

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

Transcript of Proceedings
March 4, 2025



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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: MARCH 4, 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 (Pledge of Allegiance)

3 MAYOR KELLY: Sunshine Notice, Madam Clerk.

4 MADAM CLERK: Thank you, Mayor.

5 Board of Commissioners Public Meeting Agenda
6 for Tuesday, March 4th, 2025. The time is now 7:04.
7 Pursuant to the requirements of the Open Public Meeting
8 Act, Chapter 231, Public Law 1975, notice of this
9 meeting was published in the November 21st, 2024 issues
10 of The Nutley Sun, The Herald News, and The Star
11 Ledger. A copy of this notice has been posted on the
12 Nutley Town Hall Bulletin Board, and a copy is on file
13 in the Municipal Clerk's Office.

14 Commissioner Evans.

15 COMMISSIONER EVANS: Here.

16 MADAM CLERK: Commissioner Tucci.

17 COMMISSIONER TUCCI: Here.

18 MADAM CLERK: Commissioner Scarpelli.

19 COMMISSIONER SCARPELLI: Here.

20 MADAM CLERK: Commissioner Petracco.

21 COMMISSIONER PETRACCO: Here.

22 MADAM CLERK: Mayor Kelly.

23 MAYOR KELLY: Present.

24 MADAM CLERK: All present, Mayor.

25 MAYOR KELLY: Thank you, Madam Clerk.

1 Minutes, please.

2 MADAM CLERK: We have -- thank you, Mayor.

3 We have Board of Commissioner meeting minutes
4 for February 4th, 2025.

5 COMMISSIONER EVANS: Move it.

6 COMMISSIONER TUCCI: Second.

7 MADAM CLERK: Commissioner Evans.

8 COMMISSIONER EVANS: Aye.

9 MADAM CLERK: Commissioner Tucci.

10 MADAM CLERK: Sustained.

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 MADAM CLERK: That's it for minutes.

18 MAYOR KELLY: We have a no communications, no
19 executive session minutes. We do have a couple
20 proclamations on for this evening, and I think it would
21 be appropriate to take them now at this time.

22 The first one we have on for this evening is
23 jointly proclaimed by -- not only all the board, but
24 especially by myself and Commissioner Petracco is Black
25 Balloon Day. And I guess what I'll do is I'll read the

1 Proclamation because it kind of explains what Black
2 Balloon Day is. And then I'll say some comments and
3 I'll let anyone else on the Board say some comments and
4 I'll turn it over to Sharon Bozza, who's our --
5 director of our Addiction Resource and Recovery Center.

6 Do you want to read any part of this?

7 COMMISSIONER PETRACCO: No, you can do it and
8 I'll second.

9 MAYOR KELLY: Whereas, March 6th is Black
10 Balloon Day, an annual event dedicated to recognizing
11 and celebrating those who have lost their lives to
12 substance overdoses; and

13 Whereas, substance use disorder affects many
14 millions of people and affects all social groups with
15 no discrimination; and

16 Whereas, according to the National Center for
17 Health Statistics (the NCHS), at the Centers for
18 Disease Control and Prevention (the CDC), over 90,000
19 Americans died from substance overdoses in 2024.

20 Whereas, it is proven that the more we talk
21 about substance use disorder, the more we help remove
22 the stigma around seeking out help.

23 Whereas, the Township of Nutley asks
24 residents to recognize this day to not only display
25 black balloon in memory of a lost relative or friend,

1 but also use the day to open conversations about drug
2 abuse;

3 And therefore, be it proclaimed by the Board
4 of Commissioners, Township of Nutley, County of Essex,
5 State of New Jersey, that March 6th be declared Black
6 Balloon Day in the Township of Nutley, and we pay
7 solemn tribute to those lost to addiction and also
8 encourage open conversation to support those suffering
9 from addiction.

10 Be it further proclaimed that the Nutley
11 Department of Public Affairs and Health offers a free
12 substance use disorder resource center for individuals
13 seeking information regarding counseling,
14 rehabilitation centers, emergency, non-emergency,
15 inpatient, outpatient, self-help hotlines, mental
16 health assistance, et cetera, will be able to obtain
17 this collection of materials both digitally and in
18 print.

19 So that's the proclamation. I want to add
20 personally that, you know, one more life is too many to
21 lose based on addiction. Commissioner Petracco and I
22 are working together on this. It's not just a policing
23 issue, but it's a health issue. It's a mental health
24 issue. We have mental health services in the Health
25 Department. We have addiction resource services in the

1 Health Department. If you need help, there is no
2 shame. This is a stigma-free town. Come and ask for
3 it. If you don't feel comfortable going to the cops,
4 come to the Health Department. If you don't feel
5 comfortable going to the Health Department, you feel
6 more comfortable going to the cops, go to the Police
7 Department. There is no shame in asking for help.
8 Please, if you need help, come get it. It's there,
9 it's available, please seek out the help.

10 I'll turn it over to Commissioner Petracco
11 and then I'll turn it over to the --

12 COMMISSIONER PETRACCO: I would just like to
13 applaud everybody in this room for coming out tonight
14 and, you know, celebrating the people who have lost
15 their life. And I could ask or make a statement of,
16 whose family does an addiction affect, right? It's in
17 every single family, including mine. And, you know,
18 you see that poor soul struggling through it on the
19 corner, in the alleyway, in mansions and in poor areas,
20 wherever that person is, because we all know that drugs
21 and alcohol and any type of mental illness and
22 addiction, that's the one thing that doesn't
23 discriminate for sure.

24 And I just like to say that, you know, those
25 people that people see, it's easy to pass judgment on

1 them, right? But they don't want to be that way. That
2 I know firsthand. They do definitely not want to be
3 that way. So instead of people judging them, maybe you
4 reach out and you find it in your heart or somebody
5 else's heart to help them because, I could tell you
6 firsthand, it is really hard to put that addiction
7 away, you know, for people who use.

8 So I just like to say, God bless. My mother
9 used to say this to me all the time. You know, people
10 don't leave you ever on this Earth. Look for them.
11 You know where they'll be? Right in your heart. Thank
12 you.

13 COMMISSIONER EVANS: Thank you, Mayor.

14 Just a couple thoughts. One is that I think
15 the Board collectively is very proud that we actually
16 designated Nutley as a stigma-free town initially.
17 It's wonderful that the Public Affairs Department has
18 taken a step forward in this very serious area. I know
19 the police department not only has been active on the
20 frontline with this, but also on the early side by, you
21 know, school intervention, you know, having
22 relationships with kids to actually make sure that we
23 try and cut it off. And I think, probably, you know,
24 aside from those that are addicted, today there are
25 more and more influences out there where it's readily

1 available to actually to get exposed to and, I'll use
2 the word experimentation, give it a try, you know, see
3 what it feels like which then leads to other things
4 that are more --much more serious.

5 I can, you know, relate that specifically in
6 my own family, where my nephew is away at school as a
7 freshman and actually spent a week at home because he
8 went to a party, a college party, and thought it was
9 the right thing to do because everybody was doing it
10 and wound up getting very sick and had to come home.
11 And it related to being exposed to something that was
12 inside of a drink that he didn't know what was in it
13 and it actually had a very negative reaction.

14 So I think not only should we be looking at,
15 you know, overdose and addiction, but anything that we
16 can do to put out -- to put a brighter light on
17 experimentation on the early side of intervention. And
18 I know, Al, you've been after this, you know, God knows
19 how -- I don't know how many years for this, but the
20 more we can stay focused on that, I think the better
21 our children are going to be.

22 I'm saddened every time I hear about, you
23 know, a radio call where somebody has to go out and
24 they've had to, you know, Narcan, you know, somebody.
25 I lost my niece from one of these incidents and my

1 cousin from one of the -- from one of these incidents,
2 and I think it's ever present in everybody's lives. So
3 always, we need to stay focused on this.

4 COMMISSIONER TUCCI: I'd just like to commend
5 both the Health Department and the Public Safety
6 Department for taking this initiative and raising
7 awareness. No one wants to be addicted to any
8 substance, all right? It's a sickness. It's an
9 illness. It's something that needs to be talked about.
10 It's something that needs to -- that our children need
11 to be made aware of at a very young age, so they know
12 to stay away from, all right? And like Al said, no one
13 wants to be an addict. No one wants to be addicted to
14 anything. So I just commend you on all your hard work
15 and however any of us can help, we always stand ready
16 to jump in.

