

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

Transcript of Proceedings
January 7, 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: January 7, 2025

9
10 BOARD OF COMMISSIONERS:

11 JOHN V. KELLY III, MAYOR

12 JOSEPH P. SCARPELLI, 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: Sunshine Notice, Madam Clerk.

3 MADAM CLERK: Thank you, Mayor.

4 Board of Commissioners public meeting agenda
5 for Tuesday, January 7th, 2025. The time is now 7:06.
6 Pursuant to the requirements of the Open Public Meeting
7 Act, Chapter 231, Public Law 1975, notice of this
8 meeting was published in the November 21st, 2024 issues
9 of The Nutley Sun, The Herald News, and The Star
10 Ledger. A copy of this notice has been posted on the
11 Nutley Town Hall bulletin board, and a copy is on file
12 in the municipal clerk's office.

13 Commissioner Evans.

14 COMMISSIONER EVANS: Here.

15 MADAM CLERK: Commissioner Tucci.

16 COMMISSIONER TUCCI: Here.

17 MADAM CLERK: Commissioner Scarpelli.

18 COMMISSIONER SCARPELLI: Here.

19 MADAM CLERK: Commissioner Petracco.

20 COMMISSIONER PETRACCO: Here.

21 MADAM CLERK: Mayor Kelly.

22 MAYOR KELLY: Present.

23 MADAM CLERK: All present, Mayor.

24 MAYOR KELLY: Thank you. Minutes, Madam
25 Clerk.

1 MADAM CLERK: Yes. We have Board of
2 Commissioner meeting minutes for December 3rd, 2024.

3 COMMISSIONER EVANS: Move it.

4 COMMISSIONER SCARPELLI: Second.

5 MADAM CLERK: Commissioner Evans.

6 COMMISSIONER EVANS: Aye.

7 MADAM CLERK: Commissioner Tucci.

8 COMMISSIONER TUCCI: Aye.

9 MADAM CLERK: Commissioner Scarpelli.

10 COMMISSIONER SCARPELLI: Aye.

11 MADAM CLERK: Commissioner Petracco.

12 COMMISSIONER PETRACCO: Aye.

13 MADAM CLERK: Mayor Kelly.

14 MAYOR KELLY: Aye.

15 MADAM CLERK: That's it for minutes.

16 MAYOR KELLY: Communications.

17 MADAM CLERK: Thank you. We have an event
18 application for Holy Family Church to visit -- it's the
19 "Visit of the Three Kings" Procession on Sunday,
20 January 5th, 2025. It was between the hours of
21 2:30 p.m. and 3:30 p.m. on Harrison Street to Brookline
22 Avenue. I need a motion.

23 COMMISSIONER TUCCI: Move it.

24 COMMISSIONER EVANS: Second.

25 MADAM CLERK: Commissioner Evans.

1 COMMISSIONER EVANS: Aye.

2 MADAM CLERK: Commissioner Tucci.

3 COMMISSIONER TUCCI: Aye.

4 MADAM CLERK: Commissioner Scarpelli.

5 COMMISSIONER SCARPELLI: Aye.

6 MADAM CLERK: Commissioner Petracco.

7 COMMISSIONER PETRACCO: Aye.

8 MADAM CLERK: Mayor Kelly.

9 MAYOR KELLY: Aye.

10 I see we have a couple of reports on this
11 evening. Commissioner Tucci.

12 COMMISSIONER TUCCI: Yes. I have a Shade
13 Tree Report for the month of December 2024.

14 MAYOR KELLY: And Commissioner Evans.

15 COMMISSIONER EVANS: Yes. I have a Code
16 Enforcement Report for the month of November 2024.

17 MAYOR KELLY: Thank you. Bills, Madam Clerk.

18 MADAM CLERK: Thank you. Bill list for
19 January 7th, 2025.

20 Public Affairs, \$120,970.38. Revenue and
21 Finance, \$2,919,011.73. Public Safety, \$112,959.36.
22 Public Works, \$64,276.64. Parks and Public Property,
23 \$913,288.70. Water Utility, \$382,485.15. Payroll as
24 of Tuesday, January 7th, regular payroll total,
25 \$990,144.09. Overtime payroll, \$79,759.27. Total

1 payroll, \$1,069,903.36 for a grand total of
2 \$5,582,895.32.

3 COMMISSIONER EVANS: Move the bills.

4 COMMISSIONER TUCCI : Second.

5 MADAM CLERK: Commissioner Evans.

6 COMMISSIONER EVANS: Aye.

7 MADAM CLERK: Commissioner Tucci.

8 COMMISSIONER TUCCI: Aye.

9 MADAM CLERK: Commissioner Scarpelli.

10 COMMISSIONER SCARPELLI: Aye.

11 MADAM CLERK: Commissioner Petracco.

12 COMMISSIONER PETRACCO: Aye.

13 MADAM CLERK: Mayor Kelly.

14 MAYOR KELLY: Aye.

15 MADAM CLERK: That's it for bills, Mayor.

16 MAYOR KELLY: We have public comment on
17 agenda items only. Anyone wishing to be heard on
18 agenda items only, please approach the microphone and
19 state your name for the record, please.

20 ASSEMBLYMAN VENEZIA: Good evening,
21 Commissioners. I'm happy to be here tonight, and I,
22 you know, just commend the municipality and the Board
23 of Education for working together and coming up with a
24 solution that is going to have a lasting effect on
25 Nutley for many years to come. You know, as a former

1 Mayor and now an Assemblyman, I understand how
2 municipal government and Board of Educations have
3 sometimes find it difficult to work together, but this
4 is an example that is going to be, you know, rectified
5 statewide. So I just want to commend each and every
6 one of you. This is an absolutely wonderful thing to
7 be doing, and as the, you know, just for the residents,
8 your Commissioner Board, especially Commissioner Evans,
9 has been harping on me, and I plan on fighting for more
10 money down in Trenton this coming budget season. So
11 we're committed to -- myself and Assemblywoman Morales
12 -- are committed to making sure that we help assist
13 this to the finish line and make it possible. Thank
14 you.

15 ASSEMBLYWOMAN MORALES: Good evening,
16 everyone. My name is Assemblywoman Carmen Morales. I
17 live in Belleville, right next door to Nutley. But as
18 your representative down in the State House, myself and
19 Assemblyman Michael Venezia, are here this evening to
20 congratulate you on this -- I don't have the bill
21 number, he has it on his agenda. But I just want to
22 say that, as a former preschool teacher, a former
23 kindergarten teacher, a lifeline educator, knowing that
24 this town of Nutley -- thank you Mayor, Commissioners,
25 and I see the representatives here from the Board of

1 Education, our Superintendent, as well as the Board
2 Members that are all here today -- knowing that you're
3 putting children first because when we invest in our
4 young people, our babies, our children, we know that we
5 are doing good work: good work for our community, good
6 work for the town, and good work for our future.
7 Because the foundation -- and I know first-hand what
8 that is -- education is the great equalizer. And when
9 we invest in our children and in education, we know
10 that we are getting a great return on investment. So
11 for all of you, congratulations this evening for
12 putting the work in, for ensuring that we continue to
13 invest in our children, in our future, and in our
14 communities. And like the Assemblyman Venezia said, we
15 will continue to fight for any monies to bring it back
16 home to District 34, which includes Nutley. Thank you
17 so much for allowing us to speak.

