

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

Transcript of Proceedings
February 4, 2025



66 W. Mt. Pleasant Avenue
Livingston, NJ 07039
T (973)992-7650 F (973)992-0666
www.rizmanrappaport.com
reporters@rizmanrappaport.com

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: FEBRUARY 4, 2025

9
10 BOARD OF COMMISSIONERS:

11 JOHN V. KELLY III, MAYOR

12 JOSEPH P. SCARPELLI, COMMISSIONER

13 THOMAS J. EVANS, COMMISSIONER

14 ALPHONSE PETRACCO, COMMISSIONER

15
16 Also Present:

17 JONATHAN BRUNO, TOWNSHIP ATTORNEY

1 (Recording begins)

2 MAYOR KELLY: Everyone, please stand for the
3 flag salute.

4 (Pledge of Allegiance)

5 MAYOR KELLY: Sunshine notice, Madam Clerk.

6 MADAM CLERK: Thank you, Mayor.

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

16 Commissioner Evans.

17 COMMISSIONER EVANS: Here.

18 MADAM CLERK: Commissioner Tucci is absent,
19 excused this evening.

20 Commissioner Scarpelli.

21 COMMISSIONER SCARPELLI: Here.

22 MADAM CLERK: Commissioner Petracco.

23 COMMISSIONER PETRACCO: Here.

24 MADAM CLERK: Mayor Kelly.

25 MAYOR KELLY: Present.

1 MADAM CLERK: All present, Mayor, except for
2 Commissioner Tucci, he's absent, excused this evening.

3 MAYOR KELLY: We have no minutes, no
4 executive session minutes.

5 Communications, Madam Clerk?

6 MADAM CLERK: Thank you, Mayor.

7 We have several this evening. I'm going to
8 go through the list and then we can vote in the ends.

9 The Nutley-Belleville Columbus Day Italian
10 Heritage Month Parade Committee has submitted a letter
11 requesting permission to hold raffles on Sunday,
12 March 23rd, 2025, at 44 Park Avenue.

13 The township also has received three event
14 applications as follows:

15 Nutley Irish Alliance 46th Annual St.
16 Patrick's Day Parade for Saturday, March 1st, 2025,
17 from 12 p.m. to 3 p.m. on Franklin Avenue.

18 Van Riper House is having a Lawn Party
19 Fundraiser on Saturday, April 26th, 2025, with a rain
20 date of Saturday, May 3rd, 2025, from 12 p.m. to 5 p.m.
21 at
22 491 River Road.

23 The Rotary Club of Nutley is hosting a car
24 show on Sunday, September 21st, 2025, from 9:30 a.m. to
6:30 p.m. with a rain date of Sunday, October 5th,

1 2025, and that will be located down Franklin Avenue
2 between Chestnut Street and Center Street.

3 The township has also received seven
4 applications for social affair and extension of
5 premises as follows:

6 Nutley Elks Retirement Dinner Dance,
7 Saturday, March 22nd, 2025, from 6 p.m. to 11:30.
8 Location is 242 Chestnut Street.

9 Nutley Irish American is celebrating their
10 St. Patrick's Day Parade celebration on Saturday, March
11 1st, 2025, from 2 p.m. to 7 p.m. at 44 Park Avenue.

12 Last Call Nutley Hudson Rose has requested an
13 extension of premises for St. Patrick's Day celebration
14 for Saturday, March 1st, 2025, from 1 p.m. to 3 p.m.
15 And their location is 238 Franklin Avenue.

16 Friends of Phoenix Center is hosting a casino
17 night fundraiser on Friday, May 2nd, 2025, from 6 p.m.
18 to 10 p.m. at 16 Monsignor Owens Place.

19 The Nutley Family Service Bureau is also
20 hosting casino night fundraiser on Thursday, March
21 13th, 2025 from 6 p.m. to 10 p.m. at 44 Park Avenue.

22 Luna Wood Fired Tavern has requested an
23 extension of premises for their St. Patrick's Day
24 celebration for Saturday, March 1st, 2025, from 10 a.m.
25 to 11 p.m. at 233 Franklin Avenue.

1 And the last one is the Van Riper House is
2 having their 4th Annual Lawn Party fundraiser on
3 Saturday, April 26th, 2025, from 12 p.m. to 5 p.m. at
4 491 River Road. I need a motion, please.

5 COMMISSIONER EVANS: Move it.

6 COMMISSIONER PETRACCO: Second.

7 MADAM CLERK: Commissioner Evans.

8 COMMISSIONER EVANS: Aye.

9 MADAM CLERK: Commissioner Scarpelli.

10 COMMISSIONER SCARPELLI: Aye.

11 MADAM CLERK: Commissioner Petracco.

12 COMMISSIONER PETRACCO: Aye.

13 MADAM CLERK: Commissioner [sic] Kelly.

14 MAYOR KELLY: Aye.

15 MADAM CLERK: And that's it for
16 communications, Mayor.

17 MAYOR KELLY: Reports, Commissioner
18 Scarpelli.

19 COMMISSIONER SCARPELLI: I have various
20 reports October through December, Mayor.

21 MAYOR KELLY: Thank you. And I see that
22 Commissioner Tucci has submitted his shade tree report
23 for the month of January 2025.

24 Bill's Madam Clerk.

25 MADAM CLERK: Yes, Mayor. Thank you. We

1 have the bill list for February 4th, 2025.

