

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

Transcript of Proceedings
April 15, 2025



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Min-U-Script®

1 TOWNSHIP OF NUTLEY BOARD OF COMMISSIONERS

2 ONE KENNEDY DRIVE

3 3RD FLOOR COMMISSION CHAMBERS

4 NUTLEY, NEW JERSEY 07110

5
6 *** PUBLIC SESSION ***

7
8 DATE: April 15, 2025

9
10 BOARD OF COMMISSIONERS:

11 JOSEPH P. SCARPELLI, MAYOR

12 JOHN V. KELLY III, COMMISSIONER

13 MAURO G. TUCCI, COMMISSIONER

14 THOMAS J. EVANS, COMMISSIONER

15 ALPHONSE PETRACCO, COMMISSIONER

16
17 Also Present:

18 JONATHAN BRUNO, TOWNSHIP ATTORNEY

1 (Recording begins)

2 MAYOR KELLY: Welcome everyone. It's
3 Tuesday, April 15th. Please rise for the Pledge of
4 Allegiance.

5 (Pledge of Allegiance.)

6 MAYOR KELLY: Sunshine notice, Madam Clerk.

7 MADAM CLERK: Thank you, Mayor. Board of
8 Commissioners public meeting agenda for Tuesday,
9 April 15, 2025. The time is now 7:12.

10 Pursuant to the requirements of the Open
11 Public Meeting Act, Chapter 231, Public Law 1975,
12 notice of this meeting was published on
13 November 21, 2024, issues of The Nutley Sun, The Herald
14 News, and The Star Ledger. A copy of this notice has
15 been posted on the Nutley Town Hall bulletin board and
16 a copy is on file in the Municipal Clerk's Office.

17 Commissioner Evans.

18 COMMISSIONER EVANS: Here.

19 MADAM CLERK: Commissioner Tucci.

20 COMMISSIONER TUCCI: Here.

21 MADAM CLERK: Commissioner Scarpelli.

22 COMMISSIONER SCARPELLI: Here.

23 MADAM CLERK: Commissioner Petracco.

24 COMMISSIONER PETRACCO: Here.

25 MADAM CLERK: Mayor Kelly.

1 MAYOR KELLY: Present.

2 MADAM CLERK: All present, Mayor.

3 MAYOR KELLY: Thank you, Madam Clerk.
4 Minutes, please.

5 MADAM CLERK: We have Board of Commissioner
6 meeting minutes for March 18, 2025.

7 COMMISSIONER EVANS: Move it.

8 COMMISSIONER TUCCI: Second.

9 MADAM CLERK: Commissioner Evans.

10 COMMISSIONER EVANS: Aye.

11 MADAM CLERK: Commissioner Tucci.

12 COMMISSIONER TUCCI: Aye.

13 MADAM CLERK: Commissioner Scarpelli.

14 COMMISSIONER SCARPELLI: Aye.

15 MADAM CLERK: Commissioner Petracco.

16 COMMISSIONER PETRACCO: Aye.

17 MADAM CLERK: Mayor Kelly.

18 MAYOR KELLY: Aye. Thank you.

19 MADAM CLERK: That's it for minutes.

20 MAYOR KELLY: Communications, please, Madam
21 Clerk.

22 MADAM CLERK: Thank you, Mayor. Nutley High
23 School Volleyball Booster Club has submitted a letter
24 requesting permission to hold a raffle on Sunday,
25 June 1, 2025, at 44 Park Avenue between the hours of

1 1 p.m. and 4 p.m.

2 COMMISSIONER EVANS: Move it, please.

3 COMMISSIONER TUCCI: Second.

4 MADAM CLERK: Commissioner Evans.

5 COMMISSIONER EVANS: Aye.

6 MADAM CLERK: Commissioner Tucci.

7 COMMISSIONER TUCCI: Aye.

8 MADAM CLERK: Commissioner Scarpelli.

9 COMMISSIONER SCARPELLI: Aye.

10 MADAM CLERK: Commissioner Petracco.

11 COMMISSIONER PETRACCO: Aye.

12 MADAM CLERK: Mayor Kelly.

13 MAYOR KELLY: Aye. Thank you, Madam Clerk.

14 Bills, please.

15 MADAM CLERK: Yes. Bill list for April 15,

16 2025. Public Affairs, \$101,700.49. Revenue and

17 Finance, \$4,404,195.99. Public Safety, \$37,573.65.

18 Public Works, \$104,541.08. Parks and Public Property,

19 \$642,498.95. Water and Sewer Utility, \$623,135.00.

20 Payroll as of April 14, 2025. Regular

21 payroll total, \$963,848.96. Overtime payroll total,

22 \$57,935.26. Total payroll, \$1,021,784.22. For a grand

23 total of \$6,935,429.38.

24 COMMISSIONER EVANS: Move the bills.

25 COMMISSIONER TUCCI: Second.

1 MADAM CLERK: Commissioner Evans.

2 COMMISSIONER EVANS: Aye.

3 MADAM CLERK: Commissioner Tucci.

4 COMMISSIONER TUCCI: Aye.

5 MADAM CLERK: Commissioner Scarpelli.

6 COMMISSIONER SCARPELLI: Aye.

7 MADAM CLERK: Commissioner Petracco.

8 COMMISSIONER PETRACCO: Aye.

9 MADAM CLERK: Mayor Kelly.

10 MAYOR KELLY: Aye.

11 MADAM CLERK: And that's it for bills, Mayor.

12 MAYOR KELLY: Thank you, Madam Clerk. At
13 this time, we'll hear public comment on agenda items
14 only. This is public comment on agenda items only.
15 Those wishing to be heard on agenda items only, please
16 approach the microphone and state your name for the
17 record, please.

18 Seeing none, Board Commissioner
19 announcements. Commissioner Evans.

20 COMMISSIONER EVANS: Nothing for me this
21 evening.

22 MAYOR KELLY: Commissioner Tucci.

23 COMMISSIONER TUCCI: Yes, thank you. Yes, on
24 this Thursday, April 17th, at dusk, we will have our
25 flashlight Easter egg hunt at Reinheimer Park. And on

1 Saturday, the 19th of April, we will have our
2 Eggstravaganza Festival at 10 a.m. at 44 Park Avenue.
3 Thank you.

4 MAYOR KELLY: Excellent. Thank you.
5 Commissioner Scarpelli.

6 COMMISSIONER SCARPELLI: Yes, Mayor. Last
7 Saturday, we had a successful Shredding Day. We had
8 over 300 residents show up with shredding. So it was a
9 good event, something we do every year around tax day.
10 And this Saturday, we're having our compost
11 giveaway at the parking lot behind Ciccolini's. We're
12 also going to set up a rigid plastic recycling
13 container. So residents can drop off their rigid
14 plastic for cleaning up the yards for the spring or any
15 other rigid plastic they'd like to recycle. That's it,
16 Mayor.

