

MINUTES

REGULAR MEETING, THURSDAY, SEPTEMBER 18, 2008 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 DiBlasi, Councilman Ferriero, Councilman Granell , Councilman Hughes, Councilman Tanelli, Councilman DiBlasi

ALSO PRESENT: Mayor Peter C. Massa, Terence M. Wall, Acting Borough Clerk, Borough Attorney, Anthony V. D'Elia

PLEDGE OF ALLEGIANCE

MOTION TO SUSPEND REGULAR MEETING TO HOLD COMCAST HEARING

INTRODUCED BY: Councilman Ferriero
SECONDED BY: Councilman Tanelli
ROLL CALL: All council present, vote in the affirmative
REPRESENTATIVE NOT ARRIVED YET

MOTION TO RETURN TO REGULAR BUSINESS

INTRODUCED BY: Councilman Granell
SECONDED BY: Councilman DiBlasi
ROLL CALL: All council present, vote in the affirmative

PUBLIC COMMENTS:

Ann McClure-10 Bayliss Street, wants to commend Mayor Massa on great job he is doing, also Chief Ghione. Flooding and damage from water.

Paul Costa-115 Bergen Ave., thank you for repairing inlet, Mayor Massa you are a man of your word, special thank you to Council Granell and Tanelli for not giving up on a solution

Nick Mazzola-82 Knoll Drive, summer program was a success, parents were very happy with extended hours, five and a half hours straight for the entire summer at \$95.00 per session, less than two hundred dollars. Presentation of pictures from the summer programs.

MOTION TO CLOSE THE HEARING OF CITIZENS

INTRODUCED BY: Councilman Granell
SECOND BY: Councilman DiBlasi
ROLL CALL: All council present, vote in the affirmative

Councilman Tanelli: Mr. Costa we are just as happy as you are that the problem is resolved.

Councilman Granell: I would also like to thank Mr. Costa, also Neglia Engineering. To Nick Mazzola I have heard nothing but positive things about REC programs, this weekend we will set-up about six or seven computers with WiFi for the kids after school use, will be protected by a guardian program.

Councilman DiBlasi: I also want to thank Mr. Mazzola for a great job.

Mayor Massa: I want to thank Ms. McClure for her kind comments, we do appreciate your support, will ask Borough Administrator, DPW, and Neglia to take a look, other taxpayers are having ground water issues. Mr. Costa had an on-going problem that the engineer was able to resolve it. Any time the taxpayer has an issue, bring it before us. Many times these issues can not be solved easily or quickly because it entails research and expense. We will do every thing in our powers to remedy these problems. We appreciate the fact that you are willing to come here, take time out on an evening to let us know that you are satisfied with what we are doing. When you are not satisfied with what we are doing, we want to hear from you. It is nice to see people in the council chamber. We are proud to be an open government, and earn your support

RESOLUTIONS ON CONSENT AGENDA

R-210-08 RESO RE: APPROVAL OF PURCHASES OVER \$3,000.00

R-211-08 RESO RE: AUTHORIZATION TO PAY CLAIMS

R-212-08 RESO RE: SPECIAL ITEM OF REVENUE

R-213-08 RESO RE: REFUND OF MONIES DUE TO OVERPAYMENT

R-214-08 RESO RE: REFUND OF MONIES DUE TO DUPLICATE PAYMENTS

R-215-08 RESO RE: REFUND OF MONIES DUE TO DUPLICATE PAYMENTS

R-216-08 RESO RE: REFUND OF MONIES DUE TO OVERPAYMENT

R-217-08 RESO RE: SUPPORT OF YMCA GRANT

R-218-08 RESO RE: RENEWAL OF LIQUOR LICENSE #0239-33-025-009

R-220-08 RESO RE: AUTHORIZING THE BOROUGH CLERK AND MAYOR TO SIGN AGREEMENT WITH BERGEN COUNTY, DEPARTMENT OF HEALTH RE: FLU VACCINES

R-221-08 RESO RE: AUTHORIZING MAYOR AND BOROUGH CLERK TO APPLY FOR 2009 RECREATION OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES GRANT

