

MINUTES

REGULAR MEETING, THURSDAY, DECEMBER 8, 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 Bianchi, Councilman Hughes, Councilman Johnson, Councilman Tanelli

EXCUSED: Councilman Kearney

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

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

Angelo Caruso, 17 Roosevelt St. Signs on one side of street, No Parking, I would like to know why?

Mayor Massa – Sign that say no parking that’s all?

Mr. Caruso – No Parking when its snow covered.

Mayor Massa – Okay

Mr. Caruso – sorry Mr. Mayor. I have been here 31 years and all of sudden the plow has never had a problem plowing the street. We never complain about, the only complaint we have because we are always the last being plowed. All of a sudden I come home one night and my brother tells me they put up a sign No Parking One Side when it is snow covered. I want to find out why. My brother was here two weeks ago and you had told my brother that you would look into it and that’s why I am here.

Bob McClintock, 198 Rutherford Place. Two questions. Can somebody tell me what the total town debt is at this time and also where we stand with the police contract where that paper was slipped into something, do we have an update on that? Thank you.

Mayor Massa- Thank you sir. Anyone else.

Mary Lou Lazarra, 36 Renner Place. I am going to try to make this in 5 minutes, most of you already know my story. I am fighting regarding my taxes for 2011. I did not receive the letter or the post card from Realty Appraisal, I did not find out my taxes for 2011 were raised to \$16,500, I did not find out until I went to refinance and my broker told me. When I came up to see the Tax Assessor he informed me and Terence Wall helped me get the paper that they how they reassessed my house which was completely incorrect. They never came into my home, they went and spoke to my tenant who does not own the home, they made one attempt, they never left it posted. They never told me. All the information on the form is incorrect. Neil Rubenstein who I spoke to directly who is a little rude, he assumed just by looking at my house which is large that I had a modern kitchen, I had three modern bathrooms, my house has not been touched since 1974 since I purchased it from my mother-in-law in 1999, not one thing has been done. They raised me \$16,500 which in this area I am sorry, does not require anyone to pay \$16,500. I am in no financial obligation to pay this, I am thousands and thousands dollars in debt to my mortgage company because Neil Rubenstein, Realty Appraisals error. I feel that as councilmen, someone hired Realty Appraisal, so someone needs to be responsible; I am being told nothing can be done, something has to be done. I work for a company, there are exceptions to every rule, there are loopholes to every exception and I am in no obligation. They came back for 2012 and still put wrong information on. I called Mr. Rubenstein the other day and his response was, “well your tenant” and I told him how is my tenant responsible, he has one responsibility and that is to pay his rent and which he does. He does not have responsibility to inform me of anything, to tell me that they came there. Whether I got the letter or not, it was never sent certified, I could have thought it was junk mail, my husband could have thought it

was junk mail, my tenant could have received it, he was new to my apartment, he had just moved in and we had a lot of mix up with the mail. Terence Wall has been trying to help me. Councilman Mark has been trying to help me, but I am hitting a brick wall. Now, I just got a letter from my mortgage company, I am a thousand dollars in debt they have taken all my money out of my escrow, I can't afford to pay this, my husband is unemployed. I just had a baby three weeks ago, so not only am I had all this stress going on when I was pregnant, now I am trying to deal with a newborn and I have to deal with all this stress and two other kids. I am sorry, no one in this town should be paying \$16,500, we do not live in Westfield, we do not live in Chatham, we live in North Arlington, New Jersey. I am hitting a brick wall.

Mayor Massa – I have one question for you right now. You say that the current tax bill, the annual tax bill is \$16,500?

Mrs. Lazzara- for 2011

Mayor Massa – What was it previously?

Mrs. Lazzara- \$9,000

Mayor Massa – from \$9,000 to \$16,500 without ever coming in.

Mrs. Lazzara – they made one attempt to the tenant, they never left it posted, so he said he did the right thing by sending a letter, and I said I understand that, but the letter was never sent certified, US Postal System, Federal Express, UPS will make an attempt,,they will leave it posted on your door. So something as important as this, phone calls should have been made, I receive phone calls if there is a water problem, during elections I receive phone calls, so how could Realty Appraisal hired by North Arlington have this responsibility. Someone is responsible for hiring this company, and his response is “well your tenant, doesn't your tenant live with you?” No, he does not. Then he made, which I think a very arrogant response, “well your house was built in 1974 we would assume you would have a modern kitchen by now”. No, unfortunately I don't have. God bless the people that are able to put in new kitchens and bathrooms, but mine has been since 1974. When they came back to reappraise it, he said for 2012 its still wrong. When you sell a home which I cannot sell because the town has me living in a Taj Mahal and the bank has me living in a tent, location, location, I look over the dump and I live on a mineshaft. What people seem to do and I think Neil Rubenstein and his staff came to do, they looked saw a large home, these people can pay \$16,500, no one pays that much money in this town.

Councilman Johnson- why no certified letter?

Mrs. Lazzara, I have it right here where it says one attempt, tenant refused to let in. I asked Mr. Rubenstein who do you have working for you because I hold a job and if I went to my boss and I said I do benefits for a living, oh well I am just going to let them be put into any benefits that I feel I want to. I am not going to call the people. They even have here tenant refused. They have me built 1954, the house was built 1974, they have me as a three family, it is a two family. They have me as a modern kitchen, 3 modern bathrooms, they have me as six bedrooms, there are four bedrooms. There is a side apartment, maybe that is considered a bedroom, so then its five.

Mayor Massa – can that apartment be inhabited by another person with total privacy.

Mrs. Lazzara, total privacy, and that is my tenant who they said they went to.

Mayor Massa – that apartment is that in addition to the normal two family configuration of the house.

Mrs. Lazzara – No. It's my home.

Mayor Massa – what's the appraisal? What's the assessment on the house? What's it appraised at?

Mrs. Lazzara – I'm not sure.

Unidentified person speaks

Mayor Massa – we have to have you identify yourself and speak on the record.

Mrs. Lazzara – that's my mother in law.

Mayor Massa – please come forward and put your name on the record with your address so we can get all the information that we need. Before we can properly address the problem we have to have all the information. Name and address?

Amy Lazzara – 135 Hazel Street Clifton NJ. Originally it was appraised at \$600,000. Now that was a redline area. It's the last house on a dead end street. The dumpster right below and there's all the mine shafts. The lot size is about 47 by 96 one of the smaller lots for two family. In report says this is converted after the house was built. No, this was built exactly the way it is. Nothing has been remediated since the house was built so everything you're stating in these reports is incorrect. Then they went and they decided to send somebody else. He comes back with measurements of thousands of feet. He never used a tape measure. Walked through the house and just guesstimated how much feet, how much square footage is in the house. Its criminal what they did.

Cheryl Reilly – 79 Argyle Place, this is my sister. Realty Appraisal came to my home, I got a letter I did, I just happened to be home because I work in the school and I'm home at 3 o'clock.

Mayor Massa – you got a letter through regular mail?

Mrs. Reilly – regular mail. Never told me times nothing. One day some old man shows up at my house, had no idea who he was I just happened to be home, I work in the school happened to be home at 3 o'clock. I said what are you doing, he came in okay. because my sister was having a baby I called Neil also because she was stressed out, she had a baby, and I'm not going to let anything happen to my sister. You know what he said to me on the phone, "what do you think the house is worth?" I said I'm telling you right now if my sister gets sick if something happens to her then there's going to be a problem because she's got a new born baby at home and two other kids. This is ridiculous. Who comes to appraise the house in 3 o'clock in the afternoon when people work? That's ridiculous.

