

## **AGENDA**

REGULAR MEETING, THURSDAY, FEBRUARY 10, 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 and Councilman Kearney

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

### **PLEDGE OF ALLEGIANCE**

### **PUBLIC COMMENTS**

### **MOTION TO CLOSE PUBLIC COMMENTS**

INTRODUCED BY:

SECONDED BY:

ROLL CALL:

### **APPROVAL OF MINUTES**

Reorganization Meeting January 3, 2011

INTRODUCED BY:

SECONDED BY:

ROLL CALL

### **RESOLUTIONS ON CONSENT**

R-60-11 RESO RE: AUTHORIZATION TO PAY CLAIMS

R-61-11 RESO RE: MEMBERSHIP IN BERGEN MUNICIPAL EMPLOYEE BENEFITS FUND

R-62-11 RESO RE: AGREEMENT FOR PUBLIC HEALTH SERVICES FOR THE YEAR 2011

R-63-11 RESO RE: OPPOSING THE IMPLEMENTATION OF THE FEDERAL AVIATION ADMINISTRATIONS INTEGRATED AIRSPACE WITH THE INTEGRATED CONTROL COMPLEX (ICC) ALTERNATIVE

R-64-11 RESO RE: REFUND OF MONIES DUE TO DUPLICATE PAYMENTS

R-65-11 RESO RE: CERTIFICATION OF EMT PERSONNEL FOR 2010 LOSAP QUALIFICATION

R-67-11 RESO RE: SENIOR CITIZEN TAX PREPARATION SERVICES

**ORDINANCES**

**SECOND READING AND ADOPTION OF ORDINANCES**

**ORDINANCE NO. 2069**

AN ORDINANCE ESTABLISHING THAT A BUSINESS ENTITY WHICH MAKES POLITICAL CONTRIBUTIONS TO MUNICIPAL CANDIDATES AND MUNICIPAL AND COUNTY POLITICAL PARTIES SHALL BE LIMITED IN ITS ABILITY TO RECEIVE PUBLIC CONTRACTS FROM THE BOROUGH OF NORTH ARLINGTON

**MOTION TO OPEN PUBLIC HEARING ON ORDINANCE NO. 2069 TO THE PUBLIC**

INTRODUCED BY:  
SECONDED BY:  
ROLL CALL:

**MOTION TO CLOSE HEARING AND ADOPT**

INTRODUCED BY:  
SECONDED BY:  
ROLL CALL:

**ORDINANCE NO. 2070**

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

**MOTION TO OPEN PUBLIC HEARING ON ORDINANCE NO. 2070 TO THE PUBLIC**

INTRODUCED BY:  
SECONDED BY:  
ROLL CALL:

**MOTION TO CLOSE HEARING AND ADOPT**

INTRODUCED BY;  
SECONDED BY:  
ROLL CALL:

**ORDINANCE NO. 2071**

AN ORDINANCE TO REPEAL CHAPTER 48 SECTIONS 57 THROUGH 62 OF THE CODE OF THE BOROUGH OF NORTH ARLINGTON ENTITLED "EMPLOYEES AND OFFICERS"

**MOTION TO OPEN PUBLIC HEARING ON ORDINANCE NO. 2071 TO THE PUBLIC**

INTRODUCED BY:  
SECONDED BY:  
ROLL CALL:

**MOTION TO CLOSE HEARING AND ADOPT**

INTRODUCED BY:

SECONDED BY:

ROLL CALL:

**ADMINISTRATORS REPORT**

**ENGINEERS REPORT**

**COUNCIL REPORTS**

COUNCILMAN YAMPAGLIA

COUNCILMAN BIANCHI

COUNCILMAN HUGHES

COUNCILMAN JOHNSON

COUNCILMAN KEARNEY

COUNCILMAN TANELLI

MAYOR MASSA

R- 66-11 EXECUTIVE SESSION

INTRODUCED BY:

SECONDED BY:

ROLL CALL:

MOTION TO RETURN TO THE REGULAR ORDER OF BUSINESS

INTRODUCED BY:

SECONDED BY:

ROLL CALL:

**ADJOURNMENT:**

MOTION TO ADJOURN

INTRODUCED BY:

SECONDED BY:

ROLL CALL:

(\*AGENDA IS SUBJECT TO CHANGE AS A RESULT OF THE MATTERS NOT KNOWN  
AT THE TIME OF PRINTING)

COUNCIL/ MAYOR	INTRODUCED	SECONDED	YES	NO	ABSTAIN	ABSENT
YAMPAGLLIA			X			
BIANCHI		X	X			
HUGHES	X		X			
JOHNSON			X			
TANELLI			X			
KEARNEY			X			
MASSA						
TOTAL						
ON CONSENT AGENDA ____ YES ____ NO						

R-60-11

RESO RE: AUTHORIZATION TO PAY CLAIMS

WHEREAS, There has been presented to the Mayor and Council Members of the Borough of North Arlington, the attached list of invoices requesting payment for the work, labor, services and materials to the Borough; and

WHEREAS, said attached list specify the exact line item in the budget or Ordinance to be charged therewith: \$ 2,725,119.83

WHEREAS, each of the purchases by said invoices have been duly authorized by the purchasing department, agent or office in respect to the goods and services received, as well as the Chief Financial Officer in regard to availability of funds;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of North Arlington, that the CFO is hereby authorized to pay the claims.

APPROVED: \_\_\_\_\_  
Peter C. Massa, Mayor

ATTEST: \_\_\_\_\_  
Terence M. Wall, RMC  
Borough Clerk

DATED: February 10, 2011

COUNCIL/ MAYOR	INTRODUCED	SECONDED	YES	NO	ABSTAIN	ABSENT
YAMPAGLLIA			X			
BIANCHI		X	X			
HUGHES	X		X			
JOHNSON			X			
TANELLI			X			
KEARNEY			X			
MASSA						
TOTAL						
ON CONSENT AGENDA ____ YES ____ NO						

R-61-11

**RESO RE: MEMBERSHIP IN BERGEN  
MUNICIPAL EMPLOYEE BENEFITS FUND**

WHEREAS, a number of public entities in the State of New Jersey have joined together to form the Bergen Municipal Employee Benefits Fund, hereafter referred to as "FUND", as permitted by N.J.S.A. 11:15-3, 17:8.1, and 40A:10-36 et seq., and;

WHEREAS, the FUND was approved to become operational by the Departments of Insurance and Community Affairs and has been operational since that date, and;

WHEREAS, the statues and regulations governing the creation and operation of a joint insurance fund, contain certain elaborate restrictions and safeguards concerning the safe and efficient administration of the public interest entrusted to such a FUND;

WHEREAS, the governing body of the Borough of North Arlington hereinafter referred to as "LOCAL UNIT" has determined that membership in the FUND is in the best interest of the LOCAL UNIT.