2 Public Affairs, \$117,373.30. Revenue and
3 Finance, \$7,850,501.63. Public Safety, \$101,179.30.
4 Public Works, \$43,207.41. Parks and Public Property,
5 \$1,021,114.92. Water Utility, \$115,807.75. Payroll as
6 of -- for January 17th, 2025, regular payroll total,
7 \$984,047.22. Overtime payroll total, \$52,780.02.
8 Total payroll, \$1,036,827.24. Payroll for January 31,
9 2025. Overtime payroll total, \$93,218.18. Total
10 payroll, \$1,186,330.09, for a grand total of
11 \$11,472,341.64.

12 COMMISSIONER EVANS: Move the bills.

13 COMMISSIONER SCARPELLI: Second.

14 MADAM CLERK: Commissioner Evans.

15 COMMISSIONER EVANS: 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 MADAM CLERK: And that's it for bills, Mayor.

23 MAYOR KELLY: At this time, we'll have public
24 comment on agenda items only. This is public comment
25 on agenda items only. If you wish to be heard on

1 agenda items only, please approach the microphone and
2 state your name for the record. Seeing none, we'll
3 move into board of commissioner announcements.

4 Commissioner Evans?

5 COMMISSIONER EVANS: I don't particularly
6 have an announcement for anything, but, you know, it's
7 been on my mind, and I'm sure you would raise it. The
8 airplane helicopter crash that occurred in Washington.
9 You think about, you know, all of the war stuff going
10 on in Ukraine, a number of people have lost their lives
11 there. Gaza, the people that lost their lives there,
12 the things that are going on around us. I just like to
13 collect all that together and maybe have a moment of
14 silence for all of that. I also want to include Rose
15 Cocco, who almost 100 years old, she passed away
16 yesterday evening.

17 COMMISSIONER PETRACCO: Sorry to hear that.

18 COMMISSIONER EVANS: So -- and so just all of
19 that was on my mind. And so if we can do that as a
20 board. Mayor, if you want to do that when you speak,
21 that's fine with me, but I think it's something we
22 should do.

23 MAYOR KELLY: We can do that right now.
24 Let's have a moment of silence for all of those who

1 lost their lives in the deadly plane crashes over the
2 course of the last week and for Rose Cocco.

3 Did you have anything else, Commissioner?

4 COMMISSIONER EVANS: That's it. Thank you.

5 MAYOR KELLY: Commissioner Scarpelli?

6 COMMISSIONER SCARPELLI: Mayor, we have a
7 electronics recycling this Saturday, February 8th from
8 9 to 1, entering from Parking Lot 9 next to Cicollini's
9 into Parking Lot 7. So everybody that's buying their
10 big screen TV for the Super Bowl and they want to get
11 rid of their old TV, they can bring it on Saturday.

12 That's all I have, Mayor.

13 MAYOR KELLY: Thank you. Commissioner
14 Petracco?

15 COMMISSIONER PETRACCO: I just want to -- did
16 you say you're buying us TVs?

17 COMMISSIONER SCARPELLI: I didn't say
18 anything about buying.

19 COMMISSIONER PETRACCO: I just wanted to make
20 sure. Just disposal.

21 So on a little heavier note, we have noticed
22 through the Nutley Police Department a little tick up
23 with these break-ins again and car burglaries. I saw a
24 very disturbing video this morning from a dear friend
25 of mine's house. That is how brazen they are with

1 lights -- security lights going on as they're trying to
2 pry open the doors with them on.

3 So just be on alert. I've been saying it to
4 all my friends. I happen to have three dogs at home.
5 Seems like the trend is if you have a dog that barks,
6 they go on to another house. So maybe saving a dog
7 from a shelter would be a good thing. The bail reform
8 is still the problem.

9 I like to say that Governor Murphy --
10 although I don't think he has done enough with the bail
11 reform because we keep locking these, mostly, juveniles
12 up. Because, of course, the adults send them to all
13 our surrounding towns and our town including. And, you
14 know, it seems like in the afternoon they're out of
15 jail. But he has made some steps forward with a little
16 harsher crimes. But until there's a punishment for the
17 crime, we're going to see this. So our police
18 department is doing everything they can to prevent it.

19 But I ask the residents to help themselves.
20 Don't leave your car running, warming it up in this
21 weather. I can't tell you how many cars got stolen
22 doing that. And even your keys, if you could not put
23 them in the kitchen where most of us all put our keys
24 in the kitchen, and you could maybe put them somewhere

1 in the house. You know, this way they'll get deterred
2 from Nutley.

3 But I just want to give our Nutley Police
4 Department a shout out because last night we did
5 apprehend one of the three suspects. Of course, it was
6 a juvenile. Not much we could do. But the guys are on
7 it. It's a full-time job for them. It is discouraging
8 when most of the police officers stay past their time
9 to finish all the reports, and the criminal is out
10 before their shift is over. So if anybody wants to
11 write to our legislators, it's something that really
12 needs to be done because it's getting old in this town
13 and all towns. Thank you, Mayor.

14 MAYOR KELLY: Thank you.

15 And I have one announcement on for this
16 evening. February is Heart Health Month. And in honor
17 of Heart Health Month, this Saturday, February 8th,
18 we'll be doing our annual stretching and yoga at the
19 health department, followed by a brisk walk through our
20 parks. And then in the afternoon, the Jersey Axe House
21 on East Center Street is hosting us. And we're going
22 to have a two-hour axe throwing session. So anyone who
23 wants to come out, no registration required, show up to
24 either event, either Saturday at 9 a.m. or axe throwing
25 at 2 p.m. And come out, get that heart rate up and

1 pumping and do something good for your heart. Pay that
2 -- the rent to live in your own body.