17 MAYOR KELLY: Excellent. Thank you.
18 Commissioner Petracco.

19 COMMISSIONER PETRACCO: Yes. I'd just like
20 to thank Rural Public Safety. Saturday, we had a very,
21 very beautiful Easter bunny in the fire department that
22 we took pictures with all the kids on Saturday, that
23 rainy day. And then Sunday, the volunteer fire
24 department had the pancake breakfast, very successful.
25 They did an excellent job.

1 And just one last thing. I'm sure
2 everybody's seen the police all over town enforcing
3 these crosswalks. So please, you know, I said at the
4 last meeting, God forbid if you hit somebody, you know,
5 there's two tragedies when somebody gets hit by a car,
6 the person who hits them and the family who either is
7 injured or loses someone. But just very crystal clear,
8 it doesn't matter if it's the President of the United
9 States that goes through one of these crosswalks and
10 these guys are out on the force, you will get a ticket.

11 Anybody in town, please yield to pedestrians.
12 And just a loud shout out to the pedestrians also,
13 please, at night, wear bright clothing. Please, before
14 you step in a crosswalk, look both ways. Even though
15 you have the right of way, it's not worth having your
16 AirPods on or looking at your cell phone and getting
17 hit by a car. So it's a team effort, and, you know, we
18 need the help of the residents, pedestrians, and our
19 police department. Thank you, Mayor.

20 COMMISSIONER SCARPELLI: One more thing,
21 Mayor?

22 MAYOR KELLY: Absolutely.

23 COMMISSIONER SCARPELLI: So just to wish
24 everybody a happy Passover and a happy Easter.

25 MAYOR KELLY: Yes, thank you.

1 Happy Passover and happy Easter to everyone.

2 The Health Department will be doing its
3 annual baby's vaccine clinic on April 22nd, which is
4 this Tuesday from 4 to 7:30. And as always, we're
5 doing this in conjunction with the Revenue and Finance
6 Department, so you can bring your pet to get vaccinated
7 and then register them with the Revenue and Finance
8 Department. The vaccine is good for three years, so if
9 you previously got your pet vaccinated last year, you
10 don't need to come again this year. If you're within
11 one year, you're more than welcome to come and have the
12 vaccine administered to your pet. If you're more than
13 a year out, the veterinarian is going to say to come
14 back next year.

15 We also have the monthly children's health
16 clinic on April 17th at 8:30 at the Nutley Health
17 Department. On April 24th from 10 a.m. to 12 p.m., we
18 have a depression screening at the health department.
19 And on May 6th from 2 p.m. to 4 p.m. at the health
20 department, we have melanoma screening. If anyone's
21 interested in any of these programs, please call the
22 health department for more information.

23 At this time, we'll roll into ordinance
24 introductions.

25 Commissioner Evans?

1 COMMISSIONER EVANS: Thank you, Mayor.

2 This is an ordinance that amends our current
3 ordinance related to tobacco, actually as to -- related
4 to liquor licensing. We haven't changed our liquor
5 licensing fee since 2010, and this ordinance reflects
6 an increase in the annual cost of the licensing fee. I
7 move that this ordinance be passed to a second reading
8 and advertise in The Nutley Sun together with a notice
9 required by law and that further consideration of said
10 ordinance for final passage by the Board of
11 Commissioners be held at its second reading on May 6th,
12 2025.

13 So move.

14 COMMISSIONER Tucci: Second.

15 MADAM CLERK: Commissioner Evans?

16 COMMISSIONER EVANS: Aye.

17 MADAM CLERK: Commissioner Tucci?

18 COMMISSIONER TUCCI: Aye.

19 MADAM CLERK: Commissioner Scarpelli?

20 COMMISSIONER SCARPELLI: Aye.

21 MADAM CLERK: Commissioner Petracco?

22 COMMISSIONER PETRACCO: Aye.

23 MADAM CLERK: Mayor Kelly?

24 MAYOR KELLY: Aye. And now we have
25 ordinances on second reading.

1 I -- just want to continue, Commissioner
2 Evans?

3 COMMISSIONER EVANS: Thank you, Mayor.

4 This is an amendment to our existing
5 ordinance to include hemp shops that are subject to
6 licensing. It also restricts the number of hemp shops
7 and vape shops to actually the number that we have in
8 place today. It also reduces the licensing fee from
9 \$1,500 down to \$750 annually.

10 MAYOR KELLY: Thank you, Commissioner Evans.

11 At this time, I'll open up the public hearing
12 on Ordinance Number 3577 regarding regulation and sale
13 of tobacco, hemp, and related products. Anyone wishing
14 to be heard, please approach the microphone and state
15 your name for the record.

16 COMMISSIONER EVANS: Move to close.

17 COMMISSIONER TUCCI: Second.

18 MADAM CLERK: Commissioner Evans?

19 COMMISSIONER EVANS: Aye.

20 MADAM CLERK: Commissioner Tucci?

21 COMMISSIONER TUCCI: Aye.

22 MADAM CLERK: Commissioner Scarpelli?

23 COMMISSIONER SCARPELLI: Aye.

24 MADAM CLERK: Commissioner Petracco?

25 COMMISSIONER PETRACCO: Aye.

1 MADAM CLERK: Mayor Kelly?

2 MAYOR KELLY: Aye.

3 COMMISSIONER EVANS: My next ordinance is --
4 hold on -- wants -- move it.

5 COMMISSIONER TUCCI: Second.

6 MADAM CLERK: Commissioner Evans?

7 COMMISSIONER EVANS: Aye.

8 MADAM CLERK: Commissioner Tucci?

9 COMMISSIONER TUCCI: Aye.

10 MADAM CLERK: Commissioner Scarpelli?

11 COMMISSIONER SCARPELLI: Aye.

12 MADAM CLERK: Commissioner Petracco?

13 COMMISSIONER PETRACCO: Aye.

14 MADAM CLERK: Mayor Kelly?

15 MAYOR KELLY: Aye.

16 COMMISSIONER EVANS: Now can I move on?

17 MAYOR KELLY: Okay.

18 COMMISSIONER EVANS: Okay.

19 Ordinance Number 3580. This ordinance is
20 actually addresses some technology improvements in the
21 municipality, specifically running a fiber line access
22 to the school facility, which will now be located at
23 777 Bloomfield Avenue, as well as some other
24 improvements within the municipality.