NOW THEREFORE BE IT RESOLVED that the governing body of the LOCAL UNIT hereby agrees as follows:

- i. Become a member of the FUND for the period outlined in the LOCAL UNIT'S Indemnity and Trust Agreements.
- ii. Will participate in the following type (s) of coverage (s)
  - (a) Health Insurance as defined pursuant to N.J.S.A. 17B:17-4, the FUND's Bylaws and Plan of Risk Management.
- iii. Adopts and approves the FUND's Bylaws.
- iii. Execute an application for membership and any accompanying certifications

BE IT FURTHER RESOLVED that the governing body of the LOCAL UNIT is authorized and directed to execute the Indemnity and Trust Agreement and such other documents signifying membership in the FUND as required by the FUND's Bylaws, and to deliver these shall become effective only upon:

- i. Approval of the LOCAL UNIT by the FUND
- ii. Receipt from the LOCAL UNIT of a Resolution accepting assessment.
- iii. Approval by the New Jersey Department of Insurance and Department of Community Affairs.

APPROVED: \_\_\_\_\_  
Peter C. Massa, Mayor

ATTEST: \_\_\_\_\_  
Terence M. Wall, RMC  
Borough Clerk

DATED: February 10, 2011

COUNCIL/ MAYOR	INTRODUCED	SECONDED	YES	NO	ABSTAIN	ABSENT
YAMPAGLIA			X			
BIANCHI		X	X			
HUGHES	X		X			
JOHNSON			X			
TANELLI			X			
KEARNEY			X			
MASSA						
TOTAL						
ON CONSENT AGENDA ____ YES _____ NO						

R-62-11

RESO RE: AGREEMENT FOR PUBLIC HEALTH SERVICES FOR THE YEAR 2011

WHEREAS, the Mayor and Council of the Borough of North Arlington wish to enter into a contract with the County of Bergen, Department of Health Services, which has offices located at 327 East Ridgewood Avenue, Borough of Paramus; and

WHEREAS, the parties desire to contract for the furnishing of health services of a technical and professional nature by the BCDHS to the Municipality, pursuant to N.J.S.A. 26:3A2-1 et. seq.

WHEREAS, the County shall provide duly licensed personnel to carry out public health activities in compliance with the "Public Health Practice Standards of Performance for Local Boards of Health in New Jersey.

BE IT FURTHER RESOLVED that the Bergen County Department of Health Services shall provide the services specified from January 1, 2011 through December 31, 2011 and that the municipality shall pay the County for all services rendered within this contract a total amount of \$99,749.97

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council are hereby authorized and directed to execute said agreement for the year 2011.

APPROVED: \_\_\_\_\_  
Peter C. Massa, Mayor

ATTEST: \_\_\_\_\_  
Terence M. Wall, RMC  
Borough Clerk

DATED: February 10, 2011

R-63-11

RESO RE: OPPOSING THE IMPLEMENTATION  
OF THE FEDERAL AVIATION  
ADMINISTRATIONS INTEGRATED AIRSPACE  
WITH THE INTEGRATED CONTROL COMPLEX  
(ICC) ALTERNATIVE

COUNCIL/ MAYOR	INTRODUCED	SECONDED	YES	NO	ABSTAIN	ABSENT
YAMPAGLIA			X			
BIANCHI		X	X			
HUGHES	X		X			
JOHNSON			X			
TANELLI			X			
KEARNEY			X			
MASSA						
TOTAL						
ON CONSENT AGENDA ____ YES ____ NO						

WHEREAS, The Federal Aviation Administration (FAA'S) is scheduled to implement a new air traffic control plan in the in the Spring of 2011; and

WHEREAS, The FAA's new Integrated Airspace Alternative flight plan will result in hundreds of additional commercial airliners from John F. Kennedy Airport in New York being routed over residential areas of northern and central New Jersey; and

WHEREAS, The FAA's new flight plan will result in alternations to flight patterns into and out of Newark Liberty Airport that will negatively impact residential areas; and

WHEREAS, The FAA's plan eliminates some ocean flights routes and ignores the use of ocean routing in favor of airline routes over heavily populated residential areas; and

WHEREAS, The FAA new flight plan will likely result in commercial airplanes flying over residential areas on the average of every three to five minutes, and;

WHEREAS, The FAA new flight plan could result in airplanes from Newark and Teterboro Airports flying over residential areas at altitudes as low as 2,000 to 8,000 feet in parts of Bergen, Essex and Passaic Counties, and;

WHEREAS, The FAA has failed to conduct and publish environmental studies measuring the impact of additional noise pollution over New Jersey residential areas before adopting its Integrated Airspace plan, and;

WHEREAS, The FAA has refused to disclose reports on the impacts of its new ICC plan, including the volume of air traffic over residential areas and the altitude of airplanes over residential areas, and;

WHEREAS, The FAA's plan is opposed by the New Jersey Coalition Against Aircraft Noise because, among other concerns, the FAA reports gives excessive weight to aviation efficiency and little consideration to social and environmental impacts of residents, and

WHEREAS, The FAA plan represents a lack of balance between concerns for the airline industry and the impacts to the health and welfare of the tens of thousands of permanent residents who are harmed by the proposed airspace changes, and;

THEREFORE, NOW BE IT RESOLVED that the governing body of the Borough of North Arlington does hereby oppose the implementation of FAA's Integrated Airspace flight plan that will increase noise and air pollution over New Jersey, and;

BE IT FURHTER RESOLVED that a copy of this resolution opposing the FAA new flight path will be transmitted by this governing body to the Port Authority of New York and New Jersey, the office of Governor Chris Christie, U.S. Senators Robert Menendez and Frank Lautenberg and the Federal Aviation Administration, members of New Jersey's House of Representatives and members of the New Jersey State Legislature.