3 We're going to go a little bit out of order
4 this evening. The first resolution that I'm going to
5 read this evening is in honor of the Four Chaplains
6 Day. For those of you who don't know, Four Chaplains
7 Days is commemorated to honor four chaplains of diverse
8 faith who on their way to Europe when it was -- their
9 transport ship was struck by a German U-boat and
10 immediately panic set in. And these four chaplains,
11 though they came from different backgrounds, were
12 united together and created a calming presence on the
13 sinking ship. And it led to many lives being saved.
14 And it came to the point where they actually took off
15 their life jackets to give it to soldiers. And so the
16 United States recognizes the diversity of the faith
17 that that was a calming presence on that day.

18 And we have several pastors and rabbis here
19 in honor of Four Chaplains Day. And I think they will
20 all say a prayer this evening. But I wanted to read
21 the resolution first.

22 Whereas, on February 3rd, 1943, at
23 12:55 a.m., German submarine U-223 torpedoed the
24 Dorchester off the coast of Newfoundland. This blow
25 knocked out the ship's electrical system. As darkness

1 set in, so did panic as many men were trapped below
2 decks. In the midst of the chaos, four chaplains
3 worked together to try and instill calm and also help
4 as many men as they could. This cooperation was deemed
5 extraordinary at the time due to the four being from
6 such different backgrounds and beliefs;

7 Whereas, the men who came to be known as the
8 Four Chaplains were Methodist minister, the Reverend
9 George L. Fox, Reformed Church in America minister,
10 Reverend Clark V. Poling, Reformed Rabbi Alexander D.
11 Good, Ph.D., and Roman Catholic priest, Father John P.
12 Washington, whose parish was actually right here in
13 Kearny, New Jersey. The four men had met while
14 attending Chaplain School at Harvard in preparation for
15 each of their appointments as chaplains; and

16 Whereas, there are numerous eye-witness
17 accounts of the four chaplains' heroism. When the
18 supply of life jackets ran out before each man had one,
19 the chaplains removed their own life jackets and gave
20 them to others. The chaplains also helped as many as
21 they could get into lifeboats;

22 Whereas, in 1988, Congress established
23 February 3rd as the annual "Four Chaplains Day." Not
24 only for the remarkable heroism of these four

1 chaplains, but for the example of unity through
2 diversity for the greater good;

3 And therefore, it be resolved that the Board
4 of Commissioners in the Township of Nutley County,
5 County of Essex, State of New Jersey, recognizes and
6 celebrates February 3rd, 2025, as the 35th annual
7 observation of Four Chaplains Day. So moved.

8 COMMISSIONER PETRACCO: Second.

9 MADAM CLERK: Commissioner Evans.

10 COMMISSIONER EVANS: 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: Aye.

17 And we have here with us this evening
18 representatives of the various faiths. And I'd like to
19 first call up Alise Roskoski (phonetic) on behalf of
20 Reverend Katz at Temple Ner Tamid.

21 MS. ROSKOSKI: Hi, thank you. I'm a resident
22 here in Nutley, and I'm here on behalf of Rabbi Marc
23 Katz. He gave me a few words to read.

24 Thank you so much, Daniel Jacoby and Mayor
25 Kelly, for passing this resolution. In addition to the

1 bravery of these four chaplains, I am inspired by their
2 partnership. In this climate it's too easy for
3 religious groups to feel and function like an island.
4 But that can't be further from the truth.

5 There's a rabbinic folk tale about a group of
6 people in a boat. And once they get into deep water, a
7 person begins boring a hole in their boat. Everyone
8 tells him to stop, but he rebuffs them, saying, I'm
9 only making a hole under my own seat. As the story
10 progresses, it becomes the obligation of the rest of
11 the boat's inhabitants to prove to him that even so, a
12 hole anywhere in the boat will cause everyone to sink.

13 Each group in our country has our own
14 problems, concerns and fears. But we sink or float on
15 the merit of each of us. And if one of us takes on
16 water, we all do. This resolution shows what it means
17 for the town of Nutley to get that each of our fates
18 are tied together. We may worship different Gods and
19 practice our fates differently. But fundamentally, we
20 rely on one another for the bond of mutuality. We
21 stand in the footsteps of those brave chaplains in
22 whose memory we together join hands to change the world
23 for better. Thank you.

24 MAYOR KELLY: Thank you.

1 I'd like to call Father Asa Coulson from
2 Grace Church.

3 MR. COULSON: Good evening. I just have a
4 prayer I'd like to offer from our book in the Episcopal
5 Church, Holy Women, Holy Men: Celebrating the Saints.
6 February 3rd is the day we honor these men in our
7 church calendar as well.

8 If you would pray with me.

9 Holy God, you inspired the Dorchester
10 chaplains to be models of steadfast, sacrificial love
11 in a tragic and terrifying time. Help us to follow
12 their example, that their courageous ministry may
13 inspire chaplains and all who serve to recognize your
14 presence in the midst of peril. Through our Savior,
15 Jesus Christ, who lives and reigns with you and the
16 Holy Spirit, one God forever and ever. Amen.