25 Open the public hearing.

1 MAYOR KELLY: At this time, we'll open the
2 public hearing on Ordinance Number 3580 for technology
3 improvements.

4 Anyone wishing to be heard on this ordinance,
5 please approach the microphone and state your name for
6 the record.

7 COMMISSIONER EVANS: Seeing no one. Move to
8 close.

9 COMMISSIONER TUCCI: Second.

10 MADAM CLERK: Commissioner Evans?

11 COMMISSIONER EVANS: Aye.

12 MADAM CLERK: Commissioner Tucci?

13 COMMISSIONER TUCCI: Aye.

14 MADAM CLERK: Commissioner Scarpelli?

15 COMMISSIONER SCARPELLI: Aye.

16 MADAM CLERK: Commissioner Petracco?

17 COMMISSIONER PETRACCO: Aye.

18 MADAM CLERK: Mayor Kelly?

19 MAYOR KELLY: Aye.

20 COMMISSIONER EVANS: Move the ordinance.

21 COMMISSIONER PETRACCO: Second.

22 MADAM CLERK: Commissioner Evans?

23 COMMISSIONER EVANS: Aye.

24 MADAM CLERK: Commissioner Tucci?

25 COMMISSIONER TUCCI: Abstain.

1 MADAM CLERK: Commissioner Scarpelli?

2 COMMISSIONER SCARPELLI: Aye.

3 MADAM CLERK: Commissioner Petracco?

4 COMMISSIONER PETRACCO: Aye.

5 MADAM CLERK: Mayor Kelly?

6 MAYOR KELLY: Aye.

7 Moving on to resolutions, Commissioner Evans?

8 COMMISSIONER EVANS: Yes, thank you.

9 Be it resolved by the Board of Commissioners
10 of the Township of Nutley County of Essex State, New
11 Jersey, that the Treasurer be and is hereby authorized
12 to refund overpayment of property taxes in the amount
13 of \$7,298.54 for Block 4400, Lot 1.

14 So move.

15 COMMISSIONER TUCCI: Second.

16 MADAM CLERK: Commissioner Evans?

17 COMMISSIONER EVANS: Aye.

18 MADAM CLERK: Commissioner Tucci?

19 COMMISSIONER TUCCI: Aye.

20 MADAM CLERK: Commissioner Scarpelli?

21 COMMISSIONER SCARPELLI: Aye.

22 MADAM CLERK: Commissioner Petracco?

23 COMMISSIONER PETRACCO: Aye.

24 MADAM CLERK: Mayor Kelly?

25 MAYOR KELLY: Aye.

1 COMMISSIONER EVANS: My next two ordinances
2 relate actually to the same thing.

3 We did have a sewer main break between
4 Conover Avenue and Florence Street requiring emergency
5 repairs. When emergencies occur under NJSA 40A:11-16,
6 we can enter into contracts to get that done
7 immediately without having to go through the public
8 bidding process. We have engaged and received a
9 proposal from Montana Construction Corporation at 80
10 Contant Avenue in Lodi for an amount not to exceed
11 \$60,000.

12 Because we're in an in between the
13 introduction of our budget and the adoption of our
14 budget, it will require an amendment to our budget
15 before we adopt the 2025 budget. However, funds are
16 available in Account 5-05-710-256 for this Capital
17 Outlay.

18 Now, therefore, be it resolved by the Board
19 of Commissioners of the Township of Nutley, County of
20 Essex that does hereby authorize the Commissioner of
21 Public Works and the Municipal Clerk to enter into an
22 emergency contract with Montana Construction for an
23 amount not to exceed \$60,000.

24 BE IT FURTHER RESOLVED that the Qualified
25 Purchasing Agent and Chief Financial Officer are

1 authorized to take all necessary steps to comply with
2 the resolution, and that two copies of this authorizing
3 resolution be filed with the Division of Local
4 Governmental Services along with an affidavit of the
5 Chief Financial Officer pursuant to NJSA 40A:4-52.

6 So move.

7 COMMISSIONER TUCCI: Second.

8 MADAM CLERK: Commissioner Evans?

9 COMMISSIONER EVANS: Aye.

10 MADAM CLERK: Commissioner Tucci?

11 COMMISSIONER TUCCI: Aye.

12 MADAM CLERK: Commissioner Scarpelli?

13 COMMISSIONER SCARPELLI: Aye.

14 MADAM CLERK: Commissioner Petracco?

15 COMMISSIONER PETRACCO: Aye.

16 MADAM CLERK: Mayor Kelly?

17 MAYOR KELLY: Aye.

18 COMMISSIONER EVANS: My second resolution
19 relates to the exact same thing, but under
20 NJSA 40A:4-46, it sets up the emergency appropriation
21 which will be necessary to -- in order for us to adopt
22 an amendment to our budget for 2025.

23 So be it resolved by the Board of
24 Commissioners of the Township of Nutley, County of
25 Essex, State of New Jersey that in accordance with

1 NJSA 40A:4-48, an emergency appropriation is hereby
2 made for capital improvements, capital outlay \$60,000,
3 that said emergency appropriation shall be provided for
4 in full for the 2025 budget and the water sewer utility
5 and two copies of this resolution will be filed with
6 the Director of the Division of Local Governmental
7 Services.

8 So move.

9 COMMISSIONER TUCCI: Second.

10 MADAM CLERK: Commissioner Tucci? I'm sorry,
11 Commissioner Evans?

12 COMMISSIONER EVANS: Aye.

13 MADAM CLERK: Commissioner Tucci?

14 COMMISSIONER TUCCI: Aye.

15 MADAM CLERK: Commissioner Scarpelli?

16 COMMISSIONER SCARPELLI: Yeah. Before I
17 vote, I'd just like to thank Commissioner Evans for
18 doing what we needed to do on an emergency basis so we
19 can get the -- that sewer line fixed. It was
20 collapsed. There was no sewage passing on Passaic
21 Avenue. We were able to bypass it over the weekend, and
22 by Tuesday, we had a contractor in there fixing it.
23 Still some work to be done to get it totally fixed, but
24 hopefully, by the end of this week, we'll have that all
25 done. And I thank you, Commissioner.

