

MINUTES

REGULAR MEETING, THURSDAY, MARCH 12, 2009 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 Granell, Councilman Hughes, Councilman Tanelli and Councilman Yampaglia

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

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS:

Mayor Massa – Mr. Norcia this is a hearing of citizens. Please be clear as to what the procedure is. Is there any specific reason why you want to hand documents out to member of the Council?

Mr. Norcia – It is pertinent to what the issues are.

Mayor Massa – Make your case and then at that time you can deliver the documentation to members of the Council.

Bob Norcia – Because of the ongoing situation I call this Chapter 4 fences 2.

Dear Mayor Massa:

Why does North Arlington have codes and rules? There are guidelines for taxpayers and all part time residents alike. They tell a person what you can and when you cannot do. At the present time taxpayers seem to have 2 sets of rules. One is for 99% of the towns people go by and the other as quoted in the Observer for Linda Jacewich. According to the Observer Jachwich's received a letter from the town stating that the fence on her property must come down and be repaired according to town ordinances. She continues to defy both the variance decision. Both sides went to a variance meeting on September 15, 2008, at that meeting Mr. Sarlo and Mr. Antonicello said to Linda Jacewich which is on record you were told the fence could not be over six foot, this is your fault Mr.

Antonicello said. If you did what you were suppose to do we would not be here. If the Mayor allows Linda Jacewich or any other taxpayer to dictate to them they are not doing what they have been elected to do. If this is allowed this will set a dangerous precedent that could open up a can of worms in the town where the citizens could pick and choose what ordinances they want to follow or not. You are allowing a double standard a suggestion which is suggesting favoritism by not forcing Ms. Jacewich to take down her fence as the town ordinance states. On February 26 I contacted the town administrator Mr. Wall who led me to believe that people involved in my dispute are trying to worm their way out. Who is running the town Ms. Jacewich or the elected officials? Linda Jacewich is a teacher telling students what to do for years, but Linda Jacewich refuses to do what she was told. This is definitely not the American way. For 20 years Linda Jacewich has been permitted to control the neighborhood in wanting only her own way. I want to make it very clear for the last time this problem. Before I even moved to this town they had the same identical problem with a fence and bad feeling and everything else.

Mayor Massa – I do not want to interrupt you.

Mr. Norcia – I am hearing to much back log on my fault that it is my doing and I am tired of it. Twenty years this year and it will be straightened out once and for all. They sold the house and brought a house three houses up on the other side of the street, doesn't that tell anybody anything. They fought with things that went on with me like I can't park, I can't wash my car. Look beyond.

With the original complaint I went to Rick Fernandez two times by letter and he blamed Robert Kairys and neither acknowledged by complaint. The first time I spoke to Robert Kairys he said he was busy which I acknowledged and said I would be back. The second time I will get back to you in a couple of days, third time I will see you next week, I did not get a chance, fourth time the only answer was Linda Jacewich was putting in a variance, a variance that took months and months to take care of. I said in the previous Council meeting Mr. Wall, I said something to Mr. Wall, Cathy and Robert Kairys which I said that the three of us only heard and knew what I was talking about. I said it was a conflict of interest because Robert Kairys was the only one there, somebody had to tell Linda Jacewich or her lawyer or both, I was making numerous complaints at the time the fence was 6.5 and 6.9. There is where the violation was allowed to be covered up in between and that what took so long to go to the variance. They did it by adding dirt and bricks to block the water which is now creating a problem.

Mayor Massa - Mr. Norcia just wanted to let you know that your five minutes have lapsed we will come back to you after we give the other people in the audience an opportunity to be heard.

Mr. D'Elia – Do you have anything else to say so that you may be able to finish up.

Mr. Norcia - I never heard from Robert Kairys the Construction department creating a hostile living environment for many, many years. When it rains now I have a flood in my yard about 32 feet long which is still marked off with red flags because of the fence which is stopping the natural flow of water which should not be allowed at all.

Mr. D'Elia – Why don't you finish up now?

Mr. Norcia – I am taking a little bit of abuse with this thing Mayor. Every time I spoke with Robert he keeps bringing up an incident where Linda Jacewich complained to him about me shooting a deer 15 years ago, how many times are you going to throw this in my face.

Mayor Massa – First of all Ms Jacewich is not here and that is not part of the violation.

Mr. Norcia – This is favoritism. This is where I feel Robert's favoritism is on Jacewich's side. He never came down on any of the complaints.

