

## MINUTES

REGULAR MEETING, THURSDAY, MARCH 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 Bianchi, Councilman Hughes, Councilman Johnson, Councilman Tanelli and Councilman Kearney

EXCUSED: Councilman Yampaglia

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

### PLEDGE OF ALLEGIANCE

Mayor Massa opens meeting to the hearing of citizens. He informs public anyone who wishes to be heard can come forward, state name and address, confine comments to municipal business, and limit comments to five minutes. Neither himself nor members of council will comment until all citizens have been heard.

### PUBLIC COMMENTS

Roger Urdell of 20 Geraldine Road discusses the collapse of his wall onto the cliff behind the house on February 26<sup>th</sup> around 2:45. He thanks the town for their immediate response. He has some concerns with safety, property value. He's not sure how to proceed. He would like to know what the situation is with his wall/cliff. He commends the communication that occurred that day between all the professionals but states he doesn't have that avenue of communication with any parties involved so he would appreciate some support.

Mitchell Poller of 29 Ridge Road stated that he was here last month and discussed that he had filed for a certificate of occupancy and that he didn't get it. He said Mr. Kairys had said I don't like you and I don't want you in my town. He states Mr. Wall is looking into it and has a meeting scheduled for next week. States Mr. Wall has been very helpful and has said he is looking into it and will find out what the problem is. Mitchell also discusses article in South Bergenite regarding work done without permits will be fined. Mitchell suggests that before fines are giving out to residents for doing improper work or without permits and will be regulated by the building department, Mr. Kairys, somebody from the town council should be appointed to oversee the building inspection department before a fine is handed out. He claims that if Robert Kairys doesn't like you, he'll point his finger at you. So he thinks before fines are administered, somebody should oversee to make sure that fine is legitimate possibly someone in the council, borough attorney's office, Mr. Wall's office.

Kirk DelRusso of 473 Riverview Ave discusses a couple concerns. He discusses NAToday headline, Republicans fire Senator Sarlo's brother.

Mayor Massa states this is politics, political forum.

Kirk DelRusso claims it's his understanding that Mr. Sarlo was your planning board attorney as well. And he was replaced last week by Doug Bern. Doug Bern is also a political contributor.

Mayor Massa states again these are political issues. He states the website is not his website, he doesn't run it. It's the Democratic Party's website. If you have a problem with the website, you can address that with the website.

Kirk DelRusso asks Mayor if he's a webmaster.

Mayor Massa says no that he has no management or administrative authority over any website at all.

Kirk DelRusso also states that it's his understanding that the gentleman also provided you with \$4100 for political contribution.

Mayor Massa asks which gentleman.

Kirk DelRusso answers Doug Bern.

Mayor Massa asks if he's talking about political contribution. He states if you have information that he provided political contribution that's correct but many people make political contributions.

Kirk DelRusso states and then receives a job.

Mayor Massa states like the fine young gentleman right here next to him. He says if he has a problem with the website then contact the website, states he can write a letter to them. He says he didn't write that article.

Kirk DelRusso says he's talking about the website and also the gentleman who was hired after political contributions. How does that tie in to a pay to play?

Mayor Massa says if you allege violation, you can contact ELEC, that's the election law enforcement commission. The appointments are made in the same vain that the council made appointments in the first of the year. The Republican council appointed a number of republican contributors first of the year with my approval by the way.

Kirk DelRusso states he believes he has the answer.

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

INTRODUCED BY: Councilman Hughes

SECONDED BY: Councilman Kearney

ROLL CALL: All council present vote in the affirmative

EXCUSED: Councilman Yampaglia

The Mayor states for the record the borough administrator is directed to conduct a thorough investigation regarding all of the issues surrounding the wall collapse behind 20 Geraldine Road along with the assistance of the borough engineer and with the borough attorney. He expects the borough administrator to serve as point man for the homeowner and advise of progress to establish where the responsibilities lie. He states if the borough has the authority to take any specific legal action against any entities, he trusts that they would be so advised regarding that status and they would take whatever action they have to take. Any safety issues they have to take a look at and ultimately try to assign responsibility to anyone or any entity that might be responsible for that particular collapse. Without further information from borough engineer other than initial communication and from the borough attorney and from the administrator's office, the first order of business was of course to ensure safety of the property and residents and the property down below. Mayor Massa understands that has been taken care of. He says they're going to make sure that that's properly addressed and borough continues with its investigation and finalize and assisting the homeowner in finalizing any remedies that he may have regarding that issue. Mayor states this is a serious issue and a part of the community they have to stop on top of it, that's their responsibility. The Mayor states Mr. Poller made some comments regarding the behavior of a public official. Those comments have been referred to the borough administrator for review and with respect to your recommendation that a councilman oversee the building department, the building department is overseen by both the borough administrator and by the department of community affairs. So there is sufficient oversight. With respect to work being done without permits, you made a comment you disagree with the borough's position about issuing fines and notices for violations. Mayor claims that's part of their responsibility is to

make to sure that any work done is done properly and in compliance with municipal building codes and the state building codes. There have been times when they've found in the past that serious problems occur where work has been done without proper permits so its not policy of this administration to provide a wink and a nod about any violations. Once a violation is brought to the attention of the construction department, it's the Mayor's understanding and he believes the understanding of every member of the body here that the construction department will act fairly and properly and issue the appropriate violations. He states that in light of the fact that both this evening and at a previous council meeting, Mr. Poller did make comments about the conduct of the construction official again. That's referred to the borough administrator along with the borough attorney and that will be addressed and you will be apprised of the results of this investigation. Mayor states that Mr. DelRusso made some comments regarding political website but claims that himself nor any member of this body has control over any website. He suggests if he has an issue with the website, he can address it to the website. He states he's sure they would be happy to publish Mr. DelRusso's response, rebuttals, or comments regarding any story that they published regarding any policy issue or public issue.

Kirk DelRusso asks Mayor if he had suggested ELEC reports.

Mayor Massa affirms this.

Kirk DelRusso states he has them.

Mayor Massa says he can use them in any way he wishes.