Mrs. Lazzara – I did mention that to him, I said I work full time and he said "well I was able to get into [inaudible] of the homes" and I said because ½ of North Arlington is retired or senior citizens so what about the ten percent, that's when you leave a post it that's when you leave a note. And you went to my side door. I have a front door, why would they go to my side door to the tenant? Its front door with a side door. So they're telling me I missed the appeal period I missed there's nothing they can do for 2011. I do not believe that.

Mrs. Reilly – how about the storm when mail was blowing all over.

Mrs. Lazzara – yes, in the middle of the storm we went outside and all the mail my tenants mail and everything was blowing outside. Listen my tenants a single male okay in his fifties, he does not have liability for it, he could have thought it was junk mail. How many times do you get a thing lower your mortgage, lower that's what he could have thought it was. I could have thought it was junk mail. I don't remember at the time. All I know is I did not receive it. If I did I would have had him come in but you leave a post it. You leave something. You make a phone call. And then telling me there's nothing that can be done. So I'm supposed to lose my home because of Neil Rubenstein because North Arlington hired, they hired so North Arlington's responsible. They hired this company someone had to do their homework. Here's my question you get this, what's the reference to? There has to be records on file in North Arlington. I know as an employee of H&M if I went to my boss and I just gave [inaudible] she'd say Mary what's your reference to in pencil. That's another problem, years ago my records were in pencil and they had me down as a three family.

Mrs. Reilly – and we were told that everyone got more than one attempt to come to the home, why did she only get one attempt?

Mrs. Lazzara – and my tenant not letting you in you got to go the owner, how can my tenant let me in, he doesn't have access. I don't know him from a hole in the wall. He rents my apartment, pays my rent, and that's the extent of our relationship. What happens if he was handicapped or ...

Mrs. Reilly – or she was trying to evict him and he was bitter, you think he's going to tell her. I mean come on.

Mayor Massa – we can't spend the evening speculating. She's made her complaint now on this and we have an idea what the problem is. Apparently she's on the record saying she contacted the borough administrator regarding this issue. Myself and the council will take further steps ...

Mrs. Lazzara – my thing is what do I tell my mortgage company? How do I come up with this money thousands of dollars when North Arlington is responsible? You hired Realty Appraisal and I'm pretty sure they were paid a pretty penny. Someone is responsible.

Mayor Massa – I will have the borough administrator continue to investigate the complaint and if there are any government agencies that we can refer this to other than the mayor and council for any further action we will confer with the borough attorney and take whatever steps we can take to make sure that whatever we can do legally is done.

Mrs. Reilly – what do you mean a state agency?

Mayor Massa – possibly a state department of community affairs, any of the agencies that are responsible for regulating the appraisal company. We can try to expedite this as quickly as possible. we can't give you a timeline because I don't know this is the first official complaint we've had. We've had several complaints that have come to us from a number of people that complain that either the appraiser did not knock on the door or the appraiser didn't come there in some cases the appraiser made an appraisal based on older original records. In one case somebody told us that they refused to let the appraiser in for whatever reason.

Mrs. Lazzara – I'm sure a lot of people said get out of here get lost, I unfortunately did not have that opportunity. And my tenant should not be held liable and unfortunately I cannot pay this. Even if I had the money, would you pay \$16,500? I'll tell you this I tried to refinance twice and they had me appraised at \$300,000 so even if I wanted to sell my home, I couldn't right now.

Mayor Massa – well the appraisal is supposed to address the fair market value of the real estate whatever that is supposed to be. I don't know what the fair market value of your property is.

Further discussion regarding Mrs. Lazzara's situation continues.

Councilman Johnson – I think the one thing that bothers me is that the basic information the 1954 when the house was built in '74, the basic information was wrong. And that seems to be something that would just be copied from records and he got that wrong. I'm not so sure that one attempt is sufficient I don't know if that's procedure. How they do it or you have to do it more than one time.

Further discussion regarding Mrs. Lazzara's situation continues.

Mrs. Reilly – where do we stand now, is somebody going to get back to her?

Mayor Massa – we will address this issue with municipal council as to what the options are for the borough and borough administrator as soon as possible will be in contact with you.

Borough Attorney Pearce – 36 Rutherford Place.

Mrs. Lazzara – 36. The town did have me as 38.

Councilman Johnson – I guess the further that you go into debt with the mortgage, the more interest that builds up. What happens is if the problems resolved, you'll probably get money back, if you end up paying the 16,000 you'll end up getting money back.

Mrs. Lazzara – I'm told that nothing can be done because of Trenton, it's on file with Trenton. I believe there's an exception and there's a loophole to everything.

Mrs. Reilly – so Terence will be calling her back? Okay thank you.

Mayor Massa – anyone else?

John Barrone – 651 Riverside Ave Lyndhurst. It's been my pleasure to serve the borough of North Arlington for the past 15 years in the capacity of EMT. Unfortunately tonight I have to provide the Mayor and Council with some pretty bad information. There's been a series of events that have transpired and sort of spiraled out of control. I have for you a letter which details that and an audio recording. This is an regards to a personnel matter at which should be handled in executive session, not in public view unless you feel otherwise. I'm really begging the council to take a look at this and address this issue. I have for you letters addressed to each councilmen as well as an audio recording presented to you Mr. Mayor. There's a lot of people involved in this and there are a lot of victims in this and I apologize for having to pass this along to you. I don't want to have to do this but unfortunately it's come to the point where I need to that's all thank you.

Mayor Massa – and this will be distributed to the councilmen at the end of the meeting.

Borough Attorney Pearce – Mr. Mayor if I may Mr. Barrone we're going to deal with [inaudible] but just understand something, we have certain requirements under law with regard to notifying people so I'm not sure if we're going to be able to deal with this this evening in executive session. It may have to be at a different executive session.

John Barrone – may I just address one more time, part of this issue Mr.Wall is aware of and it's something that's transpired over time so there has been [inaudible] into the borough.

Ray Fury – 126 Ilford Avenue. Discusses lights in Melrays parking lot; suggests installation of light sensors. Also, years ago use to have North Arlington Business Association. Is there any way to re-establish this or find out why they don't meet any more?

Mayor Massa – anyone else? Motion to close hearing of citizens.

MOTION TO CLOSE PUBLIC COMMENTS

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

Councilman Tanelli – to Mr. Fury's points, the parking lots been an issue especially this time of year by 4 o'clock it's pitch black under there at that time because the lights don't go on right away when it gets dark. Can we price out the sensor and get this thing taken care of or at least have it for the next meeting so that if it's affordable we move forward on it?

Administrator Wall – yes and perhaps we can just ensure that the lights are on at for example 3pm and make sure that the timing is set appropriately and then address the sensor issue at the same time?

Councilman Tanelli – can we at least have an answer by the 22nd as to what the situation is if there's a light issue, if the sensor would work, and what the sensor would cost and this way we can address Mr. Fury at the next meeting?

Administrator Wall – I'll have that so you can make a decision on the 22nd.

Councilman Johnson – how do the lights go on now?

Administrator Wall – I believe they're on a timer at this time.

Councilman Johnson – so you can just have maybe somebody just change that to an earlier time to save some money. Why couldn't the PVOs do it?

Mayor Massa – Mr. Fury wants to comment on that.

Mr. Fury – it's on a timer now, my point is on overcast days at 10 o'clock in the morning, it's dark, so either its on a sensor so on sunny days its not bad but if you get an overcast day 10 11am in the morning its dark like it is at 5:30, 6.

Mayor Massa – I'm going to have the administrator contact public service regarding any possible solutions or assistance we can get with that kind of issue that might improve the lighting in that location.
Councilman?

