

MINUTES

SPECIAL MEETING, THURSDAY, MAY 19, 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 Tanelli

EXCUSED: Councilman Johnson, Councilman Kearney

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

PLEDGE OF ALLEGIANCE

Mayor Massa – at this time ladies and gentlemen, I will open the meeting to the hearing of citizens. Anyone who wishes to be heard, please come forward state your name and address for the record. Please try to confine your comments to five minutes so everyone has an opportunity to be heard and please try to please do confine your comments to municipal matters. Please come forward m ‘am so we can pick you up at the microphone.

PUBLIC COMMENTS

Jacqueline Leanzo – 144 Ridge Road. Apparently the sidewalk has been replaced up to and not including my property and it’s not very presentable. There’s a tree on the premise that I’ve complained about and we’ve had trouble with because of wires being too low. That has been taken care of by a trim job from your office but I still stand with a very ugly looking sidewalk in comparison to everybody else’s. It’s only a partial part. The bricks were taken up too and not including mine and from my property onward which is a dentist office and a car lube job, they all have nice sidewalks but mine does not. It was torn up a little, it has black top on it and it was torn up a little when they were doing the renovation of the property besides mine. The meters one is completely bent and the drop off from the meter to the sidewalk is definitely a hazard. Is there anything that can be done about it?

Mayor Massa – okay, we’ll address that at the end of the hearing of citizens.

Jacqueline Leanzo – thank you and if you need pictures I have them.

Councilman Bianchi – M'am can I have the pictures, we'll pass along? We'll give them back to you.

Mayor Massa – anyone else wish to be heard?

Brian Fitter – I'm a representative of Nick's Towing Service. We are one of two towers in the town Moran's Towing is the second tower, he should be here shortly. I apologize I got the time wrong on the meeting. I told him 7:30 so it's kind of my fault. Anyway, I'm here tonight because I'm requesting that the Mayor and Council take a look at the towing ordinance. The rates that are reflected in it are needless to say outdated. The last time the ordinance was revisited was I believe in '06. And I don't think the purpose of that revisit was the rates. Much like everything else and every other industry it seems our industry has seen huge increases and the rates are basically a lot of communities were charging in the early 80s and if not earlier. So I had put together a presentation and left it with Mr. Wall and I had made two extra books I believe for the Mayor and Council. Basically lays out what the other municipalities in the area are doing. What costs our industry has seen and the increases and what not and Mr. Wall has my phone number and contact information. If you should have any questions by all means do contact me. It is a serious matter, we'd like to and by no means is a threat but we'd like to continue to do business with the borough in the sense that we are under the same impression of what it cost to do our business in town.

Mayor Massa – anyone else wish to be heard? Yes sir.

Michael Madelone – 223 Rutherford Place. Our property line butts up against the property line of North Arlington where your fence line is in back of the youth center. It's been in disrepair for a lot of years now. It's really presenting a real big problem, a hazardous problem. Getting a lot of runoff, I had about three feet of dirt in the back of our garage. We get a lot of garbage and paper that runs down. I already addressed the situation to Mr. Terence Wall and I can honestly say that he's been very good about it. He's helping me as much as I can. Neglia was already involved. I know it was brought up at the first meeting and my last meeting with Mr. Terence Wall was last week, he said they're taking bids on it. And I'd just like to let you know I think he's doing a fine job. I just don't want it to get shut under the rug. I know there's movement on it and I appreciate all the help they can give us.

Mayor Massa – anyone else? At this time I'll entertain a motion to close hearing of citizens.

MOTION TO CLOSE PUBLIC COMMENTS

INTRODUCED BY: Councilman Tanelli

SECONDED BY: Councilman Bianchi

ROLL CALL: All council present vote in the affirmative

ABSENT: Councilman Johnson, Councilman Kearney

Mayor Massa – any members of the council want to comment on any of the hearing of citizens issues, any comments that were made? Mrs. Leanzo 142 Ridge...

Jacqueline Leanzo – 144.

Mayor Massa – 144. I'm going to have to take a look at that situation and have our engineer evaluate it and we'll get a report from Mr. Wall as to what we can do and can't do. I think what happened here is we're talking about a federally funded project with grant money...

Administrator Wall – correct.

Mayor Massa – and specifications were put down and perhaps the specifications didn't include obviously this stretch of real estate that obviously is having an adverse impact on the taxpayer and resident. So I'm going to direct the borough administrator to examine that situation and see what we can do from a legal standpoint to help you resolve it. Does any member of the council have any ideas or?

Councilman Hughes – Mrs. Leanzo you brought this to my attention back last summer I believe. Now I do understand that they responded and took care of leveling out that sidewalk, they trimmed the tree roots, pruned the tree, and laid the sidewalk back down flat.

Jacqueline Leanzo – I guess. [Inaudible].