Mr. D'Elia – Let me say this. This is the public comments as you know and we do this at every meeting for the last 2 years and nobody will comment at all until the end of the public session if they choose to do so. Your time is up now Mr. Norcia.

Mr. Norcia – The most important one you are shutting me down.

Mr. D'Elia – We have to have a time limit.

Nick Antonicello – I am a member of the Zoning Board. Last year 2008 an application came before the board in regards to the height limitation of the fence on Mr. Norcia neighbor. 80% of the testimony that was heard before the board that evening was up there about the fence, it was about personality about between one against the other. The Board heard all the testimony and ruled them out of order because of this. It was a two hour case that we heard. The board decided that we would not exceed the height limitation set by the Borough Council. The Mayor and Council control the height limitation of the ordinance of this community. We upheld that. The woman testified at the time she received the fence had it put up two years ago that it was inspected and that she had a certificate by the fence man that it exceeded 6 feet. The testimony was that someone put dirt there, I was not there. The zoning board told her that the height limitation would not exceed 6 feet and we turned it back over with a resolution, the attorney put in, the question on the ordinances is skeptical where do you take the 6 feet from? It is up in the air right now we don't know. The interpretation of the attorney is can vary from the bottom of the fence to the top of the fence. The question does remain that this feud has been going on for many, many months. I received a letter and I turned it over to the committee that he wanted the Mayor to have them have a debate and he wanted the Mayor to monitor the debate. He also accused myself and the Zoning Board that because we did not approve it we held up the 6 foot limitation of the fence we are being accused that the water in his yard is there because of us. So members of the Mayor and Council this issue we resolved and upheld the ordinance of 6 foot height limitation

and I understand that is being appealed and while it is being appealed, no action can be taken on that particular resolution that we passed at the Zoning Board.

If the Mayor and Council want to change the resolution from 6 feet to 7 feet fine but right now the Zoning Board upheld your decision to keep all fences at 6 feet.

Mr. D'Elia – She appealing it?

Mr. Antonicello – Yes, I believe that she is appealing it.

Mr. D' Elia – She lost?

Mr. Antonicello – They appealed to Superior Court.

Mr. Wall – She intends to appeal after the 45 period lapsed after the printing of the advertisement.

Mr. Massa – Thank you very much Mr. Antonicello, you have been enlightening on the situation.

Mayor Massa – Mr. Norcia at this time I will give you another 5 minutes and you can hand out anything you may have for the council members.

Mr. Norcia – I feel nothing against Robert but every decision I tried Robert Kairys has a bad habit of supporting Linda Jacewich. The last time there were no violations that existed 2005 which was an ongoing situation like this one a year and a half, because the inspection by the County Board I am sure if you yourself were involved Robert said there were no violations there were 3 violations. I take it very personal, I am upset about it and I don't like anyone being one sided, I never have done that in my life I have always been fair with everybody and I expect everybody to be fair to me. As far as the water, I did say that you can't block the natural flow of water, go back to any minutes you want to go back all these meeting that I have been to, and fortunately in my favor in December 8th, 9th or 10th there was a heavy rain, the yard was flooded. I hope Nick did not get offended because I put a note on his car I couldn't find him, come and see you and Mr. Sarlo at the decision of pushing the fence to the ground allowing her to block up, I produced pictures, pictures of blocks being put up, dirt backed up behind it and if it is not dirt the blocks would automatically stop the water it is like a temporary not permanent because she left it like that. You are blocking the water from going down, I never had water like that, I had little bit of puddles in the heavy rain but not half way up my yard. I am just tired of the one sided favoritism. It is discrimination, it is double standard where you say I can and I can't. My fence was cut down immediately within 8 days. I did what I was supposed to do why doesn't anyone else do it. I mead this woman is going to create a problem and nobody is supporting me I am left out in left field. She claims she went to school here, she is a teacher, I went to Queen of Peace what does that make me a nobody, I am a tax payer like her and I pay more taxes than her.

The other thing with Mr. Davie, I respect him very much because he is a lawyer, don't start coming up here and saying like Nick Antonicello said that on tape we have it. I got like 10 minutes. I never got all what I wanted to say they got 40 or 50 minutes and he said I was a prosecutor, I went to school here, I went to Queen of Peace all of the BS in between had no bearing whatsoever and I was told when I asked Mr. Wall and Mr. Sarlo on a three way conversation I said what's involved with this do I need paperwork do I have to bring 20 years of stuff in, he said no only discussion is about the variance. We went to the variance and I got it stuck right up my butt. I don't care, it just goes to show you what kind of people we are dealing with. As far as Nick saying its personal, it is not personal by no means we are going by 108 and 110 Sunset Ave and that is it.