18 MAYOR KELLY: Thank you. It's always a
19 pleasure to hear from you guys. Always a pleasure to
20 have you here. You're welcome to come to more meetings
21 and sing our praises. But like you said, this was a
22 team effort and did it -- do we want to say some
23 comments now do we want to wait until we actually roll
24 in --

25 COMMISSIONER EVANS: We have a public hearing

coming up so we could probably do it part of the public hearing before we -- because we have to vote as well.

MAYOR KELLY: Okay. Yeah. So I do want to thank you for coming and appreciate it and, like I said, you're always welcome here.

COMMISSIONER SCARPELLLI: Just one thing, Mayor. Assemblywoman Morales and Assemblyman Venezia, I'm sure Commissioner Evans has, but that funding formula has to be looked at. We are not getting our fair share here in Nutley. So, anything you can do to look at that and bring the bacon home to us, we appreciate.

COMMISSIONER EVANS: What he's saying is we're going to be relentless.

MAYOR KELLY: And not just us, but all the Board of Education members here as well.

Anyone else wishing to be heard on agenda items only tonight?

Seeing none, we'll move on to ordinance introductions, which we have none, and we'll move on to ordinances on -- oh, wait. I skipped Board of Commissioner Announcements. Commissioner Evans?

COMMISSIONER EVANS: Nothing for me this evening.

COMMISSIONER TUCCI: It's just one, Mayor. Some of you may have noticed that there's some silk tents up

1 around the Mudhole Memorial Park I. That's because the
2 hole raking project is underway. They've begun some
3 preliminary work and that should go on for anywhere
4 from 3 to 6 weeks, weather permitting. So there's
5 nothing wrong, we're just raking it, hopefully to
6 alleviate some flooding and to improve the fishing and
7 mudding. Thank you.

8 MAYOR KELLY: Thanks.

9 Commissioner Scarpelli.

10 COMMISSIONER SCARPELLI: Press release went
11 out today detailing a pilot program that we're going to
12 have this Saturday on recycling some of the old trash
13 containers. We just want to get a little preliminary
14 game plan on how -- what it's going to take to get
15 these off. So we're going to do that this Saturday and
16 then we'll go from there. We're envisioning a 9-week
17 program dividing the town into 9 sections and going and
18 picking them up, and we'll be recycling those
19 containers. So, it's a pretty monumental task when you
20 look at what it took to deliver the new trash
21 containers. It took over 3 weeks at 12 hours a day, 7
22 days a week. So, trying to pick those up and now these
23 are all different sizes, we think that's going to be a
24 big undertaking. So, we need to do a little
25 preliminary investigation to see what it's going to

1 take; what equipment is the best. So just be patient
2 with us and, hopefully, by the end of January we can
3 begin to roll that out throughout the whole town.

4 COMMISSIONER PETRACCO: Yes, Mayor. Thank
5 you. Tonight, I think I'm going to make history for the
6 first time. It's good to have our assemblypeople here
7 to hear it, too. When you think of public safety, you
8 think of always thanking the police, fireman, EMTs, and
9 deservingly so, right? But today as I was driving
10 around, in this 17 years we're up here, I've never
11 thanked the crossing guards. And I have to tell you,
12 it is bitter cold out there. They are friends to our
13 children -- that the Board of Ed is here -- most of
14 them hand out Christmas gifts and birthday presents
15 and, you know, they are seniors for the most part. And
16 I have to tell you, a lot of, like, today, if anybody
17 is listening out there, I did put my head down when I
18 was driving by you because it is so cold, I didn't
19 even know what to say. But I want to give the crossing
20 guards a shout-out because they really have a tough job
21 and earn all kinds of weather. Thank you, Mayor.

22 MAYOR KELLY: Thank you, and as Commissioner
23 Scarpelli alluded to, we have our new garbage
24 collection system in effect now. It's a new system.
25 As with any new system and any change, there's going to

1 be some growing pains. If you have any comments or
2 suggestions on how we can better improve it, we are
3 more than willing to listen and feel free to call the
4 Health Department, and thank you Commissioner Scarpelli
5 for assisting in the recycling of the old cans. It's
6 certainly a team effort.

7 We also recently announced we are continuing
8 our second year of the Hometown Hero banners. Any
9 veteran or family of a veteran who's interested in
10 showcasing your loved one who sacrificed -- you have
11 sacrificed with them -- they will be on display
12 throughout the town. And that's open to any Nutley
13 residents, any former Nutley residents who were Nutley
14 residents when they served, if you're a member of any
15 Nutley veteran organization. And, most people don't
16 know this, but going back prior to 1902, Nutley was
17 part of Belleville. So if you are a Spanish-American
18 war veteran or earlier and you're from Belleville, we
19 will honor you as well.

20 I think that's all the announcements I have
21 for this evening. So, without further ado, I'll turn
22 it back over to Commissioner Evans for ordinances on
23 second reading and public hearings.

24 COMMISSIONER EVANS: Thank you, Mayor.

25 Ordinance Number 3574. I'd like to do 3574

1 and 75 together because they relate to the same piece.
2 Both of these ordinances -- the first is a bond
3 ordinance adoption for \$9.8 million, and the second
4 ordinance addresses the authorization to actually
5 acquire property in Nutley. Before we have comments,
6 I'm going to share some thoughts about how this all
7 came about. So, Al, please bear with me for a moment.

8 COMMISSIONER PETRACCO: Listen, I'm glad
9 you're picking on the assemblypeople and not me for a
10 change, so thank you guys.

11 COMMISSIONER EVANS: Yeah. So, and I want --
12 before I start, I want to give a special shout-out. I
13 see Joe Battaglia sitting in the audience. Joe, thank
14 you for being here. Everything that we are talking
15 about tonight, you were instrumental in making sure
16 that it happened. And working with you has been a
17 pleasure, and I can't imagine anyone who has advocated
18 more for the school system to get this deal done than
19 you did, and making sure we addressed all of these
20 points. Your commitment and involvement was tireless:
21 Saturday, Sunday conversations, you know, during the
22 day conversations, the amount of time you gave up from
23 work to do that over the course of this last year is
24 very noteworthy. So, I wanted to say -- you know,
25 you're here, you know, so you deserve some recognition

1 for the work that you did.

2 Tonight, we are taking steps into the future
3 for the benefit of our children and our community. The
4 adoption of the ordinance for \$9.8 million, along with
5 the ordinance to authorize the acquisition of property
6 and ultimately the resolution that we'll read
7 authorizing the mayor to sign the purchase agreement,
8 actually creates a catalyst opportunity for the town
9 that we haven't had before. And, I think, if we didn't
10 take advantage of it, we wouldn't have it again. The
11 alternative to not taking a step forward would be
12 something that's completely unacceptable and that would
13 actually result in stagnation. We would not be able to
14 do the things that this purchase allows us to do in
15 cooperation with the school board. And thinking about
16 the principles that we all put in place that we've all
17 worked on under One Nutley to allow us to figure this
18 out, especially given all of the statutory rules that
19 prevent both the municipality and the school board from
20 easily working together. But, you know, where there's
21 a will, there's a way, and you've got to kind of
22 research and go find out what you can do with that.
23 And Justin, you've been helpful in helping us with that
24 as well.