APPROVED: \_\_\_\_\_  
Peter C. Massa, Mayor

ATTEST: \_\_\_\_\_  
Terence M. Wall, RMC  
Borough Clerk

DATED: February 10, 2011

COUNCIL/ MAYOR	INTRODUCED	SECONDED	YES	NO	ABSTAIN	ABSENT
YAMPAGLIA			X			
BIANCHI		X	X			
HUGHES	X		X			
JOHNSON			X			
TANELLI			X			
KEARNEY			X			
MASSA						
TOTAL						
ON CONSENT AGENDA ____ YES ____ NO						

R-64-11

RESO RE: REFUND OF MONIES DUE TO  
DUPLICATE PAYMENTS

WHEREAS the following property had a duplicate payment; and

WHEREAS, a refund has been requested as follows:

BLOCK 20 LOT 008      Weidong Zhu                      \$1, 778.93  
    127 Ilford Ave  
    North Arlington, NJ 07031

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of North Arlington that the Tax Collector issue the requested refund.

APPROVED: \_\_\_\_\_  
    Peter C. Massa, Mayor

ATTEST: \_\_\_\_\_  
    Terence M. Wall, RMC  
    Borough Clerk

DATED: February 10, 2011

COUNCIL/ MAYOR	INTRODUCED	SECONDED	YES	NO	ABSTAIN	ABSENT
YAMPAGLIA			X			
BIANCHI		X	X			
HUGHES	X		X			
JOHNSON			X			
TANELLI			X			
KEARNEY			X			
MASSA						
TOTAL						
ON CONSENT AGENDA ___ YES ___ NO						

R-65-11  
RESO RE: CERTIFICATION OF EMT  
PERSONNEL  
FOR 2010 LOSAP QUALIFICATION

BE IT RESOLVED, by the Mayor and Council of the Borough of North Arlington, Bergen County, New Jersey, that the following list of EMT Personnel, upon the recommendation LOSAP Committee, is hereby accepted as the certified list of EMT Personnel members who have qualified for LOSAP benefits

**Name**

**Amount**

Bertuzzi, Christopher	\$1,150.00
Bertuzzi, Justyne	\$1,150.00
Eltringham, Patricia	\$1,150.00
Hill, Kirk	\$1,150.00
Imbrenda, Christopher	\$1,150.00
Irizarry, Gladys	\$1,150.00
Jakiel, Linda	\$1,150.00
Lauer, Branden	\$1,150.00
Lane, Jonathan	\$1,150.00
McDermott, George	\$1,150.00
Melton, Sharon	\$1,150.00
Melton, Stefanie	\$1,150.00
Orovio, Daniel	\$1,150.00
Pontoriero, Francisco	\$1,150.00
Sackerman, James	\$1,150.00
Settembrino, James	\$1,150.00
Silva, Marcia	\$1,150.00
Sousa, John	\$1,150.00
Tomaszeski, Andrew	\$1,150.00

**(SEE ATTACHED QUALIFICATIONS)**

APPROVED: \_\_\_\_\_  
Peter C. Massa, Mayor

ATTEST: \_\_\_\_\_  
Terence M. Wall, RMC  
Borough Clerk

DATED: February 10, 2011

COUNCIL/ MAYOR	INTRODUCED	SECONDED	YES	NO	ABSTAIN	ABSENT
YAMPAGLIA			X			
BIANCHI		X	X			
HUGHES	X		X			
JOHNSON			X			
TANELLI			X			
KEARNEY			X			
MASSA						
TOTAL						
ON CONSENT AGENDA ____ YES ____ NO						

R-67-11

RESO RE: SENIOR CITIZEN TAX PREPARATION SERVICES

BE IT RESOLVED by the Mayor and Council of the Borough of North Arlington of Bergen County, New Jersey that Robert Tarantula is hereby retained to perform senior citizen tax preparation services at the rates previously approved by the Mayor and Council.

\_\_\_\_\_  
Peter C. Massa, Mayor

ATTEST: \_\_\_\_\_  
Terence M. Wall  
Borough Clerk

DATED: February 10, 2011

First Reading

INTRODUCED BY: Councilman Tanelli				
SECONDED BY: Councilman Hughes				
COUNCIL	AYE	NAY	ABSTAIN	ABSENT
BIANCHI	X			
HUGHES	X			
JOHNSON	X			
KEARNEY	X			
TANELLI	X			
YAMPAGLIA	X			
MASSA				
TOTAL				

Second & Final Reading

INTRODUCED BY: Councilman Hughes				
SECONDED BY: Councilman Kearney				
COUNCIL	AYE	NAY	ABSTAIN	ABSENT
YAMPAGLIA	X			
BIANCHI	X			
HUGHES	X			
JOHNSON	X			
TANELLI		X		
KEARNEY	X			
MASSA				
TOTAL				

ORDINANCE NO.2069  
BOROUGH OF NORTH ARLINGTON  
BERGEN COUNTY, NEW JERSEY

**AN ORDINANCE ESTABLISHING THAT A BUSINESS ENTITY WHICH MAKES POLITICAL CONTRIBUTIONS TO MUNICIPAL CANDIDATES AND MUNICIPAL AND COUNTY POLITICAL PARTIES SHALL BE LIMITED IN ITS ABILITY TO RECEIVE PUBLIC CONTRACTS FROM THE BOROUGH OF NORTH ARLINGTON**

**WHEREAS**, large political contributions from those seeking or performing contracts with a municipality raise reasonable concerns on the part of taxpayers and residents as to their trust in government and its business practices; and

**WHEREAS**, pursuant to N.J.S.A. 40:48-2, a municipality is authorized to adopt such ordinances, regulations, rules and by-laws as necessary and proper for good government, as well as the public, health, safety and welfare; and

**WHEREAS**, pursuant to N.J.S.A. 40A:11-51 a municipality is authorized to adopt by ordinance, measures limiting the awarding of public contracts to business entities that have made political contributions, and limiting the contributions that the recipient of such a contract can make during the term of a contract; and

