

In The Matter Of:

In RE: Nutley Board of Commissioners

Transcript of Proceedings

July 9, 2020

Public Session



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

*** PUBLIC SESSION ***

DATE: July 9, 2020

BOARD OF COMMISSIONERS:

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

Also Present:

- ALAN GENITEMPO, TOWNSHIP ATTORNEY

1 (Recording begins)

2 MAYOR TUCCI: All right. Everyone please
3 stand for the Pledge of Allegiance.

4 (Pledge of Allegiance)

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

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

25 Commissioner Kelly?

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, Madam Clerk.
12 THE CLERK: Thank you.
13 MAYOR TUCCI: I see we have minutes?
14 THE CLERK: We have regular meeting minutes
15 for June 4th, 2020. Can I have a motion, please?
16 COMMISSIONER EVANS: Move it.
17 COMMISSIONER SCARPELLI: 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.
24 THE CLERK: Commissioner Scarpelli?
25 COMMISSIONER SCARPELLI: Aye.

Public Session

4

1 THE CLERK: Mayor Tucci?

2 MAYOR TUCCI: Aye.

3 THE CLERK: We have executive session minutes
4 for June 16th, 2020.

5 COMMISSIONER EVANS: Move it.

6 COMMISSIONER SCARPELLI: Second.

7 THE CLERK: 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: Mayor Tucci.

16 MAYOR TUCCI: Aye.

17 THE CLERK: And that's it for minutes, Mayor.

18 MAYOR TUCCI: Thank you. Correspondence?

19 THE CLERK: Thank you, Mayor. The Nutley
20 Thriving Survivors have submitted an event application
21 for their annual walk, to be held on Friday,
22 October 2nd, 2020, from 6:00 to 9:00 p.m., beginning
23 and ending in front of John H. Walker Middle School. I
24 need a motion please.

25 COMMISSIONER PETRACCO: Move it.

1 COMMISSIONER SCARPELLI: Second.

2 THE CLERK: Commissioner Kelly?

3 COMMISSIONER KELLY: Aye.

4 THE CLERK: Commissioner Evans?

5 COMMISSIONER EVANS: Aye.

6 THE CLERK: Commissioner Petracco?

7 COMMISSIONER PETRACCO: Aye.

8 THE CLERK: Commissioner Scarpelli?

9 COMMISSIONER SCARPELLI: Aye.

10 THE CLERK: Mayor Tucci.

11 MAYOR TUCCI: Aye.

12 THE CLERK: And that's it for communications,
13 Mayor.

14 MAYOR TUCCI: Thank you. Reports? I see
15 that I'm the only one this evening that has a report.
16 It's a Shade Tree report for the month of June, 2020.
17 Bills, Madam Clerk?

18 THE CLERK: Yes, Mayor. Bill list for
19 July 9th, 2020. Public Affairs, \$95,234.95; Revenue
20 and Finance, \$2,449,245.57; Public Safety, \$62,808.11;
21 Public Works, \$70,129.61; Parks and Public Property,
22 \$739,919.78; Water Utility, \$111,846.71. Regular
23 Payroll Total, \$788,636.72; Overtime Payroll Total,
24 \$116,931.37; COVID-19 Overtime Payroll Total,
25 \$5,464.31; Total Payroll, \$911,032.40 for a grand total

1 of \$4,440,217.13.

2 COMMISSIONER EVANS: Move the bills.

3 COMMISSIONER SCARPELLI: 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 THE CLERK: Mayor Tucci.

13 MAYOR TUCCI: Aye.

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

15 MAYOR TUCCI: Thank you. We will now take
16 public comment on the agenda items only.

17 MR. GENITEMPO: Mayor. Did you want to go
18 into executive?

19 MAYOR TUCCI: We'll take public comment first
20 on the agenda items and then we'll --

21 MR. GENITEMPO: But it is on an agenda item,
22 the executive session. I think -- oh, I see what
23 you're saying. You're not going to move any agenda
24 items until after executive.

25 MAYOR TUCCI: No, not --

Public Session

7

1 MR. GENITEMPO: Okay.

2 MAYOR TUCCI: -- nothing until after. Yes.

3 MR. GENITEMPO: Thank you.

4 THE CLERK: Public comment. All persons
5 addressing the Board of Commissioners regarding
6 community concerns should state their name and address
7 for the record. Unless further time is granted by the
8 Board, each person shall limit their address to three
9 minutes. All remarks to the Board and its individual
10 members must be addressed to the Mayor. The Mayor may
11 defer citizens' comments to the appropriate member of
12 the Board.

13 MR. MOORE: This is Rory. Can you hear me?

14 MAYOR TUCCI: Yes, we can hear you,
15 Mr. Moore.

16 MR. MOORE: You have a wicked reverb. It's
17 very difficult to hear you. This evening, Mr. Mayor,
18 on your agenda, you have a correspondence from a group
19 in Nutley that wants to have a walk. It's on Page 2,
20 the Thriving Survivors, and they want to do a walk.
21 Why did they have to submit an application for the
22 walk? And Black Lives Matter doesn't have to do that?

23 MAYOR TUCCI: Mr. Moore, our procedure is
24 always for town sponsored events, or events that will
25 be held here in the town that the Board of

1 Commissioners support, to submit an event application.

2 It's not a protest, it's an event.

3 MR. MOORE: I didn't say it's a protest. Why
4 do they have to submit one, but Black Lives Matter
5 doesn't? Isn't it on the safety and the benefit of the
6 townspeople that they know how many people will be
7 there, where, will streets be blocked off, where will
8 they go to the bathroom?

9 MR. GENITEMPO: Mr. Mayor, can I answer that?

10 MAYOR TUCCI: Rory, I think it has to do with
11 their --

12 MR. MOORE: Please.

13 MAYOR TUCCI: -- First Amendment rights, but
14 Mr. Genitempo, can you address this, please?

15 MR. MOORE: It's very difficult to hear you.

16 MR. GENITEMPO: I couldn't have said it
17 better myself, Mr. Mayor. It's a First Amendment issue
18 versus a community event issue. The Thriving Survivors
19 and other groups have always applied for permits, or at
20 least submitted letters, I should say, for the
21 permission. But political protests are considered
22 differently under the Constitution.

23 MR. MOORE: They're considered for free
24 speech. No one's denying free speech.

25 MR. GENITEMPO: Mr. Moore. Thank you.

1 That's your opinion.

2 MR. MOORE: That's correct, it is. Please
3 look at the Constitution.

4 MR. GENITEMPO: Thank you. Thank you for
5 that, Mr. Moore.

6 MR. MOORE: So Black Lives Matter doesn't
7 have to obey any of Nutley rules. Is that what I'm
8 understanding?

9 MR. GENITEMPO: No, Mr. Moore, that's not
10 what's being said.

11 MR. MOORE: Okay, then explain it so I can
12 understand it.

13 MR. GENITEMPO: I just explained it to you,
14 Mr. Moore.

15 MR. MOORE: So --

16 MR. GENITEMPO: Political -- First Amendment
17 protesting, protesters, are not necessarily required to
18 gather a permit or permission. However, luckily, they
19 have been very cooperative with the township, advised
20 us of their intentions, and been very cooperative with
21 the police department and the township in their
22 activities. So it's worked out in terms of that issue,
23 and that's the answer to your question. Thank you.

24 MR. MOORE: Your reverb is horrible.

25 MR. GENITEMPO: Thank you.

1 MR. MOORE: How much overtime did we spend on
2 that?

3 MR. GENITEMPO: I don't know, Mr. Moore.

4 MR. MOORE: Is it over 20,000?

5 MR. GENITEMPO: I don't know, Mr. Moore.

6 MR. MOORE: Well, I filed an OPRA, so you
7 thing it could get answered pretty soon?

8 MR. GENITEMPO: Mr. Moore, as all your OPRA
9 requests, we will answer them as quickly and as
10 appropriately as possible.

11 MR. MOORE: Well, there's a couple out there
12 for over 14 days.

13 MR. GENITEMPO: Okay, Mr. Moore, thank you.
14 Your time is up, thank you.

15 MR. MOORE: You're welcome.

16 THE CLERK: That's it? That's it, Mayor.

17 MAYOR TUCCI: Okay. Seeing that there's no
18 one else that wants to comment on agenda items --

19 MR. GENITEMPO: We have one more, Mr. Mayor.

20 MAYOR TUCCI: Oh, we have one more, okay.

21 THE CLERK: Sorry, Mayor.

22 MR. MAZZA: Good evening. James Mazza,
23 152 Beech. I have a question regarding the agenda item
24 that Commissioner Petracco has, regarding Daniel
25 Geltrude and Geltrude and Company. My question is,

1 Mr. Mayor, is, why is the town expending \$15,000 of
2 taxpayers money to audit the rescue squad, when our
3 finances have been audited by this company for over a
4 decade at the cost of \$200,000?

5 MAYOR TUCCI: I'm sorry, I can't hear --

6 COMMISSIONER EVANS: It's very hard.

7 MAYOR TUCCI: I can't hear what you're
8 saying.

9 COMMISSIONER EVANS: Yeah, I was trying --

10 MAYOR TUCCI: I can't make out what -- the
11 words.

12 MR. MAZZA: Let me see. Is this better? Can
13 you hear me?

14 MAYOR TUCCI: I'm trying again.

15 MR. MAZZA: Let me see. Can you hear me?

16 MAYOR TUCCI: Yes. Yes.

17 MR. MAZZA: Okay. So my question is as
18 follows; why is it that the -- for the Commissioner
19 Petracco's resolution regarding Geltrude, why is it
20 that the township is spending \$15,000 to audit a
21 organization, first of all that's a non-profit
22 501(c)(3), separate from the township, but furthermore,
23 why they're spending that money when the town has --
24 when the organization itself has spent over \$200,000
25 over the last 10 years with that organization?