We went to a neighborhood dispute. Judge Savino said to the Arbitrator report back to me. We went to dispute it got out of hand. Linda Jacewich is reaching into her pocketbook and reaching back and forth so I said to my wife because she was closer, my said to the Arbitrator what does she have in her pocketbook? She say I have a tape recorder. Automatically I am sure everybody knows here that you are suppose to be informed if you are being taped. She said give me that you are not suppose to she got ticked off at her. This woman admitted at the neighborhood dispute three separate conversations which were in my house and that she was on some kind of mission high tech security she told them exactly what I was saying three separate time on my property and two times in my house, 30 feet away from my window and I said to the Arbitrator if she heard that then she would get her kicks off, I am only 15 feet from my bedroom and I got very upset about that. She admitted it she can't deny it because it went back to Judge Savino he expected me to go with an invasion of privacy. I do not want to do it. I wanted to stop this. It is frustrating.

Mr. D'Elia – Just for the record since we don't want to establish precedent, I hope you appreciated the Mayor gave you an extra 5 minutes, normally we do not do that everybody gets 5 minutes only.

MOTION TO CLOSE PUBLIC COMMENTS

INTRODUCED BY: Councilman Tanelli

SECONDED BY: Councilman Granell

ROLL CALL: All Council present vote in the affirmative

Mayor Massa – Would any members of the Council wish to comment on the hearing of citizens.

Councilman DiBlasi – I would like to find out and have Mr. Kairys up at the stand.

Mayor Massa – Do you want to comment on it or did you want to question.

Councilman DiBlasi – I want to get to the bottom of I know what Mr. Antonicello said before about the 6 foot high. Is this fence 6 foot high or is it 6 foot 5? Because if it is 6 foot 5 we don't want to tear it down but she got to brink it down to 6 foot.

Mr. Kairys – The Zoning Officer is going to conducted the inspection. I will talk to Rick on Monday and I will call you.

Councilman DiBlasi – If it is 6 foot 5 its gotta be 6 foot and she can't build up dirt on her side of the property to make it 6 foot and if it is on a hill they could always step the fence down to keep it 6 foot wherever it is suppose to be.

Mr. Norcia – She does not want to do those things.

Councilman DiBlasi – Well, if that is the Zoning ruling.

Mayor Massa – Mr. Norcia you had your time the Councilman is questioning the code enforcement.officer. This is not an adversary proceeding and I will keep order.

Councilman DiBlasi – We will go by the rules. Very simple.

Mr. Wall – Mayor and Council there are two basic issues here. One of the various charges and counter charges of harassment and trespassing and other types of things which are not germane to this issue. There are dockets numbers that go back, Docket S2007003100239 and 00316-0 State vs. Norcia, State vs. Jacewich those issues not germane in this proceeding clearly there is ongoing levels of dynamics between these two neighbors that go back many, many, many years. Very specifically to this issue this is properly under the purview of the Zoning Board which is an autonomous body this matter was heard in October they denied the request of Jacewich it was memorialized in January the request the one item we had a change as it related to the Planning and Zoning Board secretary and some of the work flow was delayed and the advertisement which is required will be published in the next couple of days that will then total a 45 day period with in which the applicant can appeal and those are the facts. This is not the proper venue for this particular it is properly situated at the Zoning Board. So those are the facts. All the other dynamics I can cater gorily reject any of the accusations made to this Mayor and Council being anything but fair in these proceedings. I just want to make that clear and for the record, that the Mayor and Council are absolutely fair arbitrators of justice here, so again October denied, January memorialized, personal changes related to the secretarial staff of the Planning, Zoning Board, the advertisement will be printed. I called Mr. Norcia today to advise him of this fact that he will receive a copy of the advertisement so he can have that for his possession that then will total a 45 day period within the applicant who is denied relief can appeal and that matter will then go through its logical process which is not heard hear in this forum.

Mayor Massa – At time I would like to have the Borough Attorney give the community an update on the current litigation.

