

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

Transcript of Proceedings
July 7, 2026



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

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TOWNSHIP OF NUTLEY BOARD OF COMMISSIONERS

ONE KENNEDY DRIVE

3RD FLOOR COMMISSION CHAMBERS

NUTLEY, NEW JERSEY 07110

***** PUBLIC SESSION *****

DATE: 7/7/2026

BOARD OF COMMISSIONERS:

JOHN V. KELLY III, MAYOR

JOSEPH P. SCARPELLI, COMMISSIONER

MAURO G. TUCCI, COMMISSIONER

THOMAS J. EVANS, COMMISSIONER

ALPHONSE PETRACCO, COMMISSIONER

Also Present:

JONATHAN BRUNO, TOWNSHIP ATTORNEY

1 (Recording begins)

2 MADAM CLERK: Thank you.

3 MAYOR KELLY: Please stand for the flag
4 salute.

5 (Pledge of Allegiance)

6 MAYOR KELLY: Good evening, everyone.

7 Sunshine Notice, Madam Clerk.

8 MADAM CLERK: Thank you, Mayor.

9 Board of Commissioners public meeting agenda
10 for Tuesday, July 7th, 2026, the time is 7:12.
11 Pursuant to the requirements of the Open Public Meeting
12 Act, Chapter 231, Public Law 1975, notice of this
13 meeting was published in the November 20th, 2025,
14 issues of the Nutley Sun, the Herald News, and the Star
15 Ledger. A copy of this notice has been posted on the
16 Nutley Town Hall Bulletin Board, and a copy is on file
17 in the municipal clerk's office.

18 Commissioner Evans?

19 COMMISSIONER EVANS: Here.

20 MADAM CLERK: Commissioner Tucci?

21 COMMISSIONER TUCCI: Here.

22 MADAM CLERK: Commissioner Scarpelli?

23 COMMISSIONER SCARPELLI: Here.

24 MADAM CLERK: Commissioner Petracco?

25 COMMISSIONER PETRACCO: Here.

1 MADAM CLERK: Mayor Kelly?

2 MAYOR KELLY: Present.

3 MADAM CLERK: All present, Mayor.

4 MAYOR KELLY: Thank you. Minutes, please.

5 MADAM CLERK: We have Board of Commissioner
6 meeting minutes for April 20th, 2026; April 21st, 2026;
7 May 5th, 2026; May 19th, 2026; and June 4th, 2026.

8 COMMISSIONER EVANS: Move it.

9 COMMISSIONER TUCCI: Second.

10 MADAM CLERK: Commissioner Evans?

11 COMMISSIONER EVANS: Aye.

12 MADAM CLERK: Commissioner Tucci?

13 COMMISSIONER TUCCI: Aye.

14 MADAM CLERK: Commissioner Scarpelli.

15 COMMISSIONER SCARPELLI: Aye.

16 MADAM CLERK: Commissioner Petracco?

17 COMMISSIONER PETRACCO: Aye.

18 MADAM CLERK: Mayor Kelly?

19 MAYOR KELLY: Aye.

20 And executive minutes, please?

21 MADAM CLERK: We have executive minutes for
22 April 7th, 2026; April 21st, 2026; May 5th, 2026; May
23 19, 2026; and June 4th, 2026.

24 COMMISSIONER EVANS: Move it.

25 COMMISSIONER TUCCI: Second.

1 MADAM CLERK: Commissioner Evans?

2 COMMISSIONER EVANS: Aye.

3 MADAM CLERK: Commissioner Tucci?

4 COMMISSIONER TUCCI: Aye.

5 MADAM CLERK: Commissioner Scarpelli?

6 COMMISSIONER SCARPELLI: Aye.

7 MADAM CLERK: Commissioner Petracco?

8 COMMISSIONER PETRACCO: Aye.

9 MADAM CLERK: Mayor Kelly?

10 MAYOR KELLY: Aye.

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

13 MAYOR KELLY: And we have no proclamations,
14 no communications. We do have a Shade Tree report from
15 the Parks Department.

16 Commissioner Tucci?

17 COMMISSIONER TUCCI: Yes. I have a report
18 for, let's see, the month of June 2026. Thank you,
19 Mayor.

20 MAYOR KELLY: Thank you.

21 Moving to bills, please.

22 MADAM CLERK: Bill is for July 7th, 2026:
23 public affairs, \$494,920.89; revenue and finance,
24 \$3,997,038.16; public safety, \$166,441.41; public
25 works, \$55,439.38; parks and public property,

1 \$1,621,925.37; water and sewer utility, \$322,541.59.

2 Payroll sheet as of Friday, June 18th, 2028
3 [sic]: regular payroll total, \$1,119,060.94; overtime
4 payroll total, \$69,697.42; total payroll,
5 \$1,188,758.36, for a grand total of \$7,847,068.16.

6 COMMISSIONER EVANS: Move to bills.

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: That's it for bills, Mayor.

19 MAYOR KELLY: Thank you.

20 At this time, we'll have public comment on
21 agenda items only. This is for public comment on
22 agenda items only. If you wish to be heard on agenda
23 items only, please approach the microphone and state
24 your name for the record, please.

25 Seeing none, we'll go into Board of

1 Commissioner announcements, starting with Commissioner
2 Evans.

3 COMMISSIONER EVANS: Thank you, Mayor.

4 Overall, I just want to comment on -- Nutley obviously
5 suffered a storm disaster on the 3rd of July. It was a
6 rough weekend. The crews for the town across all
7 departments, I want to thank all of our people for what
8 they did.

9 Mauro, for your crew that was out Friday
10 night straight through.

11 Al, for the police protection, especially
12 knowing that we had five spots we had live electrical
13 wires.

14 DPW was out there. Even though we had people
15 on vacation, the town really stepped up. My code
16 department was out at six o'clock in the morning on
17 Saturday, you know, checking properties as well.
18 Everybody chipped in. Everybody was part of the team
19 and Nutley started to recover immediately. And I think
20 that's to the credit of the people that work here and
21 their dedication, and the leadership of this board,
22 making sure everybody understands what their purpose
23 is, and that we represent the town people.

24 So I just want to offer my congratulations
25 and thanks for what I saw that happened this weekend.

1 I was out. I went around, you know, all day Saturday,
2 looking at the various properties, checking into it,
3 checking with PSE&G; as we all were, right? And so you
4 know, it was important that we -- that we do that for
5 the benefit of our residents. So anyway, that's --
6 overall, that's what I wanted to say.

7 Eleni, I didn't check it. Don't we have a
8 DMV coming this month?

9 MADAM CLERK: I -- we have the inspection
10 unit coming this month.

11 COMMISSIONER EVANS: July 21, correct?

12 MADAM CLERK: Correct.

13 COMMISSIONER EVANS: Right. So DMV will be
14 here for motor vehicle inspections, usually starting
15 around 9:00 in the morning until about 2:00 in the
16 afternoon on Park Avenue on July 21st. There will be
17 an announcement going out, but that's coming up soon.

18 Thank you, Mayor.

19 MAYOR KELLY: Thank you.

20 Commissioner Tucci?

21 COMMISSIONER TUCCI: Yes. And at the risk of
22 being redundant, I want to congratulate everyone also.

23 This was a total team effort, okay. I know I was
24 contacted by just about every department. Our people
25 were out moving trees, both town trees, and even

1 assisting with some private trees that were blocking
2 roadways. I mean, DPW, police, public affairs, revenue
3 and finance, I mean, everyone was there. It was a
4 total team effort and the town responded exactly in the
5 way that it should have.

6 I would just like to caution everybody, don't
7 believe everything you read on Facebook. All right?
8 Because I really had to hold myself back from answering
9 some of those posts, because some of them are just not
10 true. If you have a question and you want a real
11 truthful answer, call us. We'll be happy to give you
12 that answer.

13 Thank you, Mayor.

14 MAYOR KELLY: Thank you, Commissioner.

15 Commissioner Scarpelli?

16 COMMISSIONER SCARPELLI: To be redundant,
17 redundant, redundant?

18 COMMISSIONER TUCCI: There we go.

19 COMMISSIONER SCARPELLI: But listen, this is
20 -- we do a great job every day, but in an event of an
21 emergency, this town comes together and we shine. We
22 shine and we get things done. And it's a group effort
23 and we do it. You know, it was a tough three days. It
24 was a holiday weekend. It was 100 degrees. There was
25 wind and rain. And you know, we -- you know, to the

1 parks department that led the way in cleaning up
2 everything, congratulations. Great job.

3 MAYOR KELLY: Thank you, Commissioner.
4 Commissioner Petracco?

5 COMMISSIONER PETRACCO: Thank you. I'll just
6 say ditto to be sure. But I would like to say, you
7 know, a great job to all the town workers. We aspire
8 -- all the departments. But I will say, too, we have
9 to say a big thank you to Public Service, PSE&G,
10 because I went around myself also, and the wires that
11 were down, the telephone poles that -- it's amazing how
12 fast they could get those wires back up, and get you
13 turned on. I know when it's 100 degrees out and it's a
14 couple days you're out, it seems like two weeks. But I
15 have to say that, you know, way back when I first got
16 elected, I was in office three days, and a microburst
17 came through here. And I'm like, what the hell did I
18 sign up for? I was out there for a couple of nights.
19 But I -- I'm sure that it had to be something like a
20 microburst that went through here because some sections
21 of towns, it -- they were annihilated.

22 And in a couple days, it's unbelievable what
23 our group does and especially Public Service. And even
24 with the County, because I know some of the trees were
25 down, you know, on county roads. I mean, you know, the

1 County came right out, you know, and cleared the way so
2 PSE&G could work. So you know, a big thank you to
3 Public Service as well.

4 MAYOR KELLY: Thank you.

5 And I do want to congratulate the entire
6 board. The entire board was engaged in addressing the
7 fallout from the storm. I personally drove around the
8 -- three separate occasions over the weekend observing
9 the -- these damage. I was on a call with PSE&G, and
10 to put into perspective, we have the most power
11 outages, second only to Newark. So that just -- to
12 your point about the microburst, to show the scale of
13 the concentration affected in this area, PSE&G has
14 brought in additional crews from out of state to help
15 restore those without power as quickly as possible, and
16 rebuild some of the poles. They were able to restore
17 the larger clusters in a more efficient manner, quicker
18 than some of the smaller clusters, because once you get
19 to the smaller clusters, you're talking about
20 individual homes or just a couple neighbors having to
21 get the -- that power up in line. But they're moving
22 as quickly as possible and trying to restore power as
23 quickly as possible to everyone.

24 We're not the only community affected by
25 this. There are certainly several others in Essex and

1 Bergen and Morris County that are dealing with this.
2 So if you're without power, certainly be patient. If
3 there's anything we as a board can do, don't hesitate
4 to reach out. I do want to thank the parks department
5 because we were able on the 4th of July to get our
6 Firecracker Run out. They were able to clear the path
7 on the parks so that we can do that run on the 4th of
8 July. So we did it. We were able to celebrate some
9 festivities on the 4th of July.

10 And I -- just because I'm singling out the
11 parks department doesn't mean that your staff didn't
12 shine or the DPW didn't shine, or the revenue and
13 finance didn't shine as well. But the -- because of
14 them, we were able to get that at least one celebration
15 of the 250th anniversary of our Declaration of
16 Independence out.

17 I waited until the last minute to make the
18 call to cancel the fireworks. One, because it's a
19 great community event; and two, because it was a
20 significant anniversary. It was not a decision I made
21 lightly. And when the police told me that they could
22 not safely secure the event, I had -- I put safety
23 first, and that was the deciding factor. We called
24 them -- the firework company right before they were
25 about to leave with the fireworks. And once they hit

1 the road, they can't turn them back around. It -- that
2 ship has sailed. So we waited until the last possible
3 second to see if we can pull this off. And it just
4 wasn't feasible in terms of the amount of ongoing
5 destruction and disarray that the town was facing.

6 But we are -- they're canceled for July, but
7 we are looking to reschedule them. The fireworks will
8 go off. We will celebrate the 250th anniversary at a
9 later date. We're currently looking at a date in the
10 fall, sometime around Constitution Day. If you don't
11 know what Constitution Day is, that's September 17th.
12 It's our 130 -- 237th anniversary of the signing of our
13 Constitution, which gave us our rights. The famous
14 quote is, "We could have traded one King George for
15 another, but we founded -- we created the Constitution
16 so that we're -- we truly govern ourselves." So just
17 bear with us as we continue to recover from the storm
18 and look ahead to celebrating our nation's birth of 250
19 years.

20 I don't have any other comments at this time.

21 So --

22 COMMISSIONER TUCCI: I might -- one --

23 MAYOR KELLY: Sure.

24 COMMISSIONER TUCCI: -- final comment. I see
25 Frank DeMaio is with us this evening. Frank leads my

1 crews. And between Frank and Anthony Gagliardo and all
2 the men and women in the parks department, they did an
3 outstanding job.

4 So, Frank, I just want to publicly thank you.

5 And Frank didn't sleep for a couple of
6 nights. I had to send him home because his wife was
7 going to start calling and hollering at me if I didn't.

8 But thank you, Frank, you and the whole crew.

9 MAYOR KELLY: So we have no ordinances on
10 introductions. So we'll begin ordinances on second
11 reading and public hearing. This one is -- was
12 introduced by me on behalf of the entire board of
13 commissioners. And this is, "An ordinance adopting the
14 Roche Townhome Redevelopment Plan. This ordinance
15 creates an overlay zone for the redevelopment of the
16 property identified as Block 102, Lot 9, so that the
17 property can be redeveloped into townhomes as provided
18 in the redevelopment plan."

19 At this time, I'll -- well, the ordinance is
20 provided as written and I'll just open the floor up to
21 public comment, anyone who wishes to be heard on
22 Ordinance number 3617 may approach the microphone and
23 state your name for the record.