Councilman Hughes – right. It was a temporary fix. The streetscape that we had been doing, we're actually on phase 3, we did in front of the town hall a number of years ago, the second phase was Ridge Road at the pipe down to I believe Harding a little past Harding Avenue. We're now on phase 3 which goes from Harding Avenue to unfortunately Wesley Place and that's where it stops. It does have to carry through a little bit to the next street because they have to put the barrier free curbs in on the corner and that's why it came a little bit in front of the old flower shop there. So the next phase that will probably most likely be done would be from your house continue on down towards Queen of Peace Church but then we'd have to wait for the federal government to provide us, you know we do make applications for these funds all the time and I believe we're either the next round will be coming up shortly or something, we'll be applying also to continue that same theme all the length of the Ridge Road so it's just really a question of when we get the money, we invest it back into Ridge Road. So as long as it's in a safe condition now, temporarily it may just have to wait until we get some more federal funding to continue that project further down Ridge Road, okay?

Mayor Massa – Mr. President and M'am there's also a possibility that we may be under budget right now and able to do something. So we'll have the administrator review that aspect of the project, take a look at it.

Jacqueline Leanzo – this is so bad, this is so bad in comparison to the business next door, the dentist office.

Councilman Hughes – which they did that work themselves I believe.

Jacqueline Leanzo – yes, I believe that's true. But with ours it is a hazard if you take a look you'll see exactly what I'm speaking of and you do have meters there so it would be ...

Councilman Hughes – well the whole of Ridge Road needs to be renovated and that's what we've been doing.

Jacqueline Leanzo – and if you can get rid of the tree that's causing that problem, I mean the tree is now lifting everything and it's not the first time. You've corrected it and with the rains I guess it just happens to [inaudible] now she's on a [inaudible] now you can see the roots, you know it's just not good.

Mayor Massa – with respect to the gentleman from Nick's Towing, Mr. Fitt, with respect to bid rates and competitive bidding issues, there are some specific legal issues that the borough's locked into and of course if we're going to go out to bid, we'll be seeking specs on new bid?

Administrator Wall – we're reviewing the contracts in the surrounding areas to see about having a rate that's closer to market, moving forward.

Mayor Massa – we understand the cost of doing business increased especially the cost of putting gas in your car, I think everybody who comes to work every day knows that by now. The other day I thought I was going to have to take out a home equity loan to fill my tank up but these are the times we live in so we try to adjust as much as we can to those issues and the gentleman for 223 Rutherford Place, we will ensure you that the administrator and the municipal administration will review that problem. If it's not addressed to your satisfaction, please feel free to come back and see us or if you want to short circuit the issue and not have to come to the council meeting, call Mr. Wall. If the administrator or any other public agent, public entities can't help you then of course we'd expect to see you back here. But I don't want to have that happen. I want to make sure that those issues are resolved. Resolutions on consent.

RESOLUTIONS ON CONSENT

R-138-11 RESO RE: AUTHORIZATION TO PAY CLAIMS

R-139 -11 RESO RE: AUTHORIZING THE FILING OF APPLICATIONS WITH THE FEDERAL TRANSIT ADMINISTRATION, AN OPERATING ADMINISTRATION OF THE UNITED STATES DEPARTMENT OF TRANSPORTATION, FOR FEDERAL TRANSPORTATION ASSISTANCE AUTHORIZED BY 49 U.S.C CHAPTER 53, TITLE 23 UNITED STATES CODE AND OTHER FEDERAL STATUTES ADMINISTERED BY THE FEDERAL TRANSIT ADMINISTRATION.

Administrator Wall – that relates to drawing down the senior bus grant.

R-140-11 RESO RE: AUTHORIZING THE BOROUGH CLERK TO ADVERTISE FOR BIDS FOR THE COLLECTION OF SOLID WASTE AND COLLECTION OF RECYCLABLES

R-141-11 RESO RE: EXTENSION OF SOLID WASTE AND RECYCLABLE COLLECTION CONTRACT

INTRODUCED BY: Councilman Hughes

SECONDED BY: Councilman Tanelli

Mayor Massa – discussion?

Councilman Tanelli – yes Mayor, point of order. As far as the bids going out for the solid waste, those specs have been drawn up already? Is it just a repeat of what we've done before because there's some I'd like to find out explore some options, money saving options [inaudible] we pick, check out part of the year if we're only picking up once a week in the winter months where people don't accumulate as much garbage and maybe limiting to pick up on Ridge Road; I just want to make sure that the bid have those, I want some options...

Administrator Wall – and that's the reason it's listed. The bid specifications are drafted with the new current dating and the formula from the prior bid. What we'd like to incorporate before we release the bid is the comments that I've received already to develop alternate bids but at this time if there's any other concepts as far as frequency, how your managing business pickups, we're planning on bidding for the garbage and the recycling or separately so the contractors can either give you a better pricing structure by bidding it together or have the option just to bid the garbage or just to bid the recycling. We're also looking at utilizing different frequencies to determine whether or not the cost savings if you have a higher frequency of pick up at certain times of the year or certain days of the year and fine tuning that piece so if there's anything specific...yes?

