

**Township of Nutley
Board of Commissioners
Meeting Minutes
Tuesday, July 20, 2010
7:00 P.M**

A workshop meeting of the Board of Commissioners of the Township of Nutley was held in the 3rd floor Commission Chambers Conference Room and called to order. Adequate notification was published in the official newspapers of the Township of Nutley.

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 10, 2009 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	- Absent/Excused
Commissioner Evans	- Present
Commissioner Tucci	- Present
Mayor Cocchiola	- Present

Evelyn Rosario, Municipal Clerk Absent/Excused
Sharon L. Bozza, Assistant to the Municipal Clerk Present

The Board of Commissioners at their workshop session reviewed all the agenda items as listed in below minutes.

Susan M. Scavone, gave a brief presentation of all the work performed by Millennium Strategies concerning grant writing services. (Activity Report Attached to Minutes)

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 10, 2009 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	- Absent/Excused
Commissioner Evans	- Present
Commissioner Tucci	- Present
Mayor Cocchiola	- Present

Evelyn Rosario, Municipal Clerk Absent/Excused
Sharon L. Bozza, Assistant to the Municipal Clerk Present

MINUTES:

March 2, 2010
March 16, 2010
March 23, 2010 (Continued Meeting)
March 30 2010 (Continued Meeting)
April 6, 2010
April 22, 2010
May 4, 2010

Motion to approve the minutes listed above by Commissioner Scarpelli, seconded by Commissioner Evans. All ayes on a roll call vote. Commissioner Petracco Absent/Excused

COMMUNICATIONS/CORRESPONDENCE: (3)

Holy Family Festival/Games of Chance/September 23-26, 2010
Italian American Heritage Committee-Festa Italiana/September 12, 2010/Request for approval of Sunday Raffle
Request for Special Permit for Social Affair/Nutley Academic Booster Club/October 16, 2010

It was the consensus of the Governing Body to approve the communications/correspondence as listed above.

REPORT(1)

Commissioner Scarpelli submitted the Department of Public Works for the months of April, May & June 2010.

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	\$ 315,100.76
Department of Revenue & Finance	\$ 3,674,994.24
Department of Public Safety	\$ 232,324.73
Department of Public Works	\$ 204,999.79
Department of Parks & Public Property	\$ 367,469.43

Payroll as of July 9, 2010	\$ 712,588.12
Bill List Grand Total	<u>\$ 5,507,477.07</u>

Motion to approve the bills by Commissioner Evans, seconded by Commissioner Tucci. All ayes on a roll call vote. Commissioner Petracco absent/excused

ORDINANCE INTRODUCTIONS:

None.

ORDINANCE PUBLIC HEARINGS:

None.

RESOLUTIONS:

No. 186-10

Resolution: Approval to submit a grant application and execute a grant agreement with the New Jersey Department of Transportation for the 2011 Safe Streets to Transit for Phase III of The Township of Nutley Downtown Beautification and Revitalization Plan

WHEREAS, the Township of Nutley continues to develop projects that will improve access and maintenance on public roads and sidewalks; 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 sidewalks; and

WHEREAS, the Township of Nutley has designed the Township of Nutley Downtown Beautification and Revitalization Plan for streetscape and safety improvements for Franklin Avenue and Chestnut Street transit hubs; and

WHEREAS, the Township of Nutley has identified Phase III (Williams to Chestnut and Chestnut Street to Passaic Avenue) of this plan for funding through this program to enhance pedestrian safety to and from these transit hubs; and

WHEREAS, the Township of Nutley will assume all responsibility with regard to maintenance and upkeep of this project; and

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 Phase III of the Township of Nutley Downtown Beautification and Revitalization Plan.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as *SST-2011 – Nutley Township – 00017* to the New Jersey Department of Transportation.

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 on a roll call vote. Commissioner Petracco absent/excused

No. 187-10

WHEREAS, the Township of Nutley has entered into a contract with D&L Contracting, Inc., PO Box 507, Nutley, New Jersey 07110, for a project known as 2009 Various Streets, Curbs & Sidewalks for an original contract amount of \$189,263.32; and

WHEREAS, Engineering Services has recommended the attached Change Order #1 in the amount of \$7,036.46 from said contract as being necessary, based on additional quantities;

WHEREAS, the funds are available from Ordinance #3114 in the amount of \$7,036.46 and have been certified by the Chief Financial Officer, said certification attached to this resolution;

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners in the Township of Nutley, County of Essex, State of New Jersey, that the Change Order No. 1, as attached, is a change from the contract previously made by the Township of Nutley with D&L Contracting, Inc., for the Project known as 2009 Various Streets, Sidewalks & Curbs are hereby authorized and approved.

Introduced by Commissioner Scarpelli, seconded by Commissioner Tucci. All ayes on a roll call vote. Commissioner Petracco absent/excused

No. 188-10

Be It Resolved, by the Board of Commissioners of the Township of Nutley, in the County of Essex, State of New Jersey that the Township Treasurer be and she is hereby authorized to refund \$50.00 to Angelina Strimboulis, 7 William Street, Apt.618, Nutley, New Jersey,07110, for a refund of payment for a municipal parking permit.

Introduced by Commissioner Scarpelli, seconded by Commissioner Tucci. All ayes on a roll call vote. Commissioner Petracco absent/excused

No. 190-10

Essex, State of New Jersey that Roger Luzzi, employee in the Department of Public Safety, be granted a medical leave of absence without pay effective July 14, 2010 through August 12, 2010.

