

In The Matter Of:
In Re:Nutley Board of Commissioners

Transcript of Proceedings
September 6, 2022



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TOWNSHIP OF NUTLEY BOARD OF COMMISSIONERS

ONE KENNEDY DRIVE

3RD FLOOR COMMISSION CHAMBERS

NUTLEY, NEW JERSEY 07110

*** PUBLIC SESSION ***

DATE: September 6, 2022

BOARD OF COMMISSIONERS:

JOSEPH P. SCARPELLI, MAYOR

JOHN V. KELLY III, COMMISSIONER

MAURO G. TUCCI, COMMISSIONER

THOMAS J. EVANS, COMMISSIONER

ALPHONSE PETRACCO, COMMISSIONER

Also Present:

JONATHAN BRUNO, TOWNSHIP ATTORNEY

1 (Recording begins)

2 MAYOR SCARPELLI: Madam Clerk.

3 THE CLERK: Thank you, Mayor. Board of
4 Commissioners public meeting for Tuesday, September 6,
5 2022. The time is now 7:02. Pursuant to the
6 requirements of the Open Public Meeting Act, Chapter
7 231 Public Law 1975, notice of this meeting was
8 published December 9th, 2021 issues of the Nutley Sun,
9 The Herald News, and Star Ledger. A copy of this
10 notice was posted on the Nutley Town Hall Bulletin
11 Board, and a copy is on file in the Municipal Clerk's
12 office.

13 Commissioner Kelly.

14 COMMISSIONER KELLY: Present.

15 THE CLERK: Commissioner Evans.

16 COMMISSIONER EVANS: Here.

17 THE CLERK: Commissioner Petracco.

18 COMMISSIONER PERRACCO: Here.

19 THE CLERK: Commissioner Tucci.

20 COMMISISONER TUCCI: Here.

21 THE CLERK: Mayor Scarpelli.

22 MAYOR SCARPELLI: Here.

23 THE CLERK: Present, Mayor.

24 MAYOR SCARPELLI: Minutes, Madam Clerk.

25 THE CLERK: Thank you, Mayor. We had a

1 regular meeting August 2nd, 2022 and Executive Session
2 minutes August 2nd, 2022, Sessions 1 and 2. I need a
3 motion.

4 COMMISSIONER EVANS: Moving.

5 COMMISSIONER PETRACCA: Second.

6 THE CLERK: Commissioner Kelly.

7 COMMISSIONER KELLY: Aye.

8 THE CLERK: Commissioner Evans.

9 COMMISSIONER EVANS: Aye.

10 THE CLERK: Commissioner Tucci.

11 COMMISSIONER TUCCI: Aye.

12 THE CLERK: Mayor Scarpelli.

13 MAYOR SCARPELLI: (Indiscernible)

14 Communication, Madam Clerk.

15 THE CLERK: Thank you, Mayor, we have three
16 this evening. I'm going to read all three. The
17 Lincoln School has submitted an application for a movie
18 night to be held on Friday, September 30th, 2022 from
19 6 p.m. to 9 p.m. at 301 Harrison Street in Nutley.

20 The Yantacaw School has also submitted an
21 event application for a movie night to be held on
22 Friday, September 23rd from 5 p.m. to 10 p.m.
23 (indiscernible). And the third one is the Friends of
24 Nutley Library have submitted an application for social
25 affair permit for their event to be held Sunday,

1 October 16th from 2 p.m. to 5 p.m. at 93 Booth Drive in
2 Nutley. I need a motion please.

3 COMMISSIONER EVANS: Move it.

4 COMMISSIONER TUCCI: Second.

5 THE CLERK: Commissioner Kelly.

6 COMMISSIONER KELLY: Aye.

7 THE CLERK: Commissioner Evans.

8 COMMISSIONER EVANS: Aye.

9 THE CLERK: Commissioner Petracco.

10 COMMISSIONER PETRACCO: Aye.

11 THE CLERK: Commissioner Tucci.

12 COMMISSIONER TUCCI: Aye.

13 THE CLERK: Mayor Scarpeli.

14 MAYOR SCARPELI: Aye.

15 THE CLERK: And that's it for communications.

16 MAYOR SCARPELI: Bills, Madam Clerk?

17 THE CLERK: Thank you, Mayor. Bill list for

18 September 6th, 2022. Public Affairs, \$81,978.42.

19 Revenue and Finance, \$2,923,372.14. Public Safety,

20 \$59,161.87. Public Works, \$735,702.30. Parks and

21 Public Property, \$671,838.49. Water Utility,

22 \$50,069.85. Payroll as of August 19, 2022, regular

23 payroll total, \$849,947.84. Overtime payroll total,

24 \$51,894.82. Total Payroll, \$901,842.66, for a grand

25 total of \$5,423,965.73.

1 COMMISSIONER EVANS: Move the bills.
2 COMMISSIONER TUCCI: Second.
3 THE CLERK: Commissioner Kelly.
4 COMMISSIONER KELLY: Aye.
5 THE CLERK: Commissioner Evans.
6 COMMISSIONER EVANS: Aye.
7 THE CLERK: Commissioner Petracco.
8 COMMISSIONER PETRACCO: Aye.
9 THE CLERK: Commissioner Tucci.
10 COMMISSIONER TUCCI: Aye.
11 THE CLERK: Mayor Scarpelli.
12 MAYOR SCARPELLI: Aye.
13 THE CLERK: That's it for bills, Mayor.
14 MAYOR SCARPELLI: Public comment on agenda
15 items only, Madam Clerk.
16 THE CLERK: Thank you, Mayor. All persons
17 addressing the Board of Commissioners regarding
18 community concerns should approach the microphone and
19 provide their name and address for the record. Unless
20 further time is granted by the board, each person shall
21 limit their address to three minutes. All remarks to
22 the board and its individual members must be addressed
23 to the Mayor. The Mayor may defer citizens' comments
24 to the appropriate member of the board.
25 MR. MOORE: Rory Moore, 111 Passaic Avenue.