Councilman Hughes – yeah, just some of the things we already put into effect for this bid, one bidding it as it is now, twice a week, one bidding it to one day a week, another as a hybrid of that bidding it one day a week in the winter time say from October 15th to April 15th, and then in the warmer months when we have the heat and everything, we continue to go back to twice a week. Another option is bidding it at twice a week but not including Saturdays by virtue of the fact their utilizing a Saturday pickup, you have two things summer time a lot of people aren't home anyway and the other aspect you're paying overtime for the personnel that are doing the collections. So restructuring our roots a little bit to modify it to twice a week pickup without a Saturday. So if you have any other options...

Councilman Tanelli – that's good, I didn't see the bid, I didn't know what was going on...

Councilman Hughes – well I don't think the bid is actually complete. This is actually authorizing it for ...

Councilman Tanelli – I didn't, I'm saying this is the first I've seen it when I got my agenda the other day. So I just wanted to make sure that we're not just same as always so that's ...

Administrator Wall – we want to incorporate your new ideas in moving forward.

Councilman Hughes – and the recycling is also being separated out.

Councilman Tanelli – thank you.

Mayor Massa – any further discussion? Call the roll.

ROLL CALL: all council present vote in the affirmative

ABSENT: Councilman Johnson, Councilman Kearney

Mayor Massa – administrator’s report.

ADMINISTRATORS REPORT

Administrator Wall – yes Mayor and Council a couple minor items and some other items. Just by way of information we were awarded a community development block grant. This is to address a road that the council and particular Councilman Bianchi had indicated was in need of repair as many streets are in North Arlington, Gold Street. The award is approximately \$72,000. The Bergen County Open Space folks met and we were awarded a grant for \$35,000 to commence a project related to enhancing one of your parks and so I wanted to update you on that as well so you continue to receive grant funding. Relating to a resident earlier regarding 144 Ridge, the federal grant that you received for streetscape phase 3 has been very successful. Part of that success is what we are hoping to see a cost structure that tracks under budget. After we can confirm that it’s not confirmed yet but we believe we’re tracking in that way, what we’re going to suggest because you’re working with federal funds it has to be connected to the grant the original grant to continue that streetscape in an equitable fashion incorporating the side where 144 Ridge is located and also on the other side to do our best to the extent funds are still available to extend that streetscape. So we’re fine tuning the details. I’ve met with the contractor and we’ll report back to you to what extent if any we are successfully under budget but we’re tracking in that way so we’re cautiously optimistic we’ll be able to extend the streetscape by some extent and since her property happens to be right next to where the streetscape is as is finished we’re optimistic that we’d be able to minimally be able to move beyond her property as well. So we’ll have more detail on that as soon as it’s available. I want to update you on the budget a bit and just a bit of housekeeping at a prior meeting, you had congratulated and passed a resolution regarding the retirement of two officers and previously another officer who is retiring. The president of PBA had expressed concerns that the resolutions did not have the pay out for terminal leave written into the resolution. The reason for that as I mentioned to him was because the retirements had come quite close to the meeting so we wanted to make sure that we were accurate or as accurate as can be. Those resolutions read that they would be paid according to the contract which of course is accurate. But I’ll share with you for the record and for the edification of the members and certainly the individuals involved, the figures for Mr. Fiore are approximately \$123,312.00 to be paid out for his various contractual obligations for the borough; Detective Lieutenant Walton is anticipating \$111,474.55 in relation to the payout for his contractual obligations with the borough; and Andrew Tomaszkeski his calculation is \$116,360.29 approximately. So I thought I’d share that for the edification to PBA and for the edification of any interested party, those are the amounts that are approximately due in payable pursuant to the contract.

Councilman Hughes – do we have to readopt those resolutions at all?

Administrator Wall – I don't believe so because your resolution indicated it was pursuant to the terms of the contract and I spoken to the individuals to let them know whatever the contractual provisions are, the borough meets its contractual obligations in a timely fashion. So I just wanted to share that for the folks. On the budget briefly, we ran year on year comparisons just to have a guide as to how we're tracking. The mayor and council have made a strong commitment to the taxpayers, fiscal responsibility and so we ran a report on the expenditures thus far from calendar year '10 during the period January to May 16th approximately and from the same period for 2011 the amount of expenditure in 2010 for the same period is \$8,235,000 for 2010, 2011 to date \$7,600,000 approximately to date. That is simply a number at this point and time, it may not relate to certain payments that are due to go out and would change that figure but the basic point is to share that guide with you and to assure you that we are under severe fiscal restraint in the borough pursuant to your direction. That's an update on that item.

Councilman Hughes – just a question on that. That should be reflecting the I believe it's almost \$1.1 million dollars that we have already previously today cut from the budget from the introduced budget I should say because we haven't adopted a final budget yet but in the process of going through the grant application, being denied the grant for transitional aid from the state there was about \$1.1 million that was cut from the budget and I assume that is reflecting a lot of that here. Correct?

