

**Township of Nutley
Board of Commissioners
Meeting Minutes
Thursday, September 4, 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	- Absent/Excused
Commissioner Petracco	- Present
Commissioner Evans	- Present
Commissioner Tucci	- Present
Mayor Cocchiola	- Present

MINUTES:

None.

COMMUNICATIONS/CORRESPONDENCE:

Evelyn Rosario, Municipal Clerk read the following communications:
Letter/The Nutley Ice Hockey Booster Club/Permission/Street Fair/May 3, 2009
North Jersey District Water Supply Commission/Agenda/August 27, 2008

REPORTS:

Commissioner Scarpelli submitted the Department of Public Works report for the months of July & August 2008
Mayor Cocchiola submitted the Department of Public Affairs report for the month of August 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	\$ 11,554.68
Department of Revenue & Finance	\$ 2, 130,245.79
Department of Public Safety	\$ 39,199.16
Department of Public Works	\$ 129,974.19
Department of Parks &Public Property	\$ 465,219.14

Payroll as of August 22, 2008	\$ 747,821.05
Bill List Grand Total	<u>\$ 3,597,703.11</u>

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

ORDINANCE INTRODUCTIONS

None.

PUBLIC HEARINGS (2)

Commissioner Evans/Ordinance No. 3071

"AN ORDINANCE TO AMEND ORDINANCE NO. 3015 (ADOPTED AUGUST 7, 2007) TO FIX THE SALARIES OF CERTAIN OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF NUTLEY, COUNTY OF ESSEX, STATE OF NEW JERSEY EFFECTIVE JUNE 1, 2008."(Code Enforcement)

Ordinance No. 3071 was introduced for second reading by Commissioner Evans, seconded by Commissioner Tucci. Commissioner Evans read by title only.

Motion to open the public hearing by Mayor Cocchiola , seconded by Commissioner Evans. All Ayes. Commissioner Scarpelli Absent/Excused.

Rory Moore, 462 Chestnut Street, stated that the Construction Official cannot earn more than \$15,000.00 yearly (as a retired employee). Commissioners Evans responded and stated that the law states the yearly salary cannot exceed \$15,000.00. Mr. Moore asked what is the exact hourly rate for the township's part-time construction Official. Commissioner Evans stated that the hourly wage can be determined by dividing the annual salary of \$15,000.00. Mr. Moore commented that Mr. Spiezio in his full time capacity as the Construction Official allowed his daughter to build a second floor in her home without obtaining the proper permits, Mayor Cocchiola asked Mr. Moore to refrain from asking questions that do not pertain to the public hearing of this ordinance and asked him to take a seat.

No further comments on this ordinance.

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

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

Commissioner Evans/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)

Ordinance No. 3072 was introduced for second reading by Commissioner Evans, seconded by Commissioner Tucci. Commissioner Evans read by title only.

Motion to open the public hearing by Mayor Cocchiola , seconded by Commissioner Evans. All Ayes. Commissioner Scarpelli Absent/Excused.

No public comment.

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

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

RESOLUTIONS: (16)

No. 253-08

BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that the Township Clerk is hereby authorized to advertise for sealed bids for the 2008 Various Street, Sidewalk and Curb Improvements, in the Township of Nutley, to be received on behalf of the Board of Commissioners, Commission Chambers, Township Hall, Kennedy Drive, Nutley, NJ, on September 26, 2008 at 3:00 P.M. prevailing time, at which time they will be opened and read.

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

No. 254-08

WHEREAS, resolution no. 61-08 was adopted by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, at the commissioners meeting held on February 19, 2008 for the purchase of 5/8 x 3/4" and 1" water meters; and

WHEREAS, the bids were received, opened and read on March 13, 2008 at 3:00 pm prevailing time; and

WHEREAS the contracting unit would like to substantially revise the specifications for the goods and services;

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that all bids are rejected.