24 Seeing none, move to close.

25 COMMISSIONER TUCCI: Second.

1 MADAM CLERK: Commissioner Evans.
2 COMMISSIONER EVANS: Aye.
3 MADAM CLERK: Commissioner Tucci?
4 COMMISSIONER TUCCI: Aye.
5 MADAM CLERK: Commissioner Scarpelli?
6 COMMISSIONER SCARPELLI: Aye.
7 MADAM CLERK: Commissioner Petracco.
8 COMMISSIONER PETRACCO: Aye.
9 MADAM CLERK: Mayor Kelly?
10 MAYOR KELLY: Aye.
11 I'll move the ordinance.
12 COMMISSIONER TUCCI: Second.
13 MADAM CLERK: Commissioner Evans?
14 COMMISSIONER EVANS: Aye.
15 MADAM CLERK: Commissioner Tucci.
16 COMMISSIONER TUCCI: Aye.
17 MADAM CLERK: Commissioner Scarpelli?
18 COMMISSIONER SCARPELLI: Aye.
19 MADAM CLERK: Commissioner Petracco.
20 COMMISSIONER PETRACCO: Aye. Aye.
21 MADAM CLERK: Mayor Kelly.
22 MAYOR KELLY: Aye. Thank you.
23 I'll turn it over to Commissioner Evans for
24 Ordinance number 3618.
25 COMMISSIONER EVANS: Thank you, Mayor. This

1 ordinance is for technology infrastructure improvements
2 in the municipal buildings. You know, we -- working
3 with Commissioner Tucci and we have been very much
4 aware, and very sensitive, to the risks related to
5 phishing expeditions that we're -- we face with every
6 day, ransomware threats that are out there. So we're
7 constantly investing in improving our network. It's
8 incredible how many threats that our firewall actually
9 blocks on any given day. And it's surprising to me
10 that we are so interesting that they would want to keep
11 trying. So this ordinance provides \$150,000 for
12 infrastructure improvements. And these more
13 specifically will be at Town Hall.

14 MAYOR KELLY: Anyone wishing to be heard on
15 Ordinance Number 3618, please approach the microphone
16 and state your name for the record.

17 COMMISSIONER EVANS: Move to close.

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.

4 COMMISSIONER EVANS: Move the ordinance.

5 COMMISSIONER TUCCI: Second.

6 MADAM CLERK: Commissioner Evans?

7 COMMISSIONER EVANS: Aye.

8 MADAM CLERK: Commissioner Tucci?

9 COMMISSIONER TUCCI: Aye.

10 MADAM CLERK: Commissioner Scarpelli?

11 COMMISSIONER SCARPELLI: Aye.

12 MADAM CLERK: Commissioner Petracco?

13 COMMISSIONER PETRACCO: Aye.

14 MADAM CLERK: Mayor Kelly?

15 MAYOR KELLY: Aye.

16 All right. Moving on to resolutions.

17 Commissioner Evans?

18 COMMISSIONER EVANS: Thank you, Mayor.

19 Whereas, New Jersey Statute 54:4-3.3 provides
20 that veterans who were honorably discharged from active
21 service in any branch of the armed services of the
22 United States, who have been declared by the United
23 States Veterans Administration to be 100 percent
24 permanently and totally disabled from service connected
25 disability, a full exemption of their dwelling and the

1 lot in which it is situated; whereas, the following
2 taxpayer has filed an application for allowance of full
3 exemption with proper supporting documentation, thus
4 making the taxpayer eligible now therefore be resolved
5 by Board of Commission, in the Township of Nutley, the
6 County of Essex, State of New Jersey that Ezequiel.

7 MAYOR KELLY: Ezequiel.

8 COMMISSIONER EVANS: I don't have my reading
9 glasses on. Nazario.

10 COMMISSIONER TUCCI: Nazario.

11 COMMISSIONER EVANS: Nazario. Ezequiel
12 Nazario be granted a full exemption for payment of
13 property taxes on May 22nd, 2026, and all subsequent
14 years thereafter on the property identified as Block
15 9106, Lot 11, also known as 19 Entwistle. Be it
16 further resolved that the treasurer is hereby
17 authorized to refund \$971.10 for property -- 2026
18 property taxes.

19 So moved.

20 COMMISSIONER TUCCI: Second.

21 MADAM CLERK: Commissioner Evans?

22 COMMISSIONER EVANS: Aye.

23 MADAM CLERK: Commissioner Tucci?

24 COMMISSIONER TUCCI: Aye.

25 MADAM CLERK: Commissioner Scarpelli?

1 COMMISSIONER SCARPELLI: Aye.

2 MADAM CLERK: Commissioner Petracco?

3 COMMISSIONER PETRACCO: Aye.

4 MADAM CLERK: Mayor Kelly?

5 MAYOR KELLY: Aye.

6 And thank you for your service.

7 COMMISSIONER EVANS: Whereas, Seden Eroglu --

8 MAYOR KELLY: Can't help you on this one.

9 COMMISSIONER EVANS: Yeah. Yeah. Yes.

10 Eroglu submitted payment for an alteration permit for
11 property located at 18 Hudson Street, Nutley, New
12 Jersey; whereas, the permit fee in the amount of \$709
13 was collected and deposited on August 4th, whereas --
14 2023; whereas, Mr. Eroglu did not move forward on the
15 alteration permit; whereas, the permit fee of \$709
16 included a 20 percent non-refundable plan review fee of
17 \$141.80, which will be retained by the township, and a
18 non-refundable DCA fee of \$64 resulting in a refundable
19 balance of \$503.20 from account 6-01-65-401-401. Now
20 therefore, it be resolved by the Board of
21 Commissioners, the Township of Nutley, County of Essex,
22 and the treasurer be hereby authorized to issue the
23 refund amount as represented in the -- as the
24 refundable portion of this permit fee.

25 So moved.

1 COMMISSIONER TUCCI: Second.

2 MADAM CLERK: Commissioner Evans.

3 COMMISSIONER EVANS: Aye.

4 MADAM CLERK: Commissioner Tucci?

5 COMMISSIONER TUCCI: Aye.

6 MADAM CLERK: Commissioner Scarpelli?

7 COMMISSIONER SCARPELLI: Aye.

8 MADAM CLERK: Commissioner Petracco?

9 COMMISSIONER PETRACCO: Aye.

10 MADAM CLERK: Mayor Kelly?

11 MAYOR KELLY: Aye.

12 COMMISSIONER EVANS: Whereas, Crestline
13 Builders, LLC, submitted payment for an addition permit
14 for property located at 104 Stanley Avenue in Nutley;
15 whereas, the permit fee amounted to \$785, was collected
16 and deposited on June 4th, 2026; whereas, Crestline
17 Home Builders did not move forward on the addition
18 permit; whereas, the permit fee of \$785 included a non-
19 refundable 20 percent plan review fee of \$157, which
20 will be retained by the township, and a non-refundable
21 DCA fee of \$66, resulting in a refundable balance of
22 \$562 from account 6-01-22-902-903. Now therefore, it
23 be resolved by the Board of Commissioners of the
24 Township of Nutley, County of Essex, State of New
25 Jersey, that the treasurer be and is hereby authorized

1 to refund amount -- the amount of \$562 to be issued to
2 Crestline Home Builders, LLC, representing the
3 refundable portion of the permit fee.

4 So moved.

5 COMMISSIONER TUCCI: Second.

6 MADAM CLERK: Commissioner Evans?

7 COMMISSIONER EVANS: Aye.

8 MADAM CLERK: Commissioner Tucci?

9 COMMISSIONER TUCCI: Aye.

10 MADAM CLERK: Commissioner Scarpelli?

11 COMMISSIONER SCARPELLI: Aye.

12 MADAM CLERK: Commissioner Petracco?

13 COMMISSIONER PETRACCO: Aye.

14 MADAM CLERK: Mayor Kelly?

15 MAYOR KELLY: Aye.

16 COMMISSIONER EVANS: My next resolution, I'll
17 read in part, but it's the Certification of the '25
18 Audit. We did receive an independent audit of the
19 municipal accounts from a registered municipal
20 accountant, Nisivoccia and Company. The -- and there's
21 a -- there's several whereases in here. The -- but
22 more importantly, Whereas, the members of the governing
23 body have personally reviewed, as a minimum, the annual
24 audit report and specifically, the section of the
25 annual audit entitled Comments and Recommendations, as

1 evidenced by the group affidavit form of the governing
2 body attached hereto; whereas, such resolution of
3 certification shall be adopted by the governing body no
4 later than 45 days after the receipt of the annual
5 audit pursuant to N.J.A.C. 5:30-6.5.

6 "Whereas, all members of the governing body
7 have received and familiarized themselves with at least
8 the minimum requirements of the local finance board of
9 the state of New Jersey as stated aforesaid and as
10 subscribed to the affidavit as provided by the local
11 finance board. Now therefore, be it resolved by the
12 Board of Commissioners in the Township of Nutley, in
13 the County of Essex. And it hereby states that it has
14 complied with N.J.A.C. 5:30-6.5 and does not -- and
15 does hereby submit a certified copy of this resolution,
16 and the required affidavit to said board to show
17 evidence of said compliance.

18 So moved.

19 COMMISSIONER TUCCI: Second.

20 MADAM CLERK: Commissioner Evans?

21 COMMISSIONER EVANS: Aye.

22 MADAM CLERK: Commissioner Tucci?

23 COMMISSIONER TUCCI: Aye.

24 MADAM CLERK: Commissioner Scarpelli?

25 COMMISSIONER SCARPELLI: Aye.

1 MADAM CLERK: Commissioner Petracco?

2 COMMISSIONER PETRACCO: Aye.

3 MADAM CLERK: Mayor Kelly?

4 MAYOR KELLY: Abstain.

5 COMMISSIONER EVANS: We had a couple of
6 corrective action reports. None of them significant,
7 but we do have to acknowledge that. So this resolution
8 is, A resolution approving the corrective action plan
9 for the annual audit for the calendar year 2025;
10 whereas, the New Jersey Budget of Fiscal Affairs laws
11 require all local governments to prepare and submit a
12 corrective action plan as part of their annual audit
13 process; whereas, the corrective action plan, which the
14 chief financial officer prepared and placed on file
15 with the township clerk within 60 days from the date of
16 the governing body receives the audit report, outlines
17 the actions the township will take to correct the
18 recommendations listed in the Comments and
19 Recommendations section of the 2025 Annual Report;
20 whereas, the chief financial officer has provided the
21 attached Corrective Action Plan, which covers the
22 findings and recommendations outlined in the 2025 Audit
23 Report.

24 Now therefore, it be resolved by the Board of
25 Commissions in the Township of Nutley, they hereby

1 approve the corrective action plan prepared by the
2 chief financial officer in response to the 2025 Audit
3 Report. And be it further resolved that the corrective
4 action plan will be placed on file with the township
5 clerk and shall be referenced in the synopsis of the
6 audit report. And be it further resolved that this
7 resolution takes effect immediately."

8 So move.

9 COMMISSIONER TUCCI: Second.

10 MADAM CLERK: Commissioner Evans?

11 COMMISSIONER EVANS: Aye.

12 MADAM CLERK: Commissioner Tucci?

13 COMMISSIONER TUCCI: Aye.

14 MADAM CLERK: Commissioner Scarpelli?

15 COMMISSIONER SCARPELLI: Aye.

16 MADAM CLERK: Commissioner Petracco?

17 COMMISSIONER PETRACCO: Aye.

18 MADAM CLERK: Mayor Kelly?

19 MAYOR KELLY: Abstain.

20 COMMISSIONER EVANS: Thank you, Mayor.

21 MAYOR KELLY: Thank you, Commissioner.

22 Commissioner Tucci.

23 COMMISSIONER TUCCI: Yes. Thank you.

24 Whereas, the Township of Nutley, pursuant to

25 N.J.S.A. 52:34-6.2, made by resolution and without

1 advertising for bids, purchase goods, or services using
2 a New Jersey Cooperative Purchasing Alliance that has
3 been developed utilizing a competitive bidding process
4 by another contracting unit within the state of New
5 Jersey when available; and whereas, the Township of
6 Nutley is a member of the Morris County Purchasing
7 Cooperative Pricing System; and whereas, the Morris
8 County Purchasing Cooperative has awarded a contract to
9 Cifelli and Son General Contractors, Inc., 81 Franklin
10 Avenue, Nutley, New Jersey, via the Morris County
11 Contract Number 6D; and whereas, the Township of Nutley
12 Department of Parks and Public Property intend to
13 upgrade the park pathway and stairs at Father Glotzbach
14 Park; and whereas, Cifelli and Son General Contracting,
15 Inc., 81 Franklin Avenue, Nutley, New Jersey, has
16 provided a quote in the amount of \$74,550; and whereas,
17 the cost of the design, permitting, and construction of
18 the improvements for Father Glotzbach pathway and
19 stairs will be supported by Capital Ordinance number
20 3555 in the amount of 47,308.91, Capital Ordinance
21 number 2900A in the amount of 1,219.26, and Capital
22 Ordinance 3594 in the amount of \$26,021.83 for the
23 entirety of the project cost.

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

1 State of New Jersey that a contract for upgrades of the
2 Father Glotzbach park pathway and stairs be awarded to
3 Cifelli and Son General Contracting, Inc., 81 Franklin
4 Avenue, Nutley, New Jersey.

5 I move the resolution.

6 COMMISSIONER EVANS: Second.

7 MADAM CLERK: Commissioner Evans?

8 COMMISSIONER EVANS: Aye.

9 MADAM CLERK: Commissioner Tucci?

10 COMMISSIONER TUCCI: Before I vote, I just
11 want to comment that this is the next to last
12 improvement at this park. The pathway has been there
13 -- oh, I -- I'm going to take a wild guess, for about
14 70 years. It was originally made with railroad ties.
15 The pathway is in desperate need of repair. We
16 reconstructed the entire softball field saving Board of
17 Education \$10,000 a year because that's how much they
18 were renting space from county -- the county park --
19 boys park that has played the high school softball
20 games.

21 So after this improvement, we just have a few
22 minor improvements to the kitchen area. In the
23 clubhouse there, we now have -- has been completely
24 refurnished upstairs. We have lockers for our girls'
25 softball teams as well as all of our recreation teams.

1 And with this improvement and the last one, that park
2 will be completely redone.

3 I very proudly vote aye.

4 MADAM CLERK: Commissioner Scarpelli?

5 COMMISSIONER SCARPELLI: Aye.

6 MADAM CLERK: Commissioner Petracco?

7 COMMISSIONER PETRACCO: I have been there and
8 I love it. And it's great for the kids. And you do a
9 great job with the parks. I vote aye.

10 COMMISSIONER TUCCI: Thank you.

11 MADAM CLERK: Mayor Kelly?

12 MAYOR KELLY: Aye.

13 COMMISSIONER TUCCI: Okay. Whereas, Parks
14 and Public Property Department determined due to
15 unforeseen circumstances that some of our families had
16 to cancel participation in programs offered; and
17 whereas, the Department of Parks and Public Property
18 has determined a need to refund families. Now
19 therefore, be it resolved by the Board of Commissioners
20 of Township of Nutley, County of Essex, State of New
21 Jersey, that the treasurer be and is hereby authorized
22 to refund payments for recreation programs in the
23 amounts listed below to our neighbors at 561 Coventry
24 Drive for the Peanut Soccer Program in the amount of
25 \$100 for the 2026 year, and our neighbors at 124 Center

1 Street, Apartment 3, for our Camp Nutley Program in the
2 amount of \$225, also for 2026."

3 I move the resolution.

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

17 MAYOR KELLY: Thank you.

18 Commissioner Scarpelli?

19 COMMISSIONER SCARPELLI: Thank you, Mayor.

20 "Be it resolved by the Board of Commissioners of the
21 Township of Nutley, in the County of Essex, State of
22 New Jersey, that the township treasurer be and she is
23 hereby authorized to refund \$65 to the resident at 283
24 Chestnut Street, Nutley, New Jersey, for a refund or
25 payment for a municipal parking permit.