1 MAYOR TUCCI: Okay. Let's let Commissioner
2 Petracco answer that. Commissioner?

3 COMMISSIONER PETRACCO: I'll push that over
4 to our counsel.

5 MR. GENITEMPO: Sure. Mr. Mazza, as you well
6 know, being a member of the Nutley Volunteer Emergency
7 Rescue Squad, there's an ordinance that requires the
8 township to have control and oversight over the entire
9 squad, that Commissioner Petracco is the commissioner
10 in charge of that, and lately, we've realized during
11 our investigational study, that there -- that
12 Mr. Geltrude was originally brought into this because
13 of his -- the trust of the commissioners of him was let
14 go by your emergency rescue squad in terms of
15 performing the audit without permission of Commissioner
16 Petracco. Ultimately, another --

17 UNIDENTIFIED: That's just for here.

18 MR. MAZZA: I can barely hear you,
19 Mr. Genitempo.

20 MR. GENITEMPO: Okay, thank you. Ultimately,
21 we found out that the squad retained another accountant
22 without the town's permission. Despite the fact if
23 it's a 501(c)(3), the town still controls the
24 operations of the department. After seeing the 2019
25 return that was prepared by this new accountant,

1 certain questions arose that need to be answered.
2 Commissioners, of course Commissioner Petracco, trust
3 Mr. Geltrude with his experience, his knowledge of the
4 squad, and frankly, his expertise, to be able to review
5 the finances, particularly the last year and a half, as
6 to what's going on. I'd rather not be more specific,
7 because I don't think there's any reason to be,
8 regarding what's in those returns, but we will be
9 addressing it.

10 UNIDENTIFIED: (Indiscernible).

11 MR. GENITEMPO: I should unmute, then, right?

12 UNIDENTIFIED: (Indiscernible).

13 MR. GENITEMPO: Okay. But we'll -- we're
14 going to be -- address it, and we hope to have a very
15 cordial result and continued operation of the squad.
16 You know, to the benefit of the Township of Nutley.

17 MR. MAZZA: Thank you for answering the
18 question.

19 MR. GENITEMPO: You're welcome.

20 MAYOR TUCCI: Thank you.

21 MR. GENITEMPO: I don't see any other hands
22 up. Do you, Sal?

23 UNIDENTIFIED: (Indiscernible).

24 MR. GENITEMPO: Okay. That's it.

25 MAYOR TUCCI: Okay. We have a need this

1 evening for a short executive session, so I'll
2 entertain a motion to go into closed.

3 COMMISSIONER PETRACCO: Move it.

4 COMMISSIONER KELLY: Second.

5 COMMISSIONER SCARPELLI: Second. Are you
6 sure it's short?

7 MAYOR TUCCI: I'm hoping it's short.

8 UNKNOWN SPEAKER: Hello?

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

13 Whereas, the public body is of the opinion
14 that such circumstances exist; and

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

19 And now therefore be it resolved by the Board
20 of Commissioners of the Township of Nutley to move into
21 closed executive session to discuss potential
22 litigation and contract negotiations.

23 Alan? Anything else? Thank you.

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

1 be when and such disclosures may be made without
2 adversely affecting the Township of Nutley, pending
3 and/or anticipated legal, personnel, contractual
4 matters and other matters within the exception provided
5 for by statute. Commissioner Kelly?

6 COMMISSIONER KELLY: Aye.

7 THE CLERK: Commissioner Evans?

8 COMMISSIONER EVANS: Aye.

9 THE CLERK: Commissioner Petracco?

10 COMMISSIONER PETRACCO: Aye.

11 THE CLERK: Commissioner Scarpelli?

12 COMMISSIONER SCARPELLI: Aye.

13 THE CLERK: Mayor Tucci?

14 MAYOR TUCCI: Aye.

15 THE CLERK: The time is 7:25.

16 MAYOR TUCCI: Thank you.

17 THE CLERK: Thank you.

18 (Off record)

19 (On record)

20 THE CLERK: Are we good? We're ready, Mayor.

21 MAYOR TUCCI: Thank you. I apologize for
22 that lengthy executive session, but we had many items
23 that we needed to discuss. So we will move on to
24 ordinance introductions. Commissioner Petracco?

25 COMMISSIONER PETRACCO: Yes. Mayor. I have

1 ordinance introduction, an ordinance to amend -- it's
2 Number 344. An ordinance to amend an ordinance
3 codified in the code of the Township of Nutley,
4 Chapter 228, entitled Vehicles and Traffic,
5 particularly Article 7, Special Zones and Areas,
6 Section 29A entitled Handicapped Parking, to add the
7 locations set forth thereon. I move that this
8 ordinance be passed to a second reading and be
9 advertised in the Nutley Sun, together with the notice
10 required by law, and that further notice -- and further
11 consideration of said ordinance for final passage by
12 the Board of Commissioners be held at its second
13 reading, I believe on August 4th? I see?

14 COMMISSIONER SCARPELLI: Yes.

15 THE CLERK: Yes, Mayor.

16 COMMISSIONER PETRACCO: I move the ordinance.

17 COMMISSIONER SCARPELLI: 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.

24 THE CLERK: Commissioner Scarpelli?

25 COMMISSIONER SCARPELLI: Aye.

1 THE CLERK: Mayor Tucci?

2 MAYOR TUCCI: Aye.

3 COMMISSIONER PETRACCO: Thank you.

4 MAYOR TUCCI: Thank you, Commissioner. I
5 also have an ordinance for introduction this evening.
6 This is an ordinance of the Board of Commissioners of
7 the Township of Nutley of the County of Essex adopting
8 the amended Nutley Phase 2A redevelopment plan. I move
9 that this ordinance be passed to a second reading and
10 advertised in the Nutley Sun, together with the notice
11 required by law, and that further consideration of said
12 ordinance for final passage by the Board of
13 Commissioners be held at its second reading on
14 August 4th. I move the ordinance.

15 COMMISSIONER PETRACCO: 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. Thank you. We will now

1 move into --

2 COMMISSIONER KELLY: Mayor, if we could just
3 move back to --

4 MAYOR TUCCI: Yes?

5 COMMISSIONER KELLY: -- announcements? I
6 have a couple of --

7 MAYOR TUCCI: Oh, I'm sorry.

8 COMMISSIONER KELLY: -- announcements.

9 MAYOR TUCCI: Yes. Board of Commissioner
10 announcements.

11 COMMISSIONER KELLY: I can start it off.

12 MAYOR TUCCI: You can? Yes, please.

13 COMMISSIONER KELLY: So I just wanted to
14 announce that the Nutley Cultural Inclusion and
15 Diversity Council had its first meeting. It was an
16 introductory meeting and it went very well. I was very
17 impressed by the credentials of everyone on the
18 committee. Everyone or almost everyone has advanced
19 degrees, and several of them have advanced degrees in
20 cultural and racial studies.

21 The committee members are Janice Fraser,
22 Desyra Highsmith Holcomb, Rhonda Frobose, Michael
23 Celona, Jill Fenske, Catherine Pezo, Christopher
24 Cullari, Maria Hamlin, Christine Villanueva, Taji
25 Reisch, Vincent Banez, Yaruby Petit-Frere, Patrick

1 Koslecki, Danielle Schaefer, Alfredo Huaranga, and
2 Courtney Johnson, and myself.

3 I also want to announce that we are -- we
4 have rescheduled the rabies clinic. It will be
5 occurring -- it's a free rabies clinic, it will be
6 occurring this Monday, July 13th, at Chestnut Street
7 Firehouse from 5 to 8 p.m. We're pleased to announce
8 that we have the community blood drive scheduled for
9 Thursday, July 16th, in honor of Anne Rotonda. It's
10 appointment only, and it's been completely booked, so
11 we're grateful that everyone has pledged to donate, and
12 we're encouraged to see everyone making a donation.
13 We'll be looking to possibly schedule another one in
14 the future, due to the high demand.

15 I also want to announce that the Pediatric
16 Vaccine Clinic is resuming. It will resume every third
17 Wednesday of the month, and children are going to be
18 seen by appointment only. And lastly, I want to touch
19 on masks. Masks are required in public spaces whenever
20 you cannot maintain the social distancing required
21 distance. However, I strongly encourage people to
22 remove their mask if they're driving by themselves.
23 There was an incident where an elderly woman lost
24 consciousness, crashed, and ultimately died as a result
25 of wearing a mask when she was driving alone. So just

1 be cognizant of the situation you're in, and if it's
2 safe to remove your mask, maybe you don't have to wear
3 it.

4 Also, we have reported incidents where people
5 who wear glasses, and they're wearing a mask, also have
6 their glasses fogging, which diminishes their ability
7 to see. So also keep that in mind, especially -- even
8 if you're not driving, if you're crossing the street,
9 maybe you won't be able to see the cars clearly. So
10 just keep that in mind when wearing masks. That's it.

11 MAYOR TUCCI: Thank you, Commissioner.

12 COMMISSIONER EVANS: Mayor I just want to --

13 MAYOR TUCCI: Commissioner Evans?

14 COMMISSIONER EVANS: -- I wanted to add that
15 at the rabies clinic, the Municipal Clerk's Office will
16 be there for licenses. It's always a joint event when
17 we do that, between the Health Department and Revenue
18 and Finance, to -- just to make sure that people can
19 remember that they can not only get their rabies shot,
20 but they also can renew their animal license.

21 MAYOR TUCCI: Very good, thank you,
22 Commissioner.

23 Commissioner Scarpelli?

24 COMMISSIONER SCARPELLI: Nothing, Mayor.

25 MAYOR TUCCI: Commissioner Petracco? I have

1 one announcement, and thank you for reminding me,
2 Commissioner Kelly. Today I had the opportunity to
3 represent the Board of Commissioners at the Nutley High
4 School 2020 graduation ceremony. They held it in two
5 separate events to maintain the social distancing, and
6 it was a wonderful event. I'd like to thank the Board
7 of Education for actually holding it. I think the --
8 all of the students involved deserved that -- their
9 moment in the sun, and the sun was absolutely out
10 today, and they did an outstanding job, and the
11 administration did a wonderful job, and I was just very
12 happy and proud to be there, and I'd just like to once
13 again congratulate all of our 2020 graduates.

