

**Township of Nutley
Board of Commissioners
Meeting Minutes
Tuesday, December 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. 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 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	- Present
Commissioner Tucci	- Present
Mayor Cocchiola	- Present

MINUTES:

None.

COMMUNICATIONS/CORRESPONDENCE:

None.

REPORTS:

Commissioner Tucci submitted the Shade Tree report for the months of September & October, 2009.

Mayor Cocchiola submitted the Department of Public Affairs report for the month of November 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	\$ 146,144.86
Department of Revenue & Finance	\$ 4,024,156.19
Department of Public Safety	\$ 101,362.71
Department of Public Works	\$ 61,574.05
Department of Parks & Public Property	\$ 425,115.10
Payroll as of November 25, 2009	\$ 933,790.19
Bill List Grand Total	<u>\$ 5,692,143.10</u>

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

ORDINANCE INTRODUCTION:

None.

PUBLIC HEARINGS:

None.

RESOLUTIONS:

No. 311-09

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>	
Engineering O/E		Engineering S/W	
9-01-404-200	\$ 4,000.00	9-01-404-100	\$ 4,000.00
Total	\$ 4,000.00	Total	\$ 4,000.00

Introduced by Commissioner Scarpelli, seconded by Commissioner Petracco. All ayes on a roll call vote.

No. 302-09

WHEREAS, the Township of Nutley has a need to secure recognition from the Commission on Accreditation for Law Enforcement Agencies (CALEA) and accreditation from the New Jersey State Association of Chiefs of Police as a non-fair and open contract pursuant to the provisions of N.J.S.A. 5:34-2.1; and

WHEREAS, the Board of Commissioners of the Township of Nutley recognizes the importance of ensuring that its police department adopts internationally recognized best practices and policies as promulgated by CALEA, as a means of reducing agency liability and promoting professionalism; and

WHEREAS, the process of achieving accreditation requires a complete evaluation of existing practices, rewriting or modifying the Department's directive system, to include SOP's General Orders, and Rules and Regulations, as well as oversight of the process by credentialed law enforcement experts who will conduct on-site assessments and assemble required proofs of compliance; and

WHEREAS, the Chief of Police has determined and certified in writing that the value of the aggregate services provided by the vendor for the year will exceed \$17,500; and

WHEREAS, The Rodgers Group, LLC, P. O. Box 831, Island Heights, N.J. 08732, has submitted a proposal for providing such services, the total of which is not to exceed \$34,000.00; and

WHEREAS, The Rodgers Group, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that they have not made any reportable contributions to a political or candidate committee in the township of Nutley in the previous one year, and that the contract will prohibit them from making any reportable contributions through the term of the contract; and

WHEREAS, the Township of Nutley recognizes the specialized and qualitative nature of the consulting services required to achieve accreditation, most especially as it pertains to the expertise, training and proven reputation of the consultant; and

WHEREAS, funds are available from account 9-01-308-205 and have been certified by the Chief Financial Officer, said certification being attached to this resolution; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that pursuant to N.J.S.A. 40A:11-5(1)(a)ii and 18 A:18A-5a(2), a contract for extraordinary unspecifiable services be awarded to The Rodgers Group, LLC, P.O. Box 831, Island Heights, NJ and authorizes the Mayor to enter into a contract with The Rodgers Group, LLC; and

BE IT FURTHER RESOLVED that notice of this award shall be published in accordance with the law.

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

Introduced by Commissioner Petracco, seconded by Commissioner Scarpelli. All ayes on a roll call vote. Commissioner Evans "NAY"

No. 303-09

WHEREAS, bids for the delivery of a 2009 Dodge Durango to the Township of Nutley Police Department were received and opened on November 25, 2009; and

WHEREAS, Warnock Fleet, 175 Rt. 10, East Hanover, NJ. 07936, was the only bidder at a price of \$25,650.00; and

WHEREAS, funds are available from account 9-01-332-211 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, that a contract be awarded to Warnock Fleet, 175 Rt. 10, East Hanover, NJ 07936, not to exceed \$25,650.00 and that the Mayor and Township Clerk be and they are hereby authorized to enter into and sign said contract for the Township of Nutley.

Introduced by Commissioner Petracco, seconded by Commissioner Scarpelli. All eyes on a roll call vote.

No. 313-09

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 SAFETY

FROM:

TO:

Police S/W 9-01-308-100	\$ 40,000.00	Police O/E 9-01-308-200	\$40,000.00
Fire Clothing Allow 9-01-316-207	2,573.00	Fire O/E 9-01314-200	2,573.00
Total	\$42,573.00	Total	\$ 42,573.00

Introduced by Commissioner Petracco, seconded by Commissioner Scarpelli. All eyes on a roll call vote.

No. 305-09

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 \$1,148.60 due to successful County Board Judgments for the said years.

