

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

Transcript of Proceedings
July 1, 2025



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Min-U-Script®

1 TOWNSHIP OF NUTLEY BOARD OF COMMISSIONERS

2 ONE KENNEDY DRIVE

3 3RD FLOOR COMMISSION CHAMBERS

4 NUTLEY, NEW JERSEY 07110

5
6 *** PUBLIC SESSION ***

7
8 DATE: 7/1/2025

9
10 BOARD OF COMMISSIONERS:

11 JOHN V. KELLY III, MAYOR

12 JOSEPH P. SCARPELLI, COMMISSIONER

13 MAURO G. TUCCI, COMMISSIONER

14 THOMAS J. EVANS, COMMISSIONER

15 ALPHONSE PETRACCO, COMMISSIONER

16
17 Also Present:

18 JONATHAN BRUNO, TOWNSHIP ATTORNEY

1 (Recording begins)

2 MAYOR KELLY: Will everyone please rise for
3 the Pledge of Allegiance.

4 (Pledge of Allegiance)

5 MAYOR KELLY: Sunshine notice, Madam Clerk.

6 MADAM CLERK: Thank you, Mayor.

7 Board of Commissioners Public Meeting,
8 Tuesday, July 1st, 2025. The time is 7:04. Pursuant
9 to the requirements of the Open Public Meeting Act
10 (Chapter 231, P.L. 1975) notice of this meeting was
11 published in the November 21st, 2024, issues of The
12 Nutley Sun, The Herald-News, and The Star-Ledger. A
13 copy of this notice has been posted on the Nutley Town
14 Hall Bulletin Board and a copy is on file in the
15 Municipal Clerk's Office.

16 Commissioner Evans.

17 COMMISSIONER EVANS: Here.

18 MADAM CLERK: Commissioner Tucci.

19 COMMISSIONER TUCCI: Here.

20 MADAM CLERK: 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.

2 MAYOR KELLY: Thank you. Minutes, please.

3 MADAM CLERK: Yes, we have Board of
4 Commissioners meeting minutes for June 3rd, 2025.

5 I need a motion.

6 COMMISSIONER EVANS: Move it.

7 COMMISSIONER TUCCI: Second.

8 MADAM CLERK: Commissioner Evans.

9 COMMISSIONER EVANS: Aye.

10 MADAM CLERK: Commissioner Tucci.

11 COMMISSIONER TUCCI: Aye.

12 MADAM CLERK: Commissioner Scarpelli.

13 COMMISSIONER SCARPELLI: Aye.

14 MADAM CLERK: Commissioner Petracco.

15 COMMISSIONER PETRACCO: Aye.

16 MADAM CLERK: Mayor Kelly.

17 MAYOR KELLY: Aye.

18 MADAM CLERK: And that's it for minutes,
19 Mayor.

20 MAYOR KELLY: Thank you. Communications,
21 please.

22 MADAM CLERK: The John H. Water Middle School
23 has submitted a Sunday letter for permission to hold an
24 off-premise 50/50 cash raffle on Sunday, December 7,
25 2025, from 5:30 p.m. at the -- I'm sorry, at 5:30 p.m.

1 at Frank -- 325 Franklin Avenue.

2 I need a motion, please.

3 COMMISSIONER EVANS: Move it.

4 COMMISSIONER TUCCI: Second.

5 MADAM CLERK: Commissioner Evans.

6 COMMISSIONER EVANS: Aye.

7 MADAM CLERK: Commissioner Tucci.

8 COMMISSIONER TUCCI: Aye.

9 MADAM CLERK: Commissioner Scarpelli.

10 COMMISSIONER SCARPELLI: Aye.

11 MADAM CLERK: Commissioner Petracco.

12 COMMISSIONER PETRACCO: Aye.

13 MADAM CLERK: Mayor Kelly.

14 MAYOR KELLY: Aye.

15 MADAM CLERK: And that's it for

16 communications.

17 MAYOR KELLY: Thank you. Bills, please.

18 MADAM CLERK: Bill list for July 1st, 2025:

19 Public Affairs, \$146,463.42. Revenue and Finance,

20 \$3,629,552.97. Public safety, \$331,607.51. Public

21 works, \$226,620.36. Parks and public property,

22 \$1,034,114.81. Water and sewer utility, \$46,197.01.

23 Payroll as of June 20th, 2025: Regular

24 payroll total, \$1,192,622.85. Overtime payroll total,

25 \$87,503.22. Total payroll, \$1,280,126.07.

1 For a grand total of \$6,694,682.15.

2 COMMISSIONER EVANS: Move the bills.

3 COMMISSIONER TUCCI: Second.

4 MADAM CLERK: Commissioner Evans.

5 COMMISSIONER EVANS: Aye.

6 MADAM CLERK: Commissioner Tucci.

7 COMMISSIONER TUCCI: Aye.

8 MADAM CLERK: Commissioner Scarpelli.

9 COMMISSIONER SCARPELLI: Aye.

10 MADAM CLERK: Commissioner Petracco.

11 COMMISSIONER PETRACCO: Aye.

12 MADAM CLERK: Mayor Kelly.

13 MAYOR KELLY: Aye.

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

15 MAYOR KELLY: Thank you. At this time, we're
16 going to take the agenda a little bit out of order, and
17 I'll turn it over to Commissioner Tucci for Resolution
18 Number 176-25.

19 COMMISSIONER TUCCI: Thank you, Mayor.

20 Before I offer this resolution, we've just learned that
21 Kevin Smyth's mom has passed away, so if we could have
22 a moment of silence for her.

23 (Pause)

24 Thank you. I offer this resolution. I'm
25 reading it, but this is on behalf of the entire Board

1 of Commissioners because we are all equally proud of
2 the accomplishments of our crew team, and it's just
3 another day to celebrate Nutley.

4 So having said that:

5 Whereas, the Nutley High School Rowing
6 Program was founded in 1942 under Coach Bill Bennett,
7 has a longstanding tradition of excellence; and

8 Whereas, the current boathouse, shared with
9 Belville and Kearny, supports both boys' and girls'
10 rowing programs; and

11 Whereas the 2025 Nutley Crew Team, guided by
12 coaches Kevin Smyth, Anthony Scarpelli, Jill Divilio,
13 JiannaMarie Padilla, and Meghan Callaghan, included 51
14 student-athletes, and 12 graduating seniors, and
15 achieved the most successful season of the program's
16 history;

17 Whereas at the New Jersey State
18 Championships, Nutley earned five medals -- three of
19 them gold -- marking the program's first-ever State
20 Champion titles in the Girls Junior Double, Girls
21 Novice Four, and Boys Novice Four, with additional
22 medals in the Girls Freshman Eight, and Boys
23 Lightweight Double; and

24 Whereas, at the Philadelphia Scholarship
25 Rowing Association Champions in Cities, Nutley claimed

1 four Grand Finalist finishes, including gold in the
2 Boys Lightweight Double, and bronze in the Girls Novice
3 Four; and

4 Whereas at the Stotesbury Cup Regatta, the
5 largest high school rowing event in the world, the Boys
6 Lightweight Double earned bronze, the Girls Freshman
7 Eight placed sixth in the Grand Final, and two
8 additional boats finished in the national top 20; and

9 Whereas, three boats qualified for the
10 Scholastic Rowing Association of America National
11 Championships, with the Boys Lightweight Double earning
12 bronze and becoming the first Nutley crew to medal at
13 all four major championship regattas: States, Cities,
14 Stotesbury, and National; and

15 Whereas, Nutley Crew also captured the
16 "Battle of the Boathouse" Championship -- a competition
17 among Nutley, Belleville, and Kearny -- for the fourth
18 consecutive year, winning eight out of nine girls'
19 races.

20 Now, therefore, be it resolved, that the
21 Board of Commissioners of the Township of Nutley, in
22 the County of Essex, in State of New Jersey, proudly
23 recognizes and congratulates the Nutley High School
24 Crew Team and their coaches for an extraordinary 2025
25 season.

1 I proudly move this resolution.

2 MADAM CLERK: I need a motion.

3 COMMISSIONER EVANS: Move it.

4 COMMISSIONER TUCCI: I moved it. Second it.

5 COMMISSIONER EVANS: Second it.

6 MADAM CLERK: Commissioner Evans?

7 COMMISSIONER EVANS: Aye. But before I do,
8 I'd like to offer a couple of comments. I'm a former
9 oarsman, so if you go back and you look back in history
10 to 1969, '73 time frame, you'll see pictures of my
11 brother and I. We rowed on the crew team. What I --
12 listening to this, and I was reflecting on the -- it's
13 really hard to appreciate what this achievement is all
14 about. Having actually rowed in those regattas, I know
15 how hard they are and the schools that you're up
16 against. So I think it's a wonderful achievement, but
17 what's even more wonderful about it is not only did you
18 do it once, you did it multiple times. So I offer my
19 congratulations to all of you, especially the girls.
20 Go, girls.

21 MADAM CLERK: Commissioner Tucci?

22 COMMISSIONER TUCCI: Yes. I am also a crew
23 parent. Two of my four children participated for four
24 years each under Coach Smyth and the -- Coach Scarpelli
25 and all of the people that were there at the time.

1 They did an outstanding job. It builds camaraderie.
2 It builds commitment in youngsters, and the work that
3 they do there, as Commissioner Evans has already
4 stated, is very grueling, all right.

5 You would think, crew, what's crew? It --
6 rowing, just get on the water and just row a little
7 bit. No. It takes a lot of training, a lot of
8 competition, and you really need to be ready. So I am
9 so very proud to vote aye.

10 MADAM CLERK: Commissioner Scarpelli?

11 COMMISSIONER SCARPELLI: It's not true that
12 Commissioner Evans also rowed across the Delaware with
13 General Washington, just so you know.

14 Nah, it's a proud moment. I, too, was a --
15 am a former crew parent, getting up early in the
16 morning and cooking breakfast, and really it does, as
17 Commissioner Tucci said, a sense of camaraderie that
18 doesn't happen in all sports.

19 So congratulations to you, congratulations to
20 your coaches, congratulations to your parents for
21 putting in a lot of time and effort on your behalf. So
22 give them a hand.

23 MADAM CLERK: Commissioner Petracco?

24 COMMISSIONER PETRACCO: Yes. I would like to
25 say way to go to everybody, or way to row, and it's

1 really a team sport. I know back in the day,
2 Petracco's Deli did a lot of supporting and catering
3 for the row team, and I know that you guys were up at
4 three o'clock in the morning because I had to be at the
5 store at 4 a.m. So hats off to the parents. Great
6 job.

7 I always say the people that you're sitting
8 next to today, you guys will be friends for the rest of
9 your life. So remember that, and you made Nutley proud
10 again. Thank you.

11 MADAM CLERK: Mayor Kelly?

12 MAYOR KELLY: Thank you. I too will be
13 voting aye, but I do want to add my own comments. A
14 couple years ago, probably like ten years ago, I was
15 working out with a friend, and I consider myself to be
16 a guy in pretty decent shape. He said, well, let's go
17 do the Erg. I was like, what's an Erg? And I soon
18 found out it was the rowing machine, and I was quickly
19 humbled. That is one of the most difficult workouts
20 I've ever had to do.

21 So you guys are probably in the best shape of
22 anyone in town to achieve the accomplishments that you
23 achieved. I want to extend my congratulations to you,
24 to your coaches, to your families, who sacrificed along
25 with you to get you to where you are.

1 And to the kids on the team today, I want to
2 challenge you. I want to see you guys back here next
3 year. I want to see some more medals, some more
4 trophies, and I want to see us congratulating you again
5 next year. So the hard work begins now for you guys.
6 I know it's a celebratory moment, but I'm sure you guys
7 can meet that challenge and come back here next year.

8 To you graduating seniors, this is an
9 experience. The camaraderie that you've developed, the
10 friends that you've developed, you're going to take
11 this with you the rest of your life, and it's going to
12 set you up on a path -- a trajectory that's the sky's
13 the limit, and we're excited to see where you can go,
14 and we're grateful to be a part of your life and your
15 story.

16 And thank you for shining the spotlight on
17 Nutley. It's a destination for crew, certainly. So
18 congratulations, and I proudly vote aye.

19 COMMISSIONER TUCCI: Would the crew team
20 please come up for a photo?

21 (Pause)

22 MAYOR KELLY: The crew team is welcome to
23 stay for the rest of the meeting, but this is your
24 opportunity to leave if you want to leave.

25 (Pause)

1 COMMISSIONER EVANS: They never want to
2 stay. We do all of this for them and then boom.

3 MAYOR KELLY: So at this time, we'll have
4 public comment on agenda items only. This is public
5 comment on agenda items only. If you wish to be heard
6 on agenda items only, please approach the microphone
7 and state your name for the record.

8 Seeing none, Mr. Orth, I do believe we have a
9 need for a closed executive session. Is that correct?

10 MR. ORTH: Yes, we do.

11 MAYOR KELLY: Well, what's the --

12 MR. ORTH: Contract negotiations and pending
13 litigation.

14 MAYOR KELLY: Thank you. I'll entertain a
15 motion for a closed executive session.

16 COMMISSIONER EVANS: Mayor?

17 MAYOR KELLY: Oh, sorry.

18 MR. ORTH: Just clarifying that the --
19 this -- that was for a agenda item that wasn't for the
20 public hearing on the proposed ordinance.

21 MAYOR KELLY: So if you want to talk about
22 the proposed ordinance, you can. There will be
23 hearings for the ordinances on second reading, if
24 that's the ordinance you're talking about.

25 MR. ORTH: It is.

1 MAYOR KELLY: Okay.

2 MADAM CLERK: You need a motion, or?

3 COMMISSIONER SCARPELLI: Move it.

4 COMMISSIONER TUCCI: Second.

5 MADAM CLERK: Thank you. Whereas Section 8
6 of the Open Public Meeting Act (Chapter 231, Public Law
7 1975) permits the exclusion of the public from meeting
8 in certain circumstances; and

9 Whereas the public body is of the opinion
10 that such circumstances exist; and

11 Whereas the Board of Commissioners of the
12 Township of Nutley, in the County of Essex, State of
13 New Jersey, desires to proceed to closed executive
14 session; and

15 Now, therefore, be it resolved by the Board
16 of Commissioners of the Township of Nutley, move into
17 closed executive session to discuss contract
18 negotiations and pending litigation.

19 Be it further resolved that at the time when
20 such disclosures may be made to the public, shall be
21 when -- and such disclosures may be made without
22 adversely affecting the Township of Nutley, pending
23 and/or anticipated legal, personnel, contractual
24 matters, and other matters, within the exceptions
25 provided for by statutes. This resolution shall take

1 effect immediately.

2 Commissioner Evans.

3 COMMISSIONER EVANS: Aye.

4 MADAM CLERK: Commissioner Tucci.

5 COMMISSIONER TUCCI: Aye.

6 MADAM CLERK: Commissioner Scarpelli.

7 COMMISSIONER SCARPELLI: Aye.

8 MADAM CLERK: Commissioner Petracco.

9 COMMISSIONER PETRACCO: Aye.

10 MADAM CLERK: Mayor Kelly.

11 MAYOR KELLY: Aye.

12 MADAM CLERK: And the time is 7:20.

13 (Recess at 7:20 p.m. until 7:54 p.m.)

14 MAYOR KELLY: Okay. We're back on the
15 record. It's 7 --

16 MADAM CLERK: 54.

17 MAYOR KELLY: 54. We'll go over to Board of
18 Commissioner announcements.

19 Commissioner Evans.

20 COMMISSIONER EVANS: Nothing this evening.

21 MAYOR KELLY: Commissioner Tucci.

22 COMMISSIONER TUCCI: No announcement. Just a
23 thank you, Mayor, to you and to all the commissioners
24 for supporting our summer festival that Commissioner
25 Petracco and I sponsor every year. Once again, it was

1 a rousing success. I've heard nothing but rave
2 reviews. Everyone had a great time, and we continue to
3 build a strong community that Nutley is. So thank you
4 all for all your help.

5 MAYOR KELLY: Yes, it was a great night, and
6 the weather mostly cooperated.

7 Commissioner Scarpelli.

8 COMMISSIONER SCARPELLI: Yeah. Thank you,
9 Mayor. We will have a electronic recycling day on
10 July 12th from 9 to 1 in Lots 7 and 9.

11 MAYOR KELLY: Commissioner Petracco.

12 COMMISSIONER PETRACCO: I would just like to
13 ask, Mayor, if we could have a moment of silence. We
14 lost Mr. Tolve last week. Talk about a Nutley giant.
15 Big guy from the big tree section of town. He loved
16 all of us up here. He really did. And he really had a
17 big N for Nutley on his shirt at all times. He looked
18 out for all of us. So if we could have a moment of
19 silence, I'd appreciate it.

20 MAYOR KELLY: Absolutely.

21 (Pause)

22 COMMISSIONER PETRACCO: Thank you, Mayor.

23 MAYOR KELLY: Thank you. And I have just one
24 announcement this evening. As everyone knows, this
25 Friday is the 4th of July. The town will be having its

1 annual 4th of July celebration this Friday. Fireworks
2 will go off once it starts getting dark out, which is
3 usually around nine o'clock. And we'll have our pre-
4 firework festivities with Franklin Avenue closed down.
5 I want to thank my fellow commissioners for supporting
6 this event. And it's -- it will hopefully be a fun,
7 weather-permitting night.

8 So we'll move into ordinance introductions,
9 starting with Ordinance Number 3591. And this is an
10 ordinance on behalf of the entire Board of
11 Commissioners of the Township of Nutley, County of
12 Essex, vacating a portion of Windsor Place.

13 I move that this ordinance be passed to a
14 second reading and advertised in The Nutley Sun,
15 together with notice required by law that further
16 consideration of said ordinance for final passage by
17 the Board of Commissioners. So it will be held at its
18 second reading on July 15th.

19 MADAM CLERK: 15th.

20 MAYOR KELLY: I move the ordinance to its
21 second reading.

22 COMMISSIONER TUCCI: Second.

23 MADAM CLERK: Commissioner Evans.

24 COMMISSIONER EVANS: Aye.

25 MADAM CLERK: Commissioner Tucci.

1 COMMISSIONER TUCCI: Aye.

2 MADAM CLERK: Commissioner Scarpelli.

3 COMMISSIONER SCARPELLI: Aye.

4 MADAM CLERK: Commissioner Petracco.

5 COMMISSIONER PETRACCO: Aye.

6 MADAM CLERK: Mayor Kelly.

7 MAYOR KELLY: Aye. The second one is
8 Commissioner Evans.

9 COMMISSIONER EVANS: Thank you, Mayor. 3592
10 is an ordinance that provides for improvements to the
11 buildings for the Board of Education under the -- under
12 One Nutley, which is consistent with our expectation
13 that the sixth graders will move to the middle school
14 in September of 2026.

15 I move that this ordinance be passed to a
16 second reading and advertised in The Nutley Sun
17 together with the notice required by law and that
18 further consideration of said ordinance for the final
19 passage by the Board of Commissioners be held at its
20 second reading on August 5th, 2025. This ordinance is
21 in the amount of \$700,000. So move.

