

**Township of Nutley**  
**Board of Commissioners**  
**Meeting Minutes**  
**Tuesday, October 7, 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:**

Sharon L. Bozza, Assistant to the 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	- Present
Commissioner Tucci	- Present
Mayor Cocchiola	- Present

**MINUTES:**

None.

**COMMUNICATIONS/CORRESPONDENCE:**

None.

**REPORTS:**

Commissioner Tucci submitted the Shade Tree report for the month of September 2008  
Mayor Cocchiola submitted the Department of Public Affairs report for the month of September 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	\$ 146,109.79
Department of Revenue & Finance	\$ 7,095,885.97
Department of Public Safety	\$ 49,303.59
Department of Public Works	\$ 93,094.68
Department of Parks & Public Property	\$ 427,882.90
Payroll as of September 19, 2008	\$ 716,964.00
Payroll as of October 3, 2008,	\$ 711,462.25
Bill List Grand Total	<u>\$ 9,240,703.18</u>

Motion to approve the bills by Commissioner Evans, seconded by Commissioner Tucci All Ayes.

**ORDINANCE INTRODUCTIONS (3)**

**Commissioner Evans/Ordinance No. 3077**

**“AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF NUTLEY CHAPTER 38, SECTION 82, ENTITLED “TRAFFIC SAFETY COORDINATOR.” (Public Hearing MONDAY, November 3, 2008)**

Commissioner Evans made a motion that this ordinance be introduced and passed for first reading and be advertised accordingly. Motion was seconded by Commissioner Tucci. All ayes. Commissioner Evans read by title only.

A public hearing will be held on Thursday, November 3, 2008.

**Commissioner Evans Ordinance No. 3079**

**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 (Public Hearing MONDAY, November 3, 2008)**

Commissioner Evans made a motion that this ordinance be introduced and passed for first reading and be advertised accordingly. Motion was seconded by Commissioner Tucci. All ayes. Commissioner Evans read by title only.

A public hearing will be held on Thursday, November 3, 2008.

**Commissioner Evans Ordinance No. 3080**

**ORDINANCE TO FIX THE SALARIES OF CERTAIN OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF NUTLEY, IN THE COUNTY OF ESSEX, NEW JERSEY (2008 SALARY ORDINANCE)**

Commissioner Evans made a motion that this ordinance be introduced and passed for first reading and be advertised accordingly. Motion was seconded by Commissioner Tucci. All ayes. Commissioner Evans read by title only.

A public hearing will be held on Thursday, November 3, 2008.

**PUBLIC HEARINGS**

None.

**RESOLUTIONS: (16)**

**No. 278-08**

WHEREAS, the Township of Nutley, with the assistance from Hatch McDonald, the Essex County Consultant, has gathered information and prepared the Essex County All-Hazard Mitigation Plan (Plan); and

WHEREAS, the Essex County All-Hazard Mitigation Plan has been prepared in accordance with the Disaster Mitigation Act of 2000; and

WHEREAS, the Township of Nutley is a local unit of government that has afforded the citizens an opportunity to comment and provide input in the Plan and the actions of the Plan; and

WHEREAS, the Township of Nutley has reviewed the Plan and affirms that the Plan will be updated no less than every five years.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners, Township of Nutley, County of Essex, State of New Jersey adopts the Essex County All-Hazard Mitigation Plan as this jurisdiction's National Hazard Mitigation Plan, and resolved to execute the actions in the Plan.

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

No. 279-08

WHEREAS, Bids for Leaf Removal for Recycling were received and opened on March 14, 2007; and

WHEREAS, the term of the contract shall be for one year from the award date with an option for a one year extension at the same price or and agreed upon pre-stated increase and subject to availability of funds in the subsequent annual budget; and

WHEREAS, Reliable Wood Products, 1 Caven Point Avenue, Jersey City, New Jersey 07305 was the low bidder priced at \$8.49/per cubic yard, for the removal of leaves for recycling; and

WHEREAS, the funds are available from Account #8-01-422-209 in the amount of \$61,000.00 and Account #8-01-421-209 in the amount of \$25,000.00 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, State of New Jersey, that a contract be awarded to Reliable Wood Products, not to exceed \$86,000.00 and that the Mayor and Township Clerk are hereby authorized to enter into and sign said contract for the Township of Nutley.

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

No. 280-08

WHEREAS, the State of New Jersey intends to construct Route 21 Highway/Park Avenue Interchange Safety Improvements within the Township of Nutley; and

WHEREAS, the project proposed by the State of New Jersey Department of Transportation may require the use of municipal police for work zone safety operations, supplementing the traffic control plan established under the contract for construction of the project; and

WHEREAS, the State of New Jersey Department of Transportation has requested that Township of Nutley enter into a Police Agreement and Statement of Costs for Traffic Directors.