## **ORDINANCE**

The administrator states were coming up to some various budget related items and will be starting with ordinance 2072. He thought it'd be appropriate because there are five or six items that are budget related and you may have related questions to reintroduce to you your new CFO who you had hired who's doing a wonderful job so far, Jim Mangin. Before Jim comes up there has been, the process this year is exceptionally unique. Folks that have been involved in budget processes in past years and past decades for that matter haven't seen a layout with transitional aid and the different rules that the state has recently put into place. The Administrator explains the process that the state has mandated that if they're going to reapply for the program which resulted in \$400,000 in direct taxpayer savings last year, if they're going to reapply for that program and look to obtain additional \$400,000, they're obligated to introduce a budget tonight. When that's done, the second document which they're obligated to submit has a hard deadline of March 11<sup>th</sup>. He states that there's no obligation to apply for the aid that was received last year but if they do not apply last year they received \$400,000 in direct tax payer aid. They would forego the opportunity to receive any aid at all so the budge process is a bit earlier in the year being today March 10<sup>th</sup>. He explains that if the budget is introduced today, which is mandatory if they're applying for transitional aid, they would then apply for transitional tomorrow which again is mandatory. A new mandate which did not exist before last year or the year before they are mandating that if the introduced budget is any level above the cap, you are mandated to advertise that you may have a referendum. Mandatory. You don't have to again your transitional aid application will be dead on arrival. Prior to April 8<sup>th</sup>, you're able to cancel the referendum if based on our cautious optimism we continue to partner with the state and we do secure needed additional direct tax payer relief which will be announced within two weeks. He just wanted to lay out the process for the folks that aren't familiar with it and are more concerned about referendums and tax increases. The process that the state laid out is very simple. You need to introduce the budget this evening that allows you the opportunity to apply for transitional aid which allows you the opportunity for direct relief which will be announced in some form within two weeks; it's a very short time frame which would then allow you if our cautious optimism holds true that you would hopefully have the opportunity to cancel your referendum question well before the April 8<sup>th</sup> deadline and provide direct tax relief to your residents to stabilize the budget moving forward. That's the dynamics. He introduces Jim Mangin and reads following ordinance.

## **FIRST READING OF ORDINANCE**

### **ORDINANCE NO. 2072**

CALENDAR YEAR 2011

ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

Administrator Wall asks CFO to describe this ordinance to the Mayor and Council.

Jim Mangin explains the cap bank ordinance is a tool the finance officers can use in the event that it's needed. He states we're not obligated. What it does is on the appropriation side, law says you're allowed to increase appropriations by the cost of living and the cost of living this year's 2%. What the cap bank ordinance does is it allows you to go an additional 1 ½ %. And increase your appropriations 3%. In the event that you appropriations don't go to that 3 ½%, you're then able to bank the difference meaning that you can then use it next year and the year after. He explains we don't anticipate that our budget is going to be anywhere near the 3 ½% but what the cap bank ordinance does is it allows us to bank. We don't really know what's going to happen next year or the year after. So the ordinance is a good idea. A lot of people think that it's 2% you should stick to your 2%, we are sticking with the 2% but what the ordinance does is it gives us the flexibility next year we don't know what's happened. We may need that additional 1 ½% next year. That's the cap bank ordinance. That has to be introduced before we introduce the budget, okay, we introduce the budget, we kind of lose the opportunity.

INTRODUCED BY: Councilman Hughes

SECONDED BY: Councilman Kearney

Mayor Massa comments that he appreciates the fact that both yourself Jim and Borough Administrator's given us an excellent introduction and a great thumbnail sketch of the legal processes that have been encumbered upon us by the state of New Jersey. New Jersey has placed a cap 2% on municipal government budget cap. The state of New Jersey has so directed that any municipality that wishes to apply for transitional aid must go through this process and of course comply with a number of caveats that have been put in place with the intent of making municipal government more efficient, more responsive to the community. And that's our objective. He states we will do whatever has to be done to comply with states regulations; we will also do whatever has to be done to obtain as much tax relief as we can for the people in this community so it's my hopes that the community will understand the legal instruments involved here. The fact that they are unorthodox so to speak and I think you might agree with me as your experience as a CFO and the administrators experience as a municipal administrator and probably even the borough attorney in his experience these are new processes and procedures and it's also my understanding very few municipalities have undertaken this is that correct in New Jersey?

Jim Mangin states the big difference this year from last year is the referendum. Last year if you wanted to exceed what was then the 4% cap, you'd go to the local finance board and you would apply for a cap waiver. That process has been eliminated. Local finance board has been taken out of the loop. Now the final authority rests with the tax payers. That's the difference with this year. It's a 2% cap as opposed to a 4% and no more cap waivers. You have to go for the referendum. That's the process. The other thing is Terence indicated you have to introduce your budget by March 11<sup>th</sup> which what we're doing tonight.

Mayor Massa – which is tomorrow for the record.

Councilman Johnson asks Jim Mangin if the ordinance isn't passed for the referendum, then there's no shot at transitional aid.

Jim Mangin answers no. He states the ordinance is the cap bank ordinance. The idea of the referendum, there is a resolution authorizing advertising for the referendum [inaudible] so it's important that were doing everything that we can to not jeopardize our chances, not an ordinance though because an ordinance requires two readings.

Administrator Wall states there's a resolution where you're simply ratifying the advertisement that was placed in Saturday March 5<sup>th</sup> because additionally if you did not place the advertisement Monday March 7<sup>th</sup> you would also be immediately disqualified from the transitional aid process. There's a reason for this, it's very simple, the fewer towns that apply the fewer towns that don't have the organizational skills to complete this application that don't have the tenacity and

leadership from the Mayor and the governing body to make this happen on time. These communities are out. all of them. They also allow the state to have a greater pool of money to allocate to the small amount of towns that had the leadership from the governing body to move forward and work through this process as exquisitely difficult as I can assure it is, this is not a simple and straightforward application. It's highly complicated. And at the end of the day however by creating such a tremendous burden on the municipalities, they're forcing you to clearly articulate the rationale behind the structural deficits that you have experience for many years regarding the encap debacle as its often referred to and the other structural issues that you're transitioning away from as you continue to build high quality ratable with your new planning prosthesis that you have in different areas of town but in the interim while we're moving to that better day we've created the documents that allow you to hopefully receive an additional \$400,000 of aid that you received last year to directly stabilize the taxes and so that additional pool of funding will help you because there are a tremendous amount of towns that have looked at the process and were fearful of it and chose not to participate.

Jim Mangin responds to Councilman Johnson's point. You'll be doing a resolution ratifying the advertisement. I was a member of the governing body and I always had a problem with resolutions that were ratifying but you want to understand what happened in this case. There's a number of deadlines that have to be met if it were to happen happens on the same day as school board election. There's election laws that have to be met therefore the advertisement had to be into the newspaper by March 7<sup>th</sup>. We were notified of this in a local finance notice on February 25<sup>th</sup>. Your last council meeting was February 23<sup>rd</sup>. So there's no opportunity for you to, you couldn't have known this at the time of your February 23<sup>rd</sup> meeting. That's why we're doing a ratifying a resolution; normally the governing body would make that decision.

Councilman Tanelli asks just to be clear this ordinance has nothing to do with transitional aid?

Jim Mangin answers correct.

