

LAW OFFICE
TOWNSHIP ATTORNEY

TOWNSHIP OF NUTLEY
ONE KENNEDY DRIVE
NUTLEY, NEW JERSEY 07110

(973) 661-0710
E-Mail: agenitempo@nutleynj.org

Alan Genitempo, Esq.
Township Attorney

EMAIL: agenitempo@pirozinnalaw.com

March 15, 2021

Via Email: [\[redacted\]](mailto:agenitempo@nutleynj.org)

Kevin W. Heydel, Deputy Director
Division of Local Government Services
101 South Broad Street
Trenton, NJ 08625

Re: Rory Moore Complaint

Dear Mr. Heydel:

Thank you for forwarding to me Mr. Moore's complaint. In this Complaint, as Mr. Moore has done many times in the past, he not only defames Commissioner Evans and myself, but also many different employees.

I am writing this letter to provide you with information regarding the LOSAP issue that Mr. Moore speaks of in his letter to the State.

First, you should be made aware that the LOSAP payments cannot be paid out by the Township to the volunteers until such time as the Chief or Executive Officer of the volunteers, be it the ambulance service or the fire department provide proof to the Township of those that have qualified for the LOSAP and provides the criteria and the amount of money that they are entitled to. The Township does not control either the chiefs who provide that information or the amount of money provided to the volunteers.

I have attached hereto the documents establishing the payments made in 2019 to the rescue squad and volunteer fire department in accordance with State guidelines. This information was provided to Mr. Moore in response to previous OPRA requests. In 2020, the Nutley Volunteer Emergency Rescue Squad did not provide information to the Township to support LOSAP payments to their volunteers. Unfortunately, the president of the Nutley Volunteer Emergency Rescue Squad, Jonathan Arredondo, committed fraud to the tune of approximately \$125,000, and has since been arrested and charged with theft by the Essex County Prosecutor's Office. In addition, since Mr. Arredondo's term as President of the Nutley Volunteer Emergency Rescue Squad was from 2019 until late 2020, they also did not provide any information for any LOSAP for their volunteers for 2020. If and when that information is provided to the Township of Nutley, we will of course provide the payments due the eligible volunteers under the LOSAP Program.

Mr. Moore refuses to acknowledge any of the actual facts that take place and only makes wild and ridiculous stories to try to antagonize the Township of Nutley's employees.

Mr. Moore, despite filing numerous complaints, has never succeeded in any GRC complaint in any of his OPRA requests. Just for example, in 2020 he filed 47 OPRA requests in the Township of Nutley. All were responded to and even though Mr. Moore filed complaints on several of them, none of his complaints were sustained.

I have previously forwarded to you a copy of the Court Order from 2007 in which Mr. Moore was prohibited by the Hon. Patricia Costello from filing anymore criminal and civil complaints against the employees and elected officials of the Township of Nutley. I do not need to go into the details of that decision, but I know you have received and have most likely read it.

In addition, Mr. Moore has been convicted of criminally harassing our township clerk by threatening her by sending her a picture of her home and telling her basically that he knew where she lived. Be sure that all the allegations in his letter of February 17, 2021 are completely ridiculous, have no factual basis and are just continuous slanderous comments made by Mr. Moore against Commission Thomas Evans and myself and frankly the female employees that work in our department under our township.

I am ready at any time to appear to answer any of these charges and conduct a hearing with Mr. Moore present. However, Mr.

Moore is only doing these things to harass the Township of Nutley as I'm sure you can tell from the language in his letter.

I apologize that this has to waste your very precious and important time, however I am available at your convenience to discuss this matter in greater detail.

Thank you for your consideration.

Sincerely,

ALAN GENITEMPO

Alan Genitempo

AG/km

cc: Mayor Mauro G. Tucci (via email)
Commissioner Thomas J. Evans (via email)
Commissioner John V. Kelly, III (via email)
Commissioner Alphonse Petracco (via email)
Commissioner Dr. Joseph P. Scarpelli (via email)
Justin A. Marchetta, Esq. (via email)

From: Alan Genitempo <AGenitempo@pirozinnalaw.com>
Sent: Friday, March 19, 2021 11:39
To: Heydel, Kevin
Cc: Mauro G. Tucci; Joseph P. Scarpelli; 'Thomas J. Evans (commissionerevans@nutleynj.org)'; Alphonse Petracco; John V. Kelly, III; Justin A. Marchetta; Richardella, Rick; Brennen, Eileen; 'Sandra Carella (scarella@nutleynj.org)'
Subject: RE: 2021-03-15 ltr to Heydel.doc
Attachments: Rory Moore LOSAP OPRA No. 3-21.pdf

Mr. Heydel:

I couldn't agree with you more and in fact we have been working with the NVERS on a daily basis to help guide them through a transition to the Township since they are unable to manage their own affairs.

The issue of the LOSAP is an agenda item I will be discussing with President Boris Dropic and interim Treasurer, Timothy Keating next week when we are expected to meet on Tuesday to discuss this and other issues.

Also, I wanted to send you the documents we provided to Mr. Moore in response to his OPRA requests. As you can see Mr. Moore never tells the truth in his submissions and attempts to smear the reputations of our Municipal employees.

Please feel free to reach out to me with any questions and we will keep you in the loop on the LOSAP issues with the squad as we try to resolve them.

Regards, Alan

Alan Genitempo, Esq. Piro Zinna Cifelli Paris & Genitempo, LLC Partner - Employment Group (973) 661-0710 (973) 661-5157 agenitempo@pirozinnalaw.com 360 Passaic Avenue Nutley, New Jersey 07110 www.pirozinnalaw.com	
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THIS E MAIL MESSAGE FROM THE LAW FIRM OF PIRO ZINNA CIFELLI PARIS & GENITEMPO, LLC. IS FOR THE SOLE USE OF THE INTENDED RECIPIENT AND MAY CONTAIN CONFIDENTIAL AND PRIVILEGED INFORMATION. ANY UNAUTHORIZED REVIEW, USE OR DISTRIBUTION IS PROHIBITED. IF YOU ARE NOT THE INTENDED RECIPIENT, PLEASE CONTACT THE SENDER BY REPLY E MAIL AND DESTROY ALL COPIES OF THE ORIGINAL MESSAGE.

From: Heydel, Kevin [mailto:xxxxx.xxxxxx@xxx.xx.xv]
Sent: Friday, March 19, 2021 10:23 AM
To: Alan Genitempo <AGenitempo@pirozinnalaw.com>
Cc: Mauro G. Tucci <mayortucci@nutleynj.org>; Joseph P. Scarpelli <commissionerscarpelli@nutleynj.org>; 'Thomas J. Evans (xxxxxxxxxxxxxxxx@xxxxxxxx.xxx)' <xxxxxxxxxxxxxxxx@xxxxxxxx.xxx>; Alphonse Petracco <commissionerpetracco@nutleynj.org>; John V. Kelly, III <xxxxxxxxxxxxxxxx@xxxxxxxx.xxx>; Justin A. Marchetta <jmarchetta@iwwt.law>; Richardella, Rick <Richard.Richardella@dca.nj.gov>; Brennen, Eileen <Eileen.Brennen@dca.nj.gov>
Subject: RE: 2021-03-15 ltr to Heydel.doc

Good Morning Alan,

First, I want to thank you for your thorough explanation of the situation concerning Mr. Moore. Your information allows me to respond accurately to Mr. Moore's complaints. I understand the unfortunate circumstances that arose from the actions of the EMS president and why CY 2020 LOSAP has not been paid to the EMS volunteers. I do have a concern about this. May I suggest that the Nutley officials be pro-active and work with the squad to attain the LOSAP information? There must be someone in the squad that may have access to or can attain the records and/or information necessary to make payment to the volunteers.

My concern is that the volunteers are penalized because of the actions of the president and no fault of their own. The EMS organization and volunteers in particular provided Nutley with an important service crucial to the well-being of Nutley residents. As you know volunteers members are not compensated and they dedicate their time, energy and compassion to your residents, a testament to their true character and although it is not a lot of money, it is an expression of thanks to the volunteers for their service.

If you have any further questions or concerns, please feel free to contact us at the Division.

Sincerely,

Kevin W. Heydel,
Deputy Director
Division of Local Government Services
101 South Broad Street
Trenton, NJ 08625
Phone: (609) 292-4584
Cell: [REDACTED]

From: Alan Genitempo <AGenitxxxx@xxxxxxxxxxxxx.xxx>
Sent: Monday, March 15, 2021 7:27 PM
To: Heydel, Kevin <Kevin.Heydel@dca.nj.gov>
Cc: Mauro G. Tucci <mayortucci@nutleynj.org>; Joseph P. Scarpelli <commissionerscarpelli@nutleynj.org>; 'Thomas J. Evans (xxxxxxxxxxxxxxxx@xxxxxxxx.xxx)' <xxxxxxxxxxxxxxxx@xxxxxxxx.xxx>; Alphonse Petracco

<commissionerpetracco@nutleynj.org>; John V. Kelly, III <commissionerkelly@nutleynj.org>; Justin A. Marchetta <jmarchetta@iwwt.law>

Subject: [EXTERNAL] 2021-03-15 ltr to Heydel.doc

Dear Mr. Heydel:

Pursuant to your request attached please find my letter of today's date in response to Mr. Moore's Complaint regarding Nutley's LOSAP payments.

If you have any questions feel free to contact me.

Regards, Alan Genitempo



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Ceci Tramontana

From: Eleni Pettas
Sent: Thursday, December 31, 2020 12:46 PM
To: Ceci Tramontana; Alan Genitempo; Justin A Marchetta
Subject: Fwd: OPRA request - Losap disclosures 2019 and 2020

Begin forwarded message:

From: Rory Moore <opra+request-19347-ff7d87b3@requests.opramachine.com>
Date: December 30, 2020 at 10:06:10 PM EST
To: Eleni Pettas <epettas@nutleynj.org>
Subject: OPRA request - Losap disclosures 2019 and 2020

Dear Nutley Township,

This is a request for public records made under OPRA and the common law right of access. I am not required to fill out an official form. Please acknowledge receipt of this message.
Records requested:

"OPRA's clear purpose . . . is 'to maximize public knowledge about public affairs in order to ensure an informed citizenry and to minimize the evils inherent in a secluded process.'" Educ. Law Ctr. v. N.J. Dep't of Educ., 198 N.J. 274, 284 (2009) (quoting Mason v. City of Hoboken, 196 N.J. 51, 64 (2008)).

This OPRA request is directed to, Ceci Tramontana, RMC, Deputy Municipal Clerk. There is a no contact ORDER between Elli Pettas and Rory Moore. Complaints have been filed. I still have my rights to file OPRA request.

OPRA machine has determined Pettas has full control over the receiver email address. Pettas has to change the receive email. I have no control or ability to change the recipients email address. I have filed criminal complaint against Pettas for using government resources to harass me.

I seek, any and all, N.J.A.C. 5:30-14 , 5:30-14.5 Ballot questions

(a) All ballot questions that are required pursuant to N.J.S.A. 40A:14- 185(c) shall be accompanied by an explanatory statement which shall include the following:

1. A general description of the program, including the point system to be utilized in determining eligibility for benefits;
2. The name of the sponsoring agency;
3. The name of the emergency service organization receiving the LOSAP;
4. The amount of the contribution;
5. The allowance of crediting for prior year service, if applicable; and,
6. The location where the program documents are available for public view.

I seek the documents for 2019 and 2020 and all audits.

5:30-14.10 LOSAP award process I seek any ans all awards for the Township of Nutley for any and all LOSAP volunteers. for October 2019 ans October 2020

Yours faithfully, Rory

Rory Moore

Please use deliver records electronically via email to the below UNIQUE address for all replies to this request:

opra+request-19347-ff7d87b3@requests.opramachine.com

Is epettas@nutleynj.org the wrong address for OPRA requests to Nutley Township? If so, please contact us using this form:

https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fopramachine.com%2fchange_request%2fnew%3fbody%3dnutley_township&c=E,1,-DoWt5JTp4jJJ0V7TCME3el-a8Hlp_1W9DuNf_OF1lKgS5CVMoCJyRPdKEuahWILdF8LSEudSpBU8lnMOojJk4sJ7St85nOF_rQwYBmFIQ,,&typo=1

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View this OPRA request & responses online:

https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fopramachine.com%2frequest%2flosap_disclosures_2019_and_2020&c=E,1,NYlofyxk7E-gOiENZc-PcmafyS8WD5Q_nF7oQU7NYGfySkRPmlqzt3krKAG0-aTeOJ0l7-DVYFhAq3yEDw3l3EeDO7TAdP_FoY6sK9mwfllyfKzs3hsO&typo=1

Please note that in some cases publication of requests and responses will be delayed.