Councilman Tanelli – just to finish up my point. The other thing is I was one of the people that spoke to Mr. Fury in regards to the business association and I offered to work with Mr. Fury if you wanted to to try and reach back out to businesses to see if they would be interested. Now if you remember about I guess about 4 years ago I tried to resurrect the chambers of commerce for the borough of North Arlington working with the Meadowlands Regional Chamber, sent out letters, reached out to a lot of the businesses and did not get a very good response. So I did express that to Mr. Fury but I would definitely be willing to try again to see if you can get something going. The Meadowlands Chamber of Commerce is very interested in getting every business in the Meadowlands area involved. They were willing to give them free membership, they were willing you know two year membership, one year membership, they weren't going to charge them anything. They were going to bring them to get them involved. Jimmy Kurgess was I had a few meetings with him and he was very upbeat about trying to get our businesses involved because he thinks it's a great thing for the entire region and when I sent the letters out I did not get a good response but I don't know if Mr. Fury is interested in getting involved, if not maybe another Councilman wants to step up and we could put a committee together Mayor and we can try and reach out to the businesses and to Mr. Kurgess again to see if we can the businesses involved.

Mayor Massa – thank you Councilman. I think the first order of business [inaudible] to have the businessmen put an association together so then they can be recognized. Unfortunately it's not the duty or responsibility of the Mayor and Council to go out to businessmen and say you guys have to business association so we can address your problems. We need them to come to us and tell us what their problems are. Now they can do that in a number of ways. They can form their own association. I know that when several businessmen on Porete Avenue felt they had a need for forming an association a few years ago in 2005 or 2006 they did just that. If the businessmen so desire to form an association, they want to meet with us on a regular basis, come to Council meetings and address some of their concerns, we would love to see that. But unfortunately the last time Councilman Tanelli did try to do that on his own a number of

businessmen expressed an interest and that was pretty much the end of it. Nobody wanted to get together and he a president nobody wanted to be a treasurer, nobody wanted to pay dues. So we didn't have that interest from the business community. But we would love to hear from the business community, we'd love to hear their concerns and have their input with regard to public policy matters but that's something that they've got to do and I know there are a number of businessmen in the community that may be interested in doing that but it's something that they've got to do among themselves and again if they can team up with the Meadowlands Chamber of Commerce I think that would be a good thing for everybody. In your discussion with some of these fellows, it might be something you may want to run by them. If they want to contact the borough administrator about getting involved in the Meadowlands Businessmen's Chamber of Commerce, that can be done. They can contact them through the Meadowlands Commission, I'd be willing to help out and steering them in the right decisions. So there's a couple of avenues at their disposal for that. But we would like to hear from them if they want to form an association in the form of some kind of official communication to the community and we would certainly recognize them as a community organization willing to voice community concerns and business concerns. Mr. Caruso has a continual issue with the snow street issue and I directed the administrator to have the police department and the construction official the fire department take a look at that but the reality is that when the other Mr. Caruso was here last council meeting we tried to explain the rationale of public policy and the safety rationale behind making that decision to disallow parking during a snow storm so the plows can get in and clean those streets. Council president Hughes explained it I think very well, I tried to join with him on the explanation. I will come down to the neighborhood next week and knock on some doors and listen to the people in the neighborhood directly and see what suggestions you can make and then I'll bring them back to the council.

Councilman Bianchi – I told the gentleman he lives he's a little up in arms about this one sided street parking during snow storms and only until the snow is removed then the cars can be put back on there. Now as I said we did this for every dead end street in North Arlington this young lady's street too because when we have really bad snow storms, the trucks can't get down the street. Years ago your street was through street it went right through to the other end. Now they got to back out. So last year we had two bad snowstorms, people were driving us crazy, you're not plowing my street, we cant get down the street, there's cars parked on both sides and the trucks cant back out so we decided as a mayor and council that we would make one side the street parking during snowstorms and when the snowstorms are over and the street is plowed, you put your car back there. It could be a matter of hours. Now what I said to the gentleman I don't know if I overstepped my bounds in saying this to you but if you went and got a petition on the people on your street, everybody agrees to have the signs taken down, I don't know Terence if we can do this, take them down if you get a petition of everybody on your street.

Mr. Caruso – nobody complains.

Mayor Massa – this again has been a public policy issue; we're not going to have an argument tonight of council meeting. I did say I would come to the neighborhood listen to the issues regarding the people in the community. But the councilman explained it tonight; Councilman Hughes explained it I think in detail when Mr. Caruso first came here at the council meeting on the 30th I don't know if the Councilman wants to go further on it. I think you said what you had to say and these are safety issues. That's what they are because we don't want to have people come to a council meeting and say take the signs down, now god forbid of major snowstorm, cars are parked there five inches of snow, fire truck can't get there, ambulance can't get there, god forbid a fatality, then people would be coming to this council they'd be storming this place. "Why are you allowing this?" and again the reason for it was for public safety. And I got to tell you gentlemen and whether it costs me support or friendship or whatever, public safety comes before public convenience. I'm on record of saying that now. I'll say it again. I'll listen to your problems, I'll listen to your complaints but public safety comes before public convenience because myself I've been a public safety person, the Council President has been a fireman, Councilman Bianchi has been a fireman. They have responded to serious fires. They know what it takes. They know that sometimes one small car on a street could stop a whole lot of fire apparatus from getting down to that corner. Now we spend a lot of money on fire trucks, we spend a lot of money to train our fireman; we spend a lot of money on emergency services, god forbid if somebody is having a medical emergency. During a snow storm and it happens because I've been at medical emergencies in the middle of snow storms. I've put the oxygen mask on people at 2 o'clock in the morning with three feet of snow on the ground in this community. Councilman Hughes, Councilman Bianchi as fireman have had to rescue people from burning buildings during bad weather so that was the reason for it. I will listen to your concern, try to make some suggestions but I cannot promise you here tonight we're going to change that ordinance because if we do change that ordinance, it conceivable could constitute reckless conduct on a part of this governing body and we can't let that happen so you're going to have to bear with us right now.

Councilman Bianchi – the mayor said that he would go and ring and the doorbell to the people. I will go with him if he'd like. And we'll ask the people on the street and if they decide to sign the petition that they want the signs down and they relieve North Arlington of any wrong doing, if we decide we'll take the signs down.

Mayor Massa – well we'd have to take a look at. I mean it wouldn't be a decision we would make based on a petition.

Councilman Bianchi – because we can't relieve the town of liability.

Councilman Hughes – all you'd have to have is one person on there say I didn't agree to that and we're liable.

Mayor Massa – I think I'm on the record as to what my policy is. I think the council president is also on the record. But we will come to the neighborhood and listen to your concerns.

Councilman Johnson – I think a good idea instead of organizing petitions which is not bad if that's what it comes to but when everybody goes down the councilman go down to your block maybe we can talk to some residents. I know you have a problem with your driveway, you have a couple of cars, and they have to be on the street. Maybe we can organize and talk to the people who only have car and more space in their driveway sir you can park in this driveway overnight temporarily and we can organize something where's all going to work and it's not going to be a problem. This way now once the street is completely clear you can come you park your car there it's a pain to have to shovel out your car, and its not the snow plows problem you know. And you guys don't need to be shoveling snow. So we'll talk to a couple of residents and maybe we can organize this thing, this could be your spot, this is your spot and nobody has a problem.