17 COMMISSIONER SCARPELLI: Yeah. For those of
18 us who have lost a loved one to drugs and abuse, any
19 kind of raising awareness is certainly something that
20 we should do and glad you guys are taking the lead on
21 this. Thank you.

22 MAYOR KELLY: At this time, I'd like to bring
23 up Sharon Bozza, who is our director of our Addiction
24 Resource and Recovery Center here in town.

25 MS. BOZZA: Excuse my back to you while I

1 speak to the audience.

2 Hi, everybody. My name is Sharon and I'd
3 like to welcome you here tonight. Black Balloon Day is
4 a time where people come together to pay tribute to
5 those who have been lost to an overdose. It involves
6 uniting and advocating for overdose prevention. It's a
7 powerful reminder of the importance of supporting an
8 individual struggle with addiction and working toward a
9 future free from the devastation of overdose deaths.

10 Addiction does not define a person; it just
11 describes what a person has. A person's addiction
12 represents only a very small part of that person's
13 life. Addiction recovery is not easy, but it helps
14 when a community understands and becomes actively
15 involved.

16 As the opioid epidemic in the US has grown,
17 the need for increased awareness and education around
18 substance use disorder is so very important. Harm
19 reduction is a set of practical strategies and ideas
20 aimed at reducing negative consequences associated with
21 drug use. The Department of Public Affairs and Health
22 is always available to assist with harm reduction
23 methods. We have a resource recovery center, as our
24 mayor said, and all are welcome to stop by, pick up
25 some literature along with lifesaving supplies to help

1 in an overdose crisis

2 For all of those who have lost a loved one to
3 this disease, please know in your heart that we stand
4 with you, we support you, and we pray with you and we
5 pray for you as you travel your journey. May you
6 always have hope and know in your heart that one day
7 you will meet again.

8 The white balloons behind me do represent the
9 hope we must all keep in our hearts. Everyone with a
10 black balloon or would like to stand and join us, would
11 you please come to the center aisle and kind of make a
12 line. All the white balloons who want to join us as
13 well.

14 (Audio played from 12:40 to 14:51)

15 MS. BOZZA: If you'd like to hold the balloon
16 and say the name of your loved one at this time, that'd
17 be great.

18 UNIDENTIFIED SPEAKERS: (Indiscernible).

19 MS. BOZZA: Thank you everyone. Thank you
20 for meeting with us tonight. We are with you. We
21 support you. (Indiscernible) conversation.

22 (Indiscernible) always available (indiscernible).

23 (Indiscernible) so if anybody wants to speak to her,

24 (indiscernible) do that as well. So I just want to

25 thank you. (Indiscernible) you're in my heart. I love

1 you all and I always will. (Indiscernible). Thank
2 you.

3 MAYOR KELLY: Okay. I -- we have another
4 proclamation on for this evening, and it's one to
5 celebrate the 100 years and it's 100 years to the day
6 of the founding of Mount Carmel Church. And we want to
7 recognize them for their service to this community for
8 a hundred years now.

9 This proclamation declares March 4th, 1925
10 the 100th anniversary of the founding of Our Lady of
11 Mount Carmel Church. We declare this day of
12 remembrance to honor the 100 years of service and
13 faithful witnesses to the Nutley community and beyond.

14 Whereas, originally, the church was built to
15 serve the small Polish community and was located on
16 Franklin Avenue.

17 Whereas, a new church as constructed at the
18 corner of Prospect Street and Harrison Street in 1949,
19 known as the "Little Church on the Hill".

20 Whereas, the current church mission statement
21 is as follows, "Our mission as a holy parish is to
22 communicate and celebrate the life and spirit of Jesus
23 by our words and actions in order to build a dynamic,
24 loving, caring and outreaching community of faith."

25 Whereas, the Centennial theme is "Century of

1 Faith, Love and community Through Mary".

2 And therefore, be it proclaimed that the
3 Board of Commissioners, in the Township of Nutley,
4 County of Essex, State of New Jersey declare March 4th,
5 2025, the 100th Year Anniversary of Our Lady of Mount
6 Carmel. So proclaimed,

7 I just want to add, you know, Father Alex is
8 the pastor there now. I know he was originally
9 previously at Holy Family. He hasn't been there the
10 full 100 years, but I do want to congratulate him and
11 his community, and I wish him another a hundred years
12 of continuing to success. And I hope he's here in a
13 hundred years to get the 200-year anniversary
14 proclamation. Anyone else want to say any?

15 COMMISSIONER PETRACCO: I think we've covered
16 it well.

17 MAYOR KELLY: Okay. All right. Is anyone
18 here from Mount Carmel? We'll get them a copy of this
19 proclamation.

20 Make sure I didn't skip anything. I see we
21 have a Shade Tree Report, Commissioner Tucci?

22 COMMISSIONER TUCCI: Yes, I have a Shade Tree
23 Report for the month of February, 2025.

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

25 MADAM CLERK: Thank you, Mayor.

~~Bill list from March 4th, 2025. Public~~

1 Affairs, \$118,342.03. Revenue and Finance,
2 \$2,927,259.63. Public Safety, \$65,585.50. Public
3 Works, \$155,418.39 cents. Parks and Public Property,
4 \$1,515,087.32. Water and sewer utility, \$51,066.57.
5 Payroll as of February 28th, 2025. Regular payroll
6 total, \$965,726.51. Overtime payroll total,
7 \$114,477.64. Total payroll, \$1,080,204.15 for grand
8 total of \$5,912,963.59.

9 COMMISSIONER EVANS: Move the bills.

10 COMMISSIONER SCARPELLI: 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 MADAM CLERK: And that's it for bills, Mayor.

22 MAYOR KELLY: Thank you, Madam Clerk.

23 MADAM CLERK: Thank you.

24 MAYOR KELLY: At this time, we have public
25 comment on agenda items only. This is public comment

1 on agenda items only. If you wish to be heard on
2 agenda items only, please approach the microphone and
3 state your name for the record.

4 MR. PEABODY: Evening. My name's Kyle
5 Peabody. I'm a resident taxpayer and rate payer in
6 Nutley of the Sewer and Water Commission. I see on
7 tonight's agenda, there's a motion to move back almost
8 \$600,000 that was not expended in the Water and Sewer
9 Commission from the last year. I live at the Gateway
10 Condominiums in Nutley down River Road. We've been in
11 contact with the Board on numerous occasions. I sent
12 an email to the Water and Sewer Commission and the
13 entire Board on January 9th. I did receive a response
14 from Sal Ferraro, who I understand is one of the
15 directors there. It was very kind response on
16 January 10th saying it was under review. I followed up
17 via phone on January 30th. I sent letters via
18 certified US Mail January 24th and January 31st. I had
19 sent additional emails January 24th, February 19th, and
20 February 21st to all of you. I use read receipts, so I
21 know at least some of you got them. I haven't received
22 any response to any of those.

23 Gateway is billed at the commercial rate.
24 It's a residential structure. You all have my emails,
25 which highlight all of this, so I won't waste all our

1 time, but it's an entirely residential structure. The
2 entire community is paying double the residential rate
3 because we're being billed at the commercial rate. As
4 far as I can tell, there's no other municipality in the
5 entire tri-state region that bills commercial rates at
6 twice the residential rates for water and sewer. I
7 don't know why they made that -- you guys made that
8 decision, that's your prerogative, but it did seem
9 interesting to me that there's some municipalities
10 where there's a slight upcharge for commercial. I can
11 see where that would be, but double seems a bit
12 excessive.

13 We're also clearly not a commercial property.
14 We're entirely residential. Many of our residents are
15 senior, fixed income, lower income. We're definitely
16 one of the more affordable areas in town. This is
17 RHOA, which manages the entire facility and property.
18 Our total budget's about \$400,000 a year. Just these
19 bill increases this past July increases our annual
20 budget by about \$120,000. So for the average unit
21 there, it's about a \$3,000 a year increase for water
22 and sewer that we were already receiving and paying
23 for, and that the town advertised as a way to be more
24 fair. So I don't see how there's any fairness in this
25 deal. I don't understand why we're unable to get a

1 response. I know I'm not the only one who's reached
2 out. I'm disappointed we have to come to a public
3 meeting to be able to address you directly to have this
4 brought up. I think it's embarrassing for the town
5 and, frankly, I think it -- it's a sideway to continue
6 to push away affordable units like ours.