If you find this service useful as an OPRA custodian, please ask your web manager to link to us from your organisation's website.

Ceci Tramontana

From: Justin A. Marchetta <jmarchetta@iwwt.law>
Sent: Thursday, December 31, 2020 12:50 PM
To: Eleni Pettas; Ceci Tramontana; Alan Genitempo
Subject: Re: OPRA request - Losap disclosures 2019 and 2020

Justin A. Marchetta, Esq.

From: Eleni Pettas <epettas@nutleynj.org>
Sent: Thursday, December 31, 2020 12:45:54 PM
To: Ceci Tramontana <ctramontana@nutleynj.org>; Alan Genitempo <agenitempo@pirozinnalaw.com>; Justin A. Marchetta <jmarchetta@iwwt.law>
Subject: Fwd: OPRA request - Losap disclosures 2019 and 2020

Sent from my iPhone

Begin forwarded message:

From: Rory Moore <opra+request-19347-ff7d87b3@requests.opramachine.com>
Date: December 30, 2020 at 10:06:10 PM EST
To: Eleni Pettas <epettas@nutleynj.org>
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View this OPRA request & responses online:

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Ceci Tramontana

From: Ceci Tramontana
Sent: Monday, January 4, 2021 9:54 AM
To: opra+request-19347-ff7d87b3@requests.opramachine.com
Cc: Eleni Pettas
Subject: OPRA Request No. 03-21
Attachments: RR # 03-21.pdf

Mr. Moore,

The Office of the Municipal Clerk is in receipt of your OPRA Request No. 03-21. We will require additional clarification in order to process this request.

You have requested the following:

"I seek, any and all, N.J.A.C. 5:30-14 , 5:30-14.5 Ballot questions
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4. The amount of the contribution;
5. The allowance of crediting for prior year service, if applicable; and,
6. The location where the program documents are available for public view."

Please clarify what public questions you are inquiring about and the years for the questions you are seeking.

Please provide the requested clarification as soon as possible.

Thank you,

Ceci Tramontana, RMC
Deputy Municipal Clerk
Municipal Clerk's Office
Township of Nutley, NJ
(973) 284-4951 x2233 Office
(973) 284-5668 Fax
www.nutleynj.org

Ceci Tramontana

From: Rory Moore <opra+request-19347-ff7d87b3@requests.opramachine.com>
Sent: Monday, January 4, 2021 7:16 PM
To: Ceci Tramontana
Subject: Internal review of OPRA request - Losap disclosures 2019 and 2020

Dear Ceci Tramontana, I am confused. I requested 2019 and 2020. The report, by Iwa, is to be published in October.

Yours sincerely, Rory

Rory Moore

-----Original Message-----

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Deputy Municipal Clerk
Municipal Clerk's Office

Township of Nutley, NJ
(973) 284-4951 x2233 Office
(973) 284-5668 Fax

[1]https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.nutleynj.org&c=E,1,6RR2z2vzLgsS8SXDFPySvsAKAD72P6ME4pjrezOxDR7ss7UEIRLNuKAHdJB7BqSsIYFWKS2iUvg4_rWo-Pysyw-VEbkBKmtKX3I4akTMQhgRMOHrSqfcN9GZBc-q&typo=1

References

Visible links

1. <https://linkprotect.cudasvc.com/url?a=http%3a%2f%2fwww.nutleynj.org%2f&c=E,1,nH3Bl8-Ht47vPx3PFWIQXS7xmc939wi9sblwQp1yr2kew2vzLS13fgBPjRa7ceTNs4TFMQwUIjF-Pnfodbicsh01xlSL9MRNn5uYBjl1oXkS7g,,&typo=1>

Please use this UNIQUE email address for all replies to this request and no other:

opra+request-19347-ff7d87b3@requests.opramachine.com

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If you find this service useful as an OPRA custodian, please ask your web manager to link to us from your organisation's website.

Ceci Tramontana

From: Ceci Tramontana
Sent: Tuesday, January 5, 2021 10:53 AM
To: Rory Moore
Cc: Eleni Pettas
Subject: RE: Internal review of OPRA request - Losap disclosures 2019 and 2020

Mr. Moore,

We need clarification on the first portion of your request regarding the ballot questions (items 1 through 6 of your OPRA request). Please provide the requested clarification.

Thank you,

Ceci Tramontana, RMC
Deputy Municipal Clerk
Municipal Clerk's Office
Township of Nutley, NJ
(973) 284-4951 x2233 Office
(973) 284-5668 Fax
www.nutleynj.org

-----Original Message-----

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Sent: Monday, January 4, 2021 7:16 PM
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Yours sincerely, Rory

Rory Moore

-----Original Message-----

Mr. Moore,

Ceci Tramontana

From: Rory Moore <rmoore2929@gmail.com>
Sent: Tuesday, January 5, 2021 10:47 PM
To: Ceci Tramontana
Subject: between you and me

ADDITIONAL INFORMATION The LOSAP Section of the Division of Local Government Services homepage (<http://www.state.nj.us/dca/lgs/>) contains: · LOSAP Program Rules · LOSAP Law · Approved Providers Listing · Information regarding Maximum Contribution Amount · LOSAP Frequently Asked Questions · LOSAP Local Finance Notices **CONTACT INFORMATION** General program information as well as inquiries and questions regarding enabling ordinances/resolutions, ballot questions, etc. should be directed to (609) 292-7842 or by email at losap@dca.state.nj.us

I will update the email. Here is a source that will answer any questions.

Rory

Ceci Tramontana

From: Ceci Tramontana
Sent: Wednesday, January 6, 2021 8:40 AM
To: Rory Moore
Cc: Eleni Pettas; Alan Genitempo; Justin A. Marchetta
Subject: RE: between you and me

Mr. Moore,

There is no need to send any emails "between you and me." I am aware of the LOSAP rules and regulations, and if I have any questions I will consult with counsel. My question to you was not about the LOSAP law. We need to understand what specific documents you are requesting so that we can process your request. Please send the requested clarification in writing.

Thank you,

Ceci Tramontana, RMC

Deputy Municipal Clerk
Municipal Clerk's Office
Township of Nutley, NJ
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Ceci Tramontana

From: Rory Moore <opra+request-19347-ff7d87b3@requests.opramachine.com>
Sent: Wednesday, January 6, 2021 10:41 PM
To: Ceci Tramontana
Subject: Internal review of OPRA request - Losap disclosures 2019 and 2020

Dear Ceci Tramontana, I think the request is clear. I may not have been clear as to my request, hence,

1. A general description of the program, including the point system to be

utilized -in determining eligibility for benefits; Nutley Volunteer Fire, the point structure, how the points are tallied for LOSAP. The information is located in the original Ordinance I submitted. Nutley has adopted an ordinance as well. The point system and calculations is contained in the Nutley Original ordinance.

2. The name of the sponsoring agency; This would be the name of the Nutley Organization that has a LOSAP program. Nutley Volunteer Fire.

3. The name of the emergency service organization receiving the LOSAP; The vendor that Nutley sends the LOSAP funds to for holding?

4. The amount of the contribution; The total amount dollar amount Nutley sends to the financial vendor in years 2019 and 2020.. How much every year, in total?

5. The allowance of crediting for prior year service, if applicable; and, The name of the volunteer, the LOSAP amount sent to the individual's account, this year and the total of the funds in the individual's account in total.

6. The location where the program documents are available for public view." Where can the public view the LOSAP documents?

Yours sincerely,

Rory Moore

-----Original Message-----

Mr. Moore,

We need clarification on the first portion of your request regarding the ballot questions (items 1 through 6 of your OPRA request). Please provide the requested clarification.

Ceci Tramontana

From: Ceci Tramontana
Sent: Thursday, January 7, 2021 10:24 AM
To: Rosemary Costa
Cc: Eleni Pettas; Justin A. Marchetta
Subject: OPRA Request No. 03-21
Attachments: RR # 03-21.pdf

Good morning Rosemary,

Attached is OPRA Request No. 03-21. Please provide any documents you may have for the highlighted items. We will need to respond by January 18, 2021.

Thank you,

Ceci Tramontana, RMC
Deputy Municipal Clerk
Municipal Clerk's Office
Township of Nutley, NJ
(973) 284-4951 x2233 Office
(973) 284-5668 Fax
www.nutleynj.org

Ceci Tramontana

From: Darsia Abreu
Sent: Friday, January 8, 2021 10:47 AM
To: Rosemary Costa; Ceci Tramontana
Subject: RE: OPRA Request No. 03-21
Attachments: 2019 LOSAP POs.pdf

Hello Ceci

See attachment for 2019 LOSAP POs. Note the original check# 138214 dated 2/18/20 noted on the voucher was voided and reissue last month, as Valic didn't receive it. New check #140424 was issued 12/8/2020. I didn't get LOSAP 2020 as of yet.

Have a wonderful day!

Regards,

Darsia Abreu

Department of Revenue and Finance | Township of Nutley, NJ
(973) 284-4951 x2220 Office | (973) 284-4907 Fax
www.nutleynj.org

 Please consider the environment before printing this email.

From: Rosemary Costa <rcosta@nutleynj.org>
Sent: Friday, January 8, 2021 10:25 AM
To: Darsia Abreu <dabreu@nutleynj.org>
Subject: FW: OPRA Request No. 03-21

Darsia,

Please send Ceci a copy of the last voucher to Valic as requested in #4.

Rosemary

Rosemary Costa | *Chief Financial Officer / CTC*
Department of Revenue and Finance
Township of Nutley, NJ
(973) 284-4961 Office
(973) 284-4907 Fax
www.nutleynj.org

 Please consider the environment before printing this email.

From: Ceci Tramontana <ctramontana@nutleynj.org>
Sent: Thursday, January 7, 2021 10:24 AM
To: Rosemary Costa <rcosta@nutleynj.org>
Cc: Eleni Pettas <epettas@nutleynj.org>; Justin A. Marchetta <jmarchetta@iwwt.law>
Subject: OPRA Request No. 03-21

Good morning Rosemary,

Attached is OPRA Request No. 03-21. Please provide any documents you may have for the highlighted items. We will need to respond by January 18, 2021.

Thank you,

Ceci Tramontana, RMC

Deputy Municipal Clerk

Municipal Clerk's Office

Township of Nutley, NJ

(973) 284-4951 x2233 Office

(973) 284-5668 Fax

www.nutleynj.org

Ceci Tramontana

From: Ceci Tramontana
Sent: Friday, January 8, 2021 10:43 AM
To: Paul Cafone
Cc: Eleni Pettas; Justin A. Marchetta
Subject: FW: OPRA Request No. 03-21
Attachments: RR # 03-21.pdf

Good morning Dep. Chief Cafone,

Attached is OPRA Request No. 03-21. Please provide any documents you may have for the highlighted items.

We will need to respond by January 18, 2021.

Thank you,

Ceci Tramontana, RMC
Deputy Municipal Clerk
Municipal Clerk's Office
Township of Nutley, NJ
(973) 284-4951 x2233 Office
(973) 284-5668 Fax
www.nutleynj.org

Ceci Tramontana

From: Ceci Tramontana
Sent: Thursday, January 14, 2021 4:33 PM
To: Justin A. Marchetta
Cc: Eleni Pettas
Subject: OPRA Request No. 03-21
Attachments: RR # 03-21 BACKUP #2.pdf; RR # 03-21 BACKUP #1.pdf; RR # 03-21 Ordinance No. 2695 LOSAP Program.pdf; RR # 03-21 Resolution No. 328-02.pdf; RR # 03-21 LOSAP Public Question - Minutes of 5.7.02.pdf

Justin,

Attached are the documents for OPRA No. 03-21 for your review.