Mayor Massa – with respect to the question by Mr. McClintock regarding an issue with documentation which was submitted for the police arbitration I think I can pretty much tell you from my knowledge that matter is still being reviewed by a county prosecutor and the Mayor and Council have no official notification at this point as to what the status of that review is. Mrs. Lazzara, we're very sensitive to your problem believe me when I tell you that. We will do everything that we legally can do to try to get it resolved. There are things on some of these documents that I have seen myself that have gotten me very concerned especially when I see a house listed a three family when it's a two, when there's a whirlpool and there isn't a whirlpool and other issues to that effect. So again we will have council and the administrator take whatever steps they can to get a fair evaluation of your real estate and if we can't resolve it with the company we will take whatever steps we can with whatever state agency oversees these appraisals.

Councilman Bianchi – I wanted you to stay because I want you to know that you're not the only person who this has happened to. I had a young lady come in my store storming, she had a little cottage a one family little cottage and the gentleman rang her door, and she didn't let him in for whatever reason she didn't let him in and they never made a date to come back. Well he stood outside her house and he did exactly what he did to you to her two family house, new kitchen and everything like that. To me its almost criminal because the mortgage companies when you have to pay your taxes they want those tax dollars so its almost criminal because you really I don't think by law can get that tax money back what you pay to the mortgage company. And I'm being honest with you now at least I don't think you can. And somebody has to be held accountable for this because she's not the only person that's having this problem. If it would have happened to one of us on this dais I would have flipped out but it hasn't its happened to you're about the third person who's come but I know it happened to a lot of people. And they keep themselves they just complain. You told before us and told us your problem. Your problem to me is almost criminal.

Borough Attorney Pearce – when you say that Councilman you mean its really unreasonable, you don't really mean...

Councilman Bianchi – okay okay, I'm not an attorney so I'm using the wrong word, criminal is wrong. It's upsetting and unreasonable. I used the wrong terminology. I used street terminology. You use the word and I used it to but the attorney straightened me out, it's the wrong word to use. All I can say that I would like to get the real estate that did it come back and do your house again and I don't know how we're going to do that that's up to you Terence can you get ahold of these people? Or are they paid and they're off the hook?

Administrator Wall – Mayor if I may we had over 3,000 assessments either attempted or completed. Out of that amount of I don't have the figures in front of me but approximately 145 were classified as what are called refusals. Refusals can be a straightforward refusal. You cannot come into my home that type of thing. One item of refusal is not is if there are attempts to go to the home and they can't get in the home at all and there's nothing that they are the folks are always at work for example, they do what's called an estimate which is different. Now I'm not in that field so I'm just giving you layperson remarks. And the process generally is even thought he statute and I'm not as familiar with the law here but the statute has very minimal requirements on notification. What happens in a practical sense though there are far more extensive notifications given or attempted I should say and they include attempts of some magnitude to gain access to the home to see the home and the subsequent to access or no access estimates or refusals or

being able to complete the work, a letter regardless putting aside for a moment whether a letter was received that type of thing but what is stated by the company is that a letter is sent out to the owner of that lot and block to their address that's on file by first class mail not certified mail by first class mail. And it's assumed if its not returned that it reached its destination. That letter has the new assessment. From that point they held approximately a week or two weeks of meetings here in the borough. There's a phone number on that letter where folks can call if they received a letter folks can call and schedule a meeting if they did not agree with the assessment so then they would come in and at that time before anything would be finalized the assessors would go back out into the field based on the meeting that they may have with that owner to clarify items, correct mistakes, and things of that nature. Subsequent to that time if there's a change then they would have a new assessment. Eventually a post card also goes out as well and the so that's part of the process as far as communication now once the tax books are closed as I have come to understand they're closed. And I spoke to Robert Layton in the County and I think we need to reach out to State representatives and state folks but the County had indicated...The question was is the council is the governing body able to if they see that something is under duress and they look at the case can they credit an account for example locally and the answer is no they cannot. Once the books are closed they are closed. However, there were certainly circumstances out of the 145 approximate refusals we did receive calls from a dozen or so owners and the so out of 145 a 130 or 110 did not contact at all. Occasionally refusals because they do not want you in because they do not want you to see all the improvements that were made without a permit that's a fact. But other times there are different issues of communication. It's not considered a refusal it's considered an estimate if they go to the home and there is nobody ever at the home and an estimate is then based on the comparable values of surrounding properties. And typically they fall in line with what the neighborhood is. For a certain amount of properties because they were glaring differences in terms of what the assessment was for the year proactively the objective was to proactively instead of having folks have to go through the appeal process with Hackensack and the related paperwork and dynamics to go in front of the tax board was to proactively go out to properties of concern and to reassess them for 2012. The issues that are being experienced with the folks that are here tonight and some other folks you may have spoken to the 2012 assessment is typically not an issue once they go back out and review the case. There are a number of examples that you may be familiar with where the assessments have come back in for 2012 so 2012 is often not the issue. The issue is the additional expense that was incurred through this process for 2011. The question is to what extent is there a remedy to return an alleged excess in tax dollar for 2011. So the issue as I think you may have been about to say is not so much cure for 2012 but give or take some figure that's been brought back within a corridor of the neighborhood, it's the third and fourth quarter of 2011 where I can share with you administratively I have not been able to find a remedy yet to have a return of what for a lack of better words an excess of tax paid based on the prior assessment.

Councilman Bianchi – can I ask you a question? Is her problem going to be remedied for 2012?

Mrs. Lazzara – well they came back but they still have wrong information.

Councilman Bianchi – were you home when they came?

Mrs. Lazzara – and I told them.

Councilman Bianchi – and you took them on a tour of the house?

Mrs. Lazzara – well he was very rude. [Inaudible] and nasty and I let Rubenstein know that. He would not even listen to the fact that we have [inaudible] he said it's not his concern, talk to the tax assessor, talk to Dennis Maguire. He was rude he was arrogant, he would not let us explain things to him, show him that we took him down to another extra bathroom that we have which is not even a bathroom anymore, it's a storage room, we removed everything, and he has the wrong square footage. They have an extra 1,000 square foot so I told Neil Rubenstein I'm not paying that for 2012, you have to be kidding me nothing has been done on this house since 1974 when it was built, not one thing I said. So and you have all the wrong information. His response is send me proof that's when I told him I was crying that he gave me a breakdown and I'm going to take this further if I have to take it to the newspapers and to whoever I have to go as far as Christie that this Realty Appraisal will never appraise another home in Bergen County again.

Mrs. Reilly – after she called me having the baby crying and upset, I called him on the phone and I said what are you doing. And he was like I can't be on the phone with you on all day. I go whoa whoa I'm a tax payer too and then I told him and he goes well what do you think her [inaudible] house is worth? I said what do I think it's worth. He couldn't be bothered, couldn't wait to get off the phone, and my bottom line is that you have someone help them.

Mrs. Lazzara – I told them I'm going to lose my home because Neil Rubenstein. I'm going to lose my home and my children will have to move out because I can't even sell it because Neil Rubenstein made a mistake and didn't do his homework who was hired by North Arlington. So I don't only blame Neil Rubenstein's company, I blame North Arlington you hired this company. You hired this company to

come in and reassess North Arlington by state law but no one saw what this company was about. And they just so more or less they dunked anyone would not let them in. we'll just do whatever we want. Screw them, screw these people. So what they did they came to my house and they said big house, sure it is it is a big house, but go inside and you'll see what that nothing has been done and you have a small house that has brand new kitchen everything, brand new to the max, not compared to my house which is just a shell.