1 Aye.

2 MADAM CLERK: Commissioner Petracco?

3 COMMISSIONER PETRACCO: Aye.

4 MADAM CLERK: Mayor Kelly?

5 MAYOR KELLY: And as someone who lives on
6 that street and was affected by it, it's much
7 appreciated. Aye.

8 COMMISSIONER EVANS: That's news I could have
9 used.

10 MAYOR KELLY: Yeah. Thank you, Commissioner.
11 Commissioner Tucci?

12 COMMISSIONER TUCCI: Yes, thank you.

13 Whereas, the Township of Nutley Department of
14 Parks & Public Property provides transportation
15 services to senior citizens, free of charge, who have
16 no other means of transportation; and

17 Whereas, to receive money from the Federal
18 Transit Administration as a recipient or sub-recipient,
19 the Township is required to implement a non-
20 discrimination policy to ensure compliance with
21 Title VI of the Civil Rights Act of 1964;

22 Whereas the Township has drafted a revised
23 Title VI policy to ensure continued compliance with the
24 Act, which was subsequently revised -- reviewed,
25 rather, by the New Jersey Department of Transportation

1 and found to be fully compliant with federal
2 requirements; and

3 Whereas, the Township of Nutley accepts the
4 attached revised Title VI Non-Discrimination Policy as
5 approved by the New Jersey DOT;

6 Now, therefore, be it resolved by the Board
7 of Commissioners of the Township of Nutley, and the
8 County of Essex, State of New Jersey that the Mayor and
9 Board of Commissioners and Town Clerk are hereby
10 authorized to execute all documents necessary to ensure
11 compliance with this Resolution.

12 I move the resolution.

13 COMMISSIONER EVANS: Second.

14 MADAM CLERK: Commissioner Evans.

15 COMMISSIONER EVANS: Aye.

16 MADAM CLERK: Commissioner Tucci.

17 COMMISSIONER TUCCI: Aye.

18 MADAM CLERK: Commissioner Scarpelli.

19 COMMISSIONER SCARPELLI: Aye.

20 MADAM CLERK: Commissioner Petracco.

21 COMMISSIONER PETRACCO: Aye.

22 MADAM CLERK: Mayor Kelly.

23 MAYOR KELLY: Aye.

24 COMMISSIONER TUCCI: Whereas, in 1949, the
25 legislature set aside the last Friday of April as Arbor

1 Day to promote the planting of trees and to encourage
2 the protection of our forests from fires and pests that
3 destroy the beauty and usefulness of our woodlands;

4 Whereas, half of New Jersey's total land area
5 is forest under tree cover;

6 Whereas, trees play an important role in the
7 ecosystem in which we live, and trees reduce the
8 erosion of our precious topsoil caused by wind and
9 water, clean the air we breathe and the water we drink,
10 produce oxygen, provide habitat for birds and wildlife
11 and reduce heating and cooling costs by moderating
12 temperatures;

13 Whereas, trees are a renewable resource
14 giving us paper for fine literature, wood for homes,
15 fuel for fires, and countless other wood products; and

16 Whereas, trees provide increased property
17 value, enhanced economic viability, and pleasing
18 aesthetic qualities along streets and properties and
19 municipalities; and

20 Whereas, tree planting in yards and farms, in
21 school yards and parks, and along streets and highways
22 creates an enduring heritage for generations that
23 follow; and

24 Whereas, the Township of Nutley has completed
25 its 36th year as a member of Tree City USA; and

1 Whereas I, Commissioner Mauro Tucci, Director
2 of Parks and Public Property of Township of Nutley, do
3 hereby proclaim April 22nd, 2025 as Arbor Day in the
4 community of Nutley and urge all citizens to support
5 efforts to protect our trees and woodlands and to
6 support our town's urban forestry program, and further,
7 I urge all citizens to plant trees to gladden hearts
8 and promote the well-being of present and future
9 generations.

10 I move the resolution.

11 COMMISSIONER EVANS: Second.

12 MADAM CLERK: Commissioner Evans.

13 COMMISSIONER EVANS: Aye.

14 MADAM CLERK: Commissioner Tucci.

15 COMMISSIONER TUCCI: Aye.

16 MADAM CLERK: Commissioner Scarpelli.

17 COMMISSIONER SCARPELLI: Aye.

18 MADAM CLERK: Commissioner Petracco.

19 COMMISSIONER PETRACCO: Aye.

20 MADAM CLERK: Mayor Kelly.

21 MAYOR KELLY: Aye.

22 COMMISSIONER TUCCI: That's all I have.

23 MAYOR KELLY: Thank you, Commissioner.

24 Commissioner Scarpelli, I see you don't have
25 anything on for this evening.

1 COMMISSIONER SCARPELLI: Nothing on this
2 evening.

3 MAYOR KELLY: Thank you.
4 Commissioner Petracco.

5 COMMISSIONER PETRACCO: Whereas, the Township
6 of Nutley recognizes the threat that natural hazards
7 pose to people and property within Nutley.

8 Whereas, the Township of Nutley has prepared
9 a multi-hazard mitigation plan, hereby known as the
10 2025 Essex County Hazard Mitigation Plan, in accordance
11 with the federal laws, including the Robert T. Stafford
12 Disaster Relief and Emergency Assistance Act, as
13 amended; the National Flood Insurance Act of 1968, as
14 amended; and the National Dam Safety Program Act, as
15 amended; and

16 Whereas, in 2025 Essex County Hazard
17 Mitigation Plan identifies mitigation goals and actions
18 to reduce or eliminate long-term risks to people and
19 property in the Township of Nutley from the impacts of
20 future hazards and disasters; and

21 Whereas, the adoption of the Board of
22 Commissioners, Township of Nutley demonstrates its
23 commitment to hazard mitigation and achieving the goals
24 outlined in the 2025 Essex County Hazard Mitigation
25 Plan; and

1 Now, therefore, be it resolved by the Board
2 of Commissioners, Township of Nutley, County of Essex,
3 State of New Jersey, that the 2025 Essex County Hazard
4 Mitigation Plan is hereby adopted and that while
5 content related to the Township of Nutley may require
6 revisions to meet the plan approval requirements,
7 changes occurring after the adoption will not require
8 the Township of Nutley to re-adopt any future
9 integrations of this plan. Subsequent plan updates
10 following the approval period for this plan will
11 require separate adoption resolutions.