7 We're not regulated affordable housing.
8 We're not any of those Section 8 or anything like that.
9 We're it's all privately owned. And it's not a co-op,
10 it's not owned by some corporation apartments. They're
11 all individual units. It's just because they were
12 built in the '60s, the town only put in three water
13 mains to it instead of 94 or however many units we
14 have. It's completely unreasonable. I won't believe
15 to be put in 94 meters now. So the only ask is town
16 respond and be reasonable in this situation.

17 And based off of the fact that, apparently,
18 there's \$600,000 extra, I'm guessing there's other
19 units -- other groups in town that are similarly
20 situated to ours and I don't think that's fair for them
21 either. So I hope that the Board will really take a
22 look at this with the Water and Sewer Commission and
23 address this in an appropriate way so that -- the
24 bottom line is we're going to have people moving out of
25 their units probably at short sales because they can't

1 afford these bills; \$3,000 just for water and sewer
2 you're already using. So hope you can bring this to
3 your attention. Thank you.

4 MAYOR KELLY: Thank you. And we certainly
5 don't want anyone moving out of their properties. I
6 will turn this over to Commissioner Scarpelli for
7 comment.

8 COMMISSIONER SCARPELLI: Mr. Peabody, thank
9 you for your comments. And as Mr. Ferraro works for
10 me, he did respond as far as it's under review. And it
11 is under review. We're looking at the ordinance. I
12 can say that anything over five families and above is
13 being billed at that tiered rate. So it's not just
14 your complex; it's any multi-family complex that's over
15 five families. Some of the issues that we found is,
16 without individual meters, it's very difficult to even
17 see if there's leaks in -- I don't know how many units
18 are down at Gateway, but we won't know if there's any
19 leaks because there's not individual meters there. So
20 it's hard to tell how much of that water is being used.
21 A multifamily dwelling also puts in more waste, more
22 chemicals than a one, two, or three, four-family home.
23 So I want you to look at all -- you know, we're looking
24 at it. It's under review, but that's some of the
25 reasons that there's that tiered rate.

1 COMMISSIONER EVANS: And I just would add the
2 resolution tonight is not to -- is not a refund. It's
3 actually canceling balances that were unnecessary
4 because if we didn't cancel them, we'd actually be --
5 have a deficit in the utility and we'd have to, through
6 the operating budget, contribute that \$590,000 that
7 we're canceling tonight. So in the transition, it was
8 a bit of over budgeting that we needed to cancel. And
9 so it's not that we have money that we collected; it's
10 just expenses that we didn't have to pay. If we had to
11 pay, we would actually have a deficit.

12 UNIDENTIFIED: (Indiscernible).

13 COMMISSIONER EVANS: Sorry.

14 UNIDENTIFIED: We can't hear you.

15 COMMISSIONER EVANS: My mic is on.

16 MADAM CLERK: Yeah. It's recording.

17 COMMISSIONER EVANS: So Ms. (indiscernible),
18 I'm sorry, can you hear me now?

19 UNIDENTIFIED: (Indiscernible).

20 COMMISSIONER EVANS: Okay. Maybe you can
21 move forward to the -- what I'm canceling tonight is
22 not money that we collected as a refund. I'm canceling
23 appropriation balances because we did not collect
24 enough money to to pay those bills. Fortunately, we
25 did not need the money. So I'm canceling it out to

1 bring the books into balance. So if you think about it
2 very simply is that if you had collected a hundred
3 dollars -- if you had budgeted a hundred dollars and
4 you collected \$60, right, we would have to add in \$40
5 for a real budget. However, it wasn't a correct
6 budget, so I'm able to cancel those balances out, which
7 avoids the deficit. If I don't do that, then we have
8 to contribute that \$590,000 out of the operating
9 budget, which is the equivalent of \$59 per household.
10 So I'm canceling it out to basically bring the utility
11 back into balance because it has to equal.

12 So it's just basically an accounting
13 mechanism. Mr. Peabody, I heard you. It's not the
14 money we collect that's being refunded. It's just
15 basically a budgeting error that needs to be corrected
16 because the rates did not accommodate that --
17 collecting that amount of money. So that's all I was
18 trying to explain.

19 We are looking at changes to the ordinance.
20 I know this is -- our draft change is coming. I don't
21 know what all those changes will be, but I would think,
22 in the next couple weeks, there'll be a revised
23 ordinance coming out. Everything and I -- and one of
24 the things that's really clear, the sewer bill, which
25 was \$4.2 million last year in total, we received a new

1 bill for 25, which was 4,700,000 and some thousand
2 dollars, so it went up. You know, quite a bit of
3 money.

4 So while we have those sewer increases, one
5 of the challenges we have is how do we figure out
6 the -- and I agree with you, fairness and equity,
7 trying to figure that out and get as close as we can to
8 it. However, it does run the risk that once you get
9 done making all of the adjustments because people have
10 said, oh, I use a garden hose, right? But I don't even
11 get a credit for a garden hose. Well, my sprinkler
12 doesn't give me enough of a credit. There's everything
13 that people are raising to try and lower that bill. We
14 make all those corrections, which all of them, as we
15 identify them, will be made. The net result will be in
16 an increase in the rate. The rate will have to go up
17 because we have to pay that bill. And so make -- we
18 have to make sure that the rates will make sure that
19 over the course of the year, we collect the sewer bill,
20 which that one item alone went up quite a bit.

21 COMMISSIONER SCARPELLI: And that's not under
22 our control.

23 COMMISSIONER EVANS: No, we get a bill. We
24 get a bill. It says it's just a bill in the mail. And
25 what does it relate to? The processing of the sewage

1 for the town, the chemical treatments that are
2 required, the EPA requirements that are associated with
3 that, but also people -- you know, today, we're all
4 suffering with this. Way back when we could look at
5 9/11, right? And then how terrible that was, but many
6 of our utilities, you know, the electric utilities,
7 water utilities, gas utilities, sewer utilities,
8 everybody had to increase their bonding to reinforce
9 their facilities against a threat, right? Whether or
10 not that threat has materialized or could materialize,
11 that's what they did. All that bonding is being paid
12 for by us taxpayers, and it comes to us in the form of
13 a bill. We don't set the rate. The rate is set by the
14 Public Utility Commission and we just get a bill for
15 it. So it's just a function of the reality of the
16 life.

17 MAYOR KELLY: Thank you, Commissioners. Does
18 anyone else wish to be heard on agenda items only this
19 evening? Right now, we're doing public comment on
20 agenda items only. If you wish to be heard, please
21 approach the microphone and state your name for the
22 record. Seeing none, we'll move on to Board of
23 Commissioner announcements. Commissioner Evans?

24 COMMISSIONER EVANS: Nothing from me.

25 MAYOR KELLY: Commissioner Scarpelli?

1 COMMISSIONER SCARPELLI: I have nothing,
2 Mayor.

3 COMMISSIONER PETRACCO:I just -- I have one
4 thing to say tonight and it was regarding our
5 celebration tonight, and I didn't do it before. So
6 excuse me, Mayor, I just want to thank Sharon Bozza too
7 for putting this together in your health department.
8 It really fills a void in people's hearts and what you
9 guys are doing is really God's work, so thank you.

10 MAYOR KELLY: Yes. Thank you, Sharon.

11 And also thank Sam Carella from your
12 department who is instrumental in putting it together
13 as well.

14 As many of you know, this month is Women's
15 History Month and we have a extensive slate of events
16 to celebrate this month, starting with our kickoff at
17 the Nutley Museum on Monday, March 10th. And we'll --
18 we have a host of events. Be on the lookout for them
19 in terms -- through our communications throughout the
20 month. And I'll update you periodically on those
21 events. Any others I should announce?

22 Yeah. Okay. There -- so there's going to be
23 a lot later in the month but this Saturday is March 8th
24 is International Women's Day -- Women's History Day.,
25 So everyone has someone in their life who's a woman.

1 So make sure you honor and thank them this month.

2 Moving on, we have no ordinance
3 introductions. We do have an ordinance on for its
4 second reading and this is -- will be read by me on
5 behalf of the entire Board of Commissioners.