Borough Attorney Pearce – Mr. Mayor if I may. Mrs. Lazzara this is obviously a very upsetting story to you to your family and to this council. All I can tell you is if you can submit, I know Mr. Wall has a file on this already, if you could submit to me whatever evidence you have with regard to the notice you did or did not receive evidence about the value of the house the size of the house the whatever you have and I will personally of the request of the mayor and council do everything I can do along with Mr. Wall to try to rectify this but for us to debate this tonight is really not going to serve anybody well.

Mayor Massa – well you've been on record as to your complaint and we know the facts. We don't want to get into issues as to who's rude...

Mrs. Reilly – who's in charge of Realty Appraisal? Who's in charge of that? Who hired them?

Mayor Massa – the borough hires this company.

Mrs. Reilly – who looked at the paper and said they only made one attempt at 36 Renner, who was looking at the records when Realty Appraisal came back to...

Mayor Massa – just to get back to what the administrator said. Over 3,000 pieces of real estate were examined. There 145 refusals. There have been how many complaints?

Administrator Wall – ten or so.

Mayor Massa – there's been about ten complaints out of 3,000. This company that was hired by the borough whether you like them or not or don't like them a fly by organization. They've been in business for a number of years and they work all over the state of the New Jersey not just Bergen County. So we will address this with the best legal avenues that we can. And that's why the Borough Attorney has made this recommendation to you; get us the documentation we'll take it to where we can take it. I can't speak for somebody who might be rude.

Councilman Tanelli – I was on record here a few months ago very upset with the same situation because I think it goes a little further than that; the state of New Jersey allows them if you refuse to let them in your house the state of New Jersey allows them to max out your estimate only for your assessment only because they want to discourage anyone from not allowing them to come into their house. I think that's something that needs to be resolved. I said three months ago I mean we've had like Councilman Bianchi said we've had three other people that I know of personally when I was walking the town that I met that and I looked at the house the house was the same size as mine and five bedroom two Jacuzzis two family verse one family. They basically check off every box. I mean there's something seriously wrong with that.

Mrs. Lazzara – but I didn't refuse them.

Councilman Tanelli – no but what I'm saying is that was the first issue that I had an issue with the fact that the state of New Jersey allows them to do that. That needs to be changed there needs to be stricter guidelines for them to do these assessments. I understand the thought process of needing to get into the house but there's got to be a better way of doing it. The other thing Mr. Wall can correct me or not but I was told that a lot of the data collecting in the initial assessment a lot of the data collecting is done by young guys that are just collecting the data and then you get [inaudible] in front of the actual assessor that they compare. So my question is we've had some instances where they didn't even compare to the old tax form where they would know I mean some houses they would know what they had and be able to see what now is new and be able to at least compare it. From my understanding they don't even do that. That's something else that needs to be straightened out. The state needs to be contacted about some of these issues.

Amy Lazzara – wouldn't anybody [inaudible] pick something up when the taxes of a house near double, you double, wouldn't somebody pick that up? I would pick that up in a minute.

Borough Attorney Pearce – no not necessarily, it could just as easily be that the house has been fully renovated with everything brand new and it could have doubled so I heard your...

Amy Lazzara – [inaudible].

Borough Attorney Pearce – it could easily happen. But it could easily happen. So that in of itself that’s why we could sit here all night and debate what happened. We need to find out what we can do and I promise you I will do that.

Further discussion regarding Mrs. Lazzara’s situation continues

Borough Attorney Peace – not necessarily.

Mayor Massa – I think we made a determination to address this legally and that’s what we’ll do. Resolutions on consent.

RESOLUTIONS ON CONSENT

R-280-11 RESO RE: AUTHORIZATION TO PAY CLAIMS

R-281-11 RESO RE: APPROVAL OF PURCHASES OVER \$3,000.00

R-282-11 RESO RE: REFUND OF MONIES DUE TO OVER-PAYMENT

R-283-11 RESO RE: REFUND OF MONIES – TAX APPEAL

R-284-11 RESO RE: REFUND OF MONIES – HOMESTEAD REBATE & SENIOR DEDUCTION

R-285-11 RESO RE: REFUND OF MONIES DUE TO DUPLICATE PAYMENTS

R-286-11 RESO RE: RETIREMENT CAPTAIN STEPHEN CHELSTOWSKI

R-287-11 RESO RE: CANCELLATION OF OUTSTANDING TAXES

R-288-11 RESO RE: EMERGENCY APPROPRIATION FOR HURRICANE IRENE RELATED EXPENSES FOR VARIOUS BOROUGH DEPARTMENTS

INTRODUCED BY: Councilman Tanelli

SECONDED BY: Councilman Hughes

Mayor Massa commented on retirement of Captain Stephen Chelstowski. On behalf of myself and the members of Council want to wish him all the best in his retirement.

Councilman Hughes – I agree with you. We did already speak to that a year ago when he went on terminal leave. He has not worked since last December because he has been burning up terminal leave.

Mayor Massa – now he is finally retired and off the books

ROLL CALL: All Council present vote in the affirmative **

**Councilman Hughes, yes with the exception of any fire department purchases for which I recuse myself because of my involvement with the fire department

**Councilman Tanelli, yes with the exception of Purchsase Order 259237 for \$69,530.28.

Mr. Wall – Mayor, Ordinances?

ORDINANCES

SECOND READING AND ADOPTION OF ORDINANCES

BOND ORDINANCE NO. 2080

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE BOROUGH OF NORTH ARLINGTON, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$850,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$807,500 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.

Mr. Wall – I would just note Mayor if I may. This is already a passed ordinance. There is a transcription, error in the advertisement with the Record. This is an item which we need to complete to ensure that the advertisement is done in full, and this would be a motion to open the public hearing.

MOTION TO OPEN PUBLIC HEARING ON ORDINANCE NO. 2080 TO THE PUBLIC

INTRODUCED BY: Councilman Hughes
SECONDED BY: Councilman Yampaglia
ROLL CALL: AYES: Councilman Yampaglia, Councilman Bianchi, Councilman Hughes,
Councilman Johnson, Councilman Tanelli
ABSENT: Councilman Kearney

No one wishes to be heard

MOTION TO CLOSE HEARING AND ADOPT

INTRODUCED BY: Councilman Hughes
SECONDED BY: Councilman Bianchi
ROLL CALL: AYES: Councilman Bianchi, Councilman Hughes, Councilman Johnson
NAYS: Councilman Yampaglia, Councilman Tanelli
ABSENT: Councilman Kearney

Councilman Hughes – Point of order Mr. Mayor. Due to the fact that this Bond Ordinance did not pass with four votes means it does not pass. It means most of the improvements that we have already initiated and started are not going to take place. We are in a position that is rather difficult here because we are doing various road improvements most of which are done, upgrades and renovations to various buildings, solar roofs, various things it does require four votes to pass.

Councilman Johnson – I believe the roof is off the firehouse as we speak.

Councilman Bianchi – Well they are not going to get paid.

Councilman Tanelli – point of order your honor. The issue is that the last time it was read it was a four to two vote last time it was read. So, to stay consistent with my vote, I am voting no, but the problem is was the issue from the last ordinance to this ordinance?

Mr. Wall – the Record advertised the advertisement completely, almost completely, they missed a paragraph that would have completed the ad so the advertisement was printed it was not printed in its entirety. We have been instructed by our Bond Counsel that we need to complete this to the effected Transaction appropriately and have the correct ad done in its completion. It was advertised it was advertised they did not advertise the full document and this is to address this deficiency to close out the item.

Mayor Massa – Councilman request a written notice from the Clerk.

Councilman Tanelli – I would like an explanation or at least a conversation with the Council what is the recourse now that the second reading is shot down, is it something that would have to be restarted from scratch similar to what happened in the past?