Thank you,

Ceci Tramontana, RMC
Deputy Municipal Clerk
Municipal Clerk's Office
Township of Nutley, NJ
(973) 284-4951 x2233 Office
(973) 284-5668 Fax
www.nutleynj.org

Ceci Tramontana

From: Justin A. Marchetta <jmarchetta@iwwt.law>
Sent: Thursday, January 14, 2021 5:04 PM
To: Ceci Tramontana
Cc: Eleni Pettas
Subject: RE: OPRA Request No. 03-21
Attachments: REDACTED RR # 03-21 BACKUP #1.pdf; REDACTED RR # 03-21 BACKUP #2.pdf; RR # 03-21 LOSAP Public Question - Minutes of 5.7.02.pdf; RR # 03-21 Ordinance No. 2695 LOSAP Program.pdf; RR # 03-21 Resolution No. 328-02.pdf

Ceci,

Attached are the redacted records for production. Please call me if you have any questions.

Justin A. Marchetta

Attorney at Law | [View my Bio](#)

Admitted in NJ, NY, TX & DC



Inglesino, Webster, Wyciskala & Taylor, LLC

600 Parsippany Road, Suite 204

Parsippany, New Jersey 07054

t (973) 947-7136 | f (973) 887-2700 | c (908) 616-9085

jmarchetta@iwwt.law | www.iwwt.law

Assistant: Laurie Riley | lriley@iwwt.law

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From: Ceci Tramontana <ctramontana@nutleynj.org>

Sent: Thursday, January 14, 2021 16:33

To: Justin A. Marchetta <jmarchetta@iwwt.law>

Cc: Eleni Pettas <epettas@nutleynj.org>

Subject: OPRA Request No. 03-21

Justin,

Attached are the documents for OPRA No. 03-21 for your review.

Thank you,

Ceci Tramontana, RMC
Deputy Municipal Clerk
Municipal Clerk's Office
Township of Nutley, NJ
(973) 284-4951 x2233 Office
(973) 284-5668 Fax
www.nutleynj.org

Ceci Tramontana

From: Ceci Tramontana
Sent: Tuesday, January 19, 2021 6:30 PM
To: Rory Moore
Cc: Eleni Pettas
Subject: OPRA Request No. 03-21
Attachments: RR # 03-21 LOSAP Public Question - Minutes of 5.7.02.pdf; REDACTED RR # 03-21 BACKUP #2.pdf; REDACTED RR # 03-21 BACKUP #1.pdf; RR # 03-21 Ordinance No. 2695 LOSAP Program.pdf; RR # 03-21 Resolution No. 328-02.pdf; RR # 03-21.pdf

Mr. Moore,

This correspondence shall serve as Nutley Township (the "Township")'s response to your request for access to government records pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1.1, et seq. ("OPRA"), which was received by the Township on January 4, 2021. The Township requested clarification on your request via email on January 4, 2021. On January 6, 2021 you provided the requested clarification via email, which the Township received on January 7, 2021 during regular office hours. Below is a list of each request for access and the Township's response to the same:

I seek, any and all, N.J.A.C. 5:30-14 , 5:30-14.5 Ballot questions. **Please see attached records.**

(a) All ballot questions that are required pursuant to N.J.S.A. 40A:14- 185(c) shall be accompanied by an explanatory statement which shall include the following:

1. A general description of the program, including the point system to be utilized -in determining eligibility for benefits; Nutley Volunteer Fire, the point structure, how the points are tallied for LOSAP. The information is located in the original Ordinance I submitted. Nutley has adopted an ordinance as well. The point system and calculations is contained in the Nutley Original ordinance. **Please see attached records.**
2. The name of the sponsoring agency; This would be the name of the Nutley Organization that has a LOSAP program. Nutley Volunteer Fire. **Please see attached records.**
3. The name of the emergency service organization receiving the LOSAP; The vendor that Nutley sends the LOSAP funds to for holding? **Please see attached records.**
4. The amount of the contribution; The total amount dollar amount Nutley sends to the financial vendor in years 2019 and 2020.. How much every year, in total? **Please see attached records for 2019. A search of Township files revealed no 2020 records responsive to this request.**
5. The allowance of crediting for prior year service, if applicable; and, The name of the volunteer, the LOSAP amount sent to the individual's account, this year and the total of the funds in the individual's account in total. **Please see attached records.**
6. The location where the program documents are available for public view." Where can the public view the LOSAP documents? **The municipal building is currently closed to the public. Once the building reopens, you may make an appointment to view the requested documents.**

I seek the documents for 2019 and 2020 and all audits. 5:30-14.10 LOSAP award process I seek any and all awards for the Township of Nutley for any and all LOSAP volunteers. for October 2019 and October 2020. **Please see attached records for 2019. A search of Township files revealed no 2020 records responsive to this request.**

To the extent that you have also requested access to the above government records under the common law, your stated interest in obtaining the records must be balanced against the Township of Nutley's interest in nondisclosure. See *Loigman v. Kimmelman*, 102 N.J. 98 (1986). The foregoing response to your request for access to government records incorporates the aforementioned balancing test. Please note that "a party's status as a litigant does not enlarge its access to government records under OPRA". *MAG Entm't, LLC v. Div. of Alcoholic Beverage Control*, 375 N.J. Super. 534, 545-46 (App. Div. 2005). The Township of Nutley reserves the right to raise any other grounds for denial not raised in this response. Failure of the Township of Nutley to assert an exemption or privilege does not act as a waiver of any grounds for denial. Furthermore, a reviewing Court or the Government Records Council ("GRC") may deem a denial of access to be authorized on grounds other than those advanced by a custodian. See *Paffv. Twp. of Plainsboro*, A-2122-05T2, 2007 WL 957289, at *2 (App. Div., Apr. 2, 2007), affirming, *Paff v. Township of Plainsboro*, GRC Complaint No. 2005-29 (March 2006). If your request for access to a government record has been denied or unfilled, you have a right to challenge the decision by the Township of Nutley to deny access. At your option, you may either initiate a proceeding in the Superior Court of New Jersey or file a complaint with the GRC by completing the Denial of Access Complaint Form. You may contact the GRC by toll-free telephone at 866-850-0511, by mail at P.O. Box 819, Trenton, NJ, 08625, by e-mail at grc@dca.state.nj.us, or on its website at www.state.nj.us/grc. The GRC can also answer other questions about the law. All questions regarding complaints filed in Superior Court should be directed to the Court Clerk in your County.

Sincerely,

Ceci Tramontana, RMC

Deputy Municipal Clerk

Municipal Clerk's Office

Township of Nutley, NJ

(973) 284-4951 x2233 Office

(973) 284-5668 Fax

www.nutleynj.org

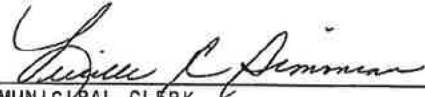
ORD. 2695

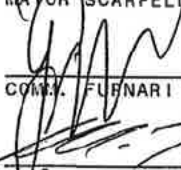
ADOPTED 6-7-01

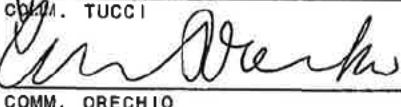
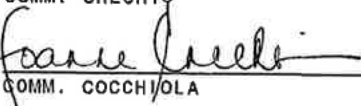
ORDINANCE CREATING A LENGTH OF SERVICE AWARD PROGRAM FOR THE NUTLEY VOLUNTEER
FIREFIGHTERS AND NUTLEY VOLUNTEER EMERGENCY SQUAD MEMBERS.

(ORDINANCE IS ATTACHED HERETO, DUE TO THE GRAPHS OF THE ORDINANCE)

ATTEST:


MUNICIPAL CLERK


MAYOR SCARPELL

COMM. FURNARI

COMM. TUCCI

COMM. ORECHIO

COMM. COCCHIOLA

BCP 8-7-01

Ordinance Creating a Length of Service Award Program for the Nutley Fire Department Volunteer Firefighters and Nutley Volunteer Emergency and Rescue Squad Members

Whereas, the Township of Nutley in the County of Essex, State of New Jersey deems it appropriate and necessary to act to ensure retention of existing members and to provide incentives for recruiting new Nutley Fire Department Volunteer Firefighters and Nutley Volunteer Emergency and Rescue Squad Members; and,

Whereas, the Township of Nutley has determined that the creation of a Length of Service Awards Program will enhance the ability of the Nutley Fire Department and Nutley Rescue Squad's ability to retain and recruit volunteers;

NOW THEREFORE

The Board of Commissioners in the Township of Nutley do ordain as follows:

I Legislation.

Section 1. A length of Service Award Program (LOSAP) is hereby proposed in accordance with Chapter 388 of the Laws of 1997, being *N.J.S.A. 40:14-183, et. seq.* to reward members of the volunteer fire department and the volunteer emergency and rescue squad for their loyal, diligent, and devoted services to the residents of the Township of Nutley.

Section 2. The LOSAP shall provide for fixed annual contributions to a deferred income account for each volunteer member that meets the criteria set forth below; that such contributions shall be established by the Commissioners of the Township of Nutley pursuant to P.L. 1997, C 388; and that such plan shall be administered in accordance with the laws of the State of New Jersey, the U. S. Internal Revenue Code, and newly created Township ordinance.

Section 3. The LOSAP shall provide for annual contributions to each eligible member in accordance with the following credit system:

1. **CREDITS BASED UPON YEARS OF SERVICE** - An active volunteer member shall receive one (1) credit for each year of active emergency service in the Nutley Volunteer Fire Department and the Nutley Volunteer Emergency and Rescue Squad, inclusive of prior year service as permitted by created Ordinance.
2. **CREDITS BASED UPON FIRE DEPARTMENT and RESCUE SQUAD POINT SYSTEM** - An active volunteer member shall receive one (1) credit for each "Qualifying Year" earned by such member. A "Qualifying Year" shall be defined as a calendar year during which such member has been awarded at least 100 points pursuant to the following point system.

FIRE DEPARTMENT POINT SYSTEM

A. Fire Department Responses - 50 points maximum, 30 points minimum: points are credited based upon the following schedule of percent attendance at the Fire Department Responses to which Volunteer Firefighters have been dispatched:

40 % - 49.9% Attendance	30 Points
50% - 59.9% Attendance	40Points
60% - Up% Attendance	50 Points

B. Drills - 36 points maximum, 14 points minimum: points are credited for participation in Fire Department, Authorized Fire Company, Mutual Aid and Special Drills.

Department Drills	2 Points
Company Drills	2 Points

C. Training - 30 points maximum: points are credited for Certified Firematic training courses upon receipt of certification of completion.

Authorized Course where attendance required is less than 20 hours.	10 Points
Authorized Course where attendance required is more than 20 hours but less than 39 hours.	20 Points
Authorized Course where attendance required is 40 hours or greater.	30 Points

D. Holder of an Elected or Appointed Firematic Position – 50 points maximum: points are credited for completion of one-year term in an elected or appointed position.

Department Chief	50 Points	Safety Officer Appointed by Fire Chief and Director	30 Points
Assistant Chiefs	40 Points	Ex –Chief	10 Points
Foreman	30 Points	Fire Service Instructor (Active within Department)	10 Points
Assistant Foreman	25 Points	Tech Rescue/EMT Specialist	10 Points
Certified Drivers	5 Points	Fire Department Secretary	40 Points

E. Meetings – 36 Points maximum, 14 points minimum: points will be credited for attendance at regular and special Department and Fire Company meetings.

2 Points per Meeting

F. Committee Activities – 20 points maximum: points will be credited for active participation in Official Fire Department Committees as Authorized by the Chief of the Department.

