

**Township of Nutley  
Board of Commissioners  
Meeting Minutes  
Tuesday, June 1, 2010, 7:00 P.M. & Continued Meeting  
Of Friday, June 4, 2010 @ 9:45A.M.**

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

The Board of Commissioners at their workshop session reviewed all the agenda items as listed in below minutes, then moved into the Commission Chambers.

AT this point, the Municipal Clerk read the following Executive Session Resolution No. 148A-10 into the record:

WHEREAS, the Board of Commissioners of the Township of Nutley, in the County of Essex, and State of New Jersey desires to proceed to closed executive session; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Nutley that the Township Commission shall now move into closed executive session to discuss:

1. Contract Negotiations

BE IT FURTHER RESOLVED, that the time when such discussions may be disclosed to the public shall be when and as such disclosure may be made without adversely affecting the Township of Nutley pending and/or anticipated legal, personnel, contractual matters and other matters within the exceptions provided for by statute.

Introduced by Commissioner Scarpelli, seconded by Commissioner Petracco. All Ayes on a roll call vote. Commissioner Evans & Commissioner Tucci Absent/Excused.

The Board of Commissioners entered executive session at 7:04 P.M. and exited at 7:06P.M and proceeded into the Commission Chambers.

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 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	- Present
Commissioner Evans	- Absent/Excused
Commissioner Tucci	- Absent/Excused
Mayor Cocchiola	- Present

MINUTES:

None.

COMMUNICATIONS/CORRESPONDENCE: (2)

REPORT(1)

Mayor Cocchiola submitted the Department of Public Affairs May 2010 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	\$ 20,002.81
Department of Revenue & Finance	\$ 2,071,003.02
Department of Public Safety	\$ 29,356.36
Department of Public Works	\$ 52,988.44
Department of Parks & Public Property	\$ 535,719.28
Payroll as of May 28, 2010	\$ 810,773.76
Bill List Grand Total	\$ <u>3,519,843.67</u>

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

ORDINANCE INTRODUCTIONS:

None.

ORDINANCE PUBLIC HEARINGS (3)

None.

RESOLUTIONS:

No. 147-10

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:

William Damm  
48 Hawthorne Avenue  
Nutley, New Jersey 07110

Introduced by Commissioner Petracco, seconded by Commissioner Scarpelli. All eyes on a roll call vote. Commissioner Evans & Commissioner Tucci Absent/Excused.

No. 148-10

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF NUTLEY, IN THE COUNTY OF ESSEX, NEW JERSEY, MAKING APPLICATION TO THE LOCAL FINANCE BOARD PURSUANT TO N.J.S.A. 58:11B-9(a) and N.J.S.A. 40A:2-7(d)

WHEREAS, The Board of Commissioners of the Township of Nutley, in the County of Essex, New Jersey (the "Township") desires to make application to the Local Finance Board for its review of a proposed bond ordinance authorizing the issuance of not in excess of \$3,100,000 bonds through the New Jersey Environmental Infrastructure Trust for purposes of financing the costs of construction of the capital projects described in such proposed bond ordinance;

WHEREAS, the Township believes that:

- (a) it is in the public interest to accomplish such purpose;
- (b) said purpose or improvements are for the health, welfare, convenience or betterment of the inhabitants of the local unit or units;
- (c) the amounts to be expended for said purpose or improvements are not unreasonable or exorbitant;
- (d) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the local unit or units and will not create an undue financial burden to be placed upon the local unit or units:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF NUTLEY as follows:

Section 1. The application to the Local Finance Board is hereby approved, and the Township's Bond Counsel, Chief Financial Officer, Engineer and Auditor, along with other representatives of the Township, are hereby authorized to prepare such application and to represent the Township in matters pertaining thereto.

Section 2. The Clerk of the Township is hereby directed to prepare and file a copy of the proposed bond ordinance with the Local Finance Board as part of such application.

Section 3. The Local Finance Board is hereby respectfully requested to consider such application and to record its findings and recommendations as provided by the applicable New Jersey Statute.

Introduced by Commissioner Scarpelli, seconded by Commissioner Petracco. All eyes on a roll call vote. Commissioner Evans & Commissioner Tucci Absent/Excused.

No. 145-10

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:

- 1. MULLER CEMENT MIXER                      SIZE 9-S                      SERIAL #113658
- 2. CH & E TANDEM ROLLER                      1-TON SERIES 900                      MODEL.#911R10
- 3. GARDNER DENVER AIR COMPRESSOR                      MODEL RP-85-GA                      SERIAL #416534
- 4. 1989-VOLVO RECYCLING TRK.                      VIN#YB3U6A7AXKB434429  
FE6-13 (STRIPPED-NON DRIVABLE)

BE IT FURTHER RESOLVED that the equipment is to be sold "AS IS" and "WHERE IS". Bids to be received on June 22, 2010 at 3:00pm prevailing time in the Commission Chambers, Township Hall, 1 Kennedy Drive, Nutley, N.J., at which time they will be publicly opened and read.