<u>BLOCK</u>	<u>LOT</u>	<u>ADDRESS</u>	<u>AMOUNT – YEAR</u>
2001	25 Qual.C0007	641 Franklin Avenue #1A	\$567.15 – 2009

Introduced by Commissioner Evans, seconded by Commissioner Tucci. All ayes on a roll call vote.

No. 306-09

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 an overpayment of property taxes in the amount of \$1285.46 for the said year.

<u>BLOCK</u>	<u>LOT</u>	<u>ADDRESS</u>	<u>AMOUNT – YEAR</u>
9700	10	Qual.C0204 25 River Road Unit B-4	\$1285.46 - 2009

Introduced by Commissioner Evans, seconded by Commissioner Tucci. All ayes on a roll call vote.

No. 307-09

WHEREAS, Section 115-1, et seq. of the code of the Township of Nutley establishes the office of the Purchasing Agent for the Township as required by N.J.S.A. 40A:11-2; and

WHEREAS, the office of the Purchasing Agent is assigned the authority, responsibility and accountability for the purchasing activity of the township and maintaining adequate budget controls as prescribed by the Division of Local Government of the State of New Jersey; 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 of Revenue and Finance is consolidating job duties among existing personnel;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that in recognition of her prior years of experience and years of service to the Department of Revenue and Finance, that Rosemary Costa, Chief Financial Officer and Treasurer, be and is hereby appointed the additional responsibility to serve as Purchasing Agent and to oversee operation of the purchasing department.

Introduced by Commissioner Evans, seconded by Commissioner Tucci. All ayes on a roll call vote.

No. 308-09

WHEREAS, an emergency has arisen with respect to the Emergency Repair of Sewer Main Break on Kingsland Street;

WHEREAS, services will need to be contracted for and manpower and supplies will be expended to respond to said emergency and time is of the essence in order to preserve the health and public safety of the residents in the vicinity of this emergency;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, in the County of Essex, New Jersey, that an emergency is hereby declared to exist which will not permit for the advertisement for public bids, subject to the verification of funds by the chief financial officer of the Township of Nutley.

Introduced by Commissioner Evans, seconded by Commissioner Tucci. All ayes on a roll call vote.

No. 301-09

WHEREAS, sealed bids were received for the purchase and delivery of bleachers on October 7, 2009; and

WHEREAS, Ben Shaffer & Associates, P.O. Box 844, Lake Hopatcong, NJ 07849 was the low bidder at \$4,436.00 for 5-Row Units and \$8,690.00 for 10-Row Units; and

WHEREAS, funds are available from Capital Account #3116C 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, that a contract be awarded to Ben Shaffer & Associates not to exceed \$58,000.00 and the Mayor and Township Clerk be and they are hereby authorized to enter into and sign said contract for the Township of Nutley.

Introduced by Commissioner Tucci, seconded by Commissioner Evans. All eyes on a roll call vote.

No. 312-09

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>
Workers' Compensation 9-01-516-200 \$48,000.00	Recreation Comm. S/W 9-01-506-100 \$ 12,000.00
	Pub. Bldgs. & Grounds S/W 9-01-508-100 26,000.00
	Pub. Bldgs. & Grounds O/E 9-01-508-200 10,000.00
Total \$ 48,000.00	Total \$ 48,000.00

Introduced by Commissioner Tucci, seconded by Commissioner Evans. All eyes on a roll call vote.

No. 299-09

BE IT RESOLVED, in accordance with the Open Public Meeting Law, Chapter 231, P.L. 1975 the public meetings of the Board of Commissioners of the Township of Nutley, Essex County, State of New Jersey are held the first and third Tuesday of every month

PLEASE TAKE NOTICE, the public meetings for the year "2010" will be held on the following dates at the Township of Nutley Municipal Building, third (3rd) floor Commission Chambers, One Kennedy Drive at 7:00 P.M., at which time formal action may be taken.

PLEASE TAKE NOTICE, the Governing Body of the Township of Nutley, County of Essex, State of New Jersey may require an Executive Session at any given meeting listed below. In accordance with N.J.S.A. 10:4-12 the Governing Body will adopt a resolution at an open meeting indicating the reasons for going into an Executive Session. No action will be taken in Executive Session.

PLEASE TAKE FURTHER NOTICE, the Board of Commissioners of the Township of Nutley will hold an end of the year meeting on Thursday, December 30, 2010 at 8:30 A.M., Township of Nutley Municipal Building, third (3rd) floor Commission Chambers, One Kennedy Drive. Formal action may be taken.

January 5, 2010	July 6, 2010
January 19, 2010	July 20, 2010
February 2, 2010	August 3, 2010
February 16,2010	August 17, 2010
March 2, 2010	September 7, 2010
March 16, 2010	September 14, 2010
April 6, 2010	October 5, 2010
April 22, 2010 * (Thursday)	October19, 2010
May 4, 2010	November 4, 2010** (Thursday)
May 18, 2010	November 16, 2010
June 1, 2010	December 7, 2010
June 15, 2010	December 21, 2010
	December 30, 2010 @ 8:30 A.M. (Thursday)

BE IT FURTHER RESOLVED, by Mayor and Board of Commissioners of the Township of Nutley that this resolution be published in the official newspapers of the Township of Nutley.

