

## MINUTES

REGULAR MEETING, THURSDAY, DECEMBER 22, 2011 AT 7:00 P.M. OR AS SOON  
THEREAFTER AT BOROUGH HALL

### OPEN PUBLIC MEETINGS ACT.

BOROUGH CLERK: this meeting is being held in accordance with the rules and regulations of the Open Public Meetings Act of the State of New Jersey. Adequate notice of this meeting was provided by forwarding a Sunshine notice which included the time, date and location of this public meeting of the Mayor and Council.

### ROLL CALL:

COUNCIL MEMBERS: Councilman Yampaglia, Councilman Hughes, Councilman Johnson, Councilman Tanelli and Councilman Kearney

EXCUSED: Councilman Bianchi

ALSO PRESENT: Mayor Peter C. Massa, Borough Clerk, Terence M. Wall, Borough Attorney, Randy Pearce

### PLEDGE OF ALLEGIANCE

### PUBLIC COMMENTS

Dominick Caruso – 23 Roosevelt Street. I'm here for the parking space for the snow removal. I was here the, this is the third time I'm here and nothing was done. I got so many promise out of you people. How come? How come? And so far nobody show. I think you'd be wasting my time [inaudible]. I don't want to be treated like a fool sometime. It's got to be yes or no. That's the way I feel about it. I got to come every week, every month [inaudible], I don't want to do that. We are grown up people, we're not a child. I mean this you told me to move my car, three foot of snow, where you expect me to move my car when I can't drive and number two if I get in auto accident, who's going to pay the expense you people? You said no that's my problem. And number three I got a triple heart surgery. If I want to put the [inaudible] on the paper I want to parking spaces in front of my house then. What are you going to do about it? I go so many problems and so far nothing happens. Mr. Bianchi was a firefighter; [inaudible] was a firefighter for so many years. I was a firefighter when I used to work in chemical company I was working [inaudible] with 34 years. I was a firefighter, a volunteer, a natural. So what's more danger a house or chemical fire? I know what's the safety. We're talking about safety I know what it is. And another thing I want to mention Mr. Mayor my brother two weeks ago at the last meeting was here. You guys let him talk then he come up with some kind of subject [inaudible] you guys admit. I want him to speak; you want to shut me down. Why you shut me down? I should have the privilege to come again and talk about it.

Mayor Massa – Mr. Caruso, the protocol of the meeting is as such, you speak as a citizen, we will listen to your problem. When the hearing of citizens is completed and you sit down, then the council comments. People who shout out are out of order. This is not an adversarial process. We listen to your problems we are evaluating your problems. So I'm going to allow you to please continue but if we are discussing an issue and somebody shouts out, they can be arrested. I have not had anybody arrested since I've been the mayor because I do respect sometimes people have emotions and they yell but I must maintain the decorum of this forum and that's what I have to do. So that's why when I say somebody is out of order, then they're out of order and all they have to do is be quiet. They have an opportunity to be heard. That's why the Councilmen listen to your problem and as I said with Councilman Bianchi just this evening I was prepared to come down to see you tomorrow night about 6 o'clock as I said to you outside and walk around the neighborhood for as long as it takes and I'll even come down Saturday morning even though its Christmas eve so I don't want interruptions. Now I want you to continue to make your comments.

Mr. Caruso – when do you think allow to speak after I finish talking? When? [Inaudible] if I want to say something else, can I talk after or no?

Mayor Massa – once the hearing of citizens is closed, we're closed. So you have the opportunity right now to say anything you want to say.

Mr. Caruso – [inaudible] and you shut me down.

Mayor Massa – we're not going to allow you to argue with the Council after the hearing of citizens is closed. We want to respect you and we want you to respect us back.

Mr. Caruso continues speaking about his right to speak.

Mayor Massa – we can't allow you to yell out and holler out when we are deliberating municipal business. We listen to what you have to say so put on the record everything that you want to say right now. And if you disagree with what we have to say then you can meet with us at a council meeting after the council meeting, you can meet with us at the borough hall. We want to hear everything that you have to say but we're not going to use a council meeting to argue with citizens. So please make your comment.