14 All right. Moving right along. Resolutions?
15 Commissioner Evans?

16 COMMISSIONER EVANS: Thank you, Mayor. I
17 have -- my first two resolutions relate to temporary
18 budget authorizations. One's for the Municipal Budget,
19 the other is for the Water Utility. These resolutions
20 are allowed by statute N.J.S.A. 40A:4-20. And I will
21 -- I'll read accordingly.

22 Whereas, total emergency resolutions adopted
23 in the year 2020 pursuant to the provisions of
24 Chapter 96 P.L. 1951, including this resolution, total
25 \$25,501,460.

1 Now therefore be it resolved that in
2 accordance with N.J.S.A. 40A:4-20.

3 1. Emergency temporary authorization and the same
4 are hereby made for a total of \$11,124,500, and that
5 said emergency temporary appropriations will be
6 provided for in the 2020 budget. This authorization
7 will bring us through the September time frame. So
8 move.

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 COMMISSIONER EVANS: This again, the second
21 is for the 2020 Water Utility budget.

22 Whereas, the total emergency appropriation
23 resolution adopted in the year 2020, pursuant to the
24 provisions of Chapter 96 P.L. 1951, including this
25 resolution, total \$1,122,646.88.

1 Now therefore be it resolved that in
2 accordance with N.J.S.A. 40A:4-21, the emergency
3 temporary appropriation be and the same are hereby made
4 for the total amount of \$2,245,293.76. That said
5 emergency appropriations will be provided for in the
6 2020 Water budget, utility budget. So move.

7 COMMISSIONER KELLY: Second.

8 THE CLERK: Commissioner Kelly?

9 COMMISSIONER KELLY: Aye.

10 THE CLERK: Commissioner Evans?

11 COMMISSIONER EVANS: Aye.

12 THE CLERK: Commissioner Petracco?

13 COMMISSIONER PETRACCO: Aye.

14 THE CLERK: Commissioner Scarpelli?

15 COMMISSIONER SCARPELLI: Aye.

16 THE CLERK: Mayor Tucci?

17 MAYOR TUCCI: Aye.

18 COMMISSIONER EVANS: My third resolution
19 relates to the temporary budget, when we have to make
20 our payments on our outstanding debt.

21 Now therefore be it resolved by the Board of
22 Commissioners of the Township of Nutley that the
23 following temporary appropriations are made; interest
24 on bonds, \$25,850. Principal on bonds, \$470,000. The
25 New Jersey Department of DEP Green Acres Loan, \$9,500,

1 the loan interest, \$3,700, for a total current debt
2 service of \$509,050. In the operating utility loan
3 principal payment of \$70,412, interest, \$6,900 for a
4 total of \$77,312. So move.

5 COMMISSIONER SCARPELLI: Second.

6 THE CLERK: Commissioner Kelly?

7 COMMISSIONER KELLY: Aye.

8 THE CLERK: Commissioner Scarpelli?

9 COMMISSIONER SCARPELLI: Aye.

10 THE CLERK: Commissioner Evans?

11 COMMISSIONER EVANS: Aye.

12 THE CLERK: Commissioner Petracco?

13 COMMISSIONER PETRACCO: Aye.

14 THE CLERK: Mayor Tucci?

15 MAYOR TUCCI: Aye.

16 COMMISSIONER EVANS: Okay. So my last one is
17 one that I think is very special, and we don't do these
18 very often, but we -- it's a time to recognize somebody
19 in the department, in the Municipal Clerk's Office, who
20 has done an exceptional job, who has worked very hard,
21 and has made all of us very proud for what she has
22 accomplished. So by resolution, I am -- with the
23 Board's backing, Ceci Tramontana will have the
24 appointed title now of Deputy Municipal Clerk in the
25 Township.

1 Whereas, Ms. Ceci Tramontana has successfully
2 completed all required coursework at Rutgers University
3 related to the office of Municipal Clerk, and on
4 April 3rd, 2019, she successfully passed the State of
5 New Jersey Examination for Licensure as the Registered
6 Municipal Clerk; and

7 Whereas, Ceci has completed all of her
8 continuing education requirements related to her
9 license, and has performed admirably in the Municipal
10 Clerk's Office since her date of hire on March 1, 2016;

11 Whereas, N.J.S.A. 40A:9-135(A) allows the
12 governing body to establish the title of Deputy
13 Municipal Clerk within the Municipal Clerk's Office to
14 enable continuity in the execution of the duties and
15 responsibilities in the Municipal Clerk's Office when
16 the Township's Municipal Clerk is unavailable;

17 Whereas, Ms. Eleni Pettas, Municipal Clerk,
18 has affirmed that Ms. Ceci Tramontana has gained the
19 requisite experience to be able to competently assume
20 the duties and responsibilities of Deputy Municipal
21 Clerk; and

22 Whereas, the title Deputy Municipal Clerk
23 already exists in our current salary ordinance, as
24 required by N.J.S.A. 40A:9-135(A).

25 And now therefore be it resolved that the

1 Board of Commissioners of the Township of Nutley in the
2 County of Essex, State of New Jersey, do hereby confer
3 upon Ms. Ceci Tramontana the title of Deputy Municipal
4 Clerk with an effective date of July 9th, 2020. So
5 move.

6 COMMISSIONER SCARPELLI: Second.

7 THE CLERK: Commissioner Kelly?

8 COMMISSIONER KELLY: Aye.

9 THE CLERK: Commissioner Evans?

10 COMMISSIONER EVANS: Ceci, thank you.

11 Congratulations. Heck of a job. Gladly aye.

12 MS. TRAMONTANA: Thank you.

13 THE CLERK: Commissioner Petracco?

14 COMMISSIONER PETRACCO: Aye.

15 THE CLERK: Commissioner Scarpelli?

16 COMMISSIONER SCARPELLI: Congratulations,

17 Ceci. Aye.

18 MS. TRAMONTANA: Thank you.

19 THE CLERK: Mayor Tucci?

20 MAYOR TUCCI: Congratulations, Ceci. I

21 happily vote aye.

22 MS. TRAMONTANA: Thank you, Mayor.

23 MAYOR TUCCI: Commissioner Kelly, anything

24 this evening?

25 COMMISSIONER KELLY: No.

1 MAYOR TUCCI: All right, moving right
2 along --

3 COMMISSIONER EVANS: There's nobody here --

4 MAYOR TUCCI: Commissioner Petracco?

5 COMMISSIONER EVANS: -- we've got to make some
6 noise or something.

7 COMMISSIONER PETRACCO: Yes. Whereas, the
8 Township of Nutley has a need to retain the services of
9 a forensics accountant who specializes in the financial
10 auditing; and

11 Whereas, N.J.S.A. 40A:11-5 permits the award
12 of a professional service contract without public
13 bidding; and

14 Whereas, Daniel Geltrude of the Accounting
15 Firm of Geltrude and Company LLC, 513 Franklin Avenue,
16 Nutley, New Jersey, has submitted a proposal to do a
17 forensic audit of the Nutley Volunteer Rescue Squad on
18 an hourly basis in an amount not to exceed \$15,000; and

19 Whereas, the funds are available from Account
20 Number 0-01-314-205, and will be certified by the Chief
21 Financial Officer, subject for adoption of the 2020
22 Municipal Budget;

23 Whereas, the anticipated term of this
24 contract is for 12 months from July 15, 2020 through
25 July 15th, 2021;

1 Whereas, the Accounting Firm of Geltrude and
2 Company has completed and submitted a business entity
3 disclosure certification which certifies that they have
4 not made any reportable disqualifying contributions to
5 political or candidate committee in the Township of
6 Nutley in the previous one year, and that the contract
7 will prohibit them from making then any reportable
8 contributions through the term of the contract.

9 And now therefore be it resolved by the Board
10 of Commissioners, Township of Nutley, County of Essex,
11 State of New Jersey, that the mayor is hereby
12 authorized to enter into a contract with Daniel
13 Geltrude of the Accounting Firm of Geltrude and
14 Company, LLC, as a professional service.

15 Be it further resolved that a copy of this
16 resolution as well as the contract shall be placed on
17 file with the Clerk of the Township of Nutley, and a
18 notice in accordance with the Local Public Contracts
19 law of New Jersey in the form attached hereto shall be
20 published in the Nutley Sun. I move the resolution.

21 COMMISSIONER SCARPELLI: Second.

22 THE CLERK: Commissioner Kelly?

23 COMMISSIONER KELLY: Aye.

24 THE CLERK: 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 COMMISSIONER PETRACCO: Thank you, Mayor.

8 MAYOR TUCCI: Thank you, Commissioner.

9 Commissioner Scarpelli?

10 COMMISSIONER SCARPELLI: Be it resolved by
11 the Board of Commissioners of the Township of Nutley,
12 County of Essex, State of New Jersey, that the Township
13 Treasurer be and she is hereby authorized to refund a
14 hundred dollars to the below listed parking permit
15 people below for a refund of payment for a municipal
16 parking permit. I move the resolution.

17 COMMISSIONER PETRACCO: 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.

24 THE CLERK: Commissioner Scarpelli?

25 COMMISSIONER SCARPELLI: Aye.

1 THE CLERK: Mayor Tucci?

2 MAYOR TUCCI: Aye.

3 COMMISSIONER SCARPELLI: Be it resolved by
4 the Board of Commissioners of the Township of Nutley,
5 County of Essex, State of New Jersey, that the Township
6 Clerk is hereby authorized to advertise for sealed bids
7 for the NJDOT Grant Avenue Roadway Improvement Project,
8 Myrtle Avenue to River Road, in the Township of Nutley,
9 to be received on behalf of the Board of Commissioners,
10 in the Commission Chambers, Township Hall, 1 Kennedy
11 Drive, Nutley, New Jersey, on Wednesday, July 29th,
12 2020, at 11 a.m. prevailing time, at which time they
13 will be publicly opened and read by Zoom. Zoom
14 invitation link will be sent out to all submitted bids,
15 as well as posted on our township website. I move the
16 resolution.