G. State of Emergency or Storm related stand-by: 1 point will be credited for each 10 hours of stand-by.

Committee Chairman	4 points
Committee Member	2 Points

3. CONTRIBUTIONS BASED ON TOTAL CREDITS – An eligible member shall be awarded an annual contribution based upon the following schedule:

TOTAL CREDITS	PERCENTAGE OF MAXIMUM CONTRIBUTION
16 and Over	100 %
11 - 15	75 %
6 - 10	50 %
1 - 5	25 %

NUTLEY VOLUNTEER EMERGENCY AND RESCUE SQUAD POINT SYSTEM

A. "Volunteer Member" means a person who is so designated by the Nutley Volunteer Emergency & Rescue Squads Constitution & By-Laws.	50 Points
---	-----------

A. SQUAD OFFICERS - CREDITS

Captain	25 Points
Assistant Captain	20 Points
Lieutenant	15 Points
Rescue Officer	15 Points
Rig Maint. Officer	25 Points
Rig Maint. Worker	15 Points
Training Officer	15 Points
Supply Officer	20 Points
Water Recovery/ Scuba Officer	10 Points

President	25 Points
Vice President	20 Points
Secretary	15 Points
Treasurer	15 Points
Trustee	10 Points
Personnel Officer	10 Points
Recruiting Officer	10 Points
Driver Qual. Officer	10 Points
Appointed Assistant Department Head	15 Points

B. BACKUP/ALL-ALERT/TOWNSHIP COVERAGE & RESPONSE

Number of Calls Responded to	Points Earned
5 - 10 Calls	5 Points
11 - 15 Calls	10 Points
16 - 20 Calls	15 Points
21 - 25 Calls	20 Points
26 - 30 Calls	25 Points
31 - 35 Calls	30 Points
40 + Calls	35 Points

C. Squad Business Meetings - 24 Points Maximum: points will be credited for attendance at regular and special meetings.

2 Points per meeting

D. Regular Committee Activities - 15 points maximum: points will be credited for active participation in Official Nutley Volunteer Emergency & Rescue Squad Committees as authorized by the President & Chief Executive Officer of the Squad.

Committee Chairperson	3 Points
-----------------------	----------

E. Work details/Sanctioned Activities - 20 points maximum

2 Points per detail

3.a. CONTRIBUTIONS BASED ON TOTAL YEARS OF SERVICE - An eligible member shall be awarded an annual contribution based upon the following schedule:

YEARS OF SERVICE	PERCENTAGE OF CONTRIBUTION PRIOR TO LOSAP
10 Years & Over	100%
6 - 9 Years	75%
4 - 5 Years	50%
0 - 3 Years	25%

3.b. CONTRIBUTIONS BASED ON CURRENT YEARS OF SERVICE

An eligible member shall be awarded an annual contribution based upon the following schedule:

TOTAL CREDITS	PERCENTAGE OF MAXIMUM CONTRIBUTION
10 Years & Over	100%
6 - 9 Years	75%
4 - 5 Years	50%
0 - 3 Years	25%

LOSAP FINANCIAL PROJECTIONS

The estimated total amount to be budgeted for the program as specified in the proposal is \$67,000.00 for the program initiation year based upon current membership. The program initiation year reflects a contribution of 10 years prior service as allowed by the Emergency Service Volunteer Length of Service Award Program Act P.L. 1997 c.388, C.40A:14-188.

Section 4. The proposed maximum annual contribution for an active volunteer member shall be \$1, 150.00 per year or as allowed by law.

Section 5. The LOSAP shall authorize the crediting of prior year service up to a maximum of (10) ten years.

Section 6. The estimated total amount to be budgeted for the program is \$67,000.00 for the program initiation year and \$33,750.00 for the subsequent year.

Section 7. This program would not take effect unless approved by the voters, as a public question at the next general election as provided by New Jersey Statute, and if approved, shall become effective January 1, 2002.

II Severability. If any section or paragraph of this Ordinance is declared to be unconstitutional, invalid or inoperative in whole or in part by a court of competent jurisdiction, such chapter, subsection or paragraph shall, due to the extent that it is not unconstitutional, invalid or inoperative, remain in full force and effect and no such determination shall be deemed to invalidate the remaining chapters, subsections or paragraphs of this ordinance.

III Construction. This Ordinance shall be liberally construed for the protection of health, safety and welfare of the citizens of the Township of Nutley.

ORD. 2696

ADOPTED 9-18-01

AN ORDINANCE TO FIX THE SALARIES OF CERTAIN OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF NUTLEY, COUNTY OF ESSEX, NJ, EFFECTIVE 1-1-01.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF NUTLEY, COUNTY OF ESSEX, NJ AS FOLLOWS:

SEC. 1, The salaries of certain officers and employees, either permanent or temporary as the case may be, of the township of Nutley herein mentioned, shall be as follows:

TITLE	BASE SALARY	LONG. %	\$	Total Salary
Bldg. Insp.	\$50,347.52	-	-	\$50,347.52

SEC. 2, Payment of vacation time in advance may be made upon request in writing to the treasurer at least one month in advance of the pay period requested. Written requests must be approved by the Department Head before submission to the Treasurer.

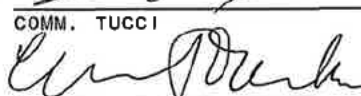
SEC. 3, All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed and this ordinance shall take effect immediately upon the expiration of 20 days after final passage in accordance with the law.

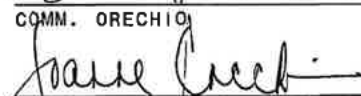
ATTEST:


MUNICIPAL CLERK


MAYOR SCARFELLI


COMM. FURNARI


COMM. TUCCI


COMM. ORECCHIO


COMM. COCCHIOLA

BCP 9-27-01

TOWNSHIP OF NUTLEY

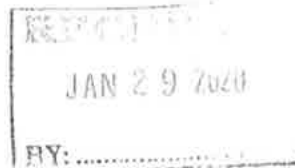
1 KENNEDY DRIVE

NUTLEY, N.J. 07110

(973) 284-4960

FAX (973) 284-4919

E-MAIL: PURCHASING@NUTLEYNJ.ORG

VENDOR NO. VALIZ

TO:

Valic Financial Advisors
100 Connell
Suite 2100
Berkeley Heights, NJ 07922

CHECK NO. 138214CHECK DATE FEB 18 2020

VOUCHER NO. _____

VENDOR INV. # _____

20.00235

DATE OF ORDER	REQUISITION NUMBER	USING DEPARTMENT	DELIVERY REQUESTED BY	
1-17-20		9-01-313-241 <u>FEB 18 2020</u>		
DESCRIPTION		ACCOUNT NUMBER	UNIT PRICE	EXTENDED PRICE
LOSAP 2019 for NVERS Members				\$7,762.50
V O U C H E R				
INV# 65318				
TAX EXEMPT *				
		FOR PAYMENT SIGN & RETURN		

FOR VENDORS USE

I do solemnly declare and certify, under the penalties of the law that the within claim against THE TOWNSHIP OF NUTLEY, is just and true and that the work has been performed, and the materials have been furnished; that no bonus has been given or received by any person or persons with the knowledge of the said deponent in connection with the above claim; that it is in all respects a bona fide and fair claim; and that the amount charged is a reasonable one.

x Rodolfo A. Gomez
11/31/2020
CLAIMANT

DATE

CERTIFICATION OF FUNDS

I hereby certify the funds are available and encumbered.

Rosemary Costa
TREASURER

OFFICER'S OR EMPLOYEE'S CERTIFICATION

Having knowledge of the facts in the course of regular procedures, I certify that the materials and supplies have been received or the services rendered; said certification is based on delivery slips acknowledged by a municipal official or employee or other reasonable procedures.

Signature _____

Signature _____

SIGN AT X AND RETURN FOR PAYMENT

Total
Amount **\$7,762.50**

APPROVED

Kathy Renshaw
PURCHASING AGENT

[Signature]
DIRECTOR

Nutley Volunteer Emergency & Rescue Squad, Inc.

119 Chestnut St.

P.O. Box 172

Nutley, NJ 07110

973-667-7487

LOSAP 2019- Group # 65318

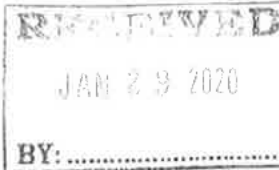
<u>Name</u>	<u>Street</u>	<u>City</u>	<u>SSN</u>	<u>LOSAP</u> <u>Points</u>	<u>Service</u> <u>Years %</u>	<u>Amount @</u> <u>\$1,150.00</u>
Budris, Rich	47 Oakridge Ave	Nutley		107	100%	\$1,150.00
DeSomma, Joe	59 Linwood Terrace	Clifton		124	100%	\$1,150.00
Dropic, Boris	261 Union Ave	Belleville		117	100%	\$1,150.00
Gould, Nicholas	107 Rhoda Ave	Nutley		112	75%	\$862.50
Pesci, Anthony N.	9 Van Riper Place	Nutley		108	75%	\$862.50
Arredondo, Jonathan	32 Madeline Ave	Clifton		132	75%	\$862.50
Kalata (Meola) , Hayley	62 Ridge Road	Nutley		121	50%	\$575.00
Bressel, Benjamin	16 Ravona St	Clifton		100	25%	\$287.50
Brogan, Ryan	21 Evelyn Pl	Nutley		129	25%	\$287.50
Rodriguez, Alyssa	17 Princeton St	Nutley		103	25%	\$287.50
Weiss, Jeff	292 Whitford Ave	Nutley		129	25%	\$287.50

Total: \$7,762.50

TOWNSHIP OF NUTLEY1 KENNEDY DRIVE
NUTLEY, N.J. 07110
(973) 284-4960

FAX (973) 284-4919

E-MAIL: PURCHASING@NUTLEYNJ.ORG



VENDOR NO.

VAL12

TO:

Valic Financial Advisors
100 Connell Suite 2100
Berkely Heights, NJ 07922

CHECK NO.

138214

CHECK DATE

FEB 18 2020

VOUCHER NO.

VENDOR INV. #

FEB 18 2020

20-00182

DATE OF ORDER	REQUISITION NUMBER	USING DEPARTMENT	DELIVERY REQUESTED BY
1/13/2019		Fire Department	Deputy Chief Cafone
DESCRIPTION	ACCOUNT NUMBER	UNIT PRICE	EXTENDED PRICE
2019 LOSAP for Volunteer Fire Department	Acct Name Employer share	\$2,875.00	\$2,875.00
FOR PAYMENT SIGN & RETURN			
TAX EXEMPT			

FOR VENDORS USE

I do solemnly declare and certify, under the penalties of the law that the within claim against THE TOWNSHIP OF NUTLEY, is just and true and that the work has been performed, and the materials have been furnished; that no bonus has been given or received by any person or persons with the knowledge of the said deponent in connection with the above claim; that it is in all respects a bona fide and fair claim; and that the amount charged is a reasonable one.

CLAIMANT
1/31/2020

DATE

CERTIFICATION OF FUNDS

I hereby certify the funds are available and encumbered

Rosemary Costa (RG)
TREASURER

OFFICER'S OR EMPLOYEE'S CERTIFICATION
Having knowledge of the facts in the course of regular procedures, I certify that the materials and supplies have been received or the services rendered; said certification is based on delivery slips acknowledged by a municipal official or employee or other reasonable procedures.

Signature

Signature

SIGN AT X AND RETURN FOR PAYMENT

Total
Amount

\$2,875.00

APPROVED

Kathy Rempishinski

PURCHASING AGENT

DIRECTOR

Nutley Volunteer Fire Department

228 Chestnut St

Nutley, NJ 07110

973-284-4936

LOSAP – 2019 Group #65318

Name	Street	City	SSN	LOSAP Points	Service Years %	Amount@ \$1,150.00
Farruggia, Matt	137 Hawathorne Ave	Nutley		125	75%	\$862.50
Formato, Nick	22 Forest Ave	Nutley		134	25%	\$287.50
Melillo, Thomas	18 Newark Ave	Nutley		177	25%	\$287.50
Rivera, Jose	21 Lovell Ct	Nutley		183	25%	\$287.50
Spagnuolo, Mike	141 San Antonio	Nutley		183	75%	\$862.50
Tullio, Dan	90 Oakridge Ave	Nutley		150	25%	\$287.50

Total: \$2875.00

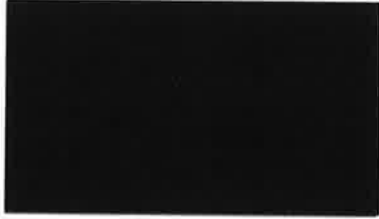
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Murray	Jerith	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	287.50	\$	28
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Nutley Volunteer Fire Department

228 Chestnut St
Nutley, NJ 07110
973-284-4936

LOSAP - 2019 Group #65318

Name	Street	City	SSN	LOSAP Points	Service Years %	Amount@ \$1,150.00
Farruggia, Matt	137 Hawthorne Ave	Nutley		125	75%	\$862.50
Formato, Nick	22 Forest Ave	Nutley		134	25%	\$287.50
Melillo, Thomas	18 Newark Ave	Nutley		177	25%	\$287.50
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Spagnuolo, Mike	141 San Antonio	Nutley		183	75%	\$862.50
Tullio, Dan	90 Oakridge Ave	Nutley		150	25%	\$287.50

Total: \$2875.00

5-7-02

A regular meeting of the Nutley Board of Commissioners was held on the above date.