6 And this is an ordinance by the Board of
7 Commissioners of the Township of Nutley, in the County
8 of Essex governing residential and non-residential
9 development fees. it's a rather extensive ordinance
10 and so I will just open a public hearing on the
11 ordinance as written and published in the -- our
12 official publications. Yeah. So I'll -- at this time,
13 I'll move to open the public hearing.

14 COMMISSIONER PETRACCO: Second.

15 MAYOR KELLY: Seeing none, I move to close.

16 COMMISSIONER SCARPELLI: Second.

17 MADAM CLERK: I need a second.

18 COMMISSIONER PETRACCO: Second.

19 MADAM CLERK: Commissioner Evans.

20 COMMISSIONER EVANS: Aye.

21 MADAM CLERK: Commissioner Tucci.

22 COMMISSIONER TUCCI: 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. And I move the ordinance.

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. We have seven resolutions
15 on this evening, starting with Commissioner Evans.

16 COMMISSIONER EVANS: Thank you, Mayor.

17 Be it resolved, by the Board of Commissioners
18 of the Township of Nutley, in the County of Essex,
19 State of New Jersey, that the Treasurer be and is
20 hereby authorized to refund overpayment of the property
21 taxes in the amount of \$23,630.47 for the lot and block
22 listed in the resolution. So moved.

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 COMMISSIONER EVANS: Whereas, after a
10 comprehensive review of the budgeted appropriations in
11 the Township's combined Water/Sewer Utility, it has
12 been determined that certain balances are no longer
13 needed and should be cancelled as of December 31, 2024;
14 and

15 Whereas, these budget accounts have been
16 reviewed by Nisivoccia & Co, the Township's independent
17 auditing firm who concur that these balances can be
18 cancelled; and

19 Whereas, N.J.S.A. 40A:4-60 allows a governing
20 body to formally cancel said balances so that the
21 unexpended balances may be credit to a reserve for the
22 accounts in the amounts listed in here for a total of
23 \$590,000.

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

1 of Essex, in the State of New Jersey, that in
2 accordance with N.J.S.A. 40A:4-60, the above unexpended
3 balances totaling \$590,000.00 are hereby cancelled as
4 of December 31st, 2024. So moved.

5 COMMISSIONER TUCCI: Second.

6 MADAM CLERK: Commissioner Evans.

7 COMMISSIONER EVANS: Aye.

8 MADAM CLERK: Commissioner Tucci.

9 COMMISSIONER TUCCI: Aye.

10 MADAM CLERK: Commissioner Scarpelli.

11 COMMISSIONER SCARPELLI: Aye.

12 MADAM CLERK: Commissioner Petracco.

13 COMMISSIONER PETRACCO: Aye.

14 MADAM CLERK: Mayor Kelly.

15 MAYOR KELLY: Aye.

16 COMMISSIONER EVANS: Whereas, the Department
17 of Revenue and Finance in the Township of Nutley has a
18 need for specialized accounting services to assist the
19 Chief Financial Officer from time to time throughout
20 2025 as a non-fair and open process pursuant to
21 N.J.S.A. 19:44A-20.4 or 20.5, as appropriate;

22 Whereas, Deyanira, excuse me, Bartlett -- she
23 goes by Dey, by the way -- Licensed Chief Municipal
24 Finance Officer, has submitted a proposal to provide
25 these services beginning March 4th through

1 December 31st, 2025 at an hourly rate of \$100, with a
2 total cost not to exceed \$20,000;

3 Whereas, Ms. Bartlett possesses the requisite
4 knowledge and experience to provide these services to
5 the Township as determined by the Revenue and Finance
6 Commissioner;

7 Whereas, Ms. Bartlett has completed and
8 submitted a Business Entity Disclosure Certification
9 that certifies that she has not made any reportable
10 contributions to a political or candidate committee in
11 the Township in the previous one year, and that the
12 contract will prohibit her from making any reportable
13 contributions through the term of the contract;

14 Whereas, funds are available in account
15 5-01-208-200, which has been certified by the Chief
16 Financial Officer, subject to the adoption of the 2025
17 municipal budget.

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 Commissioner of
21 Revenue and Finance and the Municipal Clerk are hereby
22 authorized to enter into a contract with Ms. Bartlett
23 for 20 -- for specialized accounting service for the
24 period beginning March 4th, 2025 through December 31st,
25 2025 at an hourly rate of \$100 not to exceed \$20,000.

1 So moved.

2 COMMISSIONER TUCCI: Second.

3 MADAM CLERK: Commissioner Evans.

4 COMMISSIONER EVANS: Aye.

5 MADAM CLERK: Commissioner Tucci.

6 COMMISSIONER TUCCI: Aye.

7 MADAM CLERK: Commissioner Scarpelli.

8 COMMISSIONER SCARPELLI: Aye.

9 MADAM CLERK: Commissioner Petracco.

10 COMMISSIONER PETRACCO: Aye.

11 MADAM CLERK: Mayor Kelly.

12 MAYOR KELLY: Aye.

13 COMMISSIONER EVANS: Thank you.

14 MAYOR KELLY: Thank you, Commissioner.

15 Commissioner Tucci?

16 COMMISSIONER TUCCI: Yes.

17 Whereas, the Department of Parks and Public
18 Property determined due to unforeseen circumstances the
19 families had to cancel participation in programs that
20 we offer; and

21 Whereas, the Department of Parks and Public
22 Property has determined a need to refund families;

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

1 Treasurer be and is hereby authorized to refund
2 payments for recreation programs in the amounts listed
3 below to our neighbors at 91 Whitford Avenue for K2
4 hoops in the amount of 1,000 -- I'm sorry, \$120 for the
5 2025 year. I move the resolution.

6 MAYOR KELLY: Second.

7 MADAM CLERK: Commissioner Evans.

8 COMMISSIONER EVANS: Aye.

9 MADAM CLERK: Commissioner Tucci.

10 COMMISSIONER TUCCI: Aye.

11 MADAM CLERK: Commissioner Scarpelli.

12 COMMISSIONER SCARPELLI: Aye.

13 MADAM CLERK: Commissioner Petracco.

14 COMMISSIONER PETRACCO: Aye.

15 MADAM CLERK: Mayor Kelly.

16 MAYOR KELLY: Aye.

17 COMMISSIONER TUCCI: That's all I have.

18 MAYOR KELLY: Thank you, Commissioner.

19 And Commissioner Scarpelli, I see you have no
20 resolutions this evening.

21 COMMISSIONER SCARPELLI: No resolutions
22 tonight, Mayor.

23 MAYOR KELLY: Thank you.

24 Commissioner Petracco.

25 COMMISSIONER PETRACCO: Thank you.

1 Whereas, the Sealed Bids for surplus vehicles
2 no longer in use by the Township were received and
3 opened on Wednesday February 12, 2025; and

4 Whereas, Jersey One Auto Sales, Inc., 495-497
5 Tonnele Avenue, Jersey City, New Jersey, and Liberty
6 Motors, Inc., 1705-1707 Kennedy Boulevard, Jersey City,
7 New Jersey, were the highest bidders for the vehicles
8 listed below. It was a 2000 Ford F-550 and 1991 Ford
9 2-Door Pickup;

10 Now, therefore, be it resolved, by the Board
11 of Commissioners of the Township of Nutley, County of
12 Essex, State of New Jersey, that the surplus items
13 listed above be sold to the highest bidders,
14 Jersey One Auto Sales, Inc. and Liberty Motors, Inc.,
15 and the Township Clerk is hereby authorized to accept
16 payment and release the vehicle titles to the
17 purchasers. I move the resolution.

18 COMMISSIONER SCARPELLI: Second.

19 MADAM CLERK: Commissioner Evans.

20 COMMISSIONER EVANS: Aye.

21 MADAM CLERK: Commissioner Tucci.

22 COMMISSIONER TUCCI: 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 COMMISSIONER PETRACCO: This next resolution
5 that I have, Mayor, is very, very lengthy, so I'm going
6 to give a little summary of it before we vote on it.
7 This just gives us the ability in the Police Department
8 to use -- to buy any federal -- to purchase any federal
9 properties that is usually used, by the way, in case
10 something comes up. We did purchase off this one time
11 in all these years a truck for the floods. So that
12 figure is what this -- the purpose of this resolution
13 is.