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

No. 255-08

WHEREAS, Township resolution 246-08 was adopted on August 19, 2008 appointing Thomas Nicolette as Director of Emergency Management for a term greater than three years; and

WHEREAS, the term of office for the Director of Emergency Management can be no longer than three years; and

WHEREAS, the Board of Commissioners, Township of Nutley, County of Essex, New Jersey, hereby amends Township Resolution 246-08 to reflect a change in the time period; and,

BE IT RESOLVED by the Board of Commissioners, Township of Nutley, County of Essex, New Jersey, that Lt. Thomas Nicolette, an officer in the Nutley Fire Dept., be appointed as the Director of Emergency Management for a three year term effective August 19, 2008 and in effect until August 18, 2011.

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

No. 256-08

BE IT RESOLVED by the Board of Commissioners, Township of Nutley, County of Essex, New Jersey, that Lt. David Wilson, an officer in the Nutley Fire Dept., be appointed as the Fire Subcode Official and John Redstone, a firefighter in the Nutley Fire Dept. be appointed as Fire Subcode Inspector. Both appointments are effective March 1, 2008.

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

No. 257-08

BE IT RESOLVED by the Board of Commissioners, Township of Nutley, County of Essex, New Jersey, that Captain John Hund, an officer in the Nutley Fire Department, be appointed as the Fire Official.

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

No. 258-08

WHEREAS, Bids for towing services were received by the Township Clerk on August 12, 2008; and

WHEREAS, Nicolette Auto Body Works, Inc. was the lowest bidder;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey that a contract for towing services for a one-year period be and is hereby awarded to Nicolette

Auto Body Works, Inc., 177 Passaic Avenue, Belleville, NJ at the following rates:

1. Basic Towing Services – (all vehicles) - \$12.00
2. Storage Services – (all vehicles) - \$25.00 per day

BE IT RESOLVED that funds in the amount of \$1,000.00 are available from Account 8-01-308-201, and have been certified by the Chief Financial Officer, said certification being attached to this resolution, to provide for the towing of municipal vehicles, and;

BE IT FURTHER RESOLVED that the Township Clerk be and she is hereby authorized to enter into said contract for a one-year period on behalf of the Township of Nutley.

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

No. 259-08

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 overpayment of water charges on the following account(s):

Block 7004 Lot 5	24 Myrtle Avenue	\$ 79.16
Block 7901 Lot 5	102 Stratford Drive	61.17
Total		<u>\$ 140.33</u>

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

No. 260-08

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 overpayments of the property taxes in the amount of \$4,771.33 for tax years 2007 and 2008 as follows:

Block & Lot	Address	Amount
4500 7	482 Prospect St.	\$ 3,034.47
		2008
9201 4	19 Newark Ave.	\$ 1,736.86
		2007

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

No. 261-08

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 overpayments of property taxes in the amount of \$17,589.22

BLOCK & LOT ADDRESS
AMOUNT

900	1	C4025	424 Hartford Drive	\$2152.02 – 2006
1000	1	C5004	503 Coventry Drive	\$2455.02 – 2006
1300	1	C2043	206 Chesire Drive	\$2227.63 – 2006
3603	9		367 Washington Avenue	\$1949.67 – 2006
4902	12		236 Vreeland Avenue	\$2356.83 – 2006
8106	12		126 San Antonio Avenue	\$1252.80 – 2006
9202	4		15 Moore Place	\$1973.16 – 2006
9407	7		27 Union Avenue	\$1715.00 – 2006
9700	10	C0205	25 River Road C0205	\$1507.09 - 2006

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

No. 262-08

WHEREAS, the Township of Nutley wishes to purchase Microsoft 2007 licenses from an authorized vendor under the State of New Jersey Cooperative Purchasing Program; and

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Public Contracts Law, N.J.S.A.40A:11-12; and

WHEREAS, ASAP Software Express, 850 Asbury Drive, Buffalo Grove, IL 60089 has been awarded NJ State Contract #56508 for Microsoft Software for the period 8/29/03 to 8/28/08; and

WHEREAS, the projected cost for the purchase of Microsoft 2007 licenses is expected not to exceed \$29,563.40; and

WHEREAS, the utilization of this contract is recommended on the grounds that it represents the best price available; and

WHEREAS, funds are available from Ordinance #3010A and have been certified by the chief financial officer, said certification being attached to this resolution; and

WHEREAS, N.J.A.C.5:34-7.29 requires that purchases made under the State's Cooperative Purchasing Program, which individually or cumulatively exceed the statutory limit of \$21,000, be authorized by resolution,

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Nutley that ASAP Software Express be awarded a contract for the purchase of Microsoft 2007 licenses in accordance with State Contract #56508.

