

**Township of Nutley**  
**Board of Commissioners**  
**Meeting Minutes**  
**Tuesday, August 19, 2008**  
**7:00 P.M.**

A regular meeting of the Board of Commissioners of the Township of Nutley was held in the 3<sup>rd</sup> 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	- Present
Commissioner Evans	- Absent/Excused
Commissioner Tucci	- Present
Mayor Cocchiola	- Present

**MINUTES:**

None.

**COMMUNICATIONS/CORRESPONDENCE:**

Evelyn Rosario, Municipal Clerk read the following communications:  
a. Letter/Van Riper House, Inc./Street Fair August 31, 2008

**REPORTS:**

Commissioner Scarpelli submitted the Department of Public Works June & July 2008 monthly reports.  
Commissioner Tucci submitted the Shade Tree June 2008 monthly report.

**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	\$ 570,861.06
Department of Revenue & Finance	\$ 1,704,083.10
Department of Public Safety	\$ 26,259.33
Department of Public Works	\$ 80,783.34
Department of Parks & Public Property	\$ 64,621.13

Payroll as of August 8, 2008	\$ 747,821.05
Bill List Grand Total	<u>\$ 3,194,429.01</u>

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

**ORDINANCE INTRODUCTIONS**

None.

**PUBLIC HEARINGS (2)**

**Mayor Cocchiola/ Ordinance No. 3068**

**“AN ORDINANCE SUPPLEMENTING THE SCHEDULE OF REGULATIONS AS TO BULK, HEIGHT AND OTHER REQUIREMENTS RESIDENTIAL DISTRICTS TO ADJUST FRONT YARD SETBACK MEASUREMENTS.”**

Ordinance No. 3068 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. Commissioner Evans Absent/Excused.

No one came forward.

Motion to close the public hearing by Mayor Cocchiola, seconded by Commissioner Scarpelli. All ayes on a roll call vote. Commissioner 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. Commissioner Evans Absent/Excused.

**Mayor Cocchiola/ Ordinance No. 3069**

**“AN ORDINANCE TO AMEND SECTION 240-3 OF THE CODE OF THE TOWNSHIP OF NUTLEY ENTITLED DEFINITIONS AND WORD USAGE AND IN PARTICULAR THE DEFINITION OF “LOT COVERAGE.”**

Ordinance No. 3069 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. Commissioner Evans Absent/Excused.

No one came forward.

Motion to close the public hearing by Mayor Cocchiola, seconded by Commissioner Tucci. All ayes on a roll call vote. Commissioner Evans Absent/Excused.

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

**RESOLUTIONS: (16)**

**No. 244-08**

WHEREAS, on February 5, 2008, an inspection was conducted at the Department of Public Works, Water Department by the Department of Environmental Protection; and

WHEREAS, the inspector determined that the Township Facility was engaged in or had completed activities eligible for recognition under the new Environmental Stewardship Initiative; and

WHEREAS, the Nutley Water Department is formally recognized with a Certificate of Stewardship for the voluntary and proactive measures in effort to improve the environment; and

WHEREAS, the Department of Environmental Protection presents a Certificate of Stewardship and reflects the appreciation to the Township of Nutley's Water Department for all efforts;

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 New Jersey Department of Environmental Protection's Environmental Stewardship Initiative recognizes the Nutley Water Department for its voluntary and proactive measures taken to go beyond compliance in an effort to improve the environment and ensure a sustainable future be and is hereby recognized.

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

**No. 245-08**

WHEREAS, the Township of Nutley through the Department of Public Works has a need to acquire the services of an engineering consultant as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44 A-20.4 or 20.5, as appropriate; and

WHEREAS, Pennoni Associates Inc., 105 Fieldcrest Avenue, Suite 502, Edison, New Jersey, 08837, has submitted a proposal dated July 29, 2008 indicating they will provide professional services to the Township of Nutley to prepare bid specifications and plans and provide construction inspection services for proposed 2008 Various Street, Sidewalk and Curb Improvements; and

WHEREAS, funds are available from Ordinance #2995A in the amount of \$12,542.34 and Ordinance #3027 in the amount of \$28,457.66 and have been

certified by the chief financial officer, said certification being attached to this resolution, and is not to exceed the amount of \$41,000.00; and

WHEREAS, the Local Public Contract Law (N.J.S.A. 40A:11-1, et seq.) requires that the resolution authorizing the award of contract for "Professional Services" without competitive bids must be publicly advertised.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Nutley enter into a contract with Pennoni Associates, Inc. as described herein; 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 Scarpelli, seconded by Commissioner Petracco.  
All ayes. Commissioner Evans Absent/Excused.