17 COMMISSIONER PETRACCO: 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.

24 THE CLERK: Commissioner Scarpelli?

25 COMMISSIONER SCARPELLI: Aye.

1 THE CLERK: Mayor Tucci?

2 MAYOR TUCCI: Aye.

3 COMMISSIONER SCARPELLI: Whereas, bids for
4 the 2019 CDBG Roadway Improvements, Witherspoon Street,
5 were received and opened on Wednesday, June 10th, 2020;

6 Whereas, AJM Contractors, 300 Kuller Road,
7 Clifton, New Jersey, was the lowest responsible bidder;

8 Whereas, the base bid for the 2019 CDBG
9 Roadway Improvements, Witherspoon Street, are in the
10 amounts of \$131,329, for a total bid of \$131,329.

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 a contract be awarded
14 to AJM Contractors for the total bid in the amount not
15 to exceed \$131,329, and that the Mayor and Township
16 Clerk are hereby authorized to enter into and sign said
17 contract for the Township of Nutley, subject to the
18 final approval and funding by the Essex County
19 Community Development Block Grant. I move the
20 resolution.

21 COMMISSIONER PETRACCO: Second.

22 THE CLERK: Commissioner Kelly?

23 COMMISSIONER KELLY: Aye.

24 THE CLERK: 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 COMMISSIONER SCARPELLI: Whereas, a

8 discrepancy exists with respect to water consumption

9 billing at 101107 Passaic Avenue in Nutley, New Jersey;

10 Whereas, an accurate reading was unable to be

11 obtained due to no access to the water meter;

12 Whereas, the Township and the property owner

13 investigated this matter and resolved the discrepancy

14 as set forth herein; and

15 Whereas, the water meter will be replaced

16 with a compatible automated meter.

17 Now therefore be it resolved by the Board of

18 Commissioners of the Township of Nutley, County of

19 Essex, as follows:

20 The Township Treasurer is hereby authorized

21 to cancel water charges in the amount of \$6,900 for

22 account 6882, 101107 Passaic Avenue, and the property

23 owner shall pay to the Township, and the Township shall

24 accept a settlement of \$6,900.13 due on or before

25 July 27, 2020. Move the resolution.

1 COMMISSIONER PETRACCO: Second.

2 THE CLERK: Commissioner Kelly?

3 COMMISSIONER KELLY: Aye.

4 THE CLERK: Commissioner Evans?

5 COMMISSIONER EVANS: Aye.

6 THE CLERK: Commissioner Petracco?

7 COMMISSIONER PETRACCO: Aye.

8 THE CLERK: Commissioner Scarpelli?

9 COMMISSIONER SCARPELLI: Aye.

10 THE CLERK: Mayor Tucci?

11 MAYOR TUCCI: Aye.

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

14 MAYOR TUCCI: Thank you, Commissioner.

15 Whereas, on February 5th of 2019, the Township of
16 Nutley adopted Resolution Number 45-19 authorizing the
17 Mayor to enter into a contract with Viridian
18 Environmental Consultants, P.O. Box 3009, Upper
19 Montclair, New Jersey, for the site investigation of
20 Father Glotzbach Field;

21 Whereas, the Director of Parks and Public
22 Property has recommended the following change order
23 from said contract:

24 Change Order Number 2: Site investigation
25 services in the amount of \$6,783.75.

1 Whereas, funds are available from Capital
2 Ordinance 3408C and have been certified by the Chief
3 Financial Officer, said certification being attached to
4 this resolution.

5 Now therefore be it resolved by the Board of
6 Commissioners of the Township of Nutley, County of
7 Essex, State of New Jersey, that Change Order 2 in the
8 amount of \$6,783.75 be and is hereby approved. I move
9 the resolution.

10 COMMISSIONER PETRACCO: Second.

11 THE CLERK: Commissioner Kelly?

12 COMMISSIONER KELLY: Aye.

13 THE CLERK: Commissioner Evans?

14 COMMISSIONER EVANS: Aye.

15 THE CLERK: Commissioner Petracco?

16 COMMISSIONER PETRACCO: Aye.

17 THE CLERK: Commissioner Scarpelli?

18 COMMISSIONER SCARPELLI: Aye.

19 THE CLERK: Mayor Tucci?

20 MAYOR TUCCI: Aye.

21 Whereas, the Township of Nutley has the need
22 to acquire specialized professional services as a
23 non-fair and open contract pursuant to the provision of
24 N.J.S.A. 19:44A-20.5; and

25 Whereas, the Township of Nutley through the

1 Department of Parks and Recreation has a need to
2 acquire specialized and professional services for a
3 Remedial Action Report, Remedial Action Permit, and
4 Remedial Action Outcome for Father Glotzbach Field; and

5 Whereas, the anticipated term of this
6 contract is for 12 months from the date of contract
7 award; and

8 Whereas, Viridian Environmental Consultants,
9 Upper Montclair, New Jersey, has submitted a proposal
10 indicating that they will provide such services for a
11 sum not to exceed \$15,800; and

12 Whereas, Viridian Environmental Consultants
13 has completed and submitted a business entity
14 disclosure certification, which certifies that said
15 corporation has not made any reportable contributions
16 to a political or candidate committee in the Township
17 of Nutley in the previous one year, and that the
18 contract will prohibit Viridian Environmental
19 Consultants from making any reportable contributions
20 through the term of the contract; and

21 Whereas, funds are available from
22 Account 3408C in the amount of \$15,800, and have been
23 certified by the Chief Financial Officer, said
24 certification being attached to this resolution.

25 Now therefore be it resolved that the Board

1 of Commissioners of the Township of Nutley, County of
2 Essex, State of New Jersey, enter into a contract with
3 Viridian Environmental Consultants as described herein;
4 and

5 Be it further resolved that the business
6 disclosure entity certification and the determination
7 of value will be placed on file with this resolution.

8 Be it further resolved that a notice of this
9 action shall be printed once in the Nutley Sun, in
10 accordance with local public contract law. I move the
11 resolution.

12 COMMISSIONER PETRACCO: Second.

13 THE CLERK: Commissioner Kelly?

14 COMMISSIONER KELLY: Aye.

15 THE CLERK: Commissioner Evans?

16 COMMISSIONER EVANS: Aye.

17 THE CLERK: Commissioner Petracco?

18 COMMISSIONER PETRACCO: Aye.

19 THE CLERK: Commissioner Scarpelli?

20 COMMISSIONER SCARPELLI: Aye.

21 THE CLERK: Mayor Tucci?

22 MAYOR TUCCI: Aye.

23 Whereas, the Township of Nutley has the need
24 to acquire specialized professional services as a
25 non-fair and open contract, pursuant to the provision

1 of N.J.S.A. 19:44A-20.5; and

2 Whereas, the Township of Nutley, through the
3 Department of Parks and Public Property, has a need to
4 acquire specialized and professional services for
5 project coordination and construction management for
6 the Glotzbach ADA Walking Path; and

7 Whereas, the anticipated term of this
8 contract is for 12 months from the date of award; and

9 Whereas, Neglia Engineering Associates,
10 34 Park Avenue, Lyndhurst, New Jersey, has submitted a
11 proposal indicating that they will provide such
12 services for a sum not to exceed \$7,600; and

13 Whereas, Neglia Engineering Associates has
14 completed and submitted a business entity disclosure
15 certification, which certifies that said corporation
16 has not made any reportable contributions to a
17 political or candidate committee in the Township of
18 Nutley in the previous one year, and that the contract
19 will prohibit Neglia Engineering Associates from making
20 any reportable contributions through the term of the
21 contract; and

22 Whereas, funds are available from
23 Account 3408C, in the amount of \$7,600, and have been
24 certified by the Chief Financial Officer, said
25 certification being attached to this resolution.

1 Now therefore be it resolved that the Board
2 of Commissioners of the Township of Nutley, County of
3 Essex, State of New Jersey, enter into a contract with
4 Neglia Engineering Associates as described herein.

5 Be it further resolved that the business
6 disclosure entity certification and the determination
7 of value will be placed on file with this resolution;
8 and

9 Be it further resolved that a notice of this
10 action shall be printed once in the Nutley Sun in
11 accordance with local public contracts law. I move the
12 resolution.

13 COMMISSIONER PETRACCO: 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.

24 Whereas, the Department of Parks and Public
25 Property has determined that the DeMuro Park Track and

1 Tennis Courts are in need of renovating; and

2 Whereas, renovating DeMuro Park Track and
3 Tennis Courts will serve a greater number of Nutley
4 residents; and

5 Whereas, it has been determined that the
6 renovation would lead to greater enjoyment of our park
7 system for our Nutley residents.

8 Now therefore be it resolved by the Board of
9 Commissioners of the Township of Nutley, County of
10 Essex, State of New Jersey, that the Township Clerk be
11 and she is hereby authorized to advertise for sealed
12 bids for upgrades to the DeMuro Park Track and Tennis
13 Courts. Specifications are available in the Purchasing
14 Department, Township Hall, 1 Kennedy Drive, Nutley, New
15 Jersey. Bids to be received on Wednesday, July 29th,
16 2020, in the Commission Chambers, Third Floor, Township
17 Hall, 1 Kennedy Drive, at 11 a.m. prevailing time, at
18 which time they will be publicly opened and read. I
19 move the resolution.

20 COMMISSIONER PETRACCO: Second.

21 THE CLERK: Commissioner Kelly?

22 COMMISSIONER KELLY: Aye.

23 THE CLERK: Commissioner Evans?

24 COMMISSIONER EVANS: Aye.

25 THE CLERK: Commissioner Petracco?

1 COMMISSIONER PETRACCO: Aye.

2 THE CLERK: Commissioner Scarpelli?

3 COMMISSIONER SCARPELLI: Aye.

4 THE CLERK: Mayor Tucci?

5 MAYOR TUCCI: Aye. That concludes our
6 business. Madam Clerk, we will now open the meeting to
7 the public.

8 THE CLERK: Thank you, Mayor. All persons
9 addressing the Board of Commissioners regarding
10 community concerns should state their name and address
11 for the record. Unless further time is granted by the
12 Board, each person shall limit their address to five
13 minutes. All remarks to the Board and its individual
14 members must be addressed to the mayor. The mayor may
15 defer citizens' comments to the appropriate member of
16 the Board.

