

Township of Nutley
Board of Commissioners
Meeting Minutes
Tuesday, August 5, 2008
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:

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 December 13, 2007 issues of the Nutley Sun, the Journal, the Star Ledger and the Herald News. Said notice was amended to reflect the new start time of all 2008 remaining meetings and duly published in the May 29, 2008 issues of the Nutley Sun, the Journal, the Herald News and the June 2, 2008 issue of the Star Ledger. 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	- Absent/Excused
Commissioner Evans	- Absent/Excused
Commissioner Tucci	- Present
Mayor Cocchiola	- Present

MINUTES:

None.

COMMUNICATIONS/CORRESPONDENCE:

None.

REPORTS:

Mayor Cocchiola submitted the Department of Public Affairs monthly activities report for the month of July 2008.

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	\$ 29,851.05
Department of Revenue & Finance	\$ 6,942,987.09
Department of Public Safety	\$ 100,465.90
Department of Public Works	\$ 107,937.67
Department of Parks & Public Property	\$ 454,642.28
Payroll as of July 25, 2008	\$ 723,307.78
Bill List Grand Total	<u>\$ 8,359,191.77</u>

Motion to approve the bills by Commissioner Tucci, seconded by Commissioner Scarpelli. All Ayes. Commissioners Petracco and Evans Absent/Excused

ORDINANCE INTRODUCTIONS (1)

Ordinance No. 3072

"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 & ADD THE LOCATIONS SET FORTH THEREIN. "(UNION AVENUE, CONOVER AVENUE, DODD STREET & UNION AVENUE).

Commissioner Tucci 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. Commissioners Petracco & Evans Absent/Excused. Commissioner Tucci read by title only.

A public hearing will be held on September 2, 2008.

PUBLIC HEARINGS (1)

Ordinance No. 3067

"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 10 ENTITLED "STOPPING OR STANDING PROHIBITED DURING CERTAIN HOURS" TO ADD THE LOCATION SET FORTH THEREIN."
(Passaic Avenue & Satterthwaite Avenue)

Ordinance No. 3067 was introduced for second reading by Mayor Cocchiola seconded by Commissioner Tucci. Mayor Cocchiola read by title only.

Motion to open the public hearing by Mayor Cocchiola , seconded by Commissioner Tucci. All Ayes. Commissioners Petracco & Evans Absent/Excused.

No one came forward.

Motion to close the public hearing by Commissioner Tucci, seconded by Commissioner Scarpelli. All ayes on a roll call vote. Commissioners Petracco & Evans Absent/Excused.

Motion to adopt on second and final reading by Mayor Cocchiola, seconded by Commissioner Scarpelli. All ayes on a roll call vote. Commissioners Petracco & Evans Absent/Excused.

RESOLUTIONS: (16)

No. 230-08

WHEREAS, James J. Blanda has been a Nutley resident since August 25, 1978 when he and Santa purchased their home; and

WHEREAS, James was honored by the Nutley Unico for "Nutley Unican of the Year 1999"; and

WHEREAS, James was employed as Vice President of Midlantic Bank, which he made his fine career, upon retiring, James was employed by the Township of Nutley as Engineering Coordinator, working in such capacity he handled many projects for the township, applied for many grants that the Department of Public Works received between 2002-2008 which amounted to millions of dollars used for projects such as Township Clock, Franklin Avenue Walkway, Installed Solar Meters in Parking Lots, New Street Lighting throughout Nutley Center, Traffic Lighting, Roadway Resurfacing throughout the Township of Nutley, Solar Signs for the Parking Lots, CERP Representative 2002-2004, appointed to be the representative member of the Mitigation Planning Council for Essex County; and

WHEREAS, James' many years of service to the Township included membership in various organizations: 25 year member to the Nutley Unico, Chairman of Nutley Unico Raffle, Treasurer of the Nutley Invitational, Chairman of the Nutley Zoning Board, President and Board of Trustee for the Nutley Senior Manor, and Chairman of the Chiarello Kidney Foundation, Third Degree Knight of Columbus Council 6195; and

WHEREAS, after thirty years of residing in the Township of Nutley and making many contributions to the community James and Santa will retire in Manchester, New Jersey and hopefully enjoy many years of golfing and relaxation;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey that the significant and professional contributions of James Blanda to the Township of Nutley be hereby recognized, the Board of Commissioners wish all the happiness and good health to James and his wife Santa; and

BE IT FURTHER RESOLVED, that the gratitude of this Community be hereby extended to James Blanda for his distinguished contributions and service to the Township of Nutley.

Introduced by Commissioner Scarpelli, seconded by Commissioner Tucci. All ayes. Commissioners Petracco & Evans Absent/Excused

No. 231-08

WHEREAS, the Board of Commissioners of the Township of Nutley, seeks to sponsor a "Swing Night" on August 21, 2008;

WHEREAS, the holder of Plenary Retail Consumption Licenses have been invited to participate; and

WHEREAS, the establishments of Terrazza's, Franklin Steakhouse and the Mudd Hole have submitted applications for a one day permit for the sale of alcoholic beverages on Franklin Avenue, Nutley and have been submitted to the Division of A.B.C.;

NOW, THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, in the County of Essex that the Board hereby approved the one-day permits providing they are approved by the Director of the Division of Alcoholic Beverage Control.