Introduced by Commissioner Scarpelli, seconded by Commissioner Petracco. All eyes on a roll call vote. Commissioner Evans & Commissioner Tucci Absent/Excused.

No. 144-10

WHEREAS, the Township of Nutley desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for approximately \$6,000.00 to continue the 2011 Recreation Opportunities for Individuals with Disabilities in a local setting; and

BE IT THEREFORE RESOLVED,

- 1. That the Township of Nutley does hereby authorize the application for such a grant: and
- 2. recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the Township of Nutley and the New Jersey Department of Community Affairs.

BE IT FURTHER RESOLVED, that the person whose name, title and signature appears below is authorized to sign the application, and that they or their successor in said title is authorized to sign the agreement, and any other documents necessary in connection therewith:

Introduced by Mayor Cocchiola, seconded by Commissioner Scarpelli. All eyes on a roll call vote. Commissioner Evans & Commissioner Tucci Absent/Excused.

No. 146-10

WHEREAS, a raffle application has been received from the following organization; and

Holy Family Catholic Church	License No. 39-10 "Off-Premise Tricky Tray "	October 23, 2010
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WHEREAS, the application has 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 license is approved and the Municipal Clerk is authorized to issue the license.

Introduced by Mayor Cocchiola, seconded by Commissioner Scarpelli. All ayes on a roll call vote. Commissioner Evans & Commissioner Tucci 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.

Jack Magnifico, thanked the Board for their support and assistance to the Veterans of the community and for their continued support with the Memorial Day Parade.

Tom Wasman, 79 William Street, addressed Commissioner Scarpelli and asked if the light fixtures that are currently being installed can be dimmed. Mr. Wasman expressed his concern regarding the brightness and illumination of his property due to the brightness of the lights. Commissioner Scarpelli responded and stated that he would have the lights shaded to reduce the brightness.

John Pino, 81 William Street, addressed Commissioner Scarpelli and expressed his concerns regarding the light fixtures that are currently being installed in parking lot no. 2. The lights are extremely bright and laminate his entire back yard and asked if the lights can be dimmed. Commissioner Scarpelli responded and stated that he would have the lights dimmed to reduce the brightness. Mr. Pino commented that he would like the Township to put back the trees/shrubs that were removed as the shrubs helped with the parking lot noise, he stated that he has a couple of arborvitae trees on his property that he would donate to the township to place in the parking lot area. Commissioner Scarpelli commented that the Township is planning on placing a few trees in the lot and thanked Mr. Pino for offering his trees.

No further public comments.

At this point in the meeting Mayor Cocchiola announced that this meeting would be continued to Friday, June 4, 2010 at 9:45 A.M.

**A continued meeting of the Board of Commissioners was held on Friday, June 4, 2010 @ 9:45 A.M.**

Evelyn Rosario, Municipal Clerk called the roll:

Commissioner Scarpelli –	Absent/Excused
Commissioner Petracco –	Present Via Telephone Conference
Commissioner Evans –	Present
Commissioner Tucci	Absent/Excused
Mayor Cocchiola -	Present Via Telephone Conference

Also Present; Kevin P. Harkins, Esq., Township Attorney via telephone conference.

At this point in the meeting Commissioner Thomas J. Evans read the following resolutions into the record:

No. 139-10

BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, in the County of Essex, State of New Jersey, that a contract for the purchase of recreation equipment and supplies be awarded to Sports Supply Group, Inc. Dba BSN Passon's P.O. Box 49, Jenkintown, Pa., 19046; as per the attached sheet, not to exceed \$14,687.00; and

WHEREAS, funds are available from accounts T-24-909-901 through 915, and have been certified by the Chief Financial Officer and said certification is attached to this resolution; and

BE IT RESOLVED, that the Mayor and the Township Clerk be and they are hereby authorized to enter into and sign said contract for the Township of Nutley

Introduced by Commissioner Evans, seconded by Commissioner Petracco. All Ayes on a roll call vote. Commissioner Scarpelli & Commissioner Tucci Absent/Excused

No. 140-10

BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, in the County of Essex, State of New Jersey, that a contract for the purchase of recreation equipment and supplies be awarded to Mainiero's Sport Shop, 234 Franklin Avenue, Nutley, N.J. 07110; as per the attached sheet, not to exceed \$21,820.00; and

WHEREAS, funds are available from accounts T-24-909-901 through 915, and have been certified by the Chief Financial Officer and said certification is attached to this resolution; and

BE IT RESOLVED, that the Mayor and the Township Clerk be and they are hereby authorized to enter into and sign said contract for the Township of Nutley

Introduced by Commissioner Evans, seconded by Commissioner Petracco. All Ayes on a roll call vote. Commissioner Scarpelli & Commissioner Tucci Absent/Excused

No. 141-10

BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, in the County of Essex, State of New Jersey, that a contract for the purchase of recreation equipment and supplies be awarded to Metuchen Center Inc., 409 Joyce Kilmer Ave.