14 So a resolution authorizing the Township of
15 Nutley through the Nutley Police Department to
16 participate in the Defense Logistics Agency, Law
17 Enforcement Support Office, 1033 program to enable the
18 Nutley Police Department to request and acquire excess
19 Department of Defense equipment. I move it.

20 COMMISSIONER SCARPELLI: Second.

21 MADAM CLERK: Commissioner Evans.

22 COMMISSIONER EVANS: Aye.

23 MADAM CLERK: Commissioner Tucci.

24 COMMISSIONER TUCCI: Aye.

25 MADAM CLERK: Commissioner Scarpelli.

1 COMMISSIONER SCARPELLI: Aye.

2 MADAM CLERK: Commissioner Petracco.

3 COMMISSIONER PETRACCO: Aye.

4 MADAM CLERK: Mayor Kelly.

5 MAYOR KELLY: Aye.

6 COMMISSIONER PETRACCO: Thank you.

7 MAYOR KELLY: Thank you, Commissioner. I
8 have one resolution on for this evening.

9 Whereas, the Department of the Treasury,
10 Division of Taxation, has provided a Tax Clearance
11 Certificate to the licensee listed below, and said
12 licensee is qualified to be licensed according to all
13 standards established by New Jersey Statutes Annotated
14 Title 33 and regulations promulgated thereunder, as
15 well as pertinent local ordinances and conditions
16 consistent with Title 33 for the establishment listed
17 below for this renewal period; and

18 Whereas, the establishment has been inspected
19 by the Board of Health, Fire Department,
20 Code Enforcement Department, and the Police Department
21 of the Township of Nutley and is in satisfactory
22 condition;

23 Now, therefore, be it resolved, by the Board
24 of Commissioners of the Township of Nutley, County of
25 Essex, State of New Jersey that the renewal of a

1 Plenary Retail Consumption Licenses with Broad Package
2 Privileges can be granted to the following licensee
3 effective July 1, 2024, through June 30, 2025. Be it
4 further resolved that the Municipal Clerk hereby
5 isn't -- be and is hereby authorized to sign and issue
6 a license certificate for the licensing period of
7 July 1, 2024, through June 30, 2025. Liquor License
8 Number 0716-32-020-011, GLO Group, LLC, trading as
9 Bella Luce, licensed premise is 507 Franklin Avenue
10 plenary consumption license with broad package
11 privilege. So moved.

12 COMMISSIONER 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 At this time, we will open the meeting up for
24 public comment on any item you wish to bring before the
25 Board. If you wish to bring any item before the Board,

1 please approach the microphone and state your name for
2 the record.

3 MRS. BOZZA: I don't know if I'm being
4 redundant, but this is about the water and sewerage as
5 well because it's difficult to hear you people up here,
6 honestly. But I had somebody, we went through these
7 water bills. And from what we can ascertain, we were
8 paying \$4.04 a unit before, and now we're paying \$4.59
9 a unit, or whatever you call it, for water. And that's
10 -- that's 55 cents an addition. Also, we were paying
11 \$9 for insurance on piping, and now we're paying
12 \$10.50. It was very nice to sneak that in when you
13 raised the bill.

14 Also, I have some bills where I'm paying more
15 for sewerage than I'm paying for water. How is that
16 possible? And where on my tax bill can you show me --
17 since I'm paying sewerage on these bills, where can you
18 show me that it was deducted from my taxes since we
19 were paying it before?

20 MAYOR KELLY: So we certainly didn't sneak
21 anything in. And I'll turn it over to both --

22 MS. BOZZA: Well, nobody --

23 MAYOR KELLY: -- commissioner --

24 MS. BOZZA: We never got a letter saying
25 you were raising anything, that you were, you know,

1 going to raise the tax -- not the tax, but the
2 insurance on the piping or whatever it's called.

3 MAYOR KELLY: Well, I'll let Commissioner
4 Evans and Commissioner Scarpelli speak on that --

5 MRS. BOZZA: You know, it's really --

6 MAYOR KELLY: -- point real fast.

7 MRS. BOZZA: -- I have hearing aids and
8 I can't even hear you.

9 MAYOR KELLY: Sure. I'll speak louder. I'll
10 let --

11 MRS. BOZZA: Yeah.

12 MAYOR KELLY: -- Commissioner Evans or
13 Commissioner Scarpelli speak on that, whoever wishes to
14 go first.

15 COMMISSIONER SCARPELLI: I'll go first.

16 Ms. Bozza, I do want to express my condolences to you
17 on the loss of your husband.

18 MRS. Bozza: Oh, thank you.

19 COMMISSIONER SCARPELLI: You know, as the
20 Mayor said, we didn't sneak anything in. You know, we
21 had public hearings on this. The ordinance was
22 changed. It was taken out of tax bill. I'll let
23 Commissioner Evans explain that. The water and sewer
24 are two different bills based on what we get charged
25 for water through our purveyors, Passaic Valley Water,

1 Newark Water, and North Jersey Water, in addition to
2 our employees that are working in the Water Department.

3 The sewer, as Commissioner Evans explained
4 before, we get a bill from Passaic Valley for
5 \$4.6 million. We have to pay that and we divided that
6 up. Not us, but our auditors on the initial -- we've
7 only been doing this for six months, you know, so we
8 took educated guess at what the rate should be to pay
9 those bills. And it looks like, you know, we fell a
10 little short last year because some things we didn't
11 consider. And so that rate may have to be adjusted,
12 especially as we change the ordinance going forward.
13 But certainly, it was to make it more equitable based
14 on usage rather than based on property values. And
15 that was the reason that -- one of the big reasons that
16 we changed it.

17 MRS. BOZZA: So are you saying that you're --
18 whatever bill you get, you're dividing it or however
19 you do it, it -- it's not how much I use, it's how much
20 you just determined we should --

21 COMMISSIONER SCARPELLI: No, no. It's how
22 much you use based on your water consumption. But
23 that's also -- we have to look at what we have to
24 Passaic Valley Sewage to treat that sewage. So,
25 basically, water in water out to determine what you're

1 using, right? So somebody who has a house that has a
2 big family of five, they're going to use more water and
3 produce more sewage, so they're going to pay more.
4 Somebody with a house that has, you know, two empty
5 nesters in it, they're going to pay less because
6 they're using less water. But at the end of the day,
7 whatever we collect, we have to Passaic -- we have to
8 pay Passaic Valley Sewage Commission the \$4.6 million.

9 MRS. BOZZA: Well, how was it possible that
10 before when we were paying it in our taxes, you were
11 able to meet the bill and now you have to charge us
12 extra?

13 COMMISSIONER SCARPELLI: Because it was taken
14 out -- I'll let Commissioner Evans explain it. It was
15 taken out of -- it was taken out of your tax bill.

16 MRS. BOZZA: I'm sorry?

17 COMMISSIONER SCARPELLI: It was taken out
18 of --

19 MRS. BOZZA: Of our tax bill.

20 COMMISSIONER SCARPELLI: -- your tax bill.

21 MRS. BOZZA: Yeah.

22 COMMISSIONER SCARPELLI: You're not paying
23 for sewage. You're not paying that 4.6 million out of
24 your --

25 MRS. BOZZA: Oh, really? Where does it shows
that we

1 get a rebate on that --

2 COMMISSIONER SCARPELLI: Well --

3 MRS. BOZZA: -- or that we get a

4 (indiscernible) --

5 COMMISSIONER SCARPELLI: Again, maybe not a
6 rebate, but your taxes didn't go up as much as they
7 could have.

8 COMMISSIONER EVANS: So, Mrs. Bozza, just to
9 echo what Commissioner Scarpelli has said -- and I'm
10 trying to speak louder because I tend to speak softer,
11 but just raise up your head if you can't hear me. We
12 did remove half the cost of what the sewer utility
13 would have to operate with, both the sewer bill as well
14 as the operating costs, which would include the salary
15 and wages of the people that work in that area, the
16 insurance costs associated with that, the pension
17 costs. All those costs have to go into there. What we
18 did last year was we estimated what that half of that
19 bill would be and transferred that to the utility.
20 Because I was concerned that we would not collect all
21 the revenue that we needed to collect because it was a
22 startup, I reduced the benefit -- they have the -- part
23 of the benefit coming out by \$513,000 to cover our
24 revenue billing shortfall, which I'm grateful that we
25 did because we actually did have a transitional issue

1 with billings because, as Commissioner Scarpelli said,
2 we're only operating six months.