25 So, by voting on this tonight and adopting

1 this, we're going to do a few things. We're going to
2 purchase a building at 777 Bloomfield Avenue along with
3 the adjacent parking lot. We're going to add 10 much
4 needed classrooms to the district, which will for now
5 be used for the expansion of the pre-K program which
6 will provide for an additional 90-100 students to
7 enroll in the program by September of '25. But it
8 doesn't stop there. By doing this, it'll enable the
9 reallocation of classroom space in the John Walker
10 Middle School which will ultimately enable the transfer
11 of these students to the middle school by September of
12 2026. So, in the next, roughly, 24 months, the school
13 district will actually leap forward in some things that
14 we've wanted to get done for a long time, one of which
15 has been turning the middle school into a true middle
16 school by having 6, 7, and 8 as part of that program
17 versus just 7 and 8 because of the academic benefits
18 that accrue by making that change in that model.

19 What we're doing also, it says, we don't have
20 to spend 80 -- \$70-\$80 million to do it. Right? We're
21 going to do it for about \$10 million in rounded
22 numbers, and not 80, which the Town itself has told us
23 repeatedly that a referendum for that kind of money is
24 unacceptable in this town because it's not affordable.
25 So we listened to that and working together as a team,

1 we worked through how we can make this thing work in a
2 fashion that works well.

3 We also get the Board offices relocated to a
4 permanent space, so they don't have to worry about
5 where they're going to be. We know where exactly
6 they're going to be. They're going to be on the 3rd
7 floor of this building for the foreseeable future.

8 Everybody, when you talk about this, it's all
9 great, the question is, "Well, how do you pay for it?
10 What's the impact on the taxpayers?" Well, the
11 important part about this is that starting in '26, the
12 school district will pay the municipality the
13 equivalent of \$220,000, which is about the amount of
14 the interest cost on the debt which will be part of our
15 debt service on the municipality's books. So, for the
16 amount of the debt service and using what we call bond
17 anticipation notes versus bonds, right, we'll be able
18 to roll the debt and therefore not incur an increase in
19 our budget on the municipal side, nor an increase on
20 the school side because the money that they we're
21 paying for the lease space on Franklin Avenue, we're
22 accepting that as the money that they would pay us
23 which, when you think about it, a 20,000 square foot
24 building, that comes to about \$11 a square foot. So
25 when you think about the economics associated with that

1 and the value, it's a tremendous new deal.

2 In addition to that, you know, in looking out
3 into the future, this note will stay on the municipal
4 books probably until sometime around 2031 through 2032.
5 Once the school board finishes paying off significant
6 debt on their books, and then it will be able to be
7 transferred from our books to their books. The value
8 of that, it says until that time, it's only going to
9 cost the school \$220,000 which isn't any more than what
10 they're paying now. They will be able to eliminate
11 that cost in their budget, operating budget in 2031
12 because this will become a capital program, and with
13 the pay off of the debt, their capital requirements
14 will be a lot less than what they are right now. So,
15 overall, it actually results in borrowing the future
16 what might be. It actually reduces the overall cost,
17 the operation of the school district -- which we all
18 know -- school districts, like municipalities, will
19 increase in cost. Well, this is actually creating an
20 opportunity that says, we're going to be meeting our
21 need for pre-K, we're going to advance the middle
22 school, and yet, we're going to actually look at in the
23 future what we create. This creates space to manage
24 the school district better, and then it will come off
25 of the municipality's books and go forward.

1 If we pay principle down between now and
2 2031, we will do that by utilizing a pilot funds that
3 were negotiated in 2018 on a building on the Hoffman-La
4 Roche site, right, which included -- when we did the
5 pilot agreement -- it included local taxation for the
6 schools. So we're going to use some of that money for
7 that paydown, right, as we go through this. So the
8 idea is the school doesn't pay any more, the
9 municipality doesn't pay anything, any paydown in debt
10 is actually coming from a commercial taxpayer. It will
11 not come from a residential taxpayer. So we're keeping
12 it out of the residential tax bill, which is another
13 aspect of this that makes it work.

14 But we're not finished because once you move
15 the 6th grade out, that actually opens up space at the
16 elementary level which then allows the school the
17 flexibility to figure out their trailers, but also to
18 expand the rest of the pre-K program and meet the
19 demands that we're -- that's in front of us. Pre-K
20 demand -- we're taking advantage of it because, again,
21 it's not local taxpayer dollars, it's all under state
22 grant. So the quicker we can move on that and secure
23 that grant fund, the safer we are because the state --
24 you never know when they're going to change a program,
25 so we should take that money as quickly as we can. So

1 when you think about it, we're not spending \$70-80
2 million, but we're getting all the benefits that we
3 were looking for if we were to do the referendum, and
4 we're doing that for roughly \$10 million, and we're not
5 taxing the local residential taxpayer any more than
6 what they are right now.

7 So, overall, I think it's very clear. I
8 think when you come to the end, and you think about
9 what we're doing, and, Carmen, you mentioned it
10 earlier; we're able to invest in our children's future
11 by providing more early development education; we're
12 making the middle school the three-year curricula
13 program a reality which is an intention that's been
14 part of the district for many, many years; and we're
15 doing that without burdening our residential taxpayers.
16 So, it took a lot of work, a lot of negotiation, but
17 it's the right thing to do.

18 So, with that, we can open it up.

19 MAYOR KELLY: Before we open it up,
20 Commissioner, \$10 million is -- or \$9.8 million is a
21 big price tag. What's going into that \$9.8 million
22 besides just the acquisition cost?

23 COMMISSIONER EVANS: Sure. So, when you
24 think about it, we're doing it as an installment
25 purchase agreement. So, we're not going to buy the

1 building tomorrow, we will buy the building once it's
2 fully renovated; however, we're advancing the costs to
3 do the renovations. But if you look at the base
4 acquisition, the parking lot on the corner with the
5 white rocks on it, that's valued at about \$600,000, and
6 the building is valued in the 2.2 range from our
7 appraisal. So we're doing -- we're actually buying the
8 asset -- the initial asset -- for about \$2.8 million.
9 That's the initial piece. The remaining amount, \$7
10 million, is what it's going to take to gut the building
11 and completely renovate it. It will be internally a
12 brand new building with brand new HVAC systems, and
13 we'll have an improved parking lot, there will be a
14 stop-and-go drop-off for the children, the outside
15 playground, all of those improvements that are
16 necessary in order to qualify for state grant funds for
17 the program, that's where that \$7 million go. So we
18 will purchase it once it's done.