* **Thursday Due To School Board Election**

** **Thursday Due To General Election**

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

No. 304-09

WHEREAS the Township of Nutley Planning Board received \$3,000.00 escrow deposit from Bank of Nutley (Division of Pascack Comm. Bank) for property at 356 Franklin Avenue for engineering services, and

WHEREAS PENNONI ASSOC., INC. (Township Engineer) has reviewed the final mylar and plans submitted for compliance with the New Jersey map Filing Law (Chapter 258), and

WHEREAS the Planning Board has reviewed and determined the remaining escrow balance of \$70.00 is due to Bank of Nutley (Division of Pascack Comm. Bank), and

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners of the

Township of Nutley, County of Essex, NJ, that the above amount be refunded to Bank of

Nutley (Division of Pascack Comm. Bank).

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

No. 310-09

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 AFFAIRS

<u>FROM:</u>	<u>TO:</u>
Garbage & Trash 9-01-138-200 \$ 21,600.00	Mun. Prosecutor S/W 9-01-013-100 \$10,000.00
	Planning Bd. S/W 9-01-015-100 2,500.00
	Bd. Of Adjustment S/W 9-01-014-100 2,500.00
	Bd. Of Adjustment O/E 9-01-014-200 1,500.00
	Air Pollution Control 9-01-136-200 100.00
	Civic Celebration 9-01-018-200 5,000.00
Total \$ 21,600.00	Total \$21,600.00

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

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, Commented on the overtime for the Department of Revenue & Finance and stated that the overtime in Revenue & Finance should be controlled. Commissioner Evans responded and stated that the overtime in that department is necessary.

Anthony Capriglione, 143 Whitford Avenue, Expressed his concerns regarding the quality of service provided by the Nutley local post office. Mayor Cocchiola responded and stated that a letter would be prepared and submitted to the United States Postmaster concerning these service issues.

Larissa Lovejoy, 32 Hampton Place, Stated that she was informed that a town director for the town play has been hired, Ms. Lovejoy continued and stated that she was the town director last year and asked if the position this year was advertised as she was searching the various local newspapers and the township's website for the position, she stated that she contacted the Department of Parks & Public Property and expressed her interest in the position, but never received a response to her inquiries and asked what is the process for hiring a town director. Commissioner Tucci responded and stated that there is not a requirement for hiring a town director, it was decided that have the gentleman who directs the theatre program direct the town play. He informed Ms. Lovejoy that she did a great job last year, but that this year it was decided to have the town play directed by the theatre program director.

At this point in the meeting Commissioner Petracco and Mayor Cocchiola thanked the Nutley Fire Department for their hard work and assistance in putting up all of the holiday decorations throughout the Township.

At this point in the meeting Evelyn Rosario, Municipal Clerk read the following resolution into the record:

No. 313A-09

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.

Motion by Commissioner Petracco, seconded by Commissioner Scarpelli. All ayes on a roll call vote.

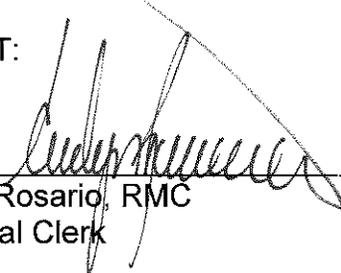
The Board of Commissioners moved into "Executive Session" at 8:35 P.M.

The Board of Commissioners exited "Executive Session" at 9:00P.M.

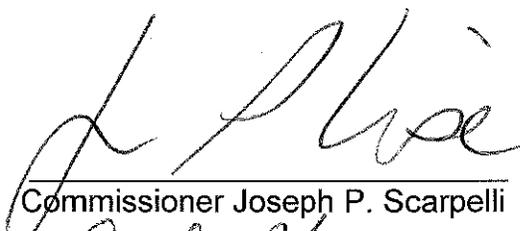
ADJOURNMENT:

Motion to adjourn by Commissioner Scarpelli, seconded by Commissioner Petracco. All ayes. Meeting adjourned at 9:05 P.M.

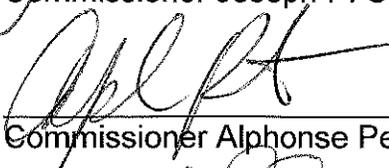
ATTEST:



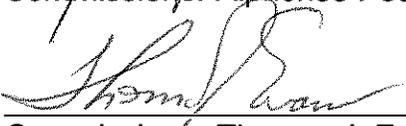
Evelyn Rosario, RMC
Municipal Clerk



Commissioner Joseph P. Scarpelli



Commissioner Alphonse Petracco



Commissioner Thomas J. Evans



Commissioner Mauro G. Tucci



Mayor Joanne Cocchiola