Administrator Wall – I would have to review the detail. I just wanted to give you an idea of how we were tracking. Next item regards layoffs and furloughs. At a previous meeting, a resolution was passed by the governing body on April 6th 2011. I'll read it one more time because it [inaudible] tails in with the conversation that follows. Whereas the Mayor and Council is endeavoring to adopt a municipal budget in 2011 that does not exceed 2%, and whereas the Mayor and Council have worked aggressively to enact further budget cuts in April 6th 2011, and passed a resolution cancelling the public referendum to exceed budget caps, and whereas the Mayor and Council requires further budget relief on behalf of the tax payers in the amount of approximately 500,000, and whereas the Mayor and Council believe the dedicated employees of the borough must be more active participants during this difficult economic time in securing the required relief expected and demanded by the tax payers, now therefore be it resolved that the Mayor and Council direct the borough administrator and borough attorney to meet with the union representatives to discuss layoffs and furloughs and other tax relief measures. Be it further resolved that in the event additional budget cuts must be acquired through layoffs and furloughs, a plan for layoffs and furloughs will be prepared for consideration of the governing body no later than the April 28th regular meeting which was subsequently moved to May 3rd. The next conversation would be related to that charge. With your permission, I'll continue. The basic objective was take an equitable approach to all the budgets so the impacts to the extent there were or were to be any would be reasonably equal between the departments. In calculating the salaries by departments the factor was roughly .0675, if we simply took a half million dollars and roughly distributed it between the departments, that brought us to our respective figures. I'm going to briefly go through the departments, the main departments. Administration was roughly \$14,000; municipal court approximate \$11,000; the police department approximately \$300,000; the EMT department approximately \$21,000; dispatchers approximately \$15,000; crossing

guards approximately \$14,000; construction approximately \$12,000; DPW approximately \$56,000; Health Department approximately \$13,000; youth center approximately \$6,000; library approximately \$26,000. To go through some of the departments briefly, the library their budget is being trimmed by approximately \$100,000 this year. Part of their budget is a third of a mil the statutory requirement. That would obligate \$541,000 to the budget by a statute. Overtime historically, other items were also paid through the library including pension, health care, and things of that nature. We're changing that program to change the fiscal profile of the borough on a four year plan to begin recouping those costs as well as costs related to the renovation of the library. So in consultations with both the CFO and the director of the library they're aware and they have begun changing the shifts, changing the hours, and reducing hours of employment at the library and currently still keeping the same hours of operation the same robust level of services to the residents but modifying their schedules accordingly to reduce the salary line items for their calendar year 2011 budget. The conversations with the EMS programs, their obligation is going to be met by modifying certain programs that are related to non emergent transports. And the scheduling has also been modified to minimize the overtime that we've been experiencing lately. And we believe that that profile is going to result in cost savings, a reduction significant reduction over time and changing the manner in which services are delivered non emergent transports still maintaining the BLS and ALS interfaces that they have always done. On the revenue side, revenue guard was brought in as a new provider. There are two things happening. One the revenue is now increasing as far as we can tell from a tracking standpoint, also the previous provider who we've moved from we're going back. We've done an internal audit to ensure that the call sheets are accurate. They appear to be. The question of how aggressive the collection has been to the insurance carriers is an area where we're reviewing the pass calendar year to determine if additional revenues can be located in that respect. Do you have a question? Okay, I'm sorry. Board of Health, I had a conversation with the chairman to the board of health, the budget is going to be reduced accordingly and the board of health as is their statutory ability to modify accordingly the governing body controls the budget, the board of health chooses in what fashion they're going to make those modifications from salary perspective. And they've been advised that the budget is going to be cut accordingly pursuant to the ratios that were considered by the governing body to keep the program equitable. Regarding the police department, we previously discussed the dynamics there. We previously discussed the financial [inaudible] that information has not changed from the prior meeting. Regarding the department of public works and also administrative departments, there is a in the event the council wishes to submit a plan to Trenton for their consideration while the ongoing arbitration process on the 31st with the PBA and the other dynamics ongoing, if you're seeking to initiate a program that reflects the equitable cuts that you wanted to consider for to reach a 2% budget, that plan is prepared according to that resolution. That would include the members that were indicated previously in the PBA and would also include a member of your DPW and also a member of your administrative staff. With that, any particular questions, I'll do my best to answer to them.

Councilman Bianchi – I have one question. If everything was to stay like it is now, status quo, no layoffs, everyone would get their raises, what type of a tax increase basically are we looking at for the residents in town?

Administrator Wall – those calculations I would make sure are as accurate to the penny as possible. I'd want the CFO to be involved in that. Because we would need to populate the raises that you're contemplating if any or if you're contemplating no raises and we have no, the only so for certain bargaining units there is not a specific number to work with to make that calculation. We would need to build that calculation in to give you exact figures.

Councilman Hughes – Terence can we also generate a savings from the blue and whites by certain other [inaudible] that were taken by some personnel in the ...