All present joined in the Pledge of Allegiance to the Flag.

Mayor Scarpelli called the meeting to order at 7:40 PM and directed Municipal Clerk Lucille C. Simonian to call the roll.

PRESENT: Commissioners Tucci, Orechio, Cocchiola and Mayor Scarpelli.
Commissioner Furnari was ABSENT-EXCUSED.

Mrs. Simonian read the following, "Pursuant to the requirements of the Open Public Meetings Act, notice of this meeting was advertised in the Nutley Sun issue of 12-13-01. A copy is posted on the Nutley Town Hall bulletin board and copies sent to the Star Ledger, Herald News and the Nutley Journal. A copy is on file in the Municipal Clerk's office and copies made available to all members of the general public.

MINUTES

Commissioner Orechio moved, seconded by Commissioner Cocchiola that the minutes of the meeting of 4-16-02 be approved with all members present.

YEAS: Commissioners Tucci, Orechio, Cocchiola and Mayor Scarpelli.

CORRESPONDENCE

Mrs. Simonian, "The North Jersey District Water Supply Commission has sent the 8th, 9th and 10th bond resolutions which were adopted on 4-19-02. It will be placed on file in our office for public inspection.

The North Jersey District Water Supply Commission has sent the agenda for their 4-19-02 meeting, and also the minutes from their 3-15-02 meeting."

REPORTS

Commissioner Cocchiola submitted the Health Dept.'s monthly report for April, 2002.

BILLS

Mrs. Simonian read the following departmental summary of bills for the approval of the Board of commissioners as covered by a detailed list posted on the Nutley Town Hall Bulletin Board prior to the meeting and filed at the end of these minutes.

Public Affairs Dept.	\$ 22,453.52
Revenue and Finance Dept.	4,636,183.18
Public Safety Dept.	29,924.75
Public Works Dept.	39,349.75
Parks Dept.	130,383.26
PAYROLL 4-26-02	
Regular	604,401.41
Overtime	8816.21
GRAND TOTAL	\$ 5,471,512.27

The payroll listed in the foregoing schedule includes amounts to be deducted as shown in a detailed list of bills filed at the end of these minutes.

Commissioner Tucci moved, seconded by Commissioner Cocchiola that the bills be paid.

YEAS: Commissioners Tucci Orechio, Cocchiola and Mayor Scarpelli.

ORDINANCES PUBLIC HEARINGS

Mrs. Simonian, "We have two public hearings scheduled this evening, Mr. Mayor, and they both were introduced on 4-2-02 by Commissioner Orechio and I hereby certify that these hearings and ordinances in full have been advertised in the Nutley Sun issue of 4-11-02 and a copy of each was posted on the Township of Nutley Bulletin Board 1st floor, Town Hall and copies made available to all members of the general public. The first one is entitled, "An ordinance to amend Chapter 228, art. 2, sec. 10, entitled Stopping or Standing prohibited during certain hours, to add the location set forth," Public Hearing, Mr. Mayor."

Mayor Scarpelli, "Thank you. Commissioner Orechio—"

Commissioner Orechio, "Yes, Mr. Mayor, this ordinance provides for the prohibition of stopping or standing during certain hours, actually all hours, along Franklin Ave., along Adams Ct., and further over on the north of Franklin Ave., by Vreeland Ave."

The public hearing was opened and closed, as no one came forward.

Commissioner Orechio moved, seconded by Commissioner Cocchiola that the ordinance be adopted.

YEAS: Commissioners Tucci Orechio, Cocchiola and Mayor Scarpelli.

Mrs. Simonian, "The second ordinance is entitled, "An ordinance to amend C. 228, art. 7, sec. 28, entitled bus stops, to add the location set forth," public hearing, Mr. Mayor."

Commissioner Orechio, "Mr. Mayor, this ordinance deletes a bus stop on Franklin Ave., north bound on the east side of Adams Ct., and extending 100 ft. north."

The public hearing was opened and closed, as no one came forward.

Commissioner Orechio moved, seconded by Commissioner Cocchiola that the ordinance be adopted.

YEAS: Commissioners Furnari, Tucci Orechio, Cocchiola and Mayor Scarpelli.

RESOLUTIONS

Commissioner Cocchiola read for Commissioner Furnari and moved, seconded by Commissioner Orechio that resolution 115-02 be adopted.

"WHEREAS 40A:4-20 provides that where contract, commitments or payments are to be made prior to the final adoption of the 2002 budget, emergency appropriations may be lawfully made for the purposes and amounts required in the manner and time therein provided and

WHEREAS the total emergency temporary resolutions adopted in 2002 pursuant to the provisions of Ch. 96, PL 1951, including this resolution total \$6,440,170,

NOW THEREFORE BE IT RESOLVED that emergency temporary appropriations are made for \$80,000 and that said emergency temporary appropriations will be provided for in the 2002 budget as follows: Walkway, clock and other improvements, 2-01-805-259 - \$80,000."

YEAS: Commissioners Tucci, Orechio and Cocchiola and Mayor Scarpelli.

Commissioner Cocchiola read for Commissioner Furnari and moved, seconded by Commissioner Orechio that resolution 116-02 be adopted.

"BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, NJ, that the treasurer is hereby authorized to refund overpayments for the following taxes, 27 Union Ave., \$1245, for 2002."

YEAS: Commissioners Tucci, Orechio and Cocchiola and Mayor Scarpelli.

Commissioner Cocchiola read for Commissioner Furnari and moved, seconded by Commissioner Orechio that resolution 117-02 be adopted.

"BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, NJ, that a refund of \$100 be made payable to Mr. & Mrs. Bianchi, 97 Mapes Ave., Nutley for overpayment of a variance."

YEAS: Commissioners Tucci, Orechio and Cocchiola and Mayor Scarpelli.

Commissioner Cocchiola read for Commissioner Furnari and moved, seconded by Commissioner Tucci that resolution 118-02 be adopted.

"BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, NJ, that the treasurer is authorized to refund overpayment of water charges on account 4 Corsay Rd., \$25.85 and 100 Raymond Ave., \$25.58."

YEAS: Commissioners Tucci, Orechio and Cocchiola and Mayor Scarpelli.

Commissioner Cocchiola read for Commissioner Furnari and moved, seconded by Commissioner Orechio that resolution 119-02 be adopted.

"WHEREAS NJSA 40A:4-19 provides that where debt service is to be paid in 2002 prior to the final adoption of the 2002 budget, temporary appropriations should be made for the amount of such debt service in the manner therein provided and

WHEREAS the date of this resolution is subsequent to 12-20-01,

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, NJ, that the following temporary appropriation be made, interest on bonds, 2-01-816-253 \$7000."

YEAS: Commissioners Tucci, Orechio and Cocchiola and Mayor Scarpelli.

Commissioner Cocchiola read for Commissioner Furnari and moved, seconded by Commissioner Orechio that resolution 120-02 be adopted.

Municipal budget of the Township of Nutley, County of Essex, for fiscal year 2002, and

BE IT RESOLVED that the following statements of revenue and appropriations shall constitute the municipal budget for 2002, and

BE IT RESOLVED that said budget be published in the Nutley Sun, issue of 5-23-02, and

The governing body of the Township of Nutley does hereby approve the following as the budget for 2002.

YEAS: Commissioners Tucci, Orechio and Cocchiola and Mayor Scarpelli.

(Budget is filed at the end of these minutes)

Commissioner Tucci moved, seconded by Commissioner Orechio that resolution 121-02 be adopted.

"WHEREAS Gabriella Costa, receptionist in the Parks Dept. has requested a leave of absence without pay; and

WHEREAS, Ms. Costa a permanent full-time employee under the provisions of Civil Service in the State of NJ, may receive a leave of absence without pay in accordance with the NJ Administrative Code, Title 4A:6-121B;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, NJ, that the privilege of this leave of absence without pay be granted for four months, 5-28-02 through 9-29-02.

YEAS: Commissioners Tucci, Orechio, Cocchiola and Mayor Scarpelli.

Commissioner Orechio moved, seconded by Commissioner Tucci that resolution 122-02 be adopted.

"WHEREAS bids for refurbishing the Squirt Fire Engine were received on 4-10-02 and

WHEREAS Absolute Fire Protection Co. was the lower of the bids with a price of \$82,527,

NOW THEREFORE BE IT RESOLVED by the Board of Comrs of the Township of Nutley, County of Essex, NJ, that a contract for refurbishing the fire engine be awarded to Absolute Fire Protection Co., 2800 Hamilton Blvd., S. Plainfield, NJ, at a cost of \$82,527.

BE IT FURTHER RESOLVED that funds are available in an appropriation of \$75,000 from account 2705 and 2-01-314-211 and have been certified by the Chief Financial Officer and is attached hereto.

YEAS: Commissioners Tucci, Orechio, Cocchiola and Mayor Scarpelli.

Commissioner Orechio moved, seconded by Commissioner Tucci that resolution 123-02 be adopted.

BE IT RESOLVED by the Board of Comrs of the Township of Nutley, County of Essex, NJ, that the following question be submitted to the Essex County Clerk with the request that this question be included on the ballot of the Township of Nutley for the forthcoming Nov. 7, 2002 general election.

Shall the Township of Nutley Firefighters and Nutley Volunteer Emergency and Rescue Squad members be authorized to establish a LENGTH OF SERVICE AWARD PROGRAM (LOSAP) for those volunteers that serve the Township of Nutley pursuant to the following terms and conditions. The program shall provide for annual contributions to a deferred income account for each active volunteer member that meets the eligibility criteria in accordance with a schedule adopted by the Nutley Firefighters and Nutley Volunteer Emergency and Rescue Squad members as adopted by ordinance #2695, which was adopted by the Township of Nutley Mayor and Board of Comrs on 8-7-02. The program shall provide for contributions as credit for no more than 10 years of prior service for each eligible member, the proposed annual minimum contribution of an active volunteer member is \$287.50 and the maximum contribution is \$1150. The estimated cost of the program has been calculated as follows, for regular annual service \$33,750 per year, and for contribution for prior years service \$67,000 for 1 year. YES NO

Explanatory Statement—The Township of Nutley has decided to create a LOSAP for member of the Nutley Firefighters and Nutley Volunteer Emergency and Rescue Squad members that serve the citizens of Nutley. The general requirements for LOSAP are set forth in NJSA 40A:14-183. Each firefighter who performs the minimum amount of service will have an amount between \$287.50 and \$1150 depending on how many years the volunteer has served deposited into a tax deferred income account that will earn interest for the volunteer. Additional details on the program may be found in the ordinance which has been adopted by Nutley and which is available for public inspection, along with a copy of the state enabling law and is available for inspection in the Municipal Clerk's Office, 1 Kennedy Dr., Nutley, NJ.

YEAS: Commissioners Tucci, Orechio, Cocchiola and Mayor Scarpelli.

Mayor Scarpelli moved, seconded by Commissioner Tucci that resolution 124-02 be adopted.

"BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, NJ, that a contract for the resurfacing and milling of Grant Ave., and related work, between Passaic Ave. and Washington Ave., in Nutley including all necessary or incidental work be awarded to D & L Paving, Inc., PO Box 507, Nutley, NJ at a total price of \$77,420.25.

BE IT FURTHER RESOLVED that the Mayor and the Township Clerk are authorized to execute the above change order and attest with the town seal affixed to this resolution.

BE IT FURTHER RESOLVED that the award of this contract will be subject to the approval of the NJDOT Commissioner and

BE IT FURTHER RESOLVED that funds are available from capital ordinance 2703 and have been certified by the Chief Financial Officer, and are attached to this resolution.

YEAS: Commissioners Tucci, Orechio, Cocchiola and Mayor Scarpelli.