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

No. 263-08

BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, in the County of Essex, NJ that the Township Clerk be and she is hereby authorized to advertise for SEALED BIDS for SURPLUS EQUIPMENT no longer in use by the Township. The equipment is as listed:

<u>VEHICLE</u>	<u>VIN #</u>
1982 FORD CLUB WAGON	BHS31GBCHA5951
1982 GMC G35 CUBE VAN	2GTHG31M3C4520508
1986 CAMARO	1G1FP87SOGN178394
1989 CHEVROLET CAPRICE	1G1BL51E3KR211742
1994 CHEVROLET CAPRICE	1G1BL52P9RR128455
1994 GMC S15 JIMMY	1GKDT13W8R2509466
1996 CHEVROLET S-10 BLAZER	1GNCT18W3TK146069
1996 CHEVROLET CAPRICE	1G1BL52P5TR146524

BE IT FURTHER RESOLVED that the equipment is to be sold 'AS IS' and 'WHERE IS'. Bids to be received on THURSDAY, SEPTEMBER 25, 2008 at 3:00 pm prevailing time in the Commission Chambers, Township Hall, at which time they will be publicly opened and read.

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

No. 264-08

WHEREAS, The Nutley American 12 Year Old All Stars Little League Team, after winning the District 8 Title, moved onto to the Sectional 2 Tournament; and

WHEREAS, The Sectional 2 Tournament was held at the Nutley East Little League Field during the week of July 14, 2008; and

WHEREAS, Nutley American League played its way to the final championship game, loosing by just one run; and

WHEREAS, The Nutley American Little League did capture second place in the District Championship, an amazing feat; and

WHEREAS, The Nutley American 12 Year Old All Stars were Matthew Bernardo, Ryan Fischer, Nathan Peraino, Matthew Halchak, Kieran Purcell, Scott Gonzalez, Michael Diacheysn, Nick Feraco, David Mozeika, Luke Kelly, Kevin Merkle, and Alphonse Petracco; and

WHEREAS, Manager Art Tuosto and Coaches Anthony Tuosto and Matt Bernardo worked tirelessly to train and guide these athletes; and

NOW THEREFORE, BE IT RESOLVED, that the Board of Commissioners of The Township of Nutley, County of Essex, join with the Citizens of Nutley to salute and congratulate the Nutley American 12 Year Old All Stars.

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

No. 265-08

WHEREAS, Anthony Andriola, an Equipment Operator in the Department of Parks and Public Property, has requested a leave of absence without pay; and

WHEREAS, Anthony Andriola, a permanent full-time employee under the provision of civil service in the State of New Jersey, may receive a Leave of Absence without pay in accordance with the New Jersey Administrative Code, Title 4A:6-12B;

NOW THEREFORE, be it resolved by the Board of Commissioners, Township of Nutley, County of Essex, State of New Jersey, that this leave be granted until September 30, 2008.

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

No. 266-08

WHEREAS, bids for the construction of a new roof at DeMuro Park Field House were received and opened on August 2, 2008; and

WHEREAS, the lowest responsible bid was significantly higher than the costs projected and budgeted by the municipality; and

WHEREAS, N.J.S.A. 40A: 11-13.2 permits the rejection of all bids under such circumstances,

NOW THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley in the County of Essex, New Jersey, that all bids heretofore advertised, received and opened for the construction of a new roof at DeMuro Park Field House are hereby rejected and that the Township Clerk is authorized to readvertise for sealed bids for construction of a new roof at the DeMuro Park Field House.

