

In The Matter Of:

In RE: Nutley Board of Commissioners

Transcript of Proceedings

July 21, 2020

Public Session



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

Min-U-Script®

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

TOWNSHIP OF NUTLEY BOARD OF COMMISSIONERS
ONE KENNEDY DRIVE
3RD FLOOR COMMISSION CHAMBERS
NUTLEY, NEW JERSEY 07110

*** PUBLIC SESSION ***

DATE: July 21, 2020

BOARD OF COMMISSIONERS:

- MAURO G. TUCCI, MAYOR
- JOSEPH P. SCARPELLI, COMMISSIONER
- ALPHONSE PETRACCO, COMMISSIONER
- THOMAS J. EVANS, COMMISSIONER
- JOHN V. KELLY III, COMMISSIONER

Also Present:

- ALAN GENITEMPO, TOWNSHIP ATTORNEY

1 (Recording begins)

2 MAYOR TUCCI: Okay. Would everyone please
3 stand for the Pledge of Allegiance?

4 (Pledge of Allegiance)

5 MAYOR TUCCI: Thank you. Madam Clerk,
6 Sunshine Notice, please?

7 THE CLERK: Yes, Mayor. Board of
8 Commissioners Public Meeting, Tuesday, July 21st, 2020.
9 The time is 7:13. Pursuant to the requirements of the
10 Open Public Meeting Act, Chapter 231, Public Law 1975,
11 notice of this meeting was published in the
12 November 28th, 2019 issues of the Nutley Sun, the
13 Herald News, and the Star Ledger. In an effort to
14 prevent further spread of COVID-19, the public meetings
15 for the remainder of the year 2020 have been changed to
16 Zoom Webinar, or teleconference meetings until further
17 notice. Notices of meeting revisions were published in
18 the May 13th, 2020 issue of the Star Ledger, May 2nd
19 issue of the Herald News, TAPintoNutley.net, and
20 through the township's alert system. The public will
21 be able to listen to Board of Commissioners meeting,
22 and participate during the designated public comment
23 portions of the meeting by utilizing access through a
24 URL link or dial-in numbers provided on the township
25 website. Commissioner Kelly?

Public Session

3

1 COMMISSIONER KELLY: Present.

2 THE CLERK: Commissioner Evans?

3 COMMISSIONER EVANS: Here.

4 THE CLERK: Commissioner Petracco?

5 COMMISSIONER PETRACCO: Here.

6 THE CLERK: Commissioner Scarpelli?

7 COMMISSIONER SCARPELLI: Here.

8 THE CLERK: Mayor Tucci.

9 MAYOR TUCCI: Here.

10 THE CLERK: All present, Mayor.

11 MAYOR TUCCI: Thank you. I see we have
12 minutes for June 16th?

13 THE CLERK: Yes. June 16th regular minutes.
14 I need a motion, please?

15 COMMISSIONER SCARPELLI: Move the minutes.

16 COMMISSIONER PETRACCO: Second.

17 THE CLERK: Commissioner Kelly?

18 COMMISSIONER KELLY: Aye.

19 THE CLERK: Commissioner Evans?

20 COMMISSIONER EVANS: Aye.

21 THE CLERK: Commissioner Petracco?

22 COMMISSIONER PETRACCO: Aye.

23 THE CLERK: Commissioner Scarpelli?

24 COMMISSIONER SCARPELLI: Aye.

25 THE CLERK: Mayor Tucci?

Public Session

4

1 MAYOR TUCCI: Aye. Communications, Madam
2 Clerk?

3 THE CLERK: Yes, Mayor. Holy Family Church
4 has submitted a letter requesting permission to hold
5 raffles on Sunday, December 27th, at their location on
6 28 Brookline Avenue, Nutley, New Jersey. I need a
7 motion, please.

8 COMMISSIONER PETRACCO: Move it.

9 COMMISSIONER SCARPELLI: Second.

10 THE CLERK: Commissioner Kelly?

11 COMMISSIONER KELLY: Aye.

12 THE CLERK: Commissioner Evans?

13 COMMISSIONER EVANS: Aye.

14 THE CLERK: Commissioner Petracco?

15 COMMISSIONER PETRACCO: Aye.

16 THE CLERK: Commissioner Scarpelli?

17 COMMISSIONER SCARPELLI: Aye.

18 THE CLERK: Mayor Tucci?

19 MAYOR TUCCI: Aye.

20 THE CLERK: That's it for communications,
21 Mayor. Thank you.

22 MAYOR TUCCI: Thank you. Reports?
23 Commissioner Evans?

24 COMMISSIONER EVANS: Yes, Mayor. I have a
25 Code Enforcement report for the month of June, as well

1 as for the second quarter of 2020.

2 MAYOR TUCCI: Thank you. Commissioner
3 Petracco?

4 COMMISSIONER PETRACCO: Yes. I have my
5 Public Safety report for the month of June also. Thank
6 you, Mayor.

7 MAYOR TUCCI: Thank you. Bills, please?

8 THE CLERK: Yes, Mayor. Bill list for
9 July 21st, 2020. Public Affairs, \$133,227.65; Revenue
10 and Finance, \$3,373,063.78; Public Safety, \$43,953.68;
11 Public Works, \$219,573.73; Parks and Public Property,
12 \$404,516.90; Water Utility, \$20,118.70. Payroll for
13 Friday, July 10th, 2020, Regular Payroll Total,
14 \$790,060.45; Overtime Payroll Total, \$43,124.86;
15 Covid-19 Overtime Payroll Total, \$6,901.70. Total
16 Payroll, \$840,087.01 for a grand total of
17 \$5,033,541.45. I need a motion, please.

18 COMMISSIONER PETRACCO: Move it.

19 COMMISSIONER KELLY: Second.

20 THE CLERK: Commissioner Kelly?

21 COMMISSIONER EVANS: I'd like to move it,
22 too.

23 COMMISSIONER KELLY: Aye.

24 THE CLERK: Thank you. Commissioner Evans?

25 COMMISSIONER EVANS: Aye.

1 THE CLERK: Commissioner Petracco?

2 COMMISSIONER PETRACCO: Aye.

3 THE CLERK: Commissioner Scarpelli?

4 COMMISSIONER SCARPELLI: Aye.

5 THE CLERK: Mayor Tucci.

6 MAYOR TUCCI: Aye.

7 THE CLERK: That's it --

8 MAYOR TUCCI: At --

9 THE CLERK: -- for bills, Mayor.

10 MAYOR TUCCI: At this point in time, we have
11 a need for an executive session, so I will entertain a
12 motion to go into executive.

13 COMMISSIONER EVANS: Move it.

14 COMMISSIONER PETRACCO: Second.

15 THE CLERK: Whereas, Section 8 of the Public
16 -- Open Public Meetings Act, Chapter 231, Public Law
17 1975, permits the exclusion of the public from a
18 meeting in certain circumstances;

19 Whereas, the public body is of the opinion
20 that such circumstance exists;

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

25 Now therefore be it resolved by the Board of

1 Commissioners of the Township of Nutley to move into
2 closed executive session to discuss contract
3 negotiations and potential litigation.

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

11 COMMISSIONER KELLY: Aye.

12 THE CLERK: Commissioner Evans?

13 COMMISSIONER EVANS: Aye.

14 THE CLERK: Commissioner Petracco?

15 COMMISSIONER PETRACCO: Aye.

16 THE CLERK: Commissioner Scarpelli?

17 COMMISSIONER SCARPELLI: Aye.

18 THE CLERK: Mayor Tucci.

19 MAYOR TUCCI: Aye. Thank you. We will be as
20 quick as we can possibly be, but we do have a --

21 (Paused at 05:49)

22 (Resumes at 2:12:55)

23 THE CLERK: Ready?

24 MAYOR TUCCI: Okay. We are back in open
25 session, and we will now take public comment on agenda

1 items only, and everyone please adhere to the three
2 minute time limit.

3 THE CLERK: Should I read the statement now,
4 Mayor?

5 MAYOR TUCCI: Sure.

6 THE CLERK: All persons addressing the Board
7 of Commissioners reading -- regarding community
8 concerns should provide their name and address for the
9 record. Unless further time is granted by the Board,
10 each person shall limit their address to three minutes.
11 All remarks to the Board and its individual members
12 must be addressed to the Mayor. The Mayor may defer
13 citizen comments to the appropriate members of the
14 Board.

15 MR. MOORE: Rory Moore, 462 Chestnut Street.
16 Can you guys hear me?

17 MAYOR TUCCI: Yes, we can hear you,
18 Mr. Moore.

19 MR. MOORE: Mr. Tucci, I have -- Mayor Tucci.
20 I have three questions about the -- I'm trying to bring
21 it up now.

22 MAYOR TUCCI: You have three questions about
23 what?

24 MR. MOORE: The -- the bills. I'm just
25 trying to bring it up. My apologies. We paid the

1 Township of Belleville twice, several hundred dollars.
2 Do you know what that was for? It was on Page 1 and
3 Page 2. I apologize, I don't have it right in front of
4 me, but I'm going to try and find it.

5 MAYOR TUCCI: I don't see it on Page 1, and I
6 don't see it on Page 2, Mr. Moore, let me look --

7 MR. MOORE: I'm trying to bring it up right
8 now, my -- my apologies.

9 MR. GENITEMPO: (Indiscernible).

10 MAYOR TUCCI: And where is that expenditure
11 coming from? Revenue and Finance, or Public Safety?

12 MR. MOORE: Two seconds.

13 MR. GENITEMPO: It's from Public Safety.

14 MAYOR TUCCI: Public Safety. Commissioner
15 Petracco?

16 MR. MOORE: It was paid twice to -- 01976,
17 second page, and down the bottom --

18 COMMISSIONER PETRACCO: What's the dollar
19 amount that you're looking for, though?

20 MAYOR TUCCI: \$455.

21 MR. MOORE: \$455 and the other one is
22 \$617.50.

23 COMMISSIONER PETRACCO: That's for National
24 Fuel.

25 MR. MOORE: No. That's for the Township of

1 Belleville. It's paid twice.

2 COMMISSIONER PETRACCO: I would think at
3 first glance that it's for some kind of training, or --
4 with the police department or the fire department, but
5 I'll be glad to look into it, Rory, and give you an
6 official answer tomorrow.

7 MR. MOORE: And I had one other question that
8 probably fell under yours as well, Mr. Petracco. MAU.
9 Second page, 2001971. MAU Specialists, LLC. \$7500.
10 What is that for?

11 MAYOR TUCCI: Commissioner, that's also in
12 your department, right?

13 MR. MOORE: Yes, it is.

14 COMMISSIONER PETRACCO: I would have to get
15 back to you, Rory, with that. I'll look into that
16 tomorrow morning and also get back to you.

17 MR. MOORE: Okay. Thank you.

18 COMMISSIONER PETRACCO: You're very welcome.

19 MAYOR TUCCI: Is there anyone else that wants
20 to be heard this evening, who wants to comment on
21 agenda items only? Seeing none, we will move right
22 along. Board of Commissioner announcements.
23 Commissioner Evans?

24 COMMISSIONER EVANS: Thank you, Mayor. Just
25 a -- Commissioner Kelly and I have been working on the

1 business reopening committee. There has been some --
2 several inquiries, one from the Chamber of Commerce,
3 and then Mayor, you had collected some information from
4 other business owners, talking about the possible use
5 of a parklet, expanded use of the municipal lots, and
6 possibly closing Franklin Avenue, were the things of
7 the nature -- the things that have been coming up.