Administrator Wall – yes I apologize yes. We did have a one of our employees has asked to go on an extended furlough thank you for reminding me and that assists on the court budget and those savings will be reflected as their approximate share of savings. Additionally there is a new retirement plan in the white collar unit that helps off set the impacts there. The difference between a blue collar a white collar retirement from a contractual standpoint, they don't enjoy overtime, such as the similar benefits such as terminal leave and things of that nature where you're calculating out impacts that may last for the balance of the calendar year. So you're able to book a more immediate savings for those so that is one additional retiree in the white collar unit and an additional extended furlough for the balance of 2011 for a member of the court staff.

Councilman Hughes – it's a furlough without benefits correct?

Administrator Wall – that's correct, furlough without benefits.

Mayor Massa – any other questions or comments?

Councilman Bianchi – yes I have all questions for him. Garbage is one of the big expenses of every municipality. When garbage is being picked up in towns like Lyndhurst, North Arlington, and Kearny and all over the state, the same way it's been picked up for the last 100 years it seems, it seems one truck, four men, five men and that goes into our rate for the bid. There's a lot of towns now that are going into just one man operation trucks. I would like you to see if you could check into there's companies that have just one man drives a truck and it's a special truck that just picks up the garbage and dumps it in. Where my son was down in Tinton Falls they have that. That would have to be a lot cheaper than paying for five guys to pick up garbage running up and down the streets.

Administrator Wall – yes and possibly no.

Councilman Bianchi – I don't know if there's companies out there that do that or I don't know if [inaudible] municipalities own those trucks.

Administrator Wall – one of the challenge with those types of devices, they're considered more as far as I understand more ably suited for housing that's not as tight and certain streets to manage that vehicle but we can certainly look into that. We met with you existing Carting company a number of times to try to discover solutions. Right now you pay 38,000 almost 39,000 a month for your garbage carting. You pay approximately \$19,000 a month for your

recycling efforts. So we've been trying to determine a way that's satisfactory to your residents and has the impact of reducing costs so we can look into that as well.

Councilman Bianchi – are there companies?

Councilman Hughes – yeah I think the downside of what you want to do is the fact that you have to no parking, no parking on the streets because the truck needs to be able to get up to the curb so the minute you put cars on the streets, you're kind of out of that ball game.

Mayor Massa – the other issue to is right now from my observation is Cali is using three people on the truck, a driver and two men to do collections and as the council president says this is a very expensive piece of machinery. It's difficult to do and it does have a tremendous encumbrance upon the community. Their convenience about being able to park in the street [inaudible] garbage collection times and do companies that do that want to bid in North Arlington.

Councilman Bianchi – they can't be done with what he said because they need to park on the street.

Mayor Massa – but I want to cut to the chase right now I know we have deadlines and we're confronted with by the state of New Jersey and they're looking for us to submit a layoff plan by what date is that Mr. Administrator?

Administrator Wall – the date of any plan would be at the that would be the decision of the governing body. The time frames themselves are approximately 75 days. The process whether you choose to submit paperwork or not, you submit the paperwork and approximately 30 days they review the plan. If there's issues that are incorrect or problematic or the records are wrong or these types of things which I understand typically happen in the electric camp system, there would be communication back and forth on those issues. In the interim you would in mid June you'd have an arbitration award and perhaps that would have some offsets because frankly the greatest challenge is with the department that happens to have the greatest level of budget impact and that issue has by choice from the bargaining unit has been set to court as opposed to being resolved between the parties so from a time frame standpoint May 31st you have an arbitration meeting; at approximately June 12th you'd have a result and I understand there's some appeal of rights but as far as Trenton, 30 days they give you a response and from that particular point and time there's a 45 day posting period so an effective date if there were any personnel decisions it would be August 10th approximately.

Mayor Massa – had been our collective decision to take this action this evening but I'm kind of disturbed that I don't and it was my intention not to take any action regarding the seriousness of this kind of issue without the entire council voting on it was not my expectation, we'd be missing a third of the membership here, so I'm going to ask with the concurrence of these members that are here tonight to table any action until we can have the full council duly deliberate especially two councilman involved had always issued concerns about the taxes and municipal administration and if we take any action tonight it'd be unfair to the community because it would disallow the community from having the representation of total council on such a crucial issue in

my estimation. Of course if the members want to override my opinion that certainly is their prerogative.

Councilman Hughes – the only problem with doing that is by delaying it even for a week, it puts more onerous on the amount of money that you would be able to save or not have to expend on the back end. So that now instead of having layoffs, if we have to get that far and hopefully I'm trusting that we will do everything possible to get to the point where that's avoided but if it comes to that final solution where we have no other choice and that has to take place. Now it may create more of a problem on the back end where you won't be able to generate enough savings to balance the budget. So if you want to put it off we do have another meeting next week but like I said it may need a requirement to revise that plan to maybe add an additional person for the four months or four and half months that you'd be in that mode where it generates more savings.