Mayor Scarpelli moved, seconded by Commissioner Tucci that resolution 125-02 be adopted.

"WHEREAS applications have been received from St. Mary's Church to hold an On Premise Raffle on 5-30-02 through 6-1-02 and

WHEREAS the applications have been reviewed and approved by the Clerk and the Police Dept.,

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners, Township of Nutley, Essex County, NJ, that the raffle license is approved and the clerk is authorized to issue the licenses to St. Mary's Church."

YEAS: Commissioners Tucci, Orechio, Cocchiola and Mayor Scarpelli.

Mayor Scarpelli moved, seconded by Commissioner Tucci that resolution 126-02 be adopted.

"BE IT RESOLVED by the Board of Commissioners, Township of Nutley, County of Essex, NJ, that the regular meeting scheduled for 6-4-02 has been changed to 6-11-02 due to the Primary Election being held on that date.

YEAS: Commissioners Tucci, Orechio, Cocchiola and Mayor Scarpelli.

Mayor Scarpelli, "I also have a list of bills for the sanitary sewer charges for 2001, to Belleville, Bloomfield, Clifton, Hoffman La Roche, Inc., Regency Condominiums and Residential Furniture Delivery Service." (Bills are filed at the end of these minutes.)

Mayor Scarpelli, "Mrs. Clerk, do you have something else to read?"

Mrs. Simonian, "Yes, Mayor, I have received a letter from Mrs. Greiner, President of the Van Riper House, who asked me to read this in honor of preservation week.

WHEREAS Historic Preservation is an effective tool for managing growth, revitalizing neighborhoods, fostering local pride and maintaining community character while enhancing livability and

WHEREAS Historic Preservation is relevant for communities across the nation, both urban and rural, and for Americans of all ages, all walks of life and all ethnic backgrounds and,

WHEREAS it is important to celebrate the role of history in our lives and the contributions made by dedicated individuals in helping to preserve the tangible aspects of the heritage that has shaped us as a people and

NOW THEREFORE "Preserving the spirit of place" is the theme for National Historic Preservation Week, 2002, cosponsored by the Van Riper House and the National Trust for Historic Preservation."

Mayor Scarpelli, "Thank you, would anyone like to address this body? Now is the time to come forward and state your name and address, please."

Frank Borgo, 21Dodd St., came forward, "I'm here again about that noise, coming from Terrazza's Restaurant, I have a copy of the noise ordinance, and to me it says 10 o'clock at night, there should be no noise till 7:00 in the morning. Mr. Mayor, Commissioners, and ABC Board, I need help. I've been down here for five years now, coming for the same thing and I need your help. I have a petition here, from the people on Hillside Ave., quite a few of them that are annoyed by this and if the Town Clerk would—I'll try to help you a little bit, and I made a few copies for the Commissioners. Thank you very much.

(Mr. Borgo submitted a petition signed by 22 residents, which appears at the end of these minutes.)

I'm asking for your help. Mr. Jeff Perez, who lives across the street from me at 22 Dodd St., sold his home because of the noise that's coming from there and he bought a new house, for a lot more money in Nutley, and he was brought up in that neighborhood, lived there all his life. I'm just appealing to Mr. Mayor especially and Commissioner Cocchiola—I've had a lot of help from Joe for the Health Dept., he helped me a lot with matters that went on in the neighborhood, garbage and other stuff that went on. He helped me a lot, so I have to give him a little plug here.

I've been coming here for five years and nothing's been done, and the owner—he's broken every rule in the book. I remember the Mayor, we had an affair on Franklin Ave. one night and I walked up to him and I met him, and I said, Mr. Mayor—and he said we'll be over by 10 o'clock, and I said thank you. I appreciated that, but the way it's going on now—this man doesn't care, maybe he's got some pull in town, I don't know, but—please help me, that's all I've got to say. Especially the ABC Board more than anything else. I wouldn't be after the guy if he wasn't doing anything wrong. Thank you very much."

Commissioner Orechio, "Mr. Mayor, I want to confer with the Police chief and come back with a recommendation."

Mayor Scarpelli, "Thank you Commissioner, would anyone else like to address this body?"

Tina Nocera, 66 Union Ave., came forward, "I'd like to address the Commissioner on behalf of the Nutley teenagers. My first experience with teenagers in Nutley was actually when I used them as baby sitters for my own children, having not grown up in this town. I remember that day, I said what do teenagers do in town and this was going back 10 years and I remember the response very clearly, it was we go to the park and we get chased by the cops. I was completely shocked by that response, at that time I was involved in the creative playground and met a lot of terrific people in this town, none finer than Frank Cocchiola and when the playground was completed I said to Commissioner Cocchiola, could you explain to me why the town inundates children from ages 6-12, but we don't really acknowledge them before they're six and completely ignore them after they're 12.

Commissioner Cocchiola and I had a discussion, I assure you, but not having any experience there, I backed off not understanding what teenagers are all about in all honesty. At the time we agreed on starting a toddler activity program, which I did with his help and in fact is going on to this day. 10 years has gone by and not much has changed, although I'm sure you're well intentioned, I'm sure there's some nice programs that are in place, it's not enough. Just to give you an example, at the Franklin Middle School, this year we tried some really innovative and interesting things, one of which was we started at Principal Calichio's request to survey the students, think about what they might want, and it was very interesting.

Anyone who's done any kind of marketing might know, that if you have a 20% compliance to a survey, you've done really well. We surveyed the students and we had a 96% compliance rate. The children in this town—we are very fortunate, they are good kids but we don't give them a lot of good things to do. We give them some, but it's not enough. So what I would like to do is ask the Commissioners to form an advisory board, a teen advisory board, and please understand, this is not just what we can do for our kids, it's what we can do to make these kids part of the community. There are things they can do for us. For example, I know Commissioner Cocchiola has some interesting programs regarding seniors, these students—any parent in this town would love for their children to participate in a well intentioned program.

As far as other things we've done, some interesting things like a teen canteen which was very successful, and the reason I think that some of the attempts over the years have not done well is because you haven't given kids choices. There is no one right answer to any solution, so for example the thing that worked best at the middle school was an event that had several things going on at once, the kids could move about, there was supervision, but it wasn't overly supervised. There was structure, but not overly structured. It worked, the reason I'm asking the town to take it over, rather than the school is that we ask students in private schools that are not allowed to participate in a school activity, because they don't have student ID's. They're not part of that school system.

So what I'd like to suggest is that groups of us get together, from the school system and certainly from the public safety—in fact Commissioner Orechio—at one point we had a sports night, where Mr. Calichio and I met with the detectives and said, wouldn't it be a great idea if these kids met with the detectives before they were in trouble and they came down and they played basketball with the kids and it was really a positive experience. What I'm looking to do is formalize this, in fact, include students from both the junior high and high schools and any of the private schools on an advisory board, along with Board of Education members and Commissioners.

These are really good kids at this point, but I think Nutley should be very happy that we don't have any notoriety as they do in other towns, and I'd love to keep it that way. Children need attention and if we don't give them the good kind, they'll certainly seek out the bad kind. Thank you very much for your time."

Mayor Scarpelli, "Commissioner, would you like to address that?"

Commissioner Tucci, "If I might, only because I totally agree with what you're saying, and actually, Mrs. Nocera and I have had several conversations surrounding this, and I've attended several meetings at the middle school and the Parks Dept. was very involved with the sports night that was held. I wrote down here one thing you said, you said before six and after twelve years old, there are not a lot of activities for our children and I would be the first one to say we could never have enough activities for our

children or give them enough choices so they could all seek out and enjoy what they like to do.

I'm looking at 25 programs that involve children, both organized and unorganized, beginning at ages 5-12, 13-16, 3-5, the program that you instituted with Commissioner Frank Cocchiola, is also here, but we've also added to that with some toddler tumbling and some other things and as a matter of fact, we also discussed the possibility of soliciting some volunteers to help with the effort you've begun. And done quite well, I might add, and we did get some volunteers from the Parks Dept., I spoke with Commissioner Orechio about having some Public Safety folks and with Chief Scalera, about perhaps assigning some of the firefighters to help us out in this endeavor so these discussions can continue.

As we all know, these programs are only successful with the parents participation, and we need to engage the parents and get them involved. Because, what we're not running is babysitting services, but unstructured, unorganized, and when I say unorganized to the degree that we have organization in football and basketball leagues and baseball leagues, a place for children just to drop in, to play music, to dance, to play chess, to read books or just to talk with their friends is definitely needed, its something that I believed in for a long time, and these discussions in addition to the ones that I've had with you and your group are also going on with several members of the Board of Education."

Mrs. Nocera, "Well, I totally agree with you, and, as far as the teen canteen, which in fact was in the Nutley Sun, was by far the most successful event that we ran and that's exactly what we are talking about. I think that our discussion regarding volunteers, I think we agree and disagree.

I agree that there should be parents involved but what I don't agree with is that in my mind—if there was one problem that seems to go through Nutley—is that you go to the same few people all the time. The problem and challenge with that is that you burn out the same people and then by that same means you exclude everyone else so effectively it becomes an exclusionary community. What I'm suggesting is, I think we agree that you like this program, I think that we have to formalize it, we have to just get it going. I just don't want to see papers sitting on someone's desk and not having some kind of action on it.

So all I'm saying is, I volunteer my time to pull together an advisory group together and say lets get the right heads together and include the kids in this advisory group. I don't think anybody in their right mind would ever say, lets provide rooms for these kids to have unstructured activity. We would be insane to do such a thing.

I'm not suggesting that in any way, shape or form, I'm saying we actually created the teen canteen model and for the Commissioners who are not aware of this what that actually was, was we opened up the middle school and we had an improvisational activity, we had sports, we had a jam session, with kids who brought in their music and this was by far the most successful portion of it, and then we also had a movie going and we had the cafeteria where we had pizza and board games, and chess. The kids liked the choices in that one night. That's all I'm saying. We need to do this, to formalize it, basically we need to stop talking and we should just do it, and I offer my help to get it done."

Commissioner Tucci, "Well, I believe we've taken the necessary first steps. I think that the bigger challenge we have is getting people to actually volunteer and I agree with you that we have routinely gone back to the same folks, which is not what I believe we've done because, quite frankly I don't know that we in the Parks Dept. have ever gone and reached out to the Public Safety Dept. or even to the Public Works Dept. when you talk about volunteering.

So perhaps we need to sit down and develop some type of advertisement to let people know what we're looking for and perhaps get some of their peers, or perhaps some college students or other high school students to help—"

Mrs. Nocera, "I think we can be very creative and we can come up with a solution and its just a matter of someone deciding—if you will—to drive the bus. So I'm just looking for a bus driver."

Commissioner Tucci, "—I think we have a bus driver, I think we just need to steer the bus in the right direction, and I think we all need to turn the bus at the same time, and I think we'll all be fine."

Mrs. Nocera, "—ok, this analogy has really gone far enough, but, thank you."

Commissioner Tucci, "Thank you very much."

Commissioner Orechio, "I just want Mrs. Nocera to know that I've looked into the possibility of creating a P.A.L., but the national charter rules are kind of rigid, and what I've done now is created a P.Y.O., Police Youth Organization. Matter of fact, we have some fundraising trips already established for the summer, to raise some funds so we can get it off the ground."

Mrs. Nocera, "Can I ask you then—it seems like we have difficulty communicating, how do you plan to get the work out to parents that this is a possibility? You mentioned that there would be trips—"

Commissioner Orechio, "I will call you to discuss it."

Mrs. Nocera, "Ok, because the other part of it is, I know Commissioner Cocchiola has some fantastic opportunities for the children to give back to the community, again this is not about our kids getting—because I think we are fortunate we don't have any needy children, but if we keep giving them things we will have greedy children, so we don't want that to happen. So I think I will ask Commissioner Cocchiola to participate as well because there's a lot our children can contribute to this town as well as receive."

Commissioner Orechio, "I didn't mean to cut off Commissioner Tucci—"

Commissioner Cocchiola, "Commissioner Tucci, I would be happy if—maybe we can all be represented—I don't know if you know this, Mrs. Nocera, but the Mayor has a year's worth of activities planned to celebrate the centennial and children can probably participate in many ways. Each one of us could probably come up with other programs to benefit the children, I know that we already have so, if you need anyone of us to do anything, I'm sure that we would be happy to do that."