19 We also looked at the fact that the seller
20 has the ability to do these renovations and do it much
21 quicker than if we were to do it through public
22 contracting law which we don't have to do. And the
23 reality is, while we still need to comply with
24 prevailing wage, they're actually moving faster, and
25 they can actually negotiate materials in a faster way

1 than we can. We're actually saving money. It was
2 estimated that we're saving on this whole thing if we
3 were to do it ourselves, we're picking up at least a
4 year, and we're saving about a million and a half to do
5 it this way. When you think about the \$9.8, that's
6 what we're getting for that.

7 MAYOR KELLY: So to put it in simple terms,
8 we're getting -- we're paying for the building, land,
9 and the finished product, and also time.

10 COMMISSIONER EVANS: Yeah.

11 MAYOR KELLY: But we're getting a discount --

12 COMMISSIONER EVANS: I don't do simple well.

13 MR. BRUNO: If I can -- just as
14 one point of clarity, I know there was a lot there --
15 it's an installment contract and the payments will be
16 made upon benchmarks being completed. We're not
17 actually financing the renovation. It will be work
18 that's completed and then payments that are made.

19 MAYOR KELLY: Excellent. So, I think we've
20 laid it all out. I think at this time, we will --
21 Mr. Bruno, do we need to open the public comments for
22 each one separately, or can we open them together.

23 MR. BRUNO: Open them separately.

24 MAYOR KELLY: Separately? All right. Anyone
25 wishing to be heard for -- on public comment for or

public hearing on Ordinance Number 3574. This is a
1 bond ordinance providing for acquisition of lands and
2 the buildings and structures thereon in and by the
3 Township of Nutley, in the County of Essex, New Jersey
4 appropriating \$9.8 million therefor and authorizing the
5 issuance of \$8 million in bonds or notes of the
6 Township for financing part of the cost thereof.

7 Anyone wishing to be heard on that piece of
8 the puzzle, please approach the microphone and state
9 your name for the record.

10 Seeing none.

11 COMMISSIONER EVANS: Move to close.

12 MADAM CLERK: Commissioner.

13 COMMISSIONER EVANS: Aye.

14 MADAM CLERK: Commissioner Tucci. Oh,

15 I'm

16 sorry. Sorry. Thank you. I'm sorry. Commissioner
17 Evans.

18 COMMISSIONER EVANS: Aye.

19 MADAM CLERK: Commissioner Tucci.

20 COMMISSIONER TUCCI: Abstain.

21 MADAM CLERK: Commissioner Scarpelli.

22 COMMISSIONER SCARPELLI: Aye.

23 MADAM CLERK: Commissioner Petracco.

24 COMMISSIONER PETRACCO: Aye.

25 MADAM CLERK: Mayor Kelly.

1 MAYOR KELLY: Aye.

2 And --

3 MADAM CLERK: We need to move the ordinance.

4 COMMISSIONER EVANS: Move the ordinance.

5 COMMISSIONER SCARPELLI: Second.

6 MADAM CLERK: Commissioner Evans.

7 COMMISSIONER EVANS: Aye.

8 MADAM CLERK: Commissioner Tucci.

9 COMMISSIONER TUCCI: Abstain.

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 Now the second piece, this is Ordinance
17 Number 3575, ordinance of the Board of Commissioners,
18 in the Township of Nutley, in the County of Essex
19 authorizing the acquisition of property identified as
20 Block 2304, Lots 18 and 17. I move to open the public
21 hearing.

22 COMMISSIONER EVANS: Move to close.

23 MADAM CLERK: Commissioner Evans.

24 MAYOR KELLY: I'll second.

25 COMMISSIONER EVANS: Do you want to comment?

1 UNIDENTIFIED: Yes.

2 COMMISSIONER EVANS: Do you want to comment
3 at all?

4 UNIDENTIFIED: No. (Indiscernible)

5 COMMISSIONER EVANS: Well, we're getting
6 there.

7 Aye.

8 MADAM CLERK: Commissioner Tucci.

9 COMMISSIONER TUCCI: Abstain.

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 Do you want to move it or --

17 COMMISSIONER EVANS: I'll move it.

18 COMMISSIONER PETRACCO: Second.

19 MADAM CLERK: Commissioner Evans.

20 COMMISSIONER EVANS: Aye.

21 MADAM CLERK: Commissioner Tucci.

22 COMMISSIONER TUCCI: Abstain.

23 MADAM CLERK: Commissioner Scarpelli.

24 COMMISSIONER SCARPELLI: Aye.

25 MADAM CLERK: Commissioner Petracco.

COMMISSIONER PETRACCO: Aye.

1 MADAM CLERK: Mayor Kelly.

2 MAYOR KELLY: Aye.

3 SALVATORE FERRARO:I would like to express
4 my heartfelt gratitude to the Board of Commissioners
5 for their collaboration and unwavering support in
6 addressing our district's space challenges. Over the
7 past two years, through sub-committees and a shared
8 service agreement under the theme of One Nutley, our
9 Boards have worked together to turn dialogue into
10 action resulting in much needed renovations at Nutley
11 High School and Radcliffe Elementary School and,
12 tonight, culminating with this transformative action
13 that you, this Board, has just taken.

14 Tonight's actions have advanced a forward-
15 thinking plan to purchase a building and lease it to
16 the district supporting state-funded pre-K expansion,
17 relocating the Board offices, and the transition of the
18 6th grade to the middle school, and adding additional
19 elementary classroom space. This approach lays the
20 foundation for a cohesive middle school model within
21 two years, fostering academics, social, and emotional
22 growth for our students while enhancing curriculum and
23 advanced learning opportunities.

24 This initiative has the full support and
25

1 collaboration of the Board of Education, its
2 administration, and our monitor reflecting its immense
3 value in our community and underscoring the power of
4 working together toward a shared goal. It also
5 demonstrates the incredible potential of two Boards
6 working in partnership to address challenges and create
7 opportunities for the betterment of our school district
8 and our community.

9 On behalf of the Nutley Board of Education, I
10 extend my sincere thanks to Commissioner Scarpelli for
11 his vision in forming the initial ad-hoc committee that
12 got our two Boards together during his tenure as Mayor.
13 To Commission Tucci and Commissioner Evans, who served
14 on that ad-hoc committee, for all of their hard work
15 and collaboration and the One Nutley initiative. I
16 also want to thank Mayor Kelly for continuing that sub-
17 committee's work with the addition of Commissioner
18 Petracco which culminated into this event tonight. And
19 this has truly been a complete team effort. And a
20 special thanks to Commissioner Evans and to former
21 Board of Ed Trustee Joe Battaglia for their extensive
22 work and dedication in bringing this vision to life.

23 Again, thank you for all your support,
24 collaboration, and commitment to Nutley's schools and
25 the future of our children. Thank you.

1 KENT BANIA: Good evening. I've prepared
2 something, but I'd like to speak a little bit from the
3 heart tonight. On behalf of the educational community,
4 our students, our teachers, our administrators, I'd
5 like to thank this Board of Commissioners. You changed
6 our schools today. Thank you. Thank you, Commissioner
7 Evans. Thank you, Joe Battaglia, for your work on
8 this. Thank you, our Board of Education, for
9 supporting this. This will trigger great change for
10 our district. Much needed change. Change we can
11 accomplish. Change we can do for our students. You
12 have an educational community that's excited to do
13 this. There's been a buzz around our school district.
14 Thank you for your work, and we look forward to the
15 next two years of making this happen. Thank you.