Mr. Caruso – I made my comment. My comment is where can I park my car?

Mayor Massa – okay we will address that when everybody else has been heard.

Mr. Caruso – remember I have a triple bypass, I have to use stairs [inaudible] parking space in front of my house.

Mayor Massa – you can apply for a handicap parking space.

Mr. Caruso – you got two cars.

Mayor Massa – okay you can do that but I'll address that once everybody else has a chance to be heard.

Mr. Caruso's situation is discussed further

Mayor Massa assures Mr. Caruso that he and the Council respect the rights of every citizen. Can't solve every problem. Continue with what you have to say. I'll have other people that want to be heard make their comments and then we'll see if any other Councilmen want to comment on your situation. But if you sit back down and you holler out...even if you disagree with what the Councilman say, you still have to respect the process. Okay?

Mr. Caruso – just remember Mayor I will not move my car when its two foot three foot of snow. That's all I'm saying. I don't care if the sign is there or not because I'm not going to get a heart attack. That's all thank you.

Bob McClintock – 198 Rutherford Place. Discusses RFQs. Saw one for public relations firm or spokesman, I know we've had a spokesman for a while, I was against it in the beginning when it started and I'm still is against it. We applied for transitional aid this year and we've been threatening layoffs yet we can afford a public relations firm. We're the only town of Bergen County that has one. It used to be two, used to be Paramus and North Arlington so we take the kudos with that. Paramus got rid of there's because they couldn't fiscally afford it anymore and I don't think we can either. Asking to reconsider and not fill that position.

Joseph Cerrone – 48 Biltmore Street. After being assaulted twice over the years during election time and threatened to have my throat sliced on May 13<sup>th</sup> 2010 brings me today when there was an attempt on my life. Now, this is not a joke I brought up an issue back in October 2010 about an issue with the zoning chairman and Clayton Block which I have an entire file in front of me on the whole thing from the OPRA request all the information and at that meeting it was stated I believe by the Borough Attorney at the time that this paperwork was going to be sent on to the property authorities. Here we are in December of 2011 almost going in to 2012 and nothing seems to have happened with this issue. I'm requesting a copy of the complaint that was supposed to go on to whatever authorities it may have went onto or may not have went onto I'm not sure. Being a tax payer, I'm entitled to the entire complaint that this community passed on to whatever authorities. You may tell me that you may have to OPRA this information. If that's what you tell me, I would be willing to OPRA the information but I do want to remind you that a precedence has been set in this community I believe it was Marineillo verse North Arlington on an OPRA request that was not filled in its entirety and I believe this community had to pay monies to Mr. Mariniello and I certainly would be willing to go that route after that precedent has been set if I don't get the information that I'm looking for because I personally want to hand this to the proper authorities and make sure that someone does something about this individual who seems to be a menace in this community. No one seems to be doing anything about it. Feels there are people that may even be sticking their neck out and protecting this individual. And it's not right. And we had what happened today and someone tried to run me down with their vehicle as I was going to work on my bicycle. It was totally intentional, I was stalked minutes prior to the incident by the individual, there's no need for me to tell you who the individual is because he's part of this original complaint.

Mayor Massa – I don't know what you're talking about Mr. Cerrone. Did you make a complaint to the police?

Mr. Cerrone – yes I absolutely did. And there's also complaints on record about the assaults and I'm sure another employee of this community was also threatened sliced on May 13<sup>th</sup> 2010 as well as myself in this very room in front of witnesses.

Mayor Massa – [inaudible].

Mr. Cerrone – I don't believe you were actually present at this meeting, it was a zoning meeting.

Mayor Massa – I don't recall having anybody make any threats in my presence. I would refer it to the appropriate authorities immediately.

Mr. Cerrone – well I believe somebody did report it to the appropriate authorities on the other individual who's throat was threatened to be sliced. I don't believe anything ever came of it. I believe that this gentleman is being protected by somebody.

Mayor Massa – you're making allegations...here's the bottom line. If someone commits a crime against you you have the option of making a police report to the police department and going right here to this municipal court and signing a criminal complaint. The court clerk will take your complaint...