Introduced by Commissioner Scarpelli, seconded by Commissioner Tucci. All ayes. Commissioners Petracco & Evans Absent/Excused

No. 232-08

WHEREAS, N.J.S.A. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount;

SECTION 1:

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2008 in the sum of \$4,000.00, which item is now available as a revenue from the Obey the Signs or Pay the Fines Grant pursuant to the provisions of statute; and

SECTION 2:

BE IT FURTHER RESOLVED, that a like sum of \$4,000.00 be and same is hereby appropriated under the caption of:

General Appropriations

(A) Operations-Excluded from 5% CAPS

Obey the Signs or Pay the Fines Grant
Police
Salaries & Wages.....\$4,000.00

BE IT FURTHER RESOLVED, that the Township Clerk forward two (2) certified copies of this resolution to the Director of Local Government Services

Introduced by Commissioner Scarpelli, seconded by Commissioner Tucci. All ayes. Commissioners Petracco & Evans Absent/Excused

No. 233-08

BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey that Jason Weber, employee in the Department of Public Safety, was granted a medical leave of absence without pay through August 31, 2008;

NOW, THEREFORE, BE IT RESOLVED that Jason Weber will be returning from his medical leave of absence on August 18, 2008.

Introduced by Commissioner Scarpelli, seconded by Commissioner Tucci. All ayes. Commissioners Petracco & Evans Absent/Excused

No. 234-08

WHEREAS, in accordance with N.J.A.C. 17:27-3.2 each public agency shall designate an individual to serve as its Public Agency Compliance Officer (P.A.C.O.); and

WHEREAS, the Public Agency Compliance Officer (P.A.C.O.) is the liaison and point of contact between the Division of Contract and Compliance in the State of New Jersey Department of the Treasury;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey that Evelyn Rosario, is hereby appointed as the Public Agency Compliance Officer (P.A.C.O.) for the year 2008.

Introduced by Commissioner Tucci seconded by Commissioner Scarpelli. All ayes. Commissioners Petracco & Evans Absent/Excused

No. 235-08

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 a new roof at the DeMuro Park Fieldhouse.

Bids to be received on Tuesday, August 26, 2008 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 Tucci seconded by Commissioner Scarpelli. All ayes. Commissioners Petracco & Evans Absent/Excused

No. 236-08

WHEREAS, there exists a need for the service of a Professional Engineering Firm to provide design services and construction management services for the reconstruction of the DeMuro Park Tennis Courts; and

WHEREAS, Neglia Engineering Associates, is particularly suited to provide such service; and

WHEREAS, the contract is in an amount not to exceed \$12,350.00 and whereas the funds are available in Ordinance # 3063-JC as evidenced by the Chief Financial Officer's certification attached hereto; and

WHEREAS, the Local Public Contracts Law (N.J.S.A.40A:11-1, et seq.) requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself must be available for public inspection.

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Nutley in the County of Essex, New Jersey, that Neglia Engineering Associates, 34 Park Avenue, Lyndhurst, New Jersey be retained to provide design services; and

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized and directed to execute the attached agreement with Neglia Engineering Associates; and

BE IT FURTHER RESOLVED that this contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5 (1)(a) of the Local Public Contracts Law because the contract is for a service performed by a person(s) authorized by law to practice a recognized profession that is regulated by law; and

BE IT FURTHER RESOLVED that a notice of this action shall be printed once in the Nutley Sun in accordance with the Local Public Contracts Law.

Introduced by Commissioner Tucci seconded by Commissioner Scarpelli. All ayes. Commissioners Petracco & Evans Absent/Excused

No. 237-08

WHEREAS, the Township of Nutley has a need to acquire specialized professional services as a fair and open contract pursuant to the provision of N.J.S.A. 19:44 A-20.5; and

WHEREAS, The Requests for Proposal for Township Forester was received and opened on June 24, 2008 by the Township Clerk and,

WHEREAS, a response to the request for proposal was from The Shade Tree Department LLC, John Linson, 52 Ricker Road, Kinnelon, NJ 07405, and

WHEREAS, The Shade Tree Department LLC , John Linson, NJ Certified Tree Expert #198 has provided these services in the past to the Township of Nutley and is particularly suited to provide continued service; and

WHEREAS, the anticipated term of this contract is one year; and

WHEREAS, the contract is not to exceed \$25, 000.00 and funds are available from account 8-01-512-200 and 205-000-234-21-00 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 that a contract be awarded to The Shade Tree Department, LLC, John Linson as described herein; and

BE IT FURTHER RESOLVED that the response to the Request for Proposal be placed on file with this resolution, and

BE IT FURTHER RESOLVED that a notice of this action shall be printed once in the Nutley Sun in accordance with the Local Public Contracts Law.