8 Initially when we met, there wasn't a lot of
9 interest in doing that, but Commissioner Kelly and I
10 have a call with the Chamber set up on the 27th in the
11 afternoon, so we're going to begin a conversation to
12 further explore what these options might be. So stay
13 tuned, we have more to come, but we have a call
14 scheduled to July 27th.

15 MAYOR TUCCI: Great. Thank you,
16 Commissioner. Commissioner Kelly?

17 COMMISSIONER KELLY: Thank you, Mayor. I
18 just want to say that last week's rabies clinic was a
19 huge success, notwithstanding the extreme heat people
20 had to endure, and their pets had to endure. Our blood
21 drive that we had last week was also hugely successful.
22 We're in the process of planning another blood drive,
23 due to the huge demand, next month, and we're looking
24 into making the blood drive a monthly recurring event,
25 just because there's a large interest in that kind of

1 event. Also, I wanted to point out that the seniors
2 farmers -- Senior Farmer's Market Nutrition Voucher
3 Program is back. The Senior Farmer's Market Nutrition
4 Program promotes nutritional health for New Jersey
5 senior citizens. Participation is for seniors, limited
6 to those seniors who are 60 years of age or older,
7 whose gross income, that's money before taxes and
8 deductions, is no more than \$1,928 per month, or \$908
9 biweekly. You must also have a valid photo ID.
10 Eligible applicants will receive additional Nutley
11 Farmer's Market coupon to be used to purchase fresh
12 fruits and vegetables. If you're interested, please
13 call the Nutley Health Department to apply for the 2020
14 vouchers at (973) 284-4976. We've received a lot of
15 applications so far, but we still have room for more,
16 so please, if you're eligible, please contact us.
17 That's it.

18 MAYOR TUCCI: Thank you, Commissioner.
19 Commissioner Scarpelli?

20 COMMISSIONER SCARPELLI: I have nothing,
21 Mayor.

22 MAYOR TUCCI: Thank you. Commissioner
23 Petracco?

24 COMMISSIONER PETRACCO: Nothing, Mayor.

25 MAYOR TUCCI: Thank you. Then we will move

1 into ordinances. Commissioner Petracco?

2 COMMISSIONER PETRACCO: Yes. My first
3 ordinance introduction is an ordinance to amend an
4 ordinance codified in the Code of the Township of
5 Nutley, Chapter 228, entitled Vehicles and Traffic,
6 particularly Article 7 -- I'm sorry. Excuse me.
7 Article 2, Section 11, entitled Parking and Time
8 Limited. I move that this ordinance be passed to a
9 second reading, and advertised in the Nutley Sun,
10 together with the notice required by law that further
11 consideration said ordinance for final passage by the
12 Board of Commissioners be held at the second reading on
13 August 18th, I believe. I move it.

14 COMMISSIONER SCARPELLI: Second. Second.
15 Second.

16 THE CLERK: Commissioner Kelly?

17 COMMISSIONER KELLY: Aye.

18 THE CLERK: Commissioner Evans?

19 COMMISSIONER EVANS: Aye.

20 THE CLERK: Commissioner Petracco?

21 COMMISSIONER PETRACCO: Aye.

22 THE CLERK: Commissioner Scarpelli?

23 COMMISSIONER SCARPELLI: Aye.

24 THE CLERK: Mayor Tucci.

25 MAYOR TUCCI: Aye.

1 COMMISSIONER PETRACCO: Aye. I'm sorry.
2 Before I read the next ordinance, about the ambulance
3 squad, I just have -- I'd like our Town Counselor to
4 comment, and we also have another attorney, Ramon
5 Rivera, here.

6 MR. GENITEMPO: Thank you, Commissioner
7 Petracco. First, before you read the ordinance, which
8 is 3449, let me just state on the record that the
9 action being taken by the commissioners in introducing
10 this ordinance, is not a reflection at all on the great
11 volunteers and the workers at the Volunteer Rescue
12 Squad, the Nutley Volunteer Rescue Squad. We've been
13 involved in discussions with their management over the
14 last few months in an attempt to have them be
15 transparent with their operation and finances. We have
16 not been successful in getting cooperation, and I think
17 that is clearly the reason why this ordinance is being
18 introduced. We've had multiple discussions. We even
19 agreed to a nondisclosure agreement, but yet they
20 refused to provide the documents.

21 Our position is clear, and I'll let
22 Mr. Rivera speak to this a little bit more, that the
23 Ordinance 60 that's been in existence, and amended
24 since 1953, controls the operations of the squad by the
25 Township, particularly the Public Safety Department,

1 and the refusal of the management to abide by that
2 ordinance is the result -- is what's resulting in this
3 action tonight. I hope that they will reconsider their
4 position on transparency, but this ordinance will be
5 heard at the next meeting. And I defer to Mr. Rivera.
6 If you could please speak to the issues that you are
7 also addressing on behalf of the commissioners? Thank
8 you.

9 MR. RIVERA: Thank you.

10 COMMISSIONER EVANS: Ramon, before you -- you
11 might want to come on camera. (Indiscernible).

12 MR. RIVERA: Here?

13 COMMISSIONER EVANS: You're good.

14 MR. RIVERA: Good evening. Again, my name is
15 Ramon Rivera, and I serve as Special Labor Counsel for
16 the Township of Nutley, and I was asked to assist
17 Mr. Genitempo in the review of the existing ordinance
18 concerning the ambulance services in the township. We
19 did attempt to work this issue out with the Nutley
20 First Aid Squad by requesting information and looking
21 into documents. Unfortunately, we were unable to
22 receive that information.

23 And upon review of the ordinance under 60-8,
24 the Township has the clear authority to dissolve the
25 Nutley First Aid Squad, which is what's on the agenda

1 tonight for first reading. There were significant
2 issues raised upon a review of the documents we did
3 receive, which raised concerns about the operation of
4 the Nutley Squad now.

5 And let me say that the Township will not
6 experience any detriment, based on the fact that the
7 Township has several options in terms of coverage. It
8 could work out the issue with the Nutley First Aid
9 Squad. It could bring in an alternative service
10 through a vendor, or a shared service with the
11 Township, or bring the service into the Township.

12 But my concern upon the relationship was that
13 the Township was not receiving the information it was
14 requesting in order to ensure proper oversight as
15 required in the ordinance. The ordinance requires
16 specifically that the Commissioner of Public Safety
17 approve the department rules and regulations, serve and
18 provide -- be provided information upon request, and
19 absent this information which was not provided, the
20 Township cannot confirm to its residents that this
21 entity is operating in the way that it should in
22 compliance with the ordinance. So based on those
23 reasons, I along with Mr. Genitempo drafted this
24 ordinance to dissolve the Nutley First Aid Squad.

25 COMMISSIONER PETRACCO: Thank you. And just

1 before I read the ordinance also, I want the residents
2 of Nutley to know there won't be any interruption in
3 service. I will provide the service no matter what
4 happens. I urge the Nutley Rescue Squad to also know
5 we are still willing to sit down at the table with you.
6 We didn't want this to come to this, but we are asking
7 to be transparent, and I just can't understand why the
8 ambulance squad does not want to release this
9 information. And not to mention that that's even in
10 our memorandum of agreement.

11 So again, I'm urging you, please, send us the
12 information that we're entitled to for our lawyers to
13 review. I also took a step in good faith, and we are
14 replacing Danny Geltrude, because of the conflict that
15 was out there. So I am, again, trying to take steps so
16 that this action does not have to be taken. However, I
17 think the residents of Nutley, I think this Board of
18 Commissioners, and our mayor, deserves to see
19 documents, and quite frankly, if there's nothing to
20 hide, I don't know why we're not receiving the
21 documents.

22 So I will read Ordinance Number 3449,
23 Ordinance Dissolving the Nutley Volunteer Emergency
24 Rescue Squad.

25 Whereas, pursuant to the Ordinance Section

1 61, the Township of Nutley established the Nutley
2 Volunteer Emergency Rescue Squad, previously known as
3 the Nutley First Aid Squad; and

4 Whereas, Ordinance Number 60-1 to 60-8 sets
5 forth the requirements for the operation and management
6 of the Nutley Emergency Rescue Squad;

7 Whereas, under the Section 60-8 of the
8 Township of Nutley Code, the Township may dissolve the
9 Nutley Emergency Rescue Squad at any time by the Board
10 of Commissioners by adopting an ordinance to that
11 effect; and

12 Whereas, the Township of Nutley has taken
13 appropriate measures to secure alternate basic life
14 support services that will serve as their emergency
15 medical service for the Township upon adoption of this
16 ordinance to dissolve the Nutley Emergency Rescue
17 Squad; and

18 Whereas, the Township of Nutley has concerns
19 over the operation of the function of the existing
20 Nutley Emergency Rescue Squad, due to irregulations in
21 management, and failure to comply with the existing
22 ordinance regarding management of the squad; and

23 Whereas, the Township is committed to
24 ensuring that all of its residents will continue to
25 receive the best care possible for basic life services

1 and seeks to ensure there shall be no threat to the
2 public health, safety, welfare of the residents of the
3 Township of Nutley.

4 Now therefore be it ordained by the
5 Commissioners of the Township of Nutley that the Nutley
6 First Aid Squad shall be dissolved by ordinance. I
7 move that this ordinance be passed to the second
8 reading, and advertised in the Nutley Sun, together
9 with the notice required by law, and that the further
10 consideration of said ordinance for the final passage
11 by the Board of Commissioners be held at its second
12 reading on August 18th. I move the ordinance.

13 COMMISSIONER SCARPELLI: Second.

14 THE CLERK: Commissioner Kelly.

15 COMMISSIONER KELLY: Aye.

16 THE CLERK: Commissioner Evans.

17 COMMISSIONER EVANS: Aye, on the introduction
18 only.

19 THE CLERK: Commissioner Petracco.

20 COMMISSIONER PETRACCO: Aye.

21 THE CLERK: Commissioner Scarpelli?

22 COMMISSIONER SCARPELLI: Before I vote, I
23 just wanted to say that the -- what we have with the
24 Emergency Rescue Squad in the Township of Nutley is
25 what I would call a symbiotic relationship that

1 benefits the township, it benefits the squad, and it
2 benefits our residents. And I'm urging the squad,
3 between now and the public hearing to come to the
4 table. Provide the documentation that is required by
5 you, so that we can move forward. The only way that
6 symbiotic relationship can move forward is if there's a
7 spirit of cooperation and transparency, and quite
8 frankly, you're not being transparent, and I think we
9 have a fiduciary responsibility to the residents to
10 make sure that since you're supported by this township
11 in numerous ways, that you are operating in a -- in the
12 manner that is expected. So I vote yes.

13 THE CLERK: Mayor Tucci.

14 MAYOR TUCCI: Before I vote, I'd like to make
15 two points. The first point is, this was not a
16 question of service. The service that's been provided
17 has been outstanding. All right? This is a question
18 of accountability, and it's very clear in the
19 ordinance, and for those who are not familiar with the
20 terminology, an ordinance is a local law. So this is a
21 Nutley law, that says the director of the Department of
22 Public Safety, all right, is the sole authority here,
23 all right? This is not a vendor/township relationship,
24 all right? The director of Public Safety, who in this
25 case is Commissioner Petracco, is the sole authority

1 over the squad. I vote yes.