Mr. Cerrone – well that's going to take place at this point and time.

Mayor Massa – ...and be scheduled for a trial and due process will be involved to the defendant and the complainant will have an opportunity to have his or her case presented to the court. That's the legal process.

Mr. Cerrone – after today this will be exactly what transpires. But in this case I want a copy of the complaint that this community boasted about sending on to further authorities. I want the entire file and I want to personally bring it to the people who will do what they need to do with the file that's why I'm here tonight. I have all of my information here. As you can see I have a hell of a file on this issue myself. That's what's going to be transpiring from here on in. We're not going to be giving anybody a pass anymore.

Mayor Massa – I don't know what passes you're referring to but in any event...

Mr. Cerrone – well there were passes in the past and you know damn well what I'm talking about.

Mayor Massa – every citizen has a right to sign a criminal complaint in a municipal court, that's the legal form whereby evidence is actually evaluated witnesses are heard. Physical evidence is evaluated and the court will make the decision. That's where the judge decides whether or not the evidence is valid whether its hearsay whether its admissible or inadmissible.

Mr. Cerrone – Pete I fully understand the legal system. Not what I'm looking for Pete. What I'm looking for is satisfaction on this complaint here that you do know about because I gave you a packet of this at that meeting of October of 2010.

Mayor Massa – I don't know if you assigned any criminal charges against anyone. Have you?

Mr. Cerrone – no for you this I didn't. You's were supposed to go after this gentleman.

Mayor Massa – the mayor does not sign criminal charges.

Mr. Cerrone continues speaking. Wants a copy of the packet that was supposed to go on to other authorities. It's public information. If you say I have to OPRA I will do so. Keep in mind if I don't get what I OPRA a precedent has been set in this community and I will follow the same path.

Mayor Massa – well you have the right to do that and I'll refer your matter to the borough attorney when the hearing of citizens is complete. Anyone else?

Marie Yaccarino – 1-7 ½ Ridge Road. Wondering what kind of progress has been made with municipal lot on Belleville Pike? We're property owners for over 35 years. We've tried to contribute to the Borough as much as we could; we've worked in the beautification program and we took advantage of [inaudible] the assistance he had and we've helped as well with him and his particular paperwork that needed to be done. What's going on as far as that goes because people up there are hurting; they really need some kind of assistance with that parking lot.

**MOTION TO CLOSE PUBLIC COMMENTS**

INTRODUCED BY: Councilman Tanelli  
SECONDED BY: Councilman Hughes  
ROLL CALL: All council present vote in the affirmative  
EXCUSED: Councilman Bianchi

Mayor Massa – anyone want to comment on Mr. Caruso’s situation? I’ll take the lead on this. As I mentioned before I will be in the neighborhood to talk to the people in the neighborhood tomorrow evening around 6 o’clock. I expect perhaps Councilman Bianchi can join me or if any other councilman would like to join me that’d be find also. We can try to listen to their concerns in the neighborhood and get input from everybody who’s willing to talk to us about it. But as far as taking that sign down arbitrarily we cannot do that because an ordinance has been passed. That was passed in the interest of public safety in order to allow the streets to be plowed, we went through it several weeks ago but will reiterate it, during snow storms to make it more minimal for emergency vehicles to get into those neighborhoods. That was the reason for it; that’s why it was researched but we are willing to listen to the concerns about the people in the neighborhood and possibly try to assist the people in the neighborhood to come up with some solutions to help out when there was a snow storm. Keep in mind this ordinance only affects street parking when there was a snow storm on streets that are quite narrow and that have to be plowed in the interest of public safety. Mr. Caruso did state he had a medical situation and he has the right to apply for a handicap parking space if he so desires or get a handicap parking sticker. In order to do that he would have to make his application to the police department. Recommends that you do that in the meantime again I’ll be in the neighborhood at 6 o’clock tomorrow night and be willing to listen to yourself and try to evaluate the problem along with the residents on the street. Mr. McClintock made a comment about the RFQs and of course that will be a decision that the Council will have to make as to whether or not the decide in the New Year as to how they will act regarding the appointment of a public relations firm to handles municipal business.