Introduced by Commissioner Tucci seconded by Commissioner Scarpelli. All ayes. Commissioners Petracco & Evans Absent/Excused

No. 238-08

WHEREAS, Anthony Andriola is employed by the Department of Parks and Public Property; and

WHEREAS, Anthony Andriola is currently out of work due to a medical situation; and

WHEREAS, Anthony has exhausted all of his available sick leave and other time due; and

WHEREAS, Two (2) employees of the Department of Parks and Public Property, and One (1) employee of the Department of Public Affairs are

desirous of transferring a total of twenty (20) days of their accumulated sick leave to Anthony Andriola; and

WHEREAS, under the circumstances presented herein and in view of Anthony Andriola's medical situation, and his service to the Department of Parks and Public Property, the Board of Commissioners are desirous of accommodating this request;

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

The following employees are permitted to transfer days to Anthony Andriola –

Harry Kirk, Dennis Kirk and Joseph Petti

All of these employees have provided their consent to said transfers in writing to the Township Clerk.

Introduced by Commissioner Tucci seconded by Commissioner Scarpelli. All ayes. Commissioners Petracco & Evans Absent/Excused
239-08

WHEREAS, pursuant to N.J.S.A. 40:67-23.2 and as required by law, the Township has elected to provide municipal services to the Cambridge Heights at Nutley Umbrella Association, Inc. (the "Association"), in the same manner as the Township provides such services on public roads and streets in the Township.

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

1. The Mayor be and is hereby authorized to enter into a 2008 Municipal Services Agreement with the Association in a form approved by the Township Attorney.

2. A copy of this Resolution, as well as the Municipal Services Agreement, shall be placed on file with the Clerk and a notice of this action shall be printed once in the Nutley Sun.

Introduced by Mayor Cocchiola seconded by Commissioner Tucci All ayes. Commissioners Petracco & Evans Absent/Excused

No. 240-08

WHEREAS the Planning Board received \$1,500.00 escrow deposit from MICHAEL CIFELLI for property at 55 Hillside Avenue for engineering services, and

WHEREAS the Planning Board has reviewed and determined the remaining escrow balance of \$330.00 to be returned to MICHAEL CIFELLI

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, NJ, that the above amount to be refunded to MICHAEL CIFELLI.

Introduced by Mayor Cocchiola seconded by Commissioner Tucci All ayes.
Commissioners Petracco & Evans Absent/Excused

No. 241-08

WHEREAS the Planning Board received \$1,500.00 escrow deposit from Thomas J. Evans, for property at 18 Edgewood 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 \$680.00.

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, NJ, that the above amount to be refunded to Thomas J. Evans.

Introduced by Mayor Cocchiola seconded by Commissioner Tucci All ayes.
Commissioners Scarpelli & Evans Absent/Excused

No. 242-08

BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey that pursuant to the Municipal Land Use Law and Section 33-2(A) of the Code of the Township of Nutley, Commissioner Joseph P. Scarpelli, will be appointed to serve as a Class III member of the Planning Board of the Township of Nutley for a period of four (4) years through May 2012.

Introduced by Mayor Cocchiola seconded by Commissioner Tucci All ayes.
Commissioners Scarpelli & Evans Absent/Excused

No. 243-08

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

Nutley Music Boosters Association	License No. 41-08 "Tricky Tray Raffle"	August 19, 2008
Nutley Music Boosters Association	License No. 42-08 "On-Premise 50/50 Cash Raffle"	August 19, 2008
Rotary Club of Nutley	License No. 43-08 "Off-Premise 50/50"	November 20, 2008

	Cash Raffle”	
VFW Post No. 493 Stuart E. Edgar	License No. 44-08 “Off-Premise 50/50 Cash Raffle”	October 30, 2008

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.
Commissioners Scarpelli & Evans Absent/Excused

MEETING OPEN TO PUBLIC

PUBLIC COMMENTS:

J. Vansteen, 401 Passaic Avenue, Came forward on behalf of the League of Women Voters of NJ publication called smart growth action guide, this booklet is a guide on how to achieve well planned and well managed growth in the community.

Ken Molkenthin, 44 chestnut street, asked what the municipality is doing to visibly mark all municipal owned vehicles. Mayor Cocchiola responded and replied that the majority of the township vehicles have been marked accordingly with township seals.

Rory W. Moore, 462 Chestnut Street, Asked several questions pertaining to the fuel consumption study, Mayor Cocchiola stated that Commissioner Evans is currently compiling the information and preparing, an exact date of completion is not available. Mr. Moore also expressed his concerns concerning the marking of all township vehicles.

Paul Dolocheck, 501 Centre Street, asked Commissioner Tucci if he received Mr. Negra’s letter. Commissioner Tucci responded and stated that he did receive the letter and that consideration will be given regarding their offer to seal the damaged wood at the Creative Playground.

ADJOURNMENT:

Motion to adjourn by Commissioner Scarpelli, seconded by Commissioner Evans. Meeting adjourned at 8:32 p.m.

ATTEST:



Evelyn Rosario, RMC
Municipal Clerk




Commissioner Joseph P. Scarpelli

Absent/Excused


Commissioner Alphonse Petracco

Absent/Excused

Commissioner Thomas J. Evans



Commissioner Mauro G. Tucci



Mayor Joanne Cocchiola