1 Mayor, I have three questions about the bills this
2 evening. Your second page, about the third down, it's
3 Rock-N-Rescue, I believe under Public Safety. \$955,
4 what was that for?

5 COMMISSIONER PETRACCO: You said second --
6 second page?

7 MR. MOORE: Second page, top of the -- the
8 very high end of the top list.

9 COMMISSIONER PETRACCO: Okay. I would have
10 to get back to you on that one.

11 MR. MOORE: That's okay. And the one at the
12 bottom of it was Zappo's the car stereo. What was that
13 for?

14 COMMISSIONER PETRACCO: I have to get back to
15 you with that one, too.

16 MR. MOORE: That's quite all right. And,
17 Mayor, the last one is yours, I see there's a water
18 bill from Newark for \$13,000. I understand -- if I
19 understood correctly that was the water polluted during
20 that time period that we received water from Newark.
21 Was it polluted at all.

22 MAYOR SCARPELLI: No, they had a water main
23 break, that's all.

24 MR. MOORE: Okay. Maybe that was it. Thank
25 you.

1 MAYOR SCARPELLI: Anyone else wish to address
2 the Board of Commissioners on agenda items only? Board
3 of Commissioner announcements.

4 THE CLERK: (Indiscernible).

5 MAYOR SCARPELLI: Commissioner Tucci?

6 COMMISSIONER TUCCI: Yes, our scheduled
7 concert for tomorrow evening featuring the Rick Martin
8 Orchestra will be postponed due to the inclement
9 weather. We will reschedule and let everyone know when
10 that is.

11 MAYOR SCARPELLI: Thank you.

12 COMMISSIONER PETRACCO: I would just like to
13 say that I attended the Nutley football game, along
14 with my fellow commissioners and the Mayor under the
15 lights for the first time in Nutley History. I thought
16 that was the first football game played. I think it's
17 such a plus for the community, and I can't say how
18 delighted I am to have it. I think it makes our
19 Franklin Ave. business thrive even more, and I'd just
20 like to thank the Mayor for bringing me on the field to
21 accept the Mayor's trophy that night. I think it was a
22 great night for Nutley. Thank you, Mayor.

23 COMMISSIONER TUCCI: I think we have to get
24 the businesses to coordinate with (indiscernible) it
25 was hard to find some place to eat. The diner was

1 closed.

2 MAYOR SCARPELLI: Commissioner?

3 COMMISSIONER EVANS: Yes, on September 27th
4 we'll be having another COVID vaccination clinic,
5 whether you need your first shot, or now your 4th shot
6 which has been approved by the FDA. Feel free to sign
7 up. More information will be sent out through the town
8 blast.

9 MAYOR SCARPELLI: Thank you, Commissioner.
10 Ordinance introductions, Commissioner Petracco?
11 Ordinance introductions.

12 COMMISSIONER PETRACCO: Yeah. Okay. I have
13 ordinance Number 3500, it's an ordinance to amend an
14 ordinance codified in the Code of the Township of
15 Nutley, Chapter 228, entitled Vehicles and Traffic,
16 particularly Article VII, Special Zones and Areas
17 Section 29, Entitled Handicap Parking to add the
18 location that's set forth thereon. This is for three
19 handicap places for Yantacaw Place. I move that this
20 ordinance be passed to the second reading advertised in
21 the Nutley Sun, together with the notice required by
22 law, that further consideration of said ordinance for
23 final passage by the Board of Commissioners to be held
24 at the second meeting, I believe it's October 4th.

25 THE CLERK: Yes.

1 COMMISSIONER PETRACCO: Move it.

2 THE CLERK: Second?

3 COMMISSIONER KELLY: Second.

4 THE CLERK: Commissioner Kelly.

5 COMMISSIONER KELLY: Aye.

6 THE CLERK: Commissioner Evans.

7 COMMISSIONER EVANS: Aye.

8 THE CLERK: Commissioner Petracco.

9 COMMISSIONER PETRACCO: Aye.

10 THE CLERK: Commissioner Tucci.

11 COMMISSIONER TUCCI: Aye.

12 THE CLERK: Mayor Scarpelli.

13 MAYOR SCARPELLI: Aye.

14 COMMISSIONER PETRACCO: Thank you, Mayor.

15 MAYOR SCARPELLI: Thank you, Commissioner.

16 We have some second readings for public hearings.

17 Commissioner Tucci.

18 COMMISSIONER TUCCI: Yes, this is Chapter 127
19 concerning benefits, things of the like. And basically
20 this would clean up -- this new ordinance to bring us
21 up in concert with the state law. We had some areas
22 that were a bit ambiguous, I believe we've clarified
23 them and made them as explicit as possible.
24 (Indiscernible).

25 MAYOR SCARPELLI: Would anyone like to be

1 heard on Ordinance Number 3496?

2 MR. MOORE: Rory Moore, 111 Passaic Avenue.
3 I believe, Mr. Tucci, this was from Vinson v. Metro
4 Savings Bank (phonetic), and I remember discussing this
5 with now Judge Genitempo -- now Judge Genitempo, and
6 Mr. Harkins(phonetic) when he was the town attorney.
7 This was absent for a long, long time, and it's
8 overdue. But I also noticed that --

9 COMMISSIONER TUCCI: Wait, was that a
10 compliment?

11 MR. MOORE: No, it's not a compliment. No, I
12 mean 20 years later. It was upheld by the Supreme
13 Court.

14 COMMISSIONER TUCCI: I was just curious, I
15 was wondering, I haven't been --

16 MR. MOORE: It was upheld by the Supreme
17 Court back in 2008 I think it was. And it's -- I
18 believe there's supposed to be a yearly review that
19 every employee is supposed to take. And I don't see
20 that in here. The reason I'm asking is because
21 everybody else has to do that.

22 COMMISSIONER TUCCI: What you're speaking of
23 is -- this is not the handbook. This is Ordinance 127,
24 concerning personnel policy.