Mayor Massa – well Mr. President as I had indicated to you when we had our discussion I had no problem taking the appropriate action that we need to take but it was my understanding and feelings that I took today that this would be an action taken by the entire body and I'm kind of concerned I know one member is out of town, I don't know where the other member is, neither here nor there they're not here to vote on such a crucial issue. I think one week wouldn't have that much of an impact on anything further to take place. I will entertain a motion for either action at this time for any members of the council as to whether or not they want...Councilman?

Councilman Tanelli – well the one concern I have is that like you said Rich I want to make sure we exhaust every possible option and the last meeting two weeks ago I asked for some financial information from the insurance gentleman that met with us and all I got was an email and as far as I'm concerned from the last December it was upwards of ½ million dollars savings switching health care plans. I still tonight still have not gotten a comparison a numbers to numbers of what we would save if the switch took place and first what we have now. Now I understand that there's some issues with that that we would have to do an addition to the state health care plan as Terence had outlined a few times where we would have to subsidize some of the areas that maybe not won't need the current every single person that's in the plan.

Councilman Hughes – well you can't just arbitrarily switch plans. You have negotiations with the Union. The Unions have expressed dissatisfaction with changing plans so to just arbitrarily do it, you would have to create a plan that's equal to or better. So far none of those numbers have been generated as to what would have to be put in place on top of switching to any other plan to make it equal to the plan that we have now. Unfortunately the plan we have now is top of the line, it's as Terence had said it's the Maserati of the plans, to make something equal to that, you would have to be adding supplemental or else create a fund or a pool to pick up the differential in costs that may make it cost prohibited.

Councilman Tanelli – but I don't know that.

Councilman Hughes – I don't know that either. I've asked the Administrator to prepare that.

Borough Attorney Pearce – if I may Mayor, Tanelli, I have those facts and figures. After our last meeting with the PBA I received a lion's share of the information with regard to the state plan versus a modified Aetna plan versus the current plan and this has been hot button topic in our negotiations but the difference between the current plan which is pretty much the highest plan in the state of New Jersey cost wise and the state health plan is \$10,000 per family plan. So the savings would be \$10,000 per family plan is obviously less, if it's not a family plan, those are real numbers, it's basically 31 versus 21.

Councilman Tanelli – what's more important is now I know I need to go to you to get information.

Borough Attorney Pearce – well I had to get it for purposes of PBA arbitration so.

Councilman Bianchi – I have a question for you. Is the coverage the same?

Borough Attorney Pearce – this is part of your arbitration. It's not identical. It is very similar in my opinion it is substantially similar. In the PBA's attorney's opinion, it is not. And that is one of the issues to be determined through the arbitration process. We tried to get the PBA to agree to take the state health plan benefits plan which currently covers about 90% of the state and they would not agree to do so.

Councilman Bianchi – so in other words now, it's out of our hands. It's in the arbitrator's hands. It's what he decides?

Borough Attorney Pearce – it can still be negotiated but the PBA has no interest in negotiating. So we have a May 31st arbitration and he'll decide he'll decide all the issues, he'll decide...

Councilman Bianchi – the arbitrator will decide the insurance...

Borough Attorney Pearce – compensation, health insurance, longevity.

Councilman Bianchi – so it's out of our hands, it's out of the PBA's hands. It's in his hands.

Borough Attorney Pearce – no it's still very much within our hands but once we get to the arbitration then he'll decide.

Mayor Massa – negotiations are fluent. They're ongoing and continual and the doors always opened until both parties, one party or both parties declare an impasse.

Councilman Bianchi – who makes the final decision?

Borough Attorney Pearce – if we get to the 31st of May, the arbitrator will make a decision two weeks later.

Councilman Bianchi – and the next question I have, if we delay this both tonight and we make it next week, that means another person could be in jeopardy of getting laid off?

Councilman Hughes – possibly.

Borough Attorney Pearce – it's the total savings that is lost by virtue of delay is such that you need to add another person and the answer is yes.

Councilman Tanelli – well just so everybody knows, Terence exhaustingly cleaned up the camp program three or four years ago when we had talked about layoffs possibly back then so I'm hoping that when they look at this plan it gets sent down there that it's going to be in line and that there's not going to be questions back and forth so I think the hard work that he did over the last few years to get everybody get in title and make sure that they're where they belong will alleviate that problem. But the fact of the matter is now after what Randy is saying, it's still in our hands if we offered them the workers in town the same plan or better that's in the contract we can switch them. Yes or no?

Borough Attorney Pearce – the same plan?

Councilman Tanelli – you offer the same plan or better based on...

Borough Attorney Pearce – yeah but it's not the same plan.

Councilman Tanelli – but that's my question is I want to know what the plans together to get the plans to be equal, what's it going to cost us. Using the state plan and subsidizing whatever else we have to, what is it going to cost to get us to where we are now? I want a comparison.

Borough Attorney Pearce – you can't get a state health benefits plan that's as good as what the PBA has now.

Councilman Tanelli – we may have to subsidize, we may have to do something else.

Borough Attorney Pearce – you can't do it.