17 MAYOR KELLY: Thank you.

18 And from the Episcopal diocese, I'd like to
19 call up Reverend Audrey Hasselbrook.

20 MS. HASSELBROOK: I will keep it simple and
21 simply say, may it be so.

22 MAYOR KELLY: Thank you. And, you know, now
23 more than ever, there's everyone with differing
24 viewpoints, you know, but only together and through
25 unity will we become stronger and become not only a

1 better community, better town, better state. And so
2 there's a lot to be said about unity, despite our
3 differences. And these four chaplain definitely
4 embodied that.

5 And so I want to thank the fellow members of
6 the clergy who came and to support this resolution and
7 honor these four individuals for their heroism in the
8 face of extreme adversity. So thank you.

9 I'd also like to jump ahead to -- we have a
10 liquor license transfer.

11 Whereas, an application has been filed for a
12 person-to-person and place-to-place transfer of Plenary
13 Retail Consumption License No. 0716-33-015-004,
14 heretofore issued to JAYIZZY 1081, LLC for an inactive
15 license for the mailing address of 21 Campbell Avenue,
16 Belleville, New Jersey 07109; and

17 Whereas, the submitted application form is
18 complete in all respects, the transfer fees have been
19 paid, and the license has been properly renewed for the
20 current license term;

21 Whereas, the applicant is qualified to be
22 licensed according to all standards established by
23 Title 33, New Jersey Statutes, regulations promulgated
24 thereunder, as well as pertinent local ordinances and
25 conditions consistent with Title 33;

1 Whereas, the applicant has disclosed the
2 issuing authority, reviewed all the source of all funds
3 used to purchase of the license in the license
4 business, and all additional financing obtained in
5 connection with the license business;

6 Now, therefore, be resolved, that the Board
7 of Commissioners of Township of Nutley, in the County
8 of Essex, State of New Jersey does hereby approve,
9 effective February 4th, 2025, the transfer of the
10 aforesaid Plenary Retail Consumption License to
11 AROMADECAFE2024, LLC, from "pocket" status to the
12 premises located at 227 Franklin Avenue, New Jersey,
13 07110, and does hereby direct the Municipal Clerk to
14 endorse the license certificate to the new ownership
15 and new location as follows: "This license, subject to
16 all terms and conditions, is hereby transferred to
17 AROMADECAFE, LLC at location 227 Franklin Avenue,
18 Nutley, New Jersey, 07110, effective February 4th,
19 2025. So moved.

20 COMMISSIONER PETRACCO: Second.

21 MADAM CLERK: Commissioner Evans.

22 COMMISSIONER EVANS: Aye.

23 MADAM CLERK: Commissioner Scarpelli.

24 COMMISSIONER SCARPELLI: Aye.

25 MADAM CLERK: Commissioner Petracco.

1 COMMISSIONER PETRACCO: Aye.

2 MADAM CLERK: Mayor Kelly.

3 MAYOR KELLY: Aye.

4 And we do have a need to jump into executive
5 session briefly before we continue the rest of the
6 meeting.

7 Is that correct, Mr. Bruno?

8 MR. BRUNO: It's there to discuss contract
9 negotiations.

10 MAYOR KELLY: I entertain a motion to go into
11 executive --

12 COMMISSIONER PETRACCO: Second.

13 MADAM CLERK: Whereas, Section 8 of the Open
14 Public Meeting Act, Chapter 231, Public Law 1975,
15 permits the exclusion of public from meeting in certain
16 circumstances; and

17 Whereas, the public body is of the opinion
18 that such circumstances exist; and

19 Whereas, the Board of Commissioners of the
20 Township of Nutley, in the County of Essex and, State
21 of New Jersey, desires to proceed to closed executive
22 session.

23 And now, therefore, be it resolved by the
24 Board of Commissioners in the Township of Nutley move

1 into close executive session to discuss contract
2 negotiations.

3 Be it further resolved that the time when
4 such discussions may be disclosed to the public shall
5 be when and as such disclosures may be made without
6 adversely affecting the Township of Nutley pending
7 and/or anticipated legal, personnel, contractual
8 matters and other matters within the exceptions
9 provided for by statute. This resolution shall take
10 effect immediately.

11 Commissioner Evans.

12 COMMISSIONER EVANS: 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.

19 MADAM CLERK: The time is 7:30.

20 (Closed Executive Session)

21 MAYOR KELLY: All right. We're back on the
22 record. It's 8: --

23 MADAM CLERK: Twelve.

24 MAYOR KELLY: -- 12. Sorry for the delay,
25 everyone.

1 We're moving into ordinances, and I'll read
2 Ordinance Number 3578. This is on behalf of the entire
3 Board of Commissioners. And this is an ordinance of
4 the Board of Commissioners of the Township of Nutley,
5 in the County of Essex governing residential and non-
6 residential developments. And this is to amend the
7 Section 285 of our Town Code. And it's going to be
8 amended as written. This is about nine pages, and it
9 will be in the publication.

10 I move that this ordinance be passed to a
11 second reading and that it be advertised in The Nutley
12 Sun together with notice required by law. And that
13 further consideration of said ordinance for final
14 passage by the Board of Commissioners be held at its
15 second reading on March 4th, 2025. I move the
16 ordinance.

17 COMMISSIONER SCARPELLI: Second.

18 MADAM CLERK: Commissioner Evans.

19 COMMISSIONER EVANS: 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 And we are going to table Ordinance Number
2 3577 this evening. We have no ordinances on for a
3 second reading.