R-222-08 RESO RE: AWARD OF CONTRACT MORGAN PLACE RESURFACING

R-223-08 RESO RE: APPOINTMENT OF FIREFIGHTER

R-224-08 RESO RE: ON PREMISE RAFFLE HSA QUEEN OF PEACE HIGH SCHOOL

R-225-08 RESO RE: OFF PREMISE RAFFLE HSA QUEEN OF PEACE HIGH SCHOOL

R-226-08 RESO RE: APPOINTMENT TO FILL THE UNEXPIRED TERM OF THE PLANNING BOARD & ZONING BOARD SECRETARY

R-227-08 RESO RE: AWARD OF CONTRACT LIBRARY INTERIOR FINISHES

R-228-08 RESO RE: GREEN ACRES GRANT

R-229-08 RESO RE: ACCEPTING THE RECOMMENDATIONS OF THE PLANNING BOARD TO AMEND THE RIDGE ROAD REDEVELOPMENT ORDINANCE **(NO ACTION TAKEN)**

R-230-08 RESO RE: SUBCONTRACT AGREEMENT FUNDED BY THE NJ DEPARTMENT OF TRANSPORTATION

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

RESOLUTION NOT ON CONSENT AGENDA

R-219-08 RESO RE: REPORT OF ANNUAL AUDIT(ADOPTED AS AMENDED)
(COUNCILMEN BIANCHI AND HUGHES WERE NOT IN OFFICE 12/31/07)

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

MOTION TO SUSPEND REGULAR MEETING FOR COMCAST HEARING

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

MOTION TO RETURN TO REGULAR MEETING

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

ORDINANCES

FIRST READING OF ORDINANCE #2000 (FIRST READING MOVED UNTIL FURTHER NOTICE)

AN ORDINANCE TO AMEND CHAPTER 187 §10.1(A) OF THE CODE OF THE BOROUGH OF NORTH ARLINGTON ENTITLED "VEHICLES AND TRAFFIC"

INTRODUCED BY: Councilman Ferriero
SECONDED BY: Councilman Granell
DISCUSSION: Councilman Hughes:

Councilman Hughes-I would like to ask why we are doing this to make permit parking on Albert Street, between the hours of 8am and 5pm. There has to be a reason behind this, I am not familiar with the reason, I would like to know that before I act upon this ordinance.

Mayor Massa- I think we have run into some problems and some requests by people that are commuting, Councilman Tanelli

Councilman Tanelli- What ends up happening is now that there are meters on Ridge Road, between commuter parking there is only one side of the street parking, there is no where for them to park on street sweeper days, they use to park on Ridge Road, now that there is parking meters and restrictions, they are unable to park there, they have been getting hit with a lot of tickets. Between the lack of driveways, especially the end, a house was built where there use to be a house and driveway, that took up almost 6 spots, they showed a handful of tickets, I spoke with the Police Chief, and this was his recommendation that we make it permit parking during the day so that they don't have a problem with the street sweeper and it keeps the commuter parking off this block.

Councilman Hughes-We are going to allow people with permits to park on the street in the way of the street sweeper?

Councilman Tanelli- It is to solve two problems, one, the main reason is to keep commuter traffic off their street. Obviously during street sweeper days, they are going to have to find another place to park.

Councilman Hughes-If that was the reason for doing this that is really a bogus reason. I have been through there several times, trying to figure out what the problem is. I see that there are one set of meters, before that strip mall on Albert and Ridge, and set in front of the station, but further down, on the opposite side of Ridge Road, there are no meters between the cemetery entrance and Astor Ave. I have been there during the day and I have seen seven or eight cars parked there for I guess is commuter parking, but I don't see that area filled up with cars. To make this a permit parking is going to have a negative impact on the businesses that are right on the corner there. We just approved that party place to go in on the corner, which maybe in operation during the day in the summer. I don't know if that is going to solve the problem, by making it permit parking. Maybe we would be better off making it two hour parking or something like that.

Councilman Tanelli-All of Ridge Road is two hour parking, according to Mr. Wehrle. This is the entire length of Ridge Road currently.

Councilman Granell-Terence Wall what is the status of putting parking meters all the way across Ridge Road?