Councilman Tanelli – can I just address Mrs. Yaccarino about the parking spots? Councilman Bianchi brought this up last month. We discussed it. We asked for pricing on the meters. I believed everyone received an email with the pricing on the meters for the two lots and I think after a little bit more discussion the council can decide whether to move forward or not, if we have costs now what it would be to meter those two lots. So I’m hoping that it didn’t seem to me to be a lot of money so I’m hoping that after a little bit further discussion, the council will hopefully be moving forward and then start the process in metering those lots. There was one legal issue that borough attorney brought up is that the permit people that have purchased their permits already, purchased them under one set of guidelines that those guidelines would have to be reviewed and they’d have to accept new terms of the new guidelines. That would have to be something that probably will take a little time and some coordination with Mr. Kairys if we do move forward with this. So we did discuss just so you know that we didn’t ignore you, we are working on it, we’re trying to come up with a resolution and I know you’re willing to work with us to come up with that resolution.

Mayor Massa – Mr. Cerone made a request regarding an OPRA situation, I’m going to refer that to the administrator who generally handles those issues.

Administrator Wall – just very simply, just submit an OPRA request and we’ll respond within seven days. If there’s anything that’s not permissible to be sent out, it’ll be formalized in a letter to you. But to the extent that there’s anything that’s public information will be sent out within seven days. You can send that by email by letter, doesn’t have to be the formal form now. The new regulations are if you send it in detail in an email that’s appropriate as well and we’ll respond within seven days per statute.

### **APPROVAL OF MINUTES**

Regular Council Meeting, September 8, 2011  
Regular Council Meeting, September 22, 2011  
Special Council Meeting, November 30, 2011

INTRODUCED BY: Councilman Tanelli  
SECONDED BY: Councilman Yampaglia

Councilman Tanelli – in reviewing these, they’re much better than they’ve been in the past. You know I’ve had some issues the last year on the minutes and the accuracy of the minutes. I think something that we need to do a better job as a council is to speak more clearly and to space out and not speak over each other because in the minutes there’s a lot of not audibles and I believe that’s when we start and it could happen tonight in the public session when they opened up to the public we started you had a conversation with an individual you step on each other, when we get the minutes all it says is not audible so I like to have them as accurate as possible so I’m going to ask the council to please make a conscious effort to take your time to speak clearly and not talk over each other.

Councilman Hughes – Mr. Mayor, just one thing in response to that Councilman Tanelli is the fact that minutes by definition are not a word for word record of what transpires and I know they have been going to great efforts to try and do that. That’s why we have recordings but minutes by definition are an abbreviated this action was introduced this action was taken this is what the vote was, that’s acceptable under New Jersey statutes for minutes. It’s basically an abbreviated form of basically what happens.

Councilman Tanelli – absolutely agree and we think that that’s great but when a political piece comes out and its quoting me from a meeting taking a comment out of context and is being used, they’re taking quotes out of our minutes and the minutes aren’t accurate or it’s being used out of context I want the minutes as accurate as possible. If they continue to be this way, I’ll just pick and choose what I vote for that’s fine with me, I don’t have a problem doing that. But I would like the minutes to be as accurate as possible because people use them as reference. That’s my only...

Councilman Hughes – well I think people have also requested the discs because you can request a copy of the recording so.

Councilman Tanelli – okay fair enough.

ROLL CALL: All council present vote in the affirmative  
EXCUSED: Councilman Bianchi

**RESOLUTIONS ON CONSENT**

R-291-11 RESO RE: AUTHORIZATION TO PAY CLAIMS [REMOVED FROM CONSENT]

R-292-11 RESO RE: APPROVAL OF PURCHASES OVER \$3,000.00 [REMOVED FROM CONSENT]

R-293-11 RESO RE: REFUND OF MONIES DUE TO OVER-PAYMENT

R-294-11 RESO RE: REFUND OF MONIES DUE TO OVER-PAYMENT

R-295-11 RESO RE: MEMBERSHIP INTO THE NORTH ARLINGTON FIRE DEPARTMENT

R-296-11 RESO RE: APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE 2012 SAFE ROUTES TO SCHOOL PROGRAM

R-298-11 RESO RE: TRANSFER OF 2011 BUDGET APPROPRIATIONS

R-299-11 RESO RE: CLOTHING ALLOWANCE PAYMENT NAVES

R-300-11 RESO RE: AUTHORIZATION TO EXECUTE A REDEVELOPER’S AGREEMENT FOR MID-STATE CONSTRUCTION

Councilman Tanelli – can we pull 291 and 292 off the consent please?