25 MR. MOORE: Personnel policy.

1 COMMISSONER TUCCI: And I know that you're a
2 guy that pays attention. So --

3 MR. MOORE: Page 7, am I on the right page?

4 COMMISSIONER TUCCI: Page 7?

5 MR. MOORE: Page 7 of 13, bottom right? At
6 least you got pages on this. If we can get them on the
7 bill list, that would be better.

8 COMMISSIONER TUCCI: What exactly are you
9 referring to?

10 MR. MOORE: Up at the top.

11 COMMISSIONER TUCCI: Sexual harassment
12 update, 7 --

13 MR. MOORE: Sexual harassment, 127-21. Now,
14 in there you go through what could be sexual
15 harassment.

16 COMMISSIONER TUCCI: Right.

17 MR. MOORE: Also, what should be in here that
18 is in everybody else's is that annually everybody --
19 all employees and contractors have to go through sexual
20 harassment training as part of this.

21 COMMISSIONER TUCCI: Mr. Moore, I know you've
22 been studying this one, and I'm sure this is a
23 conversation that you would be better to have with our
24 Town Attorney, Mr. Bruno. I am not a lawyer, I just
25 administer the health benefits and the other benefits

1 according to the ordinance. And so --

2 MR. MOORE: And so the second one --

3 COMMISSIONER TUCCI: -- (indiscernible) that
4 needs to be in there, it would be wonderful if you have
5 that conversation with Mr. Bruno, and if he feels that
6 it's appropriate, then it should be included.

7 MR. MOORE: And the other one is that there's
8 a -- you said there's a complaint process. You say
9 complaint to. That person, the name is supposed to be
10 filled in, and it's not. Who do -- if I'm a town
11 employee, I've just been sexually harassed --

12 COMMISSIONER TUCCI: Mr. Moore --

13 MR. MOORE: -- who do I complain to you.

14 COMMISSIONER TUCCI: -- I would suggest a
15 government employee -- a career government employee. I
16 am not an attorney. So if you want to take up those fine
17 points, do that with Mr. Bruno, and I'm sure he'd be
18 happy to answer all your questions.

19 MR. MOORE: I'm sure he will.

20 COMMISSIONER TUCCI: Thank you so much for raising it.

21 MAYOR SCARPELLI: Would anybody else like to
22 be heard on Ordinance Number 3496? Seeing none...

23 COMMISSIONER TUCCI: Move to close the public
24 hearing.

25 COMMISSIONER EVANS: Second.

1 THE CLERK: Commissioner Kelly.
2 COMMISSIONER KELLY: Aye.
3 THE CLERK: Commissioner Evans.
4 COMMISSIONER EVANS: Aye.
5 THE CLERK: Commissioner Petracco.
6 COMMISSIONER PETRACCO: Aye.
7 THE CLERK: Commissioner Tucci.
8 COMMISSIONER TUCCI: Aye.
9 THE CLERK: Mayor Scarpelli.
10 MAYOR SCARPELLI: Aye.
11 COMMISSIONER TUCCI: Move the ordinance
12 COMMISSIONER EVANS: Second.
13 THE CLERK: Commissioner Kelly.
14 COMMISSIONER KELLY: Aye.
15 THE CLERK: Commissioner Evans.
16 COMMISSIONER EVANS: Aye.
17 THE CLERK: Commissioner Petracco.
18 COMMISSIONER PETRACCO: Aye.
19 THE CLERK: Commissioner Tucci.
20 COMMISSIONER TUCCI: Aye.
21 THE CLERK: Mayor Scarpelli.
22 MAYOR SCARPELLI: Aye.
23 COMMISSIONER TUCCI: Thank you, Mayor.
24 MAYOR SCARPELLI: Thank you, Commissioner.
25 We have another public hearing -- a public hearing on
Ordinance Number 3499. Commissioner Petracco.

1 COMMISSIONER PETRACCO: And ordinance to
2 amend and ordinance codified the Code of the Township
3 of Nutley, Chapter 228, entitled Vehicles and Traffic,
4 particularly Article 5, Stop and Yield at
5 Intersections. This one is for Plymouth Road and Cook
6 Road, a four way stop sign. Let's open the public
7 portion of the meeting, Mayor.

8 MAYOR SCARPELLI: Anybody that would like to
9 be heard on Ordinance Number 3499? Seeing none.

10 COMMISSIONER PETRACCO: Move to close.

11 MAYOR SCARPELLI: Second?

12 COMMISSIONER KELLY: Second.

13 THE CLERK: Commissioner Kelly.

14 COMMISSIONER KELLY: Aye.

15 THE CLERK: Commissioner Evans.

16 Evans. COMMISSIONER EVANS: Aye.

17 THE CLERK: Commissioner Petracco.

18 COMMISSIONER PETRACCO: Aye.

19 THE CLERK: Commissioner Tucci.

20 COMMISSIONER TUCCI: Aye.

21 THE CLERK: Mayor Scarpelli.

22 MAYOR SCARPELLI: Aye.

23 COMMISSIONER PETRACCO: Move the ordinance.

24 COMMISSIONER KELLY: Second.

25 THE CLERK: Commissioner Kelly.

1 COMMISSIONER KELLY: Aye.

2 THE CLERK: Commissioner Evans.

3 COMMISSIONER EVANS: Aye.

4 THE CLERK: Commissioner Petracco.

5 COMMISSIONER PETRACCO: Aye.

6 THE CLERK: Commissioner Tucci.

7 COMMISSIONER TUCCI: Aye.

8 THE CLERK: Mayor Scarpelli.

9 MAYOR SCARPELLI: Aye.

10 COMMISSIONER PETRACCO: Thank you, Mayor.

11 MAYOR SCARPELLI: Thank you, commissioner.

12 Move on to resolutions. Commissioner Kelly.

13 COMMISSIONER KELLY: Thank you, Mayor, I have
14 four on for this evening. First one is Resolution
15 Number 321-22, it's to raise awareness for it's Blood
16 Cancer Month. Whereas leukemia, lymphoma, myeloma,
17 myelodysplastic syndromes, MDS, are types of cancers
18 that can affect the bone marrow, the blood cells, the
19 lymph nodes, and other parts of the lymphatic system.
20 Whereas every three minutes someone in the United
21 States is diagnosed with blood cancer. More than 1.3
22 million Americans are living with or in remission from
23 blood cancer. And whereas an estimated combined total
24 of 212,490 people in the United States are expected to
25 be diagnosed with leukemia, lymphoma, myeloma in 2022.