1 I move the resolution.

2 COMMISSIONER PETRACCO: Second.

3 MADAM CLERK: Commissioner Evans?

4 Commissioner Evans?

5 COMMISSIONER EVANS: Aye.

6 MADAM CLERK: Commissioner Tucci?

7 COMMISSIONER TUCCI: Aye.

8 MADAM CLERK: Commissioner Scarpelli?

9 COMMISSIONER SCARPELLI: Aye.

10 MADAM CLERK: Commissioner Petracco?

11 COMMISSIONER PETRACCO: Aye.

12 MADAM CLERK: Mayor Kelly?

13 MAYOR KELLY: Aye.

14 COMMISSIONER SCARPELLI: This is Resolution
15 number 163-26 which I'll read by title. This is a
16 resolution authorizing inclusion in the Essex County
17 Urban County Community Development Program for Federal
18 Fiscal Years 2027 through 2029. October 1st, 2026
19 through September 30th, 2029. This is for the CDBG
20 program.

21 I move the resolution.

22 COMMISSIONER PETRACCO: 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 SCARPELLI: This -- I will read
9 also this resolution by title, Resolution number 164-
10 26. Resolution authorizing a contract with IPS Group
11 for proprietary parking management equipment, software
12 maintenance, and related services through the OMNIA
13 Partners Cooperative Purchasing Program for the
14 Township of Nutley Department of Public Works, not to
15 exceed \$35,000.

16 I move the resolution.

17 COMMISSIONER PETRACCO: 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 SCARPELLI: Be it resolved by
4 the Board of Commissioners Township of Nutley, County
5 of Essex, State of New Jersey, that the township clerk
6 is hereby authorized to advertise for sealed bids for
7 the 2026 CDBG San Antonio Avenue, Van Winkle Avenue to
8 Nutley Border, and Van Winkle Avenue, Margaret Avenue
9 to Kierstead Avenue, roadway improvement project.
10 Township of Nutley to be received on behalf of the
11 Board of Commissioners, first floor conference room,
12 Township Hall, 1 Kennedy Drive, Nutley, New Jersey, on
13 Wednesday, July 29th, 2026, at 11 a.m., prevailing
14 time, at which time they'll be openly read.

15 I move the resolution.

16 COMMISSIONER PETRACCO: Second.

17 MADAM CLERK: Commissioner Evans?

18 COMMISSIONER EVANS: Aye.

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 COMMISSIONER SCARPELLI: Whereas, pursuant to
3 N.J.S.A. 40A:9-154.6g the Public Works Association of
4 New Jersey provides that schooling, along with Rutgers
5 of the State of New Jersey -- Rutgers State University
6 of New Jersey to certify public works manager
7 licensing; whereas, Salvatore Ferraro has attended
8 classes and is a licensed certified public works
9 manager. Now therefore, be it resolved by the Board of
10 Commissioners, Township of Nutley, County of Essex,
11 State of New Jersey that the Township of Nutley be and
12 is hereby authorized that Salvatore Ferraro is hereby
13 named the Public Works Manager for the Township of
14 Nutley.

15 I move the resolution.

16 COMMISSIONER PETRACCO: Second.

17 MADAM CLERK: Commissioner Evans?

18 COMMISSIONER EVANS: Aye.

19 MADAM CLERK: Commissioner Tucci?

20 COMMISSIONER TUCCI: I'd like to congratulate
21 Mr. Ferraro. I know what this program is. I went
22 through it myself many years ago. And it's no small
23 feat. I want to congratulate him and proud to vote
24 aye.

25 MADAM CLERK: Commissioner Scarpelli?

1 COMMISSIONER SCARPELLI: Aye.

2 MADAM CLERK: Commissioner Petracco?

3 COMMISSIONER PETRACCO: Aye.

4 MADAM CLERK: Mayor Kelly?

5 MAYOR KELLY: Aye.

6 COMMISSIONER SCARPELLI: That's all I have,
7 Mayor.

8 MAYOR KELLY: Thank you, Commissioner
9 Petracco.

10 COMMISSIONER PETRACCO: Whereas, Resolution
11 number 143-26 awarded a contract for a three-year Canon
12 digital copier system on June 4th, 2026, to Leslie
13 Digital Imaging, LLC; and whereas, the Resolution
14 Number 143-26 contained an incorrect monthly payment
15 amount; whereas, it is necessary to correct the monthly
16 lease payment amount set forth in the said resolution;
17 now therefore, it be resolved by the Board of
18 Commissioners, Township of Nutley, County of Essex,
19 State of New Jersey to have the correct monthly lease
20 payment amount for three Canon digital copier systems
21 for the Nutley Police Department shall be \$537 per
22 month, for a total amount not to exceed \$32,220 for a
23 60-month term of agreement. Be it resolved that for
24 all other terms and conditions in Resolution Number
25 143-26 shall remain unchanged and in full force and

1 effect. I move it.

2 COMMISSIONER TUCCI: Second.

3 MADAM CLERK: Commissioner Evans?

4 COMMISSIONER EVANS: Aye.

5 MADAM CLERK: Commissioner Tucci?

6 COMMISSIONER TUCCI: Aye.

7 MADAM CLERK: Commissioner Scarpelli?

8 COMMISSIONER SCARPELLI: Aye.

9 MADAM CLERK: Commissioner Petracco?

10 COMMISSIONER PETRACCO: Aye.

11 MADAM CLERK: Mayor Kelly?

12 MAYOR KELLY: Aye.

13 COMMISSIONER PETRACCO: Whereas, the township

14 of Nutley and the Nutley Police Department need to

15 acquire proprietary software for the purpose of hiring

16 police officers through the PoliceApp; and whereas, the

17 use of PoliceApp located at 5 Brookside Drive,

18 Wallingford, Connecticut, increases efficiency

19 throughout the hiring process of police officers in the

20 Nutley Police Department; and whereas, NHJA 48115

21 permits the award of the contract without public

22 bidding for the provisions of proprietary software; and

23 whereas, the term -- whereas, the term of this contract

24 shall be for a period of two years with the option for

25 one-year extension upon expiration of the initial term,

1 this contract will automatically renew the subsequent
2 terms of one year, unless either parties provide
3 written notice on non-renewal, at least 30 days notice
4 prior to the non-renewal starting July 1st, 2026
5 through June 2 -- June 22nd, 2027. The yearly contract
6 shall not exceed \$25,000.

7 Now, therefore, be it resolved, by the Board
8 of Commissioners of the Township of Nutley in County of
9 Essex, that the contract be awarded to Police App in
10 the form approved by the township attorney.

11 I move it.

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

24 Thank you.

25 MAYOR KELLY: Thank you. And I have one

1 resolution this evening, and that's to reappoint
2 Mr. Bruno as Township Attorney. Mr. Bruno's counsel
3 has been invaluable, as he has shepherded us through
4 many legal issues, and he's very well deserving of this
5 reappointment.

6 Therefore, be it resolved, by the Board of
7 Commissions of the Township of Nutley, County of Essex,
8 State of New Jersey, that Jonathan Bruno be reappointed
9 Township Attorney for the Township of Nutley for a term
10 effective May 20th, 2026, through May 15th, 2028. So
11 moved.

12 COMMISSIONER TUCCI: Second.

13 MADAM CLERK: Commissioner Evans?

14 COMMISSIONER EVANS: Aye.

15 Thank you for all of your service, your
16 support for the board. Your advice has been invaluable
17 and has got us through many times -- many difficult
18 situations. So one, I offer my thanks and my
19 congratulations on your reappointment. I definitely
20 voted.

21 MADAM CLERK: Commissioner Tucci?

22 COMMISSIONER TUCCI: Yes. I just want
23 everyone to know that Jonathan Bruno is not a Monday-
24 to-Friday, 9-to-5 employee. We call him during work
25 hours, after work hours, on weekends when he is at home

1 with his wife and children and anywhere else with his
2 family. And Jonathan always answers. It's a pleasure
3 working with him. His advice is superb, and we
4 wouldn't be able to get through some of the issues that
5 we're getting through without his advice and his
6 counsel.

7 Thank you, Jonathan. I proudly vote aye.

8 MADAM CLERK: Commissioner Scarpelli?

9 COMMISSIONER SCARPELLI: Yes. I proudly vote
10 aye, but I want to say some nice things about Mr. Bruno
11 because I originally brought him on the work in the
12 court system. And then when Commissioner Tucci was
13 mayor, he appointed him as our township attorney, a
14 great appointment. And he's been invaluable to us in
15 his legal advice, and he is knowledgeable and smart
16 beyond his years.

17 COMMISSIONER EVANS: Well said.

18 COMMISSIONER SCARPELLI: That's all I say.
19 And really appreciate all your advice that you've given
20 us, in particular, me. Thank you, sir.

21 MADAM CLERK: Commissioner Petracco?

22 COMMISSIONER PETRACCO: It's harder going
23 second to last all the time, Jonathan.

24 Jonathan's part of the Nutley family here.
25 He cares. A lot of -- I won't say people his age, but

1 a lot of people, you know, things are lost in the
2 shuffle. You follow every detail. You're respectful.
3 He's great-looking. I mean, he's the whole package.

4 So it's -- you're part of the family,
5 Jonathan. Simply the best that we could ever have.
6 Thank you for all you do.

7 MADAM CLERK: Mayor Kelly?

8 MAYOR KELLY: Yes. I just want to echo my
9 sentiments from when I moved the resolution. Although
10 you have one client, you really have five clients to
11 deal with. And I know when I call you, it's always --
12 I know the amount I call you and I also know that
13 whenever I call you, even if you're in court, I can get
14 a response quickly saying, I'm in court, I'll call you
15 back. And without fail, always call me back with a --
16 in a very short order. So -- and as an attorney, I do
17 appreciate your counsel and guidance. And sometimes
18 attorneys are the hardest clients to have. So I
19 proudly vote aye as well.

20 MR. BRUNO: I did -- I don't have a speech or
21 anything. But I got a text from Sal that the mics
22 weren't working. So if you guys could just repeat all
23 that.

24 COMMISSIONER EVANS: Got a sense of humor.
25 Perfect.

1 MAYOR KELLY: So Jonathan Bruno has been
2 invaluable. At this time, we'll open the meeting up to
3 the public. Anyone wishing to be heard or -- and
4 address the Board of Commissioners for any reason may
5 approach the microphone and state your name for the
6 record. Again, this is open to the general public.
7 Any concern or anything you want to address to the
8 board, please approach your microphone and say your
9 name for the record. Comments are capped to three
10 minutes.

11 MS. CORTES: Good evening, commissioners.
12 Emma Cortes, 8206 High Street, Nutley. And I want to
13 thank you, Commissioner Tucci, for giving me a great
14 segue to what I have to say tonight.

15 COMMISSIONER TUCCI: Okay.

16 MS. CORTES: When you said don't believe what
17 you read on Facebook, if you want answers, contact us.
18 And that's what I'm doing. I'm here tonight to follow
19 up on comments that were made by Rob Garber at the
20 June 4th meeting with regard to data centers. And
21 specifically to urge you to hold a town hall regarding
22 the matter of data centers, as Rob expressed it.

23 As you're -- as you no doubt are aware --
24 it's a little awkward. There's tremendous
25 misinformation and anxiety in the community and

1 uncertainty regarding the data center on Kingsland.
2 And, you know, that's understandable, given the fact
3 that there's a 3-by-9-foot metal sign on the fence
4 bordering the property. That coupled with the fact
5 that there have been some information in Nutley, I
6 guess it's the patch, Nutley-Belleville Patch.

7 But also there was an announcement in a
8 global media company called DatacenterDynamics, which
9 serves the International Data Center and ID
10 infrastructure community that made the announcement as
11 well. And so you know, there's -- as often the case,
12 there is true information along with misinformation
13 that goes around in the community. So to mitigate
14 that, actually, there's been little disseminated
15 official statements from the town from the
16 commissioners about the data center, except for Mayor's
17 2026 Township address wherein you stated specifically
18 that while there have been news of the redeveloper
19 submitting an application to construct a data center,
20 no such application has been filed.

21 And, you know, that appeared in your address,
22 Mayor. Everyone seems to kind of tiptoe around the
23 actual issue. And it's kind of infeasible and does --
24 and amounts to just kind of describing a procedural
25 action that doesn't address the meat and

1 bones that the people want to know about and to be
2 informed about.

3 So in light of such uncertainty and minimal
4 information that's out there, in the spirit of good
5 governance, in the spirit of transparency and
6 informative civic engagement, I'm asking for you to
7 consider a formal town hall, which will be held for the
8 people, you know, in the community, not only to be
9 informed for -- to give -- provide information to us,
10 but for the people and residents of the town to provide
11 information for you so that there's kind of a
12 synergistic interaction in the spirit of good
13 government.

14 I think that it's important to have that kind
15 of a town hall. In fact, at that June 4th meeting,
16 extemporaneously to Rob Garber's comments, two really
17 piece -- important pieces of information were
18 (indiscernible) from the general public who might view
19 the ongoing (audio interference). And that was that --
20 is my time up?

21 MAYOR KELLY: You're okay.

22 MS. CORTES: It was just that at that
23 meeting, there were two pieces of information that were
24 stated that how did we get here? We got here for the
25 redevelopment plan as a consequence of litigation with

1 ON3 for the truck depot situation, in which the town
2 agreed to consider the development plant was expressly
3 contained a data center. I'm sure many, many people
4 did not know that. And the second piece of information
5 was, of course, that there was no application as of
6 yet.

7 But, you know, that belies the fact that
8 there's so many things that can be done in terms of
9 relating information for environment, for traffic, for
10 noise control, for revenue, for all the quality of life
11 issues that are going to come to bear on this
12 community. (Audio interference) situation that there's
13 going to be a 65-megawatt data center a half a mile
14 away from a preschool. So I urge you most heartily to
15 please, please open a town hall in which there can be
16 that kind of transparency.

17 You know, your comment, Commissioner Tucci,
18 about don't believe what you read on Facebook made me
19 realize that I'm old enough, (audio interference) old
20 enough, to remember (audio interference) son
21 disseminated that kind of information in a -- in a
22 (audio interference) way. We don't have that anymore.
23 So we need to, at the town level, afford residents the
24 opportunity to be knowledgeable and give you input on
25 this very, very consequential and probable situation.