Mayor Massa – you can't get [inaudible] insurance.

Borough Attorney Pearce – it doesn't exist. I mean there are several plans available, not just one plan and they don't have a plan that's the same as ours. The options that are available do not include what we currently have.

Councilman Hughes – a lot of times what some facilities do is they set up a pool of money and whatever the difference is between what the [inaudible] plan pays and what the previous plan pays is paid for out of the fund that the town generates. That's a very risky thing. You may save money in the beginning but then if you have a high [inaudible] rating now that you're dipping into that fund it could actually be more onerous upon the municipality in the long run than just actually switching plans and letting the insurance company do what they do best, manage insurance instead of the town becoming a supplemental insurance company.

Councilman Bianchi – can you explain this to me, if the arbitrator comes back and he says that [inaudible] good for both parties to switch the insurance plan, will there be layoffs? That many layoffs? The last we talked about at least six people.

Mayor Massa – that’s a highly speculative question councilman.

Councilman Hughes – yeah without having the numbers in front of us...

Mayor Massa – I don’t think we really should...

Borough Attorney Pearce – I’m sorry Mayor, the key is going to be timing because the arbitrators should and its required under the new statute to render her decision on or about the 13th of June and then there’s an appeal process so if we go with the arbitrator’s decision you’re still a lag time which is probably going to take until September 1st to implement so the savings in 2011 will only be for the last four months of the year unless he rules the PBA has to pay back the difference in dollars. You understand what I’m saying?

Councilman Bianchi – yeah I know what you’re saying.

Borough Attorney Pearce – if he finds that the total benefit that the PBA is entitled to is \$21,000 for the year under the state health benefits plan and we only get four months for the savings, part of what he could rule is that there has to be a monetary contribution back for the town to equalize that number. If that were the case, it would be at \$300,000 savings. And it would dramatically reduce the layoff possibilities...

Councilman Bianchi – that’s why I’m getting to the layoff [inaudible]...

Borough Attorney Pearce - ...but I don’t want to go on record of saying it’s going to and I think that the Mayor is correct with his concerns but it could very well eliminate some or all of the layoff, the layoff that is necessary today for us to balance the budget.

Councilman Bianchi – that’s the question I getting to.

Mayor Massa – now for this reason alone gentleman and the conversation that is going on right now for discussion I again find it crucial that we we’re missing two members of the council are not participating this evening. I find that a serious concern of mine, [inaudible] council feels on it.

Councilman Tanelli – I have one additional question Mayor. Do we have anything writing from the police chief as to how this going to affect public safety in the community, how it’s going to affect him once if the layoffs take place, how were going to cover shifts, what the over time is going to be, how he’s going to restructure his department so it’s not going to impact public safety in the borough? I mean we have nothing in writing from him to say that his three guys, four guys, five guys, my opinion is we need to get him to where he’s putting something down and telling us exactly how he’s going to operate with the number of officers he’s going to have because we’re going to drastically impact public safety in the borough and I’m concerned. I

understand that this tonight does not lay anyone off but it's telling everybody there's the possibility that we're laying them off and there is possibility that there is going to be layoffs; I would like to have the police chief involved to tell us exactly how he's going to run the department with what he's left with.

Councilman Yampaglia – Mr. Mayor. I spoke to a few council members before the meeting and might understand the Council President mentioned if we do not move forward with this tonight, there's an extra person that's in jeopardy...

Councilman Hughes – possibly, it depends on what the numbers are. We'll have those numbers [inaudible].

Councilman Yampaglia – but if we vote to move it forward, it's just an option that leaves us...

Councilman Hughes – all you're doing is submitting a plan for approval. It doesn't mean you have to utilize a plan. It doesn't mean you have to carry through. It doesn't mean everybody on the plan would be in jeopardy. There's a lot of I mean every week things are changing in the government. We're in negotiations with the Meadowlands for back taxes. There's a lot of things going on which could affect the final outcome. We have an arbitration hearing in two weeks. We have negotiations with the blue and white unions that are going on to currently so all these things are in motion right now but unless you have a plan in place, you can't utilize the plan when it comes time to [inaudible] you do need it. It's kind of like just being prepared. It's not saying that anybody is being laid off tonight, tomorrow, the next day, it's just having a plan approved because it is such a long tedious process to get there that if you wait til August 1st to do this, nothing will be approved until the end of the year and you'd end up going into the end of the year with a deficit and the state does like you to do that because they put a lot of serious penalties on doing that. So like I said we're not voting to layoff anybody tonight, we're not advocating that, we're not pushing it, it's just basically submitting a plan to Trenton for approval. Doesn't mean you have to use the plan. Doesn't mean you have to use the entire plan. It just means [inaudible] plan for approval for review for them to review it to make sure it's done correctly and then what you do is you get their approval, you put it on the shelf and no action takes place as far as layoffs until this council takes further action somewhere down the road. So I don't see the difficulty in submitting the plans as soon as possible so that we know it's approved we have a target date of August 10th because that's what the CFO and the auditor have worked out the numbers to based on what we could have saved at the earliest possible time. But like I said we submit the plan, we get it approved, we put it on the shelf, and we continue negotiating with the unions. We continue looking for other sources of revenue, we continue looking for other areas of savings like Mr. Wall has been doing now through the budget I mean we're continually combing through the budget looking for contracts we can save. We negotiated contracts and various things like that. It's not advocating a layoff, you know were not no one's sitting here pushing the layoff plan; it's just submitting a plan for approval. So I would say you know there's really no sense delaying it, lets submit it, let Trenton look at it. If it needs correction, that may delay it. So if we delay it here, and then its delayed because they need more information it could really pus in a very difficult position further down the road.

