

## **AGENDA**

REGULAR MEETING, THURSDAY, FEBRUARY 24, 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**

### **REDEVELOPMENT**

Redevelopment Application

### **PUBLIC COMMENTS**

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

INTRODUCED BY:

SECONDED BY:

ROLL CALL:

### **APPROVAL OF MINUTES**

December 9, 2010 Council Meeting

INTRODUCED BY:

SECONDED BY:

ROLL CALL:

### **RESOLUTIONS ON CONSENT**

R-73-11 RESO RE: AUTHORIZATION TO PAY CLAIMS

R-74-11 RESO RE: APPROVAL OF PURCHASES OVER \$3,000

R-75-11 RESO RE: INVESTIGATION OF PASSAIC VALLEY WATER COMMISSION

R-76 -11 RESO RE: APPROVAL OF 2010 BUSINESS LICENSES

R-77 -11 RESO RE: REFUND OF MONIES DUE TO DUPLICATE PAYMENTS

R-78-11 RESO RE: DONATION OF EQUIPMENT TO THE 911 FUND

R-79 -RESOLUTION TO AWARD PROFESSIONAL SERVICE CONTRACT FOR TAX APPEALS

R-80-11 RESO RE: MEMBERSHIP INTO THE NORTH ARLINGTON FIRE DEPARTMENT

INTRODUCED BY: Councilman Hughes  
SECONDED BY: Councilman Johnson  
ROLL CALL:

**ADMINISTRATORS REPORT**

**ENGINEERS REPORT**

**COUNCIL REPORTS**

COUNCILMAN YAMPAGLIA

COUNCILMAN BIANCHI

COUNCILMAN HUGHES

COUNCILMAN JOHNSON

COUNCILMAN KEARNEY

COUNCILMAN TANELLI

MAYOR MASSA

R- 81-11 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			
HUGHES	X		X			
JOHNSON		X	X			
TANELLI			X			
KEARNEY			X			
MASSA						
TOTAL						
ON CONSENT AGENDA ____ YES ____ NO						

R-73-11

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: \$ 580,161.16

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 24, 2011

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

R-74-11  
RESO RE: APPROVAL OF PURCHASES OVER  
\$3,000.00

WHEREAS, the departments listed have requested to purchase the enumerated items on the attached list; and

WHEREAS, prices for the requested purchases were either obtained through written quotes, county contracts or state contracts; and

WHEREAS, certifications of funds have been received for these expenditures from the Chief Financial Officer of the Borough of North Arlington;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of North Arlington, Bergen County, New Jersey, that the attached list of purchase requests are hereby authorized.

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

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

DATED: February 24, 2011

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

R- 75 -11

RESO RE: INVESTIGATION OF PASSAIC VALLEY WATER COMMISSION

**WHEREAS**, the Passaic Valley Water Commission is the owner and operator of the water delivery system of the Borough of North Arlington; and

**WHEREAS**, the Passaic Valley Water Commission is responsible for the setting and charging of rates for the water services for the residents of the Borough; and

**WHEREAS**, the Passaic Valley Water Commission has increased rates for the residents of the Borough approximately 500% on average since its purchase of the water system in 2004; and

**WHEREAS**, Borough residents have reported to the Mayor and Council mistreatment and unfair and unreasonable practices on the part of representatives of the Passaic Valley Water Commission with regard to attempts to shut off water service to certain residents, primarily senior citizens, with minimal balances on their account and despite the exorbitant rate increases employed by the Passaic Valley Water Commission; and

**WHEREAS**, Commissioner Gloria Kolodziej of the Passaic Valley Water Commission has publicly stated that she supports and encourages an investigation of the Passaic Valley Water Commission by the State of New Jersey and the Office of the Governor in light of the State and the Governor's past efforts with regard to the Passaic Valley Sewerage Commission and the North District Water Supply Commission; and

**NOW THEREFORE BE IT RESOLVED**, that the Mayor and Council of the Borough of North Arlington hereby supports and encourages a full investigation of the Passaic Valley Water Commission as suggested by Commissioner Kolodziej to ensure that the rights of the residents of the Borough of North Arlington are protected and to ensure that the Commission is operated in the most efficient, fair and reasonable manner as possible.