Terence Wall-We are waiting for pricing from the vendor to bring them down to the end of Ridge Road.

Councilman Granell-Our original plan was to not only do sections of Ridge Road, but to do the entire length of Ridge Road, we are just waiting on the quote, to continue the process along the way. So where there are not meters now, there will be meters very shortly.

Terence Wall-That is correct, should the Mayor and Council choose to authorize that.

Councilman Bianchi-The recommendation that I had back when we started talking about the meters, new meters going from Ridge Road all the way down, was to start at Auto Zone, and go all the way to the beginning of the apartments, Riverview Apts. I think that it is imperative that we do that, people park their cars there, and get on the buses going into New York City, especially in front of Auto Zone, Robert Palumbo's, and Art Roberts. I would say that the meters should go from Union Ave. all the way to the beginning of the garden apartments, the first entrance, where the dollar store is.

Councilman Tanelli-All that does is put them onto the local streets.

Councilman Bianchi-You are right, but let me finish. From Astor Ave. to the beginning of the cemetery all meters, that will stop the people from parking there and going into New York. Now as far as the side streets, I would like to do a little more research, before we pass this ordinance. The people on Union Place, they are really in dire need of help, it is a mad house there.

Councilman Granell-The only reason that we went this particular way, far from being a traffic expert, we went to the person that is the professional, the Police Chief. This is not a new process; this is something that is an existing process in the Borough. We are all familiar with Ridge Road Lumber and what is going to happen on Front Street, though residents are also looking for relief as well. Rather than do Front Street all the way down to Crystal and do a large block like that, and give permit parking to all though residents there, did probably make sense to do this one particular portion, and then give us the opportunity to a valuate and see what is actually happening. To give those residents over on Albert Street, some sort of relief right now, what is happening now is those meters are there, and they are getting clobbered.

Councilman Bianchi-That is my neighborhood, I was born there and it is a problem.

Councilman Tanelli-This is based on the Police Chief's recommendation, not to do the entire block, now that the meters are in, to do one block at a time to see what the impact is. Obviously, there will be an impact, as you start to make them all permit parking.

Councilman Bianchi-I am in agreement with that, except for one thing, I would like to see an ordinance at the next meeting that we have in October to help the people on Union Place, off of Harding Place.

Councilman Granell-We should make the recommendation this evening that we should start charge Terence Wall and the Police Chief to come up with a resolution not just for one street, but the whole area there that seems to be affected by this problem.

Councilman Bianchi-Union Place from the dead end all the way to the Pike.

Councilman Granell-The recommendation should come from the Public Safety person, to let us know what path we should follow.

Councilman Hughes-I am not necessarily against this, I just want to see a comprehensive plan. Is there a way to answer the people who have problems with the street sweeper, where there is no place to park now for them except metered parking on Ridge Road, could we allow opposite side of the street parking on the days of street cleaning, just for that one day, is there a way to do that?

Councilman Tanelli-I was instructed by Mr. Wehrle, that can not be done. It was a suggestion that I made to move the parking on those streets that you can only park on one side move to the opposite side while they are street sweeping. I was told no that was not a possibility.

Councilman Granell-No the interrupt I think what we should do is my recommendations to the Police Chief about all the concerns that we have, and the best way to get that done. The Police Chief should back to us, Mayor and Council, this is the resolution, and this is the best plan moving forward. We can communicate that to the residents as well as to what is going to happen over there. But the incident on Albert is a direct reflection of what is happening now because of the meters being put in. I agree with you Joe, the meters going all the way from one side of Ridge Road to the other, will help us out greatly. It has been long over due.

Councilman Bianchi-It is better for business too. As much as people complain, North Arlington has meters, North Arlington needs to raise money, and the meters do help the businesses, because if you don't have meters, people park their cars all day. Even the business owners, right in front of their own places, and leave them there all day. Then they will complain that they are slow.

Councilman Tanelli-I make a motion that we move the first reading of this ordinance, and ask the Police Chief to come back at a later date with a more comprehensive plan for the entire area.