2 COMMISSIONER PETRACCO: Thank you.

3 MAYOR TUCCI: Commissioner Kelly?

4 COMMISSIONER KELLY: I have one ordinance
5 here tonight, Ordinance Number 3448. It's an ordinance
6 to amend the salaries of certain officers and employees
7 of the Township of Nutley, County of Essex, State of
8 New Jersey, in the Department of Public Affairs. I
9 move the ordinance, move to the second reading,
10 published in the appropriate publications at the
11 appropriate time, a second hearing for August 18th,
12 2020.

13 COMMISSIONER EVANS: Second.

14 THE CLERK: Commissioner Kelly.

15 COMMISSIONER KELLY: Aye.

16 THE CLERK: Commissioner Evans?

17 COMMISSIONER EVANS: Aye.

18 THE CLERK: Commissioner Petracco?

19 COMMISSIONER PETRACCO: Aye.

20 THE CLERK: Commissioner Scarpelli?

21 COMMISSIONER SCARPELLI: Aye.

22 THE CLERK: Mayor Tucci.

23 MAYOR TUCCI: Aye. We have no ordinances on
24 second reading, and no public hearings this evening.
25 But I unfortunately have to excuse myself, and I'd like

1 to ask Commissioner Evans, who serves as the Deputy
2 Mayor, to please take over the meeting.

3 (Pause)

4 COMMISSIONER EVANS: So let's continue with
5 resolutions. Let's see. Commissioner Kelly, I'd like
6 to thank you for being here tonight. You don't have
7 anything? Commissioner Petracco?

8 COMMISSIONER PETRACCO: Be it resolved by the
9 Board of Commissioners, Township of Nutley, County of
10 Essex, State of New Jersey, Resolution Number 154-20,
11 adopted on July 9th, 2020, entitled, Award of
12 Professional Services Contract to Daniel Geltrude of
13 Geltrude Company, LLC, is hereby rescinded, and just to
14 be clear, that's who we were going to use to audit the
15 Nutley Rescue Squad, but because of people thinking
16 that it was some kind of conflict, even though Danny
17 Geltrude has a stellar record, and is a Nutley
18 resident, also, we are going to rescind it. To show
19 good faith to the squad.

20 MR. GENITEMPO: Commissioner Petracco?

21 COMMISSIONER PETRACCO: Yes.

22 MR. GENITEMPO: Can I read a letter from
23 Mr. Geltrude (indiscernible) the resolution?

24 COMMISSIONER PETRACCO: You sure can.

25 MR. GENITEMPO: And again, the issue of

1 Mr. Geltrude was something that came up after the last
2 meeting, when the Rescue Squad was clamoring that
3 Mr. Geltrude would be auditing himself, which was not
4 what we were planning to do, but we thought that it was
5 best to speak to Mr. Geltrude, and he wrote this letter
6 to me.

7 "Dear Mr. Genitempo, this letter will confirm
8 our telephone conversation of July 10th, advising you
9 of my decision to rescind our firm's proposal dated
10 July 2nd, 2020. The proposal was to perform agreed
11 upon procedures on behalf of the Township of Nutley for
12 the Nutley Volunteer Emergency Rescue Squad, in
13 accordance with attestation standards established by
14 the American Institute of Certified Public Accountants.
15 I want to clarify that the proposal was not to audit or
16 re-audit the financial statements of the Nutley
17 Volunteer Emergency Rescue Squad on behalf of the
18 Township. In fact, the word audit does not appear
19 anywhere in my -- in the proposal. With that said, my
20 decision to rescind was based on the spirit of amicable
21 compromise so that the Township and the Nutley
22 Volunteers Emergency Rescue Squad may resolve their
23 differences expeditiously. Feel free to contact me if
24 you have any questions regarding the letter, or any
25 other matter we may assist you with. Very truly yours,

1 Mr. Geltrude."

2 Thank you, Mr. Geltrude.

3 COMMISSIONER SCARPELLI: I'll second the
4 motion.

5 THE CLERK: Commissioner Kelly.

6 COMMISSIONER KELLY: Yes. I agree that this
7 was not a conflict. However, this was a step taken in
8 good faith, so I will vote aye.

9 THE CLERK: Commissioner Evans?

10 COMMISSIONER EVANS: Aye.

11 THE CLERK: Commissioner Petracco?

12 COMMISSIONER PETRACCO: Aye.

13 THE CLERK: Commissioner Scarpelli?

14 COMMISSIONER SCARPELLI: Aye.

15 COMMISSIONER EVANS: I have three resolutions
16 myself, and just for expediency, I'll read Mayor
17 Tucci's. All right.

18 My first resolution is, be it resolved by the
19 Board of Commissioners of the Township of Nutley, the
20 State of New Jersey, County of Essex, that the
21 Treasurer be and she is hereby authorized to refund
22 overpayment of tax charges for \$1,981.17 for Block
23 8200, Lot 8, so move.

24 COMMISSIONER KELLY: Second.

25 THE CLERK: Commissioner Kelly.

1 COMMISSIONER KELLY: Aye.

2 THE CLERK: Commissioner Evans.

3 COMMISSIONER EVANS: Aye.

4 THE CLERK: Commissioner Petracco.

5 COMMISSIONER PETRACCO: Aye.

6 THE CLERK: Commissioner Scarpelli?

7 COMMISSIONER SCARPELLI: Aye.

8 COMMISSIONER EVANS: One -- Resolution 159-
9 20. Whereas, N.J.S.A. 40A:5-4 requires the governing
10 body of every local unit to have made an annual audit
11 of its books, accounts, and financial statements; and

12 Whereas, the annual report of audit for the
13 year 2019 has been filed by a registered municipal
14 accountant with the Municipal Clerk, pursuant to
15 N.J.S.A. 40A:5-6, and a copy has been received by each
16 member of the governing body; and

17 Whereas, R.S. 52:27BB-34 authorizes the local
18 finance board of the State of New Jersey to prescribe
19 reports pertaining to local fiscal affairs; and

20 Whereas, the Local Finance Board has
21 promulgated a regulation requiring that the governing
22 body of each municipal body shall by resolution certify
23 to the Local Finance Board of the State of New Jersey
24 that all the members of the governing body have
25 reviewed, as a minimum, the sections of the annual

1 report entitled General Comments and Recommendations;
2 and

3 Whereas, the members of the governing body
4 have personally reviewed, as a minimum, the annual
5 report audit and specifically, the section entitled
6 General Comments and Recommendations, as evidenced by
7 the group affidavit form of the governing body attached
8 hereto;

9 Whereas, such resolution and certification
10 shall be adopted by the governing body no later than 45
11 days after receipt of the annual audit; and

12 Whereas, all members of the governing body
13 have received and have familiarized themselves with at
14 least the minimum requirements of the Local Finance
15 Board of the State of New Jersey;

16 Whereas, failure to comply with the
17 promulgated -- promulgations of the Local Finance Board
18 of the State of New Jersey may subject the members of
19 the local governing body to the penalty provisions by
20 law.

21 Now therefore be it resolved that the Board
22 of Commissioners of this Township of Nutley, County of
23 Essex, State of New Jersey, hereby states that it has
24 complied with N.J.A.C. 5:30-6.5, and does hereby submit
25 a certified copy of this resolution and the required

1 affidavit to said board to show evidence of said
2 compliance. So move.

3 COMMISSIONER PETRACCO: Second.

4 THE CLERK: Commissioner Kelly.

5 COMMISSIONER KELLY: Aye.

6 THE CLERK: Commissioner Evans?

7 COMMISSIONER EVANS: Aye.

8 THE CLERK: Commissioner Petracco?

9 COMMISSIONER PETRACCO: Aye.

10 THE CLERK: Commissioner Scarpelli?

11 COMMISSIONER SCARPELLI: Aye.

12 COMMISSIONER EVANS: My next resolution is an
13 amendment to our interim budget in an amount of
14 \$11,001. This specifically relates to our shared
15 services arrangement with the Health Officer for the
16 Township of Montclair. So move.

17 COMMISSIONER KELLY: Second.

18 THE CLERK: Commissioner Kelly.

19 COMMISSIONER KELLY: Aye.

20 THE CLERK: Commissioner Evans?

21 COMMISSIONER EVANS: Aye.

22 THE CLERK: Commissioner Petracco.

23 COMMISSIONER PETRACCO: Aye. Aye.

24 THE CLERK: Commissioner Scarpelli?

25 COMMISSIONER SCARPELLI: Aye.

1 COMMISSIONER EVANS: Those are my
2 resolutions. I'll now read Mayor Tucci's resolutions.
3 He has two.

4 Whereas, a raffle application has been
5 received from the following organization; Holy Family
6 Catholic Church, License Number 22-20, off-premise
7 50-50 raffle for Sunday, December 27th, 2020;

8 Whereas, the application has been reviewed
9 and approved by the Municipal Clerk and the Police
10 Department.

11 Now therefore be it resolved by the Board of
12 Commissioners of the Township of Nutley, County of
13 Essex, State of New Jersey, that the aforementioned
14 license is approved, and the Municipal Clerk is
15 authorized to issue said license. So move.

16 COMMISSIONER KELLY: Second.

17 THE CLERK: Commissioner Kelly.

18 COMMISSIONER KELLY: Aye.

19 THE CLERK: Commissioner Evans.

20 COMMISSIONER EVANS: Aye.

21 THE CLERK: Commissioner Petracco.

22 COMMISSIONER PETRACCO: Aye.

23 THE CLERK: Commissioner Scarpelli.

24 COMMISSIONER SCARPELLI: Aye.

25 COMMISSIONER EVANS: The last resolution is a

1 resolution authorizing the Township to be included in
2 the Essex County Urban County Community Development
3 Program for the program years 20 -- 2021 through 2023.
4 This is an agency that -- for qualifying improvements
5 by a township. We get to participate in the Community
6 Block Grant Program, which has been very beneficial to
7 the Township over the years.

8 Now therefore be it resolved by the Mayor and
9 the Board of Commissioners of the Township of Nutley
10 that it hereby authorizes the Mayor to execute the
11 attached cooperation agreement, and notifies the Essex
12 County Division of Community Development of its
13 decision to be included as a participant municipality
14 in the Urban County entitlement programs being the
15 Community Development Block Grant Program and Home
16 Investment Partnership Act Program for the program
17 years 2021, 2022, and 2023. Let's see. Beginning
18 June 1, 2021, through May 31st, 2023.

19 Be it further resolved that a copy of this
20 resolution be forwarded to the Essex County Division of
21 Housing and Community Development no later than
22 August 3rd, 2020. So move.

23 COMMISSIONER KELLY: Second.

24 THE CLERK: Commissioner Kelly.

25 COMMISSIONER KELLY: Aye.

1 THE CLERK: Commissioner Evans.

2 COMMISSIONER EVANS: Aye.

3 THE CLERK: Commissioner Petracco.

4 COMMISSIONER PETRACCO: Aye.

5 THE CLERK: Commissioner Scarpelli.

6 COMMISSIONER SCARPELLI: Aye.

7 COMMISSIONER EVANS: That concludes the
8 formal --

9 COMMISSIONER SCARPELLI: You skipped over me,
10 Mr. Mayor.

11 COMMISSIONER EVANS: Oh, I'm sorry. Did I?
12 No?

13 COMMISSIONER PETRACCO: He has a resolution.

14 COMMISSIONER SCARPELLI: I have one
15 resolution.

16 COMMISSIONER EVANS: I'm sorry. I'm sorry I
17 missed that.

18 COMMISSIONER SCARPELLI: That's all right.

19 Whereas, the Township of Nutley advertised
20 for proposals for the marketing of recycled materials;

21 Whereas, the request for proposals for the
22 marketing of recycled materials were accepted by the
23 Township Clerk on June 24th, 2020; and

24 Whereas, the Township of Nutley reviewed and
25 analyzed all submitted proposals; and

1 Whereas, the proposal received from Integrity
2 Recycling Waste Solutions, 111 Route 31, Flemington,
3 New Jersey, is the most favorable proposal for the
4 Township of Nutley; and

5 Whereas, Integrity Recycling Waste Solutions
6 is being recommended for a three-year contract, with
7 two one-year options for a contract extensions,
8 effective on October 1st, 2020;

9 Whereas, funds are available from Account
10 Number 001-423-209 in the amount not to exceed
11 \$120,000, and have been certified by the Chief
12 Financial Officer, said certification having been
13 attached to this resolution.