ROLL CALL:           AYES: Councilman Bianchi, Councilman Hughes, Councilman Johnson,  
                                  Councilman Kearney  
                                  NAYS: Councilman Tanelli  
EXCUSED:             Councilman Yampaglia

**RESOLUTIONS ON CONSENT**

R-84-11 RESO RE: AUTHORIZATION TO PAY CLAIMS

R-85-11 RESO RE: APPROVAL OF PURCHASES OVER \$3,000

R-86-11 RESO RE: TEMPORARY BUDGET AMENDMENT

R-87-11 REO RE: TRANSFER OF 2010 APPROPRIATION RESERVES

R-88-11 RESO RE: REFUND OF MONIES DUE TO DUPLICATE PAYMENTS

R-89-11 RESO RE: REFUND OF MONIES DUE TO OVER-PAYMENT

R-90-11 RESO RE: RESIGNATION OF FIREFIGHTERS

R-91-11 RESO RE: MEMBERSHIP INTO THE NORTH ARLINGTON FIRE DEPARTMENT

R-92-11 RESO RE: CERTIFICATION OF FIRE DEPARTMENT PERSONNEL FOR 2010 LOSAP QUALIFICATION

R-93-11 RESO RE: AUTHORIZATION TO REMAIN ELIGIBLE TO APPLY FOR TRANSITIONAL AID FOR 2011

R-94-11 RESO RE: RESIGNATION OF PLANNING BOARD MEMBER

R-95-11 RESO RE: APPOINTMENT OF ADMINISTRATIVE SECRETARY TO PLANNING BOARD

R-99-11 RESO RE: FORM BASED ZONING

Administrator Wall explains this resolution is simply accepting the grant the community mobility forum final document and referring it as a matter of record to the planning board.

R-100-11 RESO E: AUTHORIZING PUBLICATION OF NOTICE OF AVAILABILITY OF MAIL IN BALLOTS

Administrator Wall states the operative whereas item here is publication of such notice does not bind the borough of North Arlington to hold to such an election.

INTRODUCED BY: Councilman Hughes  
SECONDED BY: Councilman Kearney

Councilman Tanelli – rather than pull this resolution, I'd just like to know for 95-11, appointing an administrative secretary to the planning board, why would the council be appointing a secretary to the planning board if the planning board should be picking?

Administrator Wall explains the resolution is a carryover of previous practices. It is largely redundant. The planning board is an autonomous body so we're simply in a sense to use that phrase we're ratifying their appointment but the resolution itself if you wish to table it or otherwise not act on it you can.

Councilman Tanelli asks if the appointments made already.

Mayor Massa answers it was made by the planning board.

ROLL CALL: All Council present vote in the affirmative  
\*Councilman Hughes abstains from any fire department purchases and abstains from R-92-11 due to participation in the fire department  
EXCUSED: Councilman Yampaglia

**RESOLUTIONS NOT ON CONSENT**

R-96-11 RESO RE: WAIVER OF READING IN FULL OF THE 2011 BUDGET

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

R-97-11 RESO RE: INTRODUCTION OF 2011 BUDGET

Administrator Wall asks Jim Mangin to come forward to highlight for the governing body and for the folks in attendance the 2011 budget.

Jim Mangin – this budget was designed to meet a firm deadline. Its an introduced budget. Its important to realize it's not an adopted budget. It represents our best effort putting together a document given the time constraint that were under. It no way is going to resemble what the final product looks like. The budget that we're introducing is \$391,000 over the levy cap, the 2% levy cap that we're allowed. When we adopt one way or another that number has to be below the 2%. The reasons this year is a difficult year and I just wanted to explain why for us this year is particularly a difficult year the 2% cap notwithstanding. The 2010 budget that you had, you had issues last year like every municipality did. You were facing last year a loss of state aid of \$275,000. Luckily this year state aid stayed flat. We didn't lose any additional aid. That's [inaudible] because state aid is supposed to increase every year it hasn't in years. Our problem this year is that the 2010 budget included a number of revenue items that were not able to anticipate this year and that's because I would have done the same thing last year, I would have looked for whatever revenue was available at the time. For example, last year's budget anticipated \$860,000 in surplus funds. We finished 2010 with an operating deficit of 217,000. The opposite of surplus is deficit. So we're not able to anticipate as much in surplus this year. We're only anticipating 200,000. That's a \$660,000

difference that needs to be made up. There are other revenues last year that we won't be seeing this year. And that's why this budget was still is extremely difficult between now and the time of adoption what we need to do in the finance office is to go through line by line to see not just exactly where we can cut I can tell you've been cutting for years, there's not a real lot to cut on the expense side. More importantly what we need to do is turn to the revenue side. We want to see why did we, we missed roughly \$105,000 in miscellaneous revenue that we didn't realize last year we anticipated. We need to find out why. We need to get with the Meadowlands Commission and find out why we're not getting or why we didn't get as much in revenue sharing as we should have last year. All these things have to happen this year, they will happen between now like I said and the time of adoption. This budget is going to change drastically. Bottom line is what I'm trying to say is that I'm not particularly proud of this budget and that's a good thing. What that means is that we still have a lot of work to do and we will be working between now and the time of adoption. If there's any specific questions, I'd be happy to answer those,

Councilman Hughes – as Mr. Mangin stated, some of the things that were in this budget that made it particularly difficult were the fact that we had a deficit. We had to utilize almost all of our reserve for uncollected taxes last year because we had almost a \$1,000,000 of uncollected dollars so when people don't pay their tax bill, we have to utilize the reserve. Normally that reserve is there you roll it over from year to year, it's always available. But because we couldn't roll it into this year's budget, we have to create that fund and put it aside and anticipate that we will probably have about a million dollars of uncollected taxes this year so one of the areas that accounts for almost a little more than half of that uncollected taxes is money owed to us from what was formally Encap Golf Holdings and is now the Kingsland Landfill and Mr. Pearce has been in negotiation with the Meadowlands to try and recoup the outstanding taxes that actually go back three years on this property because the taxes haven't been paid. Encap went bankrupt, the state took over the property but the tax bill is still out there. So we have you know a million dollars of uncollected taxes. Some of the other things in revenue, we had a \$100,000 short fall in EMS billing and as a result of that, when that was recognized towards the end of last year, we replaced the billing company that we were utilizing and so far the projected numbers are starting to look much better than they did last year and we should see at the end of the year a substantial increase in that. Some of the other aspects of the budget that are kind of are out of our control insurance went up \$480,550, public employees retirement system went up a 184,000. We had the deficit that Mr. Mangin, the 217,000. We had municipal debt service, it went up 311,000. Part of that was the Encap payment. We had to bond that last year for the \$3,000,000 that we had to repay to Cherokee corporation. But another part of that was the fact that in 2005 there was the \$9,000,000 floated through the Bergen County Improvement Authority and the way it was structured it was structured as [inaudible] payments so only a \$100,000 per year was paid on that bond for the first five years. Now for the balance of that life of that bond the last ten years, we're paying almost just under a million dollars a year debt service on this one bond because the people of 2005 chose to put off til tomorrow instead of dealing with it today. So these are some of the things that are out there in the budget as far as the spending side of it, it's minimal. There's only a few areas that we actually see any increase in any of our spending so we're looking at almost 1.7, 1.8 million dollars of additional expenses that are almost completely outside of our control. Now what are we going to do about it. Like I said Mr. Pearce has anticipated is working now with the Meadowlands to get some of the outstanding taxes. Our tax department is working with some of the other property owners in town and if we have to, we'll go out to tax sale. We are also have started negotiation to review our medical insurance. We received a \$480,000 increase in medical insurance for the course of 2011 over 2010 so we're looking at different options there to save money. So we're looking at different options with our current insurance risk manager and with other alternatives. So these are some of the things we're looking at doing to correct, to solve that and also to apply for transitional aid. And I think as Mr. Mangin said at the end of the day, the final budget is going to be very different from what is being introduced tonight. It's just that we have this deadline. Last year we introduced the budget a month later in April so we had more time to work on it unfortunately the state didn't give us that ability to do that but the one good thing is last year we had to wait until September to get the word on whether we're awarded any transitional aid. This year they're promising us we will know within about three weeks. So by the end of March we should have an answer from the state on transitional aid which is supposed to be awarded in time so that if we're awarded the transitional aid we can cancel we can go forth with cancelling the referendum. And in the meantime we're also going to be trying to identify other areas to cut to alleviate the need for doing a referendum. I don't think it's in any body's interest on this board to go out to referendum and I think that's our intention but the fact that it's requirement we have to put the notice out there.