Mr. D'Elia – The trial for Encap has been in the newspaper has proceeded we completed all testimony and evidence this past Monday, we know have closing arguments scheduled for the 19th at 9:00 am before Judge Harris. The evidence in the testimony went in the

way I thought it would go in. As I said before they are trying to argue that the contract was breached by the Borough in 2006 when as a result of the efforts to obtain independent counsel to review the agreement, certain actions were not taken by the Borough at the request of the developer. We have argued our inaction I guess if at that time was reasonable under the circumstances, secondly we argued that even if we were to take action and we did not do it, it is irrelevant because the fundamental reason why the redeveloper was unable to obtain the benefit of this bargain and perform its obligations Encap/Cherokee is what we are talking about, was because the Governor at the end of 2006 rejected a particular financing plan that they needed to raise about 30 or 45% of the money anywhere between 100 and 160 million dollars to clean up all the property in North Arlington, to do the infrastructure work etc., and we are saying that the action by the Governor is really what prevented them from being able to complete this project, they did not have the financial without that kind of pilot bond financing to do the job. So everything is gone in the way its gone in, Judge Harris is a smart judge, very attentive he has raised issues that intellectually challenged at the end of the day are probably not going to be material to the case but we certainly need to address them in closing. I am still confident that my opinion has not changed we have a very good case, no guarantee that we are going to win. They were initially suing for over a hundred million dollars. They were initially claiming that they wanted to be reimbursed for the 39 million dollars they have spent for everything including firework shows in 2004, 2005 here in North Arlington. They also wanted to be paid back the 2.25 million dollars that they paid to the Borough as impact fees under this agreement. Their argument is we got that money 2.25 million, we spent it already, we reduced our tax obligation by that amount, so therefore, if the Judge concludes it was the State of New Jersey that stopped this job from occurring the only fair thing would be for North Arlington to pay back the 2.25 million dollars. Even disposing their financial expert I got them to give up their argument that they were entitled to an additional 70 or 80 million dollars in lost profits and lost benefit of the bargain. That was a pretty successful deposition of their expert. I have to admit though was not too hard.

They are also giving up finally that they have no intention of even trying to get any redevelopment in North Arlington. I guess you could say the first state of your fight has been won, you have prevented Encap from developing in North Arlington. The second stage is up to me in some respect we have to beat down their claim for 39 million dollars and we have to beat down their claim that we should pay them back 2.25 million dollars. Mayor Massa testified, Mr. Tanelli testified they were wonderful.

Councilman Granell - Thank you. Just wanted to make sure you didn't go over the 5 minute period there.

RESOLUTIONS ON CONSENT AGENDA

R-54-09 RESO RE: AUTHORIZATION TO PAY CLAIMS

R-55-09 RESO RE: 2008 COMMUNITY DEVELOPMENT OPEN SPACE TRUST FUND PROGRAM (SCHUYLER AVE PLAYGROUND AND PATHWAYS)

R-56-09 RESO RE: PUMP SERVICE BIDS

R-57-09 RESO RE: TAX MAP UPDATES

R-58-09 RESO RE: LAWN MAINTENANCE SERVICES

R-60-09 RESO RE: INTERLOCAL SERVICE AGREEMENT PISTOL RANGE

R-61-09 RESO RE: RESIGNATION OF FIREFIGHTER

R-62-09 RESO RE: PLACE (2) TWO FIREFIGHTERS ON INACTIVE STATUS

R-63-09 RESO RE: APPOINTMENT OF FIREFIGHTERS

R-64-09 RESO RE: APPROVING PROFESSIONAL SERVICES AGREEMENT WITH NEGLIA ENGINEERING ASSOCIATES – 2008 NJDOT MUNICIPAL AID PROGRAM – SUNSET AVENUE RESURFACING

R-65-09 RESOLUTION RE: APPROVING PROFESSIONAL SERVICES AGREEMENT WITH NEGLIA ENGINEERING ASSOCIATES – WILSON PLACE RESURFACING

R-66-09 RESO RE: APPROVING PROFESSIONAL SERVICES AGREEMENT WITH NEGLIA ENGINEERING ASSOCIATES – HOLY CROSS CEMETERY DRAINAGE IMPROVEMENTS