1 Thank you.

2 MAYOR KELLY: So I do want to follow up on a
3 couple of those comments. Like you pointed out that we
4 don't -- even as of this time, we don't have a pending
5 application for a data center before the board. And
6 like you pointed out, the -- how we got here was that
7 there was significant ongoing litigation related to the
8 ON3 property. One of the proposed uses -- and it was
9 actually a filed application for a truck terminal,
10 which is would've been devastating to the residents in
11 that area.

12 The town fought tooth and nail for a number
13 of years. And this was the result of that litigation
14 was that a data center would be considered a use for
15 that area. That does not mean that there's going to be
16 a -- an application filed. We don't know if that's
17 going to be the case. We can certainly surmise that
18 that will be the case. And I want to make sure that
19 everyone is rest assured that everyone on this board is
20 doing their -- sharpening their pencils, doing their
21 due diligence, understanding what does that mean? What
22 kind of impacts do we want to avoid? What kind of
23 impacts are acceptable for our residents? And when I
24 say impacts, I mean, environmental, noise, traffic,
25 water consumption, power consumption. What does that

1 cost look like for the town? What does it look like
2 for the residents?

3 We are constantly in communication. We have
4 brought on experts. We are planning for that eventual
5 purpose. We don't have any public information to share
6 on how we are going to proceed because A, we don't have
7 an application before us; and B, we want to make sure
8 that there's no misstep in terms of how we put the
9 parameters, so to speak.

10 And I can tell you, we -- we're in constant
11 communication with our experts, some of whom are in the
12 back as we speak right now. And we'll certainly be
13 continuing to communicate with them on the best way
14 forward. And I'm sure my fellow commissioners would
15 step in if I missed anything or misspoke.

16 COMMISSIONER TUCCI: I -- I'll -- I have a
17 few things to say because I think the mayor summed it
18 up pretty well. And from the time that we were dealing
19 with the truck depot, all right, and the data center
20 was considered one of the acceptable uses, there's been
21 a lot of information that's come out. And we all are
22 being educated every day on what the impacts of data
23 centers are.

24 So like the mayor says, there is no
25 application before us. There's nothing for us to

1 consider. Was it included as a -- as a potential use
2 at that site at that time? Yes. Is it still? Yes, it
3 is. All right. But that doesn't mean that it's going
4 forward. Doesn't mean that it's not going forward. It
5 just means that we're still in the stages where we're
6 educating ourselves. And obviously, there's nothing
7 that any of us up here want to do that will adversely
8 impact our town, okay?

9 We all have family members throughout the
10 town. I have a daughter that lives across the street.
11 Okay. So anything that goes there will absolutely
12 affect her and my grandchildren and everyone else's
13 families and their grandchildren. So it's a little
14 premature for us to share information because we don't
15 have global information, all right, specific to that
16 site to share with you at this point. But when we do,
17 we'll be more than happy to share it. We're here for
18 you. We're your representatives. It's not the Board
19 of Commissioners and everyone else in the town. It's
20 us. All right. And it's always about us.

21 MS. CORTES: Yes. Exactly. And this type of
22 interaction coupled with the information and
23 interaction of the June 4th commentary that would go
24 such a long, long way to helping the community
25 understand what's going on. So that it's not a

1 (indiscernible) feel as if you're holding, holding,
2 holding because you have nothing to tell us. When, in
3 fact, this is the nature of good government and
4 transparency and interaction that is needed to not only
5 squash the rumors, but to enrich a really civic
6 exchange.

7 Because commissioners, I am a speech language
8 pathologist, professor my -- all my life. I know
9 nothing about environment, about law, about variables.
10 But I do know what is good community. And so opening
11 something like this to the community (audio
12 interference) have no (audio interference) would go a
13 very, very long way. Thank you.

14 MAYOR KELLY: And I would just like to add,
15 as I said in the June 4th meeting, that -- and I don't
16 think I'm speaking out of turn, that the guiding
17 principle for the Board of Commissioners is ensuring
18 that whatever goes there is safe for the entire
19 community, and it permits the -- everyone who's already
20 there to enjoy their properties. And so that's the
21 guiding principle, is that we don't want to have
22 something that's going to upset the balance of the --
23 what the residents have there or that would be unsafe
24 for the residents that we have there. And Commissioner
25 Tucci hinted at this. We all live in this community,

1 and we want to make sure that what goes there is
2 something that we can live with as well, because we
3 have to live in this community.

4 COMMISSIONER SCARPELLI: I think you summed
5 it up there. Just say that it wasn't just the
6 warehouse litigation. There was a global -- there were
7 three or four different pieces of litigation that we
8 resolved with our settlement. And the data center
9 wasn't the only use for that site. There's three or
10 four others. So it's not a fait accompli of -- that
11 we'll get there.

12 COMMISSIONER PETRACCO: And I'd like to add,
13 too, and -- to Emma, and I applaud you for, you know,
14 the transparency, which we all are. But at some
15 points, too, there's litigations, there's lawyers
16 involved, and it's not like we could just come forward
17 like we would love to do sometimes. You know, the
18 Hoffmann-La Roche has been going on since 2012 that
19 they left there. You know, it's 2026 already, you
20 know? And I think that work that's been done there and
21 some of the users, the medical school, you know, Modern
22 Meadow, Ralph Lauren have been tremendous for Nutley as
23 well. So it's a very complicated site. You know, it
24 was contaminated when we got it. There was a cleanup,
25 remediation. So it's a -- I just want you to

1 know because I, you know, I know you personally, too.
2 We're not up here -- and like Mauro said, we live here.
3 I have my kids here, my business here, you know, family
4 here. You're -- you are our family, you know? But
5 sometimes it's not as easy as just that we could just
6 throw information out there, because there's other
7 things going on behind the scenes.

8 But like, you know, the mayor said and the
9 board of commissioners, I mean, the most important
10 thing to us is the safety and quality life of our
11 community. You know, that's what, you know, we want to
12 hear. So -- but thank you for coming tonight.
13 Appreciate it.

14 COMMISSIONER EVANS: Mayor, a quick comment?

15 MS. CORTES: Sure.

16 COMMISSIONER EVANS: Sorry. I have a very
17 stiff neck. Hold on.

18 MAYOR KELLY: It's from the aircon.

19 COMMISSIONER EVANS: Yes. No, I was at the
20 gym, and I got a stiff neck when I got home. So I
21 should understand that I'm 71 years old, and I
22 shouldn't be doing the things that 20-year-olds do.

23 But anyway, what I wanted to say was that,
24 you know, I don't want to repeat or echo everything
25 that's already been said. Emma, I absolutely agree

1 with you. We live in a day and age, because of the
2 presence of social media, that transparency with fact
3 versus fiction is paramount, right? Because people,
4 you know, if a falsehood gets repeated enough, it
5 becomes the truth and it's too difficult to overcome
6 it.

7 Our role as a governing body is premised on
8 three things. No matter what we do, if we do the
9 budget, if we do anything we look at, it's grounded on
10 the health, welfare, and safety of the community. We
11 don't look at it and say, well, this would be good for
12 the police department because they wanted or I want
13 something in revenue finance. Everything we do is --
14 and the other side, too, is in a world where there's
15 such division in politics, we're a non-partisan
16 government. So we live by a single focus, the health,
17 welfare, and safety of the community that we represent.
18 And that's every day. It's every day, right down to
19 the paperclips I pick up.

20 So to your point, and I want to be clear
21 because of what your education is, and so I want to be
22 as clear as I possibly can, that the concerns that have
23 been raised publicly, power, water, noise, waste,
24 right, all of those things have -- are very much on the
25 minds of the Board of Commissioners, right? The fact

1 that a plan says that we have a data center doesn't
2 mean that data centers are bad. Because from a
3 planning standpoint, you look at there's no school
4 impact. There's no traffic, right? There's no -- from
5 a planning standpoint -- you know, I can see the look
6 on your face.

7 I'm just trying to articulate. From a
8 planning standpoint, right, there's a high level that
9 says, hey, you get a lot of money for these things.
10 They don't impact your schools. They're low impact on
11 services. They don't create any traffic, right? Any
12 planner will tell you that's a wonderful criteria to
13 look at something, right? So -- but that is the idea
14 that says, well, a data center could be acceptable.
15 But what we're talking about is under what set of
16 criteria would make it acceptable? And that's what the
17 board is wrestling with right now.

18 So you're absolutely right. We need to be
19 more transparent about that, and we need to talk about
20 these things. So a data center, for example, that is
21 liquid-cooled, non-evaporative water system, that
22 therefore doesn't use a lot of water, would be a
23 criteria that would have to be out there. Not just
24 talk about water as a concern, but what's the solution
25 for that? So our focus is says, well, yep, there's a

1 power question. What's the solution? There's a water
2 question. What's the solution? And when we go through
3 that exercise, we -- we're focused in on under what
4 criteria then says, this is safe for the community,
5 this is a good use for the community, and that we've
6 done our homework to make sure that it doesn't have a
7 negative consequence.

8 There's a lot. So behind the words that
9 they're all saying, there's a lot going on. And it's
10 about getting that out to people so that they
11 understand that we're not just talking about the
12 hyperbole. We're not just talking about things at a
13 50,000-foot level. We're actually talking about it at
14 a solutions level. So -- all right.

15 MAYOR KELLY: Anybody else?

16 MS. TERRELL: Good evening. I'm Cindy
17 Terrell, and I live at 397 Hillside Avenue in Nutley.
18 And I wanted to say thank you for this conversation and
19 all the information that you've shared. You were
20 echoing and dittoing earlier. So I'm going to echo and
21 ditto Emma.

22 It sounds to me like you have been doing a
23 lot of research on this issue, and it hasn't really
24 been out in the open. So I appreciate you hearing us
25 and wanting to -- us to know what's going on when you

1 talked about the parameters that would make this
2 acceptable. I live two blocks that way and one block
3 that way from this property. It does not seem
4 hypothetical because there is a big giant sign that's
5 announcing it. So that has been upsetting ever since
6 that sign has been up, and it does make it seem
7 inevitable.

8 So I don't know if this is just my time to
9 make comments or if you can answer questions, but my
10 question is, what would make it not be a data center?
11 Number one, what could we do to make it not be a data
12 center and not a trucking depot? Because again, I live
13 two blocks and one block over. And also, if you are
14 considering it for all of those positives that you
15 said, Commissioner Evans, it sounds like it is sounding
16 like a good deal in some ways as far as planning goes.
17 I have also done some research, and I've read about
18 instances where a small data center was initially
19 approved and then eventually expanded.

20 So what parameters could we put in place? I
21 mean, we don't want it to be at all. I want you to
22 hear that loud and clear. We don't want it in our
23 neighborhood. We don't want it in our town. I moved
24 here over 20 years ago, and my street was lined with
25 trees, and it was peaceful and quiet, and many of those

1 trees have all come down, and it's changed here. And
2 if it is going to be because it has to be or it is the
3 best possible thing we could get there from the
4 planning point of view, what parameters would we put in
5 place to not get the bait and switch and to continue?

6 I mean, we have problems with our water
7 system here, the old mains that go. I know that there
8 are many different types of cooling, and I -- and I've
9 done some reading on it, but our infrastructure is old
10 here in town and you've all worked very hard to update,
11 but this is not something that we could support. So
12 again, I echo the sentiment. Please consider a town
13 hall and consider it very, very, very soon. Because my
14 other fear is that the deal is done before we get a
15 chance to speak our mind, or to let you know how we
16 feel, or to be your -- to be your backup.

17 If you don't think it's a good idea, as
18 you've all sat and said, you don't -- you want to keep
19 your town safe for your families and for -- you
20 consider us family. Well, I don't think these data
21 centers have been around long enough to really prove
22 that they're safe. How do we know that? We don't
23 know. It's been a -- it has not been long enough that
24 these types of data centers of this magnitude and in
25 this proximity have been in existence to actually know

1 that they're safe. So to say we're looking to make
2 sure that it's safe, I don't know how you could know
3 that. And my fear as a resident here is that I -- it
4 would be a done deal before I would be able to attend a
5 town hall or to let you know how we feel. Thank you.

6 MAYOR KELLY: So I do want to just address a
7 couple of the concerns that you brought up. The sign
8 on the property, I think, is misleading. It says
9 something to the effect, data center approved. What
10 they're talking about is zoning approved through the
11 settlement agreement, that it -- it's a permitted use.
12 That doesn't mean the building itself has been
13 approved. That still has to go through a process. It
14 still has to go through -- and Mr. Bruno can correct me
15 if I'm wrong. It has to come before the planning board
16 who would then have to approve based on safety,
17 welfare, and the general, I guess, living in the
18 community, their understanding of what that would look
19 like, and the impact on the community.

20 Just as we are -- you know, you're our
21 shareholders. You guys, we're -- we have to answer to
22 you. The developer has shareholders that it has to
23 answer to, and that's maximizing its profits. We're
24 trying to maximize your safety, welfare, and wellbeing.
25 They're trying to maximize profits. And so there's

1 some friction there in terms of on the negotiating
2 table. And when you ask what else can go there, the
3 developer is looking how they're going to maximize
4 their profits. And we're the ones -- I don't want to
5 say -- we're the ones creating the friction saying, we
6 know what would maximize your profits, but it's going
7 to -- it's not going to be something that the residents
8 are going to tolerate there.

9 And so there's that give and take. There's
10 that I guess -- negotiations is essentially what it is.
11 Negotiations. That doesn't mean that what -- we can't
12 dictate what they put on their property. It's
13 ultimately up to them. We can certainly -- there -- we
14 have avenues that we can try and explore other options.
15 My fear, though, is that it could end up resulting in
16 additional litigation, and that's something that our
17 counsel will have to guide us through. And I -- we can
18 -- I don't want to sound, you know, conceited or
19 anything, but I do think we can make the -- make a safe
20 data center. We've had data centers in town in the
21 past. We continue to have one that predates my time on
22 the board, and we can draw from that experience.

23 We are also not -- this isn't -- we're not
24 the -- inventing the plane mid-flight or anything. We
25 have a lot of experience that we can draw from. When I

1 say that other communities in the state, other
2 communities outside the state, they've experienced this
3 and we can draw from not only their successes, but
4 their missteps as well. And we're -- and I can assure
5 you, we are looking at this picture nationally in terms
6 of where these data centers are going, where they've
7 been, what the impacts have been, and how can we avoid
8 that in our community if a data center is something
9 that's going to be brought before us.