The costs incurred by the Township of Nutley Police Department in connection with the project shall be paid directly to the Township of Nutley by the State of New Jersey Department of Transportation pursuant to an agreement attached hereto;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that the Director of Public Safety, Alphonse Petracco, the Chief of Police, John Holland and the Township Clerk, Evelyn Rosario are hereby authorized to execute an agreement between the State of New Jersey Department of Transportation and the Township of Nutley to provide for the direct payment to the Township of Nutley Police Department the costs incurred on the Route 21 Highway/Park Avenue Interchange Safety Improvements construction project for municipal police services.

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

No. 281-08

WHEREAS, across the nation, traffic crashes caused more than 41,000 fatalities in 2007, and are the leading cause of death for young people, ages 15 to 34; and

WHEREAS, in New Jersey, 724 individuals lost their lives in traffic crashes in 2007; and

WHEREAS, alcohol-related crashes accounted for 28 percent of the State's traffic fatalities, while 25 percent of all fatal crashes involved traveling at unsafe speeds; and

WHEREAS, motorcyclists, bicycle riders and pedestrians face increased risks on New Jersey's roadways, as people opt for alternative modes of transportation; and

WHEREAS, 78 motorcyclists, 12 bicyclists and 144 pedestrians were killed in New Jersey in traffic-related crashes in 2007; and

WHEREAS, safer driving behaviors such as buckling up every ride; obeying posted speed limits; avoiding aggressive driving behaviors and aggressive drivers; never drinking and driving; wearing proper safety gear when riding a motorcycle or bicycle; and, focusing solely on driving by avoiding distractions, can dramatically reduce the number of traffic-related injuries and deaths:

NOW, THEREFORE, BE IT PROCLAIMED by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey that October 10, 2008 be declared

PUT THE BRAKES ON FATALITIES DAY

and call upon Township of Nutley residents to put these lifesaving behaviors into practice to improve safety on the roadways in our community and throughout the State.

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

No. 282-08

BE IT RESOLVED by the Township of Nutley in the County of Essex, New Jersey that the following be appointed as volunteers in the Nutley Fire Department effective immediately:

Joseph D. Bray  
46 Mt. Vernon St.

Donald E. McIlwrath  
11 Terrace Ave.

Scott D. Lieberman  
9 River Road Apt. G

James E. Fogarty  
652 Franklin Ave.

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

No. 283-08

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 the DEMURO TENNIS COURT IMPROVEMENTS.

Bids to be received on Wednesday, October 29, 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 Petracco. All ayes.

No. 284-08

WHEREAS, sealed bids were received for a new roof at the DeMuro Park Fieldhouse on September 24, 2008; and

WHEREAS, Gabriele Roofing, 125 Kenzel Avenue, Nutley, NJ. 07110 was the low bidder at \$24,500.00; and

WHEREAS, funds are available from Capital Account #2993K for \$6995.55 and from Account #3029A in the amount of \$17,504.45, 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 Gabriele Roofing, not to exceed \$24,500.00 and that the Mayor and the Township Clerk are hereby authorized to enter into and sign said contract for the Township of Nutley.

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

No. 285-08

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 Surfacing the walking track at Glotzbach Park.

Bids to be received on Wednesday, October 29, 2008, in the Commission Chambers, Township Hall, at 3:00 p.m. (prevailing time) at which time they will be publicly opened and read.

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

No. 286-08

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 October 20, 2008.

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

No. 287-08

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

Radcliffe School PTO	License No. 53-08 "On-Premise Merchandise Raffle"	October 24, 2008
Nutley Music Boosters Assn.	License No. 54-08 "Tricky Tray"	October 25, 2008
Washington School H.S.A.	License No. 55-08 "On-Premise 50/50 Cash Raffle"	November 14, 2008
Washington School H.S.A.	License No. 56-08 "Casino Night"	November 14, 2008
Friends of Nutley Singers	License No. 1-09 "Off-Premise 50/50 Cash Raffle"	March 8, 2009

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.

No. 288-08

WHEREAS, the Zoning Board of Adjustment received \$175.00 from Marilyn Escalona & Sarah Espino from 313 Washington Avenue, Nutley, NJ, for a variance application fee; and

WHEREAS, the Zoning Board of Adjustment has reviewed and dismissed the application without prejudice and approved full refund of \$175.00 to Marilyn Escalona & Sarah Espino

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 Marilyn Escalona & Sarah Espino.

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

**MEETING OPEN TO PUBLIC**

Due to technical difficulties, the recording of the public portion of this meeting is inaudible.

**ADJOURNMENT:**

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

ATTEST:

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Evelyn Rosario, RMC  
Municipal Clerk

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Commissioner Joseph P. Scarpelli

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Commissioner Alphonse Petracco

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Commissioner Thomas J. Evans

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Commissioner Mauro G. Tucci

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Mayor Joanne Cocchiola