MOTION TO MOVE FIRST READING OF ORDINANCE UNTIL FURTHER NOTICE

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

FIRST READING OF ORDINANCE #2001

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

INTRODUCED BY: Councilman Ferriero
SECONDED BY: Councilman DiBlasi
ROLL CALL: All council present, vote in the affirmative

FIRST READING OF ORDINANCE #2002

AN ORDINANCE TO ADD SECTION 5. 50A-23.C(i)(g) OF THE RIDGE ROAD REDEVELOPMENT ORDINANCE

MOTION TO TABLE (NO ACTION TAKEN)

INTRODUCED BY: Councilman Granell
SECONDED BY: Councilman Hughes
ROLL CALL: All council present, vote in the affirmative to table

APPROVAL OF MINUTES

MARCH 13, 2008
AUGUST 14, 2008

INTRODUCED BY: Councilman Granell
SECONDED BY: Council Bianchi
ROLL CALL: All council present, vote in the affirmative

ADMINISTRATOR'S REPORT – Phone system up and running, begun the process of applying for a grant through Green Acres, hearing on September 29, and deadline September 30. Property next to Rusignola Park on River Rd. Improving ten catch basins, Leonard and Schuyler, Leonard and Eckert, Argyle, Prospect, and Hendel. Canterbury Phase II is underway, engineer will be discussing it in detail. Bergen County Open Space and Recreation Grant meeting was attended by Councilman Granell and myself, which he will detail further. College from New Jersey we just received today, from the office of Academic Grants and Sponsored Research, this relates to Community Forum Initiative Ridge Road Redevelopment has to do with collaborating with the Division of Transportation and the Meadowlands for pilot program for DOT, it is worth \$71,450.00 contract, the cost to the taxpayer is zero.

ENGINEER'S REPORT – Ridge Road Streetscape most of the work is done, landscaping is next, contacted PSE&G regarding lights. Schuyler and Belleville Turnpike intersection, we meet with DOT several items were discussed, and other items occurred after meeting. I do have two of the three quotes that were sent out, there is quite a bit of a range, lowest is \$18,000.00 and highest is \$30,000.00. Holy Cross Cemetery agreement with scope of work was done. Geraldine, Truman, and NARDA pump stations are still being worked on. DEP offers a low interest loan with a partial grant to help repair and restore pump stations, storm water stations, and water mains. Must apply before October 6 for next year. Inaudible. Canterbury Phase I minor list of items inaudible, Canterbury Phase II just started this week inaudible. Hedden Terrance just a matter of finishing it up. Morgan Place has quotes inaudible. Firehouse improvements, preliminary design done inaudible, get that out to bid next week. 110 Porete Avenue, we are investigating that situation, boulders, fencing, and walling. There is a copy of the developer's agreement this slope is to be monitored every 6 months inaudible. Ongoing problem, maintenance, and observation that has to be maintained We made some recommendations, need for their engineer to make recommendation, at one point it is very close to other properties.

Councilman Hughes – I have a couple of questions for Nick, going back to Schuyler and Belleville Turnpike intersection, the re-design is 6 or 7 years old now?

Dominick Villano – It started back in about 1997, which is 11 years ago.

Councilman Hughes – The DOT has not accepted ownership of this property that we did because that were damage to one of the light control boxes probably caused by a motor vehicle accident. Now that we have corrected that problem, they are telling us that there are more things have to be fixed before they will accept this intersection? It seems like they are just stretching this out so that they will never be responsible for taking over ownership of this intersection and the Borough of North Arlington will forever be foxing things down there because of the design and way it is laid out, traffic going through there, and the accidents that happen there. It just seems like they are procrastinating in taking ownership.

Dominick Villano – Just to add to that Council, the frustration for us because we did an “as built” and Mr. Wall made with them inaudible submit as “as built”. I can not tell you the number of divisions we had, to the point that they wanted to take it over and finally inaudible themselves but it has been an ongoing thing. The more time that goes by, there are more problems that inaudible and obviously inaudible items on this list. Different things that they inspected, passed it, 4-5 years ago, they won’t take ownership unless all these items are complete.

Councilman Hughes – Is this something we should have Mr. D’elia look in to as to the legal aspects and get this thing closed out, if it has been hanging around ten eleven years, and they are just saying we are not going to accept it because it’s always going to be broke. Something is always going to need fixing?