17 MR. MOORE: Rory Moore, 462 Chestnut Street.
18 Can you -- can you hear me?

19 MAYOR TUCCI: Yes, we can.

20 MR. MOORE: Mayor Tucci, last meeting, I said
21 that I was going to send an OPRA request in for the
22 League of Municipalities. Somebody in the Clerk's
23 Office sent that down to the League itself, and I spoke
24 to the clerk who did the research. According to my
25 understanding from you, if an employee from the town

1 wanted to go, they had to submit in writing some form
2 of what they intended to do down there and what classes
3 they were going to attend. Did I understand that
4 correctly?

5 MAYOR TUCCI: No, Mr. Moore, you did not.

6 MR. MOORE: Okay, but what --

7 MAYOR TUCCI: What I said was that many
8 employees need to attend the League of Municipalities
9 convention to get their continuing education units and
10 to recertify their individual licenses and/or
11 certifications.

12 MR. MOORE: Okay, because you sent a letter
13 for -- at -- in an OPRA response from Inglesino that
14 said the Township is not responsible for the
15 recertification process or the expense of the classes.

16 MAYOR TUCCI: Mr. Moore, I'm not aware that
17 that's even true --

18 MR. MOORE: You want --

19 MAYOR TUCCI: -- because that has
20 (indiscernible).

21 MR. MOORE: -- you want -- you want me to fax
22 the letter to you. I'll send it to you.

23 MAYOR TUCCI: I would love to see that
24 letter, because that's --

25 MR. MOORE: I'll send it to you.

1 MAYOR TUCCI: -- that is not the practice of
2 this municipality or any other municipality that I am
3 aware of in the State of New Jersey.

4 MR. MOORE: Well, the young lady that did the
5 research called me, because I had a number of
6 questions, and she was so helpful. It appears that you
7 cannot submit in writing in advance of the convention
8 the classes you would like to attend. The number one
9 reason people go to there is to see the vendors.
10 Number two reason is to network. Classes were down
11 something like three or four. You have to use your
12 swipe card that you receive at the door in order to
13 register for the class, and you have to swipe it on the
14 way out of the class to get credit for it. So I really
15 don't understand why we're spending all this money,
16 pretty close to \$35,000. She looked everything up, and
17 we paid something like \$3200 and we don't receive any
18 direct benefits whatsoever from the League.

19 I had asked a question, is there going to be
20 a convention this year, and they do not know because of
21 the COVID, obviously. She said that they're going to
22 this new thing, or they've had it, it's called a
23 mini-conventions, where you could sit at your desk and
24 look at all the videos you want all day long, and we
25 don't have to bear the expenses of sending people down

1 to Atlantic City. Doesn't that sound like a good idea?

2 MAYOR TUCCI: Sounds like a good idea to me.

3 MR. MOORE: Then why can't we put some kind
4 of a commitment from the commissioners now, that you're
5 going to try to save money on wasteful spending? This
6 obviously is rather wasteful. I just saved you
7 \$35,000.

8 MAYOR TUCCI: Well, Mr. Moore, number one,
9 this Board of Commissioners saves every dime that it
10 can in the interest of lessening the tax burden on our
11 people. I can speak for my department. Three people
12 went down from my department. My superintendent of
13 Parks and Recreation, my Field and Buildings
14 supervisor, and I was the third person that was to be
15 in attendance at that convention, but I wasn't feeling
16 well, and so I substituted another assistant foreman in
17 my department to go down there, so I do not believe
18 that that's excessive, and I do not believe that you
19 have received correct information.

20 I mean, the other commissioners can speak for
21 themselves, as far as, you know, what their
22 requirements are and what their people need to go down
23 there for, and I know -- and I know from my own
24 personal experience, that there are different classes
25 that you would need to attend, including one from the

1 Joint Insurance Fund, all right, on Employee Practices
2 Liability, where we actually get a reduction in our
3 premium of \$250, okay, per commissioner. And every
4 commissioner for as long as I can remember has complied
5 with that either in person, or via computer. So we are
6 absolutely in tune with saving money for our taxpayers.
7 I don't know what other questions you may have of any
8 other commissioners, but please, feel free to ask.

9 MR. MOORE: They didn't find any of the
10 classes. They couldn't find anybody who was
11 registered. Every response that came back was blank,
12 and when I questioned that, she explained the process
13 for this. She also explained the process that you were
14 just speaking of, that you could do that on a
15 mini-conference from your office, you do not have to go
16 to Atlantic City to do that. By not going to Atlantic
17 City, you save the taxpayers a lot of money. And since
18 we --

19 MAYOR TUCCI: Mr. Moore, if that's something
20 that they're offering, that's absolutely something that
21 we need to look at.

22 MR. MOORE: Twice a year.

23 MAYOR TUCCI: Great. Thank you.

24 MR. MOORE: Thank you.

25 MAYOR TUCCI: Have a good night.

1 COMMISSIONER PETRACCO: Move to adjourn.

2 MAYOR TUCCI: Okay. Second?

3 THE CLERK: There's somebody -- there's two
4 people --

5 MAYOR TUCCI: Oh. You have --

6 THE CLERK: Ask them to raise their hand so
7 he can click on it, Ray.

8 MAYOR TUCCI: Okay. Hold that adjournment
9 motion.

10 MR. TYBURSKI: Mr. Mayor, are you able to
11 hear me?

12 MAYOR TUCCI: Yes. Yes, I can.

13 MR. TYBURSKI: Great. Thank you very much to
14 you and the rest of the commissioners for a few moments
15 to speak. My name is Christopher Tyburski, a former
16 resident of Nutley, and current member of the Nutley
17 Volunteer Emergency and Rescue Squad.

18 Earlier, the five of you approved a
19 expenditure up to \$15,000 for Geltrude and Associates
20 to conduct a forensic audit of the Nutley Volunteer
21 Emergency and Rescue Squad. Earlier, Counsel Genitempo
22 suggested that forensic audit was because of a
23 potential problems with prior -- with the past year and
24 a half's, I believe, worth of financials there.

25 My question is for the five of you who

1 approved it. Geltrude was the prior CPA firm hired by
2 the Rescue Squad to do work. They found a less
3 expensive alternative and went with another firm. You
4 are now giving them up to \$15,000 to audit their
5 replacement after having been fired. Do you find that
6 to be a wise and ethical decision, as opposed to going
7 with a third party that is not involved, and did not
8 lose money when they were fired by the Rescue Squad?

9 MAYOR TUCCI: Commissioner, would you like to
10 respond to that?

11 COMMISSIONER PETRACCO: I'm going to --

12 MR. TYBURSKI: And to be clear, I'm asking
13 all five of you who voted for that. I'm asking not
14 just Commissioner Petracco but all five of you who
15 voted in support of that, if you agree that that is an
16 ethical and responsible decision.

17 MAYOR TUCCI: I can speak for myself. I
18 don't see anything wrong with that, all right,
19 especially in light of some of the things that have
20 come to light.--

21 MR. TYBURSKI: You don't feel they have a
22 conflict because they were fired and lost money, and
23 now are getting money through the town to audit the
24 company that replaced them?

25 MAYOR TUCCI: Well, I'm sure there was a

1 reason, and I'm sure Commissioner Petracco will address
2 that reason.

3 COMMISSIONER PETRACCO: I'd just like to say
4 that, you know, the Nutley Volunteer Squad is not all
5 volunteer, as you know, Chris. Things have changed
6 over the years, and we have an obligation to our
7 residents as well to make sure that we're getting all
8 of the information, which our ordinance presently
9 speaks of that we have not been getting. As you know,
10 the Nutley Volunteer Rescue Squad, which again, is not
11 all volunteers any longer, there's a paid component
12 there as well, that we have, you know, we have to get
13 those reports which we haven't been getting for the
14 last couple years, and we have an obligation to our
15 taxpayers as well, to make sure that --

16 MR. TYBURSKI: I -- I agree with you --

17 COMMISSIONER PETRACCO: -- to make sure
18 that there are check and balances.--

19 MR. TYBURSKI: -- Commissioner, but my
20 question specifically --

21 COMMISSIONER PETRACCO: -- and also, Chris,
22 just let me finish. And also that I don't think that
23 the Nutley Emergency Squad has the ability to negotiate
24 or hire professionals or fire them without the approval
25 of this Board, and especially myself.

1 MR. TYBURSKI: Okay. And my question to you
2 would be, do you think that it's ethical to have the
3 company that was fired, who has, by the way, in the
4 past --

5 COMMISSIONER PETRACCO: I think it's
6 unethical --

7 MR. TYBURSKI: -- given money towards your --

8 COMMISSIONER PETRACCO: -- I think it's
9 unethical what the Nutley President did as far as
10 firing him without any knowledge, and I did go online
11 already, and I read your article, and I read the
12 article from Jonathan (phonetic), and the confusion
13 with the article is that Al Petracco had no idea that
14 Danny Geltrude got fired until last week. I just found
15 that out.

16 MR. TYBURSKI: This was done --

17 COMMISSIONER PETRACCO: Just --

18 MR. TYBURSKI: -- over a -- this was done
19 over a year ago --

20 COMMISSIONER PETRACCO: No, but the article
21 says --

22 MR. TYBURSKI: -- (indiscernible) knowledge
23 you (indiscernible) --

24 COMMISSIONER PETRACCO: -- Chris, but the
25 article said -- the article said that I had knowledge

1 of this several months ago.