14 Now therefore be it resolved by the Board of
15 Commissioners of the Township of Nutley, County of
16 Essex, State of New Jersey, that a contract be awarded
17 to Integrity Recycling and Waste Solutions, and that
18 the Mayor and the Township Clerk are hereby authorized
19 to enter into and sign said contract for the Township
20 of Nutley Board of Commissioners. I move the
21 resolution.

22 COMMISSIONER PETRACCO: Second.

23 THE CLERK: Commissioner Kelly.

24 COMMISSIONER KELLY: Aye.

25 THE CLERK: Commissioner Evans.

1 COMMISSIONER EVANS: Aye. And again,
2 Commissioner, I apologize.

3 THE CLERK: Commissioner Petracco.

4 COMMISSIONER PETRACCO: Aye.

5 THE CLERK: Commissioner Scarpelli.

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

8 COMMISSIONER EVANS: Okay. Thank you. So
9 that concludes the formal portion of our agenda. We
10 will need to go into an executive session following
11 this public portion of the meeting. However, we can
12 open it up to public comments now. Clerk, would you
13 please read the notice?

14 THE CLERK: Yes, thank you. All persons
15 addressing the Board of Commissioners regarding
16 community concerns should provide their name and
17 address for the record. Unless further time is granted
18 by the Board, each person shall limit their address to
19 five minutes. All remarks to the Board and its
20 individual members must be addressed to the Mayor. The
21 Mayor may defer citizen comments to the appropriate
22 member of the Board.

23 MR. MAZZA: -- part of the public record.
24 Commissioner Petracco has stated previously that he
25 does not feel that --

1 COMMISSIONER EVANS: Excuse me. I'm sorry,
2 you weren't -- we didn't hear your audio. Could you
3 please state your name and address please?

4 MR. MAZZA: I'm sorry, Deputy Mayor. James
5 Mazza. My address is already part of the public record
6 as of the last meeting, sir.

7 Commissioner Petracco has stated previously
8 that he does not feel that NVERS, a separate 501(c)(3),
9 has the right to hire, fire, enter into professional
10 contracts. This ordinance that was read tonight
11 discusses mismanagement. In the interest of
12 transparency, as Commissioner Petracco has requested
13 tonight, allow me to shed some light on this
14 mismanagement.

15 Since Nutley Rescue started billing private
16 insurance companies, we have utilized a billing agency
17 that collected 15 percent out of all of our income
18 derived from our insurance reimbursements. Over the
19 course of 5-plus years, we were charged 15 percent of
20 our take-home, an amount that numbers to over half a
21 million dollars, while at the same time, this billing
22 agency charged other ambulance services, such as
23 ourselves, anywhere from 6 to 8 percent.

24 We negotiated and we negotiated hard. We got
25 them down to 11 percent, and we were told that we could

1 go no lower. This was as low as they would go. An
2 additional \$400,000 plus was paid to this agency.
3 We're looking at about a million dollars, Mister --
4 Commissioner.

5 After a year of discussion amongst NVERS'
6 governing body, the Board of Trustees, a board that has
7 four citizens of Nutley sitting on it that were
8 selected in conjunction with you and your office, the
9 executive board, and the general membership, we made
10 the determination to investigate new companies. NVERS
11 took our time, meeting multiple services, and once we
12 came to one that we felt suited our needs, we traveled
13 to their headquarters to make sure we were getting the
14 same quality service that our current provider was
15 providing. We were.

16 We were being quoted 6 to 7 percent, a much
17 more reasonable rate, and closer to the industry
18 standard for medical billing reimbursement. We
19 notified our provider that we would no longer be
20 utilizing their services, thanked them for their many
21 years of service, and began the process of switching to
22 the new company.

23 Commissioner Petracco called our chief,
24 furious, threatening his job for making a decision such
25 as this, stating that the middleman that introduced us

1 to our provider does so much for the town, and this is
2 an election year, and that we could not switch billing
3 providers. This middleman came into our office and
4 discussed all the reasons why the rate had to remain
5 the same. The potential new provider was providing the
6 same service at 6 to 7 percent that we were told had to
7 be done at 11 percent.

8 Some back and forth took place, and this
9 billing agency finally did come down to 9 percent,
10 still higher than what we could have gotten. The NVERS
11 board determined in order to act in good faith with the
12 Commissioner of Public Safety, that we would stay with
13 our current provider, even though we would not be
14 seeing the cost savings that we, as a non-profit, need
15 to help us operate our business as we continue to
16 operate with zero tax dollars provided by the Township.

17 Commissioner, is this the mismanagement that
18 you were discussing? NVERS attempting to save money
19 and operate in a fiscally responsible manner? Why did
20 it matter that NVERS was trying to save money during an
21 election year? Thank you.

22 COMMISSIONER PETRACCO: James, that's just
23 all part of your smear campaign that you want to say,
24 okay, first of all --

25 MR. MAZZA: Commissioner, these are facts,

1 sir.

2 COMMISSIONER PETRACCO: First of all --

3 MR. MAZZA: These are facts.

4 COMMISSIONER PETRACCO: -- I'm not going to
5 talk over you. I'm not going to talk over you, James.
6 Okay. If I said that to the chief, then the chief
7 should be on Zoom, not you. But truthfully, alls I'm
8 asking for is documents. I don't want to disband the
9 ambulance squad, but I just --

10 MR. MAZZA: Your --

11 COMMISSIONER PETRACCO: -- want to
12 understand --

13 MR. MAZZA: -- your ordinance today --

14 COMMISSIONER PETRACCO: -- why you guys --

15 MR. MAZZA: -- says otherwise, sir.

16 COMMISSIONER PETRACCO: -- are so hard
17 fighting about not showing documents. Why don't you
18 want to be transparent --

19 MR. MAZZA: Why does your press release say
20 that all the documents were provided, sir?

21 COMMISSIONER PETRACCO: (Indiscernible).

22 MR. MAZZA: I'm very confused about your
23 actions, Commissioner.

24 COMMISSIONER PETRACCO: What documents --
25 what are you saying?

1 MR. MAZZA: Your press release --

2 COMMISSIONER PETRACCO: I'm asking for
3 documents that you're not providing.

4 MR. MAZZA: -- of last week.

5 COMMISSIONER PETRACCO: The town's --

6 MR. MAZZA: Your press -- sir, your press
7 release last week said all documents were provided.
8 You were provided copies of our audits for the last
9 four years, Commissioner.

10 COMMISSIONER PETRACCO: Alan --

11 MR. MAZZA: What you want is you want donor
12 information. That is against the law to provide.

13 COMMISSIONER PETRACCO: That's exactly what I
14 don't want.

15 MR. GENITEMPO: Mr. Mazza --

16 MR. MAZZA: That is one of the items on your
17 list, sir, that is on the list.

18 COMMISSIONER PETRACCO: No, they asked for
19 the donations, what the township --

20 MR. MAZZA: It asked for the list of donors,
21 sir.

22 COMMISSIONER EVANS: Excuse me.

23 COMMISSIONER PETRACCO: Well, Alan will
24 answer that.

25 COMMISSIONER EVANS: Excuse me.

1 MR. GENITEMPO: Mr. Mazza -- can I clarify?

2 MR. MAZZA: By all means.

3 MR. GENITEMPO: Mr. Mazza, we never asked for
4 the donors. We had asked as part of the request for
5 your fundraising activities, to make sure that there's
6 been fundraising. When your attorney said there was
7 too many documents to produce, I said, well, we could
8 wait on those documents. But the documents that I
9 requested are quite clear. Bank statements. Work
10 papers from your financial statements. Payroll
11 records. Lists of employees, and lists of volunteers.
12 Minutes of meetings. Resolutions of your board. You
13 need to operate as a proper board, if you're going to
14 be a 501(c)(3) and not jeopardize the township.

15 MR. MAZZA: Agreed, sir.

16 MR. GENITEMPO: Mister -- let me finish,
17 Mr. Mazza. Okay? Your tax returns showed significant
18 anomalies for 2019. We're not saying there's anything
19 wrong, but we'd like to see them to confirm. Okay?
20 You have a statutory obligation as a 501(c)(3) to
21 comply with the law, and frankly, I'm not sure that you
22 are. Now, you want to fight and debate this in public,
23 fine. But if you turn over the records and be
24 transparent, we can all have a sit-down and try to
25 resolve these issues professionally. But attacking

1 people and the commissioners -- we are not attacking
2 anyone individually. We want to see the records.
3 There's no reason we shouldn't get them. The ordinance
4 is clear, and your refusal to turn them over only makes
5 it more suspicious that there's something that you
6 don't want us to see.

7 Now, hope -- prove me wrong. Prove me wrong
8 and produce the documents that I've just laid out for
9 you, and to your attorney in writing, several times
10 now, instead of getting a letter saying you don't owe
11 us anything, you're not -- you're a separate company,
12 you have no obligation to the town. If that's your
13 position, the Commissioner has no choice but to take
14 action. So you can say whatever you want publicly.
15 Those are the facts, and I'm happy to debate them to
16 you privately, in a meeting with your attorney, and sit
17 down, but I need to see the documents. That's what we
18 agreed to, I agreed to a non-disclosure agreement with
19 your attorney, you -- your attorney -- or your
20 president signed it, the commissioner signed it, so
21 that we could work collaboratively to look at the
22 documents and resolve it. That's the facts, Mr. Mazza.

23 MR. MAZZA: Commissioner -- thank you,
24 Mr. Genitempo. Commissioner, back to my original
25 question. Why did it matter that NVERS was trying to

1 save money during an election year, sir?

2 COMMISSIONER PETRACCO: James, thank you for
3 your comments. Unless -- if you're going to make an
4 allegation, bring the person that I said it to and
5 bring them to the meeting.

6 MR. MAZZA: Commissioner, as a taxpayer, are
7 you not responsible to --

8 COMMISSIONER PETRACCO: Go contact --

9 MR. MAZZA: -- to me, sir?

10 COMMISSIONER PETRACCO: -- stop making things
11 up because you want to smear me --

12 MR. MAZZA: I'm not making things up, sir.

13 COMMISSIONER PETRACCO: -- because James, for
14 some reason, we -- you and I had a good working
15 relationship. I don't know what your real issue is,
16 but again, I don't want -- I'm going to say this one
17 more time to you. I do not want to engage in this.
18 Alls we are asking for is documents. I have a mayor
19 and four other commissioners and two lawyers on this
20 saying we are entitled to this. How do you think I
21 could get this Board of Commissioners to agree to
22 disassemble you people? I mean, I don't get it, and
23 you know what, I just want to say on the record, it's
24 not about the volunteers, because the volunteers are
25 welcome to stay forever, and I appreciate their work.