4 So moving to resolutions, Commissioner Evans.

5 COMMISSIONER EVANS: Thank you.

6 Be resolved by the Board of Commissioners of
7 the Township of Nutley, County of Essex, New Jersey
8 that in accordance with the provisions of R.S.40A:4-58,
9 following transfers of appropriations in the '24
10 Budget, being in the same are hereby authorized and
11 approved from Unemployment Compensation O/E \$214,000 to
12 Economic Redevelopment O/E \$214,000. So move.

13 COMMISSIONER PETRACCO: Second.

14 MADAM CLERK: Commissioner Evans.

15 COMMISSIONER EVANS: 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: Be resolved by the Board
23 of Commissioners, of the County of Essex, State of New
24 Jersey, that the Treasurer is hereby authorized to
25 refund overpayments of tax charges for \$5,019.35 for

1 the lots and blocks listed in the resolution. So move.

2 COMMISSIONER PETRACCO: Second.

3 MADAM CLERK: Commissioner Evans.

4 COMMISSIONER EVANS: 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 COMMISSIONER EVANS: My next resolution is a
12 change order for the firm of Inglesino & Taylor.

13 Whereas, more fully addressed in resolution
14 264-23, the Township has entered into a professional
15 service agreement with Inglesino, Webster -- Inglesino
16 -- now Inglesino & Taylor, LLC as counsel for the
17 Township regarding affordable housing requirements;

18 Whereas, Change Order 1 is needed in an
19 amount of \$15,000 to continue these legal services for
20 the remainder of '24;

21 Whereas, the funds are available in the COAH
22 Trust Account T-26-909-902 in the amount of \$15,000 and
23 has been certified by the Chief Financial Officer, said
24 certification being attached to this resolution; and

25 Now, therefore, be it resolved by the Board

1 of Commissioners of the Township of Nutley, County of
2 Essex, State of New Jersey, that Change Order No. 1 is
3 hereby authorized and approved in the amount of
4 \$15,000.

5 Be it further resolved that a copy of this
6 Resolution shall be placed on file with the Clerk of
7 the Township of Nutley; and a notice in accordance with
8 Local Public Contract Law of New Jersey in the form
9 that's attached hereto shall be published in The Nutley
10 Sun. So moved.

11 COMMISSIONER PETRACCO: Second.

12 MADAM CLERK: Commissioner Evans.

13 COMMISSIONER EVANS: 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: My next resolution is
21 for a similar change order for Inglesino Taylor.
22 This is in the amount of \$53,000 and this relates to
23 compliance procedure and general issues primarily
24 related to affordable housing. Actually, a COAH-OPRA
25 request, I'm sorry. The change order is for the amount

1 of \$53,000. The funds are available in account 4-01-
2 10, excuse me, 01-2205 and has been certified by the
3 Chief Financial Officer; and

4 Now, therefore be it resolved by the Board of
5 Commissioners of the Township of Nutley. The Change
6 Order No. 1 is hereby authorized and approved in the
7 amount of \$53,000.

8 Be it further resolved a copy of this
9 resolution be placed on file with the Clerk of the
10 Township; and a notice in accordance with the Public
11 Contracts Law of New Jersey in the form attached here
12 shall be published in The Nutley Sun. So moved.

13 COMMISSIONER PETRACCO: Second.

14 MADAM CLERK: Commissioner Evans.

15 COMMISSIONER EVANS: 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: Whereas, PB Nutclif
23 Master pursued a first appeal against the Township of
24 Nutley before the County -- Essex County Board of
25 Construction, Board of Appeals alleging that certain

1 invoices were improperly charged against the PB Nutclif
2 escrow accounts, which by order of the board adopted on
3 March 22nd, 2022, resulted in the Board affirming PB
4 Nutclif's appeal in the amount of \$127,608.31.

5 On November 16th, 2021, PB Nutclif pursued a
6 separate and second appeal against the Township before
7 the Board alleging that invoices were improperly
8 charged against PB's escrow accounts totaling
9 \$52,418.81 in addition to those that were part of the
10 First Appeal.

11 The Township accepted the decision of the
12 Board in favor of Nutclif in the First Appeal less the
13 disputed sum of \$60,000 -- \$60,865.15 and has
14 acknowledged the Second Appeal;

15 Whereas, the Township and PB Nutclif have
16 engaged in settlement discussions regarding the First
17 Appeal and the Second Appeal which discussions have
18 resulted in a Stipulation resolving the difference
19 between and them providing for a total escrow refund
20 for both the First and Second Appeal in the amount of
21 \$119,161.97;

22 Whereas, pursuant to the Stipulation, the
23 Township has agreed to: (i) terminate the Escrow
24 Agreements for Phase IIB and III, and close the current
25 escrow accounts for PB Nutclif relating to Phase IIA,

1 Phase IIB, and Phase III; (ii) is issue vouchers to PB
2 Nutclif refunding the sums which are subject to the
3 First Appeal (less than the Disputed Sum) and the
4 Second Appeal in the total amount of \$119,161.97 to PB
5 Nutclif, which payment shall be issued from account 4-
6 01-226-205;

7 Now, therefore, be it resolved by the Board
8 of Commissioners of the Township of Nutley County the
9 Mayor and the Township Clerk are hereby authorized to
10 execute and attest, respectively, a Stipulation with PB
11 Nutclif Master, pursuant to the aforesaid conditions in
12 a form acceptable to the Township Attorney; and

13 Be it further resolved that the Chief
14 Financial Officer is hereby authorized to issue refunds
15 as set forth hereinabove. So moved.