22 COMMISSIONER TUCCI: Second.

23 MADAM CLERK: Commissioner Evans.

24 COMMISSIONER EVANS: Aye.

25 MADAM CLERK: Commissioner Tucci.

1 COMMISSIONER TUCCI: Aye.

2 MADAM CLERK: Commissioner Scarpelli.

3 COMMISSIONER SCARPELLI: Aye.

4 MADAM CLERK: Commissioner Petracco.

5 COMMISSIONER PETRACCO: Aye.

6 MADAM CLERK: Mayor Kelly.

7 MAYOR KELLY: Just one clarification. On the
8 ordinance it says 650. Is that --

9 COMMISSIONER EVANS: Yeah, it's 700.

10 MAYOR KELLY: It's 700. Okay. All right.
11 Thank you. Aye.

12 COMMISSIONER EVANS: Inflation.

13 MAYOR KELLY: Commissioner Evans, I think you
14 have the next two. You want to --

15 COMMISSIONER EVANS: Yes.

16 MAYOR KELLY: -- take that?

17 COMMISSIONER EVANS: I'll continue. The next
18 ordinance is our annual bond ordinance appropriating
19 \$1,897,000 and authorizing the issuance of bonds or
20 notes in the amount of \$1,805,250 for the purpose of
21 various improvements in the township. We do this every
22 year, and it's consistent with our capital management
23 plan, which maintains our debt service at a level such
24 that it's less than 4 percent of our municipal budget.

25 I move that this ordinance be passed to a

1 second reading and advertised in The Nutley Sun,
2 together with the notice required by law and that
3 further consideration of said ordinance for final
4 passage by the Board of Commissioners be held at its
5 second reading on August 5th, 2025. So move.

6 COMMISSIONER TUCCI: Second.

7 MADAM CLERK: Commissioner Evans.

8 COMMISSIONER EVANS: Aye.

9 MADAM CLERK: Commissioner Tucci.

10 COMMISSIONER TUCCI: Aye.

11 MADAM CLERK: Commissioner Scarpelli.

12 COMMISSIONER SCARPELLI: Aye.

13 MADAM CLERK: Commissioner Petracco.

14 COMMISSIONER PETRACCO: Aye.

15 MADAM CLERK: Mayor Kelly.

16 MAYOR KELLY: Aye.

17 COMMISSIONER EVANS: My last ordinance is
18 3595. And this specifically rates to -- relates to the
19 water sewer utility and the purchase of a jet vac truck
20 for purposes for utility. It's a specialty use vehicle
21 in the utility in the amount of \$206,000 with bonds or
22 notes in the amount of \$196,000.

23 I move that this ordinance be passed to a
24 second reading and advertised in The Nutley Sun,
25 together with the notice required by law and that

1 further consideration of said ordinance for final
2 passage by the Board of Commissioners be held at its
3 second reading on August 5th, 2025. So move.

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. And I -- that's all the
15 ordinances we have on their introduction this evening.
16 We'll move on to ordinances on second reading and
17 public hearings.

18 And the first two up, two by Commissioner
19 Petracco.

20 COMMISSIONER PETRACCO: Yes. I have an
21 ordinance to amend an ordinance codifying the Code of
22 the Township of Nutley, Chapter 228, entitled Vehicles
23 and Traffic, particularly Article VII (Special Zones
24 and Areas), Section 29A, entitled Handicapped Parking,
25 to add the location set forth thereon. This is for 36

1 Myrtle Ave.

2 Let's open the meeting.

3 MAYOR KELLY: At this time, anyone who wishes
4 to be heard on Ordinance Number 3587 may approach the
5 microphone and state your name for the record. Anyone
6 wishing to be heard on Ordinance Number 3587, approach
7 the microphone and state your name for the record.

8 Seeing --

9 COMMISSIONER PETRACCO: Move to close.

10 COMMISSIONER TUCCI: Second.

11 COMMISSIONER PETRACCO: Yeah.

12 MADAM CLERK: Commissioner Evans.

13 COMMISSIONER EVANS: Aye.

14 MADAM CLERK: Commissioner Tucci.

15 COMMISSIONER TUCCI: Aye.

16 MADAM CLERK: Commissioner Scarpelli.

17 COMMISSIONER SCARPELLI: Aye.

18 MADAM CLERK: Commissioner Petracco.

19 COMMISSIONER PETRACCO: Aye.

20 MADAM CLERK: Mayor Kelly.

21 MAYOR KELLY: Aye.

22 COMMISSIONER PETRACCO: Move the ordinance.

23 COMMISSIONER SCARPELLI: 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 PETRACCO: I have Ordinance
10 Number 3588, Ordinance to Fix the Salaries of Certain
11 Officers and Employees of the Township of Nutley,
12 County of Essex, State of New Jersey, effective
13 January 1st, 2024.

14 Move to open.

15 MAYOR KELLY: We'll open the public hearing
16 on Ordinance Number 3588. Anyone wishing to be heard
17 on Ordinance Number 3588, please approach the
18 microphone and state your name for the record.

19 COMMISSIONER PETRACCO: Seeing no one,
20 move to close.

21 COMMISSIONER SCARPELLI: Second.

22 MADAM CLERK: Commissioner Evans.

23 COMMISSIONER EVANS: Aye.

24 MADAM CLERK: Commissioner Tucci.

25 COMMISSIONER TUCCI: Aye.

1 MADAM CLERK: Commissioner Scarpelli.
2 COMMISSIONER SCARPELLI: Aye.
3 MADAM CLERK: Commissioner Petracco.
4 COMMISSIONER PETRACCO: Aye.
5 MADAM CLERK: Mayor Kelly.
6 MAYOR KELLY: Aye.
7 COMMISSIONER PETRACCO: Move the ordinance.
8 COMMISSIONER TUCCI: Second.
9 MADAM CLERK: Commissioner Evans.
10 COMMISSIONER EVANS: Aye.
11 MADAM CLERK: Commissioner Tucci.
12 COMMISSIONER TUCCI: Aye.
13 MADAM CLERK: Commissioner Scarpelli.
14 COMMISSIONER SCARPELLI: Aye.
15 MADAM CLERK: Commissioner Petracco.
16 COMMISSIONER PETRACCO: Aye.
17 MADAM CLERK: Mayor Kelly.
18 MAYOR KELLY: Aye.
19 COMMISSIONER PETRACCO: Thank you, Mayor.
20 MAYOR KELLY: The next two this evening I
21 will read on behalf of the entire Board of
22 Commissioners. We'll do 3590, an Ordinance Adopting
23 Roche Innovation Center Redevelopment Plan. This
24 ordinance creates an overlay zone for block
25 redevelopment property identified as Block 102, Lot 2;

1 Block 200, Lots 2 -- Lots 1, 2, 3, 4, 5, 6, and 24,
2 which properties were part of a former Hoffmann-La
3 Roche campus, so that the property can be redeveloped
4 into medical offices and practices, et cetera, as
5 identified in the redevelopment plan.

6 At this time, I'll turn it over to Mr. Orth,
7 who is our redevelopment counsel.

8 MR. ORTH: Thank you, Mr. -- my -- there we
9 go. Thank you, Mr. Mayor. Members of the Board of
10 Commissioners and the public, my name is Derek Orth. I
11 am the Township of Nutley's Special Redevelopment
12 Counsel. These are part of the ongoing efforts to
13 redevelop the ON3 campus, formerly occupied by
14 Hoffmann-La Roche.

15 Tonight, on second reading for the Board of
16 Commissioners' consideration, are two redevelopment
17 plans. The first one, which the Mayor just mentioned,
18 is the Innovation Center Redevelopment Plan, which was
19 introduced in June by the Board of Commissioners and
20 considered for consistency review by your Planning
21 Board earlier this -- I'm sorry, it's now July 1st --
22 earlier in June.

23 The second redevelopment plan is the
24 Kingsland -- or the South Kingsland Redevelopment Plan,
25 which is also on for second reading. We do have, for

1 the public's and the Board of Commissioners'
2 consideration this evening, a short presentation by
3 Fran Reiner, who is your redevelopment planner.
4 Following that, we also have a short presentation by
5 Lee Klein with regard to traffic mitigation that is
6 proposed as part of this omnibus redevelopment of the
7 ON3 campus.

8 Just for the public's viewpoint, for the
9 Board of Commissioners, this is second reading. This is
10 a time for, after the presentation by the board
11 professionals, the mayor and the board will open it up
12 for public comment. At that point, any member of the
13 public can approach the microphone and offer their
14 public comment in the second reading process.

15 So I'll -- with that, I'll turn it over to
16 Fran, who can give his presentation. Thank you.

17 MAYOR KELLY: And just for clarification,
18 we're doing one at a time, right? This isn't a
19 presentation on both.

20 MR. ORTH: Yes, correct. We're going to
21 start with the Innovation Center Redevelopment Plan,
22 after which presentation we will open it up, or I would
23 recommend you open it up for public comment. And the
24 comments can be issued, and then we will then move on
25 to the second redevelopment plan.

1 COMMISSIONER EVANS: So that would be
2 Ordinance Number 3590?

3 MR. ORTH: Correct.

4 COMMISSIONER EVANS: Okay.

5 MR. REINER: Good evening. Good evening.
6 Mr. Mayor, members of the commission, thank you --
7 commissioners, thank you for having me here. Fran
8 Reiner with FAR Planning.

9 I'm here to present to you this evening the
10 Roche Innovation Center Redevelopment Plan, which is
11 Block 102, Lot 2; and Block 200, Lot 1, 2, 3, 4, 5, 6,
12 and 24. The -- as indicated, the plan was introduced
13 at this body on June 17th. A brief presentation, which
14 I'm going to give to you tonight and to the public, was
15 presented to the planning board on June 18th.

16 There are a couple of minor grammatical
17 changes that happened from that initial, which I'll
18 note as a part of the presentation this evening as I go
19 through it. So if we can go --

20 So as I've indicated, the -- this is a
21 multiple-step process. The first step in this process
22 is the investigation study. The property was
23 designated as an area in need on March -- in March of
24 2015. The second step, which is what the mayor and
25 commissioners are considering this evening, is the

1 redevelopment plan. This presentation was for the
2 planning board, so the highlighted red indicates what
3 the planning board's role was in the process, which is
4 to determine whether or not the redevelopment plan is
5 consistent with the township's Master Plan. And the
6 planning board had determined that it was consistent
7 and sent back that letter to the mayor and
8 commissioners, indicating that it was their opinion
9 that the redevelopment plan is consistent with the
10 township's Master Plan.

11 The third step in the process would be a site
12 plan application. That would be through the planning
13 board. Again, the -- a developer would come forward.
14 Site plan application would have to then meet the
15 requirements of this redevelopment plan. So in
16 essence, the redevelopment plan represents new zoning
17 for this property, and that new zoning supersedes the
18 underlying zoning that exists today. This is part of a
19 long history of litigation that both parties are in the
20 process of attempting to settle, and this is one step
21 in that overall process.

22 In terms of the redevelopment plan, I'm going
23 to briefly kind of go through what the permitted uses
24 are as part of the document. We have listed all the
25 permitted uses here on the -- on screen. Those would

1 be all permitted. All the underlying uses that are
2 permitted would no longer be allowed on the site. In
3 terms of the bulk standards, what we want -- what I
4 wanted to do was -- so, again, accessory uses --
5 permitted uses, accessory uses -- accessory uses are
6 uses that are essentially ancillary to the permitted
7 use, again listed here. I'm not going to go through
8 all of them. They are part of the record in the
9 document.

10 What I did want to do is go through the bulk
11 standards, and as part of that I wanted to also talk
12 about what the bulk standards are for the underlying
13 zoning so that the public is aware that the
14 redevelopment plan that's being adopted actually places
15 higher criteria on the property than the underlying
16 zoning does.

17 So within the -- in terms of the minimum lot
18 size, it's one acre. The underlying zoning, which is
19 the MO zone, also has an area requirement of one acre.
20 The width requirement for the NO -- MO zone -- again,
21 underlying zoning is 150 feet. It's not really
22 applicable here on ours. The front yard setback under
23 the MO zone is 20 feet, or the height of the building.
24 On this particular plan, it's 40 feet, so it's greater
25 front yard setback.

1 The rear yard setback under the underlying
2 zone is 20 foot, 50 foot for residential. On our plan,
3 it's 40 feet. One side under the underlying zoning is
4 10 feet. Two sides is 20 feet. In our -- under this
5 plan, it's 40 foot to Kingsland.

6 In regards to the height of the building, the
7 underlying zoning allows for up to a 100-foot building.
8 The innovation plan allows for a maximum of 80 foot,
9 again, reducing the overall density and height
10 permitted. The lot coverage under the underlying
11 zoning is 50 percent, meaning the amount of impervious
12 surface, building, and asphalt parking; whereas, on
13 this plan, it's 30 percent, again, indicating that
14 there is less permitted development on the site.

15 And the impervious under the underlying
16 zoning is not applicable, meaning that you could
17 construct 100 percent impervious area, whereas, on the
18 innovation in this plan, it's 75 percent. Again, less
19 total impervious area is permitted on the site.

20 As I mentioned, there was a minor
21 modification to the language, and I just kind of want
22 to put that on the record. Under general provisions on
23 Page 4 of the document, we altered the language of A1.
24 Essentially, what we've done here is allowed for the --
25 an applicant to submit a site plan application for the

1 professionals of the planning board to review that site
2 plan application prior to a redevelopment agreement or
3 prior to a developer being designated.

4 The prior language required that the
5 redevelopment agreement and the designation be
6 completed prior to a site plan application review by
7 the planning board. Since we're all trying to resolve
8 the litigation, this allows us to -- for the developer
9 to move forward with the site plan application on the
10 innovation site prior to a redevelopment agreement
11 being signed and prior to a developer being designated.
12 So that was one minor change that had occurred on this
13 particular plan.

14 We then went through the consistency review,
15 and I won't go through it in great detail. Just to say
16 that we presented the consistency review of this plan
17 against the township's Master Plan, and for the reasons
18 that are listed here and within the document, we
19 believe that it was consistent with the township's
20 Master Plan. We also believe it was consistent with
21 the state goals and the county Master Plan.

22 As a part of the redevelopment plan that we
23 presented, this redevelopment plan also has a series
24 of architectural, neighborhood, and design standards
25 that go well above and beyond what conventional zoning

1 has, and I just want to highlight a few of those since
2 they were highlighted at the planning board. So some
3 of the things that are required in this redevelopment
4 plan that wouldn't be under the conventional zoning is
5 some of the required screening.

6 We have lighting requirements, and I -- and
7 I'll just highlight a couple of them. No blinking,
8 strobe, flashing lighting; they're all prohibited. We
9 have signage requirements in this that go well beyond
10 what the conventional zoning is, including -- and just
11 again, I'm pulling out a couple of the specifics, but
12 the facade-mounted illuminating signs that might be on
13 a building, they have to be dimmed to 50 percent
14 between the hours of 10 p.m. and 6 a.m., and then any
15 sign facing a residential neighborhood has to be turned
16 off after 10 p.m.

17 So what we're doing is we're going well
18 beyond what conventional zoning allows. In addition,
19 we have noise standards that talk about meeting the
20 requirements of NJDEP from a decibel level standpoint.

21 We have additional screening along
22 residential that goes beyond what the underlying zoning
23 would allow. So in our opinion, we believe the plan is
24 consistent as the planning board had noted and would
25 ask the commissioners to consider moving to adopt this.

1 MR. ORTH: All right, Fran, thank you for
2 that presentation.

3 I next would like to turn it over to Lee
4 Klein for our traffic presentation.

5 MR. KLEIN: If you can just pull up that one
6 that says list of mitigation, and then the power -- and
7 then the PDF. Yeah, that one, and then there's a PDF.
8 You can leave that one up for now.

9 Good evening, commissioners. My name is Lee,
10 middle initial D as in Daniel, Klein. I'm a
11 professional engineer in the state of New Jersey. My
12 focus is on traffic engineering. I was hired by the
13 township to review the Stonefield traffic engineering
14 reports that were done for the ON3 redevelopment. I
15 did that. I reviewed the latest report, which was
16 May 23rd, 2025, and the purpose of that report was for
17 Stonefield to go back out and do some check counts at
18 the study intersections along Kingsland to see how the
19 trip generation that they had projected many years
20 prior, how that came to fruition or not.

21 And what they found is a lot of the values
22 were a little lower than what they originally had
23 projected. So some of those levels of service that you
24 remember seeing in their original study that were going
25 to be failing and worse than failing, some of them now

1 are projected now to be a lot less worse than they were
2 before.

3 So they went out and did their traffic counts
4 on November 30th. It was a Thursday back in 2023.
5 They compared it to the other traffic volumes and data
6 that they had collected over the past several years.
7 They determined that they were very consistent, but
8 again, there -- the numbers were a little lower. They
9 looked at what had been developed and what had been
10 occupied at the time in November of 2023. Then from
11 that point on, they projected during -- calculating
12 their trip generation, they projected what the full
13 buildout of the ON3 redevelopment would be. And they
14 came up with some mitigation improvements, and that's
15 the exhibit that I have up on the screen.

16 They came up with five intersections along
17 Kingsland that needed to be improved. And some of them
18 were -- the intersection of Kingsland, West Passaic,
19 and Darling Avenue. That was to optimize the traffic
20 signal timing and to add some additional phasing at
21 that intersection to make the signal work a little more
22 efficiently.

23 At Kingsland, Metro Boulevard, and Bloomfield
24 Avenue, same thing, optimize the traffic signal.
25 They're going to be adding a right turn lane from

1 Kingsland westbound into Metro Boulevard and do some
2 adjustments to the timing and the phasing of that
3 signal.

4 At Kingsland Street and Ideation Way, at one
5 point there was a roundabout that was proposed at that
6 T intersection. And from what I gathered from talking
7 to different people, that roundabout was really there
8 because New Jersey Transit wanted to be able to get in
9 and out of the site a little easier rather than waiting
10 at a stop sign trying to make a left turn. They wanted
11 that roundabout there. So the roundabout's not gone.
12 It still could be there. However, there's some -- the
13 affordable housing that's, I guess, to the east of the
14 intersection, whenever -- if they do decide to do a
15 roundabout, we'll have to take into account that
16 affordable housing building and do some reengineering
17 of the design of that roundabout to make that work.

18 And then at the intersection of Kingland --
19 Kingsland Street and Cathedral Avenue, they're going to
20 reorient that triangular-shaped intersection, bring it
21 all to a T signalized intersection. They're going to
22 widen Kingsland Street, so they have an eastbound left
23 turn lane to turn into Cathedral and some other
24 physical improvements there as well.

25 And then at the intersection of Kingsland

1 Street and Passaic Avenue, Main Avenue, just a signal
2 optimization there, adjusting the timing by about four
3 seconds to steal some green time from one of the phases
4 and give it to another.

5 So in conclusion, they did their check counts
6 in November of 2023. They determined that the trip
7 generation, which in my experiences, tends to be a
8 little more conservative and tends to be a little
9 higher than what's actually out there when they did
10 their counts and recalculated the trip generation for
11 the additional development that's going to occur from
12 then on, and then projected everything out and did
13 their analysis, they came up with these improvements
14 along Kingsland that will mitigate any impacts of the
15 traffic from the development and things will operate at
16 acceptable levels of service.