**WHEREAS**, in the interest of good government, the people and the government of the Borough of North Arlington desire to establish a policy that will avoid the perception of improper influence in public contracting and local elections; and

**NOW THEREFORE BE IT RESOLVED**, it shall be the policy of the Borough of North Arlington to create such a regulation which states that a Business Entity which makes political contributions to municipal candidates and municipal and county political parties in excess of certain thresholds shall be limited in its ability to receive public contracts from the Borough of North Arlington; and

**BE IT ORDAINED** by the Borough of North Arlington, in the County of Bergen, and State of New Jersey as follows:

A. Definitions. As used in this ordinance:

- (1) “Campaign Committee” means (i) every candidate for Borough of North Arlington elective municipal office; (ii) every candidate committee established by or for the benefit of a candidate for Borough of North Arlington elective municipal office; (iii) every joint candidate committee established in whole or in part by or for the benefit of a candidate for Borough of North Arlington elective municipal office; (iv) every political party committee of the Borough of North Arlington; (v) every political party committee of the County of Bergen that is organized for the primary purpose of promoting or supporting of candidates for the Borough of North Arlington; and (vi) every political committee, continuing political committee, or other form of association or organization that regularly engages in the support of candidates for the Borough of North Arlington municipal or Bergen county elective offices or Borough of North Arlington municipal or Bergen county political parties or political party committees that is organized for the primary purpose of promoting or supporting of candidates for the Borough of North Arlington. The terms in the foregoing paragraph have the meaning prescribed in N.J.A.C. 19:25-1.7.
- (2) “Contribution” has the meaning prescribed in N.J.A.C. 19:25-1.7. By way of illustration, and not limitation, this definition includes pledges, loans, and in-kind contributions.
- (3) A “contract for professional or extraordinary services” means all contracts for “professional services” and “extraordinary unspecifiable services” as such term is used in N.J.S.A. 40A:11-5.
- (4) For purposes of this Ordinance, a “Business Entity” whose contributions are regulated by this ordinance means: (i) an individual including the individual's spouse, and any child/children; (ii) a firm; corporation; professional corporation; partnership; limited liability company; organization; association; and any other manner and kind of business entity; (iii) any person who owns ten percent (10%) or more of the equity or ownership or income interests in a person or entity as defined in sections (i) and (ii) above and their spouses and child/children; (iv) all partners or officers of such an entity, in the aggregate, and their spouses and child/children; (v) any person, subcontractor, subsidiary, corporation, firm, partnership, limited liability company, organization or association who has received or indefeasibly acquired the right to receive, from a person described in subparagraph (i) above, more than one hundred thousand dollars (\$100,000.00) in compensation or income of any kind (including, by way of illustration, and not limitation: wages, salaries, sums paid to independent contractors, benefits, dividends, profit-sharing, pension contributions, deferred contributions, stock, stock options or gifts), in any twelve (12) month period prior to the award of, or during the term of, a contract subject to this ordinance; and (vi) all persons who are an “affiliate” of a Business Entity as defined in sections (i), (ii) and (v) above, as such term is used in 11 U.S.C. 101(2).

B. Prohibition on Awarding Public Contracts to Certain Contributors.

- (1) To the extent that it is not inconsistent with state or federal law, the Borough of North Arlington and any of its departments, instrumentalities or purchasing agents shall not enter into any agreement or otherwise contract to procure “professional services” as such term is defined at N.J.S.A. 40A:11-2(6) and used at N.J.S.A. 40A:11-5(1)(a)(i) and/or banking, insurance or other consulting service (hereinafter “Professional Services”), nor “extraordinary unspecified services” as such term is defined at N.J.S.A. 40A:11-2(7) and used at N.J.S.A. 40A:11-5(1)(a)(ii) and/or media, public relations, lobbying, parking garage management or other consulting and/or management service (hereinafter “Extraordinary Unspecified Services”) from any Business Entity if such Business Entity has solicited or made any Contribution to (i) a candidate, candidate committee or joint candidates committee of any candidate for elective municipal office in North Arlington or a holder of public office having ultimate responsibility for the award of a contract, or (ii) to any North Arlington or Bergen County political committee or political party committee that is organized for the primary purpose of promoting or supporting of candidates for the Borough of North Arlington, or (iii) to any continuing political committee or political action committee that regularly engages in the support of North Arlington municipal or Bergen County elections and/or North Arlington municipal or Bergen County candidates, candidate committees, joint candidate committees, political committees, political parties, political party committees that is organized for the primary purpose of promoting or supporting of candidates for the Borough of North Arlington, (hereinafter “PAC”), in excess of the thresholds specified in Subsection B(3) within one calendar year immediately preceding the date of the contract or agreement.
- (2) No Business Entity who submits a proposal for, enters into negotiations for, or agrees to any contract or agreement with the Borough of North Arlington or any of its departments or instrumentalities, for the rendition of Professional Services or Extraordinary Unspecified Services shall knowingly solicit or make any Contribution, to (i) a candidate, candidate committee or joint candidates committee of any candidate for elective municipal office in North Arlington, or a holder of public office having ultimate responsibility for the award of a contract, or (ii) to any North Arlington or Bergen County political committee or political party committee that is organized for the primary purpose of promoting or supporting of candidates for the Borough of North Arlington, or (iii) any PAC that is organized for the primary purpose of promoting or supporting of candidates for the Borough of North Arlington between the time of first communication between that Business Entity and the municipality regarding a specific agreement for Professional Services or Extraordinary Unspecified Services, and the later of the termination of negotiations or rejection of any proposal, or the completion of the performance or specified time period of that contract or agreement.
- (3) The monetary thresholds of this Ordinance are: (i) a maximum of three hundred dollars (\$300.00) per calendar year each for any purpose to any candidate or candidate committee for mayor or governing body, or five hundred dollars (\$500.00) per calendar year to any joint candidates committee for mayor or governing body, or three hundred dollars (\$300.00) per calendar year to a political committee or political party committee of the Borough of North Arlington; (ii) five hundred dollars (\$500.00) maximum per calendar year to a Bergen County political committee or political party committee that is organized for the primary purpose of promoting or supporting of candidates for the Borough of North Arlington; and (iii) five hundred dollars (\$500.00) maximum per calendar year to any PAC that is organized for the primary purpose of promoting or supporting of candidates for the Borough of North Arlington. However, for each Business Entity party to a contract for Professional or Extraordinary Unspecified Services as defined in Subsection B(1), or engaged in negotiations for a contract defined in Subsection B(1), when such Business Entity's Contribution is aggregated with all “persons” defined in Subsection A(4) of “Definitions” above, by virtue of their affiliation to that Business Entity party, a maximum of two thousand five hundred dollars (\$2,500.00) to all Borough of North Arlington candidates, candidate committees, joint candidate committees, and holders of public office having ultimate responsibility for the award of a contract, all Borough of North Arlington or Bergen County political