3 There is a presentation of the budget
4 presented last year online, which lays out and shows
5 what our total expenditures were for the year and how
6 much was transferred out of the budget for the sewer
7 utility. Unfortunately, last year, we had an increase
8 in the taxes to everybody because other costs went up
9 far greater than the transfer out of the money to the
10 sewer utility. So you would think that the budget
11 would go down, which it did. Half the cost went down
12 last year for the transfer out to the sewer utility.
13 However, other costs went up quite a bit and completely
14 offset that.

15 And as Joe mentioned, that while we had an
16 increase last year of -- I think it was around 83 or
17 \$87, I don't remember off the top of my head, but it
18 was below a hundred dollars. If we didn't transfer out
19 what we would've transferred out, that increase
20 would've been well over \$250. So we -- by the transfer
21 out, the property tax increase was lower last year, but
22 it was an increase. It did not go down.

23 MRS. BOZZA: But in essence, you really raised
24 our taxes.

25 COMMISSIONER EVANS: Didn't raise your --

1 MRS. BOZZA: Well, this -- it's not called
2 tax, but it's a tax because we have to pay it, so --

3 COMMISSIONER EVANS: Well -- but yeah. So
4 all of those costs were in the regular operating
5 budget. So if we left them in there, then your
6 taxes -- the a -- your tax increase would've been up --
7 for the average house paying about \$12,500 in taxes,
8 that average -- the municipal increase would've been
9 over \$250 on that one house. It would -- by taking
10 this out, it was only 87.

11 MRS. BOZZA: You're chasing us out of this
12 town, I'll tell you. Little by little -- I don't mean
13 you personally, but, little by little, you're chasing
14 us out of this town because we can't afford to live
15 here anymore. And I was born and raised in this town,
16 but I'm -- I -- I just can't afford to live here.

17 COMMISSIONER EVANS: Mrs. Bozza, I
18 understand that. I appreciate that.

19 MRS. BOZZA: And the older you get, the
20 harder it gets.

21 COMMISSIONER EVANS: It is hard. I
22 agree with you.

23 MRS. BOZZA: Yeah.

24 COMMISSIONER EVANS: But please go online
25 and also --

1 MRS. BOZZA: We don't need to put those
2 Christmas trees in front of the town hall, all this
3 nonsense and, you know, change -- everything has to
4 change. Why can't things just stay as they are? As
5 long as they're useful and they're -- they're --
6 they're okay, leave it the way it is.

7 COMMISSIONER EVANS: Yeah, I would love
8 and --

9 MRS. BOZZA: I mean, you know, people like
10 myself on a fixed budget, it's really difficult to live
11 here.

12 COMMISSIONER EVANS: I truly appreciate that,
13 Mrs. Bozza, more than you know. I've worked very
14 hard --

15 MRS. BOZZA: I'm not the only one. Lots of
16 people complain --

17 COMMISSIONER EVANS: I --

18 MS. ABAZA: -- but they don't come here to
19 complain.

20 COMMISSIONER EVANS: Are you part of the
21 Property Tax Freeze Program?

22 MRS. BOZZA: Pardon?

23 COMMISSIONER EVANS: Are you part of the
24 New Jersey Property Tax Freeze Program?

25 MRS. BOZZA: Well, how come other towns in in

1 New Jersey have much lower tax rates?

2 COMMISSIONER EVANS: Nutley's not high by
3 comparison.

4 MRS. BOZZA: Not high?

5 COMMISSIONER EVANS: No. In Essex County,
6 no. Absolutely not.

7 MRS. BOZZA: You could've had me fooled.

8 COMMISSIONER EVANS: Yeah. But sometimes I
9 get fooled too, but it's certainly seriously not. But
10 I do --

11 MRS. BOZZA: (Indiscernible) thousand in
12 taxes. You think that's -- that's not -- that's --
13 that's easy to pay?

14 COMMISSIONER EVANS: No, it's not because I
15 pay more than that. But Mrs. Bozza, my -- I want --
16 it's an important question, please. If you are not a
17 member of the New Jersey Property Tax Freeze Program
18 and you're over 65 years old, which you may be, I'm not
19 sure. Right?

20 MS. ABAZA: I am old .

21 COMMISSIONER EVANS: Well, 65-years-old.

22 MS. ABAZA: (Indiscernible).

23 COMMISSIONER EVANS: Yeah, you're older. And
24 you earn less than \$163,000 a year, you are eligible to
25 have your taxes frozen. But there's a new program this

1 year that says, if you are already in the freeze
2 program, there's a new program that's called the Stay
3 in New Jersey Program, which actually is a new benefit
4 that will be paid in '26.

5 MRS. BOZZA: (Indiscernible) --

6 COMMISSIONER EVANS: Yeah. If I could
7 yeah. --

8 COMMISSIONER EVANS: If I could answer that
9 question, I would've accepted the job as the New Jersey
10 State Treasurer. But unfortunately, you can't fix
11 what's broken. But the answer is, there is a new
12 program for seniors that increases the benefit. It
13 says, if you're collecting through the anchor program
14 and the freeze program less than \$6,500, and you make
15 less than a half a million dollars a year, this year
16 there's a new application which maybe might be a
17 benefit for you. And if that is a benefit for you,
18 please stop by and see my tax collector. She'll help
19 you through it.

20 MRS. BOZZA: Going to need a lawyer to fill out
21 the paper work.

22 COMMISSIONER EVANS: It's -- well, we'll help
23 you do that. You don't need to do that.

24 MS. RABINO: With the tax freeze, what's the
25 amount of money that you are allowed to earn.

1 COMMISSIONER EVANS: \$163,000 from all
2 sources.

3 MS. RABINO: (Indiscernible).

4 COMMISSIONER EVANS: Ms. Rabino (phonetic),
5 today we have over 200 -- excuse me, I mean, 2,000
6 homes and remotely are part of the freeze program. And
7 because of the new program, more seniors will
8 participate; more, many more.

9 MAYOR KELLY: And I just would like to add
10 that a lot of those costs increases that
11 Commissioner Evans spoke about are costs well beyond
12 our control. They're costs set by the State. Or as
13 Commissioner Evans mentioned earlier this evening, the
14 bill from PVSC went up from four to 4.6 million. So
15 these are costs that we can control. it's just the
16 nature of living in New Jersey. These costs are
17 arising, especially with the inflation going on.
18 Anyone else wishing to be heard on public comment?

19 COMMUNITY MEMBER MATT: Thank you. Hi there.
20 My name is Matt. I live up on Highfield Lane. I
21 stopped by late last year just as a volunteer with
22 Voter Choice New Jersey. We're a advocacy organization
23 looking to spread awareness of rank choice voting in
24 municipalities around the State. Last year, Maplewood,
25 South Orange, and Montclair all adopted resolutions

1 supporting rank choice voting. And this is important
2 because we want to show the State government that they
3 should empower municipalities to adopt rank choice
4 voting. It's used in New York City. We'll see it in
5 the oral elections. It's used in the Oscars. It
6 proves to be broadly popular across the political
7 spectrum. It helps reduce toxic partisanship in
8 elections because constituents can rank their choices
9 and it produces the need for costly runoffs. I have
10 several little cards with QR codes, more information.
11 I hope to be at the Farmer's market this spring and
12 spreading some more information. I'd be happy to leave
13 some of these with each of you and hopefully have the
14 chance to maybe work on a resolution for Nutley.

15 MAYOR KELLY: Sure. You can leave it with
16 the Clerk.

17 COMMUNITY MEMBER MATT: Yeah, of course. Let
18 me grab a -- grab a couple. Thanks.

19 MAYOR KELLY: You can approach and --

20 COMMUNITY MEMBER MATT: (Indiscernible).

21 MAYOR KELLY: Okay.

22 COMMUNITY MEMBER MATT: (Indiscernible).

23 MR. AURIEMMA: Good evening. Nicholas

24 Auriemma, 35 Wilson Street, Nutley, New Jersey.

25 Another month, another payment, another meeting with

1 Mr. Bruno, another cost for me with my lawyer. Last
2 time I was here, I was directed by the commissioners to
3 meet with Mr. Bruno. Let's put this to rest finally.
4 Obviously, you know, nothing has been put to rest. Now
5 I -- now I wonder. You know, I don't --

6 UNIDENTIFIED: I can't hear you clearly
7 (indiscernible).

8 MR. AURIEMMA: Okay.

9 MAYOR KELLY: Push that button.

10 MR. AURIEMMA: You may not want to hear this,
11 but I -- again, I -- I lost faith in a lot -- a lot of
12 things, a lot of people. I don't want to bash my
13 lawyer because now I -- now, I'm at the point I wonder,
14 you know, like, you know, someone -- some individuals
15 up here, are they really coming after me? It makes me
16 wonder.