16 DR. D'ELIA: I did have, also, words
17 prepared, but I have to be honest with you, for the
18 sake of sounding redundant, I am coming up here now as
19 not only a Vice-President of the Board of Education,
20 but as a father and a community member to really just
21 take a moment to pause and really capture this moment
22 in this community. Our assemblypeople are here, our
23 Board of Commissioners, our Board of Education. This
24 is going to change the face of this school district for
25 generations to come, and I think that this moment is

1 something that we will all be proud of and talk about
2 for the rest of our lives, and hopefully get to pass on
3 to our children and our grandchildren as a moment of
4 inspiration of what a community can do when it comes
5 together. This is something that does not happen. I'm
6 an educator by trade and a Board of Ed member by
7 election, and I will tell you that this is unique, and
8 what we are doing here tonight, I hope, is a shining
9 example to other communities of what can be done when
10 you actually don't just talk about care, but
11 demonstrate care. Come together. Many, many hours of
12 time away from our families, away from our, sometimes -
13 - I don't want to say it too loud -- away from our
14 work, to make this happen. Countless hours. But one
15 thing that it's all about is Nutley. And when we had
16 said One Nutley years ago, we celebrated that One
17 Nutley and initiatives like this show that we are One
18 Nutley. I just want to sincerely thank you on behalf
19 of the community, as a father, as a member of the Board
20 of Education, as an educator, and a resident. So thank
21 you all, and this is a wonderful moment. I hope we all
22 hang around for some pictures, too. So, thank you.

23 MAYOR KELLY: Any other board members want to
24 come up and approach the microphone? Any of the
25 Commissioners have comments they would like to --

1 COMMISSIONER SCARPELLI: Yeah, Mayor. This
2 is gratifying when you see something that was
3 envisioned a couple of years ago come to fruition, and
4 great things happen. And when you put great minds of
5 the five people here and the nine people out there
6 together, you can have great things happen. So this is
7 great for our children, which is the most important
8 thing, and it accomplishes what was -- would have cost
9 a lot more money in a shorter amount of time which is,
10 you know, I think I said, when you get great minds
11 together, that's what can happen. And special thanks
12 to Commissioner Evans for getting through all the
13 mechanics to make this happen and to all the Board of
14 Education members. And congratulations to Mr. Ferraro
15 and Dr. D'Elia on your election, and great things are
16 yet to come for the Township of Nutley.

17 COMMISSIONER PETRACCO: Thank you, Mayor.
18 Yes. I would just like to say it's unbelievable that I
19 still have a kid in this school system at my age.
20 Unfortunately, he won't benefit from this, but my
21 children got great educations, my older kids and my
22 highschooler now is getting an education. We always
23 say in Nutley, the most important thing, our jewels, is
24 our children, and, you know, to make an investment and
25 to build a relationship with the Board of Education,

1 this heavy lift. And thank you to Commissioner Evans,
2 as well, for doing a lot of the legwork on this is, I
3 believe, is going to pay dividends. I also would be
4 remiss if I didn't thank my good friend Joe Battaglia
5 out there, and it's a privilege to have you here
6 tonight, Joe, and thank you for all your hard work and
7 everybody's hard work. And Tom Evans knows that I
8 always say you can't put a price on public safety, but
9 you can put a price on education, and I think this is a
10 big moment in Nutley and it's going to pay off
11 dividends. And not to mention, I always say, how the
12 schools go is how your town goes, too. The property
13 values, all that stuff, so. God bless my father. My
14 dad's still alive, he's 89 years old, and he sometimes
15 questions me a lot, but I even tell him it's a good
16 thing for him even though he doesn't have kids in the
17 school system. It's an investment that you'll be paid
18 dividends if you ever do sell your house. Thank you,
19 Mayor.

20 MAYOR KELLY: Thank you. Commissioner Evans,
21 do you have anything more you want to --

22 COMMISSIONER EVANS: I think I've said
23 enough.

24 COMMISSIONER TUCCI: At the risk of being
25 redundant, I think this is a monumental moment in the

1 history of this township. I think education is the
2 foundation for all of our children. You get one shot
3 at it. There are no do-overs in education. So, it's
4 our combined responsibility to do the best we can for
5 our children, give them the best education at a price
6 we can all afford, and I think this is the first step
7 in many more to come in the right direction.
8 Congratulations, everyone.

9 MAYOR KELLY: Thank you, and I would just
10 like to add that we as a Board of Commissioners have
11 had a lot of successes recently, and that's because we
12 work together to accomplish those goals. But those
13 successes are nothing compared to the success that
14 we've had tonight. And it's in part because the --
15 you've all had the planetary alignments. You have the
16 Board of Commissioners working with the Board of
17 Education working with our legislative team in the
18 state house and that never happens. To get everyone on
19 the same page with so many different opinions, and it's
20 all ultimately for the good of our children. And as
21 Assemblywoman Morales said, you know, the great
22 equalizer is education. I always say our most valuable
23 resource is our children. But, not only are our
24 children going to win, but as Commissioner Petracco
25 said, we're going to win as well because this is going

1 to increase our property values, it's going to increase
2 the value of our town, and it's going to continue to
3 drive people to want to come here, be here, and this is
4 continued to be a destination for people and life.
5 This is Nutley, and everyone is going to want to
6 continue to be here, live here, and grow old here.
7 Whether you're 0 or 99 or -- we have a couple
8 centenarians here -- this is the place to be and this
9 solidifies Nutley as the place to be. So I want to
10 congratulate all of us. I want to congratulate the
11 entire Board. A special shout-out to both
12 Joe Battaglia and Commissioner Evans for working hard
13 on this, and I want to thank our legislative team for
14 always being there to support us. So I think now is
15 the time for a photo op, so we can stop patting
16 ourselves on the back.

17 (Recording paused for photos)

18 COMMISSIONER EVANS: You can stay if you
19 want.

20 UNIDENTIFIED: (Indiscernible).

21 MAYOR KELLY: If there's a lot of traffic on
22 the way back to Belleville and Bloomfield.

23 ASSEMBLYWOMAN MORALES: Yes.

24 (Background talk)

25 MAYOR KELLY: All right.

1 UNIDENTIFIED: Aye.

2 MAYOR KELLY: I think we have one more
3 ordinance on for this evening, Commissioner Evans?

4 COMMISSIONER EVANS: Yes, Mayor.

5 Number 3576. This is administrative. The
6 Diamond Springs property was sold to a new owner, and
7 this transfers the pilot agreement, the financial
8 agreement, to the new owner which is moving it from
9 Diamond Springs Real Estate Investment Urban Renewal,
10 Inc to Soho Park Realty Urban Renewal, Inc.

11 MAYOR KELLY: I move to open the public
12 hearing.

13 COMMISSIONER EVANS: Move to close.

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.

25 COMMISSIONER EVANS: Move the ordinance.

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: Aye.