APPROVED: \_\_\_\_\_

Peter C. Massa, Mayor

ATTEST: \_\_\_\_\_

Terence M. Wall, RMC  
Borough Clerk

DATED: February 24, 2011

R-76-11

RESO RE: APPROVAL OF 2011 BUSINESS LICENSES

**2011 LICENSES**

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

**Restaurant/Food Service Licenses - #0206 - \$50.00**

<u>Name</u>	<u>Payment</u>	<u>Date</u>	<u>Address</u>
Jade Lee Kitchen	\$50.00	1/20/11	603 Ridge Road
Kentucky Fried Chicken	\$50.00	1/20/11	11-36 River Road
Jack's Foodtown	\$50.00	1/20/11	1 Schuyler Ave.
Golden China Restaurant			11 Schuyler Avenue
Bagel Bistro	\$50.00	1/25/11	41 River Road
Fisher's Café	\$50.00	2/2/11	18 Ridge Park Drive
John Claude Caterers	\$50.00	2/10/11	20 Ridge Road

**Mechanical/Juke Box Licenses - #0210 & #0215**

<u>Name</u>	<u>Address</u>	<u>Payment</u>	<u>Date</u>
Molly's Bar & Grill	26 Ridge Road	\$175.00	1/20/11
Riverside Laundromat	26 River Road	\$150.00	1/21/11
New North Arlington Bowl	200 Schuyler Ave.	\$275.00	2/14/11

**Mercantile Licenses**

<u>Name</u>	<u>Address</u>	<u>Payment</u>	<u>Date</u>
<b><u>#0211 - \$50.00</u></b>			
<b><u>#0213 - \$50.00</u></b>			
Crystal Florist	317 Ridge Road	\$50.00	1/20/11
Greg Makowski	191 Riverview Ave.	\$50.00	1/20/11

**#0208 - \$500.00**

**#0214**

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

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

DATED: February 24, 2011

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

R-77-11

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 003 Lot 023	James & Susanne Jardirella 17 Newell Place North Arlington, NJ 07031	\$1,830.00
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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 24, 2011

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

R-78-11

RESO RE: DONATION OF EQUIPMENT TO THE  
911 FUND

BE IT RESOLVED, by the Mayor and Council of the Borough of North Arlington that surplus fire equipment is hereby authorized for donation to the 9-11 Fund. The equipment being donated has been deemed no longer useful due to age and compliance standards. It shall be donated to organizations overseas in the protection of the health and safety of their citizenry.

The 911 FUND will INDEMNIFY AND HOLD HARMLESS the North Arlington Fire Department and the Town of North Arlington, New Jersey, its officers, employees and agents (volunteer or otherwise), from any and all claims, liabilities and expenses (including legal fees) arising out of or relating to any loss, damage or injury, including death, that may be sustained in connection with the equipment and/or apparatus being donated to us.

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

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

DATED: February 24, 2011

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

R-79 -11

**RESOLUTION TO AWARD PROFESSIONAL SERVICE CONTRACT FOR TAX APPEALS**

**WHEREAS**, the Borough of North Arlington has determined that it requires the services of a qualified law firm to represent the Borough with regard to certain tax appeals; and

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of North

Arlington as follows:

1. The Mayor and Borough Clerk are hereby authorized and directed to execute an agreement with Richard J. Dilascio, Esq., L.L.M. as legal counsel for all tax appeals filed on or after January 1, 2011.
2. Richard J. Dilascio, Esq., L.L.M. as counsel shall represent the Borough with regard to all tax appeals filed within the Borough on or after January 1, 2011.
3. The Contract shall provide for payment to Richard J. Dilascio, Esq., L.L.M. at an hourly rate of \$125.00 for all legal services performed within the scope of the contract.
4. The contract is to be awarded without competitive bidding in accordance with 40A:11-3(a) of the Local Public Contract Law.
5. The Contract shall be for a one year term commencing on January 1, 2011 and terminating on December 31, 2011
6. Notice of this action to be published according to law.

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

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

DATED: February 24, 2011

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

R-80-11

RESO RE: MEMBERSHIP INTO THE NORTH  
ARLINGTON FIRE DEPARTMENT

BE IT RESOLVED by the Mayor and Council of North Arlington that after a meeting of the Board of Fire Officers, application for membership was approved for James Leister, into Engine Company #1.

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

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

DATED: February 24, 2011

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

R-81-11

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 24, 2011

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

R-82-11  
APPOINTMENT OF POLICE LIEUTENANT

BE IT RESOLVED that Frank Guanci is hereby appointed as Police Lieutenant with the North Arlington Police Department effective February 25, 2011, appointment is subject to agreement that any pay differential is waived for a period of one year from the date of appointment; and

BE IT RESOLVED that appointment is further conditioned upon all relevant certifications and approvals from all respective State agencies.

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

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

DATED: February 24, 2011

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

R-83-11

APPOINTMENT OF POLICE SERGEANT

BE IT RESOLVED that Rui Encarnacao is hereby appointed as Police Sergeant with the North Arlington Police Department effective February 25, 2011, appointment is subject to agreement that any pay differential is waived for a period of one year from the date of appointment; and

BE IT RESOLVED that appointment is further conditioned upon all relevant certifications and approvals from all respective State agencies.

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

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

DATED: February 24, 2011