12 I move the resolution.

13 COMMISSIONER SCARPELLI: Second.

14 MADAM CLERK: Commissioner Evans.

15 COMMISSIONER EVANS: Aye.

16 MADAM CLERK: Commissioner Tucci.

17 COMMISSIONER TUCCI: Aye.

18 MADAM CLERK: Commissioner Scarpelli.

19 COMMISSIONER SCARPELLI: Aye.

20 MADAM CLERK: Commissioner Petracco.

21 COMMISSIONER PETRACCO: Aye.

22 MADAM CLERK: Mayor Kelly.

23 MAYOR KELLY: Aye.

24 COMMISSIONER PETRACCO: That's all I have.

25 Thank you, Mayor.

1 MAYOR KELLY: Thank you, Commissioner.

2 I have four resolutions on for this evening,
3 starting with Resolution Number 100-25.

4 This is a resolution for various raffle
5 licenses within the municipality. The first one is
6 Homeschool Association Good Shepherd Academy, License
7 Number 2625, June 18th, 2025, off-premise merchandise
8 raffle. Nutley Family Service Bureau, License Number
9 2725, Saturday, June 7th, 2025, on-premise tricky tray.
10 Nutley Family Service Bureau, License Number 2825, off-
11 premises 50/50 cash raffle, Saturday, June 7th, 2025.
12 Nutley High School Volleyball Booster Club, on-premises
13 tricky tray, License Number 2925, June 1st, 2025.
14 Nutley High School Volleyball Booster Club, off-premise
15 merchandise raffle, License Number 3025, June 1st,
16 2025.

17 Whereas, the applications have been reviewed
18 and approved by the Municipal Clerk and the Police
19 Department;

20 NOW, THEREFORE, BE IT RESOLVED by the Board
21 of Commissioners of the Township of Nutley, County of
22 Essex, State of New Jersey that the aforementioned
23 licenses are hereby approved, and the Municipal Clerk
24 is authorized to issue said licenses.

25 So moved.

1 COMMISSIONER TUCCI: Second.

2 MADAM CLERK: Commissioner Evans.

3 COMMISSIONER EVANS: Aye.

4 MADAM CLERK: Commissioner Tucci.

5 COMMISSIONER TUCCI: Aye.

6 MADAM CLERK: Commissioner Scarpelli.

7 COMMISSIONER SCARPELLI: Aye.

8 MADAM CLERK: Commissioner Petracco.

9 COMMISSIONER PETRACCO: Aye.

10 MADAM CLERK: Mayor Kelly.

11 MAYOR KELLY: Thank you. The next one I have

12 on for this evening --

13 COMMISSIONER SCARPELLI: You going to vote?

14 MAYOR KELLY: Oh, sorry, aye. We're all
15 screwing up tonight.

16 Moving on to the next one I have on for this
17 evening is Resolution Number 101-25, and this is to
18 recognize Thursday, April 24th as a day of remembrance
19 for the victims of the Holocaust.

20 Whereas, the Holocaust was the systemic
21 persecution and murder of six million Jews and millions
22 of other innocent victims by the Nazi regime and its
23 collaborators;

24 Whereas, Holocaust education and remembrance
25 are essential to ensuring such atrocities never happen

1 again;

2 Whereas, the theme for 2025 is "Survival and
3 Life after the Holocaust", we stand united against all
4 forms of hate that continue to threaten communities
5 worldwide;

6 Whereas, this includes harassment and calls
7 for violence against Jews -- in our schools, in our
8 communities, and online. This blatant antisemitism is
9 reprehensible and dangerous. We the people of Nutley
10 should always remember the terrible events of the
11 Holocaust and remain vigilant against hatred,
12 persecution, and tyranny.

13 Now, therefore, be it resolved by the Board
14 of Commissioners in the Township of Nutley, County of
15 Essex, State of New Jersey, recognize the evening of
16 Wednesday, April 23rd through the evening of Thursday,
17 April 24th, 2025, the Day of Remembrance of the Victims
18 of the Holocaust, also known as Yom HaShoah, in honor
19 of the survivors as well as the rescuers and
20 liberators, and further resolve that we, as citizens of
21 Nutley should work to promote human dignity and
22 confront hate whenever and wherever it occurs.

23 So moved.

24 COMMISSIONER PETRACCO: Second.

25 MADAM CLERK: Commissioner Evans.

1 COMMISSIONER EVANS: Aye. And I did not have
2 time to read this, especially since it's also Passover,
3 so I appreciate you taking the great time to know this.

4 Aye.

5 MADAM CLERK: Commissioner Tucci.

6 COMMISSIONER TUCCI: Aye.

7 MADAM CLERK: Commissioner Scarpelli.

8 COMMISSIONER SCARPELLI: Aye.

9 MADAM CLERK: Commissioner Petracco.

10 COMMISSIONER PETRACCO: Aye.

11 MADAM CLERK: Mayor Kelly.

12 MAYOR KELLY: Aye.

13 And the next one I have on for this evening
14 is to recognize the month of May as Mental Health
15 Month, and I do know that there's a lot of recognition
16 in the month of May, and we'll have more on for the May
17 meeting, but this is the first of many recognizing the
18 month of May as an important recognition month. This
19 is Resolution Number 102-25.