R-67-09 RESO RE: OFF PREMISE RAFFLE QUEEN OF PEACE GRAMMAR SCHOOL

R-68-09 RESO RE: APPROVAL OF 2009 BUSINESS LICENSES

R-69-09 RESO RE: AUTHORIZING CONTRACT TO KEY-TECH FOR THE ASPHALT CORE DRILLING AND TESTING OF CANTERBURY AVE. PHASE II

R-70-09 RESO RE: CERTIFICATION OF EMERGENCY SERVICES PERSONNEL FOR 2008 LOSAP QUALIFICATION

R-71-09 RESO RE: REDESIGN REVISION FOR NORTH ARLINGTON PUBLIC LIBRARY

Councilman Hughes requested that R-59-09 be removed from the consent agenda

INTRODUCED BY: Councilman Tanelli

SECONDED BY: Councilman Granell

ROLL CALL: AYES: Councilman Bianchi, Councilman DiBlasi, Councilman Granell, Councilman Hughes (with the exception of R-54-09 in which Councilman Hughes recluses himself from voting on Fire Department purchases) Councilman Tanelli, Councilman Yampaglia

RESOLUTIONS NOT ON CONSENT

R-72-09 RESO RE: TRANSFER OF APPROPRIATION RESERVES

INTRODUCED BY: Councilman Tanelli

SECONDED BY; Councilman DiBlasi

ROLL CALL: All council present vote in the affirmative

R-59-09 RESO RE: CERTIFICATION OF FIRE DEPARTMENT PERSONNEL FOR 2008 LOSAP QUALIFICATION

INTRODUCED BY: Councilman DiBlasi

SECONDED BY: Councilman Granell

ROLL CALL: Councilman Bianchi, Councilman DiBlasi, Councilman Granell, Councilman Tanelli, Councilman Yampaglia

Councilman Hughes recluses from voting.

ORDINANCE

FIRST READING OF ORDINANCE #2007

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

INTRODUCED BY: Councilman Yampaglia

SECONDED BY: Councilman Granell

ROLL CALL: All council present vote in the affirmative

FIRST READING OF ORDINANCE #2009

AN ORDINANCE TO ESTABLISH FEES FOR PERFORMING MARRIAGE AND CIVIL UNION CEREMONIES

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

Mayor Massa commented briefly on this ordinance. This is an ordinance being introduced where the Borough will now charge \$50.00 fee for marriages and civil unions which are performed by any Borough official. Generally we perform between 10 and twelve marriages a year and on several occasions we have been kind of stood up, the Mayor has been stood up because people have changed their mind. So rather than the municipal government through an inconvenience there is a token fee that we are charging for marriage ceremonies and most other communities have in place.

FIRST READING OF ORDINANCE #2010 (WAS NOT INTRODUCED)

AN ORDINANCE TO AMEND CHAPTER 252 §252-1 OF THE CODE OF THE BOROUGH OF NORTH ARLINGTON ENTITLED "PARKING ON POSTED PROPERTY"

INTRODUCED BY:
SECONDED BY:
ROLL CALL:

FIRST READING OF ORDINANCE #2011

AN ORDINANCE TO AMEND CHAPTER 187 §187-2 OF THE CODE OF THE BOROUGH OF NORTH ARLINGTON ENTITLED "VIOLATIONS AND PENALTIES"

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

FIRST READING OF ORDINANCE #2012

AN ORDINANCE TO AMEND CHAPTER 187 §187-12 OF THE CODE OF THE BOROUGH OF NORTH ARLINGTON ENTITLED "VIOLATIONS AND PENALTIES"

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

FIRST READING ORDINANCE #2013 (REMOVED FROM AGENDA)

AN ORDINANCE OF THE BOROUGH OF NORTH ARLINGTON VACATING THE STREET KNOWN AS HULL AVENUE IN THE BOROUGH OF NORTH ARLINGTON

INTRODUCED BY:
SECONDED BY:
ROLL CALL:

Councilman Hughes – Mr. Mayor I have a question. In light of the fact that we are currently winding up our litigation with Cherokee which largely involves the property of the Lukens Steel property, the 48 acres that is just off of Porete Ave, we are going to putting that land out in the near future for proposals for redevelopment. Is it wise for us to abandon one of the two access ways to that property at this point of the game where we may be looking for people to come in and offer redevelopment plans for that property and know we are going to be taking away one of the access way into the Lukens property , currently now Porete Ave which is a closed end street because we have to go through a private right-of-way to get access to Porete Ave to close off one of the two access points to the Lukens property it may not be a wise thing to do at this time. I think we would be better to table this to sometime in the future where we could look at the different proposals that may be presented by developers for the Luken property and see what they want to develop down there that would benefit North Arlington and then look at maybe abandoning this street at that time.