Mayor Massa – request to remove 291 and 292 from the consent agenda.

Councilman Tanelli – and I’ll introduce the rest.

INTRODUCED BY: Councilman Tanelli  
SECONDED BY: Councilman Yampaglia  
ROLL CALL: All council present vote in the affirmative  
EXCUSED: Councilman Bianchi

**RESOLUTIONS OFF CONSENT**

R-291-11 RESO RE: AUTHORIZATION TO PAY CLAIMS [TABLED UNTIL AFTER EXECUTIVE SESSION]

INTRODUCED BY: Councilman Hughes  
SECONDED BY: Councilman Johnson  
ROLL CALL: AYES: Councilman Hughes\*, Councilman Johnson, Councilman Kearney  
NAYS: Councilman Tanelli\*\* & Councilman Yampaglia\*\*  
EXCUSED: Councilman Bianchi

\*with exception of any fire department purchases

\*\*votes no due to not having received the bill list this month

Councilman Hughes – was not the bills list emailed to everybody?

Councilman Tanelli – I did not get the bills list email.

Administrator Wall – I thought it was but I’ll have to check, I apologize.

Councilman Johnson – was it delivered to everybody?

Councilman Tanelli – no wasn't in the package.

Councilman Hughes – the finance department person who does it was out on Monday but my understanding because I had instructed Mr. Wall to make sure it was emailed to everybody on Tuesday so I was under the impression it got emailed to everybody.

Administrator Wall – I would have to verify that, I thought it was but I would have to verify if it was or if there was an error. If you wish you can pull that, I can check and in the event that it was not emailed I can copy it and pass it out and after executive session if you had an opportunity to review it...

Councilman Tanelli – that would be fine. I don't have it to look at it to even have it in front of me. If you want to give it to me for executive session that would be fine.

Mayor Massa – that resolution will be held until for later on in the meeting.

Administrator Wall – okay and would you also like to table resolution 292-11 pending verification of the email as in the event you did not receive it I will have a copy this evening and pass it out.

Councilman Tanelli – thank you.

## **ORDINANCES**

### **SECOND READING AND ADOPTION OF ORDINANCES**

#### **ORDINANCE NO. 2091**

AN ORDINANCE TO AMEND CHAPTER 25 OF THE CODE OF THE BOROUGH OF NORTH ARLINGTON ENTITLED "EMERGENCY MEDICAL SERVICES"

#### **MOTION TO OPEN PUBLIC HEARING ON ORDINANCE NO. 2091 TO THE PUBLIC**

INTRODUCED BY: Councilman Hughes  
SECONDED BY: Councilman Tanelli  
ROLL CALL: All council present vote in the affirmative  
EXCUSED: Councilman Bianchi

Joe Cerrone – can you give us some brief description of what this ordinance entails?

Mayor Massa – if you wish to be heard on it or have a question on it...

Joe Cerrone – how do you speak on something that's not clear [inaudible].

Mayor Massa – if you'd like to get a copy of it, we'll get you a copy of the full ordinance. If you want to be heard on it, you can be heard on it right now.

Councilman Hughes – Joe you can speak on the record on this item only. So you can come up and speak on the record or even request on the record what it's about.

Joe Cerrone – 48 Biltmore Street. I would just like an explanation of exactly what's going on with the emergency squad. I mean I can't speak about something this agenda doesn't exactly tell you much more than that it has something to do with the emergency squad.

Administrator Wall – if I may Mayor, the ordinance simply has adjustments to the annual allowance for the volunteers in North Arlington. the objective to be on parity with the fire department allowances and this is a corrective ordinance to that effect.

Joe Cerrone – clothing allowance and that sort of thing?