20 Whereas, mental health is extremely important
21 at every stage of life, from childhood to adulthood;
22 and

23 Whereas, nearly one in five American adults
24 will have a diagnosable mental health condition at any
25 given year; and

1 Whereas, 50 percent of all lifetime mental
2 illness begins by age 14, and 75 percent by age 24; and

3 Whereas, suicide is the 2nd leading cause of
4 death among people aged 10 to 14; and

5 Whereas connecting with people, being
6 physically active, practicing mindfulness and being
7 kind to yourself can help you feel more positive and
8 get the most out of life; and

9 Whereas, the mental -- whereas, the
10 organization Mental Health America has chosen "Turn
11 Awareness into Action" as a theme for 2025. This theme
12 celebrates and promotes -- it celebrates the progress
13 made in recognizing the importance of mental health --
14 and challenges that individuals turn -- to turn
15 understanding into meaningful steps toward change; and

16 Whereas, the Township of Nutley remains
17 committed to ensuring our community remains a Stigma
18 Free Zone that was designated in April of 2021;

19 Now, therefore, be it resolved by the Board
20 of Commissioners of the Township of Nutley, County of
21 Essex, State of New Jersey recognize May as Mental
22 Health Month and call upon all citizens, government
23 agencies, public and private institutions, businesses,
24 and schools in the Township of Nutley to recommit our
25 community to increasing awareness and understanding of

1 mental health, the steps our citizens can take to
2 protect their mental health, and the need for
3 appropriate and accessible services for all people with
4 mental illnesses at all stages.

5 So moved.

6 COMMISSIONER TUCCI: Second.

7 MADAM CLERK: Commissioner Evans.

8 COMMISSIONER EVANS: Aye.

9 MADAM CLERK: Commissioner Tucci.

10 COMMISSIONER TUCCI: Aye.

11 MADAM CLERK: Commissioner Scarpelli.

12 COMMISSIONER SCARPELLI: Aye.

13 MADAM CLERK: Commissioner Petracco.

14 COMMISSIONER PETRACCO: Aye.

15 MADAM CLERK: Mayor Kelly.

16 MAYOR KELLY: Before I vote, I would just
17 like to say that we have resources available,
18 especially at the Health Department. As the resolution
19 calls out, Nutley is a Stigma-Free Zone and will
20 continue to be a Stigma-Free Zone.

21 So if you're in need of help, don't hesitate
22 to reach out. The Health Department has a counselor on
23 hand every Friday. And if you're -- you need help on
24 another day of the week, we have a contract with Nutley
25 Family Service Bureau and we can get you the help that

1 you need.

2 If you desire more information, please reach
3 out to the Health Department if you have any issues
4 regarding mental health.

5 I vote aye.

6 The last one I have on for this evening is a
7 resolution recognizing the month of May as
8 Melanoma/Skin Cancer Detection and Prevention Month.

9 And as I said earlier, there's a lot of
10 recognition in the month of May. We'll have more on at
11 the next meeting. We just wanted to split it up. This
12 is Resolution Number 103-25.

13 Whereas, more people are diagnosed with skin
14 cancer each year in the United States than all other
15 cancers combined;

16 Whereas, current estimates that one in five
17 Americans will develop skin cancer by the age of 70;

18 Whereas, the American Academy of Dermatology
19 encourages everyone to perform regular skin self-exams
20 to check for signs of skin cancer as a half of all
21 melanomas are self-detected;

22 Whereas, when detected early, the five-year
23 survival rate for melanoma is 99 percent;

24 Whereas, melanoma is most commonly associated
25 with skin cancer, but can be detected in other places

1 on your body, such as hair, the lining of our internal
2 organs, our eyes. When it forms in the eye, it's known
3 as ocular melanoma or, more specifically, uveal
4 melanoma because it forms in the uveal tract of the
5 eye;

6 Now, therefore, be it resolved by the Board
7 of Commissioners in the Township of Nutley, County of
8 Essex, State of New Jersey to recognize May 2025 as
9 Melanoma/Skin Cancer Detection and Prevention Month and
10 encourage all residents to take necessary precautions
11 to prevent and/or decrease their risk of melanoma and
12 other skin cancers and to seek out free cancer -- free
13 skin cancer screening where available. One such
14 screening will be available at the Nutley Health
15 Department on Tuesday, May 6th, from 2 to 4 p.m.

16 So moved.

17 COMMISSIONER TUCCI: Second.

18 MADAM CLERK: Commissioner Evans.

19 COMMISSIONER EVANS: Aye.

20 MADAM CLERK: Commissioner Tucci.

21 COMMISSIONER TUCCI: Aye.

22 MADAM CLERK: Commissioner Scarpelli.

23 COMMISSIONER SCARPELLI: Aye.

24 MADAM CLERK: Commissioner Petracco.

25 COMMISSIONER PETRACCO: Aye.

1 MADAM CLERK: Mayor Kelly.

2 MAYOR KELLY: Aye.

3 And that's all I have at this time.

4 We'll open the meeting up to the public.

5 Anyone wishing to be heard may address the Board of
6 Commissioners, approach the microphone, and state your
7 name for the record, please.

8 MS. BOZZA: I just have two things I'd like
9 you to hear. (Indiscernible) really positive.

10 The first thing was these heavy, cumbersome
11 garbage cans. I mean, for an old woman alone, it's
12 really difficult to have these garbage cans hanging
13 around. They're -- they're -- they're -- they're
14 absolutely ridiculous. You don't have the truck to
15 handle them. Why do you have to have them out? And
16 why does your name have to be on it?

17 MAYOR KELLY: Sure. Mrs. Bozza, the reason
18 for the change had to do with ongoing circumstances
19 regarding the -- the reason for the change had to do
20 with ongoing circumstances regarding the finances. Had
21 we done nothing, the increase to the budget and to our
22 taxes would have been substantial, where the -- this
23 change allowed us to avoid a significant cost increase.

24 What size can do you have?

25 MS. BOZZA: I didn't know they have sizes

1 now.

2 MAYOR KELLY: So the default is for everyone
3 to get 95 gallons. We do have 64-gallon containers
4 available, and we'll -- if you just call the Health
5 Department, we'll swap that out for you as soon as we
6 are able.

7 MS. BOZZA: Oh, and I can get a smaller one?

8 MAYOR KELLY: Right. At no cost.

9 MS. BOZZA: Well, that would be good to know.
10 But they all -- they don't even take the garbage -- all
11 the garbage that's in it. They only reach in, and what
12 they can reach, they put in the garbage. They work
13 with (indiscernible).

14 MAYOR KELLY: Yes, and so that's a concern we
15 have, and it's an issue we're dealing with, with the
16 Town Attorney, to get compliance with our contract.
17 And this -- we've had a number of ongoing conversations
18 with the garbage contractor; however, it hasn't borne
19 any fruit, so we're looking at escalating it through
20 the Town Attorney.