Mayor Massa - I would like to defer Councilman Hughes at this time to the Engineer to give a report or clarify some issues and questions you may have.

M.r Vallano - In the past when we looked at the roadway system on Porete Ave, Hull Ave was not one of the considerations. There is an existing roadway it is a gravel roadway that leads to the pump station that would have been one of the other. The second point was closer to the A&B property or the northern part of the site, so Hull was never a second access point when it was considered.

Councilman Hughes – Understood, but now we are going to putting that back out on the drawing board, fresh again having new people come in and look at it, look at different ideas for that area and my argument is maybe it is wiser to set this aside at this time until we get some proposals for development in that area and maybe another developer will have a consideration for Hull Ave being an access point depending on how they are going to sub-divide the 48 acres of the Lukens property.

Councilman Bianchi – I thought about it all day today this proposal. I was thinking was the three of you guys have been up in Hackensack battling this Encap and Porete Ave situation, you did a great job, why go there now, can't we wait a couple of more months to sit on this because it is to fresh Porete Ave. If someone gets hold of this information that we are condemning a piece of property down there and turning it into whatever we want to turn it into, I don't think we should go there right now, lets wait a couple of months until this all blows over, till the Judge make their rulings and we pick it up then, because I thing it is the scene of the crime, I don't want to go there now.

I am trying to say that right it is to volatile that area. Let's stay away for a couple of more months until it is all done.

Mayor Massa – Motion to table? We will remove the ordinance from the agenda.

Mr. D'Elia – Any objections?

FIRST READING OF ORDINANCE #2014

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

INTRODUCED BY: Councilman DiBlasi

SECONDED BY: Councilman Granell

ROLL CALL: AYES: Councilman Bianchi, Councilman DiBlasi, Councilman Granell, Councilman Tanelli, Councilman Yampaglia

Councilman Bianchi – I just want to clarify this one. Is this the gentleman who was here about parking in front of his house.

Councilman Hughes – Actually I am going to vote no on this. There are a limited number of parking in that area, the gentleman has a driveway to take more more spaces away where there is a number limited parking. Our Police department recommended against it. If we are going to have our Police department investigate these things and make recommendations to us we should at least adhere to them, so I am going to vote no based on the Police department recommendations.

NAYS: Councilman Hughes

Councilman Tanelli – Mayor, I just received the Police report on this and there were 2 actually on last months agenda that were rejected by the Police department and I have not had a chance to review this report so if we are going to vote on it tonight I will abstain.

Mr. D'Elia – This is only the first reading. You can have the first reading and then not pass the second one

Councilman Tanelli – I will vote to just move it.

PUBLIC HEARING OF ORDINANCES AND SECOND AND FINAL READING OF ORDINANCES

SECOND & FINAL READING OF ORDINANCE #2008

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

Mr. Wall – This is another handicapped spot Bergen and Riverview. This is some additional information that is pending from traffic safety that we wish to forward to you by this meeting that has not arrived as yet, but depending on direction from the Borough attorney perhaps open the hearing to the public carry it to the April meeting so the information can be delivered to you.

Mayor Massa – At this time we will open the meeting to the hearing of citizens specifically on Ordinance 2008 on the second reading.

MOTION TO OPEN TO PUBLIC

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

PUBLIC HEARING:

MOTION TO CLOSE HEARING

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

MOTION TO TABLE

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

ADMINISTRATOR’S REPORT

No administrators report this evening.

ENGINEERS REPORT

Mr. Wall – Is there a brief engineers report?

Nick Valano – Ridge Road we are near the end of that project. We will finalize the contract we will forward them to you.

I will leave the next one up to Mr. Wall regarding the intersection of Schuyler Ave and Belleville Tpk..

Mr. Wall – Very briefly the State is considering contributing in having a joint funding effort in that regard. Ken Luckie has delegated over to another member of the NJDOT or related organization. They will be in touch with us about funding, assisting hopefully fully funding the issue at least in some part.

Drainage for Holy Cross Cemetery, I thank you, I believe you have approved our resolution for us to continue to complete the project, get it out for bids hopefully within the next month or so we can get some quotes back.

Canterbury Phase I as I reported at the last meeting there is some problems with the finish of the asphalt. We are meeting with the contractor, we will get a resolution and see what has to be done to rectify it. It may need, we may have to re-mill, we will determine that based on our discussion.

Phase II you approved the cores and we will proceed with that, we will have the core taken, analyze them and send them to DOT in turn get the rest of the money that is owed.