17 I invited once again Carl Lordi, Louie
18 Ritacco. If Dave Gosel (phonetic) was alive, he would
19 be here as well, just to once again reiterate to all of
20 you how this nightmare that I'm living started. All
21 these men, you all know well. I know Carl gave the
22 congregation or, you know, one or two of you a -- you
23 know, your fundraisers. Everyone knows Dave Gosel. I
24 believe you all know Louie Ritacco. I don't think any
25 of them have any hard feelings towards you or me. I

1 don't think anyone of them would lie for me, especially
2 -- especially Carl, who's a pastor, okay? I cannot
3 emphasize again -- and this will be the last time I
4 come here, okay? I can't emphasize, you know, again,
5 this nightmare I'm living, okay?

6 So I got a few questions to start with, if
7 you don't mind, or a -- a few things I want to bring to
8 light again. Ordinance Number 3439, introduced by
9 Mayor Scarpelli. If you're not -- if you don't
10 remember this ordinance, okay, it was the Chapter 349,
11 flood damage prevention. Page 11, Section A, 4.3, it
12 clearly states that the responsibility of the flood
13 administrator is to inform anyone who's going for
14 permit whether or not a piece of property is in a
15 floodway. It's clear as day.

16 Mr. Scarpelli, do you recall this ordinance?

17 COMMISSIONER SCARPELLI: I do not, Mr.
18 Auriemma.

19 MR. AURIEMMA: Okay. Well, it was
20 introduced by you with probably, you know, all good,
21 you know, intentions. It was approved by most of you.
22 Mr. Kelly -- Mayor Kelly, I don't think you were here
23 during that time.

24 It's clear as day that this order says that
25 the flood administrator was to inform me whether or not

1 this land was in a floodway. Unfortunately, and I
2 don't believe purposely, he made a mistake. I'm going
3 to reiterate again that your township engineer that you
4 guys paid for wrote a report regarding this property.
5 In this report, he too never mentioned floodway, but
6 just was clear that this property was in a flood zone
7 and approved for one-family house.

8 I want to -- I want to turn my attention to
9 Commissioner Evans. Commissioner Evans, why -- why did
10 you run for office? Can you just elaborate shortly
11 or -- what was your purpose of serving the people in
12 Nutley? Why -- what made you run for office?

13 MAYOR KELLY: I'm just going to -- all
14 questions should be addressed to me as the --

15 MR. AURIEMMA: Okay.

16 MAYOR KELLY: -- Chair of the Board. And if
17 appropriate, I'll refer to the appropriate
18 commissioner.

19 MR. AURIEMMA: No, I just want to know what
20 was the -- I'm -- I mean, I'm not attacking you, but
21 what was your purpose of running for office?

22 COMMISSIONER EVANS: If you pick up any of my
23 campaign literature, it lays well all out. I -- my
24 expertise is in financial areas and I thought that I
25 can contribute to the town in a positive way.

1 MR. AURIEMMA: Okay. And -- and I believe
2 that that was your purpose. In your department, okay,
3 you are in charge of the building, the construction
4 department, correct?

5 COMMISSIONER EVANS: Yes.

6 MR. AURIEMMA: Are you -- are you aware of
7 the process of getting a permit -- a building permit to
8 build a home?

9 COMMISSIONER EVANS: Mr. Auriemma, I'm -- I
10 am going to caution you on your line of questioning.
11 You're allowed to make a comment.

12 MR. AURIEMMA: Okay.

13 COMMISSIONER EVANS: You're not allowed to
14 interrogate the commissioner --

15 MR. AURIEMMA: Well, I'm -- I'm not
16 interrogating you. I'm --

17 COMMISSIONER EVANS: And I'm also --

18 MR. AURIEMMA: Okay.

19 COMMISSIONER EVANS: I'm doing it not as a
20 request; it's a warning.

21 MR. BRUNO: I want to jump in because we're
22 happy to have anyone come up --

23 MR. AURIEMMA: Okay.

24 MR. BRUNO: -- during the public comment
25 stage of meetings. It's good to, you know, be a good

1 citizen and --

2 MR. AURIEMMA: Okay.

3 MR. BRUNO: -- see how government runs, but
4 this is not going to be an exercise where we're going
5 to ask questions of --

6 MR. AURIEMMA: Well, I -- I -- I can --
7 right.

8 MR. BRUNO: -- very individual issues and --

9 MR. AURIEMMA: I can -- I can ask questions.
10 I'm a citizen.

11 MR. BRUNO: Well --

12 MR. AURIEMMA: I pay taxes -- listen, I -- I
13 have not been disrespectful at all.

14 MR. BRUNO: You are. (Indiscernible).

15 MR. AURIEMMA: I'm not disrespecting you.
16 I'm just trying to lead to a point.

17 MR. BRUNO: But I just want to save you the
18 time --

19 MR. AURIEMMA: Okay.

20 MR. BRUNO: -- because I have instructed all
21 of the commissioners not to discuss
22 this matter --

23 MR. AURIEMMA: Okay.

24 MR. BRUNO: -- because (indiscernible).

25 MR. AURIEMMA: Okay.

1 MR. BRUNO: So I don't want you to have to
2 ask questions (indiscernible).

3 MR. AURIEMMA: Well, I -- I'm going to ask
4 you anyway because I have the right to do so, okay?
5 And if you refuse not to answer, then shame on you,
6 then you shouldn't be sitting up there because you're
7 not brave enough to answer questions. So anyway, I
8 wasn't trying to be disrespectful. I don't know.
9 Maybe you're taking it personally. Maybe you have
10 something to hide. Who knows? But let me just explain
11 to you the process, okay? When you go for a building
12 permit in the Township of Nutley, you have to submit
13 plans, okay? The plans are reviewed, okay? You know,
14 are you familiar with the code fees in Nutley? I mean,
15 is he allowed to answer that? No.

16 COMMISSIONER EVANS: Yeah, I know what the
17 fees are.

18 MS. AURIEMMA: Okay. Code fees, Hudson Soil
19 (phonetic), are you familiar with all that?

20 COMMISSIONER EVANS: Hudson Soil, no. But
21 the code fee, yes.

22 MS. AURIEMMA: Well, these are things that
23 you need to get when you build a house in this
24 township, okay? These things will never ever be
25 requested if a property is unbuildable. There's no

1 need to do it. There's no need to submit plans,
2 there's no need to get engineering reports, okay? I
3 have canceled checks. I got checks made out to the
4 township; code fee, Hudson fee, permit fee that the
5 township made me pay because they thought that this
6 property was buildable. I just can't see how you guys
7 don't see this. How the township -- you know, I
8 believe the township is -- is really extremely liable.
9 The negligence that happened, not purposely, has
10 destroyed me, okay? And I -- I don't understand why
11 you're taking it personally. I'm just trying to tell
12 you, you know, like -- I mean, do you not recognize --
13 do you not recognize this? That the township made me
14 do A to Z when I didn't have to do anything because the
15 lot was supposedly unbuildable. That the township made
16 me revise my -- my permits. That the township made me
17 hire an engineer. That the township paid a township
18 engineer to review my plans, to give me the okay, only
19 to tell me two months later, no. I mean, is this not
20 like -- I -- I don't get it. Does no -- does no one
21 not recognize this?

22 MAYOR KELLY: Mr. Auriemma, you're out of
23 time. But I do want to say that, you know, I've worked
24 with Commissioner Evans for a number of years now.
25 While we may not always see eye to eye, I don't think

1 it's appropriate to insinuate that he has something to
2 hide. You know, you're in litigation with the town.
3 The town is free to take its position. You're free to
4 take your position. And Mr. Bruno can correct me if
5 I'm wrong, but I believe we've offered you to come to
6 mediation. And we're happy to sit at the table and
7 talk about what would make this situation right. And
8 if there's any faults, to make it right.