Jim Mangin – one point that Councilman Hughes said that’s true because the operating deficit that resulted was a direct result of the delinquent tax collections and the lost revenue but of those two components, it was the delinquent tax collections on those Kingsland Avenue properties that really did it. Because remember when the property’s taxes are delinquent we still have to make the school tax payment and the county tax payment. Those get paid in full. That’s what gets paid what Councilman Hughes said our reserve [inaudible] over a million dollars. Once we get the issue resolved with those two properties, our tax collection rate should rebound historically in North Arlington tax collection rate I believe was 99% in the last couple years; it has been hovering about 97% right around the time that this issue kicked in. So we got a lot of balls in the air and a lot of work to still do.

Councilman Hughes – one other good point is I believe Mr. Pearce has just recently received the in writing. The proposal from the Meadowlands Commission about the covering the taxes on the Cherokee Bethlehem Steel Property and the BCUA Transfer Station and hopefully if that meets the attorney’s approval we might be able to have that on the next council meeting’s agenda. And that should generate for the borough of North Arlington a \$200,000 pilot fee for the first six months of 2011 within up to an additional 200,000 for the balance of the year depending on when the property gets sold. Til the properties get sold to another owner than the pilot fee will end but regular taxes will paid. And then there’s also I think the balance of about what is it...75,000?

Attorney Pearce – well with interest its 84,000.

Councilman Hughes – 84,000 of outstanding taxes on that same property that will also be paid as part of that so at least we’ll get \$84,000 of uncollected taxes right there. So like Mr. Mangin said there’s a lot of balls up in the air but trying to juggle them all is interesting.

INTRODUCED BY: Councilman Hughes

SECONDED BY: Councilman Kearney

Councilman Tanelli – just two quick points. One is last year at the introduction across the parking lot, I questioned Mr. Lerch, unfortunately he’s not here to answer for himself so I’m sure he’ll be here at the next meeting but I questioned his use of the \$800,000 of surplus because we were accused two prior years of creating gimmicks from budgets. So I questioned his use of the \$800,000 because I told him that it would leave us in a deficit going into this year or running the risk of being a deficit running into this year which because you cannot forecast certain things that are going to happen so what happens we’re in deficit this year. My biggest concern like I voted against it last year is the fact that we’re anticipating a lot of money from the host community fees again from the baler and we’re anticipating \$200,000 when last year we anticipated \$100,000 in six months we got \$28,000. I haven’t seen any reports as far as I’m concerned we should know by the penny daily on what’s going through that facility. I haven’t seen a marketing plan to see if they’re even trying to get other towns to dump there. We get no updates. I ask weekly for updates from the administrator to see if [inaudible] what’s actually going on down there. There’s nothing to tell me that we’re going to be realizing \$200,000 from host community fees from the baler so I’m going to say again that deal we should have guaranteed money the same as the Meadowlands. I’m going to say it again like a broken record, they get a half million dollars this year, we should have gotten 250 guaranteed that we could have wrote in our budget; they could have had 250, could have called it a day and then it would have just been great [inaudible] the host community fees that we were to receive. That’s it.

Councilman Hughes – unfortunately Mr. Tanelli, nobody was willing to buy that deal to guarantee any kind of upfront money from the borough of North Arlington. We went out on bid twice with the caveat of guaranteed payment upfront, twice nobody bid on it. So it was actually one of the and that was the biggest sticking point with all of the vendors. Nobody was going to guarantee us upfront money because the whole garbage industry has changed substantially over the year. And the amount of garbage going through a transfer station like that is considered really less. Use to be years ago you’d have building debris, construction debris would all go through that facility. You’d have yard waste go through that facility. You would have recycling would go through that facility. Well over the years the state has changed all that, you can’t put yard waste through it, you can’t put construction debris through it, you can’t put recycling through it. So the amount of garbage that’s actually going through the building is considerably less. Plus because of court rulings there’s more competition out there and you have multiple transfer stations

operating in the area alone. So the only thing they have going for them is the fact that they're operating substantially less per ton because of the transportation aspect of their facility by doing it by rail. Now the number of \$200,000 is based on the numbers that we have from the last quarter of last year. They realized about 300 ton a day and we are calculating based on 300 ton a day that we would be in the neighborhood of \$200,000 per year; it's not overestimated its based on past performance so the last three months of the year and now they are also obligated only to report to us and pay us quarterly. That was the contract that was stipulated so and that's been the requirement as far back as anybody could remember. It was only always quarterly that were made to the borough with a quarterly report. So if the 180 or \$200,000 that's put in this budget as revenue is a realistic number, it's not overinflated that last year we didn't know what to anticipate. We were hoping the baler would be opened in June, it didn't open to August. Unfortunately missed a whole [inaudible] of contracts that were coming up in July that could have been grabbed up by the company operating the baler. And now we have to wait til this July for some of these contracts to also come up again.

Councilman Tanelli – we totally agree. We've had this conversation a million times up here. My only point is that we couldn't get them to guarantee to the borough of North Arlington but they can guarantee a half a million dollars to the Meadowlands. In past years, we were the ones that got the guaranteed money. I'm not saying I wanted all half a million dollars guaranteed to North Arlington but if we were sitting at the negotiating table, one of the stipulations about the whole package would have been you can have your 250 but we'd like 250 too. It would have made your budgeting problem a lot easier to have known you can ink in 250 guaranteed. That's my only point. I understand the million dollars, you're not going to get that anymore. I totally agree with you on that but I don't understand why they're getting guaranteed money after all these years of not getting it, they made sure they took care of themselves and we're struggling to make ends meet here.

Councilman Hughes – but that's guarantee I believe with rent on a building that they own. [inaudible] and they also deferred that rent payment to not take it for I believe a period almost up to a year. I could be wrong on that period of time but they have deferred receiving any of that rent payment to allow the company to get up and running and get established as a viable company without ending up in a deficit and ending up possible going bankrupt before they even get off the ground.