committees and political party committees that is organized for the primary purpose of promoting or supporting of candidates for the Borough of North Arlington as described herein combined, without violating Subsection B(1) of this section.

(4) For purposes of this section, the office that is considered to have ultimate responsibility for the award of the contract shall be (i) the Borough of North Arlington Mayor or Governing body, if the contract requires approval or appropriation from the Mayor or Governing body, or (ii) the Mayor of the Borough of North Arlington, if the contract requires approval of the Mayor, or if a public officer who is responsible for the award of a contract is appointed by the Mayor.

(5) Rules regarding subcontractors. No person may be awarded a subcontract to perform under a contract subject to this Ordinance, if the subcontractor would be disqualified by Subsection B(1) from receiving the contract at the time that the subcontract is awarded. Nor may any person who would be disqualified by Subsection B(1) from receiving the contract perform substantially all of obligations described in a contract for professional or extraordinary services that is subject to this ordinance.

C. Contributions Made Prior to the Effective Date. No Contribution or solicitation of contributions made prior to the effective date of this Ordinance shall be deemed to give rise to a violation of this Ordinance.

D. Contract Renewal. No contract subject to this ordinance may be renewed, extended, or materially modified unless the resulting renewal, extension, or modification would be allowable under the provisions of this ordinance if it were an initial contract.

E. Contribution Statement by Business Entity.

(1) Prior to awarding any contract or agreement to procure "Professional Services" or "Extraordinary Unspecified Services" from any Business Entity, the Borough of North Arlington or its purchasing agents and departments, as the case may be, shall receive a sworn statement from said Business Entity which is the intended recipient of said contract that he/she/it has not made a Contribution in violation of Subsection B of this section. The Borough of North Arlington, its purchasing agents and departments shall be responsible for informing the Borough Council that the aforementioned sworn statement has been received and that the Business Entity is not in violation of this ordinance, prior to awarding the contract or agreement.

(2) A Business Entity shall have a continuing duty to report to the Borough of North Arlington any Contributions that constitute a violation of this act that are made during the negotiation, proposal process or the duration of a contract. The Borough of North Arlington, its purchasing agents and departments shall be responsible for informing the governing body within ten (10) business days after receipt of said report from the Business Entity, or at the next Borough Council meeting following receipt of said report from the Business Entity, or whichever comes first.

(3) The certification required under this subsection shall be made prior to entry into the contract or agreement with the Borough of North Arlington, or prior to the provision of services or goods, as the case may be, and shall be in addition to any other certifications that may be required by any other provision of law.

F. Return of Excess Contributions. A Business Entity that is a party to a contract for Professional Services or Extraordinary Unspecified Services may cure a violation of Subsection B of this section, if, within thirty (30) days after the date on which the applicable ELEC report is published, said Business Entity notifies the municipality in writing and seeks and receives reimbursement of the Contribution from the recipient of such Contribution.

G. Exemptions. The contribution limitations prior to entering into a contract in Subsection B(1) do not apply to contracts which (i) are awarded to the lowest responsible bidder after public

advertising for bids and bidding therefore within the meaning of N.J.S.A. 40A:11-4, or (ii) are awarded in the case of emergency under N.J.S.A. 40A:11-6. There is no exemption for contracts awarded pursuant to a “Fair and Open Process” under N.J.S.A. 19:44A-20 et seq.

#### H. Penalty.

- (1) It shall be a material breach of the terms of a Borough of North Arlington agreement or contract for Professional Services or Extraordinary Unspecified Services when a Business Entity that is a party to such agreement or contract has: (i) made or solicited a Contribution in violation of this Ordinance; (ii) knowingly concealed or misrepresented a Contribution given or received; (iii) made or solicited Contributions through intermediaries for the purpose of concealing or misrepresenting the source of the Contribution; (iv) made or solicited any Contribution on the condition or with the agreement that it will be re-contributed to a candidate, candidate committee or joint candidates committee of any candidate for elective municipal office in North Arlington, or a holder of public office having ultimate responsibility for the award of a contract, or any North Arlington or Bergen County political committee or political party committee that is organized for the primary purpose of promoting or supporting of candidates for the Borough of North Arlington, or any PAC that is organized for the primary purpose of promoting or supporting of candidates for the Borough of North Arlington; (v) engaged or employed a lobbyist or consultant with the intent or understanding that such lobbyist or consultant would make or solicit any Contribution, which if made or solicited by the professional Business Entity itself, would subject that entity to the restrictions of this Ordinance; (vi) funded contributions made by third parties, including consultants, attorneys, family members, and employees; (vii) engaged in any exchange of Contributions to circumvent the intent of this Ordinance; or (viii) directly or indirectly, through or by any other person or means, done any act which if done directly would subject that entity to the restrictions of this Ordinance.
- (2) Furthermore, any Business Entity that violates Subsection H(1) shall be disqualified from eligibility for future Borough of North Arlington contracts for a period of four calendar years from the date of the violation.
- (3) Any person who knowingly, purposely, or recklessly violates any provision of this ordinance, or who conspires with another person to violate any provision of this ordinance, or who, with the purpose of promoting or facilitating a violation of this ordinance, solicits another person to commit it, or aids or agrees, or attempts to aid another person in planning or committing it, shall be subject to punishment including fines and/or imprisonment as fixed by law for violations of the ordinances of the Borough of North Arlington.