17 MR. ORTH: Thank you, Mr. Klein, for that
18 presentation. That is the presentation we had prepared
19 for this evening. Mr. Klein's presentation from a
20 traffic perspective is also -- he's not going to repeat
21 the same thing he just gave. It's an omnibus one for
22 the second redevelopment plan, which is also here on
23 second reading.

24 So if the commissioners -- if you have any
25 questions for Fran or for Lee, you can feel free to ask

1 them now. Otherwise, I would recommend that we open up
2 the meeting for public comment on Ordinance
3 Number 3590.

4 MAYOR KELLY: Commissioner Evans, do you have
5 any questions?

6 COMMISSIONER EVANS: Nothing for me.

7 MAYOR KELLY: Commissioner Tucci?

8 COMMISSIONER TUCCI: (Indiscernible).

9 MAYOR KELLY: Commissioner Scarpelli?

10 COMMISSIONER SCARPELLI: Not now, Mayor.

11 MAYOR KELLY: Commissioner Petracco?

12 COMMISSIONER PETRACCO: (Indiscernible).

13 MAYOR KELLY: I just have a couple questions.
14 We'll start with -- you want to go up first, Fran?

15 I just want to highlight a couple things.
16 Fencing, we touched on this a little bit, but any fence
17 that's facing a residential property will be a minimum
18 height of eight feet and it cannot be chain-link. Is
19 that correct?

20 MR. REINER: So the height of a fence would
21 be six feet maximum, with residential minimum of eight
22 feet, and correct, the chain-linked is not a permitted
23 fence.

24 MAYOR KELLY: And the lighting for the
25 parking lot, they're to be shielded to prevent spillage

1 onto off-site properties, which would include
2 residential. Is that correct?

3 MR. REINER: Yes. So there'll -- there will
4 be cutoff fixtures are required to prevent any light
5 spillage onto off-site properties.

6 MAYOR KELLY: And with respect to lighted
7 signage, the applicant will have to submit a
8 photometric study with its signage package. That's
9 correct, right?

10 MR. REINER: So they either have to meet the
11 sign ordinance requirements that the township has or
12 submit a separate sign package for the planning board
13 to review.

14 MAYOR KELLY: Okay. That's all I had.

15 Traffic. So the question I had is the
16 Kingsland Avenues at county road, what happens if the
17 County doesn't agree to make or permit some of these
18 changes? Is there a contingency or?

19 MR. KLEIN: I don't think that the county
20 would really do any pushback. It will be paid for by
21 the development. They'll meet the county standards for
22 geometry and signal timing and phasing. So I wouldn't
23 think that the county would push back on any of these
24 improvements.

25 MAYOR KELLY: Okay. But what would the

1 impact be if they did push back? Would it be
2 significant?

3 MR. KLEIN: It depends on which -- you'd have
4 to look at the individual intersections to see what the
5 future build condition without mitigation is and what
6 it is with mitigation.

7 MAYOR KELLY: The worst-case scenario, I
8 guess, would be the Cathedral Ave. if they don't allow
9 a traffic light there.

10 MR. KLEIN: I'm sorry, Mr. Mayor, say that
11 again.

12 MAYOR KELLY: Sure. I guess the worst --
13 every other intersection you spoke about already has a
14 traffic signal there. So it would just be a question
15 of really optimizing, maybe adding a lane or two. But
16 the Cathedral Ave. intersection, that would require a
17 traffic light to be put there.

18 MR. KLEIN: Correct.

19 MAYOR KELLY: And if the County doesn't allow
20 it to be put there, what would the impact be to the
21 surrounding community?

22 MR. KLEIN: I believe that the level of
23 service for that intersection would be a level of
24 service F. But I'm not sure. I think that I have to
25 look deeper into the report. But I'm -- I think it

1 would be a level of service F. And I believe that the
2 warrants are met for a traffic signal. So again, I
3 don't see the county not allowing a signal to go there.

4 MAYOR KELLY: So based on the traffic, the
5 county's hands would almost be tied and have to allow a
6 traffic signal there to optimize the traffic.

7 MR. KLEIN: Correct.

8 MAYOR KELLY: Okay. All right. Thank you.
9 I have no further questions at this time.

10 At this time we'll open up Ordinance
11 Number 3590 for a public hearing. Anyone wishing to be
12 heard on Ordinance Number 3590 may approach the
13 microphone and state your name for the record, please.

14 MR. GORRIE: My name's Robert Gorrie. I'm
15 with Davis Environmental Law, PC. We're counsel to
16 Nutley Lumber Co., Inc. at 263 Hillside. They are
17 formally and have already submitted objection and
18 opposition to both ordinances. The core of our -- of
19 their objection really comes relative to the Southside
20 Kingsland Redevelopment Plan in Ordinance 3589.
21 However, there's a lot of overlap between the two.

22 For that reason, we'd ask that our comments
23 be heard on 3589 and then wrapped in the record into
24 both ordinances, and that a vote be held until we've
25 had a chance to speak on both.

1 MAYOR KELLY: So if -- what I understand is
2 you're suggesting that we have both -- we don't vote on
3 both -- we don't vote on this ordinance until you're
4 able to be heard on the second ordinance?

5 MR. GORRIE: That is correct, Mayor.

6 MAYOR KELLY: Leave that to our redevelopment
7 counsel on the procedure there.

8 MR. GORRIE: I -- I would --

9 MR. ORTH: There we go. Red means go for
10 some reason on this microphone.

11 My recommendation is that we're -- we have
12 two separate redevelopment plans. There's two separate
13 public comments. I understand what Counsel is
14 requesting, but my recommendation to you is that you
15 take a vote on each redevelopment plan standing alone
16 after the public comment is given consecutively. That
17 is the way it should be done.

18 MAYOR KELLY: Okay. I'm not going to go
19 against our counsel's advice, so right now we're just
20 going to hear comments on 3590. If you have any
21 comments to offer on that specific redevelopment plan,
22 we'll be happy to hear them. If not, we look forward
23 to hearing you on 3589.

24 MR. GORRIE: I mean, the testimony I'll give
25 on -- or the comment I'll give on both is relatively --

1 there are similarities, so I'll proceed with the areas
2 where there's overlap on both.

3 Essentially, the core of Nutley Lumber's
4 issue with the proposed ordinances in the redevelopment
5 plans is what I'll say kind of an overlooking of
6 stormwater issues and flooding issues that have -- are
7 specifically impacting our client, Nutley Lumber, but
8 have been at issue for the town for some time.

9 The Roche -- former Roche campus is an 119-
10 acre property. It's equivalent to about 5.5 percent of
11 the entire municipality -- of the entire township, and
12 based on work by Van Cleef, the expert who's been
13 supporting our efforts and Nutley Lumber's efforts, it
14 represents about 23 percent of the entire drainage into
15 the Third River watershed, meaning it's the single
16 largest contributor of stormwater in the -- in the
17 entire watershed, and certainly within the township.

18 And for -- since these redevelopment plans
19 have been moving forward -- and there have been many
20 before the township before, there's several ordinances
21 of them that have been passed, and then based off
22 those, site plans have been submitted with stormwater
23 management plans that do not account for the stormwater
24 impacts being caused by the ON3 site.

25 That is for a variety of reasons, but one of

1 which is that the comparison has been to a 2012
2 standard. That 2012 standard, when you're looking at
3 stormwater impacts of a proposed development versus
4 stormwater impacts of existing conditions, looks back
5 at Roche campus when it was more or less fully
6 developed back in 2012. At that time, there was a lot
7 more impervious coverage than there is today, and in
8 each instance, Prism submits redevelopment plans that
9 say that their proposed redevelopment will be less
10 impactful than those existing conditions.

11 The reality is that every single
12 redevelopment that happens on that property is causing
13 an increase in stormwater and an increase in flooding
14 issues down -- downstream in the Third River watershed.
15 Those have not been appropriately looked at. They have
16 not been appropriately quantified. Our client is most
17 at risk. They are next to one of the three outfalls
18 that drain the Roche campus -- the ON3 campus. Their
19 facility has an outfall directly across from it that's
20 discharging an extreme amount of stormwater.

21 The estimates by Roche for 2011 were 244 --
22 244,000 gallon -- yeah, 244,000 gallons a day or
23 89 million gallons a year. That, of course -- and
24 that's just in one of the -- the three outfalls. This
25 one drains to one of the other two outfalls that are

1 upstream, but those waters then proceed downstream and
2 cause flooding issues, and flooding issues not only on
3 our client's property, but downstream on St. Paul's
4 Brook or Springer's Brook and the Third River.

5 Because of that and that the redevelopment
6 plans essentially relax the protections that exist
7 already in Nutley's Municipal Code, requirements that
8 flooding analysis be done for every development project
9 that was put into the Master Plan via the stormwater
10 management plan that was revised in 2024 for the -- for
11 the township, in each instance, they no longer would be
12 required to do so. It's not contained within the
13 Master Plan. It's therefore inconsistent with the
14 Master Plan in our view. Stormwater management plan
15 from 2024 is a sub-element to the Master Plan.

16 And then also, the Nutley Site Plan Code
17 requires that they prevent downstream 600-6(9)(a), I
18 believe it is, requires that you prevent flooding and
19 downstream damage to properties. The stormwater
20 management regulations do not have any prohibition.
21 They merely say that you reduce, which is a matter of
22 degree, and by adopting this -- this redevelopment
23 plan, it'll -- we can expect what we've seen in the
24 past, that stormwater will not be appropriately
25 managed, that the 90 million gallons that are being

1 estimated to be discharged into Springer Brook, a
2 relatively small stream, will not be accounted for,
3 that the same stormwater management plans that have
4 been submitted will be submitted, which merely say we
5 have to do nothing different, that we are less than
6 Roche fully developed. And the reality is that in each
7 and every instance, there will be further impacts to
8 downstream residents, further impacts to our clients
9 specifically.

10 So for those reasons, we object to the
11 passage of both ordinances, in this case, 3590, because
12 it will -- and if history has taught us anything, it's
13 that stormwater will not be accurately or adequately
14 accounted for in either the stormwater management plans
15 of the site plan process, and the passage of a
16 redevelopment plan that only seeks to kind of
17 streamline the process, give them an easier ride to
18 redevelopment, will just hurt the town and hurt its
19 residents, and especially our client, Nutley Lumber.

20 The majority of my other comments I'll --
21 I'll save for 3590 -- or 89, but --

22 MAYOR KELLY: Great.

23 MR. GORRIE: Thank you.

24 MAYOR KELLY: Thank you.

25 Mr. Orth, do you have any comment on that?

1 MR. ORTH: No, I have no response to that
2 statement that was made.

3 MR. VUICH: Good evening, commissioners. My
4 name is Joseph Vuich, that's V as in Victor, U-I-C-H.
5 I am a licensed professional engineer, professional
6 planner, and a certified municipal engineer in the
7 state of New Jersey. All certifications and licenses
8 are in good standing. I currently serve multiple
9 municipalities throughout the state of New Jersey,
10 notably Morris Township, as well as others throughout
11 Morris County, Sussex County. Previously, I had been
12 in representation through Neglia Engineering in both
13 Passaic, Essex, Bergen Counties, and have been
14 following this redevelopment since its infancy and
15 participating directly through Clifton, originally in
16 the infancy of the redevelopment that was contemplated.

17 I'm here to supplement on behalf of our
18 client, Nutley Lumber, some of the statements from our
19 attorney.

20 MR. ORTH: I'm sorry, are you an attorney or
21 you're an engineer?

22 MR. VUICH: I'm not. I'm an engineer.

23 MR. ORTH: Okay. Are you a resident of the
24 town?

25 MR. VUICH: I am not.

1 MR. ORTH: Okay.

2 MR. VUICH: Like --

3 MR. ORTH: So this is -- Mr. Mayor, members
4 of the board, it's up to you, but this is a time for
5 public comment on the ordinance. Counsel is absolutely
6 able to make a comment on behalf of the client that
7 they represent. It's not a hearing in the context of a
8 land use application before a planning board where, you
9 know, sworn testimony is provided. This is a time for
10 public comment. Typically would not permit an engineer
11 who's not an attorney to provide the equivalent of
12 testimony on the second reading of an ordinance. So
13 it's your call, but I would not be hearing --

14 MAYOR KELLY: I see you brought the attorney
15 back up, so is he just going to --

16 MR. VUICH: Would you like me to whisper in
17 his ear? Respectfully.

18 MAYOR KELLY: How long are your comments
19 going to be? Do you have a --

20 MR. VUICH: I'll be as brief as possible so
21 that we're -- we truncate the duplication in the
22 record, but I do believe there are some substance to my
23 professional opinion. I understand I'm not testifying,
24 but there were some statements from the municipality's
25 professionals. I'd like to make a statement or two

1 that are all relevant.

2 MAYOR KELLY: Can the -- is the attorney
3 qualified to just summarize your report?

4 MR. VUICH: The (indiscernible) summarize for
5 you. I -- I understand the abundance of caution, but
6 I -- the abundance of caution for not hearing --

7 MAYOR KELLY: I think it's a slippery slope,
8 so why don't we just have the attorney summarize the --
9 your findings.

10 MR. DAVIS: Good evening. This is Howard
11 Davis from Davis Environmental Law, representing Nutley
12 Lumber Company, Inc.

13 So question is whether you want to engage in
14 a full understanding of what the circumstances are or
15 try to truncate because of the -- the technicalities
16 and rules that the attorney wants to impose on this
17 body so that they perhaps are not getting the full
18 understanding of what the circumstances are.

19 As my colleague Rob Gorrie has indicated,
20 there has been a serious increase -- monumental
21 increase -- tremendous increase in stormwater since
22 Prism has taken the ownership of the property. Before
23 their ownership, all stormwater on the eastern side
24 went to PVSC. None discharged to the brook. None.
25 Except when there was a circumstance where PVSC

1 determined it couldn't handle it, which happened two
2 times. So 97 -- I'm sorry -- 89 million gallons have
3 been discharged since Prism took ownership. None of
4 that is in any of the documents that have been prepared
5 by anyone to date.

6 So the question is, are you aware of it?
7 Have you been aware of it? When were you aware of it?
8 But I -- you should be aware of it now because we just
9 submitted the documentation that indicates that. So
10 that's something you have to now consider. I guess I'd
11 ask the question, have you read it? Have you read our
12 submission?

13 I mean, it's a serious question because it's
14 not perfunctory. This is not just an objection.
15 The magnitude of what we're seeing here in stormwater
16 impact is -- I don't know of any other circumstance
17 where I have been involved in this where -- where
18 there's a prior industrial discharge not going
19 somewhere, and then a switch is turned to cause it to
20 be discharged. Now, the submission that we gave to
21 you, all of you, includes the details, the documents,
22 that supports exactly what we're saying. It's not
23 speculation. It's not imagination. It's there. So
24 the question is now, it was submitted. Did you get it?
25 I mean, did you get it? It's a serious question.

1 MAYOR KELLY: I received it, and I believe
2 it's right here.

3 MR. DAVIS: Okay. So now, have you
4 assimilated what we're saying? Truly assimilating it.
5 Because it's not just sent to you for the purpose of
6 being sent to you. It's serious. A lot of water is
7 being discharged, which means -- you know, back in '21,
8 you've had hearings on this. You've had questions on
9 it. You've been directing. You're trying to figure
10 out what's going on. Well, what is going on? Does
11 anyone know what's going on? But now we've submitted
12 something that adds to that. Have that -- has that
13 been looked at? Did you know? Well, there's nothing
14 in the record to suggest it. So did you know? Now you
15 know.

16 So what do you do with that? You say, oh,
17 okay, continue with that. You know, a couple of
18 people, they came back in a couple of days. They had
19 lots of injuries and worse. Let's just, let's not
20 worry about it. No, we're here to worry about it.
21 Because that's what we do. That's our job. Our job is
22 to worry about things. Work towards a resolution that
23 actually does justice. Work towards something that
24 matters. And it's not just to push a button. We -- we
25 see a lot of that. That's not why we're here. We're

1 here to make considerations. For you to consider it.
2 It's your consideration. Five of you make the law in
3 this town.

4 And the question is whether the redevelopment
5 ordinances will allow that to continue when all of the
6 redevelopment plans to date have ignored it. They have
7 truly ignored it. There's segmentation, meaning
8 they're looking at just that, the typical -- I mean,
9 you've been through this -- the typical stormwater
10 analysis, they look at the pavement and they say, well,
11 it's not more than it was. Well, that's the issue
12 that, yes, it is more.

13 And in 2012, none of it was being discharged
14 because it was all going to PVSC. And then you have,
15 you know -- I don't know causation because there's a
16 lot that goes into your obligations and obligations of
17 your professionals to really look at this question. So
18 did they? Did they know? Did you know? If you
19 didn't, well, you've got to look at it before you're
20 doing anything to say, bless, go ahead, continue with
21 this stuff.

22 And so I'm asking you, read the report in
23 detail. It is inconsistent with the Master Plan. It's
24 inconsistent. It's detailed in the submission. If you
25 read it, I don't know how you -- how you miss it. It's

1 a major facility, major facility. You've got to look
2 at all the parts. You can't segment it and say, oh,
3 we're at the end. It was never really a major facility.
4 We never had to look at it. So you have to look at it
5 as a whole. The whole discharges 89 million gallons
6 average.

7 We detail it with the support in the
8 document. That's, again, discharged by Prism. They
9 turned a switch. That's what they did. With --
10 doesn't look like any real analysis or consideration by
11 anyone. There's no indication -- I mean, did you guys
12 look at that? Did you know that that happened? Well,
13 there were -- there was a plan that was submitted to
14 build Phase 1. Was that in there? No, not that I
15 could see. Maybe. You saw something I didn't see. I
16 didn't see anything. It wasn't there.

17 So now it's before you, okay? Now you
18 have -- I don't know what the litigation is really
19 about. You know, you're looking at this, but that's
20 not a reason to go, okay, go ahead.

21 Rolling back the stormwater requirements is
22 inconsistent with the Master Plan. You have statutes,
23 ordinances. You also have DEP regulations. It is
24 inconsistent with the Master Plan. It is inconsistent
25 with DEP regulations for stormwater because the major

1 facility has never been looked at. And I know there's
2 a matter of course. There's, like, practice. Well,
3 this is how they do it. They come to this idea that we
4 don't really have to deal with stuff because most isn't
5 this magnitude.

6 This is a magnitude. And you know it because
7 you live it. You live here. You are residents. You
8 know the people who are impacted. You know their
9 families. You know what happened to them. And I'm not
10 here to just be here with passion for no reason. This
11 is real. You have to look at this. Take the time to
12 understand this before you take action that's
13 perfunctory. It will give everyone a chance to figure
14 out, well, yeah, this is probably real. Let's figure
15 out how to deal with this, so it's not something we're
16 kicking the can to hurt someone else in your town down
17 the road.

18 I'm asking you, don't roll back. Don't
19 approve any resolution that rolls back stormwater
20 obligations. You can't. There's no rational basis,
21 first of all. You can't do it. I'm asking you not to.
22 And so both of these ordinance do that. You've got a
23 major facility that's discharging. You can't just say,
24 let's segment. Let's allow that one. Well, the other
25 one is discharging directly. This one's indirect. You

1 know, we got -- you've got to look at this. You can't
2 approve something that in any way rolls back the
3 stormwater obligations.