Mr. Pearce – the answer is yes. I am not suggesting that anyone change their vote but we could have a revote if that was in line if anyone wanted to make a motion to do that. Under the circumstances.

Councilman Tanelli – Mayor, point of order. Under circumstances I would be willing to change my vote and do what I did similarly in the last year or two and basically line item veto things when they come in based on what I did not agree with what was in the bond. One of my bone of contention over the last years is that a lot of these bonds include a lot of things and I don't always agree with them all so I don't support them, but in this case the works been done, there have been things that I have approved to move forward on that are included in this bond with some of the things that are being done, so it's only in good government that I request we open up to another vote.

Mayor Massa – Motion to close the hearing of citizens and to adopt on second vote based on the recommendation of Councilman Tanelli.

MOTION TO CLOSE HEARING AND ADOPT

INTRODUCED BY: Councilman Hughes
SECONDED BY: Councilman Bianchi
ROLL CALL: AYES: Councilman Yampaglia, Councilman Bianchi, Councilman Hughes,
Councilman Johnson, Councilman Tanelli
ABSENT: Councilman Kearney

ORDINANCE NO. 2088

AN ORDINANCE TO AMEND CHAPTER 187 §9 (B) OF THE CODE OF THE BOROUGH OF NORTH ARLINGTON ENTITLED “VEHICLES AND TRAFFIC

(HANDICAPPED PARKING 32 Beech Street(Apt. A-2)

MOTION TO OPEN PUBLIC HEARING ON ORDINANCE NO. 2088 TO THE PUBLIC

INTRODUCED BY: Councilman Tanelli
SECONDED BY: Councilman Yampaglia
ROLL CALL: All Council present vote in the affirmative
ABSENT: Councilman Kearney

No one wishes to be heard.

MOTION TO CLOSE HEARING AND ADOPT

INTRODUCED BY: Councilman Tanelli
SECONDED BY: Councilman Hughes
ROLL CALL: All Council present vote in the affirmative
ABSENT: Councilman Kearney

ORDINANCE NO. 2089

AN ORDINANCE TO AMEND CHAPTER 187 §9 (B) OF THE CODE OF THE BOROUGH OF NORTH ARLINGTON ENTITLED “VEHICLES AND TRAFFIC”

(HANDICAPPED PARKING 165 H Gold St.)

MOTION TO OPEN PUBLIC HEARING ON ORDINANCE NO. 2089 TO THE PUBLIC

INTRODUCED BY: Councilman Tanelli
SECONDED BY Councilman Hughes

Councilman Bianchi – I notice in the last four years we have been passing a lot of these Handicapped parking and some of them are renters. I like to see the landlord present when the people come up, unless I am wrong. If the owner of the property says he doesn't mind that his tenant has a handicapped spot out in front of this house I do not see anything wrong with the ordinance. You think I am on the right track, because some times, like this 165 H Gold St., they are renters in the garden apartment, suppose the owner of the garden apartment does not want a handicapped spot there. What happens if they move out half the time these things stay marked on the street forever because they never get back to the town and say I am moving, you can get rid of the thing.

Mayor Massa – I think part of the issue here Councilman is this, a tenant has the same authority, same rights as a property to make an application for handicapped parking. Should there be some abuse to this or if the event and you have a valid point that the tenant moves from the facility and I think it would be incumbent upon the landlord to advise us that the individual is no longer there as a tenant so that the parking space could revert to a regular parking space in the community.

Councilman Bianchi – you answered by question.

Councilman Hughes – point of order Mayor. I think there is also a requirement that they have to renew it every year.

Mayor Massa – they have to provide continual documentation to establish that they are handicapped.

Councilman Hughes – If it is not renewed, we did an ordinance last month revoking one because it had not been renewed.

Councilman Tanelli – point of order your honor. My only question is that as a renter if you are in a two family home and there is driveway access and off street parking for that resident is it the homeowners responsibility to allow the renter the driveway verses the front of the house? That is an option you are renting to somebody that is handicapped are you giving in the driveway verses these handicapped spots. I mean Councilman Bianchi is correct, I brought it up a number of times in the course of the last three years I know that there are five or six people that are in my neighborhood that have handicapped spots that

either their husband is deceased and they use it as a reserved parking spot. The wife is not entitled to the spot and you don't want to tell them that but you want to be delicate about it, but they feel it has been in the family so long that is reserved parking. What is happening you have a block sometimes that has five handicapped spots.

Mayor Massa – the applicant would have to show justification to the Police department to justify the handicapped spot you have to make mention in the application that there is no other place for him to park. If the homeowner has a driveway and uses the driveway for his own purposes then I don't think the handicapped applicant would be barred from making that application. Again all the applications are subject to review by the police department under title 39.

Mr. Pearce – your right on the mark Mr. Mayor

Councilman Hughes – It's up to the tenant in their lease whether they have a driveway access or not.

ROLL CALL: All Council present vote in the affirmative
ABSENT: Councilman Kearney

No one wishes to be heard.

MOTION TO CLOSE HEARING AND ADOPT

INTRODUCED BY: Councilman Tanelli
SECONDED BY: Councilman Yampaglia
ROLL CALL: All Council present vote in the affirmative
ABSENT: Councilman Kearney

ORDINANCE NO. 2090

**AN ORDINANCE AUTHORIZING AN EMERGENCY APPROPRIATION
N.J.S.A. 40A:4-53 FUNDING – TERMINAL PAY FOR RETIRED EMPLOYEES**

MOTION TO OPEN PUBLIC HEARING ON ORDINANCE NO. 2090 TO THE PUBLIC

INTRODUCED BY: Councilman Hughes
SECONDED BY: Councilman Yampaglia
ROLL CALL: All Council present vote in the affirmative
ABSENT: Councilman Kearney

No one wishes to be heard.

MOTION TO CLOSE HEARING AND ADOPT

INTRODUCED BY: Councilman Hughes
SECONDED BY: Councilman Yampaglia
ROLL CALL: All Council present vote in the affirmative
ABSENT: Councilman Kearney

ADMINISTRATOR'S REPORT

One item our reorganization in January and ask the Mayor and Council if they have any conflicts on dates if they would like to target the first Thursday In January or an alternate date and if you would like to hold the reorganization meeting in the Senior Center or at the school and we would check the availability. That would be an item I like to get some direction from you on tonight.

Mayor Massa – any comments?

Councilman Johnson – I like the North Arlington gym. It is a pretty special night for the town, where people can come, it's a bigger venue.

Mayor Massa – Councilman Johnson made a recommendation to use the high school gym if it is available.

Councilman Johnson – but Mayor if there is a price to it maybe we should use the senior center and we could save some money.

Mayor Massa – We will have the administrator review that issue with the Board of Ed.

Councilman Hughes – I defer the night to Councilman Tanelli and Councilman Yampaglia since they are going to be sworn in that night, I would defer it to them on preference.

Mr. Wall – Just the dates by way of information, Monday, the 2nd, Tuesday, 3rd, Wednesday, 4th, Thursday, 5th and Friday the 6th.

Councilman Hughes – Monday the second would be a legal holiday so if any employees you have working paying at a premium.

Mayor Massa – they would be getting 1-1/2 or double time. You want to make it on a Thursday?

Councilman Tanelli – any of those days work. As far as the high school goes it does not matter. I have been sworn in here twice and once in the Senior Center. I agree with Councilman Johnson it's nice when you are swearing in EMT's, and all the organizations into their offices, it's a nice ceremony. I would hope that the Board of Ed would be leery of economic times and may give us a break. I know that there has been a cost in the past and that is why we have not had it there, but in this economy hopefully they will realize that and they will realize that it is an important night for the Borough and they will work with us.