10 Did anyone else have anything to add?

11 COMMISSIONER PETRACCO: Yeah. I mean, I --
12 I'll just add because, you know, we do want to be
13 transparent. And it's pretty obvious what's going on
14 in the state of New Jersey everywhere you look, right?
15 What -- what's happening on open land? So you know, in
16 my opinion, what -- what's the other options? And, you
17 know, and not that we're locked in. Like the mayor
18 said, we don't have an application. I mean, it would
19 be density. It would be apartments. It may be condos,
20 maybe townhouses and a lot of them, you know? So it's,
21 you know, we're trying to strike a balance, you know,
22 where, you know, when you negotiate -- when everybody
23 walks away from the table and everybody's not happy, I
24 think we did pretty well, right? So you know, I've --
25 you know, we -- we've seen what's going on in some of

1 our neighboring towns. We do want to keep our town to
2 be a quaint kind of residential town as much as we can.
3 I mean, development is good in certain areas, I
4 believe, but you know --

5 And maybe that's where the town hall would
6 come up and, you know, that's as transparent as I can
7 be. Is that, you know, to me, the other option is it's
8 going to be density there and a lot of it, you know?
9 So you know, it's -- I'm not crazy about a data center
10 and never was, you know? I like to see a big green
11 ball there, but we don't own the property there and,
12 you know -- and, you know, the developer has been
13 trying to, you know, work with us, too, you know, but,
14 you know, he's a business guy, you know? So I think at
15 the town hall, you know, that we eventually get to if
16 there's an application, you know, is that -- those are
17 the kinds of things.

18 So I -- you know, I'm not crazy about a data
19 center. Is a data center better than, you know, a --
20 you know, a big apartment complex? Is it more quieter
21 than cars in and out and, you know, three, 400 more
22 people there? So it's like, you know, I don't feel
23 that we're, you know -- we're in, you know, where we
24 could -- no matter what we do, it's almost like we're
25 -- you know, we're not in a good -- you know, where

1 we're going to come out, like, looking, you know, great
2 as a board. But again, you know, there's a lot of
3 litigation. It's -- there's a lot of things behind the
4 scenes, you know, that'll come out. But, you know, I
5 just want to tell you what, you know -- that, you know,
6 I think and that I know are the possibilities for that
7 site.

8 So the -- I hope you're answered. And I want
9 to -- and I want to let you know. And I have met with
10 the developer, myself and the mayor, and we talk about
11 Hillside Ave all the time, you know? Just because I
12 don't live there -- and I live pretty close, you know,
13 I'm from Nutley my whole life, we have friends, you
14 know, all over the place. And when we talk to the
15 developer, the first thing I say to him, well, if you
16 lived on Hillside Ave, how would you like it? So you
17 know, we are taking your backs. How is it going to
18 work out? I don't have a crystal ball, but I want to
19 be perfectly honest with you, so I hope that helps.

20 MAYOR KELLY: You can take it out and hold
21 it.

22 MS. MELNICK: It's like it's a little short
23 for me.

24 Good evening, commissioners. Thank you for
25 providing the opportunity for public comment. I am

1 also going to be asking about data centers, but from a
2 potentially slightly different angle. My name is
3 Lauren Melnick and I live on Edison Avenue, which is a
4 short walk from the ON3 site on Kingsland and
5 Cathedral. My daughter will be attending kindergarten
6 this coming fall at Spring Garden School, which is less
7 than a mile from the potential data center development.
8 And my two -- she and my two-year-old regularly play at
9 Nichols Park playground, which is not even half a mile
10 from the data center site.

11 As I'm sure you're aware, you know, data --
12 and we've been talking about it, data centers can and
13 do generate a lot of continuous noise. I'm going to
14 cite a couple of sources just so it's -- you know,
15 we're all we're all on the same page about what exactly
16 this means for the community. Prolonged exposure to
17 high noise levels can, quote, "cause hearing loss,
18 headaches, vertigo, sleep disturbances, and
19 hypertension for nearby residents", according to a
20 study by SoundTrace, which is an audiometric testing
21 service for workplaces. Noise pollution is, quote,
22 "particularly disruptive at night, affecting sleep and
23 cognitive performance. Communities near data centers
24 have reported persistent humming and ringing in the
25 ears", which was reported by the Environmental and

1 Energy Study Institute.

2 When a data center is being considered, there
3 has to be a serious assessment of the sound impact on
4 the wellbeing of this community, its residents, and the
5 children like mine that play, attend school, and go to
6 daycare in the area. Someone mentioned that the Annex
7 site is also right by Nichols Park and that was just
8 recently opened this past fall. We have excellent
9 elementary schools and standardized testing performance
10 in Nutley, and no one wants to see that compromised.
11 That was one of the reasons I moved to this town,
12 because of the excellent education that I was hoping to
13 have for my children. This morning, The Patch
14 published an article entitled, New Jersey Electric
15 Costs Will Rise Again, New Report Says. I'd like to
16 read a few selections from the article pertinent to
17 electricity usage by data centers.

18 Quote, "'Demand for electricity has increased
19 significantly due to the influx of data centers and
20 artificial intelligence,' said Brian Lipman, director
21 of the State's Division of Rate Counsel. That demand
22 will help drive a 20 percent jump in electric bills
23 according to the New Jersey Policy Perspective Report
24 which was just released. A single data center can use
25 as much electricity as 100,000 households." For

1 perspective, Nutley itself has a little more than
2 12,000 households.

3 "Cooling systems consume large volumes of
4 water with a single midsize facility using more than
5 100 million gallons annually. And much of that usage
6 remains difficult to track. Companies are not required
7 to publicly disclose detailed energy or water
8 consumption limiting oversight for regulators and
9 communities." So those potential electricity and water
10 demands on Nutley's infrastructure are significant.
11 We've already talked about it, people have mentioned
12 that, especially with aging infrastructure.
13 Compounding the concern I have around sound and
14 utilities usage is also that the site is on, you know,
15 the La Roche campus, and what steps would be used to
16 remediate any contamination that might be there?

17 I'm sure that there was an entire process
18 around the development of other parts of that campus.
19 But sort of to piggyback on what people say around a
20 town hall, for those of -- I've only lived in Nutley
21 for four years. I don't have that perspective and that
22 background, but I think certain -- answering certain
23 questions like that in terms of what has been done in
24 other parts of that campus to allay people's fears
25 about how to keep things safe without toxins and

1 contaminants would go a long way in at least allaying
2 fears whether a data center was put there or something
3 else since any sort of excavation or construction would
4 potentially, you know, release contaminants if they're
5 still within the ground there.

6 So given these concerns, I -- what I'm asking
7 for you, if you could, you know, speak to this a bit,
8 is, you know, walk us through the processes for
9 assessing an application that you receive for
10 development on the site. Could be a data center, could
11 be something else. I assume that that assessment would
12 be the same regardless of what is actually submitted by
13 the developer. What parties will be involved? How
14 will you get specialists to receive the proposal and
15 impacts on utility sound and contamination? And at
16 what point is that review -- is the public going to be
17 invited to comment? You mentioned already that you
18 already have retained certain specialists to maybe
19 proactively sort of start to consider, if you do get an
20 application for the data center, what things they need
21 to consider or look at. So if you could speak to that
22 process for assessing development on that site, I would
23 appreciate it.

24 MAYOR KELLY: Sure. And I do want to say I
25 do appreciate all your comments, especially the

1 concerns you raised. There's things that we can do as
2 a board to kind of alleviate some of those concerns.
3 But I do want to encourage you to reach out to not only
4 this board, but State Senator Britnee Timberlake,
5 Assemblywoman Carmen Morales, Assemblyman Mike Venezia,
6 our congressional delegation, because some of the
7 things that you suggested, controlling power
8 consumption or regulating auditing, reporting on those
9 power consumption, that's something we can't dictate as
10 a board, but that's something certainly the state
11 legislature can dictate or the national legislature in
12 Congress can dictate.

13 So I encourage you to certainly share your
14 concerns with them. As to the process as to if an
15 application were to be received, it would go to the
16 code office. The code office would review it. We have
17 construction professionals in there, engineering
18 professionals. They would also retain planners,
19 engineering professionals, any additional experts that
20 they may feel is necessary to review the application to
21 advise -- which this would ultimately go through the
22 planning board, to advise the planning board on
23 anything. Because the planning board is they're just
24 not other members of the community like you, some of
25 them have some expertise in certain areas that they

1 bring to the table, but they're not by any means
2 experts in any -- all things development. And so the
3 town pays for these experts to come in and advise them.
4 They'll provide the report to the town, share it with
5 the community.

6 And then at that the hearing, the -- that's
7 when people can oppose the application, they can speak
8 in favor of the application. And I'm going to turn it
9 over to Commissioner Evans, who may be able to speak a
10 little bit more authoritatively at what goes on in the
11 code office.

12 COMMISSIONER EVANS: Boy, were you wrong.

13 So to your point, all development in town,
14 renovations, anything, originates by filing an
15 application with the construction office of the
16 township. That application is reviewed in the normal
17 course against the township's zoning laws, Chapter 700.
18 There is a determination of whether or not it's in a
19 floodway or a flood area. All of that has to happen in
20 order to go through an approval process. The
21 construction official and zoning official make a
22 determination of whether or not the -- one, the
23 application is complete, and is it compliant with our
24 zoning.

25 Once it -- if it's determined that it's

1 complete, there's a determination of whether or not
2 it's compliant and it -- and whether or not it requires
3 the applicant to go before the planning board or the
4 zoning board of adjustment to address any variances.
5 That's the normal course. There is the -- because it's
6 Hoffmann-La Roche property, the property itself is
7 governed by redevelopment plans, which actually address
8 what the zoning requirements are for a specific item to
9 be developed on that property.

10 So the construction office would look to the
11 plan as to what the requirements are and make sure it
12 is compliant with the plan. As it relates to your
13 specific comments that -- I haven't looked at it in a
14 long time, but there was a significant amount of soil
15 cleanup on the property, including the south side,
16 which is where this open land exists, to clean the land
17 to what they call a residential standard. So as a --
18 my understanding is that the south side has already --
19 the environmental impacts on that site have already
20 been addressed. They were addressed by Hoffmann-La
21 Roche who spent over \$400 million cleaning the site.
22 So it wasn't left contaminated. They did do compliant
23 cleanup with the approvals of the DEP, the Department
24 of Environmental Inspection.

25 The property is subject to continuous

1 monitoring in that regard. So that thing, there's
2 already something in place to address that concern.
3 When you move into something specific, so Commissioner
4 Petracco mentioned, well, if it goes to a commercial
5 building, there's a requirement that, you know, what's
6 the height of the building, what's the setbacks of the
7 building? They're all as a criteria that are part of
8 the zoning for that site, including, you know -- and
9 while -- and we've said currently in the plan, housing
10 is not acceptable because of the density issues in the
11 town. But that property, if it was to go in an
12 alternate course to satisfy the owner of the property,
13 the housing element of that could be very significant.

14 So you have to begin to look at what the
15 other concerns are. The plan itself already has a
16 requirement in it to do a noise study that can't exceed
17 the state requirements for 50 decibel levels, which
18 means from here to you, you can't hear it. So there
19 already is something to address it. My understanding
20 is that, for example, specifically on data centers,
21 closed loop water cooling systems that are non-
22 evaporative are what are being used today versus the
23 old standard, which you were quoting, which is
24 evaporative systems that constantly draw on the water
25 supply in order to provide fresh water to cool the

1 system down.

2 So there is actually new -- a new focus on
3 technology as to how that would be addressed. So to
4 your point, is in the code office, all of those
5 questions would have to be addressed by the applicant
6 to explain what it is. What the power utilization
7 efficiency that it's going to use? Would have to come
8 through the code office in order to determine whether
9 or not an application is complete and a determination
10 is -- can be made. So it's a very significant process.
11 We do call in our -- we have -- we -- the town does
12 retain engineers. We have water management people that
13 we have in town and we call upon experts as we need
14 them to evaluate special situations.

15 That cost is not borne by the taxpayers. Any
16 applicant that requires those special services, while
17 we secure that service, they're responsible for paying.
18 So that cost does not get passed on to the taxpayers.
19 That gives you a sense of that. I'd be happy to, you
20 know, sit with you and address more specifically, but
21 that gives you a sense of how thorough that exam is.

22 COMMISSIONER TUCCI: Just one more comment.
23 I think Commissioner Evans did a fine job of summing
24 that up. But I think everyone needs to understand that
25 the ultimate environmental responsibility lies with

1 Hoffmann-La Roche. And while they didn't leave giving
2 us a whole lot of notice, because they gave us zero
3 notice, they are very concerned, all right, about their
4 reputation and what they have left behind. So
5 ultimately, moving forward, whether it's the next 10,
6 15, 20, or 100 years, Hoffmann-La Roche is responsible
7 for the environmental concerns of that entire property.

8 COMMISSIONER EVANS: Yeah.

9 COMMISSIONER SCARPELLI: Just to follow up on
10 that and what the commissioner said. My recollection,
11 it's not always that great, but it was between 200,000
12 and 300,000 tons of contaminated soil removed and
13 replaced with clean fill.

14 COMMISSIONER EVANS: Right.

15 COMMISSIONER PETRACCO: So --

16 COMMISSIONER EVANS: And the soil that was --
17 yes, it's been --

18 COMMISSIONER PETRACCO: -- somewhere in that
19 range.

20 COMMISSIONER EVANS: Yeah. The soil that was
21 removed, that's when we had the freight train in town.
22 All that soil was removed and it was taken to out of
23 state and incinerated to correct that. We -- the soil
24 that's there is fresh soil. And it's interesting, a
25 lot of the contamination on that site is for something

1 called perk, right, which actually came from the fact
2 that for many, many years, Hoffmann-La Roche had their
3 own incinerator on the property, and that's a byproduct
4 of the waste being put into the soil. That was all
5 removed. So there's been a -- there's quite a bit of
6 information. And we have -- we receive reports,
7 extensive reports.

8 But to what Mauro had said, we as a town are
9 very, very fortunate in that Hoffmann-La Roche is a
10 very successful multi-billion dollar pharmaceutical
11 company. They did not go bankrupt. So they have the
12 financial wherewithal to actually invest over \$400
13 million to clean up the site when they were cleaning it
14 up. And any additional remediation, they are
15 responsible for. The other thing that this board has
16 worked on, on every single project that's on the site,
17 we are not responsible. We are not in the chain of
18 title. We have not accepted any responsibility to --
19 for any environmental cleanup. It is completely on the
20 owner and Hoffmann-La Roche to address those issues as
21 they arise. And we're fortunate that Hoffmann-La Roche
22 is still a successful company today, so they have the
23 financial wherewithal to address those concerns if they
24 arise. But so far, it's been quiet.