Mayor Massa – I don't want to belabor the fact that the Meadowlands Commission did order that facility closed based upon the agreement that they had with Encap at the same time this community was processing a challenge with Encap. I still believe that by closing the facility at that time was premature. It wasn't done in any support of this community. That's history but be that as it may I have undertaken negotiations with the Meadowlands Commission. I've directed a meeting to be scheduled for myself with the executive director of the Meadowlands Commission regarding this issue so perhaps we could have a new dialogue and perhaps Meadowlands Commission may seek to provide us some additional relief over and above the host community we're receiving right now. With respect to the other aspects of the budget, there have been a number of issues that have to be addressed again and specifically the evil head of the Encap issue comes before us with the failure of the tax collections that have to be realized. And the stalling of redevelopment in the Meadowlands until actually some actions taken by the Commission to market that property have that property placed on the tax rolls, have some hopefully responsible developers start to bring in some tax release for the community. This is the objective that we have at least, I don't want to deviate too much from the budget issue but these are only small minor issues that actually they're major issues that have had a result now onto where we are financially. Jim would you want to comment again?

Jim Mangin – yes I just wanted to address Councilman Tanelli's comment. We've finished 2010 with the operating deficit of 217,000. The 2010 budget anticipated 860,000 surplus funds. Those two events have nothing to do with each other. Maybe I misspoke, I just want to clear up when I said that the opposite of a deficit is surplus so what I meant by that is since we had an operating deficit at 2010, we didn't regenerate any surplus. The reasons that [inaudible] the \$217,000 operating deficit as I said nothing to do with the 860,000 in surplus we anticipated. On the annual financial statements, sheet number 19 will outline exactly where that \$217,000 deficit occurred. And the two biggest culprits were delinquent tax collections [inaudible] of a 105,000 and miscellaneous revenue that was lost of 479,000 and it was offset by some increases. So I just wanted to make sure that I was clear on that. Thank you.

ROLL CALL: AYES; Councilman Bianchi, Councilman Hughes, Councilman Johnson,  
Councilman Kearney  
NAY: Councilman Tanelli  
EXCUSED: Councilman Yampaglia

## **ORDINANCES**

### **FIRST READING OF ORDINANCES**

#### **ORDINANCE NO. 2073**

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

Administrator Wall states that it’s referenced as 2072, that’s a typo, it’s actually 2073. And following ordinance is 2074.

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

#### **ORDINANCE NO. 2074**

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 \$700,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$665,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.

INTRODUCED BY: Councilman Bianchi  
SECONDED BY: Councilman Johnson

Councilman Tanelli – is this bond inclusive of the fire truck balance from the grant received and also an additional vehicle for the town? The last two years we’ve been vehicle buying crazy so I’m just wondering why were not just taken care of fire vehicle and waiting til next year if we’re in as bad as shape and we’re just going to have another double digit increase. There’s a I think it’s a parking car...

Administrator Wall – just by way of brief description. This total amount would be a \$285,000 grant applied to it. So the final number would be lower but to the point of vehicles, the parking violation officers are currently utilizing marked cars so this there are two formal drive rangers strictly for parking violation officer utilization and also an additional pickup truck that would be utilized for pulling the hazmat trailer of the fire company but also outfitted with snow plow for utilization during the winter. That is strictly what that item would be for, no other vehicle, just by way of description I just want to share that with you.

Councilman Tanelli – well for the record New Jersey has a 9% unemployment rate, we’re going up to possibly a double digit tax increase and we have all new vehicles driving around town, I can’t in good conscience keep buying vehicles. I understand we got the grant and obviously the Mayor is supportive of utilizing the grants. We’re going out and getting grants without checking the town is in the position to bond to get these grants and then we feel obligated because I certainly do because I want the fire department and police department to have the best equipment because if my house is in flames, I want these guys to be safe when responding so I don’t want to vote against the fire department but I don’t want to keep buying new vehicles let everybody ride around town in new trucks. I understand we need some of these things but when is it going to stop. I understand [inaudible] low we’re going to get into that I know that right now is the best time to bond but we’ve been bonding like crazy the last two years I want it relaxed.

Councilman Hughes – we haven't been bonding like crazy. The two parking violation officers, one of them is using a car that's probably about 15 years old. The other's utilizing a marked police car. When you put a parking violation officer who is unarmed out on the road in a marked police car you are creating a very dangerous situation because they're going to think he's an armed patrolman. Unfortunately, [inaudible] unsafe on the road. And many of our job titles require the people to be in a marked vehicle. A lot of this is state law; they have to be out in marked vehicles. They can't use their own vehicle and we reimburse them for gas or things like that. They have to be in marked vehicles so this is only to create that to fill that need there because vehicles have been neglected for so long that a lot of our vehicles are falling apart and just literally breaking down and not being able to be repaired. If you saw the conditions of all the vehicles we shipped up to the auction last year, I think most of them were scrapped because they weren't really salvageable. I think this should also be the end of vehicles for the near future.

Administrator Wall – I think that's accurate but just to give an example of one vehicle, one vehicle was used by an inspection officer when the break line failed and it could have been a bad accident so there's a dynamic of as you weigh every day.

Councilman Tanelli – that calls into question maintenance logs. Do we have maintenance logs on these vehicles? When are they maintenance? I mean that's a bigger question on whether we need new vehicles or not. Over the course of time, we asked for a whole list of motor pool, you supplied it to me a few times on when these vehicles are serviced, I mean it's important that they we maintain the service on the vehicles so what we can get out of them we can get out of them. Can we get another year out of what we have now? Is there a way we can mark the unmarked car with \$50 magnet on the side of the car an emblem from North Arlington on the side of the unmarked car so that its identifiable so people know it's a borough vehicle. So instead of buying a car, we can get another year out of it.

Councilman Hughes – I think the more dangerous [inaudible] is utilizing the marked police car. It wasn't an unmarked car, it was a marked car. So somebody's going to expect an armed police officer to get out of that car and unfortunately that wouldn't be the case.

Mayor Massa – okay well we're spending money on vehicles for our enforcement officers so it's going to be my expectation that hopefully the productivity will improve on the part of those personnel that are involved in that operation. They got new equipment. They can move quicker, they can move more readily and the councilman both councilmen here had brought up very good supporting points. It's important that we continue the maintenance of these vehicles. There have been at points and time perhaps when some of these vehicles should have been replaced a little sooner than they are now for whatever reasons they weren't and the council's made that decision and Councilman Tanelli speaks always indicates an interest in looking to get the best bang for buck for the communities anytime we spend any money and I'm sure Councilman Hughes feels the same way. There is a requirement that we have these enforcement personnel operating in marked vehicles and of course we want to do everything we can to comply with those requirements. The other side of the coin is as Councilman Tanelli raises we have to make sure that everything that's done is cost effective as possible. So that all of the maintenance is properly done so the equipment doesn't fall into that category of being unserviceable and unsafe for our personnel.

ROLL CALL:           AYES: Councilman Bianchi, Councilman Johnson, Councilman Kearney  
                              NAYS: Councilman Tanelli\*  
                              ABSTAINS: Councilman Hughes  
                              EXCUSED: Councilman Yampaglia

\*Councilman Tanelli supports the fire truck purchase but unfortunately because the other vehicle is lumped in, he votes no.