12 I think that's all we have for ordinances on
13 second reading this evening.

14 Moving on to resolutions, Commissioner Evans.

15 COMMISSIONER EVANS: Thank you, Mayor.

16 I have three resolutions.

17 The first one is I'm reading on behalf of the
18 Board of Education.

19 Whereas, the Board of Commissioners of the
20 Township have identified a need for additional office
21 and indoor space for public purposes. Whereas the
22 Board has identified certain property identified as
23 Block 2304, Lot 18 and 17 on the Township's official
24 Tax Map located at 777-789 Bloomfield Avenue and 413
25 Kingsland Street, respectively (collectively, the

1 "Property", as particularly suited for its needed
2 public purposes.

3 Whereas, the Township has negotiated an
4 Installment Purchase Agreement for the purchase of the
5 Property with 777 Nutley, LLC and 413 Nutley, LLC, as
6 owners of the Property, which provides, among other
7 things, that the owners of the Property shall renovate
8 the existing building on the Property, as well as the
9 parking lot and all the site plan improvements, to suit
10 the Township's needs according to plans and
11 specifications provided by the Township.

12 Whereas, the owner of the Property has agreed
13 to the terms and conditions of the Installment Purchase
14 Agreement, including the required building and property
15 renovation.

16 Whereas, the Board authorized the acquisition
17 of the Property by way of Ordinance 3575, passed on,
18 this evening, January 7, 2025.

19 Now, therefore, be it resolved by the Board
20 of Commissioners of the Township of Nutley, County of
21 Essex, New Jersey that the Mayor and Township clerk be
22 and are hereby authorized to execute and attest,
23 respectively, an Installment Purchase Agreement with
24 777 Nutley, LLC and 413 Nutley, LLC, in a form
25 acceptable to the Township attorney. So move.

1 MADAM CLERK: Any motion?

2 MAYOR KELLY: Second.

3 MADAM CLERK: Commissioner Evans.

4 COMMISSIONER EVANS: Aye.

5 MADAM CLERK: Commissioner Tucci.

6 COMMISSIONER TUCCI: Abstain.

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: I just want to clarify that
13 Commissioner Evans said that on behalf of the Board of
14 Commissioners, not the Board of Education.

15 COMMISSIONER EVANS: Did I say the Board of
16 Education?

17 MAYOR KELLY: Yes. Aye.

18 COMMISSIONER EVANS: Well, them too.

19 Thank you for the clarification there. I
20 think I did that before, didn't I? On the ordinance, I
21 did it, I think. I think.

22 My next resolution -- this is for municipal
23 tax appeal services.

24 Whereas the Township of Nutley has a need to
25 acquire the services of an Attorney as Municipal Tax

1 Counsel to provide legal services concerning "Municipal
2 Tax Appeals" in the Township of Nutley as a non-fair
3 and open contract pursuant to the provisions of
4 N.J.S.A. 19:44A-20.5; and

5 Whereas, the Tax Assessor has determined and
6 certified in writing that the value of the aggregate
7 services provided by the vendor for the year will
8 exceed \$17,500.

9 Whereas, Mr. Joseph McGlone, Esq., of the Law
10 Firm of O'Toole Scrivo, located at 14 Village Park
11 Road, Cedar Grove, New Jersey, 07009, has submitted a
12 fee schedule for providing such services, the total of
13 which will not exceed \$42,000.00.

14 Whereas, the anticipated term of the contract
15 is January 1, 2025 through December 31, 2025. The
16 \$42,000 is the same amount as last year. There hasn't
17 been a change.

18 Whereas, the Law Firm of O'Toole Scrivo has
19 completed and submitted the Business Entity Disclosure
20 Certification which certifies that they have not made
21 any reportable disqualifying contributions to a
22 political or candidate committee in the Township in the
23 previous one year, and that the contract will prohibit
24 them from making any reportable contributions through
25 the term of the contract; and

1 Whereas, funds are available in Account 5-01-
2 204-200 and will be certified by the chief financial
3 officer subject to the adoption of the 2025 budget.

4 The Board of Commissioners of the Township of
5 Nutley, County of Essex, State of New Jersey, that the
6 Mayor be and is hereby authorized to enter into a
7 contract with Joseph McGlone, Esq., of the Law Firm of
8 O'Toole Scrivo, as a Professional Service.

9 Be it further resolved that a copy of this
10 resolution, as well as the contract, shall be placed on
11 file with the clerk of the Township of Nutley; and a
12 notice, in accordance with the Public Contracts Laws of
13 New Jersey in the form attached hereto, shall be
14 published in The Nutley Sun. 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 last resolution is on
2 behalf of the Board of Commissioners which I'll read by
3 title is resolution of the Township Commissioners
4 authorizing the engagement of O'Toole Scrivo as counsel
5 for the Township of Nutley concerning legal matters
6 with respect to the ON3 Redevelopment Area. Funds are
7 available for this purpose in account 5-01-012-205
8 subject to the adoption of the 2025 municipal budget.
9 And a Certificate of Availability of Funds has been
10 filed by the chief financial officer in the Township in
11 accordance with the Local Budget Law, 40A:4-57.

12 Whereas, O'Toole Scrivo has completed and
13 submitted a Business Entity Disclosure Certification
14 which certifies that the Firm has not made any
15 disqualifying reportable contributions to a political
16 or candidate committee in the Township in the previous
17 one year that would violate N.J.S.A. 19:44A-20.5, or
18 the Township's Local Unit Pay to Play Ordinance adopted
19 by referendum, or any requirements, and that the
20 contract will bar O'Toole Scrivo from making any
21 reportable contributions through the term of the
22 contract;

23 Now, therefore be it resolved, by the Board
24 of Commissioners of the Township in accordance with the
25 Local Public Contracts Law, hereby authorizes the mayor

1 and municipal clerk to enter into a professional
2 services contract with the firm of O'Toole Scrivo at
3 hourly rate of \$295.00 not to exceed \$50,000.00 in the
4 aggregate.

5 Be it further resolved that the Business
6 Disclosure Entity Certification and Business Entity
7 Disclosure of Campaign Contributions shall be placed on
8 file with this resolution, and a copy of this
9 resolution shall be published as required by law within
10 ten (10) days of its passage. So move.

11 COMMISSIONER TUCCI: 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 EVANS: Mayor.

23 MAYOR KELLY: Thank you, Commissioner.

24 Commissioner Tucci.

25 COMMISSIONER TUCCI: Yes. Thank you, Mayor.

1 Be it resolved, by the Board of Commissioners
2 of the Township of Nutley, County of Essex, New Jersey
3 that in accordance with the provision R.S. 40A:4-58,
4 the following transfer of appropriations in the 2024
5 budget be and the same are hereby authorized and
6 approved; the Departments of Parks and Public Property
7 from Health Insurance, \$30,000 to Utilities, Electric
8 specifically, other expenses in a like amount. So
9 move.