Mrs. Nocera, "Thank you."

Mayor Scarpelli, "Thank you very much, does anyone else wish to address this body?"

Maria Russo, 251 High St., came forward, "I didn't come here to discuss that program, however, I'm hearing all the information, the two things that I believe in strongly are effective communication and I believe that Mrs. Nocera mentioned that. That seems to be one of the problems, the other thing is space, building space, I think that we should know where this will be held, so we can have chaperones and what not, I'd be more than willing to get involved with this, I did read it on the F.M.S. e-mail, so I'd be more than happy to get involved. I will get in touch with Mrs. Nocera, I worked hand in hand with her, back with the toddler activity program."

I remember setting up for infants to do gymnastics. We had mats, we brought balloons, we had many things when my child was young, working with Frank Cocchiola and Tina and many of the other volunteer parents, and I'm glad to see that the program is still going."

The other thing is money, and that's what I'm here to speak about tonight, I came here to speak to this board. I heard Commissioner Cocchiola say that the budget would be placed in the May issue of the Nutley Sun, I have a question before I continue because, there may not be any need for me to continue with what I have to say today. That is Commissioner Orechio is the \$200 revenue from the School Board for the crossing guard salaries still in your budget?"

Commissioner Orechio, "Yes it is."

Mrs. Russo, "Yes it is—back in 1999 when two of you—I believe—were not seated on this Commissioners Board, I came and addressed this board. I want to give you a few dates, and read a few things and say my peace tonight."

Commissioner Orechio, "If I may interrupt, Mr. Mayor, this really isn't a public hearing on the budget tonight. I think she ought to defer her comments until we have a public hearing on it."

Mayor Scarpelli, "The budget has been introduced and we will have a public hearing on the budget, you can address it then if you care to."

Mrs. Russo, "I don't plan on addressing the budget, I would just like to specifically address my comments to the past comments from 1999, not on this budget of 2002, I have no questions on that. Thank you."

Back in March, 1999, I wrote a statement and presented it to the school board. On May 3, 1999, there were some problems regarding the crossing guards in our schools. I have been doing research for—well in 1994 I was elected to the school board and I believe this came to my dismay—and understanding—in approximately 1997. At that time just to fill in those members who were not here over long years. At that time I found out that the school board had an expense. I questioned one expense, it was \$80,000, and found out that it was a twice a year payment which equaled \$160,000 that was paid for crossing guards. I went on to question board members and at that point there wasn't—I couldn't get a majority of board members to address this issue.

In research, both legally and through other school boards, I found out that this is not a responsibility of School Board of Education's. I further went on in 1999, which is where the letter that I wrote and brought to this board, where I had a consensus of the board, nine members, unanimous. Ready to take the \$200,000 out of the school budget.

I also met individually with one of the Commissioners responsible. It—what had happened when I came here was that it was going to be addressed. Since 1999, my one further year on the school board, the plans were in the works and it was said it needed to be done slowly, you just can't pull this kind of money, and I understood that, I know that when you're dealing with the budget, there's a lot of things involved.

I'd like to just read a couple excerpts of this, and then I just have one question that I'd like to leave this board with tonight. In this letter dated March 1, 1999, I addressed the school board and this board, cause I read the same letter. Back in 1987 the Nutley School Budget was defeated and when it went to the town for review as a standard procedure the board was asked for a truly realistic and honest figure, by which the school budget could be reduced without seriously jeopardizing academic programs and after much consideration a figure of \$150,000 was presented.

Mayor Chenoweth announced that the Commissioners decided that \$300,000 would be more appropriate. That was quoted from the 4-30-87 Nutley Sun. During the debate between the school board and the town, the school board along with abolishing teaching positions, behind the wheel, summer school programs, we also, and we is the Nutley Board of Education assumed the expense for school crossing guards, which up until then had always been part of the town's budget. The Commission said they cut the school budget by \$125,000. With the provision that the board agreed to take on the responsibility of taking on the \$160,000 in crossing guard salaries.

Board President at the time, Frank Hermo tried to persuade the Board of Commissioners not to make this cut in school appropriations. I quote the Nutley Sun, Frank Hermo, "Your job by law is not specifically to cut our budget but just to review it. If you feel we have done a good job with the budget, you don't have to cut it at all," Hermo pleaded.

The board accepted the \$225,000 cut by a vote of 6-1. The no vote, by Dr. Anthony Barotta who said, and I quote, "Because we prepare a budget for an educational system, and now we have compromised into accepting an additional expense, school crossing guards, from a different government body, the town commission, I go on to this letter and say I agree with Dr. Barotta, I still I agree with Dr. Barotta, and I'd like to point out that this year, the school budget only passed by 200 votes. If that budget was defeated, it would have come to you, this Board of Commissioners, with the expense of \$100,000, just to let me clarify, has escalated, and it is now over \$200,000 a year that the school board sends to this governing body, when it could be using it for educational needs. I strongly object to this and I wonder if it had come to a defeat of the budget,

whether that would have been the first thing to go, or would this board have taken away things from our children once again. I ask, before I leave here tonight, I ask for documentation because I have been doing further research that if this debt was because of a budget failure for that one year, where is the documentation that gives our business administrator, our school board, our superintendent the right to continually put this debt for over 12 years in our school budget. I would like to see a piece of paper, some documentation, so that I can then pursue and then find out, if in fact this is legal. It is not legal for the school board to send people to the corner to cross our children. It is only the public safety who can do that.

I will be back here in two weeks and I hope that something can be provided to me. I am here not to ask for anything or to cause any problems other than what is best for this community and especially our children. If we can't find a way to start straightening out money in this town, we are going to have serious problems. There are other areas that I will be addressing in the future where money overlaps between the town and the school board and I find them to be disgraceful. I certainly hope we can clarify this so that \$200,000 can be spent for our children.

If over the past 12 years that was in our school budget, we would have had over \$2,000,000 that could have been spent, and if you go back 10 years ago, you know you could buy a lot more then than you can now, towards our facilities and our children's programs. We never put behind the wheel back, yet parents have to pay for classes for their children, now. So we get taxed for dollars here in our town. We have an educational system that we're all proud of, but let's really be proud of it and do the best for our children. I will be back here in two weeks, I will also be at the school board saying exactly what I said here tonight, asking them for documentation. Cause if they're putting a debt in our budget, we should find out why they continue to do it and I know that you need the majority of votes. I don't know if we'll be able to get that. We had it at one time, I don't know what happened in three days. Thank you very much."

Mayor Scarpelli, "Would anyone else like to address this board?"

Sera Shuster, 462 Chestnut St., came forward, "Thank you Maria, for what you just brought up, I was at that meeting when the budget was cut and Nutley was talked into taking the Public safety—the crossing guards. You, Carmen, said that there was legislation pending in Trenton that all towns should be paying the crossing guards out of the Board of Education. That's not so, because I called all the towns and they laughed when I asked them. Nutley is the only one that's paying the crossing guards out of the Board of Education money. That board had Charlie Piro on it, Charlie Kucinski, Frank Hermo, and I could go on and on and tell you, because I was right there in the front row. Joan Rubino and I got special permission from Harry Chenoweth to attend this meeting and at that time I said, do not take it, but they took it anyway.

Behind the wheel driving was cancelled, the budget has gone through since, and it was never reinstated, and I don't think it's fair to the children of Nutley to have to pay out of their money, and behind the wheel driving, not only for the Nutley kids, but everyone in the parochial school, or who went to another private school. It was the Nutley Board of Education to provide behind the wheel driving for their children, even though they didn't attend Nutley schools. That's it, that's a loss, any why wasn't it reinstated? I don't know, to punish the children, punish the parents and there are lots of things that have been cut.

Instead, they gave us the buses. We have the buses making a lot of money, people have died, but they're still there. At this point, I don't care if the buses never move. I don't care, because the damage has been done. It's not on my conscience, it's on this board, and the Board of Education, because if this board didn't want the buses there, you oversee the entire town, and you are the fathers, and if you didn't want them there, they wouldn't be there. That's all I have to say, but my conscience is clear. Thank you, Mayor."

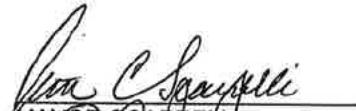
Mayor Scarpelli, "Would anyone else like to address this board? Seeing no one, is there a motion to adjourn?"

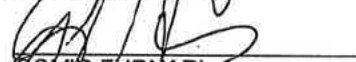
Commissioner Orechio moved, seconded by Commissioner Tucci that the meeting be adjourned at 8:35 PM.

YEAS: Commissioners Furnari, Tucci, Orechio, Cocchiola and Mayor Scarpelli.

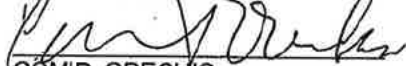
ATTEST:


Township Clerk


MAYOR SCARPELLI


COM'R FURNARI


COM'R TUCCI


COM'R ORECHIO


COM'R COCCHIOLA

BP 5-17-02

Board of Commissioners
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by Commissioner Carmen A. Orechio Date December 17, 2002
Seconded by Commissioner Tucci No. 328-02

WHEREAS, the Township of Nutley ("Sponsoring Agency") deems it appropriate and necessary to act to ensure retention of existing volunteers and to provide incentives for recruiting new Fire Department Volunteer Firefighters and Nutley Volunteer Emergency and Rescue Squad Members ("NVERS"); and

WHEREAS, the Sponsoring Agency has determined that the creation of a Length of Service Award Program will enhance the ability of the Township to retain and recruit volunteer firefighters and NVERS members; and

WHEREAS, certain tax benefits could accrue to eligible volunteer firefighters and NVERS members; and

NOW, THEREFORE, BE IT RESOLVED by the Sponsoring Agency that:

1. A Length of Service Award Program (LOSAP) is herewith created in accordance with Chapter 388 of the Laws of 1997, to reward members of the volunteer Fire Department Volunteer Firefighters and NVERS members for their loyal, diligent and devoted services to the residents of Sponsoring Agency.
2. The LOSAP shall provide for fixed annual contributions to a deferred income account for each volunteer member that meets the criteria set forth below; that such contributions shall be made in accordance with a plan that shall be established by the Sponsoring Agency pursuant to P.L. 1997, c. 388; and that such plan shall be administered in accordance with the laws of the State of New Jersey, the U.S. Internal Revenue Code, and this resolution.
3. The LOSAP shall provide for annual contributions to each eligible member that meets the criteria as set forth in the attached Schedule A, Schedules for number of points required, years of service required, and amounts of award.
4. The LOSAP shall provide for annual contributions as credit for no more than ten years of prior years services for each eligible volunteer in accordance with the following schedule:

10 or more years of prior service and \$1,150.00
5. The estimated cost of the program has been calculated as follows:
 - a) For regular annual service: \$33,750.00 per year
 - b) For contributions for prior year's service: \$67,000.00 per year for an estimated 1 year.
6. Each active volunteer member shall be credited with points for volunteer services provided to the volunteer organization in accordance with the Points Schedule set forth in Section 3 above.

• • •

_____, Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held _____.

Record of Vote	Mayor Scarpelli	Commissioners			
		Cocchiola	Tucci	Furnari	Orechio
Yes	X	X	X	X	X
No					

Board of Commissioners
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by Commissioner Carmen A. Orechio Date December 17, 2002

Seconded by _____ No. _____

7. This Resolution has been approved by voters as a public question at the 2002 general election.

BE IT FURTHER RESOLVED that

- (1) Solicit Proposals: A request for proposals for a Length of Service Award Program was prepared and made available to providers of such services.

- (2) Responding Vendors: The vendors responding to the request for proposals were:

VFIS of New Jersey
822 Courtyard Drive
Hillsborough, New Jersey 08844

VALIC Financial Advisors, Inc.
90 Woodbridge Center, Suite 300
Woodbridge, New Jersey 07095

AG Edwards & Sons, Inc.
222 East Main Street
Smithtown, New York 11787

- (3) Section Rationale: The successful vendor is VALIC. The governing body reviewed all of the proposals submitted and met with representatives of the responding companies. VALIC was selected because VALIC has been found to possess the necessary administrative, enrollment, and servicing capabilities for the Plan.