### **ADMINISTRATORS REPORT**

Administrator Wall – council liaison for community development block grant, Councilman Johnson, and I attended a Community Block Grant Meeting last night. Made a joint presentation Councilman Johnson with the board regarding Gold Street for the community development block grant application. [inaudible] we had a successful presentation. We were waiting for funding from federal government to determine what allocations there may or may not be in regard to community development block grant funding so that presentation, that joint presentation was

completed and I would just remark that it was very successful. Just a brief grant update, well the main administrator's report, you've heard it this evening with the transitional aid application will be delivering that item tomorrow on your behalf and working through this budget process rather laborious one but I think at the end of the day you'll find a very fruitful end product so that's as yet to be written will carry on with Trenton. I've been working with Trenton. The director Tom Kneff down in Trenton; had a meeting with the folks who are remaining in the process. I can say that due to the regulations and the burdens the pool of applicants is quite small which I think goes well for the applicants that remain. And so we're staying in close contact with Erin Knoedler and director Kneff in regard to our work product with them. One other item just one outstanding older grant, one of the tough grants that we had dealt with is a \$377,000 old streetscape grant and working with the federal government is a little complicated but I just want to report to you that based on my conversation with Washington today, after they received the back up reporting loaded in the system, all the vouchers, all the proper documentation including most recently yesterday environmental clearance that was a long and coming but is now done, the representative advised when they receive the final paperwork which finance is going to be delivering if priority mattered tomorrow morning, they advised that they would approve the voucher and they would expedite a check that we would receive, they said three days, I wouldn't count on three days but I think we're going to close out the \$377,000 reimbursement within two weeks and hopefully sooner. And that would conclude my report.

### **ENGINEERS REPORT**

Engineer – you have a copy of our March 10<sup>th</sup> report. And I will go through it with you. The first item is just telling you that all the documentation went in for reimbursement for your 2009 DOT municipal grant. You're still waiting I think for final payment on that. I'll be removing that from the report next month. Ridge Road streetscape phase 3, we did get a contact from a contractor today to set up a meeting next week to reestablish the construction schedule and when they'll be restarting that project. So I'll have more specifics at the next meeting. The next item is 2010 NJDOT municipal aid program. Again we're starting to contact all of the contractors and it's going to be repetitive for the next several items on our report. Construction has not went back into full swing yet. At least some of the snow has melted. Hopefully within the next month, month and a half I would say you're going to see most of the construction start again. Again, the same thing with item number 4 on your report River Road paving project, no one's paving yet. So that's on hold. Mr. Wall described to you about your Bergen County CDBG 2011 grant applications. I won't go into any further details on that. The cemetery's on the same holding pattern waiting for the spring. And number 7 is pretty self explanatory. 76 Porete Avenue we'll just put an item on your report just advising you just so everybody's aware that that application was heard and conditionally approved at the meeting. Again that's just more for informational purposes for you since we represent the board. Item number 9 is the underground storage tank. The borough did receive a notice of violation from DEP; we're working through this with the DEP. We have called the former municipal attorney who was handling the manner and the contractor CE Environmental Services who did the testing and submitted documentation and we've been advised by everybody that all the documentation was submitted to the DEP. They cannot find it so now I'm in the process of reestablishing and finding it again and trying to send it to try to resolve this notice of violation. We hope to have this thing resolved in pretty short order. But again sometimes dealing with the larger agencies is not exactly a speedy process. 20 Geraldine Wall collapse, one of the residents came up tonight. There was a serious situation we've attached to the report to the engineers report tonight. Basically on February 28<sup>th</sup> 2011 we were called out there, there was an extremely unsafe condition. The wall was virtually collapsed. Basically what we did for the health, safety and well being of all the residence and property owners in the area, we called the contractor in to stabilize it and basically all he did at this point and time was remove the immediate hazard from the area, quartered off the area, we notified obviously all the property owners effected by it. Several engineers were out there of course my office was out there; there was a structural engineer from our office, Mr. Merman was out there, as well as someone from Langin Engineering which was representing H&M Warehouse site. Where this is going to go from now is we need some information back from the structural engineers, we're going to have to review in terms of what will be a long term or a solution to the area and the next part and probably the biggest part is where the responsibilities lie. We don't have all of those answers for you tonight. We will be working with Mr. Wall as well as both the property owners to try to resolve the matter and help get this situation rectified. These site type situations have happened in the past in the Borough, some of you may remember some not, and this one is pretty complicated and I'm sure the municipal attorney will involved at some point

and time to find out from a legal standpoint where the liability is going to lie and who's going to end up paying for stabilizing that bank area and the expenditures that were spent dealing with the initial emergency.

Administrator Wall – let me just add to that. I did speak to the vice president of the property for the property owner down below and without getting to too much detail because I want to refer the entire matter to the borough attorney, they are going to at their cost obtain a survey of the area and the conversations with that property owner I think are generally very positive and productive but a survey is being conducted at their cost and we will share all the documentation with the borough attorney so we can communicate with the property owner as directed by the governing body. And just as a note, I called the resident's cell phone from my cell phone to make sure that he had a direct contact from that day on Monday. So I'll reach out to him to remind him that he has that contact number and he can call us at anytime and I'll make sure that all the relevant data is sent to the borough attorney so we can have what we think will be a positive resolution to the issue.

Councilman Bianchi – I have a question. Were you at the site?

Engineer – I made a site visit. And I also inspected photos. I wasn't there during the actual construction.

Councilman Bianchi – I know. Could you tell by looking at the site whether or not that mountain was touched in the construction of the building?

Engineer – we're pulling out all of our files and I was on the site several days when the building was being constructed and the problem that you have there, Councilman, is when they excavated the cliff area, heavy equipment came in and they and it's a shale cliff okay. What you have in a situation is the shale cliff and then you have the top of the cliff, there's several feet of fill on top of the shale. Several of those properties over the years prior to construction and after construction had some erosion on the top of the cliff and the reason this became such a difficult situation didn't only affect one property owner where you could just quarter it off, if the wall had deteriorated and fell, it would have fell to the bottom it could have injured someone. So that's when the borough has to get involved and take the action to secure it. In terms of going back to your question, I don't have that answer right now, could be construction have had weakened the area. It may have. During that process and the planning board process and the construction of it, there were several failures along that cliff. Geotechnical experts were called in by the borough and by the applicant at that point and time to secure the area. At that point and time, several areas of the cliff if you recall were rock pins with the big pins in it and netting in it. And part of that and I think some of the things that have to be explored was my recollection was it was the property owners responsibility to maintain that cliff okay to an area and they were supposed to inspect it yearly and make sure if anything additional needed to be done in the future it would have to be rectified because when you're dealing with stabilization of those types of conditions, they can change over time. You can come up with a plan and rock pin and then some additional material loosens and some additional measures may have to be taken over time. And that's one of the questions and that needs to be explored and I'm pulling out all of the old files on that. It does get a little bit more difficult to determine at the top sections of the cliff. Now if you go next to the building, it's very clear where the areas of disturbances were where they cleared. At the top part they did lose some fill material, your call in back of the building there was a gabion wall or a stone baskets of a wall that were installed to rectify that that they caused during the excavation and they [inaudible] they took it out and the section let go. And that was signed off by on their geotechnical engineer as well as I believe the boroughs at that time because that gets in an area of expertise that we would bring somebody else in that is specifically has geotechnical capabilities. We have certain amount of geotechnical capabilities but not to that level so we've always recommended in the past and in the future that you hire an expert when you get into situations like this. So the answer to your question, there are several situations there, there are a lot of things that were constructed a long time ago on top of these hills that have shown signs of failure and some weakening of some of the structures in garages in there and some of it has in my opinion, not much to do with the new construction at the bottom but then there are areas that may have some situations the construction had happened below. And that's what really needs to be evaluated and determined. The good news is the property owner has acknowledged the problem exists and engaged their own engineer to look at it obviously for their own interests and where we are right now is waiting for those [inaudible] to come back to find out where the

liability lies in terms of who's responsible for not only the existing situation but again moving forward and that's what we're going to be exploring.