4 MR. ORTH: Sir, your comment is starting to
5 get repetitive. So are you bringing it to a close?

6 MR. DAVIS: Thank you so much. I will close,
7 but I will tell you, obviously repetition is what
8 happened before where nothing happened. You didn't
9 look at it, okay? And I'm asking for something
10 different. And if I have to repeat that 11 times
11 because that's the average to get through to people,
12 then I'm going to do it because it has to be done.

13 I mean, let's do it by the book, right?
14 Let's get the notices in by the book. Okay, you got
15 it. Substantive is more important. You've got to do
16 this the right way. Please. I'm begging, pleading,
17 don't hurt your town with the auspice of trying to
18 help. They don't want it. We don't want it. You
19 don't want it. And the people who have already
20 impacted deserve not to have that happen. Thank you.

21 MR. ORTH: Thank you for your comment. Yes?

22 MS. GONCHAR: (Indiscernible) in the
23 allegations.

24 MR. ORTH: You're permitted to -- you're --

25 MS. GONCHAR: (Indiscernible).

1 MR. ORTH: You are permitted to make a
2 statement as well.

3 MS. GONCHAR: I just don't know if there were
4 members of the public that they (indiscernible).

5 MR. ORTH: It's up to the Board.

6 MS. GONCHAR: (Indiscernible) my client and
7 his property.

8 MR. ORTH: So let's -- so we should have --
9 we should -- if you -- it's a public comment period. I
10 would welcome you. Just -- you have a client owns
11 property in town, you are permitted to speak at the
12 microphone and offer a public comment.

13 MAYOR KELLY: Ms. Gonchar, if I understand,
14 you want to go last so that --

15 MS. GONCHAR: Well, yeah. I don't want to
16 interfere. I just do not want these misstatements that
17 were put on the record by Mr. Davis and the other
18 counsel to the fact that we're here and we're not
19 refuting them. We do want the -- the town to know also
20 that there is pending litigation, which they have not
21 bothered to let you know about. Some of it's already
22 been dismissed based on some of the assertions that
23 were made. So we're happy to defer to the residents.

24 But before you close this, we certainly want
25 the opportunity so that those misleading or

1 misstatements are not left to stand.

2 MR. ORTH: We can do that. That's -- you
3 can --

4 MAYOR KELLY: Sure.

5 MR. ORTH: If any other member of the public
6 would like to make a statement --

7 MS. GONCHAR: Yes, we --

8 MR. ORTH: -- regarding this ordinance,
9 please come to the microphone and make your statement.

10 MS. GONCHAR: And then we'll just -- if we
11 can reserve our right to respond to it.

12 MR. ORTH: That's -- yes.

13 MS. ZAPATA: Hi, my name is Jessica Zapata.
14 I live at 3 Terrace Avenue. It's right on the corner
15 of Terrace and Kingsland, which is on the curve of
16 Cathedral.

17 The last time I came to the podium about two
18 weeks ago, I did ask for chairman and mayor to consider
19 the privacy of the residents now that we know that the
20 buildings are going to be 70 feet tall, possibly
21 looking into our backyards. For a single mom with a
22 son, that is extremely disturbing for me. I would
23 really want to see definitely landscape, you know, to
24 prohibit any -- any of that.

25 But also now hearing the traffic there on

1 Cathedral -- the proposal on Cathedral and the traffic
2 light. There's already an immense amount of traffic at
3 Franklin Avenue that would then spill over, from what
4 I'm hearing, onto Kingsland, onto my property. There's
5 going to be people sitting there in their cars watching
6 me in my backyard. Even with my fence, you can still
7 see through it. That's extremely concerning for me. I
8 would want to see where on the map will there be the
9 traffic light and how it's going to affect us residents
10 that are on Kingsland, if that's possible.

11 MAYOR KELLY: Mr. Klein, do you have any
12 response?

13 MR. KLEIN: Tell me again, you're in the
14 corner of Franklin and Kingsland?

15 MS. ZAPATA: I am on Kingsland and Terrace
16 Avenue.

17 MR. KLEIN: Terrace..

18 MS. ZAPATA: Mm-hmm. Which is a little --
19 yeah, and on PCS Way.

20 MR. ORTH: Let's -- this is you know, let me
21 guide everybody here. I truly appreciate the concern,
22 and you're welcome to speak to Mr. Klein after this
23 hearing.

24 MS. ZAPATA: Well, I would want the
25 commissioners to see it, like, maybe pulled up on

1 Google Maps just so everybody can see where the
2 potential traffic light would be that would affect the
3 community.

4 MR. ORTH: Okay. There's a -- so I don't
5 know if we have the plan here for this at this moment,
6 but I would also encourage you -- there is going to be,
7 if this plan is approved this evening, the redeveloper
8 will have to file a site plan application where a
9 fully-engineered set of civil plans, architectural
10 plans, lighting, and landscape plans will be presented
11 to the planning board, and that is really the
12 appropriate juncture to talk about things such as, you
13 know, the landscaping that's going to be proposed, the
14 buffering, the coverage. Particularly, that's a very
15 site plan-specific issue --

16 MS. ZAPATA: Right.

17 MR. ORTH: -- that you just identified.

18 MS. ZAPATA: Yes.

19 MR. ORTH: And we -- I would encourage you to
20 come to that planning board hearing and to express your
21 concern, and also, you know, potentially submit it in
22 advance to the board. So at this level, the governing
23 body does not engage in a site-specific issue, you
24 know, such as buffering into, you know, that area.
25 But --

1 MS. ZAPATA: Okay.

2 MR. ORTH: -- your comment is duly noted for
3 the record, and we appreciate it.

4 MS. ZAPATA: Just for consideration just so
5 that you --

6 MR. ORTH: Absolutely.

7 MS. ZAPATA: -- keep it at the back of your
8 mind, please.

9 MR. ORTH: Hear it, and there's -- you know,
10 we have, you know, members of the governing body who do
11 sit on the planning board, so I would encourage you to
12 come back to the planning board meeting and express
13 that --

14 MS. ZAPATA: I will.

15 MR. ORTH: -- same concern again.

16 MS. ZAPATA: Okay. Thank you. My -- my son
17 Zayden (phonetic) wanted to also -- he also has a
18 comment.

19 MR. ORTH: Yes.

20 MSTR. ZAPATA: So from my window, looking
21 across the land where you are going to put -- well are
22 thinking in consideration of putting a data center, I
23 would like to know if -- what's going to happen to the
24 animals that I see over that land. I see geese,
25 turkeys, and a family of three hawks over that land,

1 just to name a few. So I would like to know what would
2 happen to them if you're going to be cutting down trees
3 and, like, breaking and building stuff. What would
4 that happen -- what would happen to the animals?

5 MR. ORTH: That's a great question. And
6 what's your name, son?

7 MSTR. ZAPATA: Zayden.

8 MR. ORTH: Zayden, you did a great job. Is
9 this your first public meeting?

10 MSTR. ZAPATA: I've been.

11 MR. ORTH: You've been to some before? So
12 you --

13 MSTR. ZAPATA: I've been to some before.

14 MR. ORTH: Better -- you did a wonderful
15 question. So you should also come to the planning
16 board meeting.

17 But typically the applicant has to file what
18 we call an environmental impact statement as a part of
19 their site plan application to the planning board. And
20 in that document they address environmental impacts
21 from the development proposal which is submitted to the
22 board for consideration. And that's a document you
23 should take a look at when it is submitted, if it is
24 submitted, if they -- if we proceed past this evening.

25 And I would encourage you to also come to the

1 meeting and put your question on the record just as you
2 did so well right now.

3 MSTR. ZAPATA: My question was just what
4 would happen to the environment of the animals that
5 call that land home?

6 MR. ORTH: Right. The developer will have to
7 answer that question and -- at the planning board
8 level.

9 MSTR. ZAPATA: All right.

10 MR. ORTH: Okay.

11 MSTR. ZAPATA: Thank you.

12 MR. ORTH: No, thank you.

13 MS. ZAPATA: Sorry. And then just one more
14 thing. My son just reminded me. If this is going to
15 be a data -- do we know that it's going to be a data
16 center? Because I mean that also, you know, it --
17 there's been so many reports -- documentaries on data
18 centers just being very -- a lot of pollutants.

19 MR. ORTH: We're -- you can ask questions.
20 But right -- there is going to be another right after
21 the public comment on this redevelopment plan. This is
22 the innovation center redevelopment plan. This is not
23 the data center one.

24 MS. ZAPATA: Okay.

25 MR. ORTH: That's the next one.

1 MS. ZAPATA: The next one. Okay. Thank you.

2 MS. LYALL: Hello. My name is Nadia Lyall. I
3 live at 229 Kingsland Street, Nutley, New Jersey. I
4 just had a question about the traffic issue again. And
5 I want to make sure that this is a question for the
6 site plan application and not for this moment.

7 Regarding the stoplight proposed today, are we
8 able to -- like, would any questions or reservations or
9 suggestions for that stoplight be reserved for the site
10 plan application meeting?

11 MR. ORTH: Yes, it would be. And the
12 testimony that -- or the presentation that Mr. Klein
13 gave is an omnibus presentation for the entirety of the
14 redevelopment area. It was not tied, you know, to any
15 particular aspect of the redevelopment plan. These are
16 improvements that are proposed mitigation measures as
17 part of the full buildout of the area. But, yes,
18 ask -- come back to the planning board and ask the same
19 question.

20 MS. LYALL: Okay. Just for my own
21 understanding, you're saying that these are, like,
22 suggestions given, not necessarily, like, specifics
23 that are going to be carried out for the --

24 MR. ORTH: These are all going to be
25 undertaken --

1 MS. LYALL: Okay.

2 MR. ORTH: -- subject to all receipt of
3 necessary approvals.

4 MS. LYALL: Okay. Thank you very much.

5 MR. ORTH: Yes.

6 MAYOR KELLY: Just I think it might be
7 helpful to kind of explain what action we're taking
8 tonight. And, Mr. Orth, you can correct me if I'm
9 wrong.

10 MR. ORTH: Sure.

11 MAYOR KELLY: But these are essentially
12 zoning ordinances that we're changing, and the details
13 will come from a site plan application before the
14 planning board.

15 MR. ORTH: These are redevelopment plan
16 ordinances which establish the zoning parameters for a
17 redevelopment project. The process is governed by the
18 local housing and redevelopment law, slightly different
19 than the Municipal Land Use Law. But it establishes
20 the development parameters and use bulk permissions in
21 a particular area. How far can a building be set back
22 from a property line? How tall can a building be? How
23 many number of stories? How many square feet? What
24 are the parking requirements? Those are the basic
25 standards that are being established by way of these

1 proposed redevelopment plans.

2 The actual development proposal with the
3 particulars of what does the building look like, what
4 does the architecture look like, and what are the
5 details of the use, those are done at the planning
6 board by a civil site plan application, which will
7 include a lot of information, a fully-engineered civil
8 set, an architectural set. It will include a traffic
9 impact statement, typically an environmental impact
10 statement. It'll have the specifics of the proposal,
11 and that's why the planning board is the place to go
12 for particularized questions about each development
13 proposal. This is just establishing the parameters for
14 what can occur on the site. Thank you.

15 MAYOR KELLY: Thank you, Mr. Orth.

16 Does anyone else wish to be heard on
17 Ordinance Number 3590?

18 Seeing none, we'll let the applicant state
19 their position.

20 MS. GONCHAR: Meryl Gonchar, Sills Cummis &
21 Gross, representing PB Nutclif Master, who is the owner
22 of the property which is the subject of the
23 redevelopment plan that you're currently considering --
24 the innovation plan.

25 We just want the record to reflect that the

1 assertions that were made with regard to what Prism
2 did, how much water Prism did or didn't allow, whether
3 there were increases, whether there were changes from
4 what Hoffmann-La Roche had done, whether we are --
5 whether my client is and has been in compliance with
6 applicable DEP and other regulations, all kinds of
7 assertions. We do not agree with those assertions --
8 with the factual or the legal assertions, and we also
9 would encourage the Board of Commissioners to reject
10 the attempt to include you in their pending litigation.

11 Nutley Lumber filed suit against my client
12 and others, including the New Jersey Department of
13 Environmental Protection. They made many of the same
14 allegations and assertions that they're putting before
15 you today, specifically their claims that either PB
16 Nutclif didn't comply with regulations or didn't get
17 permits or changed things or did things, and they have
18 been unsuccessful in the litigation in their attempt to
19 establish that. And with the -- although they have
20 not -- we were not, just for the record also, as
21 property owner and as their named defendant, they did
22 not provide us with any of the materials that they
23 placed before you, but we are familiar with these
24 allegations and misstatements.

25 As to their assertion that we

1 mischaracterized what kind of application or should
2 have gotten other permits and applications, I am
3 reading from a reply brief filed by Deputy Attorney
4 General of the State of New Jersey. This is a reply
5 brief, and it is on file in eCourts. It's a matter of
6 public record. It is in Docket Number ESX-L006952-24,
7 and it is -- I have a transaction ID number,
8 LCB2025444118. That's how you can identify it on the
9 record.

10 And the first page of the reply brief filed
11 by the Attorney General's office says, "The central
12 allegation in plaintiff's complaint is that the Prism
13 defendants are discharging stormwater and other
14 pollutants through an outfall, here and after 'the
15 outfall', into St. Paul's Brook, here and after 'the
16 brook', in violation of New Jersey law," and it cites
17 Complaint Paragraphs 30 through 47. "The Department of
18 Environmental Protection, here and after 'the
19 department,' disputes this claim. The Department's
20 view in light of its investigation is that Prism's
21 discharges are authorized by its existing permits or
22 otherwise consistent with law."

23 That was the brief that was filed on behalf
24 of the State in support of its motion to dismiss for
25 failure to state a claim against the DEP where the

1 allegation was the failure of DEP to enforce its
2 regulations or require my client to get necessary
3 permits. The court granted the motion to dismiss,
4 found, as the DEP requested, that there was no failure
5 on our part to get any necessary permits or otherwise
6 to fail to comply with any requirements of law. And
7 the order dismissing that part of the complaint was
8 entered on May 2, 2025, by Honorable Annette, S-C-O-C-A
9 is the judge's name.

10 So clearly, we are not in agreement with
11 these assertions. This is an attempt to -- to damage
12 or leverage against my client who owns the property
13 that's the subject of this application -- of this
14 ordinance. As you're aware, these issues will be dealt
15 with at the proper time is when an application is
16 before the board.

17 There's already been a finding of consistency
18 with the Master Plan that was done by your planning
19 board, and is not to be relitigated before the Board of
20 Commissioners. And that finding was supported and
21 stands.

22 So, many of these allegations, in terms of
23 the volume, in terms of the changes, are not supported.
24 And DEP has not agreed with these assertions. We don't
25 believe that that's an appropriate argument or that

1 those are appropriate issues to be dealt with now in
2 the context of zoning. The redevelopment plan does
3 require compliance with applicable regulations. And
4 those will be tested at the time an application goes
5 before the planning board when documentation with
6 regard to stormwater management and other issues will
7 be presented and will be reviewed by the board's
8 consultants.

9 The applications that have gone before the
10 boards in this town and the adjoining town to date have
11 been found to be compliant. And based upon the
12 arguments made on behalf of the Department of
13 Environmental Protection, who is the arbiter of these
14 issues, we have been in compliance.

15 So we would ask that this not be -- this
16 distraction not be allowed to interfere with this part
17 of the process. This is, as has been repeatedly stated
18 by your counsel, the adoption of an ordinance -- the
19 equivalent of an ordinance in the form of a
20 redevelopment plan.

21 These are the standards. Those standards
22 which are within the jurisdiction of the township to
23 determine, that is what is in the redevelopment plan.
24 We are still required to comply with any outside
25 agencies having jurisdiction, and we will be required

1 to demonstrate that at the time we file for an
2 application before the planning board, or as a matter
3 of resolution compliance if an approval is granted.

4 So we would ask you not to accept as gospel
5 or fact many of the things that you've heard and some
6 of the things that have been put in the documents
7 presented to you, because I'm sure many of those same
8 documents were in the paperwork that was submitted in
9 the litigation.

10 I don't speak from firsthand knowledge since
11 my partner is handling the litigation. I am not, but
12 I've certainly spoken with him. And if that
13 information had been substantiated or convincing, then
14 the claims that they made against DEP would remain a
15 part of the litigation, and they are not. They have
16 been disputed by DEP, and DEP's position is the
17 position that was found to be the correct position by
18 the court.

19 So that's our position, simply that it be on
20 the record, and I will defer to my client to speak
21 further on it, but for the record. Thank you.

22 Oh, unless you have any questions of me.
23 Derek, any?

24 MR. ORTH: I don't.

25 MS. GONCHAR: Thank you.

1 MR. ORTH: I don't have any questions.

2 MAYOR KELLY: It might be helpful if we had
3 Mr. Reiner talk about Paragraph 10 of the redevelopment
4 plan, since this is kind of on topic.

5 MR. REINER: Mayor, are you referring to --

6 MAYOR KELLY: On Page 13.

7 MR. REINER: -- Page 13?

8 MAYOR KELLY: Yes, yes.

9 MR. REINER: Okay. So for the commissioners
10 and for the public, within the redevelopment plan of
11 the Innovation Center, there is a requirement that's
12 identified as Number 10 on Page 13, that indicates
13 flood mitigation water management requirements.

14 And since this is such a topic, I will just
15 read this into the record. So there are two
16 subsections: 10(a) and 10(b). 10(a) indicates and
17 states, "Any redevelopment pursuant to this
18 redevelopment plan shall comply with the NJDEP flood
19 hazard and water management rules, as well as the
20 stormwater," and it identifies N.J.A.C. 7:13 and
21 N.J.A.C. 7:8.

22 10(b) states, "Any redevelopment activities
23 carried out pursuant to this redevelopment plan shall
24 be undertaken in strict compliance with all applicable
25 federal, state, and local regulations, including but

1 not limited to the FEMA flood insurance rules, New
2 Jersey Department of Environmental Protection Flood
3 Hazard Area Act -- Control Act rules, and the
4 stormwater management rules. The developer shall be
5 responsible for ensuring that the design and
6 construction of any improvements within the
7 redevelopment area shall meet the design and
8 performance standards of the stormwater management rule
9 and minimize damage of life and property from flooding
10 caused by development within the flood hazard areas to
11 preserve the quality of surface waters and to protect
12 the wildlife and vegetation that exist within and
13 depend upon such areas for sustenance and habitat as
14 required by the Flood Hazard Area Control Act rules.
15 The developer shall be responsible for obtaining all
16 necessary permits and approvals from NJDEP and any
17 other applicable regulatory agencies prior to any land
18 disturbance or construction activities."

19 So that is part of the requirement of the
20 redevelopment plan and has been indicated numerous
21 times as a part of a site plan application. The
22 developer would have professionals that would present
23 that to the planning board, and the planning board's
24 professionals would be able to review that prior to any
25 hearing date and be able to weigh in to make sure that

1 those requirements are met as part of the site plan
2 application.