1 Even the per diems that are there, James, I appreciate
2 their work, and they do a great job. For some reason,
3 yourself, your president, and whoever else just doesn't
4 want to turn this over, and I have to tell you, James,
5 and I won't smear you to -- either, but there's a lot
6 of people that have come up to me and said that you're
7 the reason they left the ambulance squad, for one
8 reason or another.

9 So James, be a -- let me give -- be a
10 professional, James. Sit down, have your attorney call
11 our attorney tomorrow, get these documents, you'll have
12 your job next week, everybody'll be happy, and so will
13 I. But to just run my name ragged through social media
14 and all that stuff, and I'll tell you the same thing I
15 tell everybody, if you have something to say, or
16 anybody else on social media, I'm available every day.
17 You can come say it to me in person.

18 MR. MAZZA: Commissioner, I prefer on the
19 public record, sir.

20 COMMISSIONER PETRACCO: That's not a problem,
21 James, but truthfully, tell me why you don't want to
22 hand over these documents. That's what I really want
23 to know.

24 MR. MAZZA: Sir, sir, I'd like to make it a
25 point known here. I am an employee of the

1 organization. I have no control over what documents
2 are handed over, I have no say in what documents are
3 handed over. So do not try and make a statement that I
4 don't want to hand over any documents.

5 COMMISSIONER PETRACCO: James, when I talked
6 to some --

7 MR. MAZZA: I am a concerned taxpayer, sir.

8 COMMISSIONER PETRACCO: James --

9 MR. MAZZA: And I am a concerned taxpayer
10 that has always believed --

11 COMMISSIONER PETRACCO: But you're also an
12 employee. But you're also an employee, right?

13 MR. MAZZA: Yes, sir, I am.

14 COMMISSIONER PETRACCO: And that's fine,
15 James, and you do a good job. But not handing over
16 documents, I just -- I just can't understand what the
17 issue is about that. I don't get it. So maybe
18 tomorrow, you could talk some sense into your
19 president, and I've already reached out to your board
20 members. They told me that you haven't met in months,
21 that they haven't even been at any meetings --

22 MR. MAZZA: I was actually at a board
23 meeting --

24 COMMISSIONER PETRACCO: -- but I'm not making
25 those decisions, so I don't know.

1 MR. MAZZA: -- I was brought in as a
2 consultation at a board meeting last week,
3 Commissioner, so I don't really know where you're
4 getting that information.

5 COMMISSIONER PETRACCO: Well, from the board
6 members, to be honest with you. And one of the --

7 MR. MAZZA: To be honest with you, there was
8 a recorded meeting that minutes were taken of just last
9 week.

10 COMMISSIONER PETRACCO: James, our attorneys
11 are asking for these minutes to see that your board
12 members, our Nutley representatives, are meeting with
13 you guys to make these decisions. Why wouldn't you
14 want to send those minutes over to those meetings to
15 say, look, Commissioner, you know, you're thinking that
16 something's going on up here. Hand over the minutes to
17 the meetings, but you don't even want to do that, and
18 you know what that makes me believe? That for some
19 reason, a couple people over there are making all the
20 decisions without even the board members being involved
21 in it, and as Commissioner Evans said at the last
22 meeting, that violates your 501(c), James. So again --

23 Mr. MAZZA: I am familiar with the 501(c)
24 statute, sir.

25 COMMISSIONER PETRACCO: -- I don't want to

1 argue with you all night. I think you're a really good
2 guy, and I know you're passionate for your -- for what
3 you do, and you do a good job, like I said, so if
4 there's a way that you could get a -- talk to your
5 president, or your board, and get these documents over,
6 because I really want to work this out, James, I
7 really, truly do. I want to work it out. But there
8 has to be checks and balances in everything. As you
9 know, in Public Safety all these departments, we're
10 required -- we abide by open public record act,
11 OPRA, 501(c)s are not. I went all through with Danny
12 Geltrude. We're not going to use Danny Geltrude, that
13 was a step in -- to good faith to extend the olive
14 branch to the ambulance squad again.

15 MR. MAZZA: And we extended it back, sir, by
16 giving you the last four years of audited financials.
17 And instead of the extended branch back, we got this,
18 sir.

19 COMMISSIONER PETRACCO: James, I'm not going
20 to go back through --

21 MR. MAZZA: This is not --

22 COMMISSIONER PETRACCO: -- Alan --

23 MR. MAZZA: -- a negotiation, obviously.

24 COMMISSIONER PETRACCO: Our town attorney is
25 saying we are not getting all of the documents. That's

1 a fact. So if we can get the documents, this will end.
2 Thank you.

3 MR. MAZZA: Thank you for your time,
4 Commissioner.

5 COMMISSIONER EVANS: Thank you.

6 COMMISSIONER PETRACCO: You're very welcome.

7 COMMISSIONER EVANS: Is there anyone else?

8 MR. GENITEMPO: (Indiscernible).

9 COMMISSIONER EVANS: Okay. For those of you
10 listening, please make sure that you have your video
11 on, as well as you've unmuted your mic when it's time
12 to speak. Otherwise, we can't see you or hear you.

13 MR. GENITEMPO: (Indiscernible).

14 MS. ROSSI: Hello, can you hear me?

15 COMMISSIONER EVANS: Yes, we can hear you.

16 MS. ROSSI: Yes. There's no place -- there's
17 no place for me to make my video -- here we go. Okay.
18 Start video. Good evening, gentlemen. Tammy Rossi,
19 28 Colonial Terrace, hope you're all well.

20 COMMISSIONER EVANS: Good evening.

21 MS. ROSSI: This has been a very interesting
22 -- I was at the last meeting, and watching the
23 continued dialogue at this meeting, and I'm just
24 curious to know, in the event you do dissolve the
25 Volunteer Emergency and Rescue Squad Service, what is

1 your plan to replace EMS professionals, and how much
2 will it cost the Nutley taxpayers?

3 COMMISSIONER EVANS: Thank you.

4 Commissioner, do you want to address that?

5 COMMISSIONER PETRACCO: Ms. Rossi, we've been
6 working on that for the last couple weeks, and I'm
7 really hoping that it doesn't come to that, again, you
8 know, we're trying to just put checks and balances in
9 everywhere that we can, and be transparent to the
10 public, as we always are. There's a lot of different
11 methods to this. There's a lot of moving parts to it,
12 but I am positively ensuring the public that there
13 won't be any interruption to the service whatsoever.

14 MS. ROSSI: Right. I mean, as we are, our
15 taxes are high right now. We don't know if we're going
16 to receive state aid. You know, it -- the community is
17 already challenged, several restaurants have closed in
18 town, so the town itself is facing challenges, and any
19 additional burden could really be an issue for the
20 taxpayers.

21 I have another question, and that is, what is
22 the issue? Listening to Mr. Mazza, I'm just curious,
23 what is the resistance to them going to another
24 provider that only charged 6 to 7 percent versus the 9
25 or 11 percent? I mean, any way to save money just

1 sounds very logical, especially in these times.

2 COMMISSIONER EVANS: Tammy, thank you.
3 That's a matter before the rescue squad, and if you
4 wanted to learn more about that, I suggest you speak to
5 them.

6 MS. ROSSI: Okay. And then my last question
7 is, who is the new auditor that you chose to replace
8 Geltrude?

9 COMMISSIONER EVANS: We haven't replaced
10 Mr. Geltrude with anyone. There isn't a new auditor at
11 this time.

12 MS. ROSSI: Okay. Okay. That will be all.
13 Thank you very much.

14 COMMISSIONER EVANS: Would anyone else like
15 to comment this evening?

16 MR. GENITEMPO: Mr. Moore, turn on your
17 microphone.

18 MR. MOORE: It should be on. Can you hear
19 me?

20 COMMISSIONER EVANS: We can hear you now,
21 yes.

22 MR. MOORE: Rory Moore, 462 Chestnut Street.
23 Mr. Evans, I have two questions of concern. The
24 diversity committee that was established by
25 Commissioner Kelly. When is that meeting going to be,

1 and why will there not be a Zoom link so people could
2 see it? I understand not participating in it, but with
3 the Zoom conditions, I don't see any reason nobody can
4 listen to it.

5 COMMISSIONER EVANS: Thank you, Mr. Moore.
6 The committee is formed. Commissioner Kelly can
7 comment on their practice. It is a internal committee
8 and it does not require it to be under Zoom for a
9 larger audience to discuss these matters.

10 MR. MOORE: Why is that? Can -- could you
11 cite your sources that it's not? It was --

12 COMMISSIONER EVANS: Mr. Moore --

13 MR. MOORE: -- Mr. Kelly read the names.
14 Mr. Kelly read the names. He appointed the people --

15 COMMISSIONER EVANS: Right.

16 MR. MOORE: -- he selected the people, you
17 read the names at the last meeting.

18 COMMISSIONER EVANS: Right, and the --

19 MR. MOORE: So why would this be
20 insignificant?

21 COMMISSIONER EVANS: And when the committee
22 meets, and whatever their findings and progress -- and
23 when it's made, in the direction that it would go, I'm
24 sure Commissioner Kelly will bring that information to
25 the meeting, and to the public's attention when it's

1 ready.

2 MR. MOORE: When what is ready? You don't
3 even have an agenda.

4 COMMISSIONER EVANS: Thank you, Mr. Moore.
5 Do you have anything else that you would like to say?

6 MR. MOORE: Yes. I want to know why have a
7 police car parked on Kingsland, sitting there in the
8 street, and over the weekend, on Harrison Street, there
9 was an accident, and a lot of the neighbors were
10 complaining that there was speeding over there. Why
11 can't you move the police car from Kingsland over to
12 Harrison? Is that difficult?

13 COMMISSIONER EVANS: I will defer to --

14 COMMISSIONER PETRACCO: I can take that
15 question, it's my department. Rory, we could
16 absolutely do that, but as you know, that's the day to
17 day operations. That would be controlled by the Chief.
18 You can feel free to call the Chief in the morning, and
19 talk to him about where the cars are. But as far as
20 going on a public forum and letting the public and
21 everybody else know what our strategies are in the
22 police department, I don't think I'm allowed to --

23 MR. MOORE: It's been parked there for six
24 weeks so far.

25 COMMISSIONER PETRACCO: I just don't --

1 MR. MOORE: I don't think it's a strategy.

2 COMMISSIONER PETRACCO: I drive by it every
3 day myself, Rory, and I see it there, but I'm sure
4 there's a reason that the Chief has it there. But you
5 could -- again, he does the day to day operations.

6 MR. MOORE: I understand that.

7 COMMISSIONER PETRACCO: And Rory --

8 MR. MOORE: Go ahead.

9 COMMISSIONER PETRACCO: While I have you, too
10 -- while I have you, too. The information that you
11 were looking for, the \$7500 was to clean the building
12 while the Covid virus was going on, to make it to --

13 MR. MOORE: That was for a cleaner?

14 COMMISSIONER PETRACCO: It was for cleaning
15 the whole building, but not just cleaning the floors,
16 to prepare the building in a safe manner for everyone
17 that works there, being police and fire are there all
18 the time, but that's covered by the Covid money, too,
19 that's not going to reflect on any taxpayers money, and
20 the \$400 was for an outside assignment to Belleville,
21 when we'd have no Nutley police officers signing up for
22 these outside assignments, that'll be paid by a vendor.
23 That's not taxpayers money, either.

24 MR. MOORE: Yeah, I thought that -- I thought
25 the outside assignments were paid by vendors.

1 COMMISSIONER PETRACCO: They are.

2 MR. MOORE: Now, as far as the police car,
3 Mr. Petracco, that's a very lame excuse, because for
4 the last year, in CVS parking lot, it was over there
5 for nine months, and I don't know who it scared away,
6 but I thought everybody -- it was a joke when the car
7 was covered in snow, and nobody cleaned it off.