No. 246-08

BE IT RESOLVED by the Board of Commissioners of the Township of Nutley in the County of Essex, New Jersey that Lieutenant Thomas Nicolette, an officer in the Nutley Fire Department, be appointed as the Director of Emergency Management for a three year term effective immediately and in effect until December 31, 2011.

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

No. 247-08

WHEREAS, N.J.S.A. A:9-41 requires that an Emergency Management Council be formed to coordinate all disaster control activities on behalf of the Township of Nutley, County of Essex, State of New Jersey;

NOW, THEREFORE; BE IT RESOLVED by the Board of Commissioners, Township of Nutley, County of Essex, New Jersey that the following be appointed as Emergency Management Council/Local Emergency Planning Council/Environmental Commission on behalf of the Township of Nutley, expiring December 31, 2011.

Thomas Nicolette	Emergency Management Coordinator
David Wilson	E.M. Deputy Coordinator/Damage Assessment Coordinator
Joseph Iorio	E.M. Deputy Coordinator/Radiological Protection Coordinator
Frederick Scalera	E.M. Deputy Coordinator
Mark Guiliano	E.M. Deputy Coordinator/Fire & Rescue Coordinator
John Hund	E.M. Deputy Coordinator
John Kocotos	Shelter, Reception & Care Coordinator (Red Cross)
Tony Testa	Alerting & Warning Coordinator
Jim Paulson	Emergency Medical Coordinator
Phillip Nicolette	Emergency Operations Center Coordinator
Mary Mosca	Emergency Public Information Officer
John Holland	Law Enforcement Coordinator
Tom Restaino	Public Health Coordinator
Mike Luzzi	Public Works Coordinator
Harry Kirk	Resource Management Coordinator

Robert McDonald	Social Services Coordinator
Robert DeLitta	Auxiliary Police Liaison
Stephen DelCollo	Environment Response Liaison
Richard Marks	Fire Auxiliary Liaison
Peggy Hollywood	Evacuation Coordinator
Nutley Sun Editor	Media Relations
David Infusino	Wakefern Liaison

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

No. 248-08

WHEREAS, sealed bids for furnishing and delivering POLICE UNIFORMS AND EQUIPMENT were publicly opened and read on July 22, 2008; and

WHEREAS, Turnout Uniforms was the lowest responsible bidder; and

WHEREAS, the funds are available in an appropriation entitled 8-01-310-200 "Police Clothing Maintenance & Allowance" in the amount of \$33,000.00 and in an appropriation entitled "Police O/E Uniforms" in the amount of \$2,000.00 for a total of \$35,000.00 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, County of Essex, New Jersey that a contract for furnishing and delivering POLICE UNIFORMS AND EQUIPMENT, consistent with the 2008 clothing voucher allocation be and is hereby awarded to Turnout Uniforms, 490 Riverview Drive, Totowa, NJ 07512.

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

249-08

WHEREAS, there exists outstanding checks on the books of the Claims Account; and

WHEREAS, these checks have been investigated and it has been determined that they should be cancelled;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners, of the Township of Nutley, County of Essex, New Jersey, that the following outstand checks totaling \$10,165.56 be and are hereby cancelled.

<u>CHECK NUMBER</u>	<u>AMOUNT</u>
72129	8.00
72335	20.00
72440	38.00
72626	10.00
72627	7.50
73053	10.00
73293	151.50
73639	35.00
73898	100.00
74374	500.00
74481	500.00
75322	2,971.98
75521	85.87
75659	25.00
75919	50.00
76880	17.00
77076	25.50
77173	1,186.55
77464	5.00
78762	23.16
79199	845.62
80968	15.00
81111	85.00
81125	55.00
81171	125.00
81485	125.00
<u>CHECK NUMBER</u>	<u>AMOUNT</u>
81514	60.00
81565	20.00
81664	10.00
81771	40.00
82060	25.00
82238	582.36
82897	28.98
83283	20.87
83284	159.48
83445	165.00
84382	35.00
84788	25.00
85091	116.00
85105	70.00
85201	16.50
85370	90.00
85523	33.00
86002	250.00
86144	250.00
86329	250.00

86498	42.69
87040	375.00
88361	30.00
88988	125.00
89008	200.00
89103	125.00
TOTAL	\$10,165.56

Introduced by Commissioner Tucci, seconded by Commissioner Scarpelli. All eyes. Commissioner Evans Absent/Excused.