25 MS. MELNICK: Thank you.

1 MAYOR KELLY: And just one very brief
2 comment. You asked about some of the experts that
3 we're talking to. That -- that's been arranged through
4 counsel. But these -- the qualifications of these
5 individuals, they're individuals who have built a lot
6 of these data centers. And so they build them from the
7 ground up and know what are the common pitfalls that
8 they could advise us, what works, what doesn't work.
9 And then it should -- is there anything else? Yeah.
10 So Counsel is telling me that we have limited
11 information as to what we can share at this time, but
12 you can rest assured that we are talking to the right
13 individuals as to how to proceed here.

14 MS. MILESKE: My turn?

15 MAYOR KELLY: Yeah.

16 MS. MILESKE: Okay. Hi, Trish Maleski, 613
17 Prospect Street. So I have a question. It's a
18 detailed question. I hope you can shed some light on
19 it. When I read the settlement agreement, and
20 particularly Section 2.4, 2.4 of the Settlement
21 Agreement specifically requires the town to adopt the
22 Kingsland Redevelopment Plan, which was done, I
23 believe, on July 15th of last year. And basically this
24 section, and that's how I'm reading it, I'm not a
25 lawyer like you're a lawyer, but it seems to suggest

1 that there are bulk site plan information within the
2 Kingsland Redevelopment Plan. And as long as the
3 developer complies with what was in that plan, there's
4 really nothing we can do about it. So am I reading
5 that correctly? Help me to understand how that works.
6 And you may not have that detailed answer now, but I
7 think that's quite important for us to understand as a
8 community.

9 MAYOR KELLY: So I don't have the agreement
10 in front of me, but -- and that I do have or we do have
11 attorneys who specialize in this. And so generally,
12 the redevelopment plan is more of a zoning obligation
13 on the town. Standards you're referring to would be
14 part of the zoning.

15 And, Mr. Bruno, if you want to --

16 COMMISSIONER EVANS: Was in the plan.

17 MR. BRUNO: Yeah. And it -- he
18 was here --

19 MAYOR KELLY: Our redevelopment counsel
20 stepped out momentarily. He may have a more in depth
21 answer.

22 Unless, Fran, do you want to --

23 MS. MILESKE: Because I think that's
24 critical, right? Because if there's been -- it -- the
25 language seems to suggest that as long as they comply,

1 we don't have many things we can do to stop this. And
2 if we did try to stop us, it puts us back into
3 litigation, which is also what Section 2.4 says.

4 MAYOR KELLY: This is Fran Reiner. He's from
5 FAR Planning. He's one of our planning experts in
6 helping us navigate this process.

7 MR. REINER: Yeah. Just to briefly go
8 through the response to that question. So there is a
9 redevelopment plan. That redevelopment plan does allow
10 the use of a data center. It also allows multiple
11 other uses. A redevelopment plan essentially
12 represents zoning for the site. I think the critical
13 piece of that maybe is not part of that language in the
14 settlement agreement and was alluded to by Commissioner
15 Evans, is that there is a life safety and welfare
16 provision within the general ordinance of Nutley.

17 So the idea of coming forward with a data
18 center and saying that the town has no say in it, I
19 don't think is an accurate statement because the
20 developer, through the process of a site plan
21 application with the planning board, would have to show
22 that there's no detrimental impacts to the community
23 based on the number of items that we've discussed
24 already, which is noise, traffic, energy consumption,
25 and so on and so forth.

1 So in general, the redevelopment plan allows
2 for a data center as it does for any number of a dozen
3 other uses, but it doesn't necessarily identify all of
4 the critical issues of life, safety, and health that
5 the application would have to go through as a part --
6 or the applicant would have to go through as a part of
7 a site plan application.

8 MS. MILESKE: So it's not really 100 percent
9 clear? Because it -- because the --

10 MR. REINER: In the -- in the settlement
11 agreement?

12 MS. MILESKE: -- because then what it ends up
13 doing is it pushes us back into litigation. And why
14 would the developer have agreed to this settlement
15 agreement if they didn't think that a data center was a
16 fait accompli?

17 MR. REINER: So as I indicated, the data
18 center use is permitted, but simply allowing a data
19 center as a -- as a use doesn't mean that somebody can
20 come in and build a data center that would have a
21 detrimental impact. There are -- there are provisions
22 within the ordinance and in -- within the state law
23 that don't allow somebody to build something that would
24 be detrimental from a life, safety, and health
25 perspective to the community. So the use is permitted.

1 And as a part of the settlement agreement, it was to
2 remove the trucking depot and allow for the data center
3 use along with other uses.

4 But again, I think the key here is that you
5 can't simply say a data center is permitted and they
6 could build whatever they want because a data center is
7 permitted. They still have to go through the process
8 of identifying, proving that there are no detrimental
9 impacts to the life, safety and health of the
10 community. That's the other piece.

11 MS. MILESKE: So who has the final say on
12 whether there are any detrimental impacts -- excuse me,
13 to the community?

14 MR. REINER: Should I can keep going?

15 MAYOR KELLY: (No audible response).

16 MR. REINER: Okay. So as a part of site plan
17 application process, they would -- as Commissioner
18 Evans indicated, they would submit to the construction
19 official. They would deem whether or not the
20 application was complete. And then it would be sent
21 over to the planning board. The planning board would
22 hire experts. It already has a planner and an
23 engineer, but it would hire experts specifically that
24 would assess the application and provide reports back
25 to the planning board as to whether or not there were

1 detrimental impacts. And then the board would
2 ultimately make the decision as to whether or not those
3 impacts are negative or whether or not they're not.

4 And then -- and then the board could deem or
5 determine to say yes or no based on the specifics of
6 the application. As has been indicated here, there is
7 no application so there's no specifics. So the
8 commissioners really can't weigh in on that because we
9 don't know at the moment if what could be applied for
10 in terms of site plan application would actually be --
11 have any detrimental impact to the community. So until
12 that happens and until the board has it, until the
13 board hires its professionals to do those reviews, they
14 really can't answer that question at the moment.

15 MS. MILESKE: So am I understanding you
16 correctly to say that the planning board is the final
17 determinant of whether it is detrimental to the
18 community?

19 MR. REINER: The planning board is the one
20 who oversees the site plan application process. So
21 they would be -- they're the entity that is responsible
22 for approving or denying any site plan application. So
23 if a data center application were to come in, it's the
24 planning board's responsibility in order to determine
25 whether or not that is approved or denied. And their

1 experts provide testimony and provide letters
2 determining whether or not -- whether or not those
3 impacts are negative and they provide information back
4 to the board, the board then makes the final say.

5 MS. MILESKE: So the planning board is -- and
6 again, when we said board, the planning board is the
7 one that says yay or nay. It doesn't come to the
8 commissioners then?

9 MR. REINER: Correct. It's the planning
10 board that makes the decision on all site plan
11 applications. Yes.

12 MS. MILESKE: So whether there's a data set
13 there or not, it's not under the purview of the
14 commissioners, but the planning board?

15 MR. REINER: So the commissioners'
16 responsibility in the process was to move the
17 redevelopment plan forward, which allowed for the
18 settlement to remove the trucking -- the trucking depot
19 and allow for the data center and other uses. That was
20 a board of commissioners' responsibility in terms of
21 the ordinance side of it. Once the ordinance is put in
22 place, it's the planning board/zoning board, depending
23 on the application responsibility in terms of a
24 specific site plan application.

25 MS. MILESKE: So again, you're not the ones

1 that are going to approve whether we have a data center
2 or not?

3 MAYOR KELLY: So I think there's --

4 MS. MILESKE: I mean, because that's what I'm
5 just trying to get. So it's a process question.

6 MAYOR KELLY: Yeah. So the -- there -- we're
7 not -- it's not like our job is done at this point. We
8 do retain control. Like I said, the redevelopment
9 agreement was a zoning aspect. And we retain control
10 over zoning and amending our zoning code and keeping --
11 because the planning board or zoning board will have to
12 follow what's in our code. And so there's ways that we
13 can still -- we still have control over certain issues,
14 but that's -- that --

15 COMMISSIONER PETRACCO: Mayor, if I may. The
16 process in every town is the process. And the -- and
17 think of this like this. Just because it's a data
18 center, there's still rules, regulations, building
19 codes, safety, environmental that they have to meet. If
20 -- when you build a house, put an addition on your
21 house in Nutley, the code office -- so it's not like
22 that they just could come in here. There's height
23 restrictions, there's a lot of things that go into
24 this. So that's first of all. They're -- they just
25 don't have a free hand.

1 And this has been a process and a long one.
2 I mean, this -- again, this started in 2012. And, you
3 know, we have, you know, our professionals who we have
4 a lot of respect for and they -- and they've been
5 guiding us. And we've been educated over the last 20
6 years almost, right, you know, here of the way it goes.
7 And I really think that the site has evolved, you know,
8 like I said, with Modern Meadow, the medical school,
9 Ralph Lauren, all that stuff. And by the way, I
10 happened to be the mayor when Hoffmann-La Roche left
11 and when Mauro and I were on the committee of
12 repurposing that site and meeting with all these
13 professionals. They were saying at the time that we
14 would not have that site any -- completed for 25 to 30
15 years. That was not us saying that. That was the
16 experts.

17 So look at the -- you know, how it's evolved
18 in a kind of a short period of time. But to your
19 question about the process, the board of commissioners
20 will have a lot to say. I mean, we are elected, we're
21 an extension of you guys, you know? And again, it's
22 not -- I just want to be crystal clear for my own
23 opinion, it's not what we want to go there, it's what
24 -- we work for you. It's what the public wants, you
25 know? If the majority of people don't want a data

1 center there or they won't -- you know what, we will
2 listen to the public outcry.

3 MS. MILESKE: That's good

4 COMMISSIONER PETRACCO: I mean, you
5 know, we-- we're an extension of you. It's not that, you
6 know, we have five of us that are making -- we hear
7 your voices and your concerns. If that's what, you
8 know, the majority of Nutley wants, then we're going to
9 have to try to figure out a way to, you know, move
10 forward on what the people want. It's all of our
11 towns. It's not just five people's towns up here.

12 MS. MILESKE: Right.

13 COMMISSIONER SCARPELLI: I just want to add
14 one --

15 COMMISSIONER TUCCI: It's important to note
16 that the mayor and Commissioner Scarpelli --

17 COMMISSIONER SCARPELLI: Yeah.

18 COMMISSIONER TUCCI: -- sit on the
19 planning --

20 COMMISSIONER SCARPELLI: Was going to say
21 that.

22 COMMISSIONER TUCCI: -- all right? So it's
23 not like the plan was --

24 MS. MILESKE: Well, I just want -- I want to
25 know --

1 COMMISSIONER TUCCI: -- to be in isolation.

2 MS. MILESKE: -- what the process is so we
3 make --

4 COMMISSIONER SCARPELLI: Right.

5 MS. MILESKE: -- sure that we as a community
6 are appearing in the right venues to make sure that our
7 voices are being heard and considered in this
8 thoughtful process. Because what we all want, as you
9 all want, is responsible development.

10 COMMISSIONER SCARPELLI: That's right.

11 MS. MILESKE: And let's be real, there's
12 multiple types of data centers. There's four broad
13 categories and all of them have separate environmental
14 impacts that we should be thinking about. And right
15 now, what we're -- we just don't have enough facts,
16 right? We have the words, data center, but we want
17 everyone to understand that we as a community are
18 concerned.

19 COMMISSIONER PETRACCO: I think that this is
20 a work in progress. And, like, you know, as soon as
21 the public hears something, it's like everybody's like,
22 oh, let's run to a meeting. You know what, there -- it
23 is going to be transparent. There's going to be plenty
24 of talks about it. But, you know, like I said before,
25 it's going to be Plan A, Plan B, or Plan C. I mean,

1 you know, one thing I don't want to do is I don't want
2 to go back to litigation and just look at their --

3 MS. MILESKE: Good point.

4 COMMISSIONER PETRACCO: -- for the next 25
5 years. So I would recommend -- and this is how I take
6 it, is let's get all the facts, let's get all the
7 information we can, and then together we make a
8 decision of, you know, how we want to move this forward
9 together.

10 MS. MILESKE: Right. Well, we just don't
11 want to get the facts too far along in the process, and
12 that's why I keep using the word process, is so that we
13 make sure we're plugged in. And that's why a town hall
14 and transparency is really important.

15 COMMISSIONER PETRACCO: Well, the thing with
16 the -- with the -- when we have the town hall, in
17 fairness to the mayor and to the Board of
18 Commissioners, we want to have all the, you know, facts
19 for you.

20 MS. MILESKE: People like to hear things
21 before that, right?

22 COMMISSIONER PETRACCO: Well, it's good that
23 you come to the meetings, then, and the question us.

24 MS. MILESKE: And I --

25 COMMISSIONER PETRACCO: But I'm just

saying

1 that it's -- we don't have a lot of information to
2 share, you know, at this time. How big, how small, how
3 many megawatts, you know, all that stuff. I mean, it's
4 really a work in progress, but, you know, feel free to
5 come and whatever we can update with you, like Mauro
6 said before, don't go on Facebook. I don't -- you
7 know, don't go on these websites. Come ask the
8 questions and we'll be happy to answer you. Is that
9 fair enough, Commissioner Tucci?

10 COMMISSIONER TUCCI: Absolutely. And listen,
11 the process with the developer is not automatically
12 litigation. We much prefer negotiation --

13 MS. MILESKE: Right. Everyone does. Of
14 course.

15 COMMISSIONER TUCCI: -- so that we get we
16 want as a township and they get what they need for
17 their stockholders. But again, it's a -- it's a
18 balance. It's a give and take and we're far from the
19 end and it's absolutely not a done deal.

20 MS. MILESKE: Right. Well -- and trust is
21 built with adequate communication in forms that people
22 can all hear, right? Because not everyone comes to --
23 you know, look it, and if you do a town hall and no one
24 shows up, that's on them, right? So consider that, and
25 I will be here to watch this. So --

1 COMMISSIONER PETRACCO: Thanks.

2 MS. MILESKE: -- just putting that out there.

3 MAYOR KELLY: Thank you.

4 UNIDENTIFIED: Thank you, Trish.

5 MS. CORTES: I can't say this enough. What
6 just transpired, and I know this is -- this is not
7 typical of how this should be conducted, and so I
8 apologize, but I just can't help myself. What happened
9 here in terms of information exchange, in terms of
10 elucidating what goes on, in terms of the process, what
11 we as residents expect, questions that were very, very
12 general that I brought up, statements and questions
13 that your -- the gentleman here from the Zoning Board
14 just answered Trisha's questions. So valuable.

15 I think that the commissioners, with all due
16 respect, you believe that a town hall has to be
17 presented in a way where there's very specific
18 information that you have to give us definitively.
19 That's not what we're asking for. We're asking to be
20 kept in the process to understand what's going on so
21 that we can have inputs that you know what we're -- so
22 that we know what's going on, even at this level, as
23 indefinite as it is.