8 So I think that we could -- it probably think
9 more rationally that the people on Harrison probably
10 need it more than the people on Kingsland.

11 COMMISSIONER EVANS: Thank you, Mr. Moore.

12 MR. MOORE: Thank you.

13 COMMISSIONER EVANS: Do you have anything
14 further?

15 MR. MOORE: No, you're not going to answer
16 them anyway.

17 COMMISSIONER EVANS: Thank you.

18 COMMISSIONER EVANS: Good evening. Please
19 state your name, and provide your address. I'm sorry,
20 we can't hear you. Please unmute your mic.

21 MR. PESCI: Can you hear me now?

22 COMMISSIONER EVANS: Yes, we can.

23 MR. PESCI: Thank you.

24 COMMISSIONER EVANS: Please state your name
25 and your address.

1 MR. PESCI: I know. Greetings,
2 Commissioners. My name is Anthony Pesci. I live at 9
3 Van Riper Place in Nutley. I've been a town resident
4 for three generations. I've been a proud member of the
5 Nutley Volunteer Emergency and Rescue Squad for eight
6 years. I am a second generation rider of the squad.
7 My parents actually met on the squad. I have quite a
8 bit invested in this organization, and I take a lot of
9 passion to it, so I ask everybody to speak a little
10 respectfully as I continue forward.

11 I have four points I'd like to bring up. My
12 first one, you state that you tried to have meetings
13 with us, and you wanted to renegotiate, but on several
14 occasions, through our lawyers and through our
15 president, we invited Mr. Genitempo and all of the
16 commissioners to sit down and update the memorandum of
17 understanding and the town ordinance that was first put
18 together in 1953. That's an incredibly outdated
19 document. The last time it was updated was 1983, and
20 on the bottom of the ordinance that you sent us, it was
21 revised in 2008 with no updates made to it. How can we
22 represent a town, and how can we be represented fairly
23 by a town when our own memorandum of understanding is
24 so outdated, and our commissioners and their legal
25 counsel refuses to negotiate with us?

1 I would love to right now sit down and just
2 pick a date where we can come to the squad, or we can
3 go to you and we can work this out, and have an
4 updated, modernist, future squad, where we do all work
5 together, because I have nothing but pride for this
6 town.

7 On to my next point. My curiosity -- you
8 state that you've been looking for another agency to
9 take over 911 VLS calls in the Township of Nutley for
10 several weeks now. Two weeks ago you stated you were
11 working in good faith, and you had no plans to get rid
12 of the rescue squad. What part of good faith is
13 actually looking for our replacements while you say
14 you're planning to talk to us?

15 COMMISSIONER PETRACCO: Anthony, I would say
16 that it would be two weeks ago. I haven't been looking
17 at it for seven weeks, it's been since they wouldn't
18 come to the table --

19 MR. PESCI: Well, then two weeks ago --

20 COMMISSIONER PETRACCO: -- you know what,
21 let's take --

22 MR. PESCI: Al, you said you wouldn't talk
23 over people. I don't want to be talked over. My
24 points aren't done. Thank you, Mr. Commissioner.

25 COMMISSIONER PETRACCO: Can we answer one

1 question at a time?

2 MR. PESCI: Absolutely. Can we start with
3 the first one, where you refused to sit down at the
4 table and renegotiate the memorandum of understanding?

5 MR. GENITEMPO: Yeah, sure. Let me answer
6 that, Anthony. First, thank you for your service?

7 MR. PESCI: Who's speaking? I'm sorry, I'm
8 having a little trouble hearing.

9 MR. GENITEMPO: Alan Genitempo, the Town
10 Attorney that you said refused to meet with your
11 people. First, that's not true.

12 MR. PESCI: Well, we have emails from you,
13 Mr. Genitempo, that says you would not negotiate.

14 MR. GENITEMPO: That's absolutely not true.

15 MR. PESCI: Do you want me to re-forward them
16 to you?

17 MR. GENITEMPO: So you're going to talk over
18 me and you're not going to let me answer.

19 MR. PESCI: My apologies.

20 MR. GENITEMPO: Thank you. So we've had many
21 conversations with your counsel, and first we met in
22 person. I provided him with the memorandum of
23 understanding that he wasn't even aware existed.
24 You've been in violation of the memorandum of
25 understanding probably for the last ten years. Okay?

1 But putting that aside, I've had multiple conversations
2 with Matt, your attorney. I cannot bring the full
3 commissioners up to the squad to meet. That's a
4 violation of the Open Public Meetings Act.

5 MR. PESCI: Well, why not on webinar?

6 MR. GENITEMPO: I've never --

7 MR. PESCI: Sorry.

8 MR. GENITEMPO: -- denied an opportunity to
9 meet. If he wants to meet, let's set it up. I'm more
10 than happy to do it. But I told him from the
11 beginning, that unless I had the documents for the
12 commissioners to review to show the things that we're
13 concerned about, then there is no reason to meet. Now,
14 we can have meetings all we want. We're not going to
15 progress unless we get at least what we're asking for,
16 which is not unreasonable. So I deny that we refused
17 to meet. That's not true.

18 And I'm more than happy to meet, but we need
19 to get the documents, and have a sit-down and have a
20 real discussion about how this is going to go forward.

21 MR. PESCI: So --

22 MR. GENITEMPO: That's the answer to the
23 first question.

24 COMMISSIONER EVANS: And may -- and may I --
25 Alan --

1 MR. PESCI: But that doesn't answer my
2 question. That kind of talks around my question. My
3 question is, why won't you meet with us to update
4 these? Your answer was, you'd meet to update these if
5 we gave you documents, and then the conversation would
6 be about what I didn't ask.

7 MR. GENITEMPO: I'm sorry, Anthony. I think
8 I answered your question, but --

9 MR. PESCI: Okay. I don't, but that's okay.
10 All right. Moving on to my second question. You
11 stated in good faith that you reached out to other
12 agencies to cover this town. I know the Township of
13 Nutley. I know the Nutley Rescue Squad only partially
14 bills its residents, which means nobody from Nutley
15 should get a bill. I can't think of one agency in the
16 state of New Jersey, let alone the tri-state area, that
17 would provide service without fully billing our
18 residents.

19 So when you say there won't be a burden to
20 the taxpayer directly, you're -- you gentlemen are
21 absolutely correct. A tax dollar won't go to it. But
22 individuals will suffer, and the costs of thousands and
23 thousands of dollars, and I don't believe that's fair,
24 just so you guys can say, well, we didn't spend tax
25 money. So to that statement, my specific question

1 would be, who are the companies you've specifically
2 spoken to that you were looking to replace us with?

3 COMMISSIONER EVANS: Anthony, may I address
4 that?

5 MR. PESCI: Absolutely.

6 COMMISSIONER EVANS: What you're asking is to
7 engage in a debate, and actually --

8 MR. PESCI: I'm asking for names --

9 COMMISSIONER EVANS: -- in a negotiation --
10 excuse me. Excuse me. In a negotiation process, that
11 is actually, you know, better suited for having a face
12 to face meeting. Your counsel with the Town Counsel
13 with Commissioner Petracco, and actually to resolve
14 this. I'm very happy to hear your comments, but as far
15 as using this as a forum under our public comment
16 section to actually engage in that negotiation, I
17 actually don't think that that's appropriate. So I'd
18 prefer not to do that, all right, but I actually think
19 that your questions are valuable and important, and I
20 think they can be addressed, and I think the best way
21 to do that is through a meeting of the township and the
22 squad, to resolve these differences.

23 I would also add that very, very dear friends
24 of mine, and people who I loved very much, were Joanne
25 and Jim Paulson. All right? If you are familiar with

1 the squad, you know --

2 MR. PESCI: Yes (indiscernible).

3 COMMISSIONER EVANS: -- their association
4 with that squad, right? When the squad was in trouble,
5 I worked directly with Jim to actually enable you to
6 actually continue to operate, because I helped you get
7 your -- working with Jim, your -- actually, billing --
8 your billing ability, your third-party billing ability,
9 through the state to get that. We also at that time
10 worked out an arrangement that recognized the mutuality
11 of the interest. How do we celebrate and preserve the
12 long history of the Nutley Emergency Rescue Squad, and
13 proud service, celebrate all of those volunteers and
14 their effort, and not let the squad pass into the
15 sunset, because the need for societal changes as well
16 as fundraising wasn't going to do it. We worked
17 together to do that. We also basically have said that
18 while you're providing that service to Nutley, that we
19 actually did an arrangement which enabled you to occupy
20 a public building at an annual rent of \$10.

21 MR. PESCI: What did we sell you that
22 building for, Commissioner?

23 COMMISSIONER EVANS: I'm sorry?

24 MR. PESCI: What did we sell you that
25 \$1.2 million building for?

1 COMMISSIONER EVANS: The -- the one -- it
2 basically was a deed transfer, because it belonged --
3 it needed to belong to the municipality --

4 MR. PESCI: A dollar.

5 COMMISSIONER EVANS: A dollar. For one
6 dollar, it was a deed transfer.

7 MR. PESCI: We sold you \$1.2 million worth of
8 property for a dollar. In return --

9 COMMISSIONER EVANS: The municipality --

10 MR. PESCI: -- you stated --

11 COMMISSIONER EVANS: Excuse me --

12 MR. PESCI: -- you would give us --

13 COMMISSIONER EVANS: -- excuse me --

14 MR. PESCI: -- a certain amount of tax
15 dollars to help us, and we haven't gotten --

16 COMMISSIONER EVANS: -- I would hope to
17 complete my --

18 MR. PESCI: -- that in 11 years.

19 COMMISSIONER EVANS: I would like to complete
20 my thought. I appreciate your comments regarding what
21 you understand to be the value of the building. Part
22 of the value of the building was that public dollars
23 were being invested to maintain that building, which we
24 needed to rectify, and Jim and I went through that. It
25 wasn't about the value of the asset, it was about the

1 fact that we were supporting the squad with public
2 dollars that needed to be corrected.

3 So let's be clear about the history, because
4 actually as it stands, is I'm the only one alive,
5 because Kevin Harkins was our attorney, that
6 understands this arrangement. And it was a very
7 special arrangement, recognizing the mutuality of
8 interests. The Public Safety director has a direct
9 obligation to make sure that we are providing for the
10 safety of the public. That rests with him, and it
11 can't be taken away from him.

12 The other thing that was recognized was that
13 there was a mutuality of interest to allow the
14 volunteer squad to celebrate its history and move
15 forward in a way that allowed you to generate the
16 revenues that were necessary to pay at the time your
17 per diem drivers. We had -- the discussion with Jim
18 was around having a paid executive director, and some
19 per diem drivers to support the squad. There are now
20 27 paid employees.

21 MR. PESCI: Eighteen.

22 COMMISSIONER EVANS: According to your 990PF,
23 27.

24 MR. PESCI: Okay.

25 COMMISSIONER EVANS: Okay. So the document

1 if there -- whatever that is, you guys work that out.

2 I'm just saying, the public document says 27.

3 MR. PESCI: Okay. Commissioner, could I just
4 interject for a second?

5 COMMISSIONER EVANS: Just let me finish my
6 point.

7 MR. PESCI: Absolutely.

8 COMMISSIONER EVANS: To make that all work,
9 we had said that we will provide your insurance
10 coverage, we will make sure we do that, and we will
11 have this arrangement, which also calls for the
12 establishment of as you properly referenced, a public
13 board, with citizens of Nutley on that, which, a
14 representative of the Public Safety Department was
15 supposed to be on that board. And it's not. Now, I'm
16 the one who knows that. In your bylaws and with Jim,
17 that didn't get documented. Our ordinance hasn't been
18 updated. But that's the understanding. So there are
19 disagreements because of the fact that we're looking at
20 documents that have an incomplete history.