2 MR. TYBURSKI: I didn't say that. What I
3 asked you -- and so you're saying that this was -- date
4 was uncorrect [sic]. Geltrude did not conduct the 2019
5 audit. So you're suggesting that you only found out
6 about this recently, even though the 2019 audit was
7 conducted about a year ago, a little bit more than a
8 year ago? Is that correct?

9 MR. GENITEMPO: Al, can I clear this up?

10 COMMISSIONER PETRACCO: I -- I would love to
11 answer you, but -- and I can't really hear you that
12 clearly, Chris, but I'm always available to speak in
13 person, as well.

14 MR. TYBURSKI: I would prefer that you speak
15 in public.

16 COMMISSIONER PETRACCO: Excuse me?

17 MR. TYBURSKI: I'd prefer that you speak --
18 I'm asking you in public, as opposed to --

19 COMMISSIONER PETRACCO: You know what? I
20 would love to --

21 MR. TYBURSKI: -- in private.

22 COMMISSIONER PETRACCO: I would love to speak
23 in public, but there's an echo here, too, but we can do
24 it whatever way you want.

25 MR. TYBURSKI: Okay. That's fair.

1 COMMISSIONER PETRACCO: Chris, can I ask you
2 a question? Are you a Nutley resident?

3 MR. TYBURSKI: I left Nutley last year. I
4 rejoined the rescue squad when they came out and
5 reached out to me during the COVID crisis. I rejoined
6 in March. I saw you actually in the deli when -- on my
7 first shift back, and served up until about a few weeks
8 ago.

9 COMMISSIONER PETRACCO: Yeah. Well, I
10 appreciate your service, I want you to know that as
11 well.

12 MR. TYBURSKI: Thank you.

13 COMMISSIONER PETRACCO: Thank you for your
14 volunteerism. You're not on the paid side, correct?

15 MR. TYBURSKI: No, no, I volunteered. Even
16 though I'm not in town, my month with the squad, I came
17 back to help them out and dedicated over --

18 COMMISSIONER PETRACCO: There's a volunteer.

19 MR. TYBURSKI: -- a hundred hours of public
20 service since March, yes.

21 COMMISSIONER PETRACCO: Thank you for your
22 volunteerism, and I'll kick it to Alan.

23 MR. GENITEMPO: Commissioner, just --

24 MR. TYBURSKI: Thank you.

25 MR. GENITEMPO: -- let me address the issue of

1 the ethical question being raised by Chris. First of
2 all, we were told that Mr. Geltrude's firm had been
3 terminated from their services, maybe it was two weeks
4 ago. The indication was it was because of money,
5 costs.

6 MR. TYBURSKI: Yes.

7 MR. GENITEMPO: It wasn't about improper work
8 product, or they did anything wrong, and that -- so
9 there was no -- there was no reason not to be able to
10 reengage Mr. Geltrude if it was only about the funds,
11 which is not insignificant. We also believed that
12 reengaging Mr. Geltrude might be a savings, because he
13 doesn't have to go back historically and gather
14 documents and review documents, because this is not
15 just a one or -- one and a half year review. We need
16 to gather information about the finances.

17 You know, when you see the change between '18
18 and '19, I'm sure you've seen them, at least I hope you
19 have, Chris --

20 MR. TYBURSKI: I have, they're public,
21 they're on the IRS website.

22 MR. GENITEMPO: Right. The tax returns show
23 some significant changes from '18 to '19, and we're not
24 making any accusations against anyone, but we want to
25 be able to understand, and I think -- Mr. Geltrude, by

1 the way, advised us he wasn't even told he was
2 terminated when he called to do the '19 return, they
3 told him, oh, sorry, we got somebody else. So -- and
4 frankly, you have to have a proper resolution of your
5 Board of Directors, and your Board of Directors, we
6 want to see the resolutions, and steps, and the minutes
7 of those meetings to confirm.

8 So we -- I find that there -- there -- I --
9 my position is, there is absolutely no ethical problem.
10 In fact, I think it's an economy of savings here, and
11 as long as you don't have any dispute of Mr. Geltrude's
12 qualifications and abilities, then I don't see any
13 ethical issues.

14 MR. TYBURSKI: Okay.

15 MR. GENITEMPO: So we've reviewed that issue,
16 and if you have anything to the contrary, I would be
17 more than happy to see it, but if this is not a -- if
18 your reason is not -- is only about the money -- it's
19 not about criticizing the person who took his place.
20 We called Mr. Geltrude. He didn't call us and
21 complain. So I'm -- I don't -- I read in -- I also saw
22 the article that said he's an angry, scorned
23 accountant. That's not -- couldn't be further from the
24 truth. So --

25 MR. TYBURSKI: Well, and --

1 MR. GENITEMPO: -- in my opinion as Town
2 Attorney, there is no ethical reason here not to engage
3 Mr. Geltrude.

4 MR. TYBURSKI: I don't doubt in your role as
5 the Town Attorney that you do not see an issue with
6 that. And I do not doubt Mr. Geltrude's
7 qualifications. My question is, in general, taking
8 Mr. Geltrude out of it, if you had an opportunity to
9 say, one person was fired, another person was hired to
10 take their place and there was a discrepancy, would you
11 rather hire the person who was replaced, and lost
12 income, and -- as opposed to a third party that has no
13 financial interest in this?

14 MR. GENITEMPO: Well, if we hired a third
15 party forensic accountant, it could cost 40 to \$50,000.
16 So I think the economy of scale is important here.
17 We're not looking for a problem. We just want to look
18 at it and be able to understand the finances. If
19 you've seen the tax return, I'm sure you could agree --

20 MR. TYBURSKI: I have.

21 MR. GENITEMPO: -- there's reasons to have
22 some concern about what's going on from year to year
23 with the increase in salaries, the increase in
24 expenses, and the negative loss on the tax return. A
25 \$220,000 loss in one year needs to be looked at. We've

1 got to find out what that's about. And we've had that
2 conversation with the current board in a meeting that
3 we conducted. So this is all out in the open. We told
4 them what we were going to be doing, and we hope that
5 we can get this done quickly and efficiently, and not
6 interrupt the serv -- the great services that you guys
7 provide.

8 MR. TYBURSKI: Appreciate it. Thank you very
9 much.

10 MR. GENITEMPO: No problem.

11 MAYOR TUCCI: Thank you.

12 COMMISSIONER PETRACCO: Thank you, Chris.

13 MR. MAZZA: Hello, can you hear me, Mayor?

14 MAYOR TUCCI: Yes, we can.

15 MR. MAZZA: James Mazza, 152 Beech. I moved
16 to Nutley almost six years ago due to my experiences
17 serving with the Nutley Volunteer Emergency and Rescue
18 Squad. Excuse my appearance; I've been rather sick for
19 this week, and thankfully today received word my COVID
20 test was negative.

21 In my nearly 14 year service to NVERS, 12 as
22 a volunteer and one and a half as a paid employee, I
23 have seen massive change, growth, and sacrifice. When
24 I started, volunteers were committed to riding 100 plus
25 hours a month in order to cover all nights and

1 weekends. Unlike the majority of other volunteer EMS
2 agencies, we required our volunteers to be in quarters
3 as opposed to home for their shift. This meant 100
4 plus hours a month away from our home and our families,
5 but it ensured a prompt time -- response time to all
6 911 calls.

7 As more and more families became dual income
8 households, it was not feasible to keep this model
9 going. Since the 1980s, we have had paid staff during
10 the week, Monday through Friday. This is not a new
11 development. Over time, we have increased this paid
12 coverage to allow us to provide services to the
13 township at the same level, free of charge and free of
14 taxpayer expense. Our volunteer numbers depleted due
15 to the strong rider commitment of 100 plus hours a
16 month, began to rebound. Initially, we had paid staff
17 on one of our volunteer nights, but over the course of
18 one and a half years, we were able to bring all five
19 week nights to volunteerism.

20 Nutley Volunteer Emergency and Rescue Squad
21 has been the most diverse organization within the
22 Township of Nutley. We have employed and added as
23 volunteer members men and women of all races, creeds,
24 and sexual orientations. People from all over Essex
25 County have come to volunteer here, at Nutley Rescue,

1 due to our reputation within the county. When new EMTs
2 are in school and ask their teachers where they might
3 be able to volunteer, our agency is the top of the list
4 of places to go and learn the profession of EMS and be
5 treated with respect and dignity.

6 While each successive generation of leaders
7 has changed things at NVERS, they have always done so
8 while trying to honor the past. Senior members are
9 consulted, and their opinions are considered and
10 weighed heavily on the entire decision making process.
11 Sometimes those opinions are not utilized, but it is a
12 testament of good leadership to surround yourself with
13 people who give varied opinions before making an actual
14 decision.

15 I have been the secretary, the treasurer, the
16 president, and CEO, a volunteer captain and now the
17 paid assistant chief. Throughout all of this, one
18 thing has always been constant. The citizens of Nutley
19 are grateful for the service we provide, while the
20 Commissioner of Public Safety sees us as merely a
21 political tool and an afterthought. Commissioner
22 Petracco hasn't had no problem calling the president,
23 myself at the time, in order to get a transport for a
24 friend of his, or someone who's politically connected
25 in the town, regardless of what it would do to staffing

1 for township residents. We always made it work.
2 Transporting the politically connected individual while
3 at the same time covering the township.

4 Over five years ago when I called about a
5 leak in the roof of the township owned and maintained
6 building, a building that was owned by NVERS until 12
7 years ago, I was given a runaround between Commissioner
8 Petracco and now Mayor Tucci for months. It was only
9 when black mold started to become visible, and the
10 water leaking from our ceiling and I, president at the
11 time, stated that I would be obligated to contact OSHA
12 or POSHA about the potential health hazard to my
13 volunteers and paid staff, that the Township of Nutley
14 replaced the roof.

15 Commissioner Petracco is quick to request an
16 NVERS presence at events that make him or other
17 agencies within his department look good. NVERS always
18 steps up. When he goes around to read to the
19 schoolchildren of Nutley with the Police and Fire
20 Chiefs, he conveniently forgets to include the Chief of
21 EMS. Commissioner Petracco is quick to request NVERS'
22 presence at various public relations events, such as
23 the birthday drive-bys. NVERS answers the call.

