENT OF PARKS & PUBLIC PROPERTY

<u>FROM:</u>		<u>TO:</u>	
Group Insurance		Parks & Playgrounds O/E	
9-01-226-200	\$33,000.00	9-01-504-200	\$ 15,000.00
		Pub. Bldgs. & Grounds O/E	
		9-01-508-200	15,000.00
		Sr. Citz. Transport O/E	
		9-01-517-200	3,000.00
Total	\$ 33,000.00	Total	\$ 33,000.00

Introduced by Mayor Cocchiola for Commissioner Tucci, seconded by Commissioner Scarpelli. All ayes on a roll call vote. (Commissioner Evans "Aye" Via Telephone Conference) (Commissioner Tucci Absent)

ORDINANCE PUBLIC HEARINGS: (1)

Commissioner Evans/Ordinance 3122

"AN ORDINANCE PROVIDING FOR MONSIGNOR OWENS FIELD LIGHTING PROJECT IN THE TOWNSHIP OF NUTLEY, IN THE COUNTY OF ESSEX, NEW JERSEY APPROPRIATING \$225,000.00 THEREFORE FROM GRANT MONIES RECEIVED FROM THE ESSEX COUNTY OPEN SPACE TRUST FUND 2005 LOCAL AID PROGRAM FOR THE COST THEREOF."

Ordinance No. 3122 was introduced for second reading by Commissioner Evans (Via Telephone Conference) seconded by Commissioner Scarpelli. Commissioner Evans read by title only.

Motion to open the public hearing by Mayor Cocchiola seconded by Commissioner Evans (Via Telephone Conference). All ayes.

7:39 P.M. At this point in the meeting Commissioner Tucci entered via telephone conference.

Rory Moore, 462 Chestnut Street, asked if this ordinance pertained to the capital budget amendment resolution that was adopted tonight. Commissioner Evans responded and stated that this is not an amendment to the capital plan, these are funds that were previously included in the capital plan for the year, we are going through the process of acknowledging the receipt of the grant funds. Mr. Moore asked what is the total amount that the municipality is receiving in grants, Commissioner Evans responded and stated \$ 225,000.00 for the field lighting.

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

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

7:42 P.M. Commissioner Tucci exited the conference telephone session.

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.

Rory Moore, 462 Chestnut Street, asked who is attending the New Jersey League of Municipalities, Commissioner Scarpelli responded and stated that three employees from his Department are attending and Mayor Cocchiola responded and stated that the Registrar is also attending. Mr. Moore asked several questions regarding employee reimbursement for expenses incurred at the League. Mayor Cocchiola informed Mr. Moore that he can review vouchers, receipts etc. via an OPRA request at the Office of the Municipal Clerk.

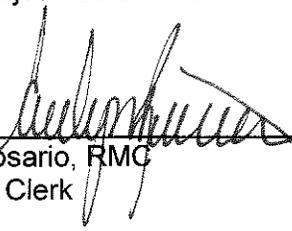
Mr. Moore asked about the new Citizens Law that went into effect in October 2009 and asked several questions concerning attendance, excused and or non-excused absences by a member of a Board. Mayor Cocchiola responded and stated that this law recently went into effect and that the Municipality is currently reviewing the requirements.

Mr. Moore commented that the municipality is not following the proper guidelines regarding the solar panel project that Commissioner Tucci is overseeing. Mr. Moore stated that he would speak to Commissioner Tucci about this at a later date.

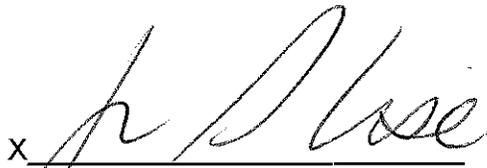
ADJOURNMENT:

Motion to adjourn by Commissioner Scarpelli, seconded by Commissioner Petracco. All ayes. (Commissioners Evans Telephone Conference) (Commissioner Tucci Absent)
Meeting adjourned at 7:49 P.M.

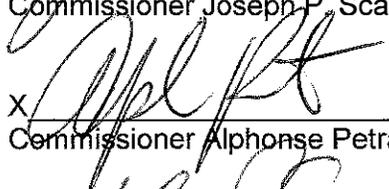
ATTEST:



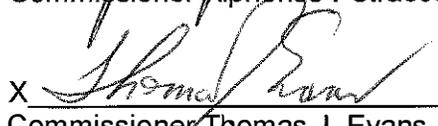
Evelyn Rosario, RMC
Municipal Clerk

X 

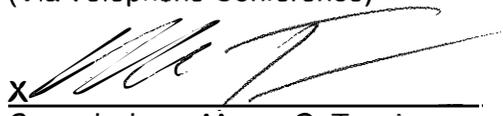
Commissioner Joseph P. Scarpelli

X 

Commissioner Alphonse Petracco

X 

Commissioner Thomas J. Evans
(Via Telephone Conference)

X 

Commissioner Mauro G. Tucci
(Via Telephone Conference)

X 

Mayor Joanne Cocchiola