

**Township of Nutley
Board of Commissioners
Meeting Minutes
Tuesday, May 20, 2008
6:30 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:

Evelyn Rosario, Municipal Clerk read the following statement, "Pursuant to the requirements of the Open Public Meetings Law (Chapter 271, P.L. 1975), notice of this meeting was published in the December 13, 2007 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

COMMUNICATIONS/CORRESPONDENCE:

Evelyn Rosario, Municipal Clerk read the following communications into the record.
Communication: J. Morris, Mountainside Hospital.
Communication: L. McCreesh, Program & Event Coordinator, Student Government Day June 2008.

REPORTS:

None.

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	\$ 216,999.61
Department of Revenue & Finance	\$ 2,061,658.06
Department of Public Safety	\$ 122,646.34
Department of Public Work	\$ 68,442.65
Department of Parks & Recreation	\$ 103,923.80
Total Payroll as of May 16,2008	\$ 735,994.30

Bill List Grand Total	<u>\$ 3,309,664.76</u>
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Motion to approve the minutes by Commissioner Evans, seconded by Commissioner Tucci. All Ayes on a roll call vote.

ORDINANCE INTRODUCTIONS:

None.

ORDINANCE PUBLIC HEARINGS:

None.

RESOLUTIONS:

No. 173-08 WHEREAS, the Township of Nutley continues to develop projects that will improve access and maintenance on public roads; and

WHEREAS, the Township of Nutley’s Engineering Department has provided plans specifically designed to address and improve traffic flow/safety issues and maintenance on our roads; and

WHEREAS, the Township of Nutley has submitted plans to the State of New Jersey, Department of Transportation for Municipal Aid and will continue to do so in the future; and

WHEREAS, the Township of Nutley has identified Bloomfield Avenue in desperate need of repair;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Commissioners of the Township of Nutley, in the County of Essex, State of New Jersey formally approves the grant application for Bloomfield Avenue.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as *MA-2008 Nutley Township-00008* to the New Jersey Department of Transportation on behalf of the Township of Nutley.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Nutley and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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

No. 174-08 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 the property taxes in the amount of \$2,152.75 for the following block and lots

<u>Block & Lot</u>	<u>Address</u>	<u>Amount</u>
9404 4	141 Hancox Ave.	\$2,152.75---2008

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

No. 175-08 BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, in the County of Essex, State of New Jersey that a contract for a mobile column

lift in the amount of \$33,000.00 be awarded to Hoffman Services, Inc., 55 E. Bigelow Street, Newark, N.J. 07114 and

WHEREAS, funds are available through Capital Account # 3029C in the amount of \$33,000.00, and have been certified by the Chief Financial Officer and said certification is attached to this resolution.

BE IT RESOLVED, that the Board of Commissioners and the 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 ayes.

No. 176-08 BE IT RESOLVED, resolution number 163-08 adopted by the Board of Commissioners at their re-organization meeting held on Tuesday, May 20, 2008 is hereby amended to omit the following positions/functions from the Public Works Department:

Water Billing
Water Billing Supervisor

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

No. 177-08 BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey that Joanne Cocchiola and Kathy Rempusheski be appointed as representatives of the Community Development Block Grant Committee expiring December 31, 2008.

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

No. 178-08 BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey that Angelo Servidio be reappointed Public Defender for the Township of Nutley expiring on December 31, 2008.

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

MEETING OPEN TO PUBLIC

PUBLIC COMMENTS:

Rory Moore, 462 Chestnut Street: Mr. Petracco, I have a suggestion or a favor I guess. The Nutley Police Department has a chapter of the Blue Knights. It's a motorcycle club that they use for charitable runs and they donate money to charities. The past few years they were never able to have a run in the Township of Nutley because Carmen Orechio wouldn't allow it for one reason or another. Would that be able to be reviewed so possibly the Blue Knights would be able to have their run from Nutley?

Commissioner Petracco: I would be willing to review anything. Yes.

Mr. Moore: Thank you.

Commissioner Petracco: You're welcome.

Mr. Moore: Commissioner Scarpelli, your father had a contract with Pennoni and I believe he put it out for a date of today, for May 20. Would that contract be reviewed? The reason I'm asking is the numbers I was supplied, Pennoni received in excess of \$230,000 for last year, which means that we could substantially save a lot of money by having either an engineer or going to interlocal services with Belleville. Would the Pennoni contract be able to be reviewed?

Commissioner Scarpelli: The contract is going to be reviewed, and be re-bid or re-looked at.

Mr. Moore: Well it's under a bid as a contract but it's for a municipal engineer I believe that's what it's based on.

Commissioner Scarpelli: It's something we're looking at in the future, Mr. Moore.

Mr. Moore: Thank you. Miss Cocchiola, I took your advice and I went over to the Library Board concerning the contract for the retaining wall in front of the Library and I spoke to Mr. Iannarone. And I understand that you signed a contract knowing that a BRC was an issue.

Mayor Cocchiola: Mr. Moore, I never signed a contract with Nicastro. Do you have a copy of something I signed?

Mr. Moore: Well according to...

Mayor Cocchiola: Do you have a copy of something I signed?

Mr. Moore: According to Mr. Iannarone...

Mayor Cocchiola: No. Do you have a copy of something I signed if you're going to tell me I signed it?

Mr. Moore: Well then somebody has signed a contract for \$18,000.

Mayor Cocchiola: I did not sign a contract with Nicastro. That was grant money that was obtained by the Library Board. You went to the meeting. They spoke to you about it and I'm not going to do this tonight. You were fully informed by the Board of Trustees of the Library, what happened with that grant. I did not sign it and I am not going to play this game with you. If you could produce something I signed, we'll talk about it but you will not be able to.