3 MAYOR KELLY: Great. Thank you, Mr. Reiner.
4 Mr. Diaz?

5 MR. DIAZ: Mayor, commissioners, and public,
6 since I'd like to comment on additional comments from
7 my attorney. So look, we object to Davis Company and
8 Lumber -- Nutley Lumberyard's objection to the
9 ordinance. Noticeably absent, obviously, from their
10 papers was any mention of the fact that there was
11 preexisting litigation that was resolved, as noted by
12 my counsel, in respect that we are in full compliance
13 with all permits and DEP rules and regulations
14 concerning stormwater outflow.

15 What they also fail to mention is their
16 client's property is within a flood zone, a flood
17 hazard area in the 100-year floodplain and has been
18 since it's been built.

19 Any reference to 89 million gallons of water,
20 they state that to the public as if Prism is producing
21 water on the site and disposing of it in some nefarious
22 way. If 89 million gallons of water fall from the sky,
23 89 million gallons of water come off the property.
24 This is what happens, right? That is -- that is what
25 is occurring. And what they're trying to do is to

1 attempt to get you to somehow lift up their property
2 out of a floodplain and have Prism solve the problem
3 that their property is in a floodplain and is subject
4 to flooding.

5 Last May -- or this past May, we probably all
6 saw it in the newspaper because it was a big thing in
7 the news, 300 percent more rainfall this past May than
8 ever recorded in any previously number of May. This is
9 not Prism's problem. Prism is not producing rainfall.
10 Prism is providing conveyance systems, reducing
11 impervious coverage ratios on the property to create
12 better absorption of water through the soils, and
13 controlling and working with the DEP and civil to
14 create the proper outfalls and flows of stormwater off
15 this site.

16 Now, Zayden, was it?

17 MR. ZAPATA: Yes.

18 MR. DIAZ: Zayden, I want to move to your
19 comment. You know, our office is located right on
20 Kingsland Street, and my window looks out over the
21 campus. And when we first started occupying it over
22 eight years ago, I saw scraggly foxes, a couple of
23 raccoons, some other deer, and things of that nature.
24 And I want to tell you, those foxes, now that we've
25 cleaned up the campus, we've built these buildings, we'

1 provided more grass, more trees, and more shrubbery,
2 which we have compared to what's been there. We've
3 knocked down a significant number of buildings on the
4 site over in Nutley. That -- I can tell you that I
5 admire watching three or four foxes, mother and babies,
6 run around my window and run through that property.
7 Same thing, I see deer. The deer look healthier, quite
8 frankly, because they're eating our shrubberies, right,
9 that we planted.

10 So my hope -- and I believe -- I can't tell
11 you exactly what will happen, Zayden, to the future,
12 but thus far with the development that we've taken on
13 the campus, I've seen those animals healthier and more
14 abundant on the property.

15 We're not creating a wildlife preserve, don't
16 get me wrong. I don't want to mislead you. But I've
17 seen those animals, and I enjoy seeing them there, and
18 we're going to take every step that we can in
19 developing this campus in a responsible fashion, so
20 that we keep wildlife in and around the area healthy,
21 so that you can enjoy it and I can enjoy it and
22 everyone else can see it. Because we all appreciate
23 and enjoy it, too, and I appreciate you pointing it
24 out. Thank you.

25 MAYOR KELLY: Thank you, Mr. Diaz.

1 Before you continue, I just want to caution
2 you. We don't want to have a back and forth. If you
3 have new comments, we're happy to hear them, but we
4 don't want to create this back-and-forth argument.

5 MR. GORRIE: I understand. I understand,
6 Mayor. I think it's important for you to hear. This
7 is Rob Gorrie again.

8 MAYOR KELLY: Sure.

9 MR. GORRIE: I anticipated that Prism's
10 response would be, don't worry, DEP's looking at it.
11 And similarly to Ms. Gonchar, I'm going to also read
12 from a brief that was filed in the litigation. This
13 was filed by Andrew Robins, who is her colleague that
14 she was referring to.

15 And just to make clear -- I'll read it and
16 then I'll summarize it. "Contrary to plaintiff's core
17 premise" -- this is on Page 9. It's a February 18th,
18 2025 filing. It's available on eCourts. It was filed
19 joining the DEP's motion to dismiss, which I'll also
20 say was dismissed on a -- like, procedural grounds.
21 They said the cause of action could not be brought. It
22 wasn't dismissed because of the merits of the case,
23 which this case is still ongoing.

24 But I'll read to you the -- Mr. Robins'
25 statements. "Contrary to plaintiff's core premise for

1 Count IV, under DEP's regulations, DEP does not review
2 stormwater unless the development activities are
3 subject to review under other specific permitting
4 programs regulated by DEP. This is not the case
5 here -- this is not the case here, nor has plaintiff
6 alleged same. Consistent with the regulatory
7 framework, stormwater management was included in the
8 reviews conducted for redevelopment projects built or
9 being built by Prism. Plaintiff has misconstrued when
10 DEP would review stormwater management. Under the
11 Department's stormwater rules, DEP's review is limited
12 to specific DEP permitting programs, none of which are
13 implicated here."

14 The import of this is that the buck stops
15 actually with you, the Board of Commissioners, not with
16 DEP. You are responsible for stormwater management in
17 Nutley. DEP, as admitted by Prism's own counsel, is
18 not looking at this issue. So when they say that don't
19 worry, everything's okay with DEP, yes, do they have
20 permits from DEP? But the issues of stormwater
21 management, the quantity of stormwater leaving that
22 site, and how it's dealt with, are dealt with by the
23 municipality, by the township, and it is your
24 responsibility as the Board of Commissioners to deal
25 with it, because no one else is going to look at it.

1 So that's all I'll say for now. Thank you.

2 MAYOR KELLY: Thank you. Anyone else wishing
3 to be heard on Ordinance Number 3590?

4 Seeing none, I move to close the ordinance --
5 close the public hearing.

6 COMMISSIONER TUCCI: Second.

7 MADAM CLERK: Commissioner Evans.

8 COMMISSIONER EVANS: Aye.

9 MADAM CLERK: Commissioner Tucci.

10 COMMISSIONER TUCCI: Aye.

11 MADAM CLERK: Commissioner Scarpelli.

12 COMMISSIONER SCARPELLI: Aye.

13 MADAM CLERK: Commissioner Petracco.

14 COMMISSIONER PETRACCO: Aye.

15 MADAM CLERK: Mayor Kelly.

16 MAYOR KELLY: Aye.

17 I move the ordinance.

18 COMMISSIONER TUCCI: 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. But I would like to add,
4 you know, we certainly considered everyone's public
5 comment, and we certainly considered the objection, as
6 well as our professionals. And as I alluded to
7 earlier, this is a ordinance basically for a zoning,
8 and the specifics will be taken care of at a later date
9 with the site plan application.

10 But I did not want it to seem like we didn't
11 consider the objection or any of the comments.
12 Everything was considered, and based upon the advice of
13 our professionals, we're going to continue to move
14 forward with the ordinance. Aye.

15 At this time, we'll bring up Gene Diaz again.
16 Well, actually, let me read the ordinance.

17 This is Ordinance Number 3589, an ordinance
18 adopting Roche Southside Kingsland Street Redevelopment
19 Plan. This ordinance creates an overlay zone for the
20 redevelopment of the property identified as Block 2000,
21 Lots 1, 4, and 5; and Block 2100, Lot 1, which
22 properties were part of the former Hoffmann-La Roche
23 campus, so that property can be redeveloped into a data
24 center or other uses identified in the redevelopment
25 plan.

1 I'm going to move to open the public hearing,
2 and we'll start with Mr. Reiner regarding this
3 ordinance.

4 MR. REINER: Thank you again, Mayor and
5 Commissioners. Fran Reiner for FAR Planning on behalf
6 of the mayor and commissioners.

7 Again, I'm going to present this evening the
8 redevelopment plan that was presented to the planning
9 board. The first reading of this was heard on
10 June 17th. That was the introduction by the mayor and
11 commissioners. On June 18th, the presentation was
12 given to the planning board. I'm going to briefly go
13 over that presentation for everybody's benefit.

14 There are a couple of, again, minor
15 grammatical changes that were made that are de minimis.
16 Those were made and placed on -- the new document was
17 placed on the township's website, but I'm going to
18 review them just for the record as I go through this.

19 Not to belabor, the same process occurred
20 with this redevelopment plan as occurred with the
21 previous one. In March of 2015, the property was
22 designated as an area in need. For everybody's
23 knowledge and understanding, this site is the site that
24 was -- or is the truck warehouse application. And so
25 the zoning that would be -- that are -- is -- would

1 be -- is being considered this evening by the mayor and
2 commissioners would supersede the underlying zoning,
3 and the zoning in this redevelopment plan would not
4 allow -- would not permit a truck warehousing facility.

5 That being said, it's my understanding that
6 the application for the truck warehousing has been
7 adjourned multiple times through the planning board.
8 The adoption of this redevelopment plan would, again,
9 eliminate the truck warehousing as a permitted use, but
10 the applicant would need to withdraw the application --
11 the truck warehousing application -- which is my
12 understanding is a part of the settlement agreement
13 that they're working on.

14 So although this doesn't allow the truck
15 warehousing, because the application was adjourned and
16 not withdrawn, the -- technically that application is
17 still on the books. Once it is withdrawn by the
18 developer, then this -- the adoption of this plan will
19 not allow truck warehousing to occur.

20 The permitted uses within this particular
21 redevelopment plan are listed on the screen. Important
22 to note, data centers is one of those uses, but there
23 are a number of other uses that are permitted. Again,
24 this is not a site plan application. It simply
25 represents zoning through the redevelopment law. So

1 data centers, offices, senior and assisted living,
2 scientific laboratories, fabrication/assembly of
3 products, research laboratories, all use is consistent
4 with what Roche has put together in terms of the
5 scientific uses of the campus are all permitted uses
6 herein.

7 There's also a list of the accessory uses.
8 Again, the accessory uses are uses that are ancillary
9 to a permitted use. And so those are all listed here
10 on the document, and for the record they're on Page 13
11 in the report.

12 If you walk through the bulk standards again,
13 I'll talk about them in regards to the underlying
14 zoning, because I think it's important to note that
15 this redevelopment plan places greater restrictions on
16 the development than the underlying zoning currently
17 allows. So again, for this particular plan, the
18 area -- the minimum lot area is one acre, which is the
19 same as the underlying zoning. The front yard setback
20 along Kingsland is 50 feet, whereas the underlying
21 zoning is 20 feet. So it's a greater setback, meaning
22 there's more front yard. The rear yard setback is --
23 requires 50 feet, whereas the underlying zoning is
24 20 feet, 50 feet next to a resident.

25 So there was one item that I mentioned.

1 There was a grammatical error that was within the prior
2 document that has subsequently been changed. Again, we
3 believe it's de minimis because I presented the minimum
4 building side yard setback abutting a residential area.
5 The current document states that the greater of 50 feet
6 or the height of the building.

7 The document that was on the record prior to
8 the last couple of days indicated that it was lesser of
9 50 feet or the height of the building. To be clear, it
10 has been corrected. It is the greater of 50 feet or
11 the height of the building abutting residential. I
12 know -- I believe a resident had pointed that out.
13 That was an error on my part. We corrected it. We
14 believe it's de minimis because I presented it to the
15 planning board as the greater of, even though the
16 language said the lesser of.

17 Are you moving that on me? All right. There
18 you go. Okay. Smart. Smart man.

19 Just a couple of more minor things in terms
20 of bulk standards. The height requirement for the
21 Kingsland redevelopment plan is 75 feet, where the
22 underlying zoning allows 100 feet. Again, lowering the
23 permitted height of the buildings. The lot coverage is
24 40 percent, whereas the underlying zoning allows
25 50 percent, meaning less development can be developed

1 on the site based on the new redevelopment plan. And
2 the impervious surface requirement in this plan is
3 75 percent, whereas the underlying zoning, it
4 essentially would be 100 percent because it's not --
5 they're -- they don't have any requirements.

6 We presented this plan to the planning board.
7 And the planning board planner, as well as myself,
8 walked through the township's Master Plan, and we
9 determined -- it was our opinion that the -- this
10 redevelopment plan is consistent with the township's
11 Master Plan. The board planner, Paul Ricci, also
12 determined that it was consistent with the township's
13 Master Plan.

14 This redevelopment plan also includes the
15 same language for the flood mitigation stormwater
16 management that I read into the record of the previous.
17 It also includes all of the other design standards,
18 building standards, fence requirements, lighting
19 requirements, signage requirements that I read into the
20 record as a part of the previous redevelopment plan as
21 well.

22 So it's our opinion that this is consistent.
23 The planning board sent their recommendation to the
24 commissioners saying that they believed it was
25 consistent, and the board's planner also believed it's

1 consistent.

2 So with that, we would ask that the
3 commissioners consider adopting this redevelopment
4 plan.

5 MR. ORTH: Thank you, Fran. And the traffic
6 presentation has already been given. There's -- we're
7 not going to repeat that in connection with this
8 redevelopment plan. So it's back to you, Mr. Mayor, to
9 open it for public comment.

10 MAYOR KELLY: Before I do, do any of the
11 commissioners have any questions of Mr. Reiner for this
12 ordinance?

13 COMMISSIONER EVANS: Nothing from me.

14 MAYOR KELLY: I just have a few questions.
15 Landscaping. The plan calls for a substantial variety
16 and quantity of trees and plant materials that is
17 aesthetically pleasing as a gateway into the Township
18 of Nutley, and this is on Page 18. Is that correct?

19 MR. REINER: Yes. So we have both general
20 landscape and screening standards. We also have small-
21 street surface parking landscape standards as well as
22 interior landscape planting standards for surface
23 parking, all with the idea of creating good tree
24 coverage, lessening the impact of asphalt and paving by
25 placing trees and plants, as well as requiring

1 screening along the adjacent residential properties.
2 There is a requirement for a double row of evergreens
3 along the rear residential as well as providing
4 additional deciduous trees as a part of that buffer.

5 MAYOR KELLY: And sticking with the
6 landscaping, shade trees will be provided at regular
7 intervals, at least 35-foot intervals for providing
8 shade to the --

9 MR. REINER: Yes.

10 MAYOR KELLY: -- project.

11 MR. REINER: Yeah, that's under B to D --

12 MAYOR KELLY: Right.

13 MR. REINER: -- as part of the requirement.

14 MAYOR KELLY: And as we spoke on the earlier
15 ordinance, the fences shall not exceed six feet except
16 the minimum height of eight feet when it's abutting a
17 residential property. And it can't be a chain-link
18 fence.

19 MR. REINER: Correct.

20 MAYOR KELLY: And then the same -- again,
21 with the lighting. The lights have to be shielded to
22 prevent any sort of spillage onto the neighboring
23 properties. Same thing with signage. Any illumination
24 stops at 10 and the applicant will be providing a
25 photometric study.

1 MR. REINER: So signs that are facing
2 residential neighbors have to be shut off at 10 p.m.
3 Other illuminated signs that are not facing residential
4 have to be dimmed to 50 percent between the hours of
5 10 p.m. and 6 a.m.

6 MAYOR KELLY: And then the same issue with
7 the noise. It must adhere to the New Jersey
8 Administrative Code, applicable decibel standards and
9 regulations. And if I understand correctly from the
10 planning board meeting, the applicant will have at
11 least a phone number of an individual to call in case
12 there is any sort of noise issue that can be addressed
13 before having to, I guess, go to the town for some sort
14 of intervention.

15 MR. REINER: Correct.

16 MAYOR KELLY: I don't have any further
17 questions at this time.

18 I'll open the public hearing to any member of
19 the public who wishes to be heard on order.

20 COMMISSIONER TUCCI: Mayor, if I might,
21 before --

22 MAYOR KELLY: Sure.

23 COMMISSIONER TUCCI: -- we open the public
24 hearing, as part of that planning board process, as the
25 parks commissioner, our town-certified arborist will,

1 in fact, review all the plans that are submitted to the
2 client to make sure that the nature and the character
3 of the town isn't diminished and, in fact, will be
4 enhanced by a portion of this project.

5 MAYOR KELLY: Excellent. That's great news.

6 So now anyone wishing to be heard on
7 Ordinance Number 3589, please approach the microphone
8 and state your name for the record. Thank you.

9 MR. GORRIE: Robert Gorrie, Davis
10 Environmental Law. We are counsel to Nutley Lumber,
11 263 Hillside, Block 2000, Lot 27. We are here in
12 opposition to the ordinances for the reason that
13 they -- well, specifically this ordinance this time,
14 that they would be -- they are inconsistent with the
15 Master Plan in that they roll back stormwater
16 protections that exist in Nutley's municipal code and
17 make it easier for stormwater issues not to be
18 addressed or addressed in a similar way that they have.

19 The property at issue -- our client's
20 property at issue, is the -- directly across what is
21 referred to as St. Paul's Brook or Springer Brook.
22 They've been there for 100 years. They've literally
23 probably, I think, almost as long as -- or close to 100
24 years, almost as long as Roche was there. They have
25 watched their property and the development of this

1 town, and they feel incredibly threatened by the
2 developments that have happened since Prism took
3 ownership of the property, which is ironic considering
4 that Roche was operating there and the legacy of
5 contamination associated with their work.

6 There is an outfall directly across from my
7 client's property. It's been referred to on some as
8 Outfall 002 or 002A. That outfall existed -- has
9 existed back to the days of Roche. That outfall was
10 used solely for -- it had an NJPDES permit, New Jersey
11 Pollution Discharge Elimination System permit, and it
12 was used essentially to operate as what is a combined
13 sewer overflow permit.

14 Roche, because they had miles of processed
15 waste lines, sanitary, stormwater, everything, and a
16 lot of contaminated water going through their system,
17 they essentially had a municipal wastewater treatment
18 system. They referred to it as the Environmental
19 Control Facility or ECF. It was located on the parcel
20 that is subject of the Southside Kingsland
21 Redevelopment Plan. That treatment facility treated
22 all of their waste and then discharged all of it to
23 PVSC, Passaic Valley Sewerage Commission, under a
24 sewage use permit.

25 The stormwater that was collected from that

1 area of the site -- and if you refer to Exhibit -- I
2 believe it's Exhibit -- let me just see -- 3 in the
3 written submission we provided yesterday, you can see
4 the Conrail rail line and everything minus the very top
5 closest to Route 3, everything to the right of that,
6 the majority of the 119 acres, that is covered under
7 that. Stormwater from that site is collected on that
8 site and used to go through the ECF, was treated, and
9 then discharged to PVSC.

10 The import of that is not a single drop of
11 stormwater that hit that side of the Roche campus, the
12 largest side of the Roche campus, was discharged ever
13 within the boundaries of Nutley. It never went to
14 Nutley except for on two occasions. One was during
15 Hurricane Floyd. And then -- Hurricane Floyd was 1999,
16 I believe. It was, like, a three-day storm. It rained
17 ten inches. In that respect, it was very similar to
18 Hurricane Ida. In that two- to three-day period, that
19 site, that 119 acres, generated 17.5 -- 17.2 millions
20 of gallons of water, which was discharged through that
21 outflow.