BE IT FURTHER RESOLVED that VALIC shall be retained by the Township of Nutley as the contractor under the LOSAP, and VALIC shall educate all eligible volunteers of the Sponsoring Agency regarding the Plan and shall enroll and service those eligible volunteers who participate in the Plan. As enrolling agent, VALIC shall be the exclusive agent for its funding options to be offered under the Plan.

BE IT FURTHER RESOLVED that there has been no collusion, or evidence or appearance of collusion, between any local official and a representative of the contractor in the selection of a contractor for the administration of a Length of Service Award Plan pursuant to N.J.A.C. 5:37-11.29.

BE IT FURTHER RESOLVED that the Deputy Chief Scalera is hereby authorized to serve as the Local Plan Administrator of the Plan and to execute a Length of Service Award Plan with VALIC and Joinder Agreements with eligible volunteers and that such Plan has been assigned by the Director of the Division of Local Government Services the following identifier: 02-LOSAP-VALIC-120800 and to submit all necessary documents to the Director of the Division of Local Government Services within the Department of Community Affairs for approval.

BE IT FURTHER RESOLVED that the Sponsoring Agency is adopting a Length of Service Award Plan document on which VALIC has a favorable opinion of counsel indicating that the funds contributed for the benefit of volunteers shall not be taxable for the purposes of the Internal Revenue Service until the actual receipt of such funds by the volunteer due to retirement, termination after vesting, death or disability.

I, _____, Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held _____.

Record of Vote	Mayor Scarpelli	Commissioners			
		Cocchiola	Tucci	Furnari	Orechio
Yes					
No					
Not Voting					
Absent/Excused					

Ceci Tramontana

From: Rory Moore <opra+request-19347-ff7d87b3@requests.opramachine.com>
Sent: Thursday, January 21, 2021 10:12 PM
To: Ceci Tramontana
Subject: Internal review of OPRA request - Losap disclosures 2019 and 2020

Dear Ceci Tramontana, I request the follow explanations. There are, approximately, 75 members of the Nutley Volunteer Fire department. The list provided by your office is very inaccurate. You paid a volunteer from last year that did not live in the State of New Jersey. Please, review the records for accuracy. The information you returned is highly, inaccurate, misleading and suggest collusion.

I will file for mediation in one weeks time, I will file a complaint to the Banking Commissions against the auditor and I will file a complaint with DCA for falsifying an OPRA response. Please correct the response or I will.

Yours sincerely, Rory Moore

Rory Moore

-----Original Message-----

Mr. Moore,

This correspondence shall serve as Nutley Township (the "Township")'s response to your request for access to government records pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1.1, et seq. ("OPRA"), which was received by the Township on January 4, 2021. The Township requested clarification on your request via email on January 4, 2021. On January 6,

Ceci Tramontana

From: Ceci Tramontana
Sent: Friday, January 22, 2021 8:34 AM
To: Justin A. Marchetta
Cc: Eleni Pettas; Alan Genitempo
Subject: FW: Internal review of OPRA request - Losap disclosures 2019 and 2020

Good morning Justin,

Please see Mr. Moore's email below regarding our response to OPRA No. 03-21.

Thank you,

Ceci Tramontana, RMC
Deputy Municipal Clerk
Municipal Clerk's Office
Township of Nutley, NJ
(973) 284-4951 x2233 Office
(973) 284-5668 Fax
www.nutleynj.org

-----Original Message-----

From: Rory Moore [mailto:opra+request-19347-ff7d87b3@requests.opramachine.com]
Sent: Thursday, January 21, 2021 10:12 PM
To: Ceci Tramontana <ctramontana@nutleynj.org>
Subject: Internal review of OPRA request - Losap disclosures 2019 and 2020

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Yours sincerely, Rory Moore

Rory Moore

-----Original Message-----

Ceci Tramontana

From: Rory Moore <opra+request-19347-ff7d87b3@requests.opramachine.com>
Sent: Thursday, March 4, 2021 8:35 PM
To: Ceci Tramontana
Subject: Internal review of OPRA request - Losap disclosures 2019 and 2020

Dear Ceci Tramontana, A complaint has been filed with the Banking and insurance Commission. You may, recall, The B & I investigated the payroll clerk selling real estate for Thomas Evans brother. How us that working out?

Yours sincerely, Rory

Rory Moore

-----Original Message-----

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I seek, any and all, N.J.A.C. 5:30-14 , 5:30-14.5 Ballot questions.

Please see attached records.

(a) All ballot questions that are required pursuant to N.J.S.A. 40A:14-185(c) shall be accompanied by an explanatory statement which shall include the following:

1. A general description of the program, including the point system to be

Ceci Tramontana

From: Ceci Tramontana
Sent: Friday, March 5, 2021 8:53 AM
To: Justin A. Marchetta; Eleni Pettas
Subject: FW: Internal review of OPRA request - Losap disclosures 2019 and 2020

Another Internal Review email from Mr. Moore. This has to do with OPRA No. 3-21.

Ceci Tramontana, RMC
Deputy Municipal Clerk
Municipal Clerk's Office
Township of Nutley, NJ
(973) 284-4951 x2233 Office
(973) 284-5668 Fax
www.nutleynj.org

-----Original Message-----

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Sent: Thursday, March 4, 2021 8:35 PM
To: Ceci Tramontana <ctramontana@nutleynj.org>
Subject: Internal review of OPRA request - Losap disclosures 2019 and 2020

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Yours sincerely, Rory

Rory Moore

-----Original Message-----

Mr. Moore,

This correspondence shall serve as Nutley Township (the "Township")'s

Ceci Tramontana

From: Justin A. Marchetta <jmarchetta@iwwt.law>
Sent: Friday, March 5, 2021 11:51 AM
To: Rory Moore
Cc: Alan Genitempo
Subject: Internal Review Requests and Conduct Toward Township Employees
Attachments: Ltr to R Moore 3-5-2021.pdf

Mr. Moore,

Please see the attached correspondence.

Justin A. Marchetta
Attorney at Law | [View my Bio](#)
Admitted in NJ, NY, TX & DC



Inglesino, Webster, Wyciskala & Taylor, LLC
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Parsippany, New Jersey 07054
t (973) 947-7136 | f (973) 887-2700 | c (908) 616-9085
jmarchetta@iwwt.law | www.iwwt.law

Assistant: Laurie Riley | lriley@iwwt.law

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JUSTIN A. MARCHETTA
Direct: (973) 947-7136
jmarshetta@iwwt.law
Admitted in NJ, NY, TX & DC

March 5, 2021

Via Email (rmoore2929@gmail.com) & Regular Mail

Mr. Rory Moore
462 Chestnut Street
Nutley, New Jersey 07110

**Re: Internal Review Requests and
Conduct Toward Township Employees**

Dear Mr. Moore,

As you know, I serve as Special Counsel to the Township of Nutley (the "Township"). Once again, I find myself compelled to admonish you in writing regarding your unacceptable conduct and demeanor toward certain Township employees. Your outright misrepresentations regarding facts and circumstances, which you claim support your unlawful demands for documents and information that either do not exist or to which you are not entitled are, frankly, shocking. Moreover, the tone of your emails is highly inappropriate and must cease.

In your March 1, 2021 email to Deputy Clerk Ceci Tramontana, you accused me of "desir[ing] to fleece the Nutley Taxpayer of much need revenue". In reality, however, it is you who is causing the Township to incur significant legal fees through your repeated unlawful demands, internal review requests, frivolous litigation and outright threats. From your various emails, it is clear that you believe the Township should acquiesce to your abhorrent conduct toward its employees and, in particular, the Clerk and Deputy Clerk. However, the Township will not countenance any such conduct. This was made clear to you on November 12, 2020 when Judge Brindisi found you guilty of harassing the Township Clerk in violation of N.J.S.A. 2C:33-4A, and issued a no-contact order prohibiting you from having any further contact with her.

I note that, to date, you have not copied me on any of your emails to Deputy Clerk Tramontana in which you complain about me and my findings regarding the internal reviews that you requested. You omitted me from your correspondence despite the fact that I wrote to you directly in response to your various requests. Your practice of sending threatening and harassing

communications to female Township employees is disturbing and unacceptable. Omitting me from those communications is further evidence of your malicious intent.

Regarding your request for payment in lieu of taxes (PILOT) documents, you have been told by me and others that they do not yet exist and, therefore, cannot be produced. Your repeated citation of various statutes, which have little or nothing to do with the documents that you seek, only serves to illuminate your fundamental misunderstanding of the redevelopment process. By way of example, PILOT programs are meant to support redevelopment projects, not open space, as you asserted in your March 1, 2021 email. The anticipated issuance of a request for expression of interest to potential redevelopers does not trigger any obligation on behalf of the Township to file documents with the State, as you presume in that same email. Nevertheless, any action seeking to compel the Township's production of PILOT documents which do not exist, through GRC mediation or otherwise, would be clearly frivolous and without any basis in law or fact.

You have also demanded that the Township produce a survey with respect to the redevelopment areas currently under study. In your March 4, 2021 email, you stated "mayor [sic] Tucci has stated, on the record, the survey was available at the planning board". A review of the recording of the March 2, 2021 Board of Commissioners meeting reveals that your statement is not true. As was explained to you during that meeting, the Township commissioned preliminary studies of the various redevelopment areas and the study for the Diamond Springs property is currently with the Planning Board. This request for a copy of the "survey" has been interpreted by the Township to be a request for copies of the preliminary studies. As this request was only submitted to the Township Clerk's Office two days ago, it will be responded to in the normal course. If you are seeking documents other than the preliminary studies, please so clarify in writing to the Deputy Clerk, but without the litany of harassing statements or threats.

Curiously, you have threatened to file complaints with the DCA against the Township Clerk's Office regarding documents which you have been told are on file with the Planning Board, i.e., the preliminary studies. This threat, while unavailing in and of itself, does serve to illuminate your clear and persistent animus toward the Township Clerk's Office and the employees who work therein. But for said animus, it makes absolutely no sense to file complaints against the Township Clerk's Office over documents that are held by the Planning Board, as they are two entirely separate entities. Your further threat to "file sanctions" against me will not diminish my zealous representation of the Township.

In an attempt to bolster your threats against the Township Clerk's Office, you state in your March 2 and March 4, 2021 emails that the "Township lost in mediation" last year regarding Planning Board documents. This is a blatant lie. The mediation to which you refer occurred following a misunderstanding regarding the availability of a draft agreement for

Mr. Rory Moore
March 5, 2021
Page 3

professional services. As you will recall, the Planning Board was under the mistaken impression that it could authorize such contract when, in fact, it was the Board of Commissioners that had to approve the same. You were provided with the requested document upon the Board of Commissioners' approval of the agreement, which was well in advance of the scheduled mediation. During the mediation, you admitted to having received the requested documents and you agreed to voluntarily withdraw your complaint to the GRC, which you did in writing shortly thereafter. The Township did not "lose" in that mediation, nor did you win anything.

With respect to your repeated requests for continuing education documents of individual Township employees, you have been advised that such documents are not made, maintained or kept on file in the normal course of Township business. You have previously been provided with copies of vouchers for reimbursement of employee continuing education classes. However, the continuing education certificates issued to individual Township employees are personal records of those employees and are not government records subject to OPRA. Moreover, the Township is not obligated to create a list of employees who attend continuing education classes for purposes of responding to your OPRA requests. The fact that you have requested and received such a list from the New Jersey League of Municipalities in the past does nothing to alter these facts.

On March 4, 2021, you sent an email to Deputy Clerk Tramontana requesting an internal review of OPRA request 3-21, in which you sought copies of Township LOSAP documents. The requested records were sent to you on January 19, 2021. Your vague reference to a Department of Banking and Insurance investigation regarding Commissioner Evans' brother and your threatening inquiry, "How us [sic] that working out?" does nothing to change the fact that the Township provided you with the responsive records. If you intend to make a follow-up OPRA request for current Township LOSAP documents, kindly do so without the inclusion of harassing language or threats.

Going forward, the Township expects that you will comport yourself in accordance with the foregoing admonitions and that you will exercise at least a modicum of civility toward all Township employees. Please be guided accordingly.

Yours truly,



JUSTIN A. MARCHETTA

cc: (via Electronic Mail)
Alan Genitempo, Esq.