Mr. Moore: Well that's what we're looking for and can't find. I and they don't have a copy of a contract but somehow there was a contract signed.

Mayor Cocchiola: Maybe they didn't award a contract and maybe they just awarded it based on some proposal.

Mr. Moore: Oh so we don't sign contracts then?

Mayor Cocchiola: We did not have any involvement with that grant. That's about the tenth time I've told you this.

Mr. Moore: And I did exactly what you said and I went to Library Board.

Mayor Cocchiola: Well good but you're not going to get an answer here because it was not our grant and we did not contract with Nicastro.

Mr. Moore: And I didn't get an answer there either so they told me to come back to ask you, but that's okay.

Mayor Cocchiola: Okay fine. Are there any other questions?

Mr. Moore: Yes I do.

Mayor Cocchiola: Good.

Mr. Moore: Mr. Tucci, you had a visioning plan that you had introduced a while ago.

Commissioner Tucci: That's correct.

Mr. Moore: I went to DCA and asked them about that and there were some unanswered questions that they didn't understand either but I just received information that there's some money available using a visioning plan from the New Jersey Chapter of the American Planning Association is making some funds available. But according to the letter that they published, the Township is available for some money for more or less of supplies, books, papers, and things like that. The Township has to announce what its' visioning plan is. Is that fully published?

Commissioner Tucci: No they're missing the point. The grant that we're submitting is to conduct a visioning plan. That's where under the auspices of a professional planner, we ask people from the community, from all different walks of life, to participate in what they want the Township to look like in the future. It's to pay for the professional planner, the supplies, and everything else that's associated with it. Usually the term of the visioning plan is six months. So that's what we're applying for. There is money available through DCA and it is something that they encourage.

Mr. Moore: But according to DCA and according to this other Association, which does supply plans for the visioning plan, they require what the visioning plan is. Has that been reduced to writing?

Commissioner Tucci: It will be reduced to writing once we develop it but the whole intent of the grant is to develop that plan.

Mr. Moore: Oh so you don't have it?

Commissioner Tucci: No.

Mr. Moore: Oh that's what I was asking. I was just curious in that.

Commissioner Tucci: Exactly.

Mr. Moore: Thank you.

Commissioner Tucci: Your welcome.

Mayor Cocchiola: Is there anyone else that would like to address the Board this evening? Good evening Mrs. Shuster.

Mrs. Shuster: Good evening. Congratulations everyone. Sera T. Shuster, 462 Chestnut Street. I have asked you numerous times that if Carmen was re-elected to take Code Enforcement away from him and take him away from Public Safety and I understand you have. Mr. Evans, and well, Commissioner Evans, and I'm wondering, are you going to go over and look at all the favors that were submitted under Code Enforcement? And are you going to fix my wall and fence that sits on my property because Carmen did that to me deliberately. And it was never inspected and I'd been checking. It was supposed to be inspected by Carl Thunnell and he never inspected it but he made his neighbor move her fence for two inches. So they do what they want to do so are you going to do something to correct it and while you're at it, are you going to see that the gutter is moved from the traffic light on the corner of Harrison and Bloomfield Avenue?

Commissioner Evans: I'm not aware of Harrison and Bloomfield Avenue....

Mrs. Shuster: You haven't seen that building?

Commissioner Evans: I'm aware of the building, yes.

Mrs. Shuster: Well I suggest you go look at it. The building overhangs the sidewalk and the traffic light. The gutter is against the traffic light. Even a blind man could have seen that.

Commissioner Evans: I'll drive by.

Mrs. Shuster: Drive by and bring some oxygen because you're gonna take your breath away when you see that building.

Mayor Cocchiola: Okay Mrs. Shuster. Are there any other comments or questions for the Board?

Mrs. Shuster: No I didn't get an answer to my question. Are you going to look into my wall and fence?

Commissioner Evans: My understanding is your wall and fence has been looked into many times? Have they not?

Mrs. Shuster: My wall and fence is on my property and Pete Fopiano, who was a personal friend of Carmen's, raised the level of his yard where it drains in my yard. This is illegal.

Commissioner Evans: I am aware of the issue that you raise.

Mrs. Shuster: Are you going to take care of it?

Commissioner Evans: I will investigate what action the Town took previously and I will make a determination if any further action is needed.

Mrs. Shuster: Well it's needed because Pat Intindola gave Pete Fopiano a CO knowing he was on my property without a permit, without a variance, and then Bill Spiezio gave a second CO knowing he was on my property. He has the survey that shows he's on my property.

Mayor Cocchiola: Mrs. Shuster, I think Commissioner Evans said he would look into it.

Mrs. Shuster: Would you look into it?

Commissioner Evans: I said so.

Mrs. Shuster: Cause you know I'm not going away.

Commissioner Evans: I absolutely know that, too.

Mayor Cocchiola: Thank you. Do you have any other questions?

Mrs. Shuster: That's all for tonight but I'll be watching things.

Mayor Cocchiola: Thank you very much.

Mrs. Shuster: Thank you.

Mayor Cocchiola: Is there anyone else that would like to address the Board this evening? Then before we adjourn, let me just make a note that the next meeting of the Board of Commissioners, and every meeting thereafter, will begin at 7:00 p.m.,

The Mayor mentioned that the Memorial Day Parade will begin at 11:00 a.m. on Monday and that there will be a memorial visitation scheduled for the Board of Commissioners

AJOURNMENT:

Motion to adjourn by Commissioner Scarpelli, seconded by Commissioner Evans.
Meeting adjourned at 7:02 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

Prepared by:

Linda Posternock

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