22 So just to give you a size and scope, we --
23 Roche's estimates of the amount of water it's
24 discharging, found on Exhibit 4 in the submission we
25 made to the town, is that it's 244,000 gallons per day,

1 which comes out to roughly 89 million gallons a year.
2 That number is deceptive, because stormwater is
3 generated when it rains, and a few days after, or you
4 know, in the time around it rains, maybe a day or so
5 after, is when it discharges. I think I read an
6 estimate it rains 160 days in Nutley, about that, give
7 or take, in an annual year.

8 So you're not talking about 244,000 gallons a
9 day. You're talking about storms where 17.2 million
10 gallons are entering Springer Brook. I don't know if
11 you've seen Springer Brook. It is not a big stream.
12 It was never -- I don't -- no sane person could look at
13 that and say, that's an adequate water body in the
14 middle of a residential town, in the middle of built-up
15 Nutley, to unleash 17.2 million gallons into a stream
16 that three blocks later hits a culvert.

17 And now I know -- I -- there's testimony from
18 various commissioners about flooding issues on Elm
19 Place that just started happening, and nobody knows
20 why. You're having it studied. That's where that
21 culvert goes underground. That culvert of the covered
22 portion of St. Paul's Brook goes underground there. I
23 don't know if that's the cause of it.

24 You guys said you had hired Pennoni, your
25 engineers, to study it. I don't know what they came

1 to. But I can tell you, that brook is not set up to
2 receive 17.2 million gallons from a storm and then
3 discharge it down. And this town has been facing
4 flooding issues. They've been the topic -- your
5 stormwater management plan deals with how challenging
6 it is because your town is mostly developed. You have
7 very few parcels where you can actually integrate
8 stormwater management, build reservoirs or retention
9 ponds, because you've -- you're completely infilled and
10 there's no room to do it. Regulation's hard.

11 The Roche facility is the single largest
12 parcel in Nutley. It's 119 acres. I know some of it
13 extends into Clifton. But the acreage of it, it's
14 five -- the overall acreage, 119 acres, is 5.5 percent
15 the size of the entire township of Nutley. It is
16 massive.

17 Our expert, Van Cleef, who you guys would not
18 let speak earlier, he looked at the stormwater map --
19 the drainage maps for the watershed. 23 percent of
20 the -- all drainage into the Third River watershed goes
21 through the Roche site. We can't control water
22 falling. You cannot control it. And if rains are
23 increasing, then they're increasing. But you can put
24 in place stormwater mitigation measures to protect
25 against flooding, to control how water is discharged,

1 to control at the speed it's discharged.

2 So I spoke about what Roche did. Roche did
3 that for years. Contaminated water, sent it all to
4 PVSC. Average of 90 million gallons a year, and we
5 talked about the fact that that's a deceiving number
6 because it's episodic. That's 17.2 million, it's
7 roughly 20 percent of that entire average in a two- or
8 three-day period from Hurricane Floyd.

9 That's what you're looking at. That's what's
10 coming out. That's what came out during Ida. That's
11 what will come out next storm we get ten inches. It
12 will be 17.2 million dollars -- gallons, maybe more,
13 maybe less, cascading out of a single outfall into St.
14 Paul's Brook -- into Springer Brook, and downstream to
15 the residents downstream.

16 Beginning in 2016 -- Prism bought the site
17 September 30th, 2016. Less than two months later, they
18 send a letter to the NJDEP. It's Exhibit 5. I think
19 it's important that I read it, but basically, "As
20 previously communicated to the New Jersey Department of
21 Environmental Protection, the transfer of ownership was
22 completed on September 30th, 2016. The facility has an
23 existing basic industrial stormwater permit for the
24 west side of the property." That's the Innovation
25 Center we just talked about. That's where they've

1 always been piping their stormwater into St. Paul's
2 Brook.

3 "Historically, the east side of the property,
4 under the previous ownership, consisted of research and
5 development laboratories, and the stormwater from this
6 area, along with the non-contact cooling water, was
7 discharged to the Passaic Valley Sewerage Commission's
8 sanitary sewer. There are no longer any process or R&D
9 operations conducted on the east side of the site.
10 Prism plans to decommission the wastewater treatment
11 plant and route the stormwater from the east side of
12 the property to the stormwater discharge" -- the
13 outfall across from my client's property.

14 "This requires a minimal physical change at
15 the facility to route the stormwater from the east side
16 of the property to the stormwater discharge instead of
17 the sanitary sewer discharge. The non-contact cooling
18 water has been permanently piped into the sanitary
19 sewer. Per guidance received from the DEP, this letter
20 serves as notification of the change to route
21 stormwater from the east side of the property to the
22 stormwater discharge.

23 "The stormwater pollution prevention plan is
24 also being amended to reflect the change, and an
25 updated copy will be maintained on site. Given the

1 simple nature of this proposed change, Prism plans to
2 proceed with the change of routing the stormwater from
3 the east side of the property to the stormwater
4 discharge starting December 1st, 2016, unless we hear
5 otherwise from DEP."

6 They aren't asking for DEP to look into it,
7 to assess the volume of stormwater that's coming
8 through. They're telling them this is what they're
9 doing. And that's what they did. On November 30th,
10 they decommissioned it, they turned a switch, and that
11 outfall has been running ever since.

12 And as my colleague, Mr. Davis, asked, our
13 assumption is that you do not -- did not know that was
14 occurring. Because anybody who is sitting here
15 thinking that stream is capable of receiving an average
16 of 90 million gallons or 17.2 million gallons in a
17 single storm has got to be out of their minds.

18 I -- so from there, that's what's been going
19 on. There is no -- they confirmed in a letter, I
20 guess, what was it, two months later, that -- I think
21 it said Exhibit 6, that they did, in fact, do that.
22 DEP never once looked at the quantity of the water.
23 And if you want to look -- you guys have prepared
24 stormwater pollution prevention plans. We included the
25 one they just referenced. It's Exhibit 2. There is

1 not one mention of the quantity of water. It is all
2 about, you know, having protections around USTs and
3 other things where you store pollutants. Nothing deals
4 with quantity. Because quantity is the responsibility
5 of the Board of Commissioners and of the planning
6 board. It's handled at the development level. DEP is
7 not looking at this issue. The only people looking at
8 this issue is the Board of Commissioners and the
9 planning board.

10 Prism is submitting stormwater management
11 plans. And they are woefully, woefully misrepresented
12 of the issues. There is an agreement back in 2012
13 between municipal engineers that when assessing
14 stormwater, they will look at 2012 when Hoffmann-La
15 Roche was fully developed. The rationale there is that
16 if you compared current conditions where Roche knocked
17 down all their buildings and tore up a bunch of their
18 parking lots, that if you looked at it now, anything
19 they did would be an increase in the amount of
20 stormwater runoff from impervious surfaces.

21 The amount of impervious surfaces on the
22 Roche campus went from 4.2 million square feet to
23 1.2 million between 2012 and 2016. So they asked for
24 this so that they could say, look, we're just like
25 Roche. But they're not just like Roche because Roche

1 ripped up everything.

2 So now any project that happens, let's put
3 the outfall aside for one second. Anything that
4 happens is a stormwater increase. And anything that
5 happens on that east side from Conrail rail tracks is a
6 stormwater increase. Emphatically. That's not a
7 debate. It is not a debate. It doesn't matter how
8 many stormwater management reports they write. It is
9 an emphatic increase in stormwater going into that.

10 But more importantly, they took the best
11 parts of 2012. They took the impervious lot coverage
12 and said, we can now compare our stormwater management
13 plans to this to say there is no net increase in
14 stormwater going in, because we're looking at Roche
15 2012 fully developed. Not the ripped up, holes in the
16 parking lot situation you have going on currently.

17 But the worst thing they did is they
18 completely ignored the fact that every ounce of water
19 that hit that east side of the property, the majority
20 of the property, was piped to PVSC. It never saw a
21 water body in the township ever. Never once, except
22 for two occasions which we outlined before.

23 So they take the best parts, and they submit
24 these plans. We've reviewed them. You can look at --
25 let's flip to 10. Exhibit 10 is the 275 Kingsland

1 Stormwater Management Plan. And it isn't worth the
2 paper it's written on. And I'll tell you why. There
3 is -- we can go to Page 6, where they say, this is what
4 existing stormwater runoff is and this is what our
5 proposed runoff is, and look, we're less. There was no
6 runoff. It's all going to PVSC. Every drop is going
7 to PVSC in 2012. That's the benchmark they agreed to
8 use.

9 Except they don't use the fact that there's
10 nothing going into St. Paul's Brook. There's not a
11 drop going into St. Paul's Brook. Every number should
12 be a zero. So they get up there and they say, look, no
13 problem with stormwater. We don't have to mitigate.
14 We don't have to create retention ponds. We don't have
15 to create dams. We don't have to create, you know,
16 gates to allow for the amount of stormwater that goes
17 through. We have to do nothing. Because look at us,
18 we're just as good as Roche, or better. So they're not
19 doing anything.

20 You have a massive parcel that can control
21 stormwater into Springer Brook. A company under one
22 ownership who has the finances and the resources to
23 deal with stormwater issues, and they're submitting
24 reports to say we can do nothing. And you're approving
25 it. You're giving them site plan approval. You're

1 not -- no one is looking back at whether stormwater is
2 an issue.

3 And meanwhile, you're commissioning studies
4 to figure out why Elm Place is flooding. You're like,
5 we're going to get to the root cause of it. Don't
6 worry, community. We're going to figure it out. And
7 no one's saying, well, maybe it's the 90 million
8 gallons that in 2016 they started discharging and never
9 were discharging before.

10 The reason that the consistency -- there's an
11 issue with consistency, is there are more protections.
12 As home rule, as part of the municipality, you have the
13 authority to require more. DEP is not looking at the
14 issue, as I said. And what's been proven at the site
15 plan stage, whether it's Ideation Way, whether it's the
16 medical center, whether it's 275, the proposed
17 warehouse, is that none of them -- they're all saying
18 less stormwater, less stormwater, less stormwater.
19 None of them are disclosing the fact that there was --
20 all the stormwater was going to PVSC, and not a drop
21 was hitting your streams, not a drop was hitting St.
22 Paul's Brook, and not a drop was hitting the Third
23 River.

24 The way that the code is written -- that your
25 municipal code is written, is you have protections in

1 other places. You have site -- the site plan rules
2 have protections that say you can prevent -- any
3 downstream can prevent any impacts to downstream
4 residents from stormwater. You have that power. But
5 when you propose an ordinance and a redevelopment plan
6 that doesn't include that provision, the ordinance, on
7 its face, says those provisions are repealed. So
8 nobody's going to look at it.

9 You prepared in 2024 a stormwater management
10 plan for the municipality, where you just lamented how
11 difficult it is to regulate stormwater, despite the
12 fact that you have this parcel and this redevelopment
13 and this opportunity to deal with it. But in it, it
14 says that every single site plan approval is now going
15 to include flood mitigation -- flooding analysis and
16 mitigation.

17 By passing this ordinance, you are repealing
18 that provision, because it's not in the redevelopment
19 plan. Your power to deal with this, when you are the
20 only people responsible for it, is slipping through
21 your fingers because you're being pressured by an
22 entity with a lot of money and a big budget for
23 litigation who sued you. This is the opportunity to
24 change that.

25 And if you don't, guess what? We'll get

1 another stormwater management plan that says, oh,
2 preexisting conditions. Looking back at 2012, look,
3 lots of runoff. We're doing -- we're doing more. It's
4 a farce. It's a smoke show, and you're all falling for
5 it. At the same time, you're lamenting why there are
6 flooding issues in Nutley. You're not looking at the
7 issue. This is the opportunity to do it. It is not
8 going to happen at the site plan process. And if you
9 don't deal with it, you will feel the repercussions of
10 it.

11 I have two other orders -- or pieces of
12 business that I just wanted to talk about, unrelated,
13 one of which is we submitted two more pieces, I guess
14 I'll say, of opposition today, one of which was a
15 requirement in the Nutley -- I mean in the state code,
16 N.J.S.A. 40:55D-62.1, which says that all residents
17 within 200 feet of this -- of a redevelopment plan
18 change in zoning have to be given notice of it. Our
19 client did not receive the notice, and my question is,
20 did those notice letters go out?

21 MR. ORTH: So this is, Commissioners, the
22 objection. I think there's another one -- or a protest
23 petition you're going to reference in a moment, I
24 assume. The objector is asserting that the notice of
25 the redevelopment plan was deficient. They are

1 inquiring if individualized personal mailing notices
2 were sent to the 200-foot list. 200-foot list notices,
3 my understanding, were not mailed. With that said, I
4 will state that it is my legal opinion that because
5 this redevelopment plan is done under the local housing
6 and redevelopment law, individualized personal notices
7 to the 200-foot list is not a requirement under the
8 local housing and redevelopment law for this
9 redemption plan.

10 But the objection is noted --

11 MR. GORRIE: The only exception --

12 MR. ORTH: -- for the record.

13 MR. GORRIE: -- in the that -- in the quoted
14 statutory provision is except for reexaminations of the
15 Master Plan, which this is not. So --

16 MR. ORTH: I was citing to -- give me one
17 second, I'll get you -- N.J.S.A. 40A:12A-7, which is a
18 statutory provision under local housing and
19 redemption law. So that is what I was referring to
20 as to why a 200-foot list mailing is not required for a
21 redemption plan. But your objection is noted,
22 preserved for the record.

23 MR. GORRIE: All right. The other one I will
24 say, which is that we submitted today a petition. Our
25 understanding is that the property is -- the area of

1 the property is equal to 200 feet of the --

2 MR. ORTH: Surrounding limits.

3 MR. GORRIE: -- surrounding area, yep.

4 MR. ORTH: Did -- were you able to? I --

5 MR. GORRIE: We calculated --

6 MR. ORTH: Okay.

7 MR. GORRIE: 20.99 percent is not the number,
8 giving us a 0.99 percent, I guess, majority on that.

9 MR. ORTH: So under the -- this is a
10 provision from the Municipal Land Use Law, when a
11 surrounding property owner with 20 percent or more of
12 the land surrounding a site, which is -- I'm not
13 quoting the statute exactly correctly, but it's 20 --
14 it's in 200 feet of all surrounding lands of a site
15 that's being subject to a rezoning ordinance when a --
16 the owner of that land or multiple owners, if there are
17 multiple, submits a protest to the ordinance. The
18 governing body -- in order for the ordinance to pass,
19 the ordinance must be approved by what I'm just going
20 to call a supermajority vote.

21 MR. GORRIE: That's correct.

22 MR. ORTH: And the counsel has -- their
23 initial protest petition was unclear if they owned the
24 in excess up to 20 percent. Counsel has confirmed on
25 the record they own, you know, 20-point-some odd

1 percent.

2 While I am not aware if that particular --
3 I'm not aware of any superseding provision of the local
4 housing and redevelopment law on that particular issue.
5 So I'm unclear if it is applicable here this evening.
6 They've asserted that it is applicable and -- which
7 would mean we need a supermajority vote if this
8 redevelopment plan is to proceed this evening.

9 At a future date, I can delve into the issue
10 in greater detail on the applicability of the protest
11 petition statute to a redevelopment plan. But I'm not
12 aware of -- at the moment of a contradictory authority
13 in that regard.

14 MR. GORRIE: That's -- the only other thing
15 I'll say before I close these proceedings -- or before
16 I finish my comment is that the -- I know that there's
17 pressure on the board because of the settlement. And I
18 know there are people worried about 275 Kingsland. The
19 traffic study may not be adequate grounds to deny a
20 site plan for approval. A failure to follow the
21 stormwater management regs and adequately categorize
22 your stormwater management contribution from your
23 proposed development, I believe is. All I'm saying
24 here is that there is relief that can be pursued so
25 that these issues can be looked at.

1 What we're asking for is that the board take
2 a very serious look at these issues. Don't just rush
3 forward with their plan to move this ahead now that
4 they're presented with the facts and details of this
5 issue, it is a serious issue.

6 I think everybody in the town of Nutley wants
7 to see the Roche campus ultimately redeveloped. But
8 what Nutley -- Lumber wants to do is see it redeveloped
9 in a safe way so that they are not being threatened,
10 that development approvals aren't being rushed, that
11 the whole powers that exist under the code are being
12 considered and thought of, so that them and other
13 downstream residents aren't being put at peril. Thank
14 you.

15 MR. ORTH: Thank you.

16 MAYOR KELLY: I do have a couple comments.
17 This isn't something that happened overnight. We as an
18 entire board look at things and take actions that are
19 in the best interest of the township. And if the best
20 interest of the township was to continue to fight and
21 litigate, that's something that this board certainly
22 has the fortitude to do.

23 You mentioned that Elm Place suddenly has
24 flood issues. Elm Place has had flood issues since I
25 was a child. And the redevelopment plan does, again,

1 have the same flood mitigation stormwater management
2 requirements of the ordinance -- or the redevelopment
3 plan that we just passed, Number 3590. So I did want
4 to put that out there that, you know, we're not just
5 simply capitulating. This is a measured step taken by
6 the board, and this is -- you know, we're considering
7 this with all due diligence.

8 MR. GORRIE: Mayor, if I may, I would just
9 respond to your statement about the Elm Place flooding
10 issues by quoting from the November 30th, 2021, Board
11 of Commissioners meeting. In that meeting, an Elm
12 Place resident stated on the record that she, quote,
13 "lived on Elm Place for 18 years, and three years
14 ago" -- that would be 2019 -- "was the first time [her]
15 house was flooded." And it happened again this past
16 July 2021, and September 2021.

17 In response to that resident's concerns,
18 Commissioner Petracco stated in relevant part, quote,
19 "I'll take responsibility for Nichols, especially in
20 the Elm Place area. We've walked the culvert the day
21 after the storm. The increased volume that's coming
22 through from these two intense storms over the last six
23 months, we don't have a lot of answers of why that's
24 occurring. What's different? Is it something
25 different that happened upstream? Is it something, you

1 know, the mayor did to address meeting with other
2 municipalities that all contribute to those streams?
3 So there are things we're looking at commissioned by
4 our engineers to do the study. We're going to have to
5 wait and see what comes back."

6 So in response to that, Elm Street's always
7 had flooding issues. I just refer you to back to
8 Commissioner Petracco's prior testimony, because it
9 seems to conflict with your recollection of the
10 flooding issues on Elm.

11 MAYOR KELLY: The statement is what it is.
12 Again, that's one particular resident with one
13 particular property. Elm Place is a rather long
14 street. So where the flooding issues may or may not
15 occur, certainly water moves over time.

16 Commissioner Petracco, did you want to
17 respond, or?

18 COMMISSIONER PETRACCO: I'd just like to
19 respond and say that I've listened to both sides, and I
20 think that, you know, global warming has contributed to
21 this. I mean, there are spots that I've noticed, but
22 I -- and I lived here for a long time. Elm Street did
23 get flooded to the magnitude when we have a storm
24 that's 12 inches in two hours. I don't think any parts
25 of town are going to be able to mitigate that at all.

1 I own a few properties in those areas, too. I've been
2 dealing with flooding for many years here. But I do
3 think that the storms are getting worse.

4 And I think that it's fair to say that, you
5 know, we have to consider all our residents, and we
6 represent all the residents of Nutley, and, you know,
7 moving forward I hope that we can come to some kind of
8 resolutions for both parties to be happy.