I. Citizens Private Right of Action. In addition to any rights that were heretofore available, or which may hereafter be available, to citizens, taxpayers, or associations, to challenge violations of this ordinance, every person aggrieved by a violation of the ordinance, or any taxpayer or resident of the Borough of North Arlington has the right, consistent with the Rules of Court, to file charges in a court of competent jurisdiction, and/or to pursue a civil action for a violation of this ordinance in a court of competent jurisdiction, and to seek and obtain declaratory, injunctive, or other legal or equitable relief, including but not limited to, attorneys fees and costs, arising from or related to a violation of this ordinance.

J. Severability. If any provision of this ordinance, or the application of any such provision to any person or circumstances, shall be held invalid, the remainder of this ordinance to the extent it can be given effect, or the application of such provision to persons or circumstances other than those to which it is held invalid shall not be affected thereby, and to this extent the provisions of this ordinance are severable. The drafters of this ordinance, the persons signing the petition in support of this ordinance, and the persons who cast votes in favor of the ordinance, declare that they would have supported the ordinance and each section, subsection, sentence, clause, phrase, or provision or application thereof, irrespective of the fact that any one (1) or more other sections, subsections, sentences, clauses, phrases, or provisions or applications thereof may be held invalid.

K. Repealed. All ordinances or parts of ordinances which are inconsistent with any provisions of this ordinance are hereby repealed as to the extent of such inconsistencies.

L. Indexing. The monetary thresholds of "Definitions" Section (d) and Section 1(c) of this ordinance shall be increased effective March 1 of each calendar year by the percentage increase, in the prior calendar year, of the consumer price index for all urban consumers (CPI-U) for the New York-Northern New Jersey-Long Island region, rounded to the nearest ten dollars (\$10.00). The Clerk of the Borough of North Arlington shall, by no later than April 1 of each calendar year, prepare and publish the revised thresholds on the official municipal website and in an official municipal newspaper.

M. Effective date. This ordinance shall become effective twenty (20) days following the final adoption thereof by the Municipal Council of the Borough of North Arlington and shall be published as required by law.

N. Expiration date. This ordinance shall expire on December 31, 2011 which is in accordance with the memorandum of understanding as it relates to the award of transitional aid.

APPROVED: \_\_\_\_\_  
Peter C. Massa, Mayor

ATTEST: \_\_\_\_\_  
Terence M. Wall  
Borough Clerk

DATED: February 10, 2011

#### PUBLIC NOTICE

PUBLIC NOTICE IS HEREBY GIVEN THAT AT A REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF NORTH ARLINGTON HELD ON THURSDAY, JANUARY 20, 2011 THE ABOVE ORDINANCE WAS INTRODUCED AND PASSED ON ITS FIRST READING. SAID ORDINANCE SHALL BE TAKEN UP FOR FURTHER CONSIDERATION FOR FINAL PASSAGE AT A REGULAR MEETING OF THE MAYOR AND COUNCIL TO BE HELD IN THE COUNCIL CHAMBERS, BOROUGH HALL, 214 RIDGE ROAD, NORTH ARLINGTON, BERGEN COUNTY, NEW JERSEY ON FEBRUARY 10, 2011 PM OR AS SOON THEREAFTER AS THE MATTER CAN BE REACHED, AT WHICH TIME AND PLACE ALL PERSONS WHO MAY BE INTERESTED THEREIN SHALL BE GIVEN AN OPPORTUNITY TO BE HEARD CONCERNING SAME. DURING THE WEEK PRIOR TO AND UP TO AND INCLUDING THE DATE OF SUCH MEETING, COPIES OF SAID ORDINANCE WILL BE MADE AVAILABLE AT THE BOROUGH CLERKS OFFICE TO THE MEMBERS OF THE GENERAL PUBLIC WHO SHALL REQUEST SAME.

Terence M. Wall  
Borough Clerk

First Reading

INTRODUCED BY: Councilman Hughes				
SECONDED BY: Councilman Tanelli				
COUNCIL	AYE	NAY	ABSTAIN	ABSENT
BIANCHI	X			
HUGHES	X			
JOHNSON	X			
KEARNEY	X			
TANELLI	X			
YAMPAGLIA	X			
MASSA				
TOTAL				

Second & Final Reading

INTRODUCED BY: Councilman Kearney				
SECONDED BY: Councilman Tanelli				
COUNCIL	AYE	NAY	ABSTAIN	ABSENT
YAMPAGLIA	X			
BIANCHI	X			
HUGHES	X			
JOHNSON	X			
TANELLI	X			
KEARNEY	X			
MASSA				
TOTAL				

ORDINANCE NO.2070  
 BOROUGH OF NORTH ARLINGTON  
 BERGEN COUNTY, NEW JERSEY

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

**WHEREAS**, the Mayor and Council have determined that there is a need to amend Chapter 187 §9(B) of the Code of the Borough of North Arlington; and

**NOW THEREFORE BE IT ORDAINED** by the Mayor and Council of the Borough of North Arlington, County of Bergen, State of New Jersey, as follows:

Chapter 187 §9(B) shall be amended to **remove** the following:

<u>Location</u>	<u>Side</u>	<u>Description</u>
15 Pershing Place	West	Beginning at a point 219 feet north of the northerly curb line of Stevens Place and extending to a point 20 feet south therefrom.

**IT IS FURTHER ORDAINED** that the remainder of Chapter 187 §9(B) of the Code of the Borough of North Arlington shall remain in full force and effect.