21 MS. BOZZA: And so I guess this question, why
22 does your name have to be on it?

23 MAYOR KELLY: So the language on the trash
24 cart was -- because we capitalized it, and the language
25 was approved by the Town Attorney because we had to

1 designate that the ownership of the can belongs to the
2 township.

3 MS. BOZZA: Why does your name have to be on
4 it?

5 MAYOR KELLY: Like I said, the language was
6 approved by the Town Attorney.

7 MS. BOZZA: (Indiscernible) they told me they
8 don't know of any other town that has a councilman or
9 the mayor -- all right? So what we're doing is we're
10 advertising for you. So are you willing to pay the
11 taxpayers for advertising for you?

12 MAYOR KELLY: I don't believe it's
13 advertising. And as I said, the --

14 MS. BOZZA: What about at election time? Is
15 that where you're advertising?

16 MAYOR KELLY: Well, as I said, the language
17 was approved by the Township Attorney.

18 MS. BOZZA: Pardon me?

19 MAYOR KELLY: I said, as I said, the language
20 was approved by the Township Attorney.

21 MS. BOZZA: It was approved by the -- well,
22 what does that have to do with anything?

23 MAYOR KELLY: We were required --

24 MS. BOZZA: It wasn't approved by the people.

25 MAYOR KELLY: We were required by law to

1 designate the property of the township.

2 MS. BOZZA: Besides on who it was approved
3 by, why does your name have to be on a garbage can?
4 The doctor was (indiscernible) congratulating him,
5 because he doesn't know of any other town that -- that
6 a councilman has their name on the (indiscernible)
7 garbage can.

8 MAYOR KELLY: Well, I don't believe that's
9 accurate, but --

10 MS. BOZZA: Well, he told me he doesn't know
11 of any other town that has that -- that -- what we're
12 doing, we're advertising for you. And no matter who
13 approved it, if you sit and think about it logically,
14 we are advertising for you.

15 MAYOR KELLY: Well, I'm --

16 MS. BOZZA: Are we not? Yes or no?

17 MAYOR KELLY: I mean, that's your opinion.

18 MS. BOZZA: Yeah, but what's your opinion?

19 MAYOR KELLY: My opinion is it's not
20 advertising for me.

21 MS. BOZZA: Well, it's still doesn't make
22 common sense, why your -- why your name has to be on
23 the garbage can and, like, it's on my property. I
24 didn't give you permission to advertise on my property.

25 MAYOR KELLY: Well, it's not -- as I said,

1 it's not advertisement. It's a requirement under the
2 law.

3 MS. BOZZA: Well, I guess I might -- can't,
4 you know, make you understand it, but it's -- it's not
5 common sense. But the second thing I wanted to say is
6 about trees. We had a real problem the other day, and
7 I'm not going to lie to you, and I think, you know,
8 trees are like people. They have a lifespan. So I
9 understand all this -- you know, what it is not to see
10 them growing, not to see life growing in the mountains,
11 but about preserving trees and all that. But after a
12 tree reaches a certain age, don't you think it should
13 be taken down?

14 COMMISSIONER TUCCI: Absolutely.

15 MS. BOZZA: -- and replanted?

16 COMMISSIONER TUCCI: Absolutely. And we do that on
17 an ongoing basis.

18 MS. BOZZA: Yeah, but maybe -- what about if
19 it's involved in, you know, a private property. I have
20 a tree -- I don't have a tree. I have a tree on Tennis
21 Place. I'm on Highfield Lane.

22 COMMISSIONER TUCCI: Mm-hmm.

23 MS. BOZZA: If it falls, it's going right on
24 my house --

25 COMMISSIONER TUCCI: Mm-hmm.

1 MS. BOZZA: -- because they trim all their,
2 you know, their side.

3 COMMISSIONER TUCCI Right, on their side, correct.

4 MS. BOZZA: But and we -- I can't get in
5 there to trim on my (audio interference) --

6 COMMISSIONER TUCCI Mm-hmm.

7 MS. BOZZA: -- arborist there.

8 COMMISSIONER TUCCI: John Linson, yes.

9 MS. BOZZA: He said that the tree is
10 perfectly fine. So if the tree's perfectly fine, are
11 you going to give me a paper saying it's perfectly fine,
12 so if something happens, the town's responsible?

13 COMMISSIONER TUCCI If you would like something from the
14 Township Arborist, he's a certified tree expert, we'd be
15 happy to facilitate that for you.

16 MS. BOZZA: I know when that tree fell the
17 other --

18 COMMISSIONER TUCCI Mm-hmm.

19 MS. BOZZA: -- and one of the homeowners had
20 to pay \$6,000 to have their --

21 COMMISSIONER TUCCI Yeah.

22 MS. BOZZA: -- electricity hooked up.

23 COMMISSIONER TUCCI Yeah, well --

24 MS. BOZZA: I mean, it's --

25 COMMISSIONER TUCCI: Mrs. Bozza, sometimes

1 you can't tell, all right, what's going on on the
2 inside of a tree. There's different techniques that
3 they use. They drill into them. They have sounding
4 devices that they use to see if they're solid and
5 they're still sound, but every now and then, it's
6 difficult to determine whether a tree is hazardous. If
7 it's hazardous, or it's infringing upon anyone's
8 safety, or we believe it could in the very near future,
9 we take them down on public property. On private
10 property --

11 MS. BOZZA: On property --

12 COMMISSIONER TUCCI: Well, we don't -- we're
13 not --

14 MS. BOZZA: So why don't you pass an
15 ordinance saying that if a tree reaches a certain age,
16 then its homeowner -- if you passed an ordinance
17 saying --

18 COMMISSIONER TUCCI: Well, because it varies.
19 They're all different. They all decline at a different
20 pace. So to just, you know, try and broad brush every
21 different species of trees wouldn't be a correct thing
22 to do. But we are constantly evaluating the trees that
23 are out there. Mr. Linson's in town every week, all
24 right? Our shade --

25 MS. BOZZA: (Indiscernible).

1 COMMISSIONER TUCCI: Wait. Let me finish.
2 Let me -- hold -- (indiscernible). Our shade tree
3 people are out every single day, all right, along with
4 all of our supervisors, and if there's a tree that
5 looks like it's going to pose a danger to anyone, we
6 act on that immediately.