16 COMMISSIONER PETRACCO: Second.

17 MADAM CLERK: Commissioner Evans.

18 COMMISSIONER EVANS: Aye.

19 MADAM CLERK: Commissioner Scarpelli.

20 COMMISSIONER SCARPELLI: Aye.

21 MADAM CLERK: Commissioner Petracco.

22 COMMISSIONER PETRACCO: Aye.

23 MADAM CLERK: Commissioner Kelly.

24 MAYOR KELLY: Aye.

25 MADAM CLERK: Mayor Kelly. I'm sorry.

1 COMMISSIONER EVANS: That's all I have.

2 MAYOR KELLY: Thank you, Commissioner.

3 Commissioner Scarpelli, would you mind doing
4 yours and Commissioner Tucci's?

5 COMMISSIONER SCARPELLI: No problem, Mayor.

6 Whereas, the Department of Parks and Public
7 Property determined due to unforeseen circumstances
8 families had to cancel participation in programs
9 offered;

10 Whereas, the Department of Parks and Public
11 Property has determined the need to refund families;

12 Now, therefore, be it resolved by the Board
13 of Commissioners, Township of Nutley, County of Essex,
14 State of New Jersey, that the Treasurer is hereby
15 authorized to refund payments for recreation programs
16 in the amounts listed below. 70 Kenzel Avenue, Rise
17 and Shine program, \$160 for the year 2025 and move to
18 resolute.

19 COMMISSIONER PETRACCO: Second.

20 MADAM CLERK: Commissioner Evans.

21 COMMISSIONER EVANS: 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 SCARPELLI: Whereas, the
4 Township of Nutley has a need to acquire specialized
5 professional services in a non-fair and open contract
6 pursuant to provisions of N.J.S.A. 19:44A-20.5; and

7 Whereas, the Township of Nutley through the
8 Department of Parks and Recreation has a need to
9 acquire specialized professional services for one
10 Kennedy Drives Conceptual Design through Construction
11 Administration for the Public Open Space fronting
12 Chestnut Street; and

13 Whereas, the anticipated term of the contract
14 is 12 months from August 2nd, 2024, through August 1st,
15 2025;

16 Whereas, DMR Architects, 777 Terrace Avenue,
17 Hasbrouck Heights, New Jersey has submitted a proposal
18 indicating they will provide such services for the sum
19 not to exceed \$10,000; and

20 Whereas, DMR Architects has completed and
21 submitted a Business Entity Disclosure Certification
22 which certifies that the said corporation has not made
23 any reportable contributions to a political or
24 candidate committee in the township of Nutley in the
25 previous one year, and that the contract will prohibit

1 DMR Architects from making any reportable contributions
2 through the term of the contract; and

3 Whereas, funds are available from account 5-
4 01-502-299 in the amount of \$10,000, and have been
5 certified by the Chief Financial Officer, said
6 certification being attached to this resolution;

7 Now, therefore, be it further resolved that
8 the Board of Commissioners, Township of Nutley, County
9 of Essex, State of New Jersey, enter into contact [sic]
10 with DMR Architects as described herein; and

11 Be it further resolved that the Business
12 Disclosure Entity Certification and the Determination
13 of Value be placed on file with this resolution.

14 Be it further resolved that a notice of this
15 action shall be printed once in The Nutley Sun in
16 accordance with the Local Public Contracts Law. I move
17 the resolution.

18 COMMISSIONER PETRACCO: Second.

19 MADAM CLERK: Commissioner Evans.

20 COMMISSIONER EVANS: Aye.

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 COMMISSIONER SCARPELLI: That was
3 Commissioner Tucci's, this is my one resolution.

4 Whereas, the Mandatory Source Separation
5 Recycling Act, Public Law 1987, Chapter 102, has
6 established a recycling fund for which tonnage grants
7 may be made to municipalities in order to encourage
8 local source separation and recycling programs; and

9 Whereas, it is the intent in the spirit of
10 the Mandatory Source Separation Recycling Act to use
11 the tonnage grants to develop new municipal recycling
12 programs and to continue and to expand existing
13 programs; and

14 Whereas, such a resolution should designate
15 the individual authorized to ensure that the
16 application is properly completed and timely filed.

17 Now, therefore, be it resolved, that the
18 Board of Commissioners, Township of Nutley County,
19 County of Essex, State of New Jersey, hereby endorses
20 the submission of the 2024 Municipal Recycling Tonnage
21 Grant Applications in the New Jersey Department of
22 Environmental Protection and designates Sal Ferraro,
23 Recycling Coordinator Township of Nutley to ensure the
24 application is properly filed. Move the resolution.

25 COMMISSIONER PETRACCO: Second.

1 MADAM CLERK: Commissioner Evans.

2 COMMISSIONER EVANS: 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 COMMISSIONER SCARPELLI: That's all I have,
10 Mayor.

11 MAYOR KELLY: Thank you. In addition to the
12 two I already read; I have two on for this evening.
13 Resolution Number 39-25.

14 Whereas, license applications have been
15 received from the following organizations:
16 Nutley Rotary Club, On-Premise Tricky Tray, Saturday,
17 April 5th, 2025. Nutley Rotary Club, On-Premise 50/50
18 Cash Raffle, Saturday, April 5th, 2025. Nutley Irish
19 American Alliance, On-Premise 50/50 Cash Raffle,
20 Sunday, March 1st, 2025. Nutley-Belleville Columbus
21 Day Italian Heritage Month Parade Committee,
22 Incorporated, On-Premise Merchandise Raffle, Sunday,
23 March 23rd, 2025. Nutley-Belleville Columbus Day and
24 Italian American Parade Committee, Incorporated, On-
25 Premise 50/50 Cash Raffle, Sunday, March 23rd, 2025.