24 Meanwhile, for over three months, NVERS
25 handled every EMS emergency within the township while

1 never getting mutual aid. Members and employees
2 provide 100 plus hour weeks, myself included, in order
3 to make this possible. Members and employees went
4 above and beyond, risking our lives, at no cost to the
5 township. Leadership at Nutley Police and Nutley Fire
6 said they would not be responding to medical
7 emergencies, as it would risk their personnel safety.
8 We were alone. Did we get a thank you proclamation
9 from the town? No. We got what appears to be an
10 attempted hostile takeover.

11 NVERS is a diverse group of men and women of
12 all races, religions, and sexual orientations. As an
13 assistant chief, I worry about the Department of Public
14 Safety having my members' backs when the Commissioner
15 of Public Safety refuses to sign a Pride proclamation
16 two years in a row. Still, we get on the ambulance and
17 provide our all for the residents of Nutley. Even
18 while our members are attacked in spirit by the
19 commissioner. A commissioner that did not even know
20 enough about the Chief of EMS that when he died in the
21 line of duty on May 19th, 2017, he talked about how his
22 children would miss him. Our departed chief, Michael
23 J. Rossi, Junior, had no children.

24 If the commissioner took a moment to talk to
25 the community at large, he would know that NVERS makes

1 the town of Nutley appear second to none in the EMS
2 community within Essex County. Whenever the county
3 needs assistance, they know they can count on NVERS to
4 supply resources. NVERS resources have deployed --
5 excuse me. NVERS resources have deployed throughout
6 the county on various events over the last three years,
7 including most recently demobilizing the COVID Field
8 Hospital in Secaucus.

9 The story of NVERS is this; sacrifice and
10 endurance. We have sacrificed thousands of hours of
11 our lives, blood, sweat and tears, for the Township of
12 Nutley, a township who is incredibly spiteful.
13 Endurance, because no matter what adversity we have had
14 to go through, we have always moved forward and bounced
15 back. And the \$220,000? That's the price of a new
16 ambulance which was purchased. Thank you.

17 COMMISSIONER PETRACCO: Well, my first
18 response to that, James, is, first of all, I have never
19 asked anybody to do a transport for anybody other than
20 a Nutley resident, to help a Nutley resident, so that's
21 number one. Number two, I don't know what the hostile
22 takeover is about. There's checks and balances that we
23 need questions answer to, that obviously, your CEO now
24 doesn't want -- does not want to cooperate with. You
25 know. Again, you know, nobody's knocking the paid and

1 volunteer rescue squad, and I believe you're paid now.
2 And quite honestly, we -- one of the things that I was
3 a little surprised at, you guys didn't even tell me
4 that you guys went and bought Tahoes. Are you taking
5 home a Tahoe right now? Do you have a take home car?

6 MR. MAZZA: Do you have a take home --

7 COMMISSIONER PETRACCO: I don't ever remember
8 past presidents doing that or any of -- anybody.

9 MR. MAZZA: Do you have a take home unmarked
10 police vehicle in violation of the Attorney General's
11 orders?

12 COMMISSIONER PETRACCO: I do have a vehicle,
13 yes.

14 MR. MAZZA: Is that a police --

15 COMMISSIONER PETRACCO: I'm the director --

16 MR. MAZZA: -- unmarked police vehicle?

17 COMMISSIONER PETRACCO: -- I am a director --

18 MR. MAZZA: Are you a civilian --

19 COMMISSIONER PETRACCO: -- I'm a director
20 of --

21 MR. MAZZA: -- or are you --

22 COMMISSIONER PETRACCO: -- Public Safety.

23 MR. MAZZA: -- a sworn law enforcement
24 officer, sir? Because only sworn law enforcement
25 officers are supposed to have unmarked police vehicles.

1 COMMISSIONER PETRACCO: We can go back and
2 forth all night, James. You know, I'm a little --

3 MR. MAZZA: I have the facts on my side, sir.

4 COMMISSIONER PETRACCO: -- I'm a little
5 surprised that I asked for paperwork, and the --
6 through the attorneys, and you guys haven't been giving
7 us reports. Nobody's knocking the ambulance squad. I
8 don't know what the problem is.

9 MR. MAZZA: Well, I mean, the --

10 COMMISSIONER PETRACCO: Why is there checks
11 and balances that we're asking for --

12 MR. MAZZA: Sir --

13 COMMISSIONER PETRACCO: -- why is that a
14 hostile work -- takeover?

15 MR. MAZZA: Sir, well --

16 COMMISSIONER PETRACCO: I'm not firing
17 anybody, I'm not criticizing anybody. We have an
18 obligation as an elected official to make sure that
19 there's checks and balances, and we haven't received
20 your reports --

21 MR. MAZZA: Sir --

22 COMMISSIONER PETRACCO: -- the last couple of
23 years.

24 MR. MAZZA: -- tonight is the first night
25 I've ever --

1 COMMISSIONER PETRACCO: According to our
2 ordinance.

3 MR. MAZZA: Sir, tonight is the last time
4 I've ever heard you refer to the organization as now
5 more paid than volunteer, and that seems political in
6 nature --

7 COMMISSIONER PETRACCO: Because I want the
8 public to know that it is not all volunteer any longer,
9 and it --

10 MR. MAZZA: And it hasn't been since the
11 1980s, sir.

12 COMMISSIONER PETRACCO: Okay.

13 MR. MAZZA: So --

14 COMMISSIONER PETRACCO: But what's the issue,
15 James? I don't understand what the issue is, because
16 we're requesting paperwork. What's --

17 MR. MAZZA: Well, if you request paperwork
18 from the --

19 COMMISSIONER PETRACCO: -- I don't understand
20 what the problem is.

21 MR. MAZZA: -- Red Cross as a separate
22 501(c)(3), they don't legally have to provide it to
23 you, do they, sir?

24 COMMISSIONER PETRACCO: But we -- I don't --
25 I don't know that they do, but we have an ordinance in

1 place that says that the ambulance squad does, James,
2 and you know that better than anybody.

3 MR. MAZZA: I mean, you can have an ordinance
4 in place that the Red Cross has to provide it, and they
5 still don't have to provide it. You --

6 COMMISSIONER PETRACCO: I don't know what --

7 MR. MAZZA: Maybe there's a basic
8 misunderstanding of basic corporate law, but --

9 COMMISSIONER PETRACCO: I just don't know
10 what the argument about is -- nobody said that I'm
11 taking over the squad, I'm not -- alls we're asking for
12 is the paperwork to -- for checks and balances, I got
13 to --

14 MR. MAZZA: Could you explain why all of a --
15 why the -- then that the Nutley Fire Department has
16 recently been First Responding all ALS jobs? Which is
17 not standard practice. It puts the lives at risk of
18 the citizens of Nutley when any vehicle goes lights and
19 sirens, so you have -- now the Department of Public
20 Safety is putting lives at risk by putting another --

21 COMMISSIONER PETRACCO: James, the --

22 MR. MAZZA: -- piece of apparatus on the
23 road.

24 COMMISSIONER PETRACCO: James --

25 MR. MAZZA: That's number one.

1 COMMISSIONER PETRACCO: No. The Fire
2 Department has -- are all trained EMTs, and they have
3 augmented the --

4 MR. MAZZA: Only --

5 COMMISSIONER PETRACCO: -- the First Aid
6 Squad.

7 MR. MAZZA: -- only half of the -- if half,
8 of the Fire Department is trained EMTs, not the entire
9 department.

10 COMMISSIONER PETRACCO: I believe that they
11 all are, now.

12 MR. MAZZA: That is not --

13 COMMISSIONER PETRACCO: Except for the new
14 members --

15 MR. MAZZA: -- actually correct.

16 COMMISSIONER PETRACCO: But -- but James,
17 what's the problem with augmenting them? They have
18 saved lives, too. We have had shocking victim's get picked
19 up --

20 MR. MAZZA: There is no need for
21 augmentation, sir --

22 COMMISSIONER PETRACCO: -- when the
23 ambulance --

24 MR. MAZZA: -- unless there's an attempt to
25 do something malicious, as far as I'm concerned.

1 COMMISSIONER PETRACCO: I have no -- I --

2 MR. MAZZA: Sir, I'm not going to have this
3 back and forth with you. This is my opinion,
4 obviously, obviously you do not agree with --

5 MAYOR TUCCI: Excuse me --

6 MR. MAZZA: -- it --

7 MAYOR TUCCI: -- let the commissioner
8 respond, because you're a bit over your limit, and I
9 want to wrap this up. We can go back and forth all
10 night.

11 COMMISSIONER PETRACCO: Thank you. But
12 James, I thought you knew me better than that. I have
13 no malicious attempt at anything at all regarding the
14 ambulance squad. But when I ask for documents, and
15 they're not given to me, yes, then I have to get the
16 Town Attorney involved. When you guys start
17 negotiating contracts and I'm not part of that, and
18 town ordinance clearly states that I'm supposed to be
19 provided with that paperwork, I don't understand what
20 the tone is about tonight, I really don't. And
21 especially from you.

22 MR. MAZZA: Well, I mean, I've sat in your
23 deli, sir, when you've just point-blank told me, I'll
24 close them down in a heartbeat if I don't like what's
25 going on. So I do know you pretty well. Sir.

1 COMMISSIONER PETRACCO: I didn't hear what
2 you said.

3 MR. MAZZA: Sir, what I said was, I've sat in
4 your deli and spoke with you at length, and I have been
5 there when you have said, well, if I don't like what
6 they're doing, I'll just close them down. Many times.
7 So --

8 COMMISSIONER PETRACCO: Well, James --

9 MR. MAZZA: -- so I know what you're about,
10 sir.

11 COMMISSIONER PETRACCO: James, I'll tell you
12 right now, if I don't like what you're doing, if you're
13 not providing a service for our Nutley residents, I
14 will do what I have to do to provide that service.
15 Isn't that what I'm elected for?