9 MR. AURIEMMA: And I believe that we met a
10 month ago.

11 MAYOR KELLY: Well, that was just a meeting
12 with your attorney, with our attorney, but I believe
13 we've offered to come to mediation, have a neutral
14 arbiter to take a look at this, and say if and where
15 there's fault.

16 MR. AURIEMMA: Well, it -- like, I -- again,
17 you guys are the leaders of this township, okay? You
18 took an oath to do the right thing. I just can't see
19 like -- again, it takes one of you to make a motion,
20 two of you to agree to settlement and I'm done. The
21 nightmare with this township is done.

22 COMMISSIONER PETRACCO: If I may,
23 Mayor, I --

24 MAYOR KELLY: Go ahead.

25 COMMISSIONER PETRACCO:-- I think
that's what the

Mayor's saying, Nick, is that, you know, they're taking

1 a step, going through an exercise, and maybe that there
2 could be some kind of resolution on this, you know.

3 MAYOR KELLY: Right. And especially having
4 it come from a neutral person because you've come here
5 several times and you talked about your history with
6 many of these commissioners. Well, when I say these
7 commissioners, many of us. And it looks like there
8 could be some sort of untoward dealing going on. Where
9 if we go to a neutral arbiter, it -- and the neutral
10 arbiter says, this would be a fair settlement for this
11 matter, it gives us the appropriate, I guess, backdrop
12 to say, you know, there's -- and to prove to the tenant
13 there is no unfair dealing going on.

14 MR. AURIEMMA: You know, I respectfully
15 disagree. You guys are the leaders of this township.
16 Like I told all of you, every time you cast a vote,
17 whether you say yes, you're going to upset the no;
18 whether you say no, you're going to upset the people
19 that want yes. I'm just asking you, as elected
20 officials to -- you know, to recognize this and make a
21 decision what you think is right, okay? I can't --
22 again, if this was your son and daughter up here, this
23 would never have gone two-and-a-half years, okay?
24 Never. This would've been done already. I mean, if I
25 could have just two more minutes of your time and then

1 I'll stop.

2 MAYOR KELLY: Can you wrap it up in one?
3 Well, you've already twice exceeded the limit. Just
4 get to the point and --

5 MR. AURIEMMA: Well, I'm going to feel
6 pressured, but, you know what, I just like -- like I
7 said, I have a -- a -- a lot of things that I've done
8 and able to build in this township, to build a home.
9 And again, the process of building a home is A to Z.
10 Nutley made me do almost A to Z. I -- I stopped at Z,
11 only to tell me, you know, two-and-a-half months, three
12 months later, oops, we made a mistake. You can't build
13 here. It's in the floodway. Again, I cannot, again
14 reiterate three people that all of you know well came
15 to this township to inquire about this land for me to
16 purchase. All these people were told the same thing.
17 It's a buildable lot. Yes, you could build here. It's
18 Zone R -- R -- it's Zone R1.

19 I mean, you guys at the township, Mr. Evans,
20 you know, went to to buy something, you get a CO. The
21 township gave me a CO that clearly says it's Zone R1
22 building. I mean, why -- why did the township give me
23 the CO if I couldn't build on it? And I guess, you
24 know, let me close -- in closure, this way I could just
25 stop talking.

1 I mean, I hope this is a -- a -- a teachable
2 moment for you, Mr. Evans, as the leader of this
3 department to say, listen guys, we made a mistake here,
4 okay? We -- you know, I -- you know, not everyone that
5 works for your department lives in Nutley. I'm a
6 Nutley guy, okay? My brothers live here. My children
7 live here. We have a business in town. This is a
8 teachable moment for you to say, let's sit down. Where
9 did we mess up here? This should never happen to
10 anyone ever again. I don't know. Have you done that
11 yet? Or it's just -- it doesn't -- like, I don't get
12 it. I mean, it just -- I don't know.

13 Again, I sat in that seat. I ran for council
14 years ago. I don't know, maybe I'm different. But if
15 this ever happened on my watch, I would be sitting down
16 in my department saying, listen, we need to fix what's
17 wrong. We put this poor guy and his family through
18 hell. And I can assure you, I'm pretty sure that
19 nothing has been done about this since this happened to
20 me. I don't know. Just -- any comments?

21 MAYOR KELLY: Well, like I said, we all feel
22 for you. We all --

23 MR. AURIEMMA: I don't know about that; two-
24 and-a-half years.

25 MAYOR KELLY: -- it's an unfortunate

1 situation.

2 MR. AURIEMMA: I can't even talk right now.
3 My lips are getting chapped.

4 MAYOR KELLY: Okay.

5 MR. AURIEMMA: I mean, two-and-a-half years
6 to do the right thing.

7 MAYOR KELLY: This is -- like I said, this is
8 an unfortunate situation. And as our attorney has
9 said, the quickest resolution is to go to mediation.
10 Otherwise, we're going to -- it's going to take a lot
11 longer process to draw this out through discovery and
12 depositions and the whole nine yards.

13 MR. AURIEMMA: And -- and if I could show you
14 my phone right now, I'm going off on my attorney. I'm
15 like, let's go to mediation. It costs money. It costs
16 10,000. I don't care. I pay 1700 a month. I could
17 pay for mediation ten times over already, okay? And
18 like I said, I feel trapped with this guy, okay? But
19 you -- I don't need to go to mediation. Here -- here
20 are my mediators right here, I think. Mauro, anything?

21
22 COMMISSIONER TUCCI: No, I can't talk about
23 this.

24 MR. AURIEMMA: You can do anything you want,
25 Mauro. And you know my character.

1 COMMISSIONER TUCCI: I do.

2 MR. AURIEMMA: Al?

3 COMMISSIONER PETRACCO: I said what I said
4 before. I mean, I think it's a good first step.

5 MR. AURIEMMA: Oh, first step. How many
6 first steps am I going to take?

7 COMMISSIONER PETRACCO: No. Well, I mean,
8 this could -- I -- in my opinion, and I'm not a lawyer,
9 but I think it could resolve an issue. So, I mean, you
10 know what, I think, move it along.

11 MR. AURIEMMA: I'm trying.

12 MAYOR KELLY: The benefit of a mediator is
13 that they'll be able to independently tell us if we're
14 wrong or they'll independently tell you if we're wrong
15 or they'll independently tell us we're both wrong,
16 we're both right, and try and beat us up to get to an
17 agreement.

18 MR. AURIEMMA: Mr. Scarpelli, any comment? I
19 mean --

20 COMMISSIONER SCARPELLI: It doesn't matter.
21 They just gave you some good advice.

22 MR. AURIEMMA: I know, but two-and-a-half
23 years of advice and I'm still on Step 1. And I hope
24 when you -- when you leave here, Doc, that you review
25 your ordinance and say, oh, this kid's right. We have

1 an ordinance here. And it clearly says the flood
2 administrator is responsible for telling me whether or
3 not it's in the floodway. It wasn't my responsibility.
4 And he dropped the ball. And I -- I respectfully ask
5 you just to look over it tonight. And maybe when you
6 read it, Doc, you'd be like, hey, come on, guys, this
7 kid's right. We kind of screwed up. Just take some
8 accountability.

9 MAYOR KELLY: Thank you, Mr. Auriemma.

10 Anyone else wishing to be heard on public
11 comments? Seeing none. We don't have a need for
12 executive session. Correct, Mr. Bruno? So we -- our
13 next meeting is going to be the budget workshop
14 tomorrow at 10 a.m. And our next regular meeting will
15 be March 18th. At this time, I'll entertain a motion
16 to adjourn.

17 COMMISSIONER SCARPELLI: Move it.

18 COMMISSIONER EVANS: Second.

19 MADAM CLERK: Commissioner Evans.

20 COMMISSIONER EVANS: Aye.

21 MADAM CLERK: Commissioner Tucci?

22 COMMISSIONER TUCCI: 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 MADAM CLERK: The time is 8:18.

5 MAYOR KELLY: Thank you. Goodnight,

6 everyone.

7 (End of recording)

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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

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24 ALICIA JARRETT, AAERT NO. 428

DATE: March 19, 2025

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