9 MAYOR KELLY: Anyone else wishing to --
10 Mr. Diaz?

11 MR. DIAZ: Yeah. Hi, thank you. Gene Diaz
12 again, PB Nutclif. So look, we object to the objection
13 again for prior reasons and other issues, but I would
14 also just like to point out a couple of factual issues
15 in connection with -- Mr. Corey, was it?

16 MR. GORRIE: Gorrie.

17 MR. DIAZ: Gorrie. His math and his
18 statements. One, at 119 acres, 65 of those acres are
19 in Clifton. That would put us less than 5 percent,
20 would put us about 2 percent of the Nutley land.

21 But he also stated that we're -- that the
22 Nutley -- the entire campus represents 23 percent of
23 the stormwater getting into St. Paul's Brook. But yet
24 he called us the largest contributor to it. I'm not
25 certain -- I think there's incongruity in that

1 statement. 23 percent is a lot less than 50, and it's
2 certainly a lot less than 100, right? We're one of the
3 smaller contributors coming off of our land shed --
4 watershed, into St. Paul's Brook.

5 I'll tell you where the majority is, and I'll
6 tell you why he's not going after them, because he said
7 it himself. The majority of the other 77 percent is
8 coming from all the residential population to the north
9 and to the west of us and to the south of us. That's
10 all part of the overall watershed and the drainage
11 watershed, and that makes up the other 77 percent.

12 He's not suing them, and he's not going after them,
13 because he said it himself. You've got a party here,
14 one company who's got plenty of money. Go after them.

15 We're only 23 percent of the waterfall going
16 into St. Paul's Brook. That includes his statement, if
17 it is correct -- we don't know what it is -- 90 million
18 gallons somehow is now going into there, too. That
19 includes -- if that's additional, we're still only
20 23 percent. We were below that. That -- we're the
21 smaller volume coming in.

22 Now, that also presumes, he -- with all this
23 fire and brimstone, you guys know what you've approved
24 on this site so far. What has been done on the ON3
25 campus in Nutley in terms of development thus far,

1 which would have had an impact? We've built one
2 garage. The only development in Nutley thus far has
3 been the 100-200 Metro garage, and now they want to
4 blame all of this flooding and water and storm runoff
5 because we constructed one garage in place of 3 million
6 feet of other buildings that have previously existed of
7 impervious coverage.

8 Their numbers don't add up, their motives
9 don't add up, and I object to any of their statements
10 and objections. They want to try this, let them try
11 this with the litigators. They must have plenty of
12 money because they're suing us. So let them try it in
13 the Courts where something like this belongs. This is
14 not a matter for you guys to get -- for these
15 commissioners -- for you commissioners to get involved
16 in.

17 The DEP has already stated it. We are
18 legally discharging in conjunction with all of our
19 permits. We have met all of the rules and regulations
20 associated with stormwater and flood hazard management.
21 Stated, on the record, in front of a judge, and
22 determined to be appropriate.

23 I can't get into any more. I appreciate all
24 your time. We appreciate that he has problems with his
25 property. We are not the resolution for that property.

1 We will abide by the law and continue to abide by all
2 those regulations and do what we have to do underneath
3 the law and the technical guidelines that govern this.

4 MS. GONCHAR: I just want to deal with a
5 couple of legal issues. Meryl Gonchar, Sills Cummis &
6 Gross, representing PB Nutclif Master. And with regard
7 to their -- some of the issues, I concur. You don't
8 need my concurrence, but I agree with Mr. Orth that
9 the -- there is no requirement under the redevelopment
10 law. There's actually an exception that says that
11 specific requirements related to the MLUL do not apply.
12 And so there is no requirement for individual notice.

13 Furthermore, I would object to accepting any
14 petition. It's nice for someone to stand up and say,
15 but we measured it. The requirement is that in order
16 for someone to file a protest against any proposed
17 amendment or revisions of the zones amendment -- which
18 I would suggest this is not. This is a redevelopment
19 plan which is governed by a separate statute. It has
20 its own procedures, objection basis, and standards.
21 May be filed with the municipal clerk, signed by the
22 owners of 20 percent or more of the area, either of the
23 lots or land included in such proposed change.
24 Obviously, since my client owns the property that's
25 subject to this redevelopment, they couldn't possibly

1 qualify under that -- or two, of the lots or land
2 extending 200 feet in all directions therefrom,
3 inclusive of street space, whether within or without
4 the municipality. I believe it's incumbent upon them
5 to provide the acreage of all of the lots extending
6 200 feet in all directions from the subject property,
7 which are the subject of this redevelopment plan, with
8 the calculation including the streets to indicate that
9 they exceed 20 percent, and not simply to throw out
10 numbers without any backup or justification.

11 As indicated, the only difference then is not
12 that the board is not able to act, but that they are
13 required to act with a larger majority. I don't
14 believe that that's applicable in this instance,
15 because I don't believe that they've met their proofs
16 to demonstrate that they qualify to submit such a
17 petition.

18 We've made our objections to their
19 allegations previously. I would also point out to them
20 that under the Municipal Land Use Law, and under the --
21 specifically with regard to redevelopment plans, the
22 redevelopment plan supersedes those areas of the
23 ordinance which it says it supersedes. To the extent
24 that this redevelopment plan specifies that it is
25 subject to regulations and ordinances, they are making

1 blanket statements which may indicate a lack of
2 familiarity with the redevelopment law, but are not an
3 accurate statement of the law as it's applied, and is
4 merely sounds like threats that they're trying to scare
5 the Board of Commissioners to believe that they're
6 doing something dangerous or nefarious, and under the
7 law as I understand it, that is not the case.

8 And so we object to those assertions that
9 were made with regard to the legal impact and also to
10 their ability to make a protest or to make a notice
11 objection because it is not applicable under the
12 redevelopment law as written. Thanks.

13 MR. ORTH: Thank you, Ms. Gonchar. And I'll
14 just say, Mr. Gorrie, following the board's vote on
15 this redevelopment plan, I would just -- I may ask you
16 to submit a calculation of the lot area.

17 MR. GORRIE: I'll give it to you now.

18 MR. ORTH: Okay. Or if you have it right
19 now. Okay. I don't -- I'll have to have my engineer
20 take a look at this. (Indiscernible).

21 Okay. So let's put a pin in that issue at
22 the moment, okay? It may not -- it may or may not be
23 relevant.

24 MAYOR KELLY: Does anyone else wish to be
25 heard on Ordinance Number 3589?

1 Mr. Davis.

2 MR. DAVIS: Thank you so much. I won't
3 repeat the focused discussion that (audio interference)
4 made, but I do have a question, just a clarification.

5 So it's not the intent to make any stormwater
6 review any less than the existing site plan ordinances,
7 stormwater ordinances currently require, and that the
8 intent is that all of those will be required and
9 applicable as this goes through the rest of the
10 processes at the planning board and so forth. I think
11 that that's your intent. Is that correct?

12 I'll take that as an assent.

13 MR. ORTH: You're right.

14 MR. DAVIS: I would simply say that the
15 language is what it is in both documents, that when a
16 site plan application goes before the board, that the
17 board engineer, the board planner, and the other board
18 professionals will review that language and make sure
19 that anything that's submitted is meeting those
20 requirements. I think opining on that question at this
21 point is probably not -- is not relevant.

22 MR. ORTH: Okay. That's -- Fran's our
23 planner. That's what his response is. Are there any
24 other comments?

25 Okay. Mr. Mayor.

1 MAYOR KELLY: Seeing none, I move to close
2 the public hearing on Ordinance Number 3589.

3 COMMISSIONER TUCCI: Second.

4 MADAM CLERK: Commissioner Evans.

5 COMMISSIONER EVANS: Aye.

6 MADAM CLERK: Commissioner Tucci.

7 COMMISSIONER TUCCI: Aye.

8 MADAM CLERK: Commissioner Scarpelli.

9 COMMISSIONER SCARPELLI: Aye.

10 MADAM CLERK: Commissioner Petracco.

11 COMMISSIONER PETRACCO: Aye.

12 MADAM CLERK: Mayor Kelly.

13 MAYOR KELLY: Aye.

14 Move the ordinance.

15 COMMISSIONER TUCCI: Second.

16 MADAM CLERK: Commissioner Evans.

17 COMMISSIONER EVANS: Aye.

18 MADAM CLERK: Commissioner Tucci.

19 COMMISSIONER TUCCI: Aye.

20 MADAM CLERK: Commissioner Scarpelli.

21 COMMISSIONER SCARPELLI: Aye.

22 MADAM CLERK: Commissioner Petracco.

23 COMMISSIONER PETRACCO: Aye.

24 MADAM CLERK: Mayor Kelly.

25 MAYOR KELLY: Aye.

1 We still have a number of resolutions to go
2 through. I know a lot of people were here for the
3 ordinances. If you'd like to take the opportunity to
4 leave, we'll give you some time now.

5 (Pause)

6 MAYOR KELLY: All right. Moving on to
7 resolutions, Commissioner Evans.

8 COMMISSIONER EVANS: Thank you. My God, give
9 me a break.

10 My first resolution is 165-25.

11 N.J.S.A. 40A:5-4 requires the governing body of every
12 local unit to have made an annual audit of its books
13 and accounts and financial transactions. We have done
14 that.

15 We have utilized Nisivoccia & Company, who is
16 a registered municipal accounting firm, able to do that
17 work. And they're authorized by N.R.S. 52:27B-34,
18 authorizes the local finance board of the State of New
19 Jersey to prescribe reporting pertaining to local
20 fiscal affairs. The local finance board has
21 promulgated N.J.A.C. 5:30-6.5, a regulation requiring
22 that the governing body of each municipality shall, by
23 resolution, certify to the local finance board of the
24 State of New Jersey, all members of the governing body
25 have reviewed at a minimum the sections in the annual

1 audit entitled Comments and Recommendations.

2 The members of the governing body have
3 personally reviewed the minimum requirements, as
4 evidenced by the group's affidavit form of the
5 governing body, which is attached to the resolution.
6 Such resolution of certification shall be adopted by
7 the governing body no later than 45 days after the
8 receipt of the annual audit pursuant to N.J.A.C.

9 5:30-6.5, whereas all members have received and have
10 familiarized themselves with at least the minimum
11 requirements of the local finance board, as stated
12 aforesaid, and have subscribed to the affidavit as
13 provided by the local finance board. Failure to comply
14 may subject the members of the governing body to a
15 penalty of \$1,000.

16 Now, therefore, be it resolved by the Board
17 of Commissioners of the Township of Nutley hereby
18 states that it has complied with N.J.A.C. 5:30-6.5 and
19 does hereby submit a certified copy of the resolution
20 and the required affidavit to said board to show
21 evidence of said compliance.

22 I would just add that the audit was
23 completed. There were no material findings as a result
24 of the audit. There were a couple of recommendations,
25 which was to continue to incorporate technology into

1 our services and to advance the use of technology given
2 the environment we're in. So overall that was the most
3 significant comment, which is, again, an opportunity to
4 advance our systems of control.

5 So move.

6 COMMISSIONER TUCCI: Second.

7 MADAM CLERK: Commissioner Evans.

8 COMMISSIONER EVANS: Aye.

9 MADAM CLERK: Commissioner Tucci.

10 COMMISSIONER TUCCI: Aye.

11 MADAM CLERK: Commissioner Scarpelli.

12 COMMISSIONER SCARPELLI: Aye.

13 MADAM CLERK: Commissioner Petracco.

14 COMMISSIONER PETRACCO: Aye.

15 MADAM CLERK: Mayor Kelly.

16 MAYOR KELLY: Aye.

17 COMMISSIONER EVANS: 177-25, the township has
18 a need to acquire the services of an independent
19 professional planning expert to assist the township
20 with the preparation of zoning ordinance revisions into
21 formal regulatory zoning ordinances to be retained on a
22 non-fair and open basis. Pursuant to provisions of
23 N.J.S.A. 48:11-5, Paul Ricci, AICP, of Ricci Planning,
24 170 Monmouth Avenue, Atlantic Highlands -- Atlantic
25 Heights, New Jersey, possesses the requisite education,

1 experience, and licensure to provide the services at a
2 cost of \$135 an hour, not to exceed \$5,000. The
3 anticipated contract will run from July 1, 2025, to
4 December 31st, and funds are available on Account 5-01-
5 219-205, which has been certified by Chief Financial
6 Officer.

7 Paul Ricci, has completed and submitted the
8 Business Entity Disclosure Certification, which
9 certifies that they may -- have not made any reportable
10 contributions to a political or candidate committee in
11 the Township of Nutley in the previous one year, and
12 that the contract will prohibit them from making any
13 reportable contributions through the term of the
14 contract.

15 Now, therefore, be it resolved that the Board
16 of Commissioners of the Township of Nutley, County of
17 Essex, State of New Jersey, authorizes the Mayor and
18 Municipal Clerk to enter into a contract on a non-fair
19 and open basis, in accordance with N.J.S.A. 48:11.5 --
20 -5, with Ricci Planning at the stated rate of \$135 an
21 hour, not to exceed \$5,000. So move.

22 COMMISSIONER TUCCI: Second.

23 MADAM CLERK: Commissioner Evans.

24 COMMISSIONER EVANS: Aye.

25 MADAM CLERK: Commissioner Tucci.

1 COMMISSIONER TUCCI: Aye.
2 MADAM CLERK: Commissioner Scarpelli.
3 COMMISSIONER SCARPELLI: Aye.
4 MADAM CLERK: Commissioner Petracco.
5 COMMISSIONER PETRACCO: Aye.
6 MADAM CLERK: Mayor Kelly.
7 MAYOR KELLY: Aye.
8 COMMISSIONER EVANS: My last one is:
9 Be it resolved by the Board of Commissioners
10 of the Township of Nutley, the Treasurer is hereby
11 authorized to refund overpayments of water charges in
12 the amount of \$431.51 for Block 3303, Lot 8. So move.
13 COMMISSIONER TUCCI: Second.
14 MADAM CLERK: Commissioner Evans.
15 COMMISSIONER EVANS: Aye.
16 MADAM CLERK: Commissioner Tucci.
17 COMMISSIONER TUCCI: Aye.
18 MADAM CLERK: Commissioner Scarpelli.
19 COMMISSIONER SCARPELLI: Aye.
20 MADAM CLERK: Commissioner Petracco.
21 COMMISSIONER PETRACCO: Aye.
22 MADAM CLERK: Mayor Kelly.
23 MAYOR KELLY: Aye.
24 COMMISSIONER EVANS: I'm done.
25 MAYOR KELLY: Thank you, Commissioner.

1 Commissioner Tucci.

2 COMMISSIONER TUCCI: Yes, thank you, Mayor.

3 Whereas, N.J.S.A. 40A:4-87 provides that the
4 Director of the Division of Local Government Services
5 may approve the insertion of any special item in the
6 budget of any county or municipality when such item
7 shall have been made available by law and the amount
8 thereof was not determined at the time of the adoption
9 of the budget; and

10 Whereas, said Director may also approve the
11 insertion of any item of appropriation for equal
12 amount; and

13 Section 1: Now, therefore, be it resolved,
14 that the Board of Commissioners of the Township of
15 Nutley, County of Essex, State of New Jersey, hereby
16 requests the Director of the Division of Local
17 Government Services to approve the insertion of an item
18 of revenue in the budget of the year 2025 in the sum of
19 \$1,211,000 which item is now available as a revenue
20 from the Urban Parks Grants pursuant to the provisions
21 of statute;

22 Section 2: Be it further resolved that a
23 like sum of \$1,211,000 be and same is hereby
24 appropriated under the caption of:

25 General Appropriations. (A) Operations-

1 Excluded from CAPS, Urban Parks Grant, Father Glotzbach
2 Park Improvement Project, other expenses 1 million 211.

3 Be it further resolved that a copy of this
4 resolution will be electronically filed with the
5 Director for approval as required by law.

6 This is for the upgrade of the Girls'
7 Softball Field at Father Glotzbach Park that abuts
8 Grant Avenue.

9 I move the resolution.

10 COMMISSIONER EVANS: Second.

11 MADAM CLERK: Commissioner Evans.

12 COMMISSIONER EVANS: Aye.

13 MADAM CLERK: Commissioner Tucci.

14 COMMISSIONER TUCCI: Aye.

15 MADAM CLERK: Commissioner Scarpelli.

16 COMMISSIONER SCARPELLI: Aye.

17 MADAM CLERK: Commissioner Petracco.

18 COMMISSIONER PETRACCO: Aye.

19 MADAM CLERK: Mayor Kelly.

20 MAYOR KELLY: Aye.

21 COMMISSIONER TUCCI: Whereas, DMR Architects,
22 777 Terrace Avenue, Suite 607, Hasbrouck Heights has
23 been awarded a non-fair and open contract pursuant to
24 the provision of N.J.S.A. 19:44A-20.5 to acquire
25 specialized professional services for 1 Kennedy Drive

1 Conceptual Design through Construction Administration
2 for the Public Open Space fronting Chestnut Street; and

3 Whereas, the Director of Parks and Public
4 Property has recommended the following change order
5 from said contract:

6 Change Order Number 1 for Conceptual Design
7 in the amount of \$81.51; and

8 Whereas, the funds are available from Account
9 5-01-502-299 and has been certified by the Chief
10 Financial Officer, said certification being attached to
11 this resolution.

12 Now, therefore, be it resolved by the Board
13 of Commissioners, Township of Nutley, County of Essex,
14 State of New Jersey, that Change Order Number 1 in the
15 amount of \$81.54 be and is hereby approved.

16 I move the resolution.

17 COMMISSIONER EVANS: Second.

18 MADAM CLERK: Commissioner Evans.

19 COMMISSIONER EVANS: Aye.

20 MADAM CLERK: Commissioner Tucci.

21 COMMISSIONER TUCCI: Aye.

22 MADAM CLERK: Commissioner Scarpelli.

23 COMMISSIONER SCARPELLI: Aye.

24 MADAM CLERK: Commissioner Petracco.

25 COMMISSIONER PETRACCO: Aye.

1 MADAM CLERK: Mayor Kelly.

2 MAYOR KELLY: Aye.

3 COMMISSIONER TUCCI: That's all I have,
4 Mayor.

5 MAYOR KELLY: Thank you, Commissioner.
6 Commissioner Scarpelli.

7 COMMISSIONER SCARPELLI: Whereas, N.J.S.A.
8 40A:4-87 provides the Director of the Division of Local
9 Government Services may approve the insertion of any
10 special item in the budget of any county or
11 municipality when such item shall have been made
12 available by law and the amount thereof was not
13 determined at the time of the adoption of the budget;
14 Whereas, the Director may also approve the
15 insertion of any item of appropriation for equal
16 amount; and

17 Section 1: Now, therefore, be it resolved
18 that the Board of Commissioners, Township of Nutley,
19 County of Essex, State of New Jersey, hereby requests
20 the Director of the Division of Local Government
21 Services to approve the insertion of an item of revenue
22 in the budget for the year 2025 in the amount of
23 \$200,000, which is now available as a revenue from the
24 CDBG grant pursuant to the provisions of statute;

25 Be it further resolved that a like sum of

1 200,000 be and the same as hereby appropriated under
2 the caption of General Appropriations, Operations--
3 Excluded from the CAP, \$200,000.