Morgan Place we have a few punch list items, hopefully with the weather breaking we will have the contract back, have them complete and then we can close out the project.

The firehouse improvements we will have a pre-construction meeting. Mark Zidiak will be at the meeting. We will arrange to have the fire engines out while they are doing the work.

Tax map provisions you approved our proposals to finalize those comments that were requested by the State so we will move forward with that.

Both the Municipal aid and the Bergen County project the Wilson and Sunset we will begin our designs based on your approval.

Truman and Geraldine I believe there is one item we are waiting for. We have given you a proposal. It is still within the \$100,000 that we originally allotted for. If you consider that we can get that work done and everything should be up to par at that point and then we can close it out. I believe it was for \$11,000 Mr. Wall if you could discuss it at the next meeting.

With regards to 42 Geraldine we did have a follow up letter I understand you solicited quotes for that we would just like to take a look at the quotes just to give her our opinion and we attached the detail the type of check valve you should utilize. There are different varieties out there.

Councilman Hughes – On the Holy Cross Cemetery was there funding ever put in place for that repair, replacement?

Mr. Valano – About 4 years. We had it out for bids, we had the project ready to go to construction we were concerned about that Potters Field, that sort of held the project back. There was money put up for it and I believe that it was the Borough's money.

Councilman Hughes – There was a bond issued years ago. Are we looking to replace it or clean it out?

Mr. Villano – We are still replacing it. We tried the cleaning it did not work.

Councilman Tanelli – The check valve situation, when we had our meeting we discussed at the Joint Sewer we discussed the check valve you would need to have a trap door for people to do clean out. That is all going to be addressed with anyone, we are recommending that they put in an (audible) panel.

Mr. Villano – There are two ways of installing a check valve, one is in the basement levels so therefore you can just go to it. The second one is to put it on the outside but you would have the manhole so you can go inside the manhole to access and cleaning. So I am not sure what you solicited.

Mr. Wall – Based on the nature of the communication but I think it is an issue for executive session.

COUNCIL REPORTS

COUNCILMAN BIANCHI - Progress the bus is running. Seniors are happy.

COUNCILMAN DI BLASI - Report on the Department of Public Works. They assisted the New Jersey Meadowlands Commission used hammers on sewer lines and cleaned main sewer lines between Ilford and Sunset Ave. Worked on 6 sewer back ups. They complied with tree trimming and removals. Pot holes repairs have been on going. They are rebuilding a collapsed storm drain on Lincoln Ave. Street sign replacements are going on. Cleaning the Library and Youth Center on a daily basis, preparing soccer and baseball fields for Spring.

COUNCILMAN GRANELL - From the Board of Ed perspective, members of the Meadowlands Commission, Terence Wall and myself met with the Solar team from the Meadowlands and they are looking to see how old the roofs are for the North Arlington School System. If the roofs qualify the Borough will probably have 1 of 4 municipalities

in the State beside Bayonne High School we will have solar power on top of all the grammar schools, middle school and high schools here in North Arlington. It will be Secaucus, Little Ferry and ourselves that will actually be the pilot for this program. In years from a district perspective if you had to get a new roof in the school system that reflected in the tax payers, we have to come with that money to get that new roof for the school for the kids. What they are looking to do is actually to do is to actually have the energy fund the purchase and repair of the roof. The municipality three roofs for the schools out of the solar project itself. Our good friend the governor actually proposed his budget and the positive for the Board of Ed was that its \$105,000 more for kids this year. None of the kids in the State of New Jersey were affected in 171 municipalities and got more money. So that is good for all of us

Concerning Encap I can't be proud or happier of the effort that our Mayor, our Council and our Borough Attorney did at the court house with Judge Harris with the situation with Encap. I am cautiously optimistic by the wonderful job that they did, but the bottom line is your Mayor and Councilmen spoke the truth about what the people of this town wanted concerning Encap. They made it quite clear to Judge Harris that was never something that the residents of North Arlington really wanted.

Concerning our senior bus, Joe, I got a phone call from our good friend Congressman Rothman, there is stimulus money for the senior bus up to \$90,000. Once we actually get that approved in Washington he is going to give us the certificate so that we can actually schedule different vendors to come in and go through the process of bidding and purchasing a brand new senior bus for our seniors. We had allotted the Meadowlands Map Grant for \$100,000 for the purchase of that so as a governing body we might be able to funnel some other capital improvements or purchase that we need for the Borough.