Mayor Massa – in light of our extensive economies that we've shown the community the last 12 months actually the last 24 months I think we can have the administrator meet with the board of education regarding use of the high school gym.

Administrator Wall – okay, thank you very much.

ENGINEERS REPORT

Stephanie Santos – my report is pretty short tonight. Couple of projects that we have ongoing is the 2011 CDBG road program. They completed most of the concrete work on 5th, Brandenburg, and Union. Union they did have to come back just to address some additional areas of concrete work that were identified. The other thing was the sanitary sewer point repair 5th Street was addressed. Now we're getting into the paving operations [inaudible] just coordinating with the contractor trying to figure out an appropriate date to pave. 12-14 Argyle Place, the contractor is doing also the 2010 DOT road programs so if you mobilized back to town to continue that work and also going to address Argyle Place at the same time. Ridge Road the contractor has indicated that the benches, trash receptacles, and [inaudible] have arrived so he's planning on coming in sometime next week to install those and then we just have pending projects that haven't really had any activity.

Councilman Johnson – I believe it's Brandenburg, it's a cement street and this is just for my own personal information, there's a lot of cracks in the street big cracks in the cement. When you asphalt and repave over that, how do you prevent the cracks in the cement which have been getting bigger over the years?

Stephanie Santos – what they do is they come in with some stabilized course first and try to patch any of these significant areas of concern. When they come in they'll pave [inaudible]. After they pave, saw cut the road and put in some tar I'm not really sure of the terminology but like a jelly consistency where it allows the concrete to slowly expand and contract and not break up the asphalt that's on top of it.

Councilman Johnson – you're going to make sure they do that?

Stephanie Santos – I have to. The one other thing that I'd like to bring to your attention DOT put out a request for projects for a new grant [inaudible] for schools and that's due at the end of December so if the borough would like to put in an application we are going to have to move quickly on that and figure out what projects you would like apply for.

Councilman Bianchi – can you explain that to me?

Stephanie Santos – a [inaudible] schools they basically just want to enhance pedestrian and bicycle safety to school paths so doing concrete sidewalks and things like that handicap [inaudible] is obviously a big thing right now so around school areas or if there's a clear walking path to a school I think all of those projects qualify.

Councilman Bianchi – how do I go about starting something like that?

Stephanie Santos – I have the requirements. I can forward them again and provide them to Terence but basically they have the application online they just ask for information but they do ask for support from the school board.

Councilman Bianchi – Terence before I forget remember we were down Jefferson School we were putting the playgrounds in? That playground I was there today, there's holes in that tar where the kids play. You even seen it yourself.

Administrator Wall – in the?

Councilman Bianchi – in the where the basketball courts were. It was a real total mess. Can we do something to get an application in, maybe we can get that done by the state because that playground was really terrible?

Stephanie Santos – I don't think that qualifies. It's more for pedestrian safety so any type of walking path sidewalks and things of that nature. Playgrounds I don't think would qualify.

Councilman Hughes – could we do the sidewalks around all the schools? The sidewalks where trees have kicked them up and everything?

Stephanie Santos – that seems to be a good project.

Councilman Hughes – why don't we look into that aspect of it.

Stephanie Santos – the only thing is it's a smaller type of grant so you don't want to go in with a very large request so if you could try to limit to something [inaudible].

Councilman Johnson – in other words where trees have uprooted sidewalks in those areas.

Stephanie Santos – and like I said if you have a school where the handicap ramps haven't been addressed, handicap ramps have become a big thing in this age so trying to get those upgraded.

Councilman Hughes – Mr. Wall why don't you work with Stephanie on this and identify at least one of the schools that maybe we can ear mark for the project this year and get as much as we can done with what grant money may be available.

Administrator Wall – set up a meeting with the engineer and Chief of police. We did discuss a few years ago and at that particular time there didn't appear to be a project that was consistent with the goals but we'll revisit for this grant round in time for the deadline. We'll meet next week and see if we can get an application in for you.

Councilman Bianchi – you can check into Roosevelt School. They have just basically two sidewalks that go down the Second Street and other street they could use some handicap ramps there also too the only other school I can think of would be Wilson School because they have those big trees all around the Middle School. Other than that Washington School has been done.

Councilman Tanelli – Roosevelt has handicap ramps on their corners. [Inaudible].

Councilman Bianchi – on the corner, I'm just in my mind trying to pick out some areas...

Councilman Hughes – why don't we let the administrator and the engineer look at it, do the schools, they'll inspect them all and come up with the best course of action.

Administrator Wall – may I ask a brief historical question? The new playgrounds are beautiful that are being installed that the Mayor and Council have move forward on, the question I have though is and you had Councilman Bianchi reference it, the road conditions interior to the schools are in many cases very poor, meaning the basketball courts, the asphalt broken pot holes in the areas where the children are running around. What I'm trying to understand is that typically would be the owner of the property meaning the school would or should be addressing those issues. Is this something that we should be or typically in the past have addressed because there are areas where children can get hurt that should be addressed and I'm not quite clear on who's responsibility it is or do they need our help and would you like to see any resolution to that, if there's anything you'd like me to do?

Councilman Hughes – I believe its school property they actually should be responsible for fixing up their own house. We have enough issues of our own. I still don't know the historical aspects of how we became responsible for the playgrounds on all the schools but we are so we put the money into fixing them up and investing in there but I don't think we want to take over every aspect of fixing up our schools in town.

Administrator Wall – then I'll just simply submit to the superintendent our findings on the conditions and then leave it with his administration.

Councilman Hughes – a letter of recommendation that based on our review of the playgrounds we recommend they be cleaned up repaved whatever they have to do to do that.

Mayor Massa – the council president is correct on this. I can recall sitting on the board of education for six years in the early 90s and it is the responsibility of the board to maintain this property. It's not essentially the responsibility of the borough. The borough has been gracious in extending ourselves and getting the equipment and doing a great deal of work to make these projects work for the children but I don't think we should be assuming all of the responsibility for what the board should be doing. So I would direct you to confer with the superintendent on that issue and get input from his and the board as to what ...they should know what the defects are. They have administrative staff there, school principals, let's find out where the reports are from the principals as to the conditions of the buildings and why the board really hasn't addressed these. We're not looking to put [inaudible] on the board to move immediately with these things but if they've been neglected by the board then it should be the responsibility of the board and the borough is doing more than its share in providing equipment.

Councilman Hughes – question, we have 40 Geraldine Road here pending project, where do we stand with that?

Stephanie Santos – we did get the Meadowlands truck back to videotape that line.

Councilman Hughes – this is the storm sewer runs out over the cliff?

Stephanie Santos – this is the storm sewer that discharges. Visually there doesn't seem to be anything wrong with that pipe. There's no cracking, there's no sediment so what we're going to do is just issue our final report of what we found what recommendations we can make but there's really nothing that we see that is detrimental at this point.