4 Be it further resolved that a copy of this
5 resolution be electronically filed to the Director
6 of -- for approval as required by law.

7 I move the resolution.

8 COMMISSIONER PETRACCO: Second.

9 MADAM CLERK: Commissioner Evans.

10 COMMISSIONER EVANS: Aye.

11 MADAM CLERK: Commissioner Tucci.

12 COMMISSIONER TUCCI: Aye.

13 MADAM CLERK: Commissioner Scarpelli.

14 COMMISSIONER SCARPELLI: Aye.

15 MADAM CLERK: Commissioner Petracco.

16 COMMISSIONER PETRACCO: Aye.

17 MADAM CLERK: Mayor Kelly.

18 MAYOR KELLY: Aye.

19 COMMISSIONER SCARPELLI: This is also for an
20 insertion in the budget.

21 Now, therefore, be it resolved that the Board
22 of Commissioners, Township of Nutley, County of Essex,
23 State of New Jersey, hereby request the Director of the
24 Division of Local Government Services to approve the
25 insertion of an item of revenue in the budget of the

1 year 2025 in the amount of \$37,408.26, which item is
2 now available as revenue from the Recycling Tonnage
3 Grant pursuant to the provisions of the statute;

4 Be it further resolved that a like sum of
5 \$37,408.26 be and the same as hereby appropriated under
6 the caption of General Appropriations, Operations--
7 Excluded from the CAPS, the amount of \$37,408.26;

8 Be it further resolved that a copy of this
9 resolution be electronically filed with the Director
10 for approval as required by law.

11 I move the resolution.

12 COMMISSIONER PETRACCO: 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 COMMISSIONER SCARPELLI: That's all I have,
24 Mayor.

25 MAYOR KELLY: Thank you, Commissioner.

1 Commissioner Petracco.

2 COMMISSIONER PETRACCO: Yes, this is
3 Resolution 167-25. I'll read it from Section 1.

4 Now, therefore, be it resolved, that the
5 Board of Commissioners, Township of Nutley, County of
6 Essex, New Jersey, hereby request the Director of the
7 Division of Local Service -- Government Services to
8 approve the insertion of an item of revenue in the
9 budget of the year 2025 in the amount of \$7,000, which
10 item is now available as revenue from the Click It and
11 Ticket Grant pursuant to the provisions of the statute;

12 Be it further resolved, that a like sum of
13 7,000 be the same and is hereby appropriated under the
14 caption of General Appropriations, Operation--Excluded
15 from the CAPS, Click It or Ticket 2025 Seatbelt
16 Mobilization Grant, other expenses \$7,000;

17 Be it further resolved that the copy of the
18 resolution will be electronically filed with the
19 Director of approved and required by law.

20 I move the resolution.

21 COMMISSIONER EVANS: Second.

22 MADAM CLERK: Commissioner Evans.

23 COMMISSIONER EVANS: Aye.

24 MADAM CLERK: Commissioner Tucci.

25 COMMISSIONER TUCCI: Aye.

1 MADAM CLERK: Commissioner Scarpelli.

2 COMMISSIONER PETRACCO: Thank you. He
3 stepped out for a second.

4 MADAM CLERK: Okay. Commissioner Petracco.

5 COMMISSIONER PETRACCO: Aye.

6 MADAM CLERK: Mayor Kelly.

7 MAYOR KELLY: Aye.

8 COMMISSIONER PETRACCO: This one's 168-258.

9 Whereas -- now, therefore, it be resolved by
10 the Board of Commissioners, Township of Nutley, County
11 of Essex, New Jersey, hereby request the Director of
12 the Local Division of Government Services to approve
13 the insertion of an item of revenue in the budget of
14 2025 of \$50,485.95, which item is now available in
15 revenue from the COPS Grant: FY24 Technology and
16 Equipment Program pursuant to the provisions of the
17 statute;

18 Be it further resolved that a like sum of
19 \$50,485.95 be in the same as hereby appropriated under
20 the caption of General Appropriations: Operations--
21 Excluded from the CAPS, COPS Grant: FY24 Technology and
22 Equipment Program, other expenses, \$50,485.95;

23 Be it further resolved that the copy of the
24 resolution will be electronically filed with the
25 Director of approval as required by law.

1 I move the resolution.

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 Petracco.

9 COMMISSIONER PETRACCO: Aye.

10 MADAM CLERK: Mayor Kelly.

11 MAYOR KELLY: Aye.

12 COMMISSIONER PETRACCO: Okay. 169-25.

13 Now, therefore, be it resolved by the Board
14 of Commissioners, Township of Nutley, County of Essex,
15 New Jersey, hereby request the Director of Division of
16 Local Services Government, to approve insertion of the
17 revenue in the budget of 2025 sum of 2 -- \$10,500,
18 which item is now available as revenue Municipal
19 Alliance Grant, pursuant to the provisions of the
20 statute.

21 Be it further resolved that a like sum of
22 \$10,500 be and the same is hereby appropriated under
23 the caption General Appropriations, Operations--
24 Excluded from CAPS, County Division of Community Health
25 Services: Municipal Alliance, other expenses, \$10,500.

1 Be it further resolved that the sum of \$2,065
2 [sic], representing the amount required from the
3 municipality's share of the aforementioned grant,
4 appears under 2025 budget and the budget appropriation
5 "Matching Funds for Grants" and is hereby appropriated
6 to the Municipal Alliance Grant.

7 And there -- be it further resolved that the
8 notification of these budgets charges will be made by
9 the Chief Financial Officer, Director of Division of
10 Local Government Services through the electronic
11 submission process.

12 I move it.

13 COMMISSIONER SCARPELLI: Second.

14 MADAM CLERK: Commissioner Evans.

15 COMMISSIONER EVANS: Aye.

16 MADAM CLERK: Commissioner Tucci.

17 COMMISSIONER TUCCI: Aye.

18 MADAM CLERK: Commissioner Scarpelli.

19 COMMISSIONER SCARPELLI: Aye.

20 And, Madam Clerk, can you mark me yes on the
21 resolutions I missed, please? Thank you.

22 MADAM CLERK: Yes.

23 Commissioner Petracco.

24 COMMISSIONER PETRACCO: Aye.

25 MADAM CLERK: Mayor Kelly.

1 MAYOR KELLY: Aye.

2 COMMISSIONER PETRACCO: Not to be redundant,
3 if I could just read briefly, this is the national --
4 this is Resolution 178-25. This is for the National
5 Opioid Settlement. This is an amount of \$20,759.20.

6 I'll move it as written.

7 COMMISSIONER SCARPELLI: Second.

8 MADAM CLERK: Commissioner Evans.

9 COMMISSIONER EVANS: Aye.

10 MADAM CLERK: Commissioner Tucci.

11 COMMISSIONER TUCCI: Aye.

12 MADAM CLERK: Commissioner Scarpelli.

13 COMMISSIONER SCARPELLI: Aye.

14 MADAM CLERK: Commissioner Petracco.

15 COMMISSIONER PETRACCO: Aye.

16 MADAM CLERK: Mayor Kelly.

17 MAYOR KELLY: Aye.

18 COMMISSIONER PETRACCO: Whereas, the Township
19 of Nutley Police Department need to acquire proprietary
20 software for the purpose of hiring Police Officers
21 through PoliceApp; and

22 Whereas the use of PoliceApp, located at
23 5 Brookside Drive, Wallington -- Wallingford,
24 Connecticut, that is, increases efficiency through the
25 hiring process of Police Officers in the Nutley Police

1 Department; and

2 Whereas N.J.S.A. 48:11-5(d) permits the award
3 of the contract without public bidding for the
4 provisions of proprietary software;

5 Whereas the terms of the contract shall be
6 for a period of two years with an option for one-year
7 extension. Upon expiration of the initial term, the
8 contract will automatically renew for subsequent prior
9 to non-renewal starting July 1st, 2025 through
10 June 30th, 2026. The yearly contract shall not exceed
11 25,000.

12 Now, therefore, it be resolved by the Board
13 of Commissioners and the Township of Nutley in the
14 County of Essex that a contract be awarded PoliceApp in
15 form approved by the township attorney.

16 And that's all I see, so I'll move it as is.

17 COMMISSIONER SCARPELLI: Second.

18 MADAM CLERK: Commissioner Evans.

19 COMMISSIONER EVANS: Aye.

20 MADAM CLERK: Commissioner Tucci.

21 COMMISSIONER TUCCI: Aye.

22 MADAM CLERK: Commissioner Scarpelli.

23 COMMISSIONER SCARPELLI: Aye.

24 MADAM CLERK: Commissioner Petracco.

25 COMMISSIONER PETRACCO: Aye.

1 MADAM CLERK: Mayor Kelly.

2 MAYOR KELLY: Aye.

3 COMMISSIONER EVANS: Always fresh.

4 MAYOR KELLY: Thank you, Commissioner.

5 I have a few on for this evening, Resolution
6 Number 170-25, a similar Chapter 159 insertion of a
7 special item in the 2025 budget, the Public Affairs,
8 the NJACCHO Grant, sustaining local public health
9 infrastructure, for a total of \$24,951.

10 I move the resolution.

11 COMMISSIONER TUCCI: Second.

12 MADAM CLERK: Commissioner Evans.

13 COMMISSIONER EVANS: Aye.

14 MADAM CLERK: Commissioner Tucci.

15 COMMISSIONER TUCCI: Aye.

16 MADAM CLERK: Commissioner Scarpelli.

17 COMMISSIONER SCARPELLI: Aye.

18 MADAM CLERK: Commissioner Petracco.

19 COMMISSIONER PETRACCO: Aye.

20 MADAM CLERK: Mayor Kelly.

21 MAYOR KELLY: Aye.

22 We have a -- Resolution Number 171-25, a
23 raffle license application that's been received by --
24 from John H. Walker Middle School PTO, off-premises
25 50/50 cash raffle, Sunday, December 7th, 2025;

1 Whereas, the application has been reviewed
2 and approved by the Municipal Clerk and the Police
3 Department;

4 Now, therefore, be it resolved by the Board
5 of Commissioners, Township of Nutley, County of Essex,
6 State of New Jersey, the aforementioned license is
7 hereby approved by Municipal Clerk, and she is
8 authorized to issue said licenses.

9 I move the resolution.

10 COMMISSIONER TUCCI: 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 Whereas, The Township of Nutley has applied
22 for a grant in the amount of 3,500 through Green --
23 City Green Good Food Bucks Program, which funds will be
24 used to offset the cost of reimbursements to vendors of
25 the Nutley Farmer's Market that participate in the

1 Senior Farmer Market Nutrition Voucher Double Coupon
2 Program. This program awards eligible patrons an
3 additional \$25 in Nutley Farmer Market coupons to
4 purchase fresh fruits and vegetables in conjunction
5 with the State Farmer Market Nutrition Program Vouchers
6 through the County of Essex.

7 Now, therefore, it be resolved that the Mayor
8 and Commissioners of the Township of Nutley, in the
9 County of Essex, State of New Jersey, formally approves
10 the grant application for the City Green Good Food
11 Bucks Program for the 2025 season.

12 So move.

13 COMMISSIONER TUCCI: Second.

14 MADAM CLERK: Commissioner Evans.

15 COMMISSIONER EVANS: Aye.

16 MADAM CLERK: Commissioner Tucci.

17 COMMISSIONER TUCCI: Aye.

18 MADAM CLERK: Commissioner Scarpelli.

19 COMMISSIONER SCARPELLI: Aye.

20 MADAM CLERK: Commissioner Petracco.

21 COMMISSIONER PETRACCO: Aye.

22 MADAM CLERK: Mayor Kelly.

23 MAYOR KELLY: Aye.

24 The next one I read on behalf of the entire
25 Board of Commissioners is Resolution Number 180-25.

1 It's a resolution of the Township Commissioners of the
2 Township of Nutley authorizing the engagement of
3 Inglesino, Webster, Wyciskala & Taylor, LLC, as counsel
4 for the Township of Nutley concerning legal matters
5 with respect to ON3 redevelopment area.

6 This is specified professional services
7 rendered performed by persons authorized to practice
8 law. The performance of said professional service
9 requires knowledge in advanced type in the field of
10 learning acquired by a prolonged formal course of
11 specialized study.

12 Inglesino, Webster, Wyciskala, Taylor,
13 located at 600 Parsippany, Suite 604, Parsippany, New
14 Jersey, 07054, submitted a proposal to render these
15 services at an hourly rate of 295 beginning July 1st,
16 2025, through December 31st, 2025, and pursuant to this
17 Resolution shall not exceed \$50,000 in the aggregate;

18 Whereas, funds are available for this purpose
19 from Account Number 5-01-012-205, subject to the
20 adoption of the 2025 municipal budget, which I think we
21 adopted. Certificate of Availability of Funds has been
22 filed with the Chief Financial Officer of the Township
23 in accordance with local budget law.

24 Whereas, Wyciskala -- Inglesino, Webster,
25 Wyciskala, Taylor has completed the -- submitted -- and

1 submitted a Business Entity Disclosure Certification
2 which certifies that the Firm have not made any
3 disqualifying reportable contributions to a political
4 candidate or a candidate committee in the Township of
5 Nutley for the previous one year that would violate the
6 New Jersey Statutes Annotated titled 19:44A-20.5, or
7 the Township's Local Unit Pay to Play Ordinance adopted
8 by a referendum, and any relevant Executive Orders from
9 New Jersey Election Law Enforcement Commission
10 disclosure requirements, and that the contract would
11 bar Inglesino, Webster, Wyciskala, Taylor from making
12 any reportable contributions through the term of this
13 contract;

14 Now, therefore, be it resolved, by the Board
15 of Commissioners of the Township of Nutley, County of
16 Essex that -- in accordance with local public contracts
17 law hereby authorizes the Mayor and Municipal Clerk to
18 enter into a professional services contract with the
19 firm of Inglesino, Webster, Wyciskala, and Taylor, LLC
20 at an hourly rate of 295, not to exceed \$50,000 in the
21 aggregate.

22 Be it further resolved that the Business
23 Entity Disclosure and Business Entity Disclosure of
24 Campaign Contributions shall be filed -- shall be
25 placed on file with this resolution; and

1 Be it further resolved that a copy of this
2 resolution shall be published as required by law within
3 ten days of its passage.

4 So moved.

5 COMMISSIONER TUCCI: Second.

6 MADAM CLERK: Commissioner Evans.

7 COMMISSIONER EVANS: Just a point. It's
8 Inglesino and Taylor now?

9 MAYOR KELLY: Okay.

10 COMMISSIONER EVANS: This needs to be
11 updated. And I think, Mayor, you referred to that. We
12 already adopted the budget.

13 MAYOR KELLY: Right.

14 COMMISSIONER EVANS: So funds are available.

15 MAYOR KELLY: Right. Thank you.

16 COMMISSIONER EVANS: All right.

17 MADAM CLERK: I'll make those changes on the
18 resolution.

19 MADAM CLERK: Commissioner Tucci.

20 COMMISSIONER TUCCI: 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 The last one I have on this evening is
3 Resolution Number 182-25.

4 Whereas, the New Jersey Department of
5 Treasury, Division of Taxation, has provided Tax
6 Clearance Certificates and said licensees are qualified
7 to be licensed according to all standards established
8 by the New Jersey Statutes Annotated Title 33 and
9 regulations promulgated thereunder, as well as
10 pertinent local ordinance and conditions consistent
11 with Title 33 for each establishment listed below for
12 this renewal period;

13 Whereas, these establishments have been
14 inspected by the Board of Health, Fire Department, Code
15 Enforcement Department, and Police Department of the
16 Township of Nutley and are in satisfactory condition.

17 Now, therefore, be it resolved by the Board
18 of Commissioners of the Township of Nutley, County of
19 Essex, State of New Jersey, that the renewal for the
20 Plenary Retail Consumption Licenses, Plenary Retail
21 Distribution Licenses, and Club License be granted to
22 the following licensees effective July 1st, 2025,
23 through June 30th, 2026.

24 Be it further resolved that the Municipal
25 Clerk is hereby authorized to sign and issue said

1 licensees for the period of -- for the -- said license
2 certificates for the licensing period of July 1st,
3 2025, through June 30th, 2026, for the licensees listed
4 in the resolution.

5 So moved.

6 COMMISSIONER TUCCI: Second.

7 MADAM CLERK: Commissioner Evans.

8 COMMISSIONER EVANS: Aye.

9 MADAM CLERK: Commissioner Tucci.

10 COMMISSIONER TUCCI: Aye.

11 MADAM CLERK: Commissioner Scarpelli.

12 COMMISSIONER SCARPELLI: Aye.

13 MADAM CLERK: Commissioner Petracco.

14 COMMISSIONER PETRACCO: Aye.

15 MADAM CLERK: Mayor Kelly.

16 MAYOR KELLY: Abstain.

17 Mr. Bruno, I believe we have a need for
18 another closed executive session.

19 MR. BRUNO: Yes, Mayor, we do have a need to
20 go into closed session to discuss matters that are of
21 attorney-client privilege.

22 MAYOR KELLY: Thank you. I'll entertain a
23 motion for executive.

24 COMMISSIONER SCARPELLI: Move it.

25 MADAM CLERK: Whereas Section 8 of the Open

1 Public Media Act (Chapter 231, Public Law 1975) permits
2 the exclusion of the public from meeting in certain
3 circumstances, and whereas the public body is of the
4 opinion that such circumstances exist, and whereas the
5 Board of Commissioners of the Township of Nutley in the
6 County of Essex in the State of New Jersey desires to
7 proceed to closed executive session;

8 Now, therefore, be it resolved that the Board
9 of Commissioners, Township of Nutley, move into closed
10 executive session to discuss attorney-client privilege;

11 Be it further resolved that at a time when
12 such discussions may be disclosed to the public, shall
13 be when and such disclosures may be made without
14 adversely affecting the Township, pending and/or
15 anticipated legal, personnel, contractual matters, and
16 other matters within the exceptions provided for by
17 statute. This resolution shall take effect
18 immediately.

19 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 And we won't be conducting any more business
5 this evening.

6 COMMISSIONER PETRACCO: Move to adjourn.

7 COMMISSIONER SCARPELLI: Second.

8 MADAM CLERK: Commissioner Evans.

9 COMMISSIONER EVANS: Aye.

10 MADAM CLERK: Commissioner Tucci.

11 COMMISSIONER TUCCI: Aye.

12 MADAM CLERK: Commissioner Scarpelli.

13 COMMISSIONER SCARPELLI: Aye.

14 MADAM CLERK: Commissioner Petracco.

15 COMMISSIONER PETRACCO: Aye.

16 MADAM CLERK: Mayor Kelly.

17 MAYOR KELLY: Aye.

18 Our next meeting will be July 15th at 7 p.m.

19 MADAM CLERK: And the time is now 10:28.

20 (End of recording)

21

22

23

24

25

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

I, Heidi Jolliff, transcriber, hereby
certify that the foregoing is a correct transcript from
the recording provided.



HEIDI JOLLIFF, AAERT NO. 2850

DATE: July 16, 2025