Dominick Villano – I know nothing about that, I would have to talk to them about if you want.

Mayor Massa – Nick please submit a report to the Borough Attorney, so he can take a look at the legalities on this issue. Council members are entirely correct on this point; it has been an ongoing problem too long. Unfortunately we have inherited a number of headaches from the past that we are trying to resolve and we want to get this taken care of. Especially being a matter of a public safety issue. Please submit report to Administrator so he can refer it to the attorney.

Councilman Hughes – Can you explain a litter further the Joint Sewer Commission Pump Station what is required and the cost?

Dominick Villano – You have an agreement with Lyndhurst, about 20 years ago it use to be a treatment plant, it use to collect flows from North Arlington and Lyndhurst and pump it to Belleville. We are at a point now I think we could use some new equipment to the sum of about \$1.2 to \$1.3 million dollars inaudible pumps. Also pumps that are larger than what is there now, when it was originally designed it didn’t account for any future development in the Meadowlands. Other pumps stations for instance in Kearny, North Arlington, the NARDA station that pumps it there. We started collecting different areas of both North Arlington and Lyndhurst, the over all expansion would account for any future development, and bring it up today’s standards. We have reached the point where we need to put some money back in to it, versus doing it on an emergency basis.

Councilman Hughes – Correct me if I am wrong but is there not a commission established where they have direct inaudible authority. I know that we do fund it; can’t they bond or apply for grants as a commission?

Dominick Villano – I don’t think they can, that is something that would have to be looked at. I will leave that up to Mr. D’elia or the commission.

Councilman Granell – As a member of that committee, between North Arlington Lyndhurst, I think one of the recommendations that we asked you to come back with and you followed up with was the financing. Because we were waiting for some sort of project that was going to happen in the Meadowlands that I won’t name, that was hopefully fund that project and we do the inaudible. We have made the conclusion that that is probably not going to happen, between Lyndhurst and ourselves, we asked you to talk to the DEP and found out about the financing and put a plan in place so we don’t do patch work any longer and continue to move ahead.

Dominick Villano – From the last meeting we had they gave me a temporary fix. It is frustrating to get calls in the middle of the night, or every time it rains, we are making do with what we have, putting money into that until we can get some of this money that is coming down the pike hopefully within the next year and than do the job the way it is suppose to be done.

DEPARTMENT REPORTS

Robert Kairys – Reviewing the plans for the new condominium project located at 43 Schuyler Ave. The demolition permit for the car inaudible has been issued, scheduled tomorrow. Foundation permit has been issued. Property maintenance violations continue to issue them. Have an issue with one property that was foreclosed on and the bank also went bankrupted; we are trying to locate a responsible party, spoke with Mr. D’elia. Water main broke on Schuyler Ave at bowling alley, had to be shut down for the night. I am investigation several illegal housing complaints. During the filming of the TV show, I had a crew on stand-by just in case there was an emergency. Recently we had a training exercise, using water, and saws.

James McCabe – My summer kids did an excellent job, in August they worked together with NAVES and painted the inside of the building. Also on Rutherford place between every driveway, they painted it yellow, so student parking would no longer block residents in. Library we installed a handicap toilet last week. Opportunity Knocks, we worked with them for 3 days, they would like to come back. Senior bus has a very bad electrical program; it will be out for at least 2 weeks. We dropped off a 130 pounds of paint at the recycling center in Mahwah. Next week we will be painting Morgan and Harding, as result of an accident last week we will be painting lines in the middle of the streets. Sunday we will be setting up for the dedication ceremony.

Councilman DiBlasi – Are the above ground pumps down at the station, are they fueled?

James McCabe – No, not yet. We will be getting a letter from the company stating when they will be put in, tested; the electrical still has to be done. Everything is there, it is about 90% complete, and we need 1,000 gallons of fuel and diesel to test the tanks.

Terence Wall – Just an update on pot hole repair, street signs, inlet work, and how we are interacting with Passaic Valley Sewer regarding street sweeping and also Meadowland’s inlet jet vacuuming.