Introduced by Commissioner Scarpelli (for Commissioner Petracco), seconded by Commissioner Tucci. All ayes on a roll call vote. Commissioner Petracco absent/excused

No. 195-10

BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey that Anthony Kulzy, employee in the Department of Public Safety, requires an unpaid leave of absence effective July 17, 2010 through August 15, 2010.

Introduced by Commissioner Scarpelli (for Commissioner Petracco), seconded by Commissioner Tucci. All ayes on a roll call vote. Commissioner Petracco absent/excused

No. 196-10

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

Michael L. Alexander
91 Warren Street
Nutley, NJ 07110

Introduced by Commissioner Scarpelli (for Commissioner Petracco), seconded by Commissioner Tucci. All ayes on a roll call vote. Commissioner Petracco absent/excused

No. 189-10

WHEREAS the Zoning Board of Adjustment received \$75.00 from Mr. & Mrs. Frederick Schmitt from 41 Coeyman Avenue, Nutley, NJ, for a variance application fee and

WHEREAS the applicant, Mr. & Mrs. Frederick Schmitt no longer needs to go for a variance and

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey that the Township Treasurer be and she is hereby authorized to refund the application fee related to the variance in the amount of \$75.00 to, Mr. & Mrs. Frederick Schmitt.

Introduced by Commissioner Evans, seconded by Commissioner Scarpelli. All ayes on a roll call vote. Commissioner Petracco absent/excused

No. 193-10

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 property taxes in the amount of \$2,450.00 for the said year.

<u>BLOCK</u> <u>YEAR</u>	<u>LOT</u>		<u>ADDRESS</u>	<u>AMOUNT –</u>
9700	10	C0326	25 River Road Apt. C26	\$2,450.00 - 2010

Introduced by Commissioner Evans, seconded by Commissioner Tucci. All ayes on a roll call vote. Commissioner Petracco absent/excused

No. 194-10

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 property taxes in the amount of \$4,622.82 due to successful Tax Court Judgment for the said years.

<u>BLOCK</u>	<u>LOT</u>	<u>ADDRESS</u>	<u>AMOUNT – YEAR</u>
8900	21	110 Bloomfield Avenue	\$4,622.82 - 2008

Introduced by Commissioner Evans, seconded by Commissioner Tucci. All ayes on a roll call vote. Commissioner Petracco absent/excused

No. 185-10

WHEREAS, the Township of Nutley has received and reviewed Requests for Qualifications for 2009 and 2010 for a professional to provide Insurance Accident and Safety Review Board Meetings; and

WHEREAS, C. Walter Searle Agency submitted the lowest responsible proposal; and

WHEREAS, funds are available from Budget Account #516-245, 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, as follows:

1. A contract shall be entered into between the Township of Nutley and
C. Walter Searle Agency, 410 Franklin Avenue, Nutley, N.J. 07110 for 2010, to conduct Insurance Accident and Safety Review Board Meetings at an annual fee not to exceed \$10,000.00
2. A copy of this Resolution as well as the Contract shall be placed on file with the Township Clerk.

Introduced by Commissioner Tucci, seconded by Commissioner Evans. All ayes on a roll call vote. Commissioner Petracco absent/excused

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

Holy Family Catholic Church	License No. 43-10 "On-Premise Games of Chance "	September 23-26, 2010
Nutley Music Booster Assn	License No. 44-10 "On-Premise 50/50 Cash Raffle "	August 26, 2010

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 Scarpelli. All ayes on a roll call vote. Commissioner Petracco absent/excused

MEETING OPEN TO THE PUBLIC:

Mayor Cocchiola read the following statement into the record:

All persons addressing the Board of Commissioners regarding community concerns should approach the microphone and provide their name and address for the record. Unless further time is granted by the Board, each person shall limit their address to five (5) minutes. All remarks to the Board and its individual members must be addressed to the Mayor. The Mayor may defer citizen comments to the appropriate member of the Board. Dialogue between citizens and others addressing the Board shall be allowed unless the Mayor, or presiding officer, or the majority of the membership of the Board, shall determine that the interests of decorum and/or the expeditious conduct of municipal business are being adversely affected by such dialogue.

Kenneth Lidow, 175 Oakridge Avenue, addressed the Board of Commissioners concerning a retaining wall on his property, he is seeking a hold harmless agreement for this wall as this wall is on town property. Commissioner Evans responded and stated that he would review this matter with the Code Enforcement Department and contact him with information.

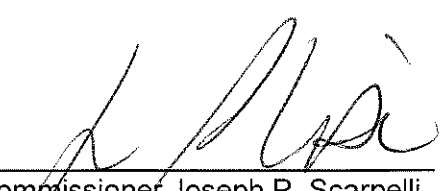
ADJOURNMENT:

Motion to adjourn by Commissioner Scarpelli, seconded by Commissioner Tucci
All ayes on a roll call vote. Meeting adjourned at 8:00 P.M.

ATTEST:



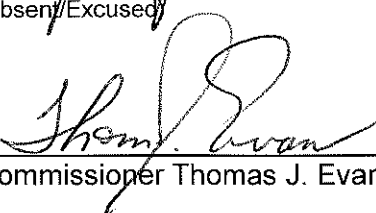
Evelyn Rosario, RMC, CMC
Municipal Clerk

X 


Commissioner Joseph P. Scarpelli

X 


Commissioner Alphonse Petracco
(Absent/Excused)

X 

Commissioner Thomas J. Evans

X 

Commissioner Mauro G. Tucci

X 

Mayor Joanne Cocchiola