21 MR. PESCI: Uh-huh.

22 COMMISSIONER EVANS: So what I encourage you
23 to do on behalf of the Board, is to sit with the
24 Director of Public Safety and come to an understanding
25 about how your mutual benefit is served for the benefit

1 of all of Nutley residents. The -- by law, you cannot
2 bill a co-pay to the citizens of Nutley, because their
3 property tax is considered their co-pay under the law.
4 So whatever your insurance reimbursement was under the
5 agreement, that's what you accepted to take, because
6 you don't have the ability to bill a resident for your
7 service. That was the establishment.

8 There's one last thing that is a sticking
9 point, and I'll let you speak for -- as soon as I'm
10 finished. There was one last thing. Is that while we
11 are enabling you to do what you're doing and have a
12 cost beneficial relationship with that, we had an
13 understanding that as it evolved, and it became more
14 worthwhile on your side, that that would accrue a
15 benefit to the town, because you would then actually be
16 helping us offset our costs of services that you can
17 provide. Also, it would change the arrangement. None
18 of this is documented, and I appreciate your
19 frustration, but that was the understanding that was
20 worked out, and I know this, because I'm the one who
21 did it. So anyway -- so anyway now you can speak. Go
22 ahead.

23 MR. PESCI: Well, shouldn't deals that are so
24 old, only one person who's still around alive to know
25 them have written them down? Which is why we want to

1 update our memorandum of understanding, and our
2 doctrine. But --

3 COMMISSIONER EVANS: That's right.

4 MR. PESCI: But my final point is that long,
5 drawn-out, undocumented history was the answer to my
6 question, who you're looking to replace us. So to move
7 on to my final question, everybody knows that Covid --

8 COMMISSIONER EVANS: I appreciate your
9 criticism of my response.

10 MR. PESCI: It was just an observation,
11 Commissioner, but I was move -- to my last --

12 COMMISSIONER EVANS: Well, I didn't take it
13 that way.

14 MR. PESCI: Okay.

15 COMMISSIONER EVANS: I'm not taking it that
16 way.

17 COMMISSIONER PETRACCO: Anthony, can I just
18 say one thing?

19
20 COMMISSIONER EVANS: So --

21 COMMISSIONER PETRACCO: Tom, can I just say
22 one -- Anthony, you're a volunteer, right?

23 MR. PESCI: Absolutely, eight years of my
24 life.

25 COMMISSIONER PETRACCO: And I appreciate your

1 service, and all of you --

2 MR. PESCI: Uh-huh.

3 COMMISSIONER PETRACCO: -- but I don't get --
4 we want the volunteers to stay, in fact, we want all of
5 the per diems to stay --

6 MR. PESCI: We want all of our --

7 COMMISSIONER PETRACCO: -- so all of what --

8 MR. PESCI: -- members to stay, they're all
9 family, you know.

10 COMMISSIONER PETRACCO: Excuse me? What's
11 that?

12 MR. PESCI: We want all of our members to
13 stay. They're all family. Paid or volunteer, per
14 diem, auxiliary, chaplain, it doesn't matter, we're all
15 family.

16 COMMISSIONER PETRACCO: And that's right, and
17 most likely, if we could get to the table and go
18 through these documents --

19 MR. PESCI: But why most likely -- if we
20 exist well now, do we have to risk any of our
21 employees? I find that to be unacceptable. You want
22 to get rid of our employees?

23 COMMISSIONER PETRACCO: We want what?

24 MR. PESCI: You just said you want to get rid
25 of some of our employees. Or did you --

1 COMMISSIONER PETRACCO: I don't want to get
2 rid of any of your employees, I want -- all I want to
3 do is --

4 MR. PESCI: But you just implied it.

5 COMMISSIONER PETRACCO: If you're going to
6 talk over me, I'll let you talk. I'm not going to
7 debate you, okay.

8 MR. PESCI: Well, I'm going to get my final
9 question in at least.

10 COMMISSIONER PETRACCO: All this -- you've
11 been there for eight years. Commissioner Evans has
12 been here for how many years?

13 COMMISSIONER EVANS: Eighteen.

14 COMMISSIONER PETRACCO: Eighteen years, okay.

15 MR. PESCI: Uh-huh.

16 COMMISSIONER PETRACCO: These were all the
17 intricate workings of the squad that made it work. You
18 guys are handling eight to \$900,000 a year here. You
19 could keep looking at people that are feeding the
20 information, too, and ask us more questions, but the
21 truth of the matter is, all we want to know is where
22 all this money's going to, Anthony. And we don't want
23 to affect the service or the --

24 MR. PESCI: But we sent you the bills for our
25 ambulances and our boat and --

1 COMMISSIONER PETRACCO: -- per diems.

2 MR. PESCI: -- all the rescue equipment and
3 the emergency medical equipment we bought, but that
4 wasn't good enough.

5 COMMISSIONER PETRACCO: Anthony, you guys
6 would have been out of business if Tom Evans didn't
7 step in with Jim Paulson years ago, there would not be
8 a --

9 MR. PESCI: That's --

10 COMMISSIONER PETRACCO: -- be a volunteer or
11 the squad.

12 MR. PESCI: -- that's very true, but I can't
13 answer to things that were never written down, Al.

14 COMMISSIONER PETRACCO: Excuse me?

15 MR. PESCI: I can't answer to things that
16 were never written down.

17 COMMISSIONER PETRACCO: Because you're not
18 part of the history.

19 MR. PESCI: Well, history should be written
20 down, that's why they put it in books.

21 COMMISSIONER EVANS: I appreciate your
22 perspective. I don't agree with it --

23 MR. PESCI: Can I get one last question?

24 COMMISSIONER EVANS: I don't agree with it.
25 You have one more question. But --

1 MR. PESCI: Thank you.

2 COMMISSIONER EVANS: But don't take this the
3 wrong way. But don't even begin to question the
4 integrity behind my word.

5 MR. PESCI: I'm not questioning your
6 integrity.

7 COMMISSIONER EVANS: I voted for this
8 ordinance tonight on introduction in the hope that you
9 people will sit down and move forward. Understand,
10 this ordinance that we adopted tonight severs a
11 relationship that's existed since 1953. There will be
12 no billing revenues, because you won't get any service.
13 And understand where this is going. But don't take
14 this the wrong way, and I want to be really clear, if
15 you want to question my integrity, let's sit down and
16 we will talk about this in a way that's very important
17 and not debate it right here.

18 MR. PESCI: Right.

19 COMMISSIONER EVANS: I gave you a very honest
20 answer, a very direct answer, for the benefit of
21 helping you and everybody else, who is listening to
22 this call tonight.

23 MR. PESCI: Okay.

24 COMMISSIONER EVANS: Including your counsel.

25 MR. PESCI: Well, Commissioner, I have no

1 intention to question your integrity, or anybody at
2 that table's integrity. I'm questioning the ability to
3 document. And to move on to my final point, in the
4 last four months, the members of my organization, paid,
5 volunteer, per diem, or whatever have you, have
6 personally sacrificed at the risk of their own health,
7 safety, and lives, and their families' healths, safety
8 and lives, hundreds if not thousands of man hours. I
9 personally in the last four months have volunteered 808
10 -- not counting the last month, hours of my time, to
11 make sure that my members were safe, and that the
12 Township of Nutley was safe. And in that time, I
13 personally, or as an organization, didn't receive a
14 thank you text message, an email, a letter, anything, a
15 visit from a single commissioner. Not a phone call,
16 not a text message, not a declaration of appreciation.
17 We didn't get anything. We felt like we were left
18 outside in the cold, defending the lives of all of our
19 neighbors. So my question to that is, how were we
20 forgotten for Covid, but we're remembered now?

21 COMMISSIONER EVANS: I appreciate your
22 statement. To be clear?

23 MR. PESCI: Uh-huh.

24 COMMISSIONER EVANS: You were never
25 forgotten. And just because I or a member of this

1 Board of Commissioners maybe didn't stand up and say
2 thank you for your particular -- for your service,
3 right, does not mean that you were irrelevant. We did
4 a -- we actually did a recent proclamation covering a
5 lot of these services, and the benefit. I hope you
6 could read that, because that was of the entire board
7 that did that.

8 MR. PESCI: We did see that, but to call it a
9 broad stroke, when my department carried this town
10 through the worst chapter of its entire life, and did
11 it without a cost to the taxpayers --

12 COMMISSIONER EVANS: I appreciate that --

13 MR. PESCI: -- it's insulting to my members.

14 COMMISSIONER EVANS: We appreciate your
15 point. Anthony, we will respond to it by saying, not
16 only you, but all the members of the -- our Public
17 Safety Department, as well as all of the employees, as
18 well as every person who works in a business that
19 picked up a bag, met a customer to provide service, to
20 help them out, have done this. It's a pandemic crisis.
21 And if you can serve --

22 MR. PESCI: But what I'm saying is, I'm
23 asking about my department, my men, I don't care about
24 myself --

25 COMMISSIONER EVANS: And I agree with you.

1 MR. PESCI: -- but you just answered that you
2 would talk in broad strokes --

3 COMMISSIONER EVANS: So you're not alone --

4 MR. PESCI: -- when I say my members, paid,
5 volunteer or otherwise, deserve some specific
6 appreciation.

7 COMMISSIONER EVANS: I appreciate --

8 COMMISSIONER PETRACCO: And the virus ain't
9 even over yet.

10 MR. PESCI: And you're trying to get rid of
11 us.

12 COMMISSIONER PETRACCO: The virus isn't even
13 over yet. I haven't walked in the police or fire
14 department and said thank you for your service. There
15 are signs all over town thanking first responders and
16 food workers and everybody else that was part of
17 keeping this town alive and America alive.

18 COMMISSIONER EVANS: All right, so --

19 COMMISSIONER PETRACCO: So we do appreciate
20 you and we do appreciate your service --

21 MR. PESCI: And the pandemic isn't over, but
22 you're going to get rid of us? That's a weird way to
23 go --

24 COMMISSIONER PETRACCO: No, I'm not planning
25 on getting rid of anybody. I'm trying to make your

1 board seek transparency.

2 MR. PESCI: Maybe I misread your document
3 that states you want to dissolve us.

4 COMMISSIONER EVANS: Okay. Anthony, do you
5 have any other comments? Because I'm cutting it off at
6 this point.

7 MR. PESCI: I do, I'd like to thank you all
8 for your time, and for hearing me out at least. And I
9 hope to meet with you in the future, and I also would
10 like to appreciate that on the record we stated that if
11 we give you the documents you would drop all of this.
12 So I hope to hear from you all soon. Everybody stay
13 safe.