1 Whereas blood cancer counts for 6 percent for all
2 cancer cases around the world, with about 1.24 million
3 cases each year.

4 Whereas blood cancers can be extremely
5 complex, with some patients requiring a bone
6 marrow/stem cell transplant as part of their treatment.
7 Where an estimated 1,297,027 people in the United
8 States are either living with or in remission from
9 leukemia or lymphoma or myeloma. Whereas the health
10 and vitality of Nutley residents are significantly
11 enhanced by local efforts to increase communication and
12 education pertaining to blood cancers, and raising
13 general awareness of the disease. And therefore it be
14 resolved that the Board of Commissioners of the
15 Township of Nutley, County of Essex, State of New
16 Jersey, recognizes September as National Blood Cancer
17 Month, and urge all citizens in Nutley to support
18 efforts and activities that bring awareness and
19 education for finding a cure for blood cancers during
20 the month of September and throughout the entire year.
21 So moved.

22 COMMISSIONER PETRACCO: Second.

23 THE CLERK: Mr. Kelly.

24 COMMISSIONER KELLY: Aye.

25 THE CLERK: Commissioner Evans.

1 COMMISSIONER EVANS: Aye. I would just add a
2 comment of blood cancers have advanced rapidly in the last
3 four or five years with the introduction of monoclonal
4 antibodies for immunotherapy as well as the understanding
5 of how checkpoint inhibitors work. The outlook of
6 patients here has improved dramatically. So it's an --
7 the reason why that is significant is because it's only 6
8 percent of the cancer, getting a significant amount of
9 research in this area has been difficult. So if more
10 awareness can be placed on the significance of this, we'll
11 actually enable (indiscernible) very long lives.

12 COMMISSIONER KELLY: Absolutely.

13 THE CLERK: Commissioner Petracco.

14 COMMISSIONER PETRACCO: Aye.

15 THE CLERK: Commissioner Tucci.

16 COMMISSIONER TUCCI: Aye.

17 THE CLERK: Mayor Scarpelli.

18 MAYOR SCARPELLI: Aye.

19 COMMISSIONER KELLY: I also have on for this
20 month a resolution for Hispanic Heritage Month. That's
21 number -- Resolution Number 232-22.

22 Whereas September 15th serves jointly as the
23 starting point of Hispanic Heritage Week, and the
24 Independence Event, and the Independence of Hispanic
25 Countries of Costa Rica, El Salvador, Honduras,
Guatemala, and Nicaragua.

1 Whereas the observation of Hispanic Heritage
2 started in 1968 -- 1968 as Hispanic Heritage Week,
3 under President Lyndon Johnson, and was extended by
4 President Ronald Reagan in 1988 to Hispanic Heritage
5 Month.

6 Whereas there are 62.1 million Hispanics in
7 the United States, 23 percent more than the previous
8 decade; and

9 Whereas it is important to celebrate and
10 recognize the accomplishments, contributions, and
11 cultural richness of Hispanic Americans and Hispanics
12 worldwide.

13 Whereas Hispanic Heritage Month presentation
14 of Hispanic culture and heritage vastly advances
15 visibility and inclusion of Hispanic people on a large
16 scale and degree; and

17 Whereas educating on Hispanic culture and
18 heritage helps fortify diversity within communities and
19 foster discussions pertaining to different cultures and
20 ideologies;

21 Now, therefore be it resolved that the Board
22 of Commissioners, Township of Nutley, County of Essex,
23 State of New Jersey, recognize September 15th through
24 October 15th as Hispanic Heritage Month, and encourage
25 all Nutley residents to recognize the rich history and

1 culture that comes with Hispanic heritage. So moved.

2 COMMISSIONER PETRACCO: Second.

3 THE CLERK: Commissioner Kelly.

4 COMMISSIONER KELLY: Aye.

5 THE CLERK: Commissioner Evans.

6 COMMISSIONER EVANS: Aye.

7 THE CLERK: Commissioner Petracco.

8 COMMISSIONER PETRACCO: Aye.

9 THE CLERK: Commissioner Tucci.

10 COMMISSIONER TUCCI: Aye.

11 THE CLERK: Mayor Scarpelli.

12 MAYOR SCARPELLI: Aye.

13 COMMISSIONER KELLY: The third one I have on

14 for this evening is National Preparedness Month. It's

15 Resolution Number 233-22. Whereas every year

16 communities across our country face emergencies from

17 unforeseen natural disasters to deliberate acts. And

18 whereas during the month of September we encourage

19 residents to rededicate themselves to the important

20 task of being prepared in the face of any crisis.

21 Whereas the best time to prepare for an emergency is

22 before it happens. Residents should take the time to

23 review their own emergency plans, and update their

24 emergency kits. And whereas by discussing with our

25 families, friends, and neighbors how we will protect

1 ourselves and our communities, we can contribute to and
2 prepare a stronger more resilient society. Whereas
3 Federal, State, local agencies have resources to share
4 with the community as to how to put together personal
5 emergency kits and plans, such as www.ready.gov, and
6 www.fema.gov, and now therefore be resolved that the
7 Board of Commissioners, Township of Nutley, County of
8 Essex, State of New Jersey recognizes September 2022 as
9 National Preparedness Month, and encourage all Nutley
10 residents to recognize the importance of preparedness
11 and work together to enhance our resilience and
12 readiness. So moved.