Mayor Massa – any motion to take any action? Either a motion to adjourn action on this until a full council can vote on it or a motion to submit the plan?

Councilman Hughes – I make a motion to submit the plan.

Mayor Massa – motion by Council President to submit the plan. Second?

Councilman Bianchi – I'll second that but with an explanation. Only because of what I heard that if do delay it, they're going to do it anyway, to delay it, one person could be at jeopardy and that I can't see. I don't like the plan, I don't like it as it is but I can't put another guy in. So I would yes.

Administrator Wall – mayor if I may, may I read the a draft resolution for your consideration so you have that on the record as well?

Mayor Massa – absolutely.

Administrator Wall – this is resolution 143-11 resolution regarding implementation of a layoff plan. WHEREAS, the Mayor and council have undertaken a comprehensive review of the current financial circumstances of the Borough of North Arlington and have determined that the necessary funds are not available at this time to support the continued employment of certain Borough employees; and WHEREAS, it has been determined by the Mayor & Council of the Borough of North Arlington that the layoff of certain employees is required so that they Borough will not exceed the municipal property tax levy cap pursuant to N.J.S.A. 40A:4-45 et. seq. in the appropriate caps pursuant to N.J.S.A. 40A:4-45.3 and additionally the resolution passed by the governing body related to an overall cap of 2%; and WHEREAS, the Mayor and Council of the Borough of North Arlington have committed to continue to seek out and identify additional cost saving measures and new municipal revenue source to rehire those employees deemed necessary at this critical time to be included in the layoff plan; and WHEREAS, pursuant to N.J.S.A 4A:-1 et. seq. the Borough must prepare a layoff plan which must be submitted to and approved by the Civil Service Commission; and WHEREAS, the Mayor and Council and the Borough Administrator of the Borough of North Arlington have prepared the attached layoff plan to be submitted to the Civil Service Commission. NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of North Arlington that the submission of the attached layoff plan to the Civil Service Commission is hereby authorized; and BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of North Arlington that the Borough Administrator is hereby authorized and directed to take all other steps necessary to ensure that the attached plan is implemented in accordance with all applicable laws and regulations and given full force and effect. I thought I'd read that into the record because you had a motion and a second and Mayor to be in order if you have discussion.

Mayor Massa – any discussion?

Councilman Hughes – the only discussion I have is I hope with all my heart we don't have to use it. I know the effect it has. I've been laid off, my wife has been laid off, and I think many of us here have even gone through the process it's not pleasant. But unfortunately the reality is the

town does not have the money to continue going to where we're going. I think it's temporary. I think that's been stressed over and over again that if we have to go this way it's a temporary action. I think we see some hope for next year being in a much better place than this year, not a great place but at least a place where we can at least meet our bills and pay our obligations so you know like I said I hope with all my heart we don't have to do it but I think that if we delay it any longer it may actually create more of a hardship.

Mayor Massa – thank you Councilman. Any other comments? Call the roll.

ROLL CALL:

AYES: Councilman Hughes, Councilman Bianchi

ABSTAIN: Councilman Yampaglia, Councilman Tanelli

ABSENT: Councilman Johnson, Councilman Kearney

Administrator Wall – Mr. Attorney?

Borough Attorney Pearce – I don't think so. You can't have two abstentions on four. Can I have the majority vote?

Mayor Massa – again this matter can be...

Councilman Tanelli – I make a motion to table this to next week.

Mayor Massa – motion by Councilman Tanelli to table. Second? Councilman Yampaglia. Call the roll.

Administrator Wall – this is a motion to table until May 26th resolution 143.

ROLL CALL: All council present vote in the affirmative

ABSENT: Councilman Johnson, Councilman Kearney

Administrator Wall – resolution is carried until May 26th Mayor.

Mayor Massa – thank you gentlemen.

Administrator Wall – next item is executive session.

R-142-11 EXECUTIVE SESSION [personnel, collective bargaining, active or pending litigation]

INTRODUCED BY: Councilman Tanelli

SECONDED BY: Councilman Yampaglia

ROLL CALL: All council present vote in the affirmative

ABSENT: Councilman Johnson, Councilman Kearney

[Executive Session]

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
ABSENT: Councilman Johnson, Councilman Kearney

ADJOURNMENT:

MOTION TO ADJOURN

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