Bids to be received on Wednesday, September 24, 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 Evans. All ayes. Commissioner Scarpelli Absent/Excused.

No. 267-08

WHEREAS, Nutley is a member of the Morris County Cooperative Pricing Council; and

WHEREAS, the Morris County Co-op awarded a bid for utility vehicles (Contract #15-C Item #5B) to Flemington Car & Truck, 215 Route 202, Flemington, NJ 08822, for the period of October 1, 2007-August 31, 2008; and

WHEREAS, Nutley wishes to purchase a Ford F250 pick-up truck with 4-wheel drive; and

WHEREAS, funds are available from Ordinance #2993J and 3063H 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 Flemington Car & Truck Country, not to exceed \$20,411.00 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 Tucci, seconded by Commissioner Petracco. All ayes. Commissioner Scarpelli Absent/Excused.

No. 268-08

BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, in the County of

Essex, New Jersey, that the Director of the Department of Public Affairs and the Township Clerk

be and they are hereby authorized to execute and attest to on behalf of the Township of Nutley,

a grant-in-aid contract between the Township of Nutley and the Essex County Department of Senior

Services effective January 1, 2009 and shall terminate December 31, 2009

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

No. 269-09

WHEREAS, Anthony Capriglione, 143 Whitford Avenue, Nutley, New Jersey 07110 has applied for re-appointment as Constable No. 17; and

WHEREAS, the application has been reviewed by the Municipal Clerk and 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 Anthony Capriglione be re- appointed as Constable No. 17 for a one year term, beginning September 5, 2008.

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

No. 270-08

WHEREAS, Ovarian cancer is called the "silent killer" of women because its symptoms are vague or subtle; and

WHEREAS, Ovarian cancer is the fourth leading cause of cancer death among women and the leading cause of gynecologic cancer death in the United States; and

WHEREAS, each year, more than 22,000 American women are diagnosed with the disease and approximately 16,000 die from it; and

WHEREAS, if detected in its early stages, 90-95 percent of its victims survive; and

WHEREAS, the Kaleidoscope of Hope Foundation (KOH), a local non-profit group co-founded by ovarian cancer survivors Gail MacNeil of Chatham Township and Lois Myers and Patricia Stewart of Harding Township, raises funds for ovarian cancer research and to increase awareness of the disease and its symptoms, and wishes to remind the public that September is Ovarian Cancer Awareness Month; and

WHEREAS, KOH will be holding its annual Walkathons in September of this year in Morristown, Avon-by the Sea and Lyndhurst,

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Board of Commissioners of the Township of Nutley declare their support for the Kaleidoscope of Hope Walkathons and proclaim September as Ovarian Cancer Awareness Month.

Introduced by Mayor Cocchiola, seconded by Commissioner Petracco. All ayes. Commissioner Scarpelli 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. Molkenhth expressed his concerns concerning

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

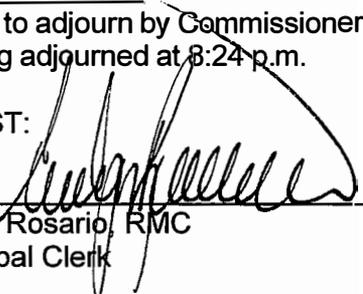
Ed Negra, 649 Bloomfield Avenue, Mr. Negra asked Commissioner Tucci the status of the Creative Playground. Commissioner Tucci responded and stated that the results of the swipe testes on the wood have been received along with the soil test results Commissioner Tucci continued and said that the easy way 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.

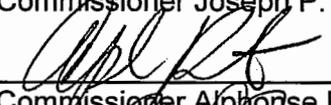
ATTEST:



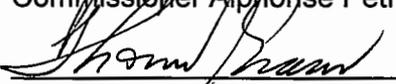
Evelyn Rosario, RMC
Municipal Clerk

 Absent/Excused

Commissioner Joseph P. Scarpelli



Commissioner Alphonse Petracco



Commissioner Thomas J. Evans



Commissioner Mauro G. Tucci



Mayor Joanne Cocchiola