Administrator Wall – yes.

Joe Cerrone – no comment.

**MOTION TO CLOSE HEARING AND ADOPT**

INTRODUCED BY: Councilman Hughes  
SECONDED BY: Councilman Johnson  
ROLL CALL: All council present vote in the affirmative  
EXCUSED: Councilman Bianchi

R-297-11 RESO RE: EXECUTIVE SESSION – [personnel, collective bargaining, anticipated or pending litigation]

INTRODUCED BY: Councilman Yampaglia  
SECONDED BY: Councilman Hughes  
ROLL CALL: All council present vote in the affirmative  
EXCUSED: Councilman Bianchi

[EXECUTIVE SESSION]

**MOTION TO RETURN TO THE REGULAR ORDER OF BUSINESS**

INTRODUCED BY: Councilman Tanelli  
SECONDED BY: Councilman Yampaglia  
ROLL CALL: All council present vote in the affirmative  
EXCUSED: Councilman Bianchi

R-291-11 RESO RE: AUTHORIZATION TO PAY CLAIMS

INTRODUCED BY: Councilman Hughes  
SECONDED BY: Councilman Yampaglia  
ROLL CALL: All council present vote in the affirmative  
EXCUSED: Councilman Bianchi

R-292-11 RESO RE: APPROVAL OF PURCHASES OVER \$3,000.00

INTRODUCED BY: Councilman Hughes  
SECONDED BY: Councilman Yampaglia  
ROLL CALL: All council present vote in the affirmative  
EXCUSED: Councilman Bianchi

R-301-11 RESO RE: RATIFICATION OF BLUE AND WHITE COLLAR COLLECTIVE BARGAINING AGREEMENTS

INTRODUCED BY: Councilman Hughes  
SECONDED BY: Councilman Yampaglia  
ROLL CALL: All council present vote in the affirmative  
EXCUSED: Councilman Bianchi

R-302-11 RESO RE: CFO – JIM MANGIN

INTRODUCED BY: Councilman Hughes  
SECONDED BY: Councilman Yampaglia  
ROLL CALL: All council present vote in the affirmative  
EXCUSED: Councilman Bianchi

R-303-11 RESO RE: CERTAIN UNAFFILIATED EMPLOYEES

INTRODUCED BY: Councilman Hughes  
SECONDED BY: Councilman Yampaglia  
ROLL CALL: All council present vote in the affirmative  
EXCUSED: Councilman Bianchi

Councilman Hughes – I have one request. All of these resolutions including going back like to last month that we do after we come out of closed session that are kind of done on the fly, I would like to have them when they are written up, at least emailed to everybody so that everybody has a copy of them through for their own personal record.

Mayor Massa – as they're written so they can evaluate the language on the reso.

Administrator Wall – we'll incorporate that in the standards procedure.

Councilman Tanelli – two things, one is the standing order on the Passaic Valley Water Commission invoices, there were two P.Os in the bills list, I just want to make sure that its noted that those no votes for me. That was 260198 and 260290 based on the water the legal fees. And secondly Mayor, I don't know if everyone knows but like I mentioned to the back room I wanted to go on record as to send my condolences to the Healy family who have been very instrumental in our recreation programs through the years. I personally coached with Mr. Healy for 15 years, he was a president of one our leagues, he was an executive board member, referee, spent a lot of time instructing our children and it showed yesterday with the turnout of all the North Arlington High School and guys that are men now and children that are still in the high school that he coached or reffed that came to pay their respects to him and it's a sad thing but we always seem to pass our condolences to public safety officials and this gentleman was a teacher of our youth and I want to just tell Mrs. Healy how we're sorry.

Councilman Hughes – point of order, I do have to recuse myself on the purchases orders for fire department purchases.

Administrator Wall wishes everyone a Merry Christmas. States it's a joy to work for you and with you and wishes everyone a very happy holiday season.

**ADJOURNMENT:**

**MOTION TO ADJOURN**

INTRODUCED BY: Councilman Tanelli  
SECONDED BY: Councilman Hughes  
ROLL CALL: All council present vote in the affirmative  
EXCUSED: Councilman Bianchi