13 COMMISSIONER EVANS: Second.

14 THE CLERK: Commissioner Kelly.

15 COMMISSIONER KELLY: Aye.

16 THE CLERK: Commissioner Evans.

17 COMMISSIONER EVANS: Aye.

18 THE CLERK: Commissioner Petracco.

19 COMMISSIONER PETRACCO: Aye.

20 THE CLERK: Mayor Scarpelli.

21 MAYOR SCARPELLI: Aye.

22 THE CLERK: Commissioner Tucci.

23 COMMISSIONER TUCCI: Aye.

24 THE CLERK: Thank you.

25 COMMISSIONER KELLY: And the final one I have

1 on this evening is the other resolution to raise
2 awareness for another form of cancer, because September
3 is a big month for cancer awareness.

4 Whereas there are more than 3.1 million men
5 in the United States who have been diagnosed with
6 prostate cancer; and

7 Whereas one in eight males in the United
8 States will be diagnosed with prostate cancer in their
9 lifetime;

10 Whereas the American Cancer Society's
11 estimates in the United States for 2022 about 268,490
12 new cases of prostate cancer and about 34,500 deaths
13 due to prostate cancer;

14 Whereas aside from non-melanoma skin cancer,
15 prostate cancer is the most common cancer among men in
16 the United States. It is also one of the leading cases
17 of cancer death among men of all races, including men
18 of Hispanic origin and population;

19 Whereas prostate cancer occurs mainly in
20 older men, about six cases in ten are diagnosed in men
21 age 65 of older, it is rare before age 40. The average
22 age at the time of diagnosis is about 66;

23 Whereas males in the United States with one
24 family member diagnosed with prostate cancer have a 33
25 percent chance of being diagnosed with the disease,

1 males with two close family members have an 83 percent
2 chance, and males with three family members diagnosed
3 have a 97 percent chance; and

4 Whereas there are no noticeable symptoms of
5 prostate cancer on the early stages, making screening
6 is critical;

7 Whereas educating people in the United
8 States, including healthcare providers about prostate
9 cancer and early detection strategies is crucial to
10 saving lives of males and preserving and protecting
11 families.

12 And therefore it be resolved that the Board
13 of Commissioners, Township of Nutley, County of Essex,
14 State of New Jersey declare September as National
15 Prostate Cancer Awareness Month. We further resolve
16 that we urge all men and their families in the Township
17 of Nutley to seek assistance in obtaining facts and
18 information about prostate cancer, and encourage
19 residents to support the Nutley Football Alumni in
20 their effort to benefit prostate cancer research
21 through their annual golf for a cure -- golf for a cure
22 event, Monday September 26th, 2022. So moved.

23 COMMISSIONER PETRACCO: Second.

24 THE CLERK: Commissioner Kelly.

25 COMMISSIONER KELLY: Aye.

1 THE CLERK: Commissioner Evans.

2 COMMISSIONER EVANS: Aye.

3 THE CLERK: Commissioner Petracco.

4 COMMISSIONER PETRACCO: Aye.

5 THE CLERK: Commissioner Tucci.

6 COMMISSIONER TUCCI: Aye.

7 THE CLERK: Mayor Scarpelli.

8 MAYOR SCARPELLI: Aye. Thank you,
9 commissioner. Commissioner Evans.

10 COMMISSIONER EVANS: Thank you, Mayor. My
11 first resolution, 226-22 to rescind resolution 208-22,
12 so moved.

13 COMMISSIONER TUCCI: Second.

14 THE CLERK: Commissioner Kelly.

15 COMMISSIONER KELLY: Aye.

16 THE CLERK: Commissioner Evans.

17 COMMISSIONER EVANS: Aye.

18 THE CLERK: Commissioner Petracco.

19 COMMISSIONER PETRACCO: Aye.

20 THE CLERK: Commissioner Tucci --

21 COMMISSIONER EVANS: For my next resolution.

22 COMMISSIONER TUCCI: Aye.

23 THE CLERK: And Mayor Scarpelli.

24 MAYOR SCARPELLI: Aye.

25 COMMISSIONER EVANS: Read to go? My next

1 resolution is 227-22, and it authorizes refund of
2 overpayments for water charges for account 3802-17 and
3 5302-1 for a total amount of \$3,598.42. So moved.

4 COMMISSIONER TUCCI: Second.

5 THE CLERK: Commissioner Kelly.

6 COMMISSIONER KELLY: Aye.

7 THE CLERK: Commissioner Evans.

8 COMMISSIONER EVANS: Aye.

9 THE CLERK: Commissioner Petracco.

10 COMMISSIONER PETRACCO: Aye.

11 THE CLERK: Commissioner Tucci.

12 COMMISSIONER TUCCI: Aye.

13 THE CLERK: Mayor Scarpelli.

14 MAYOR SCARPELLI: Aye.

15 THE CLERK: Any my last resolution for 228-
16 22, for the overpayment of tax charges for Block
17 7906/5, 2801/8, 2401/53, for a total amount of
18 \$10,030.93, as listed in resolution. So moved.

19 COMMISSIONER TUCCI: Second. THE

20 CLERK: Commissioner Kelly.

21 COMMISSIONER KELLY: Aye.

22 THE CLERK: Commissioner Evans.

23 COMMISSIONER EVANS: Aye.

24 THE CLERK: Commissioner Petracco.

25 COMMISSIONER PETRACCO: Aye.

1 THE CLERK: Commissioner Tucci.

2 COMMISSIONER TUCCI: Aye.

3 THE CLERK: Mayor Scarpelli.

4 MAYOR SCARPELLI: Aye.

5 COMMISSIONER EVANS: Thank you, Mayor.

6 MAYOR SCARPELLI: Thank you, Commissioner.

7 Commissioner Petracco?

8 COMMISSIONER PETRACCO: I have no resolutions
9 this evening.

10 COMMISSIONER TUCCI: (Indiscernible).

11 MAYOR SCARPELLI: Thank you guys for showing
12 up. Move on to my resolutions. Resolution 229-22.

13 Whereas the Board of Commissioners of the
14 Township of Nutley, the Board of Commissioners
15 identified certain properties in the township
16 designated as follows on the official tax map of the
17 tax map, collectively the study area also known as the
18 Hoffmann-LaRoche site, to be considered for designation
19 as a condemnation area in need of redevelopment under
20 the local redevelopment housing law NJSA 48:12A-1,
21 Redevelopment Law; and

22 Whereas on August 18th, 2022, the redeveloper
23 filed for a certificate of completion and compliance
24 for the Phase I premises. And whereas the township has
25 confirmed the substantial completion of the Phase I

1 premises pursuant to the terms of the redevelopment
2 agreement. Now therefore be resolved that the Board of
3 Commissioners, Township of Nutley, County of Essex,
4 State of New Jersey, that the mayor of the township be
5 hereby authorized to execute and attest respectively, a
6 certificate of completion of compliance for the Phase I
7 Premises. So move the resolution.