7 MS. BOZZA: Yeah. In addition to the fact
8 that it's dangerous --

9 COMMISSIONER TUCCI: Mm-hmm.

10 MS. BOZZA: -- the tree that's -- that has
11 all that hang and falls, it costs me \$600 just to have
12 it cleaned up, and I have a pool in my yard. Do you
13 understand what it means to have a pool in your yard?

14 COMMISSIONER TUCCI: Yes, I do understand
15 what it means to have a pool in your yard. Yeah. I
16 know.

17 MS. BOZZA: Well, you know --

18 COMMISSIONER TUCCI: I have the same issue.
19 I have the same issue, but, you know, fortunately, you
20 know, the trees in Nutley were here before the homes
21 were. As the town developed and more homes were built,
22 they didn't eliminate many of the trees because that
23 adds to the character and the charm of the town. I
24 mean, we're constantly replanting. We replant
25 different species, all right, that aren't as large and

1 fit in the planting strips and don't present the same
2 types of dangers. But you have to remember, going back
3 when, you know, this was farmland, there were many
4 large trees and, you know, many of them are aging out,
5 all right, and there's a balance that we have to
6 strike, all right, because people love trees. If you
7 read the information, put it --

8 MS. BOZZA: Well, what about the people who
9 don't love trees. What about them?

10 COMMISSIONER TUCCI: Well, maybe you live in
11 the wrong town if you don't love trees because we've
12 been a tree city for 36 years.

13 MS. BOZZA: (Indiscernible) I'd like to have
14 a number of trees.

15 COMMISSIONER TUCCI: I know you do, yes.

16 MS. BOZZA: But the point is that there's --
17 there's a -- a -- a limit, you know, of what people --

18 COMMISSIONER TUCCI: Yeah. You're correct,
19 and the arborist does, in fact, zero in on them. We
20 have many, many trees. Unfortunately, he can't get all
21 of them all of the time, but he does the best that he
22 can, you know, with the personnel that we have in the
23 Parks Department.

24 MS. BOZZA: And they shouldn't be allowed to
25 plant trees on property lines, either. Like you can't

1 put a shed on one property line (indiscernible) --

2 COMMISSIONER TUCCI: Who's planting trees on
3 property lines?

4 MS. BOZZA: Pardon?

5 COMMISSIONER TUCCI: Who's planting trees on
6 property -- you mean individuals? Homeowners?

7 MS. BOZZA: Well, that's (indiscernible)
8 property before the house, but I mean, they should --

9 COMMISSIONER TUCCI: Yeah.

10 MS. BOZZA: They should -- you know, because
11 when they're right on the property line, where do you
12 think, you know?

13 COMMISSIONER TUCCI: Yeah, I don't dispute
14 with that.

15 MS. BOZZA: Well, think about what --

16 COMMISSIONER TUCCI: That's logical.

17 MS. BOZZA: Well, don't just think about the
18 trees. Think about people, too.

19 COMMISSIONER TUCCI: People always come
20 first.

21 MS. BOZZA: Yeah, I hope so.

22 COMMISSIONER TUCCI: And then the trees, yes.

23 MAYOR KELLY: Anyone else wishing to address
24 the Board of Commissioners this evening? Seeing none,
25 I believe we have a need for an executive session this

1 evening, Mr. Bruno?

2 MR. BRUNO: Mayor, we do have a need to go
3 into closed session to discuss litigation.

4 MAYOR KELLY: Thank you. I'll entertain a
5 motion.

6 COMMISSIONER SCARPELLI: Move it.

7 MADAM CLERK: Can I have a second?

8 MAYOR KELLY: Oh, second.

9 COMMISSIONER EVANS: Second.

10 MADAM CLERK: Whereas, Section 8 of the Open
11 Public Meetings Act, Chapter 231, Public Law 1975,
12 permits the exclusion of the public from meeting in
13 certain circumstances; and

14 Whereas, the public body is of the opinion
15 that such circumstances exist; and

16 Whereas, the Board of Commissioners of the
17 Township of Nutley and the County of Essex and State of
18 New Jersey desires to proceed to closed executive
19 session; and

20 Now, therefore, be it resolved by the Board
21 of Commissioners of the Township of Nutley move into
22 closed executive session to discuss litigation.

23 Be it further resolved that at the time when
24 such discussions may be disclosed to the public shall
25 be when such disclosure may be made without adversely

1 affecting the Township of Nutley, pending and/or
2 anticipated legal, personnel, contractual matters and
3 other matters within the exceptions provided for by
4 statute. This resolution shall take effect
5 immediately.

6 Commissioner Evans.

7 COMMISSIONER EVANS: Aye.

8 MADAM CLERK: Commissioner Tucci.

9 COMMISSIONER TUCCI: Before I vote, I just
10 want to wish every -- all of our Jewish neighbors a
11 happy Passover, and all of our Christian neighbors a
12 happy Easter.

13 I vote aye.

14 MADAM CLERK: Commissioner Scarpelli.

15 COMMISSIONER SCARPELLI: Aye.

16 MADAM CLERK: Commissioner Petracco.

17 COMMISSIONER PETRACCO: Aye.

18 MADAM CLERK: Mayor Kelly.

19 MAYOR KELLY: Aye.

20 And we won't be conducting any more business
21 this evening. Our next meeting will be Tuesday,
22 May 6th, 2025 at 7 p.m.

23 I'll entertain a motion to adjourn. Move to
24 adjourn.

25 COMMISSIONER SCARPELLI: Move to adjourn.

1 COMMISSIONER PETRACCO: Second.

2 MADAM CLERK: Commissioner Evans.

3 COMMISSIONER EVANS: Aye.

4 MADAM CLERK: Commissioner Tucci.

5 COMMISSIONER TUCCI: Aye.

6 MADAM CLERK: Commissioner Scarpelli.

7 COMMISSIONER SCARPELLI: Aye.

8 MADAM CLERK: Commissioner Petracco.

9 COMMISSIONER PETRACCO: Aye.

10 MADAM CLERK: Mayor Kelly.

11 MAYOR KELLY: Aye.

12 MADAM CLERK: The time is now 7:49.


13 That was a good one. Yeah.

14 (End of recording)

15 * * * * *

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

17

18 I, Alicia Jarrett, transcriber, hereby
19 certify that the foregoing is a correct transcript from
20 the recording pr 

21

22

23

24 _____
ALICIA JARRETT, AAERT NO. 428

DATE: April 29, 2025

25