24 And now I will say goodnight. Thank you.

25 COMMISSIONER SCARPELLI: We welcome --

1 MS. CORTES: Thank you so much.

2 COMMISSIONER SCARPELLI: --

3 it's the third Tuesday every month.

4 MAYOR KELLY: I was just about to make that
5 comment, is that we -- under the state of New Jersey,
6 we can't all get in the same room and discuss issues
7 with the citizens unless it's advertised through the
8 Sunshine Laws. And that's what that Sunshine Notice
9 is. If we were to do that, it would be an unadvertised
10 meeting and could get us into some hot water. So the
11 -- we do encourage you to come on the first and third
12 Tuesday of every month, if nothing for updates and
13 those -- and if -- when the time is right for potential
14 hearings, those will be adequately advertised as well.

15 MR. WHITMAN: I'll keep it brief. I -- we've
16 talked a lot about this. My name is Matt Whitman. I
17 live at 264 Highfield Lane. I would also just like to
18 echo the calls for transparency in this process
19 understanding it's a very complicated issue. I only
20 moved to town about three years ago. I have no
21 conception of what happened in the ON3 site previously,
22 what the settlement was like, what the litigation was
23 like. But I do think it's important to continue to
24 communicate with the community. I understand there are
25 different kinds of data centers. You know, we know the

1 backbone of the internet are data centers, cloud
2 centers. Would this be a cloud compute center? Would
3 this be an AI compute center? I'm sure we've all seen
4 the news out of Vineland -- exactly. We don't know.

5 MAYOR KELLY: We don't know.

6 MR. WHITMAN: Why -- I think this these are
7 questions that people want answers to. I understand
8 that you don't have answers, but I think these are
9 things the developers should be pressured on.

10 Mr. Mayor, you mentioned the developers are
11 looking to make a profit. I get that. They're a
12 business. Certainly we as citizens, I think, would be
13 concerned that that money might come out of our pockets
14 in the form of increased water bills or electricity
15 bills. I'm sure we've all seen the news out of
16 Vineland, New Jersey with the opening of a huge data
17 center there. I'm sure they went through their
18 planning and zoning board and they followed all the
19 procedures and probably got the sign off. And now the
20 citizens of that town have filed a class action suit
21 over noise being generated by that data center.

22 The City of Bayonne is moving to ban data
23 center development in their town. I think, you know,
24 all of the information, and you have been -- all been
25 very generous with your time this evening, and I thank

1 you for that and very generous with your answers and I
2 thank you for that. And as the speaker just before me
3 mentioned, just knowing the process ahead of time is
4 valuable, right? Even if there aren't answers, I think
5 we as citizens want to be involved in that process even
6 if there isn't official news. And I understand there
7 are, you know, Sunshine law procedures around when
8 these meetings can be held.

9 And certainly I will be here as often as I
10 can because, you know, I am concerned. I think the New
11 Jersey Policy Perspective Report that was cited
12 earlier, which I attended a meeting on earlier this
13 spring, found that the economic benefits promised by
14 data centers often never materialize for the towns.
15 The number of jobs that appear are vanishingly small.
16 The money is often never recouped. These developers
17 are looking to make money quickly by opening these data
18 centers before this business model potentially proves
19 unsustainable and unprofitable. I'm sure we've all
20 seen the stocks go up and down over the last couple of
21 weeks.

22 We don't know what's going to happen. And I
23 think I speak for a lot of people in this room and I
24 say we don't want to be stuck with a data center that
25 becomes another white elephant, just like I assume the

1 La Roche campus was, if this AI bubble pops. And
2 that's, you know, one of my big concerns. So I thank
3 you again for your time and transparency this evening,
4 and I would really encourage you to continue with that
5 going forward. Thank you.

6 MAYOR KELLY: Thank you. And I just want to
7 add that we are trying to be as transparent as
8 possible, but it -- it's very hard to be transparent
9 other than our general knowledge, because without an
10 application, anything we say is just speculation at
11 this point.

12 And on the note of speculation, based on the
13 size of the site, we can speculate that it would not be
14 an AI data center. It's not a large enough site to
15 support an AI data center. It's likely a financial
16 services data center if it would be proposed, which is
17 a different type of data center and has a different
18 impact, a lesser impact than an AI data center.

19 And I also do want to add that, although we
20 do have the first and third meetings -- first and third
21 Tuesday meetings every month, we would not be opposed
22 to doing a special meeting if it's appropriate based on
23 -- if we have additional information to share with the
24 town, we could advertise that as well. But like I
25 said, we are more than welcome to come out and ask any

1 questions and we can -- we're happy to address what we
2 can with the knowledge that we have, which
3 unfortunately at this time is very limited and --
4 because we simply don't have a application before us.

5 UNIDENTIFIED: Okay, thanks.

6 MS. BRINN LEVY: Good evening, Commissioners,
7 and thank you for the opportunity to speak. I'm here
8 on behalf of PureGym to describe why allowing 24/7
9 access for gyms and health clubs matters for Nutley
10 residents.

11 MAYOR KELLY: What's your name?

12 MS. BRINN LEVY: Ashley Brinn Levy from Blank
13 Rome. I'd like to request introduction of an amendment
14 to Chapter 538 to add gyms to the exception list in
15 Section 538-1, permitting round-the-clock operations
16 subject to clear conditions. Residents' schedules are
17 not one size fits all. Shift workers, healthcare
18 professionals, first responders, parents, students, and
19 commuters often need safe, reliable fitness access
20 outside traditional hours. Expanded access supports
21 public health and welfare by promoting regular
22 exercise, helping prevent chronic disease, supporting
23 mental health, and offering a safe indoor place to be
24 active.

25 We propose a narrow objective amendment

1 limited to gyms and tied to defined operational and
2 safety criteria, preserving the Board's discretion so
3 any future court applicant must independently meet the
4 same standards.

5 Nearby communities like Clifton, East Orange,
6 and Irvington demonstrate this model works. And here
7 with me tonight, I have the head of U.S. Operations
8 and Security who also would like a chance to speak.

9 We welcome your questions and look forward to
10 collaborating on precise criteria that would meet
11 Nutley's needs.

12 MR. COLLINS: Good evening, everyone. Steve
13 Collins, director of operations. Ashley just covered a
14 bit of it, but I just want to give you kind of an
15 overview of how it will not affect, I guess, the
16 traffic flow in the area. We're quite well-versed in
17 terms of 24/7 and how it impacts potential residents in
18 the -- in the community. Myself, I've worked in the
19 UK. I've worked in Switzerland, and I'm now working in
20 the U.S. So I'm quite well versed in terms of the 24
21 operations.

22 As Ashley said, we've got local sites that
23 will work in 24/7. To give you a bit of a kind of a
24 brief overview, our East Orange actually is a 24/7
25 operation, and between the hours of 11 p.m. at night

1 and 5 in the morning, we have an average of eight
2 visits per hour, which is less than three percent of
3 the total occupancy with the occupancy being at 303 in
4 East Orange.

5 So in terms of the 24/7, it allows the visits
6 instead of all peaking around five, six, seven at
7 night, it allows it to spread out. So you don't get an
8 increased amount of visits in one go. You spread the
9 load, basically. That's just a bit of an overview on
10 kind of operations. I'll hand over to, like, the
11 health and safety professional that will give you a bit
12 of an overview on safety. Yeah.

13 MR. RODRIGUEZ: Good evening, everybody. My
14 name is Josh Rodriguez. I'm the senior manager of loss
15 prevention for PureGym. And again, you know, just to
16 mimic off of what Steve said here is allowing the
17 community the ability to train during these off-peak
18 hours, right? So having the ability to come into a
19 fitness location, not have to wait 20 minutes for a
20 piece of equipment, being able to come in after you
21 worked a 12-hour shift and coming in to just get some
22 training done and work on your wellbeing.

23 From a safety standpoint, right, this is my
24 bread and butter within the organization. We operate
25 with a 24-hour CCTV team that monitors every single one

1 of our locations remotely. This goes into a live feed
2 into our -- what's essentially a GSOC, which is our
3 Central Operations Center, where they're monitoring
4 these cameras and also our emergency help points. We
5 have strategically placed emergency help points
6 throughout the facility in a well-reachable manner for
7 any person to hit an emergency help point, be connected
8 to our CCTV team, and then they can liaison with
9 emergency services or with the gym team themselves to
10 get somebody out to site when needed.

11 We work directly with local law enforcement
12 agencies to make sure that all of our connections are
13 properly versed and that our ECRC is able to
14 communicate directly with the -- with the law
15 enforcement agencies.

16 MAYOR KELLY: So thank you for coming out and
17 sharing all of that with us. As you can probably tell
18 from the previous comments that we like to do our due
19 diligence and basically learn about what this would
20 mean for this town and the residents if we were to go
21 to 24-hour operations for you.

22 What -- I guess I just have some questions
23 that may help start our due diligence process. What
24 are your hours now?

25 MR. COLLINS: So in -- no, sorry. You'll

1 have to bear with me. We are 6 a.m. to 10 p.m., Monday
2 to Friday. And then -- sorry. It's 5 a.m. to 11 p.m.,
3 Monday to Friday. And then weekends is a little bit
4 shorter. But if you just bear with me, I'll have a
5 little look at the exact -- there's quite a few
6 different hours across the sites, but --

7 MAYOR KELLY: You mentioned you have, like,
8 the emergency click buttons.

9 MR. RODRIGUEZ: Yep.

10 MAYOR KELLY: In the hours from 11 to, what
11 is it, 5 or 6, how many clicks do you get on a night --
12 on -- based -- from all your other sites that are open
13 during those hours?

14 MR. RODRIGUEZ: On average, per club, it's
15 usually about one or less. And typically, those
16 emergency calls that are coming in are just member-
17 related questions, like, I left something in my locker,
18 or is there a way for me to speak to a member of staff
19 in regards to my membership or something? It's
20 membership-related questions, not emergency-related
21 questions.

22 MAYOR KELLY: And I guess how often is a
23 police, fire, or EMT sent out to a site in the middle
24 of the night?

25 MR. RODRIGUEZ: Yeah. So we're still

1 assessing from a group whole. However, they're very
2 low. Since we've gone 24/7 in the last, what is it,
3 four months now, five months, actually, we've had one
4 emergency service call during those overnight hours.

5 MAYOR KELLY: And during these overnight
6 hours, is the -- is it staffed with personnel or is it
7 -- do you swipe in with a member ID or something like
8 that?

9 MR. RODRIGUEZ: Yeah. So we have controlled
10 access in all of our locations, which is based off of
11 this pod system. Essentially, you, as a member, scan
12 your membership QR code, one door opens, you enter into
13 this pod, the door closes behind you, and then the
14 secondary door opens in front of you. So limiting
15 access to one person to enter and exit at a time.

16 In respect to emergency evacuations and
17 things like that, we also have our ADA door, which also
18 acts as an emergency evacuation route in the event of
19 an emergency, which is manned with a mechanical crash
20 bar. So there's no technology needed or special
21 knowledge needed in order to evacuate the facility.

22 Now, just going back to that controlled
23 access piece, yes, it is one person at a time. And
24 during those overnight hours, they are staffed remotely
25 with our CCTV team.

1 MAYOR KELLY: And I guess just to kind of
2 throw a hypothetical out there, let's say we go down
3 this path and we think we may be able to come up with a
4 compromise and let you guys operate 24 hours with the
5 caveat that you have to have someone physically present
6 on the site. Is that a deal breaker? You're nodding
7 yes.

8 MR. COLLINS: Yeah. I guess it's how, like,
9 the model was created. So it was created on the three
10 fundamentals and one was a low cost to make it more
11 affordable to everyone. And the way to do that was
12 strip down, like, staffing costs. Now, we've obviously
13 got staff in from 6 in the morning until 10 p.m., so we
14 cover the big footfall areas, but to staff overnight
15 would be a deal breaker, yeah.

16 MAYOR KELLY: Okay.

17 MR. COLLINS: And just -- sorry, on the
18 hours, it's -- it was 5 to 11, Monday to Thursday, 5 to
19 10 Fridays, 7 until 7 on weekends.

20 MAYOR KELLY: Sure. I understand you have
21 multiple sites and it's tough to keep track. I don't
22 have any more questions at this time. Do you guys have
23 --

24 COMMISSIONER PETRACCO: Which -- what is the
25 membership you have here in Nutley?

1 MR. COLLINS: How much is it? 26.99.

2 COMMISSIONER PETRACCO: No, not the price.

3 How many people do you have attending the gym?

4 MR. COLLINS: Attending the gym --

5 COMMISSIONER PETRACCO: The membership, yeah.

6 MR. COLLINS: -- in terms of, like, per day
7 or per week?

8 COMMISSIONER PETRACCO: The whole per --
9 like, what's the --

10 MAYOR KELLY: Total member count?

11 COMMISSIONER PETRACCO: -- volume?

12 MR. COLLINS: The total member count? About
13 three and a half thousand.

14 COMMISSIONER PETRACCO: What is it?

15 MR. COLLINS: 3,500.

16 COMMISSIONER PETRACCO: 3,500 in Nutley?

17 MR. RODRIGUEZ: Yep.

18 MR. COLLINS: Yeah. But you have to remember
19 there's sleeper members as a percentage in that as
20 well. So you don't get all 3,500 members attending the
21 gym every single week. So approximately 30 percent, 40
22 percent --

23 COMMISSIONER PETRACCO: Right.

24 MR. COLLINS: -- will not actively attend the
25 gym over, like, a 45-day period.

1 MR. RODRIGUEZ: Yeah. And some may be
2 residents of Nutley, may have their home gym as Nutley,
3 but may work out in Irvington or Newark and partake in
4 those gyms.

5 COMMISSIONER PETRACCO: Okay. Well, I mean,
6 this -- being the public safety director here in town,
7 I mean, I -- you know, I mean, I'm sure we could talk
8 about it, but I'm just really thinking, is there really
9 a need in Nutley? Because, you know, a lot of times
10 I'll drive around with our midnight shift guys and
11 stuff like that. I mean, it's really it gets quiet
12 here at night. I mean, do you feel that there's -- is
13 this a model that you want to follow worldwide if you
14 guys are? Or is it just, you know, in the U.S.?

15 I mean, I don't -- me personally, I don't see
16 a big need for it here in Nutley. Even in, like, if
17 you're in East Orange, which is a city compared to a --
18 to a township, and you're only having eight guys, you
19 know, eight members go there a night, why is it a big
20 push for you to have?