8 COMMISSONER PETRACCO: Second.

9 THE CLERK: Commissioner Kelly.

10 COMMISSIONER KELLY: Aye.

11 THE CLERK: Commissioner Evans.

12 COMMISSIONER EVANS: Aye.

13 THE CLERK: Commissioner Petracco.

14 COMMISSIONER PETRACCO: Aye.

15 THE CLERK: Commissioner Tucci.

16 COMMISSIONER TUCCI: Aye.

17 THE CLERK: Mayor Scarpelli.

18 MAYOR SCARPELLI: Aye. Whereas raffle
19 applications have been received from the following
20 organizations. Rotary Club of Nutley, license number
21 47-22, off premises 50/50 cash raffle to be held
22 Thursday, November 17th, 2022. PTO Nutley Lincoln
23 School, license number 48-22, on premise merchandise
24 raffle be held Friday, November 11, 2022. Nutley Irish
25 American Alliance, license number 49-22 off premise

1 50/50 cash raffle to be held Friday, December 9th,
2 2022. And the Rotary Club of Nutley, license number
3 50-22, off premise 50/50 cash raffle to be held Friday,
4 December 3rd, 2022. Whereas the applications have been
5 reviewed and approved by the Municipal Clerk and Police
6 Department, now therefore be it resolved by the Board of
7 Commissioners, Township of Nutley, County of Essex,
8 State of New Jersey, that the aforementioned licenses
9 are approved, and the Municipal Clerk is authorized to
10 issue said licenses. Now move the resolution.

11 COMMISSIONER TUCCI: Second.

12 THE CLERK: Commissioner Kelly.

13 COMMISSIONER KELLY: Aye.

14 THE CLERK: Commissioner Evans.

15 COMMISSIONER EVANS: Aye.

16 THE CLERK: Commissioner Petracco.

17 COMMISSIONER PETRACCO: Aye.

18 THE CLERK: Commissioner Tucci.

19 COMMISSIONER TUCCI: Aye.

20 THE CLERK: Mayor Scarpelli.

21 MAYOR SCARPELLI: Aye. Be it resolved by the
22 Board of Commissioners, Township of Nutley, County of
23 Essex, State of New Jersey, the Township Clerk is
24 hereby authorized to advertise the field bid for 2023
25 acceptance of recycling, vegetative waste to include

1 leaf and grass clippings in the Township of Nutley to
2 be received on behalf of the Board of Commissioners,
3 Commission Chambers, Township Hall, One Kennedy Drive,
4 Nutley, New Jersey, on Wednesday, September 28th, 2022
5 at 11 a.m. prevailing time, at which time they will be
6 opened and read. Move the resolution.

7 COMMISSIONER TUCCI: Second.

8 THE CLERK: Commissioner Kelly.

9 COMMISSIONER KELLY: Aye.

10 THE CLERK: Commissioner Evans.

11 COMMISSIONER EVANS: Aye.

12 THE CLERK: Commissioner Petracco.

13 COMMISSIONER PETRACCO: Aye.

14 THE CLERK: Commissioner Tucci.

15 COMMISSIONER TUCCI: Aye.

16 THE CLERK: Mayor Scarpelli.

17 MAYOR SCARPELLI: Aye.

18 Whereas Nutley is a member of the Morris
19 County Cooperative Pricing Counsel, and whereas the
20 Morris County Coop awarded a bid for road resurfacing
21 to Tilcon New York, 9 Entin Road, Parsippany New Jersey,
22 for the period of January 1st, 2022, to December 31st,
23 2022;

24 Whereas Nutley wishes to utilize the Morris
25 County Co-Op for Milling and Paving roadways at various

1 locations at Nutley;

2 Whereas funds are available from Account
3 Number G-04-119-405, Ordinance Number 3183A in the
4 amount of \$180,800, Account Number G-04-153-401,
5 Ordinance Number 3371 in the amount of \$57,396.94,
6 Account G-04-159-401, Ordinance Number 3407 in the
7 amount of \$154,457, and Account Number G-04-167-401,
8 Ordinance Number 3456 in the amount of \$107,346.06, and
9 have been certified by the chief financial officer,
10 said certification being attached to this resolution;

11 Whereas engineering services recommended that
12 the attached change order number 1 came out of a
13 \$103,641.37 for additional quantities for a contract in
14 the amount of \$643,641.37;

15 Whereas funds are available from account
16 number G-04-170-401 in the amount of \$103,641.37, and
17 have been certified by the chief financial officer,
18 said certification attached to this resolution;

19 Now, therefore be it resolved by the Board of
20 Commissioners, Township of Nutley, County of Essex,
21 State of New Jersey, that Change Order Number 1 as
22 attached is a change from the original contract awarded
23 to Tilcon New York and is hereby authorized and
24 approved. So move the resolution.