1 John H. Walker Middle School PTO, On-Premise 50/50 Cash
2 Raffle, Saturday, March 29th, 2025.

3 Whereas, the applications have been reviewed
4 and approved by the Municipal Clerk and Police
5 Department;

6 Now, therefore, be it resolved by the Board
7 of Commissioners of Township of Nutley, County of
8 Essex, State of New Jersey that the aforementioned
9 licenses are hereby approved. And the Municipal Clerk
10 is authorized to issue said licenses. So moved.

11 COMMISSIONER PETRACCO: Second.

12 MADAM CLERK: Commissioner Evans.

13 COMMISSIONER EVANS: 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 The second one I have on for this evening is
21 on behalf of the entire Board of Commissioners. It's a
22 resolution of the Board of Commissioners of the
23 Township of Nutley authorizing a change order for the
24 professional services contract of the Inglecino Taylor
25 LLC as counsel for the Township of Nutley concerning

1 Special Development Counsel;

2 This change order is in the amount to
3 \$110,000 to continue these special development legal
4 services for the remainder of 2024. The funds are
5 available from account number 4-01-226-205 in the
6 amount of \$110,000. It has been certified by the Chief
7 Financial Officer, said certification being attached to
8 this resolution;

9 Now, therefore, be it resolved by the Board
10 of Commissioners, Township of Nutley, County of Essex,
11 State of New Jersey that Change Order Number 2 is
12 hereby authorized and approved in the amount of
13 \$110,000.

14 Be it further resolved that the copy of this
15 resolution shall be placed on file with the Clerk of
16 the Township of Nutley, and a notice in accordance to
17 the Local Public Contracts Law of New Jersey in the
18 form attached here too shall be published in The Nutley
19 Sun. So moved.

20 COMMISSIONER PETRACCO: Second.

21 MADAM CLERK: Commissioner Evans.

22 COMMISSIONER EVANS: Aye.

23 MADAM CLERK: Commissioner Scarpelli.

24 COMMISSIONER SCARPELLI: Aye.

25 MADAM CLERK: Commissioner Petracco.

1 COMMISSIONER PETRACCO: Aye.

2 MADAM CLERK: Mayor Kelly.

3 MAYOR KELLY: Aye.

4 I think that's all the resolutions we have
5 for this evening. At this time the meeting will be
6 open to the public. If you have any concerns that you
7 wish to address to the Board of Commissioners, please
8 address it to me, and I will address it to the
9 appropriate Commissioner. If you have a concern at
10 this time, please approach the microphone and state
11 your name for the record, please.

12 MS. MULREADY: First time doing this. Lori
13 Mulready. And my concern -- one of my concerns is
14 the -- the raising of the price of the parking meters.
15 Now it may not seem so important, but every little bit
16 helps, I'm on a fixed income. And, you know -- anyway,
17 it was a quarter for 30 minutes. Now it's a quarter
18 for 15 minutes. And if you want us to visit the local
19 businesses, you know, give them our business, you
20 don't -- don't, you know, nickel and dime us with
21 these -- these machines, you know?

22 I -- I got to pay to go into the store and
23 buy this product. Now I've got to pay even more just
24 to park there to go into said store. So if you want to
25 keep your businesses, you want us to patronize those

1 businesses, you know, go back, reduce those parking
2 meters again.

3 It's a quarter for 15 minutes. I mean, how
4 long do you -- you know, you take longer than that to
5 shop. I do my laundry. I'm -- I'm longer than 15
6 minutes doing my laundry. So what does that mean? I
7 got to pay more for the parking meter or walk with my
8 laundry or what? I mean, I don't know why it was
9 changed. I mean.

10 MAYOR KELLY: Do you have a specific zone or
11 street you -- or is it just all over that you're
12 concerned about?

13 MS. MULREADY: Well, I mean, you know,
14 patronize any of these businesses. You know, you don't
15 want to pay more money just to go walk into the store
16 and then buy stuff in the store. More money. You
17 know. I mean, what -- why 15 minutes for a quarter?
18 It doesn't sound like a lot to you, but it adds up.
19 And just --

20 COMMISSIONER SCARPELLI: We're very sensitive
21 to that, to your concern. And we're always looking to
22 promote business.

23 MS. MULREADY: Yeah.

24 COMMISSIONER SCARPELLI: But we -- at 25
25 cents for a half hour, when compared to the other

1 municipalities in this area, we're very low. We're
2 even low with where we are in comparison to Montclair,
3 Rutherford, Bloomfield, Belleville. So it's not that
4 we're out of the ballpark with raising that fee.

5 MS. MULREADY: Yeah, but --

6 COMMISSIONER SCARPELLI: So --

7 MS. MULREADY: -- how -- how long do you --
8 do you take to go into -- you take longer than 15
9 minutes. You don't want to get a ticket. You're
10 trying to do the right thing. And you know what's
11 going to happen is, people are going to say, I don't
12 care. And they're not going to put anything in the
13 meter. Then you're going to lose money that way.

14 Because I've seen people walk away. They
15 don't put anything in it. I seen them. You know, I
16 observe. I know. So what are you -- what are you
17 gaining, really? You know? I mean, just please
18 lower -- lower it back.