APPROVED: \_\_\_\_\_  
Peter C. Massa, Mayor

ATTEST: \_\_\_\_\_  
Terence M. Wall, RMC  
Borough Clerk

DATED: February 10, 2011

#### PUBLIC NOTICE

PUBLIC NOTICE IS HEREBY GIVEN THAT AT A REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF NORTH ARLINGTON HELD ON THURSDAY, JANUARY 20, 2011 THE ABOVE ORDINANCE WAS INTRODUCED AND PASSED ON ITS FIRST READING. SAID ORDINANCE SHALL BE TAKEN UP FOR FURTHER CONSIDERATION FOR FINAL PASSAGE AT A REGULAR MEETING OF THE MAYOR AND COUNCIL TO BE HELD IN THE COUNCIL CHAMBERS, BOROUGH HALL, 214 RIDGE ROAD, NORTH ARLINGTON, BERGEN COUNTY, NEW JERSEY ON FEBRUARY 10, 2011 PM OR AS SOON THEREAFTER AS THE MATTER CAN BE REACHED, AT WHICH TIME AND PLACE ALL PERSONS WHO MAY BE INTERESTED THEREIN SHALL BE GIVEN AN OPPORTUNITY TO BE HEARD CONCERNING SAME. DURING THE WEEK PRIOR TO AND UP TO AND INCLUDING THE DATE OF SUCH MEETING, COPIES OF SAID ORDINANCE WILL BE MADE AVAILABLE AT THE BOROUGH CLERK'S OFFICE TO THE MEMBERS OF THE GENERAL PUBLIC WHO SHALL REQUEST SAME.

Terence M. Wall, RMC  
Borough Clerk

First Reading

INTRODUCED BY: Councilman Hughes				
SECONDED BY: Councilman Johnson				
COUNCIL	AYE	NAY	ABSTAIN	ABSENT
BIANCHI	X			
HUGHES	X			
JOHNSON	X			
KEARNEY	X			
TANELLI		X		
YAMPAGLIA		X		
MASSA				
TOTAL				

Second & Final Reading

INTRODUCED BY: Councilman Hughes				
SECONDED BY: Councilman Bianchi				
COUNCIL	AYE	NAY	ABSTAIN	ABSENT
YAMPAGLIA		X		
BIANCHI	X			
HUGHES	X			
JOHNSON	X			
TANELLI		X		
KEARNEY	X			
MASSA				
TOTAL				

ORDINANCE NO.2071  
 BOROUGH OF NORTH ARLINGTON  
 BERGEN COUNTY, NEW JERSEY

AN ORDINANCE TO REPEAL CHAPTER 48 SECTIONS 57 THROUGH 62 OF THE CODE OF THE BOROUGH OF NORTH ARLINGTON ENTITLED “EMPLOYEES AND OFFICERS”

WHEREAS, Chapter 48 of the Code of the Borough of North Arlington is entitled “Employees and Officers; and

WHEREAS, Sections 57 through 62 of Chapter 48 of the Code of the Borough of North Arlington establish the position of “Confidential Assistant to the Mayor”; and

WHEREAS, the Mayor and Council have determined that there is a need to repeal Chapter 48, Sections 57 through 62 of the Code of the Borough of North Arlington; and

NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of North Arlington, County of Bergen, State of New Jersey, that Sections 57 through 62 of Chapter 48 of the Code of the Borough of North Arlington, establishing the position of “Confidential Assistant to the Mayor” are hereby **repealed**.

IT IS FURTHER ORDAINED that the remainder of Chapter 48 of the Code of the Borough of North Arlington shall remain in full force and effect.

APPROVED: \_\_\_\_\_  
Peter C. Massa, Mayor

ATTEST: \_\_\_\_\_  
Terence M. Wall, RMC  
Borough Clerk

DATED: February 10, 2011

#### PUBLIC NOTICE

PUBLIC NOTICE IS HEREBY GIVEN THAT AT A REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF NORTH ARLINGTON HELD ON THURSDAY, JANUARY 20, 2011 THE ABOVE ORDINANCE WAS INTRODUCED AND PASSED ON ITS FIRST READING. SAID ORDINANCE SHALL BE TAKEN UP FOR FURTHER CONSIDERATION FOR FINAL PASSAGE AT A REGULAR MEETING OF THE MAYOR AND COUNCIL TO BE HELD IN THE COUNCIL CHAMBERS, BOROUGH HALL, 214 RIDGE ROAD, NORTH ARLINGTON, BERGEN COUNTY, NEW JERSEY ON FEBRUARY 10, 2011 PM OR AS SOON THEREAFTER AS THE MATTER CAN BE REACHED, AT WHICH TIME AND PLACE ALL PERSONS WHO MAY BE INTERESTED THEREIN SHALL BE GIVEN AN OPPORTUNITY TO BE HEARD CONCERNING SAME. DURING THE WEEK PRIOR TO AND UP TO AND INCLUDING THE DATE OF SUCH MEETING, COPIES OF SAID ORDINANCE WILL BE MADE AVAILABLE AT THE BOROUGH CLERK’S OFFICE TO THE MEMBERS OF THE GENERAL PUBLIC WHO SHALL REQUEST SAME.

Terence M. Wall, RMC  
Borough Clerk

COUNCIL/ MAYOR	INTRODUCED	SECONDED	YES	NO	ABSTAIN	ABSENT
YAMPAGLIA			X			
BIANCHI			X			
HUGHES	X		X			
JOHNSON			X			
TANELLI		X	X			
KEARNEY			X			
MASSA						
TOTAL						
ON CONSENT AGENDA ____ YES ____ NO						

R-66-11

RESO RE: EXECUTIVE SESSION

WHEREAS, the Open Public Meeting Act, Chapter 231 permits the exclusion of the public from a meeting in

certain circumstances, and

WHEREAS, the Mayor and Council is of the opinion that such circumstances presently exist; and

WHEREAS, the Mayor and Council wish to discuss:

Personnel  
Collective Bargaining

“Public release of the discussion will only occur after counsel approval. Action may or may not occur after discussion”.

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council are now in executive session.