16 MR. MAZZA: I thought you were elected to
17 provide the best service you can for the Township of
18 Nutley, which is currently being provided. This is
19 honestly, to me, with a background in political
20 science, this is nothing more than a witch hunt in
21 order to justify -- what, I don't know, but that's
22 really up to other items. I'm not going to go into
23 that.

24 COMMISSIONER PETRACCO: I don't think we
25 would -- James, I don't think we would have ever gotten

1 to this point if all the reports that we were supposed
2 to get through the ordinance was furnished. I really
3 don't.

4 COMMISSIONER EVANS: Al, may I --

5 COMMISSIONER PETRACCO: Sure.

6 COMMISSIONER EVANS: I don't want to engage
7 in a debate, all right, this is Commissioner Evans.
8 I'm wearing a mask, so I want to make sure I speak loud
9 enough.

10 A couple things. The squad has the ability
11 to bill for its Medicare and Medicaid reimbursement
12 from insurance companies. Do you know how that
13 happened?

14 MR. MAZZA: I'm fairly aware of the
15 situation. I believe former President Paulson, who is
16 no longer with us -- and I believe we lost him and his
17 wife a few years ago, worked I believe tirelessly with
18 your office, sir.

19 COMMISSIONER EVANS: Exactly. He and I did
20 it. The squad wouldn't have the ability to bill today
21 if it wasn't for the work that the Township of Nutley
22 and the squad, working together, did. The building
23 that you occupy. What's your rent each year?

24 MR. MAZZA: I'm not really -- I honestly do
25 not know.

1 COMMISSIONER EVANS: It's ten dollars. It's
2 ten dollars, and it hasn't been paid, but it's ten
3 dollars. What's the insurance cost for your vehicles?

4 MR. MAZZA: Again, that's a number I do not
5 have, sir.

6 COMMISSIONER EVANS: Right. That's paid for
7 by the municipality. So while you argue that you are a
8 separate business, and a 501(c)(3), you're a hybrid.
9 And the arrangement that you work under was structured
10 by Jim Paulson and myself with some very particular
11 checks and balances. One is the authorization of who
12 the independent accountant was, because the Township
13 requires an independent financial statement and audit
14 each year that's supposed to deliver to us every
15 November 15th, and it has not been.

16 The appointment was done, but with mutual
17 agreement between Jim Paulson and myself. It was
18 designed that way because of the mutuality of interest
19 that exists. It's not one or the other. It's a
20 mutuality of interest. And so, we're seeing that a lot
21 of the things that were put in place to respect the
22 mutuality of this is all of a sudden saying, no, this
23 is ours, we're a separate business.

24 You have a board. Sam Carella used to be on
25 that board, a representative of the Township of Nutley

1 as I understand it, but there was a representation, and
2 a representative to the board which was required to be
3 a member of the Township. Plus citizens of the
4 township, because of the fact there's a mutuality of
5 interest, so that when decisions were made, such as to
6 buy an ambulance, to increase salaries, to change
7 arrangements, that would require a board approval to do
8 that, and the town would have representation on that
9 board, to be part of that decision. That doesn't
10 exist.

11 MR. MAZZA: That -- sir, respectfully, that
12 board does exist. I have never once, when I was
13 president and treasurer, and such, Sam Carella was
14 never part of that board, but that board does exist. I
15 believe the principal of the school was on it,
16 Dr. Alessio was on it, Mr. Brown, so please don't --

17 COMMISSIONER EVANS: And it --

18 MR. MAZZA: -- state that the board does not
19 exist, sir.

20 COMMISSIONER EVANS: -- and it says that --
21 and your 990 says that they spend 12 hours a week. And
22 it also says that Dennis Williams, John Brown,
23 Dr. Alessio, and Luther Engler have been delegated all
24 management responsibility. That's in your 990. The
25 relationship is -- has been set up to allow this hybrid

1 to operate, to basically do two things. Ensure that
2 the Township receives great service, and I applaud you
3 for that, and all the volunteers, especially in a time
4 of crisis. It's a hallmark of Nutley Squad, but of
5 everybody in Nutley, right down to the municipal civil
6 employees who come in every day to do their job and
7 help people. It's a hallmark of our town.

8 But it's also recognized that it was
9 important that under our existing ordinance, and the
10 structure of this organization, that there was going to
11 be a continuation of the mutuality of interest. And
12 somewhere along the way, what was built, and
13 orchestrated, and I know this was done, because I did
14 it, somewhere along the way this fell apart. And
15 that's where we -- we're trying to address, is, how do
16 we get it back on course? Because in the direction
17 where it's going, where it says, you're a 501(c)(3)?
18 Your 501(c)(3) is in jeopardy, because if you look at
19 the filings, and you look at the fundraising and the
20 other things that are in there, there's a lot of
21 question marks as to whether or not you can remain a
22 non-taxed, not for profit entity, because it's a
23 decision that's made by the IRS, not the town, not the
24 commissioner. It's a determination by the IRS. We --

25 MR. MAZZA: Yes, sir, I'm --

1 COMMISSIONER EVANS: -- are concerned --

2 MR. MAZZA: -- familiar with that.

3 COMMISSIONER EVANS: -- about that, too. I'm
4 sorry?

5 MR. MAZZA: I'm -- I am a president and
6 director of a separate 501(c)(3), I'm familiar with the
7 process, sir.

8 COMMISSIONER EVANS: Yeah. So you can
9 imagine my concern, as the Revenue and Finance
10 Commissioner, that I don't want to do anything or have
11 anything in place, that's one, going to jeopardize your
12 ability to provide service, jeopardize your tax
13 standing, but also recognize that you are in business
14 in part because of the support you get from the
15 municipality. We're not giving you a hundred thousand
16 dollars a year like we used to, we're not buying your
17 ambulances like we used to, all right. But we are
18 providing your building. It's no rent. We are
19 providing your insurance, and there was a -- an
20 expectation and an understanding how the board would be
21 built, and Jim Paulson and I had very direct,
22 meaningful contributions about respecting both the work
23 of the squad, as a volunteer organization, and
24 preserving that, but also respecting the connectedness
25 to the municipality. And somewhere along the way,

1 that's failed.

2 So all we want to do is understand what
3 happened, and it's not about we're a separate entity.
4 Because if you are, we'll start charging you rent.

5 COMMISSIONER PETRACCO: And Commissioner, if
6 I could just -- James, if I could just comment on one
7 thing, too. I want -- I think this needs to be stated
8 tonight. I'm not looking to bring the Ambulance Squad
9 down to the Fire Department, because I already looked
10 into that model, and financially, I don't believe that
11 works. I'm not looking to chase out the volunteers.
12 I'm not looking to get rid of the per-diems. Alls I'm
13 asking for is some paperwork to go through, look at it,
14 do my job, have you people do your job. I'm not
15 looking to take anybody's job away from them. But, you
16 know, they're negotiating contracts. I'm aware there's
17 a union there now, and as our ordinance states, that
18 the Director of Public Safety is entitled to these --
19 this information. You guys hired lawyers. I feel, and
20 maybe you differ, and it's okay to disagree, and we
21 don't have to be enemies because we disagree. Okay?
22 Because you guys do, and you, particularly, James, did
23 a lot of good at the ambulance squad.

24 But it's two years I haven't received
25 paperwork. Any time I request something, it's a song

1 and a dance. And it's unfortunate that it had to come
2 to this. But I just want to let you know that I'm not
3 looking to get rid of the per-diems, get rid of the
4 volunteers. That's not what Nutley's about. But I
5 think that as the Director of Public Safety, I'm
6 entitled to some information, and I think that there's
7 -- needs to be checks and balances. Fair enough?

8 MR. MAZZA: I would state that's fair -- I'm
9 not going to debate you, sir. Now is not the forum. I
10 do believe that information was conveyed. Whether or
11 not it was conveyed to you, it was conveyed to your
12 office. Now, if it didn't get to you, that's not a
13 fault of ours, and Commissioner Evans, to your point, I
14 hope that nothing was lost in translation due to the
15 untimely passing of the Paulsons. Things were not
16 properly documented, and we did a hell of a lot of a
17 better job doing that in the last three years.

18 COMMISSIONER EVANS: And that's -- to your
19 point is -- exactly. Somewhere along the way, some
20 things have gotten lost, and I think there's just an
21 opportunity to bring it back together the way it was
22 intended.

23 MAYOR TUCCI: Thank you, James.

24 MR. MAZZA: Thank you.

25 THE CLERK: One more, Mayor. There's a

1 Debbie, can you ask her to start her video, please?

2 Debbie. It shows Debbie. Can you just ask her to
3 start her video? You have to tell her to start her
4 video.

5 COMMISSIONER KELLY: Debbie, can you start
6 your video, please?

7 MAYOR TUCCI: Start your video, Debbie.
8 Thank you.

9 THE CLERK: Debbie, do you have a microphone
10 that you can turn on, please? Okay.

11 UNIDENTIFIED: Ask her to (indiscernible).

12 MAYOR TUCCI: Debbie, would you like to
13 speak? You had your hand up. I'm sorry, we can't hear
14 you.

15 COMMISSIONER SCARPELLI: Please unmute your
16 phone or iPad.

17 MAYOR TUCCI: Penny, I'm sorry, we can't hear
18 you.

19 UNIDENTIFIED: Hey, y'all. Just saying hey
20 from Louisiana, and hoping y'all will do great things
21 in 2020. Bye.

22 MAYOR TUCCI: Bye-bye, thank you. Move to
23 adjourn?

24 COMMISSIONER SCARPELLI: 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 THE CLERK: Mayor Tucci?
9 MAYOR TUCCI: Aye.
10 THE CLERK: And the time is 11:01.
11 MAYOR TUCCI: Thank you and good night,
12 everyone.

13 (End of recording)

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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.

July 24, 2020

Alicia Jarrett
AAERT Cert. No. 428
Certified Court Transcriptionist