19 COMMISSIONER SCARPELLI: We'll take a look at
20 that. Thank you.

21 MS. MULREADY: And another -- my other
22 concern was, I understand that the Ciccolini Brothers,
23 the building is gone, or they're going to put some high
24 rise there. Is that -- is that true?

25 MAYOR KELLY: We're currently still in

1 negotiations on that.

2 Mr. Bruno, did you want to --

3 MR. BRUNO: There has been a proposal, and
4 the agreement is for a mixed-used type of project. But
5 it's not finalized just yet.

6 MS. MULREADY: Good, because I think that's a
7 big mistake. This is Nutley. This is not some city
8 with high rises. I don't know. I think some of you
9 here have been living here since the 70s. I came here
10 in '68. I've seen it. So I know the mom and pop
11 stores. I remember all that. The quaint Nutley was
12 wonderful. Now it's like condos everywhere, and now a
13 high rise. More traffic you're going to get with that.
14 You're going to have more -- and you can't even fill up
15 some of the business stores now. How are you going to
16 get new stores in there? You can't even fill some of
17 these empty spaces now.

18 But it's the traffic and the more -- more
19 people. And don't you remember the '70s in Nutley?
20 I -- I do. Remember Drew's (phonetic)? Remember
21 Gantner's? Remember all those nice --

22 COMMISSIONER PETRACCO: Did you -- just for
23 the record, did you specifically point to Commissioner
24 Evans about the 70s?

25 COMMISSIONER EVANS: Needless to say, I just

1 passed my 70th birthday. So --

2 MS. MULREADY: Oh. Well --

3 COMMISSIONER EVANS: -- yes, I remember
4 walking into Gantner's and being in Drew's.

5 MS. MULREADY: Yeah.

6 COMMISSIONER PETRACCO: What was that,
7 Commissioner, Gantner's?

8 MS. MULREADY: The hardware store.

9 COMMISSIONER EVANS: I would tell you, but
10 not being all as old as I am, you probably wouldn't
11 appreciate it.

12 MS. MULREADY: Well, I don't know who's
13 living back then when I did. It was a nice, quaint
14 place to live, and now it's -- it's so built up. Used
15 to have all these restrictions, used to keep it as a
16 home level, you know? It's -- it's -- I know, I'm
17 going back to the past and I shouldn't, right? But
18 I -- I don't care.

19 MAYOR KELLY: We certainly appreciate your
20 concerns, and I can speak for the entire board, is that
21 we're concerned with the character of Nutley, and we
22 want to make sure --

23 MS. MULREADY: Yeah.

24 MAYOR KELLY: -- that we preserve that
25 character going forward with whatever is going to be

1 put there. And a lot of your concerns are our concerns
2 as well, and so that's something that --

3 MS. MULREADY: (Indiscernible) it's bad now,
4 getting through town. I mean, Nutley's still better
5 than all the other towns. I -- I always say that. But
6 it's getting to a point now that it's starting -- it's
7 really bad. I mean, it's really bad. The traffic and
8 some people coming through here, unsavory people. You
9 know, I just -- you know, I worry about crime and the
10 traffic and the -- and the cost of the parking now.
11 You know? It's -- I'm on fixed income. You know, I'm
12 retired now, so I, you know, I got to -- every little
13 bit helps, you know, to save. So please consider this.
14 Will you?

15 MAYOR KELLY: Absolutely.

16 MS. MULREADY: I mean, I keep checking the
17 meters, and it's like I'm hoping, you know, in a month
18 from now that it's changed back, reduced. Please keep
19 that in mind.

20 MAYOR KELLY: Thank you. And --

21 MS. MULREADY: And -- and the character of
22 this town. No high rises, come on. Remember the 70s.
23 Thank you.

24 MAYOR KELLY: Thank you. And thank you for
25 coming.

1 Anyone else wishing to be heard this evening?
2 Seeing none.

3 Mr. Bruno, I think we have a need for another
4 executive session.

5 MR. BRUNO: Mayor, we do to discuss
6 litigation.

7 MAYOR KELLY: Thank you. I'll entertain a
8 motion to go into closed executive session.

9 COMMISSIONER SCARPELLI: Move it.

10 COMMISSIONER PETRACCO: Second.

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

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

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

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

24 Be it further resolved that at the time when
25 such discussion may be disclosed to the public shall be

1 when and such disclosure may be made without adversely
2 affecting the Township of Nutley pending and/or
3 anticipated legal, personnel, contractual matters, and
4 other matters within the exceptions provided for by
5 statute. This resolution shall take effect
6 immediately.

7 Commissioner Evans.

8 COMMISSIONER EVANS: 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 And we have no more business this evening.

16 Our next meeting will be Tuesday, February 18th --

17 COMMISSIONER SCARPELLI: Move to adjourn.

18 MAYOR KELLY: -- 2025, at 7 p.m. I'll second
19 that.

20 MADAM CLERK: Commissioner Evans.

21 COMMISSIONER EVANS: 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 MADAM CLERK: The time is now 8:32.

4 (End of recording)

5

6

7

8

9

10

11

12

13

14

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

16

17 I, Alicia Jarrett, transcriber, hereby

18 certify that the foregoing is a correct transcript from

19 the recording provided

20

21

22

23

24 ALICIA JARRETT, AAERT NO. 428 DATE: February 20, 2025

25 ACCESS TRANSCRIPTS, LLC