25 COMMISSIONER TUCCI: Second.

1 THE CLERK: Commissioner Kelly.

2 COMMISSIONER KELLY: Aye.

3 THE CLERK: Commissioner Evans.

4 COMMISSIONER EVANS: Aye.

5 THE CLERK: Commissioner Petracco.

6 COMMISSIONER PETRACCO: Aye.

7 THE CLERK: Commissioner Tucci.

8 COMMISSIONER TUCCI: Aye.

9 THE CLERK: Mayor Scarpelli.

10 MAYOR SCARPELLI: Aye.

11 Whereas bids for NJ DOT Grant Avenue Roadway
12 Improvement Project, Section 1 were received and opened
13 on November 7th, 2019;

14 Whereas Cifelli & Son General Contracting,
15 Nutley, New Jersey, low bidder, and whereas the base
16 bid for the NJ DOT Grant Avenue Roadway Improvement
17 Project, Section 1, in the amount of \$376,281 for a
18 total bid amount of \$376,281; and

19 Whereas Change Order Number 1 has been
20 authorized for Account G-40-161-401, Ordinance Number
21 3422 of the original contract amount be reduced in the
22 amount of \$46,859.57, for a total contract price of
23 \$329,421.43;

24 Now therefore it be resolved by the Board of
25 Commissioners, Township of Nutley, County of Essex,

1 State of New Jersey that change order number one as
2 attached is a change to the contract previously made
3 by the Township of Nutley with Cifelli & Son General
4 Contracting for the project known as NJ DOT Grant
5 Avenue Roadway Improvement Project, Section 1 are
6 hereby authorized. So move the resolution.

7 COMMISSIONER TUCCI: Second.

8 THE CLERK: Commissioner Kelly.

9 COMMISSIONER KELLY: Aye.

10 THE CLERK: Commissioner Evans.

11 COMMISSIONER EVANS: Aye.

12 THE CLERK: Commissioner Petracco.

13 COMMISSIONER PETRACCO: Aye.

14 THE CLERK: Commissioner Tucci.

15 COMMISSIONER TUCCI: Aye.

16 THE CLERK: Mayor Scarpelli.

17 MAYOR SCARPELLI: Aye.

18 That concludes the business portion of our
19 meeting.

20 COMMISSIONER PETRACCO: Mayor?

21 MAYOR SCARPELLI: Yes.

22 COMMISSIONER PETRACCO: Before you open it
23 up, I did forget about a very important announcement
24 that I have, if you don't mind.

25 MAYOR SCARPELLI: Yes, Commissioner.

1 COMMISSIONER PETRACCO: This Sunday, we will
2 be having our 9/11 ceremony right here in front of Town
3 Hall at 1 p.m. A lot of towns, I'm seeing, are not
4 having ceremonies. And not only has it affected the
5 people on 9/11 that passed away in those towers with
6 all the first responders. But I happened to visit my
7 cousin who is a New York City Police Officer, this past
8 -- couple weeks ago was it was in Florida, he's
9 retired. It's also affected many, many of the men and
10 women who were on site cleaning up and in that
11 environment have passed over the last few years.

12 So even our town, who I know never forgets,
13 our Ceremony has been a little light the last few
14 years. So I'm urging all the residents, and of course
15 my commissioners and Mayor, please if you have the
16 time, attend. Let's not be one of those towns that
17 forget what happens because to me, families are still
18 struggling. Kids brought up without parents, you know,
19 and that tragic that -- so if you can make it, I urge
20 everybody to come. Thank you.

21 MAYOR SCARPELLI: Thank you, Commissioner.
22 Let's move on to public comment. Madam Clerk.

23 THE CLERK: Thank you, Mayor. All persons
24 addressing the Board of Commissioners regarding
25 community concerns may approach the microphone, and

1 provide your name and address for the record. Unless
2 further time is granted by the Board, each person shall
3 limit their address to five minutes. All remarks to
4 the Board and its individual members must be addressed
5 to the Mayor. The Mayor may defer citizens comments to
6 the appropriate member of the board.

7 MR. MOORE: Rory Moore, 111 Passaic Avenue.
8 Mayor Scarpelli, I have an issue. I've spoken to
9 Mr. Bruno briefly about it, and I feel it's very
10 important, it should be on the public agenda at least.
11 Inglesino was paid \$215 an hour to file a motion to
12 suppress discovery in a parking ticket for a local
13 resident. When I saw this, the first question you ask
14 is what's Inglesino doing involved with this. Now, I
15 remember, I believe it was Mr. Evans had a resolution
16 covering OPRA, and other legal issues where you could
17 use Inglesino at 215 an hour for anyone that was
18 billable. But I'd like to know, and my concern is, who
19 called them?

20 I write. I'm tired. So I go over to Al
21 Petracco's delicatessen. We have a bilateral
22 agreement. I'll give you money, you give me sausage
23 and peppers. It works well. Nowhere in the ordinance
24 or the resolution, who calls Inglesino for the legal
25 work. Now, this is written on a (indiscernible) of a

1 lieutenant who had nothing to do with the case
2 whatsoever. Who had no involvement whatsoever. How
3 did it get there through the taxpayer dollars?

4 Because, Mr. Bruno, and I speak as soon as I
5 finish my opening, is that if it was a legal issue, the
6 Court is capable of handling the issues by the court
7 itself. They're independent of everybody else. How did
8 Inglesino get there? That's what concerns me. Because
9 the taxpayers pay a lot of money to file a motion to
10 suppress discovery. And if the issue, as I understand
11 it, it could have been done on a motion in limine. It
12 didn't have to be this way. And when you look at the
13 bill list every week, we always pay at least \$100 to
14 Lexis Nexis, which is a service the municipal court can
15 use to look up legal questions. So my question is, how
16 did Inglesino get there?

17 COMMISSIONER PETRACCO: So I don't know if
18 you spoke to Jonathan already.

19 MR. MOORE: Yes. And if you want the law,
20 Mr. Bruno is speaking --

21 COMMISSIONER PETRACCO: (Indiscernible) had
22 conversations, and I think Jonathan could explain it
23 the best, if you may, Jonathan?

24 MR. BRUNO: Yes, Mr. Moore. We had spoken
25 earlier about (indiscernible) but for everyone's

1 edification, the -- thank you. The issue, and you
2 framed it somewhat accurately, is if this were a
3 typical discovery demand in the normal course, the
4 prosecutor and the records department would be
5 perfectly equipped to handle it, and would provide the
6 information requested in due course.