Councilman Tanelli – I'm not sure if Mayor you'll recall but when Arlington Valley was in here creating their experts in here we had questions. I'm in the process of looking back at my minutes from those minutes but we had questioned our engineer. You and I had spoken about this earlier in the week and they had concerns and I was trying to find out or make somebody commit to if they were to do any housing down there that something was going to be done to that cliff to secure the cliff because their engineers had come in here on the record and told us that when they did the warehouse, they cut too much of the bottom portion of that out and that over time nature's going to correct itself and the bottoms going to start to give and you're going to lose at the top. That's how he explained it to me, I'm still looking for those minutes to confirm that that's what he had discussed but his engineer report may be helpful as well because if he's done some of the leg work already, we might be able to finally use a piece of Encap document that's worth something. So I know we covered off on that because I wanted to make sure that the borough wouldn't be liable if there was housing that was going to be down there through our interviews [inaudible]. So I come across anything I'll shoot that off to you as soon as possible.

Councilman Bianchi – to add to that, I sat on that board with Randy and when they built that and when they cut that mountain to build that [inaudible] Cosmetics, they weren't supposed to cut that hill the way they did. They weren't supposed to do that, it wasn't supposed to be straight like this, it was supposed to come down I think a 60 degrees out and so far...

Engineer – there were some definite inconsistencies in the plan and in my opinion and the method of construction they way it went that when all that's why we required them. They did not want to spend the money to rock pin and rock net those cliffs at that time. We put a stop work order on the job when it happened because what ended up happening when they started cutting it there was a huge section of material that came down and the area was corridor off. The experts were brought back in, they came up with a plan after several months on how they were going to stabilize that slope and one of the accepted methods on how you stabilize that situation is you drill in those rock pinning plates and again it's a weathered cliff of shale and shale is a very brittle material. And over times it weathers and it has to continue to be routinely checked and maintained. I don't believe in my opinion that's a borough responsibility, its private property. That goes back to the private property's responsibility. Again, I'm not an attorney and I really don't want to go much further into that until we pull out some additional information and we start getting our hands around this so I don't really have a clear cut answer of what caused it. That's what we're still looking into.

Councilman Bianchi – that's why I wanted to bring it up, put it on the record, that I remember that clearly that this way we're not responsible basically the cutting of that cliff so I don't think it's North Arlington's problem.

Engineer – no and the way we've always in past practice have always practiced in the borough is when a resident calls with those kinds of concerns and it straddles over property lines and disputes and there's a health and safety problem, it's our responsibility to make sure that that gets secured. The borough never cut the hill. The borough never never never did that. We approved plans in a planning board process and relied on the information that their engineer supplied to us which is signed sealed documents by the professional engineers. They had a full team if you recall of geotechnical experts numerous questions got raised about the cliff and I think for a very long period of time, that cliff was stabilized and the rock pinning worked. Now the question is what else needs to be done to make sure that that rock pinning and the stabilization of that cliff continues. Again the responsibilities are very difficult; this is a very fine line we talked about on the top of the cliff where they clearly cut it and that was the main issues last time I think it was clearly their responsibility. Now some of this is some people have expanded their backyards a little bit and filled their back yards and built swimming pools and fill their swimming pools, came out of the swimming pool when they put their underground pool and where do you think they put their fill; they put the fill around the swimming pool and leveled out their yard and over time some of that fill has eroded naturally. So the bottom line was is stabilize the area, corridor it off and work on a resolution.

Councilman Hughes – Mike, I got one question. The property north of the warehouse is owned by the borough I believe.

Engineer – that is correct.

Councilman Hughes – now was any of the cliff in that area disturbed during this construction process or is it still pretty much a stable or status cliff in that area?

Engineer – well you know where the back of the building is okay and the parking lot, there was significant amount of the cliff was removed for the parking lot. Then it went back down to a natural terrain. They did do some leveling and some earth moving in that area back there but a significantly less amount of disturbance to the cliff. They didn't go very up, they cleaned it up. I don't remember exactly the limits, there was disturbance there by them but it wasn't the same kind of removal of the cliff and the sheer face that you see really next to the building which really ended up the end of the parking lot. And that's where that additional lot stayed. We've looked at that lot for several different uses and one of the things that if you wanted to utilize the lot you would have to cut back the cliff in order to utilize that lot but so not much of that cliff was changed but some of it was; I'm not going to say any of it wasn't touched it was touched but it wasn't to the extent of [inaudible].

Councilman Hughes – not like the warehouse, borough owned property on the top of the cliff.

Engineer – well it depends on where you draw the line on the top of the cliff. There are sections, the cliff is not a regular straight line. And there are sections that you know the top of the cliff could be a foot that you might own. It's basically the borough would own the property to the rear property line of the property so in some situations that's right along the fence line in some situations the property line is beyond the fence and I'm not sure were not looking for survey whether some of those fences might be encroaching I'm not sure.

Councilman Hughes – would it be something that would be somewhere in the future we'd do a survey of those properties on top since many of the homeowners down there have encroached upon neighboring properties and put structures there that maybe would add to the deterioration of the cliff would it be something that would be in the best interest of the borough's best interest to look into where properties people may have encroached upon the back of that property and still structures there that are actually causing deterioration of the cliff.

Engineer – at this point I think you have enough information. So you don't have to go through the expense of trying to survey the top of that cliff and every one of the property owners. Its not an inexpensive map to produce. With current aerals and everybody knows google earth and all the other devices out there and don't forget when they came in with their site plan they did a full survey of all of those properties and did locate a lot of those structures so really all you're trying to do is piece together anything that has changed from your approvals to now. I wouldn't want to see the borough spending money doing that at this point and time until we look through files. We may have most of the information there. A lot of those back yards may not have changed from and that information may be readily available to you by just pulling the old site plan out and taking a look at it.

Mayor Massa – [inaudible] of Councilman Tanelli's comments, I do recall some reservations about the structural integrity of that area by an engineer from Cherokee at the time and of course that was one of the reasons that we had some one of the issues we had with the construction of Arlington Valley as how it was going to affect the structural integrity of that cliff which would possibly have an adverse impact on the residents living up there at the top of that area.

Councilman Johnson – how we doing about the paving on River Road? Have we heard anything?  
Engineer – that was in the report, I mean they're talking about this spring I don't know where, we'll call over there to find out where your project sits on their master list, their paving projects, we're talking about the county one?