14 COMMISSIONER EVANS: Thank you, Anthony.

15 MR. GENITEMPO: (Indiscernible).

16 COMMISSIONER EVANS: Hi, good evening.

17 MS. LANDRY: Hello. Can you all hear me?

18 COMMISSIONER EVANS: Yes, please state your
19 name and address, please.

20 MS. LANDRY: Penny Landry, 325 Lakeside
21 Drive.

22 COMMISSIONER EVANS: Penny, your --

23 MS. LANDRY: Commissioner Evans --

24 COMMISSIONER EVANS: -- I'm sorry, your
25 address, please?

1 MS. LANDRY: 325 Lakeside Drive.

2 COMMISSIONER EVANS: Did you move back from
3 Louisiana?

4 MS. LANDRY: No, but I still do own the
5 property. Is that a problem for you, Commissioner?

6 COMMISSIONER EVANS: No, just my
7 understanding is, I was surprised, I thought you were
8 back in town. So just --

9 MS. LANDRY: Oh, no, but I'll be --

10 COMMISSIONER EVANS: -- that's all, thank you
11 for the clarification.

12 MS. LANDRY: -- back. I'll be back soon.

13 COMMISSIONER EVANS: Thank you for
14 clarification.

15 MS. LANDRY: Anyway, hi. I would just like
16 to say, Commissioner Evans, that I have heard your
17 speech about the Nutley Volunteer Rescue Service for 15
18 years, and I now know it by heart. Anyway, on another
19 note, I would like to say that I respectfully ask the
20 commissioners to reconsider this resolution to disband
21 the volunteer services, and I totally applaud their
22 services, and while you have supported the service,
23 Commissioner Evans, I am appalled at the fact that you
24 chose tonight to vote to disband that service, even
25 though given your spin, whirling dervish, whatever, and

1 I do understand that you have been very, very well
2 versed, because while your position with your former
3 company was director of training, you have amassed
4 great skill at spin. So I would ask you to reconsider
5 what you really believe the benefit of the Nutley
6 volunteer service, NVERS, to be, and you voted no, I
7 mean, you voted yes to disband, and given your
8 commentary about how much it means to you, I think that
9 you might want to reconsider.

10 COMMISSIONER EVANS: Pennie, thank you for
11 your comments, your constructive feedback, as always,
12 as you're always willing to do. Just to be clear, I'm
13 a retired partner --

14 MS. LANDRY: Is this going to be more spin?

15 COMMISSIONER EVANS: No, Pennie, but please,
16 I was very quiet, listening to you. But just for the
17 record, just to be clear, I am a CPA by background, and
18 I was a senior partner with Price WaterhouseCoopers,
19 and --

20 MS. LANDRY: Yes, you are. And what is your
21 pension, by the way?

22 COMMISSIONER EVANS: I'm sorry?

23 MS. LANDRY: Do you get a pension?

24 MR. GENITEMPO: That's an inappropriate
25 question, Pennie --

1 MS. LANDRY: No, it's not --

2 COMMISSIONER EVANS: Thank you --

3 MS. LANDRY: -- inappropriate --

4 MR. GENITEMPO: You know that's --

5 MS. LANDRY: -- I asked you a question.

6 You're either going to answer it or not.

7 MR. GENITEMPO: No, Pennie, that's an
8 inappropriate question, come on, you know --

9 MS. LANDRY: Hey, Alan, stop.

10 MR. GENITEMPO: Come on, Pennie. You know
11 better.

12 MS. LANDRY: Come on, Alan. Alan.

13 MR. GENITEMPO: Commissioner, please don't
14 answer that question.

15 COMMISSIONER EVANS: Pennie, thank you for
16 your comment, and again, your constructive feedback.
17 Do you have anything constructive to say?

18 MS. LANDRY: Okay, I do have another
19 question, Commissioner Evans.

20 COMMISSIONER EVANS: Is it a statement, or is
21 it a question? Because so far it's been a statement.

22 MS. LANDRY: It's a question. In the
23 unlikely event that the State of New Jersey does not
24 give you, which you -- I admit, you fight for,
25 transitional aid this year, and what is that amount

1 you're asking for?

2 COMMISSIONER EVANS: The commitment we
3 received from the state is roughly \$2,850,000.

4 MS. LANDRY: And how much is that less than
5 last year?

6 COMMISSIONER EVANS: It's about 400 and
7 change. It's -- we got \$3,250,000 last year.

8 MS. LANDRY: Okay. And what is the current
9 budget?

10 COMMISSIONER EVANS: Roughly about
11 \$55 million.

12 MS. LANDRY: \$55 million. So you're going to
13 get roughly \$3 million against a \$55 million budget?

14 COMMISSIONER EVANS: And your point?

15 MS. LANDRY: Correct?

16 COMMISSIONER EVANS: In state aid, yes.
17 Additional state aid.

18 MS. LANDRY: Yes. And what will that cost to
19 the taxpayers, even though you ad nauseam continue to
20 say that there will not be a tax increase other than
21 for the schools? So in the event that you do not
22 receive the state aid that you have asked for, what
23 will that mean to the taxpayers of Nutley?

24 COMMISSIONER EVANS: Pennie, I appreciate the
25 question.

1 MS. LANDRY: Okay, just answer it.

2 COMMISSIONER EVANS: I do not appreciate your
3 sarcasm.

4 MS. LANDRY: It's not sarcasm. It's a direct
5 question.

6 COMMISSIONER EVANS: You can say what you
7 think, I can say what I think.

8 MS. LANDRY: Well, no, no, no. I'm asking
9 you a direct question, Commissioners.

10 COMMISSIONER EVANS: And I'm going to answer
11 it, Pennie.

12 MS. LANDRY: Okay, answer it.

13 COMMISSIONER EVANS: I am going to answer it
14 very clearly. If you go back to the budget
15 introduction, I was very clear that we introduced --

16 MS. LANDRY: No, I don't want to go back. I
17 want to go right now.

18 COMMISSIONER EVANS: I -- and I will tell you
19 that in that presentation of that budget --

20 MS. LANDRY: When do you anticipate an
21 answer?

22 COMMISSIONER EVANS: Pennie, are you going to
23 talk over me, or not? Because if you want to talk, go
24 right ahead, but if I'm going to talk, you're going to
25 be quiet.

1 MS. LANDRY: Well, are you going to get
2 aggravated, or not?

3 COMMISSIONER EVANS: Pennie, I'm telling you
4 with a very clear --

5 MS. LANDRY: Answer the question.

6 COMMISSIONER EVANS: Pennie, your time is up.
7 Thank you very much.

8 UNIDENTIFIED: Finally. It's about --

9 MS. CIMMINISI: No, it's not over.

10 UNIDENTIFIED: It's not?

11 MS. CIMMINISI: Should I start my video?

12 COMMISSIONER EVANS: Yes, please. Hi, good
13 evening.

14 MS. CIMMINISI: Good evening --

15 COMMISSIONER EVANS: Please state your name.

16 MS. CIMMINISI: Good evening, gentlemen, my
17 name is -- good evening, everyone. My name is Nancy
18 Cimminisi, 314 Harrison Street.

19 COMMISSIONER EVANS: Thank you.

20 MS. CIMMINISI: So I'm on video tonight just
21 to ask you about, you know, knowing the past event of
22 the unfortunate situation of the car on Harrison
23 Street, and I -- we know it's not the first. My
24 husband and I have been in our house on Harrison since
25 1992, and since then, we've had one car rear-ended,

1 parked. We were like, opposite Lincoln School, parked,
2 and then in October, we had another car damaged pretty
3 severely. We have -- actually have a video of the
4 actor getting out to look at the car, and driving away.
5 We never found him. So we've had some experience with
6 issues of traffic, and you know, living where we do,
7 it's really a hazard, even every time we pull out of
8 our driveway.

9 I'm also a parishioner at Our Lady of Mount
10 Carmel Church, and we all know that the intersection of
11 Prospect and Harrison Street is quite dangerous. You
12 know, we've witnessed accidents, we know it's an issue.

13 So my question is, what can we do to move
14 forward to improve the safety on Harrison Street in
15 general, with regard to speed, and also with the
16 intersection of Prospect and Harrison?

17 COMMISSIONER EVANS: Commissioner?

18 COMMISSIONER PETRACCO: Yes, thank you. By
19 any chance, is your husband's name Jimmy?

20 MS. CIMMINISI: No.

21 COMMISSIONER PETRACCO: Oh, okay, I'm sorry.

22 MS. CIMMINISI: He left a message for me
23 about Harrison Street, also.

24 MS. CIMMINISI: Okay, no.

25 COMMISSIONER PETRACCO: You know, speeding is

1 one of the biggest complaints we get in public safety,
2 and these crosswalks, and where we can put stop signs
3 have to be approved by the DOT. I would -- if you
4 could give me a holler tomorrow at my office, or, you
5 know, this is something that we would have to work in
6 conjunction with DOT, if we want to put stop signs,
7 somebody said -- asked about a stop sign, a four-way
8 stop sign on Harrison Street. There's a lot of red
9 tape involved in all that stuff. We get complaints
10 about speeding all the time in Nutley. It's either my
11 son, wife, daughter, husband got a ticket for speeding,
12 or, you know, or we're not enforcing enough.

13 But we do have Harrison Ave., we know about
14 the accidents there. The Chief does run the day to day
15 operations. I think it's a conversation, you know,
16 that I'll have with him, and if you want to contact my
17 office tomorrow morning, I'll be glad to facilitate
18 that meeting for you.

19 MS. CIMMINISI: Okay.

20 COMMISSIONER PETRACCO: Okay?

21 MS. CIMMINISI: Thank you.

22 COMMISSIONER PETRACCO: Thank you.

23 COMMISSIONER EVANS: Thank you. Is anyone
24 else? Seeing no one to -- going to speak this evening,
25 we need to adjourn into executive session. Alan, we're

1 going to adjourn for?

2 MR. GENITEMPO: Potential contract
3 negotiations.

4 COMMISSIONER EVANS: Contract negotiations.

5 COMMISSIONER SCARPELLI: Move we go into
6 executive session.

7 COMMISSIONER PETRACCO: Second.

8 MR. GENITEMPO: We're not going to come back
9 and take any action, so the Zoom will not continue
10 after the executive.

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

15 Whereas, the public body is of the opinion
16 that such circumstance exists;

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

21 And now therefore be it resolved by the Board
22 of Commissioners of the Township of Nutley to move into
23 executive -- closed executive session to discuss
24 potential contract negotiations.

25 Be it further resolved that the time when

1 such discussions may be disclosed to the public shall
2 be when and as such disclosures may be made without
3 adversely affecting the Township of Nutley pending
4 and/or anticipated legal, personnel, contractual
5 matters, and other matters within the exceptions
6 provided for by statute.

7 Commissioner Kelly?

8 COMMISSIONER KELLY: Aye.

9 THE CLERK: Commissioner Evans.

10 COMMISSIONER EVANS: Aye.

11 THE CLERK: Commissioner Petracco?

12 COMMISSIONER PETRACCO: Aye.

13 THE CLERK: Commissioner Scarpelli.

14 COMMISSIONER SCARPELLI: Aye.

15 THE CLERK: And the time is 10:46.

16 (Off the record for Executive Session.)

17 THE CLERK: We're recording.

18 COMMISSIONER EVANS: Motion to adjourn.

19 COMMISSIONER PETRACCO: Second.

20 THE CLERK: Commissioner Kelly?

21 COMMISSIONER KELLY: Aye.

22 THE CLERK: Commissioner Evans?

23 COMMISSIONER EVANS: Aye.

24 THE CLERK: Commissioner Petracco?

25 COMMISSIONER PETRACCO: Aye.

THE CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

THE CLERK: Thank you. The time is 11:39 PM.

(End of recording)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

I, Alicia Jarrett, do hereby certify that the foregoing is a correct transcript from the electronic sound recording provided for transcription and prepared to the best of my professional skills and ability.

_____ August 4, 2020

Alicia Jarrett
AAERT Cert. No. 428
Certified Court Transcriptionist