10 COMMISSIONER EVANS: Second.

11 MADAM CLERK: Commissioner Evans.

12 COMMISSIONER EVANS: Aye.

13 MADAM CLERK: Commissioner Tucci.

14 COMMISSIONER TUCCI: Aye.

15 MADAM CLERK: Commissioner Scarpelli.

16 COMMISSIONER SCARPELLI: Aye.

17 MADAM CLERK: Commissioner Petracco.

18 COMMISSIONER PETRACCO: Aye.

19 MADAM CLERK: Mayor Kelly.

20 MAYOR KELLY: Aye.

21 COMMISSIONER TUCCI: That's all I have,
22 Mayor.

23 MAYOR KELLY: Thank you, Commissioner.

24 Commissioner Scarpelli, I see you have
25 nothing on for this evening. Is that correct?

1 COMMISSIONER SCARPELLI: That is correct,
2 Mayor.

3 MAYOR KELLY: Thank you.
4 Commissioner Petracco.

5 COMMISSIONER PETRACCO: You know what, Mayor?
6 I'm going to pull this resolution tonight. I just want
7 to get a little more clarification on that before I
8 read it. Thank you.

9 MAYOR KELLY: Sure. No problem. Moving on
10 to me. I have six on for this evening.

11 The first one is Resolution Number 03-25.
12 It's a raffle application from the Spring Garden PTO,
13 Raffle License Number 61-24, On-Premise Merchandise
14 Raffle for Thursday, February 27th, 2025.

15 Whereas, the application has been reviewed
16 and approved by the municipal clerk and the Police
17 Department.

18 Now, therefore, be it resolved by the Board
19 of Commissioners of the Township of Nutley, County of
20 Essex, State of New Jersey that the aforementioned
21 license is hereby approved, and the municipal clerk is
22 authorized to issue said license. So move.

23 COMMISSIONER PETRACCO: Second.

24 MADAM CLERK: Commissioner Evans.

25 COMMISSIONER EVANS: Aye.

1 MADAM CLERK: Commissioner Tucci.

2 COMMISSIONER TUCCI: Aye.

3 MADAM CLERK: Commissioner Scarpelli.

4 COMMISSIONER SCARPELLI: Aye.

5 MADAM CLERK: Commissioner Petracco.

6 COMMISSIONER PETRACCO: Aye.

7 MADAM CLERK: Mayor Kelly.

8 MAYOR KELLY: Aye.

9 And also on for this evening is Resolution
10 04-25. This is to recognize the month of January as
11 National Blood Donor Month.

12 Whereas, on December 31st, 1969, President
13 Richard Nixon proclaimed January 1970 as the first
14 National Blood Donor Month as requested by Senate Joint
15 Resolution 154, to pay tribute to voluntary blood
16 donors and encourage new donors to join.

17 Whereas, the demand for blood donations goes
18 beyond unexpected emergencies such as car accidents and
19 natural catastrophes. They are regularly needed to
20 treat patients facing disease like cancer,
21 cardiovascular disease, surgeries and organ and bone
22 marrow transplants.

23 Whereas, every 2 seconds someone in the U.S.
24 needs blood or platelets.

25 Whereas, approximately 29,000 units of red

1 blood cells and nearly 5,000 units of platelets and
2 6,500 units of plasma are needed daily in the U.S.

3 Whereas, an estimated 3 percent of all
4 Americans donate blood, with 20 percent of those
5 donations coming from donors under the age of 25.

6 Whereas, platelet donations are a very
7 important part of the donations process. Platelets are
8 assigned the important task of clotting blood to stop
9 bleeding and are vital for cancer patients as well as
10 those with blood disorders and undergoing open-heart
11 surgery and organ transplants.

12 Now, therefore, be it resolved that the Board
13 of Commissioners, in the Township of Nutley, County of
14 Essex, State of New Jersey, recognizes January 2025 as
15 National Blood Donor Month and urge all citizens in
16 Nutley to support efforts and activities that bring
17 awareness and education to blood donation during the
18 month of January, and throughout the entire year.

19 Be it further resolved that the many
20 residents are encouraged to make a life saving donation
21 during the annual blood drive in memory of Keith Jaret
22 on Monday, January 27th at the Nutley Department of
23 Public Affairs and Health between the hours of 3 p.m.
24 and 7 p.m. So move.

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 I read this next one, Resolution Number 0525,
12 on behalf of the entire Board of Commissioners.

13 Whereas, the late Reverend Dr. Martin Luther
14 King, Jr. was a leader of great courage and skill who
15 became known as a drum major of the American Civil
16 Rights Movement to enfranchise black citizens.

17 Whereas, Dr. King's life was tragically cut
18 short by an assassin's bullet in April of 1968 in
19 Memphis, Tennessee, while he was there to champion the
20 cause of underprivileged workers.

21 Whereas, due to the efforts of many dedicated
22 people who believe Dr. King deserves national
23 recognition, the third Monday in January is nationally
24 recognized as a day to remember Dr. King, his legacy,
25 and the causes for which he so gallantly fought and

1 died.

2 Whereas, Dr. King's life will always shine as
3 a light for those without hope and as an example to be
4 emulated by all who care about their fellow human
5 beings, regardless of race, religion, class or
6 nationality.

7 Now, therefore, be it resolved, that the
8 Board of Commissioners of the Township of Nutley,
9 County of Essex, State of New Jersey, recognizes and
10 celebrates Monday, January 20th, as Martin Luther King,
11 Jr. Day. So move.

12 COMMISIONER TUCCI: Second.

13 MADAM CLERK: Commissioner Evans.

14 COMMISSIONER EVANS: Aye.

15 MADAM CLERK: Commissioner Tucci.

16 COMMISSIONER TUCCI: Aye.

17 MADAM CLERK: Commissioner Scarpelli.

18 COMMISSIONER SCARPELLI: Aye.

19 MADAM CLERK: Commissioner Petracco.

20 COMMISSIONER PETRACCO: Aye.

21 MADAM CLERK: Mayor Kelly.

22 MAYOR KELLY: Aye.

23 This next one I have on for this evening is
24 Resolution 06-25.

25 Whereas, an application has been filed for a

1 person-to-person and place-to-place transfer of Plenary
2 Retail and Broad Package Privilege Consumption License
3 Number 0716-32-008-009, heretofore issued to Jim
4 Dandy's of Nutley, LLC T/A Jim Dandy's for premises
5 located at 561-563 Franklin Avenue, Nutley, New Jersey
6 07110.

7 Whereas, the submitted application form is
8 complete in all respects, and the transfer fees have
9 been paid, and the license has been properly renewed
10 for the current license term.

11 Whereas, the applicant is qualified to be
12 licensed according to all standards established by
13 Title 33 of the New Jersey Statutes and regulations
14 promulgated thereunder, as well as pertinent local
15 ordinances and conditions consistent with Title 33.

16 Whereas, the applicant has disclosed and the
17 issuing authority reviewed the source of all funds used
18 to purchase the license and the licensed business and
19 all additional financing obtained in connection with
20 the license business.

21 Now, therefore, be it resolved, that the
22 Board of Commissioners of the Township of Nutley, in
23 the County of Essex, State of New Jersey, does hereby
24 approve, effective January 7th, 2025, the transfer of
25 the aforesaid Plenary Retail Consumption License to

1 ShopRite Wines & Spirits of Nutley, LLC, from its
2 former location at 561-563 Franklin Avenue, Nutley, New
3 Jersey 07110, to 437 Franklin Avenue, Suite B, Nutley,
4 New Jersey 07110, and does hereby direct the municipal
5 clerk to endorse the license certificate to the new
6 ownership and new location as follows: "This license,
7 subject to all its terms and conditions and is hereby
8 transferred to ShopRite Wines & Spirits, LLC at the
9 location of 437 Franklin Avenue, Suite B, Nutley, New
10 Jersey 07110, effective January 7th, 2025." So move.