21 COMMISSIONER PETRACCO : Eight and -- well, for
22 five hours, right? They're open until 11 ordinarily.

23 MR. COLLINS: Yeah. 11 p.m., yeah.

24 COMMISSIONER PETRACCO: Oh, I'd just like an
25 answer to that.

1 MR. COLLINS: Yeah. I mean, we don't get
2 massive usage. As I alluded to earlier, an average of
3 eight visits between 11 and 5. But eight times five is
4 40 more people allowing more accessible -- I mean, we
5 don't have locations where we don't have any visits
6 between 11 p.m. and 5 a.m. in any of our sites across
7 any market across the world.

8 So we'll always get that, like, small
9 percentage of people. And it will be a small
10 percentage of people that use it, but it still opens it
11 up to an extra 40 people or a bit more in Nutley.

12 COMMISSIONER PETRACCO: Do you think those 40
13 people wouldn't patronize your place if you're not open
14 24/7?

15 MR. COLLINS: Sorry. Say that again, sorry.

16 COMMISSIONER PETRACCO: I said, do you think
17 that those -- well, let -- let's say it's 40 people in
18 Nutley.

19 MR. COLLINS: Yeah.

20 COMMISSIONER PETRACCO: Which -- do you think
21 that you would lose that business because you're not
22 24/7?

23 MR. COLLINS: Yeah. Yeah, yeah, I would.
24 Because it's not just, like, shift workers. It's just
25 preference as well. You know, people could be on a 3

1 until 11 shift and decide that they want to go to the
2 gym after work. Some people actually have their kids
3 to put down on a nighttime. They go to the gym at
4 10 p.m. Actually, we're shutting at 11. It's too
5 tight to get a 90-minute workout in. So there's a lot
6 of factors. It's not just shift workers. It's just
7 convenience.

8 COMMISSIONER PETRACCO: Okay. Okay. Thank
9 you.

10 MR. COLLINS: Of course. Thank you very
11 much.

12 COMMISSIONER SCARPELLI: Yeah. I mean, I
13 have a bunch of concerns. One is the increase in
14 public safety and going into our municipal lot. You
15 have a senior citizens building right next door. You
16 know, 40 cars slamming between 11 and 5 in the morning
17 seems like that could be a little disturbing to me. I
18 worry about safety. You know, no one's spotting
19 anybody. Everybody's working out and you're depending
20 on a camera to alert, you know, EMS. That kind of
21 bothers me. And I understand it's your business, but
22 when we have to approve it, it becomes our
23 responsibility. And I worry about the -- even
24 cleanliness, hygiene. No one there cleaning the
25 toilets, wiping down the machines. It's -- I don't
 know. I have a lot of concerns.

1 MR. COLLINS: Yeah.

2 MR. RODRIGUEZ: Yeah. We would be more than
3 happy to walk you through a location, right? I think
4 it'd be great to get your eyes and see how the business
5 operates. Just to piggyback on some of your concerns
6 there, obviously one, parking, you know, the lot is
7 relatively large, right? And we don't -- we already
8 don't see the overusage in that lot during our normal
9 operating hours, right, unless there's something
10 special going on. So during those overnight hours,
11 we'll see a minimum -- a minimal amount of traffic in
12 those lots.

13 Now, when it comes to the surveillance of the
14 clubs, again, our CCTV team is quite robust, right? We
15 -- we've operated in the UK for several years now,
16 taking this business model into several other
17 countries, including the U.S. now. This puts us in a
18 position to fully understand how this operation can
19 work and what are our true risks for operating during
20 these unstaffed periods.

21 And you're 100 percent right, right? If
22 somebody -- if there was an emergency, what was to
23 happen, what is the expectation there, right? And the
24 expectation and what we've completed in our emergency
25 action plans is making sure that every single site has

1 eyes on it within a specific amount of time, right?

2 And making sure that, in the event of an emergency, if
3 an emergency help point is activated, those
4 individuals, those CCTV operators, put them as a number
5 one priority while they're operating their function
6 there.

7 So that's two things. One, they're first aid
8 certified. So they're able to provide some knowledge
9 on any type of first aid injuries. But they also have
10 a secondary line where they're able to constantly keep
11 in contact with the member that's there in the club
12 while simultaneously contacting emergency services. So
13 we're able to keep that constant communication between
14 the member and emergency services until emergency
15 services arrives.

16 Now, again, we haven't had a significant
17 amount of incidents that happen during those overnight
18 hours. What we do see a lot of during the overnights
19 is just member-related issues, just trying to find out,
20 you know, how do I log into the app? How do I change
21 my home club? Things like that. And we've only had
22 one medical emergency, which was followed from our EAP
23 completely through and through.

24 COMMISSIONER SCARPELLI: Those are on the
25 other sites, not on the Nutley site, correct?

1 MR. RODRIGUEZ: Not on the Nutley side.

2 Correct.

3 MR. COLLINS: And just to add to that point
4 as well. Well, not a specific point, but we have
5 defibrillators and first aid boxes at -- right at the
6 front of the entrance in all of our locations, which
7 are checked obviously weekly to make sure they're still
8 working and they're fully stocked. So that's one
9 thing. And I will say that people are more safer in
10 the gym to have that facility and have the defib
11 readily available and to have people ready to react
12 rather than being on the street where there's not one.

13 COMMISSIONER TUCCI: That may be the case,
14 but if you have members that don't know how to use
15 those defibrillators, they're pretty much useless.

16 MR. COLLINS: Well, I would say on that
17 point, they're actually self-explanatory. So when you
18 open up, it talks you through a one two, three step
19 of --

20 COMMISSIONER TUCCI: But we are -- but we're
21 talking about is civilians. We're not talking about
22 trained EMS professionals --

23 MR. RODRIGUEZ: Yeah. So there is an audible
24 --

25 COMMISSIONER TUCCI: -- correct? Those that

1 are -- that are there.

2 MR. COLLINS: He did.

3 COMMISSIONER TUCCI: And basically, I mean,
4 for 40 people, and I wouldn't want to deny 40 people
5 the right to exercise and stay healthy.

6 MR. COLLINS: Yeah.

7 COMMISSIONER TUCCI: I think that's a good
8 thing. As the parks director, it's something that I
9 would encourage. All right. But not having someone
10 there and, you know, and I understand your need to have
11 this Nutley site fit into your worldwide model, all
12 right, but I don't know. It's something I'd have to
13 give some serious consideration to.

14 MR. RODRIGUEZ: Yeah. And we're more than
15 happy to answer any additional questions, walk you guys
16 through our operation, even walk you through especially
17 director of public safety, our emergency action plans,
18 right? What do we do in the event of an emergency? We
19 are more than happy to have these conversations with
20 all of you to move forward.

21 COMMISSIONER TUCCI: I appreciate that.

22 MR. RODRIGUEZ: Yeah.

23 COMMISSIONER EVANS: Just a quick question.
24 Is it 40 new members or is it some additional amount
25 with repeats?

1 MR. RODRIGUEZ: It's a mixture.

2 MR. COLLINS: It's a mixture. Yeah. And the
3 40 is an average of eight visits per hour over the six
4 hours.

5 MR. RODRIGUEZ: So how many visits -- how
6 many members would that actually -- how many members
7 would you actually -- that actually be, number-wise?

8 Like active --

9 MR. COLLINS: Actual members?

10 COMMISSIONER EVANS: The actual members,
11 yeah.

12 MR. COLLINS: I'd have to get back to you on
13 that point, but it wouldn't be the -- far off, like the
14 40, 50 mark.

15 MR. RODRIGUEZ: Yeah. And during those --
16 that overnight period, people who are prospects, so
17 people who aren't members who want to gain access to
18 the facility, we have information stations where they
19 scan a QR code and they're able to sign up and get a
20 pass in for the day. So we know specifically who is in
21 the building at any given time.

22 COMMISSIONER EVANS: And basic membership is
23 \$26 a month?

24 MR. COLLINS: Uh-huh.

25 COMMISSIONER EVANS: So for 40 people, 12

1 months, you're talking about maybe somewhere around 13
2 grand.

3 MR. COLLINS: Uh-huh.

4 COMMISSIONER EVANS: Well, where's the
5 economics?

6 MR. COLLINS: Well, I guess our model was
7 made on three fundamentals. It was low cost, it was
8 24/7, and no contract. That's how it was born, like,
9 PureGym. So we're sticking to our kind of ethos and
10 making it accessible to everyone and everyone welcome.

11 And so it's not about the profit. Obviously,
12 a small proportion of the profit comes with it, but
13 it's not about the profit as you just done the quick
14 maths. It's about having it accessible to everyone.

15 COMMISSIONER EVANS: Are you profitable?

16 MR. COLLINS: Yes. Very.

17 COMMISSIONER EVANS: So does this matter to
18 your profit?

19 MR. COLLINS: It doesn't --

20 COMMISSIONER EVANS: Great.

21 MR. COLLINS: -- no, like, in terms of it --
22 it'd be a small drop in the ocean in terms of, like,
23 the profit. But it's our ethos.

24 COMMISSIONER EVANS: Appreciate that.

25 MR. COLLINS: Yeah.

1 COMMISSIONER PETRACCO: Just one other
2 question I have is what if somebody was, you know,
3 needed an EMT, police? How would the police officer or
4 the EMT gain access to the gym?

5 MR. RODRIGUEZ: Yeah. So if it was activated
6 by an emergency call point, the CCTV team would already
7 know that they're coming. They -- they'd be the ones
8 who would've -- who would've called, right? We give
9 remote -- they have remote access to open any of the
10 doors at any given time.

11 COMMISSIONER PETRACCO: So they would, like
12 MR. RODRIGUEZ: So they would remotely open up that ADA
13 door, allowing a stretcher or anything that needs to be
14 put in brought in.

15 MR. COLLINS: And there's also a number that
16 they can call on the door, isn't there --

17 MR. RODRIGUEZ: Yeah.

18 MR. COLLINS: -- as well?

19 MR. RODRIGUEZ: There is a number posted on
20 the door as well.

21 MR. COLLINS: Yeah.

22 MR. RODRIGUEZ: For -- in the event of law
23 enforcement showing up for potentially a locker theft
24 or something like that and they came to investigate, we
25 have no knowledge that you guys are going to show up.

1 They can call that number or hit the emergency help
2 point in that lobby area and they'll open up the door
3 for them.

4 MR. COLLINS: Yeah.

5 COMMISSIONER PETRACCO: So if the police
6 department was going there and they weren't called, how
7 would they gain access to the lobby to get into the
8 gym?

9 MR. RODRIGUEZ: Yeah.

10 COMMISSIONER PETRACO: They would have to call the
11 number there?

12 MR. RODRIGUEZ: Either that number or hit
13 that emergency help point and they'll open the door for
14 them.

15 COMMISSIONER PETRACCO: Okay.

16 COMMISSIONER SCARPELLI: Do you have locker rooms
17 there?

18 MR. RODRIGUEZ: We do.

19 MR. COLLINS: Yeah.

20 COMMISSIONER SCARPELLI: Do you have cameras
21 in the locker room?

22 MR. RODRIGUEZ: Not inside. Entering the
23 locker rooms. It's a secured space.

24 COMMISSIONER SCARPELLI: Yeah.

25 MR. RODRIGUEZ: But we do have help points

1 located inside the locker rooms as well.

2 COMMISSIONER SCARPELLI: Okay. I just worry
3 about other things that could happen in the locker
4 room --

5 MR. RODRIGUEZ: Yeah.

6 COMMISSIONER SCARPELLI: -- at 2 in the
7 morning.

8 MAYOR KELLY: So I want to thank you guys for
9 coming out. We appreciate your time. And I know it
10 was a longer meeting than you probably expected. But
11 like I said, we like to do our due diligence on
12 anything --

13 MR. RODRIGUEZ: Of course.

14 MAYOR KELLY: -- and so we'll certainly do
15 our due diligence in this.

16 COMMISSIONER PETRACCO:: Mayor, maybe we
17 should just ask them one final question. Maybe they're
18 looking to open up a really big gym on the Cathedral
19 Ave. site. I -- we might have some vacant land there
20 for you guys. We can solve all our problems.

21 MR. RODRIGUEZ: Yeah. (Indiscernible) the
22 gym.

23 MR. COLLINS: Can it be 24/7?

24 COMMISSIONER PETRACCO: Yeah.

25 MAYOR KELLY: Thank you, guys for your time.

1 MR. COLLINS: Yes. Thank you very much.

2 MAYOR KELLY: Okay. At this time, we have a
3 need for executive session. Is that correct,
4 Mr. Bruno?

5 MR. BRUNO: We do, Mayor, to discuss contract
6 negotiations and potential litigation.

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

9 COMMISSIONER PETRACCO: Second.

10 MADAM CLERK: Whereas Section 8 of the Open
11 Public Meeting Act, Chapter 231, Public Law 1975,
12 permits the exclusion of the public for meeting in
13 certain circumstances and whereas the public body is of
14 the opinion that such circumstances exist; and whereas
15 the Board of Commissioners of the Township of Nutley in
16 the County of Essex in State of New Jersey desires to
17 proceed to closed executive session and now therefore
18 be it resolved that the Board of Commissioners of the
19 Township of Nutley move into closed executive session
20 to discuss contract negotiations and potential
21 litigation.

22 Did you say potential litigation? Okay.

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

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

6 Commissioner Evans?

7 COMMISSIONER EVANS: Aye.

8 MADAM CLERK: Commissioner Tucci?

9 COMMISSIONER TUCCI: Aye.

10 MADAM CLERK: Commissioner Scarpelli?

11 COMMISSIONER SCARPELLI: Aye.

12 MADAM CLERK: Commissioner Petracco?

13 COMMISSIONER PETRACCO: Aye.

14 MADAM CLERK: Mayor Kelly?

15 MAYOR KELLY: Aye.

16 COMMISSIONER TUCCI: Motion to adjourn.

17 MAYOR KELLY: Our next meeting is Tuesday,

18 July 21st at 7 p.m.

19 Thank you.

20 MADAM CLERK: Thank you. Commissioner Evans?

21 COMMISSIONER EVANS: Aye.

22 MADAM CLERK: Commissioner Tucci?

23 COMMISSIONER TUCCI: Yeah. Absolutely.

24 MADAM CLERK: Commissioner Scarpelli?

25 COMMISSIONER SCARPELLI: (No audible

1 response)

2 MADAM CLERK: Commissioner Petracco?

3 COMMISSIONER PETRACCO: (No audible response)

4 MADAM CLERK: Mayor Kelly?

5 MAYOR KELLY: (No audible response)

6 MADAM CLERK: The time is 9:11.

7 (End of recording)

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

16
17 I, Alicia Jarrett, transcriber, hereby
18 certify that the foregoing is a correct transcript from
19 the recording provided

20 
21
22

23 _____
24 ALICIA JARRETT, AAERT NO. 428

DATE: July 22, 2026

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