James McCabe – Street sign project about 99% done, about 30 more signs left. Passaic Valley Sewer comes once a month, on Thursday, he is going to do both sides of River Rd, Schuyler Ave., all the parking lots, and the firehouse on River Rd. Tuesday, he is going to do his regular job, east side of town. Potholes are being done as they are called in, Monday or Tuesday we did about 4 tons. We have 10 sewer back-ups in the month of August, five were our and five were homeowners.

Mayor Massa – Just one question regarding Opportunity Knocks, do you feel it was a successful situation for the Borough?

James McCabe – I was here for the three days with no problems, the homeowners were given a barbeque.

Councilman Tanelli – On Tuesdays and Thursdays how many sweepers will be on the road?

James McCabe – One of theirs and one of ours. It will be a full day on Tuesday, and half a day on Thursday

COUNCIL REPORTS

COUNCILMAN BIANCHI – Jim gave my report on Senior Bus, would like status on bus grant, or purchase second hand bus. If I hear one more time from a senior citizen look what Lyndhurst has, and we have nothing, I’m going to go crazy. Light issue on Crystal Street, Mr. Colacino has not scheduled date. Mr. Kairys please advice.

Mr. Kairys – Mr. Burns installed shield on light, I did an inspect around midnight from Mr. Colacino’s house to Ridge Road and light was not in violation, this is a neighborhood dispute, we can ask Mr. Burns to adjust position.

COUNCILMAN DI BLASI – I have no report, Mr. McCabe reported everything.

COUNCILMAN FERRIERO – Food donations, Veteran’s business loans

COUNCILMAN GRANELL – Regarding grant money for bus, I spoke with Kevin Donnelly from Congressman Rothman’s office, he stated we are waiting to see if Washington approves it, should possibly know by end of October. One of the initiatives that we are working on is with the New Jersey Meadowlands Commission is going solar, I want to thank the Board of Ed. in filling out the paperwork, an assessment has been done on schools, along with municipal properties, as more information comes in I will provide it, we are looking to subsidize some of the energy requirements with solar energy. I received a phone call saying the GEM car was in; just need to get it painted and out on the street. I want to congratulate Rita Healy and rec. commission for the fantastic job on “Movie Night”. I attended a Bergen County Open Space grant meeting with Mr. Wall, between 10 municipalities in the South Bergen area, we applied for \$1.9 million dollars worth of grants, everyone in the same room fighting for \$700,000 worth of available funding, we were able to secure about \$70,000 for our recreational needs. One of the big things we are looking to do is continue the Mayor’s plan of renovating Allan Park, and the Little League field. Final note, the Bergen County Prosecutor’s office has made available equipment to help secure and protect our schools. Thank you.

COUNCILMAN HUGHES – Health dept, September 27 will be a Health and Safety Fair 10am to 1pm joined with Clara Maas, Oct. 2 multi-phasic blood screening by appointment, Oct 15 Breast Health Forum partnered with Clara Maas, Oct 22 Shingles program with H&B Drugs. Passaic Valley Water Commission needing permission for repairs, and notifying residents of water main breaks immediately, not three days later. The meeting went well, they will be supplying phone numbers where they contact us and notify us on a regular basis. I spoke with Rocco from Opportunity Knocks, he could not praise the town employees enough, for all their help and cooperation.

COUNCILMAN TANELLI – First I would like to thank Mr. Mazzola for another successful summer program, the Youth Center is open after school for the children, softball and football started their seasons, schedules will be posted on borough website. I am very happy that we moved forward on the Library project, it’s been long over due. On one alarming note Mayor I read in the paper on September 11 observance, all though the park was closed at dusk, residents still wanted to view the monument, they mentioned they were rudely treated, I would like to get a report on what happened. Thank you.

MAYOR MASSA- Regarding second hand bus, rather get seniors something that is safe and reliable, we owe them for their loyalty of living all their lives in this town, and the support they have shown. I hear the same issues, but it is difficult to compare financial situations, we are trying to obtain grant money for a new bus. On a personal note, Councilman Granell is in his second year of his three-year term, the report that he gives us tonight is an example of his dedication and commitment he has made to community service. I just want to say that every time we ask Councilman Granell to handle a problem, he not only tackles it, but he tackles it well. He has been a great member of this administration and one hell of a team member, and I can assure the people of this community, in my continued contact with him, he is out there working for us, and for you. Councilman Tanelli, I would also like to know what happened, we will have the Police Chief check into that. Nick Mazzola, thank you for your staff and the summer program. Thanking Councilman Ferriero for his dedication as council, advocacy for senior citizens, and your service to your country. If anyone could be called “Mr. North Arlington”, I really think its Jimmy Ferriero. I would like the Borough Attorney to give us an update on the litigation.