11 COMMISSIONER TUCCI: 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 The next one I have I have on for this
23 evening is Resolution Number 07-25.

24 Whereas, an application has been filed for a
25 place-to-place transfer of a Plenary Retail Consumption

1 License Number 0716-33-019-008, New Jersey, heretofore
2 issued to JON-GRU, LLC, T/A Jimmy's Bar, for premises
3 located at 692-696 Passaic Avenue, Nutley, New Jersey;
4 and

5 Whereas, the submitted application form is
6 complete in all respects, and the transfer fees have
7 been paid, and the license has been properly renewed
8 for the currently license term.

9 Now, therefore, be it resolved that the Board
10 of Commissioners of the Township of Nutley, in the
11 County of Essex, State of New Jersey, does hereby
12 approve, effective January 7th, 2025, the place-to-
13 place transfer of the aforesaid Plenary Retail
14 Consumption License from its former location at 692-696
15 Passaic Avenue, Nutley, New Jersey, to premises at 561-
16 563 Franklin Avenue, Nutley, New Jersey, and does
17 hereby direct the municipal clerk to endorse the
18 license certificate as follows: "This license, subject
19 to all of its terms and conditions, is hereby
20 transferred to the premises located at 561-563 Franklin
21 Avenue, Nutley New Jersey 07110, effective January 7th,
22 2025." So move.

23 COMMISSIONER TUCCI: Second.

24 MADAM CLERK: Commissioner Evans.

25 COMMISSIONER EVANS: Aye.

1 MADAM CLERK: Commissioner Tucci.

2 COMMISSIONER TUCCI: Aye.

3 MADAM CLERK: Commissioner Scarpelli.

4 COMMISSIONER SCARPELLI: Aye.

5 MADAM CLERK: Commissioner Petracco.

6 COMMISSIONER PETRACCO: Aye.

7 MADAM CLERK: Mayor Kelly.

8 MAYOR KELLY: Aye.

9 The last one I have on for this evening is
10 Resolution Number 10-25, and this is a resolution for
11 the order of professional services contract to Gaccione
12 & Pomaco for Outside Litigation Counsel to represent
13 the Township of Nutley in the matter of PB Nutclif v.
14 the Nutley Zoning Board, ESX-L-002816-23. Total not to
15 exceed \$15,000. The term is November 1st, 2024 through
16 November 30th, 2025. I'm just going to read the broad
17 brush strokes and the highlights.

18 Gaccione & Pomaco has submitted a 2024 fee
19 schedule to provide such services at an hourly rate of
20 \$215.00 for legal services by attorneys and an hourly
21 rate of \$100.00 for services by paralegal or law clerk.
22 The contract will not exceed \$15,000 for the period of
23 November 1st, 2024 through November 30th, 2025. And
24 the funds are available from Account Number 4-01-012-
25 205 and 5-01-012-205 which will be certified by the

1 chief financial officer, said certification being
2 subject to the adoption of the 2025 municipal budget.

3 Whereas, the Law Firm of Gaccione & Pomaco,
4 P.C. has completed and submitted a Business Entity
5 Disclosure Certification which certifies that they have
6 not made any reportable disqualifying contributions to
7 a political or candidate committee in the Township of
8 Nutley in the previous one year that would violate
9 N.J.S.A. 19:44A-20.5, or the Township's Local Unit Pay
10 to Play Ordinance or New Jersey Election Law
11 Enforcement Commission disclosure requirements.

12 Now, therefore, be it resolved that the Board
13 of Commissioners of the Township of Nutley, County of
14 Essex, State of New Jersey award a contract for special
15 development counsel as follows:

16 That the mayor and Township clerk are hereby
17 authorized and directed to execute and seal and deliver
18 a 2024/'25 contract for professional legal services
19 with Gaccione & Pomaco, P.C. pursuant to a non-fair and
20 non-open process in accordance with N.J.S.A. 19:44A-
21 20.5 for a term beginning November 1, 2024 through
22 November 30, 2025 for the stated hourly rates not to
23 exceed \$15,000.

24 A copy of this resolution, as well as the
25 contract and the Business Disclosure Entity

1 Certification and Business Entity Disclosure of
2 Campaign Contributions shall be placed on file with the
3 clerk.

4 A copy of this resolution shall be published
5 as required by law within 10 days of its passage. So
6 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 That's all I have on for this evening. At
19 this time, we will open the meeting to the public.
20 Anyone wishing to be heard on any item or any issue
21 facing the Township and wishes to address the Board of
22 Commissioners, please approach the microphone and state
23 your name for the record.

24 Seeing none, Mr. Bruno, do we have a need for
25 executive this evening?

1 MR. BRUNO: Mayor, briefly, we have seem to
2 go into closed session to discuss litigation
3 (indiscernible).

4 MAYOR KELLY: Thank you. I'll entertain a
5 motion for an executive --

6 COMMISSIONER TUCCI: Move it.

7 MADAM CLERK: Whereas, the Section 8 of the
8 Open Public Meeting Act, Chapter 231, Public Law 1975
9 permits the exclusion of the public for meeting in
10 certain circumstances; and

11 Whereas, the public bodies of the opinion
12 that such circumstances exist; and

13 Whereas, the Board of Commissioners, in the
14 Township of Nutley, in the County of Essex, in the
15 State of New Jersey desires to proceed to close
16 executive session; and

17 Now, therefore, be it resolved by the Board
18 of Commissioners, in the Township of Nutley, moving to
19 close executive session to discuss contract
20 negotiations and litigation.

21 Be it further resolved that at the time when
22 such discussion may be disclosed to the public shall be
23 when and such disclosure may be made without adversely
24 affecting the Township of Nutley pending and/or
25 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 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.

14 And we won't be entertaining any more
15 business this evening. Our next meeting is Tuesday,
16 January 21, 2025 at 7 p.m., and I'll entertain a motion
17 to adjourn.

18 COMMISSIONER TUCCI: Move it.

19 COMMISSIONER EVANS: Second.

20 MADAM CLERK: Commissioner Evans.

21 COMMISSIONER EVANS: Aye.

22 MADAM CLERK: Commissioner Tucci.

23 COMMISSIONER TUCCI: Aye.

24 MADAM CLERK: Commissioner Scarpelli.

25 COMMISSIONER SCARPELLI: Aye.

1 MADAM CLERK: Commissioner Petracco.

2 COMMISSIONER PETRACCO: Aye.

3 MADAM CLERK: Mayor Kelly.

4 MAYOR KELLY: Aye.

5 MADAM CLERK: The time is 8:06.

6 (End of recording)

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

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

20

21

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24 ALICIA JARRETT, AAERT NO. 428 DATE: January 23, 2025

25 ACCESS TRANSCRIPTS, LLC