Councilman Johnson – yeah I know that they have several roads that they're going to pave and River Road was one of those roads.

Engineer – we'll follow up with a date and obviously you're not going to see any substantial paving until probably the middle of April and now I just have to figure out from the county where you sit in the priorities of their master list.

Administrator Wall – and they indicated that we’re on the top. We reacted very quickly. The mayor signed off very quickly and so they’re on the top of the list I believe the handicap accessibility.

Engineer – correct, handicap ramps.

Administrator Wall – which had to be done first. And that was able to facilitate the job from the Bell Pike to Jauncey. Complete milling paving.

Engineer – I don’t know where the contractor is, I have to get that from the county, communicated that to the county.

## **COUNCIL REPORTS**

COUNCILMAN YAMPAGLIA – absent

COUNCILMAN BIANCHI – my fire report for the month is we had one snow watch, 4 mutual aid calls, 2 rubbish fires, 2 smoke conditions in homes, 1 car fire, 18 activated alarms, and 7 miscellaneous calls. That’s all I have to report on my fire. I have no recreation report because my recreation department didn’t give me a report.

COUNCILMAN HUGHES – under grants I’d like to ask Mr. Wall if he could give us a report on the energy grant that he’s been working on that’s seems to just keep growing and some of the aspects you relayed to me the other day.

Administrator Wall – briefly and I gave an update from an administratively standpoint to Councilman Kearney for his report this evening.

Councilman Hughes – oh okay, I’ll defer it to him.

Administrator Wall – it’s all very good news for the borough buildings and tax payers.

Councilman Hughes – moving on then, under EMS as I mentioned earlier we did change billing companies for the EMS billing from the reports I’m getting are very positive. The EMTs are very impressed with the company that we’ve hired revenue guard they will be installing on board computers for all the EMS rigs in the near future where they can actually input the billing right at the scene and it would actually expedite the billing and the reimbursement through Medicare and Medicaid and various insurance companies that we do billing. As far as what else on my report, it’s just basically I gave most of the other during the on the budget.

COUNCILMAN JOHNSON – my report is going to be brief. The DPW they cleared 10 sewer backups, replaced several street signs, there were a couple of snow storms relatively minor. They plowed the snow and the ice during the snow storms. More importantly they used 15 tons of coals patch to repair the potholes that were just a result of the weather. The DPW also met with the recreation for the start up of soccer, little league, and girls softball to get those fields ready and they clean the youth center daily.

COUNCILMAN KEARNEY – the short story is there is a \$175,000 possible contribution from a multijurisdictional [inaudible] from the state of New Jersey and the federal government that is the energy grant that Council President Hughes was referring to which includes its very comprehensive basically the tax payers are going to be funding \$3800 of this approximate \$175,000 that is going to be contributed to us from this grant and what this grant is going to do is bring North Arlington up to date with energy upgrades which include reducing the communities energy’s bills and assist the budget with approximately 25% reduction and costs, our energy costs. The work includes replacing all lighting and one each back unit and one ground hvac unit here by the police department. The DPW hall, all the lighting is going to be replaced with more efficient bulbs and ballasts. There’s a \$125,000 in upgrades that are going to be provided which will include lighting to a much more newer and efficient lighting system with new ballasts and hvac units that would be replaced. In the senior citizen hall, 2 hvac units would be replaced at the EMS. One hvac unit on the library roof. Lighting will be replaced in the basement. Lighting at firehouse #3 on Legion Place, that’s going to be replaced. Occupancy sensors are going to be

installed there. Fire department #1 on River Road has one hvac unit on the roof which is going to be replaced. The Disposal Road firehouse location lighting will be replaced and two heating units in the garage if those heating units are required to be replaced so basically this is going to help us with our transitional aid application as well. So it's a home run. I think that's great work that Terence Wall is doing as our administrator here in the towns. So that's my report Mr. Mayor.

COUNCILMAN TANELLI – I don't have a report this evening but what I do want do is just quickly go over something that was addressed last meeting. A resident came up concerned about the expenditure for a \$1200 lightable sign and everyone's initial response is that it must be the traffic safety officer that ordered the sign. So I looked into it and the P.D. did not order that sign and Terence could just briefly over where the sign came from so the record could be correct.

Administrator Wall – yes in this particular situation the majority of signs run through traffic safety. This particular sign was ordered through the department of public works.

MAYOR MASSA – with respect to my own report, the principle issue that we have that we're confronted with this year of course every year is the municipal budget. And of course the council has taken the steps to introduce the budget this evening which obviously is preliminary budget for the purpose of applying for transitional aid complying with specific requirements for aid that the state hasn't encumbered upon us. What we have done in the past of course many times is scrutinize our day to day operations and ask our department heads to make cuts wherever they can be made. It becomes more and more increasingly difficult to run municipal government with less resources. As result it's encumbered upon us this administration of course our administrative personnel and department heads to squeeze every nickel that they can. That being said with this as the preliminary budget process, this is only the beginning of a budget process that will be obviously very difficult. We're going to be asking our labor force to work with us. We will be taking a very Spartan stance on labor negotiations with the labor force. We will be scrutinizing all of the operations. Everything is on the table during the budget cycle with respect to reductions at force wherever necessary, possibly consolidation of departments, shared services with other communities. It's encumbering upon the governing body to explore all of these possibilities to effectuate as much savings as possible and of course run a very fine line balance of making certain that we're providing responsible services to the community that we are encumbered to provide. So that will be my objective. I have to say that I want to spend a moment thanking all of the council persons here for their dedication to their offices and the work that they do. This is never an easy task running municipal government especially small community such as this with 20 some odd million dollar annual budget. Looking at some of the problems that we've had to look at with revenue collections, looking at some of the problems that we're encumbered with, loss of state aid. Also the other side of the coin, many people don't realize the municipal budget is not the total equation for municipal expenditures. The board of education budgets, my expectation that the board of education is going to be taking the appropriate steps to control spending and hold a tax levy down as much as they can for this year also. So this will be a very challenging year for both municipal government and board of education in the community. I can only make a commitment that it would be my commitment to you that we will do everything we can to stabilize taxes while still keeping this town safe and a good place to live and raise your families. Myself and many other mayors, the other 562 mayors in New Jersey pretty much face all of the same problems when it comes to running a local government. We've got to provide 24 hour long enforcement protection, police protection, fire protection. This is always an opportunity for me to publicly thank the dedication of our volunteers; our volunteer fire department, our volunteer emergency services, volunteered emergency squad, and the many people who do volunteer to help out in the library and people that help out in local government. And also to thank the people in the community who when they have a problem, they let us know about it. And I've said that many times. This is what our responsibility is to hear from you and do everything we can to solve your problems to keep the level of essentially customer satisfaction where it belongs in this type of local government in this very difficult and challenging economic climate. So again gentlemen I want to thank you for all your diligence and your hard work.

R-98 -11 EXECUTIVE SESSION [regarding personnel, collective bargaining, anticipated or pending litigation]

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

MOTION TO RETURN TO THE REGULAR ORDER OF BUSINESS

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

**ADJOURNMENT:**

MOTION TO ADJOURN

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