7 In this particular instance, there was
8 something that was requested that was outside the
9 normal course, and there was a question as to whether
10 or not this information was discoverable. The
11 information that was requested was GPS information
12 relating to the officer's vehicle. Now, the -- this --
13 because it was a kind of request that had come outside
14 the normal discovery process in terms of what's
15 normally provided, the records department ran it up the
16 chain appropriately, because there was a privacy
17 concern over that information. Not that there was an
18 actual threat that someone thought that someone was
19 targeting police officers, but obviously as you can
20 understand, the whereabouts of police officers, you
21 know, their patrol car habits, that information,
22 there's a security concern as to releasing that
23 particular information.

24 So based on that, the Inglesino Law Firm
25 filed a motion, and I believe it was granted, to

1 protect that particular information. And they were not
2 involved in -- in the release of any of the other
3 discoverable information. So -- so the Inglesino Law
4 Firm was brought in appropriately to file a motion to
5 protect what we determined was protected information
6 relating to officer safety because it discussed the
7 whereabouts and the patrol habits of police cars.

8 MR. MOORE: I respect your opinion and your
9 answer. However, why Inglesino? We pay for Lexis
10 Nexis. There's an avenue, the Court has it. We bought
11 another -- we bought another -- the taxpayers came in,
12 at taxpayers expense. This should have been a court
13 expense. And this is not the first time. That's the
14 second thing that bothers me. That this is actually
15 the third time this has happened. And who has the
16 discretion to say let's call Inglesino?

17 MR. BRUNO: Yeah, again, we can speak more
18 about this offline. I think that the -- when it
19 relates to OPRA, and it touches on privacy, you know,
20 the Inglesino Firm, that's what -- one of their areas
21 that we employ them for, and this issue touched on
22 that. And there was an officer safety issue. And the
23 town has an interest in the privacy of that
24 information. And that's why it was important to have
25 that motion filed on behalf of the town for that

1 particular issue. Had that issue not come up,
2 Inglesino's Firm would not have been involved
3 whatsoever.

4 MR. MOORE: I'd be happy to talk it offline,
5 but there were two other issues that I want to have
6 addressed. Because it -- this is -- you're be --
7 you're being -- Inglesino is the grand all -- the find
8 all for everybody. \$215 that will -- let's ask him.
9 But we also pay other monies for that service. The way
10 the was -- the motion was filed rather incompetently.
11 You file the motion to suppress, this should have been
12 motion in limine to say it should have had a motion to
13 say could you hear it? Because I research it through
14 Rutgers. And there is case law, only on a local level
15 that was never appealed. Yes, some give it, and some
16 don't. And it's -- it's really right now because of
17 the limited appeals, that it's valid. However, not
18 arguing the issue. My concern is why do we just have
19 this blank say call Inglesino. I have a legal
20 question.

21 MR. BRUNO: And, Mr. Moore, with all due
22 respect, I don't think that it's done, you know, like
23 that. I think that the taxpayers' money is always
24 kept, you know, very much in the forefront of
25 everybody's mind. And, you know, we try to be as

1 economical as possible. Again, I'm happy to discuss
2 this with you offline, and take as much time.

3 MR. MOORE: I'll stipulate, I will email you
4 with my concerns, so at least we have it on the record,
5 because I would like to get answers to the other two
6 questions as well. Thank you very much.

7 THE CLERK: Contract Negotiations and Potential
8 Litigation?

9 MR. BRUNO: Yes, thank you, Madam Clerk.

10 COMMISSIONER TUCCI: Move it.

11 COMMISSIONER EVANS: Second.

12 THE CLERK: Whereas Section 8 of the Open
13 Public Meeting Act, Chapter 231 Public Law of 1975
14 permits the exclusion of the public from meeting in
15 certain circumstance, and whereas the public body is of
16 the opinion that such circumstances exist, and whereas
17 the Board of Commissioners of the Township of Nutley in
18 the County of Essex, in the State of New Jersey desires
19 to proceed to closed executive session. Now therefore
20 be it resolved that the Board of Commissioners of the
21 Township of Nutley move into closed executive session to
22 discuss contract negotiations and potential litigation.
23 Be it further resolved that the time when such
24 discussion may be disclosed to the public shall be when
25 and as such disclosure may be made without adversely
affecting the Township of Nutley pending and or
anticipated legal, personnel, contractual matters, and

1 other matters within the exception provided for by
2 statute. This resolution shall take effect
3 immediately.

4 Commissioner Kelly.

5 COMMISSIONER KELLY: Aye.

6 THE CLERK: Commissioner Evans.

7 COMMISSIONER EVANS: Aye.

8 THE CLERK: Commissioner Petracco.

9 COMMISSIONER PETRACCO: Aye.

10 THE CLERK: Commissioner Tucci.

11 COMMISSIONER TUCCI: Aye.

12 THE CLERK: Mayor Scarpelli.

13 MAYOR SCARPELLI: Aye.

14 We will have no further business, so can I
15 have a motion to adjourn?

16 COMMISSIONER KELLY: Move it.

17 COMMISSIONER EVANS: Second.

18 THE CLERK: Commissioner Kelly.

19 COMMISSIONER KELLY: Aye.

20 THE CLERK: Commissioner Evans.

21 COMMISSIONER EVANS: Aye.

22 THE CLERK: Commissioner Petracco.

23 COMMISSIONER PETRACCO: Aye.

24

25 THE CLERK: Commissioner Tucci.

1 COMMISSIONER TUCCI: Aye.

2 THE CLERK: Mayor Scarpelli.

3 MAYOR SCARPELLI: Aye.

4 THE CLERK: And the time is now 7:42.

5 MAYOR SCARPELLI: Thank you, everyone, have a
6 good night.

7 (End of recording)

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C E R T I F I C A T I O N

15

16 I, Alicia Jarrett, do hereby certify that the
17 foregoing is a correct transcript from the electronic
18 sound recording provided for transcription and prepared
19 to the best of my professional skills and ability.

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23

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ALICIA JARRETT, AAERT NO. 428 DATE: 9/21/22

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