Councilman Hughes – if you recall Mr. Mayor and members of the council this was the property on the cliff on Geraldine Road where there was a bit of a erosion of the cliff. The gentleman's fence started deteriorating. We do between this gentleman's property and the house next door there's a storm sewer that goes out over the cliff towards the Meadows and you know kind of creates a waterfall going down the hill. There was some speculation that the storm sewer had created some of the erosion of the cliff and that does not appear to be the case because there is a head wall where the water the pipe actually discharges. I've been working with Dennis Maguire our tax assessor, I'm going to be meeting with Mr. Parese the owner of 44 Geraldine probably tomorrow. What we've been able to work out for him is because this isn't the borough's responsibility that erosion happens I mean its something that's the force of nature and just because we own maybe adjoining property doesn't mean we absorb the responsibility of what erosion has taken place on the cliff but because of that there is provision under the tax code that they can be given relief. What Mr. Maguire is willing to do based on the fact that now the back five feet of this gentleman's property is unusable, they're willing to give him an abatement on his property taxes for that five feet of his property which amounts to about 2% of his assessed value of the property itself. It's about \$100 a year. So and its something that doesn't have to go through tax appeals doesn't have to go through all the legal procedures doesn't have to incur any course cost to Mr. Parese but Dennis Maguire can sign off on it if Mr. Parese is agreeable to it. And that would give him some small tax relief on his tax bill. The property will remain his. It'll be his property but like I said he'll get some relief on that. If he wants more relief than that then he would have to hire his own experts, get his own engineers in there, and determine the course of actually just suing the town for any other kind of relief. But like the engineer has determined it's not our fault, it's not our responsibility. Mr. Pearce has looked into the legal side of it and pretty much come to the same conclusion. The nature of it where those homes were built erosion happens over the course of time things erode so for us to stop that we'd spend millions and millions trying to shore that cliff up.

Councilman Tanelli – it still won't stop it.

Councilman Hughes – it still won't stop it correct because even all the money that H&M warehouse put on their part of the cliff their still having problems down there too not as much it slows it down. it doesn't completely eliminate the problem.

Councilman Johnson – the abatements not an acknowledgment of our liability.

Councilman Hughes – that's correct.

Councilman Johnson – and Mr. Parese understand that?

Councilman Hughes – it'll be explained to him tomorrow. He's usually here most council meetings.

Councilman Johnson – right, I think he was pretty adamant at one point that it was our fault ...

Councilman Hughes – understood but that really has to be proven ...

Councilman Johnson – sure right right if he wants the deal that's the terms he has to agree to I guess.

Councilman Hughes – I mean this is one option with a minimum of fuss and muss and no legal costs on his part.

Councilman Johnson – it's a nice resolution.

COUNCIL REPORTS

COUNCILMAN YAMPAGLIA – holiday luncheon provided by the library board will be held on Wednesday, December 21st at 12:30pm in the library's meeting room. All board members are welcome to attend.

COUNCILMAN BIANCHI – Christmas tree lighting was postponed the other night because of bad weather. We're going to have this Monday at 6:30pm. Roosevelt School is done with the new playgrounds in except for the flooring. Jefferson School is done they did a magnificent job on both schools. Washington School I guess will probably start tomorrow or the day after. The equipment is all there. The park next to the firehouse on River Road will probably start sometime next week.

COUNCILMAN HUGHES – in conjunction with the annual Santa parade on the Saturday after thanksgiving, the fire department started three years ago a food drive and in conjunction with that food drive two pickup trucks of food were collected that was turned over to the Queen of Peace community food bank. The food bank does a good job. It's opened to every member of the community. They have been working closely nowadays with the Board of Health so that any Borough resident has any severe needs they can access that. Getting back to the Meadowlands Commission with the King landfill negotiations, we're still negotiating with them. We've seen to get to a point of agreement than all of a sudden somebody throws a monkey wrench into the works and wants to change something. So we have been through the works of Mr. Pearce and we have been holding firm on our demands of what they owe us on that property and I think Mr. Pearce is actually playing a little more hardball these days than we have in the past. We've tried to work with them but they kept changing their mind and it's very difficult to negotiate with people who keep changing their mind. Sadly, I have to report that the and we haven't received official notice on this or what the next course of action is but the Lukeins property and the BCUA properties did not sell auction back in November. What I've been told is the Meadowlands Commission is reviewing our options as far as remarketing. I've heard anecdotally that the people that were sought to bid on it felt that it cost the minimum bid was a little bit too high so maybe they're going to re-evaluate that aspect of it. They are the owners of these properties so it is up to them to sell them but the builder whoever comes into the town and wants to build or develop on that property must comply with our redevelopment plans so that's all I have.

COUNCILMAN JOHNSON – commends entire DPW with leaf clean up. We have a good system in place. If your street sweeper comes on a Wednesday, generally residents have been urged to put out their leaves on a Tuesday or not too far ahead of that. Before the street sweeper comes, the DPW goes around with the loader and they pick up the leaves, they put it in the old garbage truck that was the recycling truck and they take the leaves away and the street sweeper comes and cleans up the residuary waste from the leaves. So it's a system that's worked very very nice. Other news with the DPW, they've been cameraing sewer lines. Superintendent McCabe has been busy with that. They've been cleaning some sewer backups. And they've also been responsible for decorating borough hall in the last couple of days getting ready for the tree lighting ceremony which is this Monday. Doing a real nice job. Extends commendation to workers of the DPW.

[Councilman Kearney is in attendance]

COUNCILMAN KEARNEY – defers to town administrator [inaudible] with regard to report. Apologizes to constituents and mayor and council for being late, it was daughter's Christmas recital.

COUNCILMAN TANELLI – your daughter comes first Councilman. This years santa parade which you and I attended its always a fun event to drive around town with the fire department the trucks and its really amazing at the response from the borough with the people like Councilman Hughes has said they also done the food drive but what amazes me is the people that come out of their homes and stands on the street corners and stand on the streets with other little children dressed as fireman. I cant get over how many kids dressed up as fireman. So that's where the next volunteers come from are those kids that are watching these parades. I think it's a great thing. The fire department should be commended for taking their time out of their days from their families to do that. Also attended the open fire board meeting last Saturday with the installation of the new chief and I'd like to wish Chief Melofchek all the best this year and also thank Chief Mahlbacher, it was a real pleasure to work with him last year and I'd like to congratulate him on his successful year. That's it.

MAYOR MASSA – commends the fire department with great job they did with the food drive and the Saturday after thanksgiving with Santa Claus parade around the community myself, Councilman Tanelli, and Council president Hughes were in attendance and it was an honor to be with the fireman. Not only do they respond to serious situations when it comes to public safety in the community but they also respond to the serious situations, those little tragedies sometime that befall some people that are need. And they always extend themselves when people are in need and I'm very proud of them. Congratulates new fire chief, Bobby Melofchek. Echoes Councilman Tanelli's comments by giving thanks to the outgoing Chief, Bobby for his great job that he did this past year. Took a look at the fire reports, sees there was \$339,000 worth of damage of different issues, different types of fires and emergencies that the department responds to but the two columns that are very important to me were firefighter injuries and firefighter fatalities. There were no civilian injuries or fatalities; thank god no firemen were hurt. That's important to us. Thanks gentlemen for doing great job for the community. Thanks members of the council for their great dedication. Executive session.

R-289-11 RESO RE: EXECUTIVE SESSION – [personnel, collective bargaining, anticipated or pending litigation]

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

[Executive Session]

MOTION TO RETURN TO REGULAR ORDER OF BUSINESS

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

Mayor Massa – is there a resolution regarding PD?

Administrator Wall – yes Mayor and Council. Resolution 290-11 is a resolution regarding Police Captain. Be it resolved, that Scott Hedenberg who is ranked number one on the current police captain eligibility list is hereby promoted to the rank of captain. This promotion and its effective date is contingent on all rules and regulations of New Jersey Civil Service Commission. Be it further resolved, that the rank differential pay is waived for a period of one year subsequent to the effective date of said promotion.

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

ADJOURNMENT:

MOTION TO ADJOURN

INTRODUCED BY: Councilman Tanelli
SECONDED BY: Councilman Kearney
ROLL CALL: All council present vote in the affirmative