APPROVED: \_\_\_\_\_  
Peter C. Massa, Mayor

ATTEST: \_\_\_\_\_  
Terence M. Wall, RMC  
Borough Clerk

DATED: February 10, 2011

COUNCIL/ MAYOR	INTRODUCED	SECONDED	YES	NO	ABSTAIN	ABSENT
YAMPAGLIA			X			
BIANCHI			X			
HUGHES	X		X			
JOHNSON			X			
TANELLI			X			
KEARNEY		X	X			
MASSA						
TOTAL						
ON CONSENT AGENDA ____ YES ____ NO						

R-68-11

RESO RE: TEMPORARY LEAVE OF ABSENCE

Whereas, Melissa Reznik is currently employed as Violations Clerk; and

Whereas, Ms. Reznik has requested a temporary leave of absence from employment for a six month period; and

Whereas, pursuant to NJAC 40:A-61.182 an appointing authority may grant permanent employees a leave of absence without pay for a period not to exceed 1 year; and

Whereas, Ms. Reznik has agreed that she will waive any right to health benefits during her leave of absence; and

Whereas, Ms. Reznik will be entitled to return to her current position to the Borough upon completion of relief period; and

Whereas, Ms. Reznik is entitled to any and all rights afforded to her under New Jersey law upon her return to employment with the Borough including seniority and credit towards pension entitlement upon her return as if she had not requested this leave of absence; and

Whereas, for the purposes of accrued leave time, anniversary dates, paid holidays and seniority leave time shall be considered as if in pay status.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of North Arlington that Melissa Reznik is hereby permitted to take a leave of absence as summarized above effective February 21, 2011.

APPROVED: \_\_\_\_\_  
Peter C. Massa, Mayor

ATTEST: \_\_\_\_\_  
Terence M. Wall, RMC  
Borough Clerk

DATED: February 10, 2011

R-69-11

RESO RE: APPOINTMENT OF ACTING CLERK

COUNCIL/ MAYOR	INTRODUCED	SECONDED	YES	NO	ABSTAIN	ABSENT
YAMPAGLIA			X			
BIANCHI			X			
HUGHES	X		X			
JOHNSON			X			
TANELLI			X			
KEARNEY		X	X			
MASSA						
TOTAL						
ON CONSENT AGENDA ____ YES ____ NO						

Whereas, Katie Moore is presently serving in the capacity as a part time Clerk in the Borough of North Arlington; and

Whereas, it is the best interest of the Borough of North Arlington to appoint a permanent full time Clerk; and

Whereas, the job title of Clerk is part of the non-competitive division of the career services designated by the State of New Jersey, Civil Service Commission; and

Whereas, the Civil Service Commission in accordance with NJAC 40A-4.1 has authorized the Borough of North Arlington to make a regular appointment of a qualified person to the title of Clerk without an examination; and

Whereas, Katie Moore meets or exceeds the minimum requirements set forth in the job specifications set forth by the State of New Jersey, Civil Service Commission for the position of Clerk and local Service.

Now therefore be it resolved by the Mayor and Council of the Borough of North Arlington that Katie Moore shall be and is hereby appointed as full time Clerk of the Borough of North Arlington, her duties including Zoning and Planning administrative assignments where required.

Be it further resolved, that Katie Moore shall be required to complete a working test period of three months as required by the Civil Service Commission in accordance with NJAC 40A4-5.2.

Be it further resolved, that upon completion of the working test period that Katie Moore shall be considered for appointment as permanent Clerk for the Borough of North Arlington unless further action is taken by Mayor and Council.

Be it further resolved, that Katie Moore shall receive a salary in the amount of \$30,316.44 subject to any requisite approvals from the Department of Community Affairs.

APPROVED: \_\_\_\_\_  
Peter C. Massa, Mayor

ATTEST: \_\_\_\_\_  
Terence M. Wall, RMC  
Borough Clerk

DATED: February 10, 2011

COUNCIL/ MAYOR	INTRODUCED	SECONDED	YES	NO	ABSTAIN	ABSENT
YAMPAGLIA			X			
BIANCHI			X			
HUGHES	X		X			
JOHNSON			X			
TANELLI					X	
KEARNEY		X	X			
MASSA						
TOTAL						
ON CONSENT AGENDA ____ YES ____ NO						

R-70-11

RESO RE: APPOINTMENT OF ACTING CHIEF  
FINANCIAL OFFICER

Be it resolved that Jim Mangin is hereby appointed Acting Chief Financial Officer effective immediately at a prorated annual salary of \$18,000.00 said position is part time with a minimum of 10 hours per week including day time hours, part time position is not eligible for any benefits including but not limited to Health Insurance, Dental Insurance or Vision. Statutory pension eligibility will apply a review period of three to six months at the judgment of the Mayor and Council, the Mayor and Council will consider appointment as a regular Chief Financial Officer.

APPROVED: \_\_\_\_\_  
Peter C. Massa, Mayor

ATTEST: \_\_\_\_\_  
Terence M. Wall, RMC  
Borough Clerk

DATED: February 10, 2011

COUNCIL/ MAYOR	INTRODUCED	SECONDED	YES	NO	ABSTAIN	ABSENT
YAMPAGLIA					X	
BIANCHI			X			
HUGHES	X		X			
JOHNSON			X			
TANELLI		X	X			
KEARNEY			X			
MASSA						
TOTAL						
ON CONSENT AGENDA ____ YES ____ NO						

R-71-11

RESO RE: APPOINTMENT TO ZONING BOARD  
OF ADJUSTMENT TO AN UNEXPIRED TERM

Be it resolved by the Mayor and Council of the Borough of North Arlington that Mario Gino be appointed to the Zoning Board of Adjustment to an unexpired term. Said term to expire 12/31/11.

APPROVED: \_\_\_\_\_  
Peter C. Massa, Mayor

ATTEST: \_\_\_\_\_  
Terence M. Wall, RMC  
Borough Clerk

DATED: February 10, 2011

COUNCIL/ MAYOR	INTRODUCED	SECONDED	YES	NO	ABSTAIN	ABSENT
YAMPAGLIA					X	
BIANCHI			X			
HUGHES	X		X			
JOHNSON		X	X			
TANELLI			X			
KEARNEY					X	
MASSA						
TOTAL						
ON CONSENT AGENDA ____ YES ____ NO						

R-72-11

**RESO RE: APPOINTMENT TO ZONING BOARD  
ADJUSTMENT TO AN UNEXPIRED TERM**

Be it resolved by the Mayor and Council of the Borough of North Arlington that Donald Fucetola be appointed to the Zoning Board of Adjustment to an unexpired term. Said term to expire 12/31/11.

APPROVED: \_\_\_\_\_  
Peter C. Massa, Mayor

ATTEST: \_\_\_\_\_  
Terence M. Wall, RMC  
Borough Clerk

DATED: February 10, 2011