Unit #5B, New Brunswick, NJ 08901; as per the attached sheet, not to exceed \$30,545.95 and

WHEREAS, funds are available from accounts T-24-909-901 through 915, and have been certified by the Chief Financial Officer and said certification is attached to this resolution; and

BE IT RESOLVED, that the Mayor and the Township Clerk be and they are hereby authorized to enter into and sign said contract for the Township of Nutley

Introduced by Commissioner Evans, seconded by Commissioner Petracco. All Ayes on a roll call vote. Commissioner Scarpelli & Commissioner Tucci Absent/Excused

No. 142-10

BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, in the County of Essex, State of New Jersey, that a contract for the purchase of recreation equipment and supplies be awarded to Triple Crown Sports, 18 Throckmorton Lane, Old Bridge, NJ 08857; as per the attached sheet, not to exceed \$6,230.00; and

WHEREAS, funds are available from accounts T-24-909-901 through 915, and have been certified by the Chief Financial Officer and said certification is attached to this resolution; and

BE IT RESOLVED, that The Mayor and the Township Clerk be and they are hereby authorized to enter into and sign said contract for the Township of Nutley

Introduced by Commissioner Evans, seconded by Commissioner Petracco. All Ayes on a roll call vote. Commissioner Scarpelli & Commissioner Tucci Absent/Excused

No. 143-10

BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, in the County of Essex, State of New Jersey, that a contract for the purchase of recreation equipment and supplies be awarded to Universal Sporting Goods, Inc., 500 Rt. 23N Pompton Plains, NJ 07444; as per the attached sheet, not to exceed \$2,520.00; and

WHEREAS, funds are available from accounts T-24-909-901 through 915, and have been certified by the Chief Financial Officer and said certification is attached to this resolution; and

BE IT RESOLVED, that The Mayor and the Township Clerk be and they are hereby authorized to enter into and sign said contract for the Township of Nutley

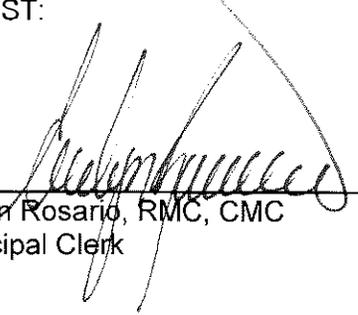
Introduced by Commissioner Evans, seconded by Commissioner Petracco. All Ayes on a roll call vote. Commissioner Scarpelli & Commissioner Tucci Absent/Excused

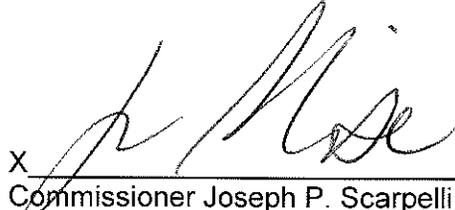
ADJOURNMENT:

Motion to adjourn by Commissioner Evans, seconded by Commissioner Petracco. All Ayes on a roll call vote. Commissioner Scarpelli & Commissioner Tucci Absent/Excused. Meeting adjourned at 10:00 A.M.

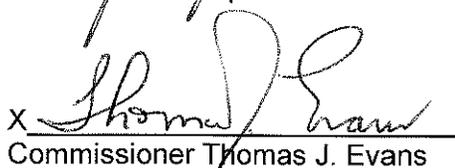
**Signature Page**  
**Board of Commissioners June 1, 2010 Meeting &**  
**Continued Meeting of June 4, 2010**

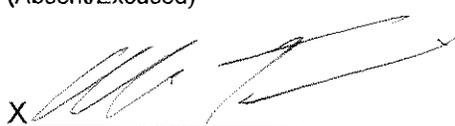
ATTEST:

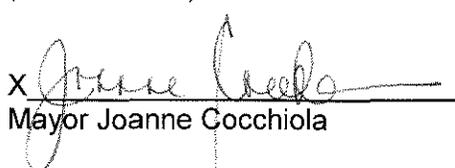
  
\_\_\_\_\_  
Evelyn Rosario, RMC, CMC  
Municipal Clerk

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

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

X   
\_\_\_\_\_  
Commissioner Thomas J. Evans  
(Absent/Excused)

X   
\_\_\_\_\_  
Commissioner Mauro G. Tucci  
(Absent/Excused)

X   
\_\_\_\_\_  
Mayor Joanne Cocchiola