Anthony D’elia – As you may recall North Arlington was sued by Cherokee/Porete, which is ENCAP here in town, back in 2006. We are taking depositions and discovery. We have a case management conference next week with Judge Harris. Mayor, Council, and numerous employees from Cherokee/Porete entities have been deposed. We have hired an expert law firm with extensive experience with public financing, they have given us there option, which helps to prove our case that Cherokee/Porete does not have the financial means to live up to their end of the agreement. By our next week, I should be able to inform you when Judge Harris can actually hear us in a trial in an open courtroom. Waiting for a report from the environment expert that I hired who will establish that the

environment estimates that were provided to us by Cherokee in connection with this project both as to the clean-up cost and time frame were totally useless, which only helps our case prove they could not live up to this agreement right from day one. Opposition Council is pushing for agreement that is their position there are taking here in North Arlington. Regarding the bankruptcy that ENCAP Golf filed in connection with the Lyndhurst and Rutherford properties, Phase One Agreement, just as an update, we are involved in that, we have filed with the Bergen County Tax Judge asking for a legal ruling to pay their taxes immediately, spoke with Judge last week, considering our agreement, will give his decision soon. In addition, at the end of September, ENCAP has to submit a reorganization plan to the bankruptcy judge. Donald Trump has already filed motions, since he already knows what the plan will be; in the papers he says that ENCAP's plans for reorganization in North Arlington-Lyndhurst are hopeless. He is asking permission to file his own reorganization plan which will include housing far beyond the numbers that were envisioned by Lyndhurst and Rutherford. I am not an expert on bankruptcy law, but I do believe if any of the reorganization plans chance the fundamental agreement in Lyndhurst or Rutherford, they would have to agree to those reorganization plans. As a side note, I don't really envision anything fruitful coming out of the bankruptcy reorganization plans. The whole bankruptcy matter does not apply technically to our contract and litigation.

Mayor Massa – With respect to the meeting that was conducted by myself, Borough Administrator, Borough Attorney, and Councilman Hughes with Passaic Valley I do recall that session Mr. Bell the Executive Director, was listening to a number of our concerns and promised he would put together a proposal to emanate a solution. We did discuss the water delivery system, when the system was sold, a schedule of rates were to be put in place. United Water and other water companies who deliver water to other municipalities are in the process of increasing rates, because of the cost of delivering water, maintenance, and the cost of union contract employees, cost of vehicles and equipment, and purchasing up to date purification equipment. We do get routine reports on the Passaic Valley with regards to the quality of water, and of course whatever complaints and issues we encourage you to contact the water provider directly. If you run into a problem with them, please contact borough hall. We expect them to service us. Be aware that the cost of these utilities does not remain stable. With this administration we try to economize wherever we can, that is our commitment to you, for example Councilman Granell researching the electric vehicle, or the solar panels. These are the things that have to be done by progressive government administrations, to try to lessen the burden on the taxpayer. Whenever we can it, we will. Any suggestions you may have are always welcomed. At this time, I would like to entertain a resolution for executive session.

R-231-08 RESO RE: EXECUTIVE SESSION

INTRODUCED BY: Councilman DiBlasi
SECOND BY: Councilman Bianchi
ROLL CALL: All council present, vote in the affirmative

MOTION TO RETURN TO REGULAR BUSINESS

INTRODUCED BY: Councilman Tanelli
SECONDED BY: Councilman DiBlasi
ROLL CALL: Council present, vote in the affirmative
EXCUSED: Councilman Ferriero

ADJOURNMENT:

MOTION TO ADJOURN

INTRODUCED BY: Councilman Tanelli
SECONDED BY: Councilman Bianchi
ROLL CALL: Council present, vote in the affirmative

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