No. 250-08

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 a tree permit fee collected, in consideration of the fact that the required replacement tree was installed, per Shade Tree Preservation Ordinance. Payment would come from account C-01-904-906:

Scott DeLuca                      13 White Terrace                      \$50.00

Introduced by Commissioner Tucci, seconded by Commissioner Scarpelli. All eyes. Commissioner Evans Absent/Excused.

No. 251-08

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

HSA Washington School	License No. 45-08 "On-Premise 50/50 Cash Raffle"	September 21, 2008
Academic Booster Club	License No. 46-08 "Off-Premise 50/50 Cash Raffle"	October 18, 2008
Holy Family Church	License No. 47-08 "Money Wheel"	September 25, 2008 – September 28, 2008
Holy Family Church	License No. 48-08 "On-Premise Carnival Games"	September 25, 2008 – September 28, 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.  
Commissioner Evans Absent/Excused.

**MEETING OPEN TO PUBLIC**

**PUBLIC COMMENTS:**

Rory Moore, 462 Chestnut Street, asked why the September 2, 2008 Board of Commissioners meeting has been re-scheduled to September 4, 2008, Mayor Cocchiola stated that she is unavailable on September 2, 2008. Mr. Moore asked several questions concerning resolution number 249-08 adopted at this meeting, Commissioner Tucci asked Mr. Moore to direct his Questions to Commissioner Evans at the next meeting of the Board of Commissioners.

Paul P. 16 Raymond Avenue, suggested that the Board of Commissioners establish an independent entity to coordinate all activities, such as project spending, general spending etc. between the Board of Commissioners, School Board, County Representatives.

Jack Magnifico, stated that the Am Vets adopted a resolution to the lease the 1.6 acres of property to the Township of Nutley. Mr. Magnifico stated that he would like to see the township lease the property and utilize it in the best way possible. Mr. Molkenthin expressed his concerns concerning

Ken Molkenthin, 44 Chestnut Street, Mr. Molkenthin thanked the Governing Body for having the Township vehicles marked. Mr. Molkenthin expressed his concerns regarding township spending, expenses and employee salaries.

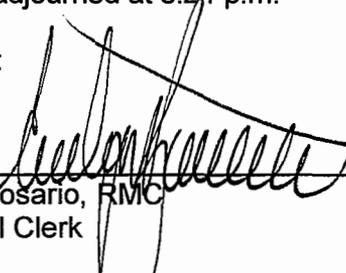
Ed Negra, 649 Bloomfield Avenue, Mr. Negra asked Commissioner Tucci the status of the Creative Playground. Commissioner Tucci responded and stated that the results of the swipe testes on the wood have been received along with the soil test results Commissioner Tucci continued and said that the easy way to deal with the problem would be to eliminate, which is not the direction the township is looking to take. Commissioner Tucci has contacted the Joint Insurance Fund (JIF) part of the township's insurance group to have an independent third report prepared.

Ann S., Washington Ave., Clifton, NJ, commented that she would like the township to continue their efforts concerning the creative playground.

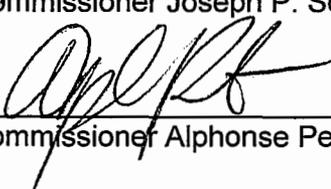
**ADJOURNMENT:**

Motion to adjourn by Commissioner Scarpelli, seconded by Commissioner Evans.  
Meeting adjourned at 8:24 p.m.

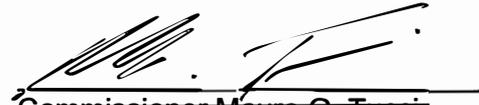
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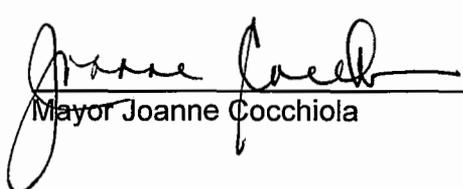
  
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Evelyn Rosario, RMC  
Municipal Clerk

  
\_\_\_\_\_  
Commissioner Joseph P. Scarpelli

  
\_\_\_\_\_  
Commissioner Alphonse Petracco

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Absent/Excused  
Commissioner Thomas J. Evans

  
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Commissioner Mauro G. Tucci

  
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Mayor Joanne Cocchiola