Councilman Bianchi – Do you know a time frame?

Councilman Granell – It should be any week now. The minute I get the paperwork I will be more than happy to give it to you and Councilman Hughes as liaison you guys can get started with that.

Stimulus package, how much is North Arlington getting. As the Mayor and Council we would like to know that as well. So what we have done is we reached out to Congressman Rothman's office who has actually set up a team of people that are actually detailing what kind of projects are shovel ready. An example there is probably no one in this room that would not like to see about 5 million dollars worth of street paving throughout the streets of North Arlington. These are the type of things that we are actually looking from the stimulus side if we could eventually get done.

DPW, Jim McCabe various people may say something different but you guys have done an outstanding job in terms of snow removal with the past snow removal.

Councilman Bianchi – Do you think we could get Jimmy his dump truck if we get the stimulus money?

Councilman Granell –I am glad you mentioned that he did not do that good of a job, but lets talk about that. One of the things we did was the Fire department, Police Department and EMT we did this last year, we got everybody in the same room and we said give us the 10 top things capital improvement. I instructed the Borough Administrator to generate a capital improvement list for the Borough. Mr. McCabe has items, I am sure other departments have thing that want to get and for the Mayor and Council it would be a lot easier to look at those things on the list and see what we want to be able to purchase.

From the police I would like to thank Officer Prinzo. I read the police report and to put things into a little perspective. Mr. Prinzo did 4 investigations but 2 of them turned up children going to our school district that don't live in town. People don't understand what that impact is, I will make it real easy for you, every kid that goes to North Arlington that goes to the North Arlington School system on an average cost about \$13,000. So effectively. Detective Prinzo put \$26,000 back into the kiddy for North Arlington education, and that was in a one month period. I have instructed Dr. Stringham to work as hard as he can and see what he can do with our Police Chief to make that happen consistently month by month. If we were to get 10 children who are going to this district who do not belong that is about \$100,000 and that is our tax money back into the district. It is an absolute homerun so kudos to Detective Prinzo for making that happen.

On the camp system I have working with Terence Wall just to give you an idea. In Trenton they have a camp systems which is a personal system which keep tracks of all the Borough employees. As of maybe a week ago Mayor Russ Pitman was still the Mayor, Frank Italiano was still the Police Chief, and obviously we needed to revamp their camp system so than it would reflect the employees that are actually here. Terence Wall has been working on that.

Mr. Wall – It should be updated within 2 weeks

Mayor on another note working on the Budget there some very serious numbers when the baler closes and the landfill close in terms of \$ 2-1/2 – 3-1/2 million dollars. In working on the budget I wanted to make it quite clear to the DCA commissioner Mr. Joseph Doria, our district 36 representatives Sarlo, Scalera and Schaer with the impact of Encap and the Baler closing is to the citizens of North Arlington. They actually were kind enough to come to the Borough, sit down with myself, Terence Wall, and the Borough Auditor that happen to be the day you guys were testifying in court you guys showed up right afterwards. The commissioners made it a point to be very clear that he is going to do all that he can, extraordinary aid perspective to help out North Arlington, knowing full well the impact of what we are facing. Again, kudos again to Senator Sarlo, Assemblymen Schaer and Scalera to coming up to the plate to help us out and relly committed to helping us.

On that note I would like to make a little brief statement, Mr. Mayor, council colleagues use economy is a free fall. At the bottom of this recession seems no where in sight. In January this economy shed 54,000 private sector jobs. This was the worse loss of jobs in

34 years. In February this economy shed 650,000 private sector jobs. In the last 4 months 2.6 million people were moved from work to the unemployment line. In the last 12 months 5 million people lost their jobs. These numbers are sobering as well as disturbing. The unemployment rate for the US now stands at 8.1% while here in New Jersey unemployment is now at 7.3. For 12 consecutive months the State of New Jersey has seen a decrease in jobs. My friends, people cannot pay their taxes or their light bill when they don't have a job. They can't shop on Ridge Road, go to the movies, or go out to dinner there is no steady income. It means less money in the Sunday collection, it means no desert after supper, it means waiting for that new pair of sneakers, and postponing that summer vacation to the Jersey shore. In this environment North Arlington families are hurting and when family's hurt they adapt, adjust and overcome. They expect and demand fiscal responsibility and action from the government in return. We cannot and should not look to hire or spend a single dime tomorrow that we are spending today. This is an issue of economic survival. Everyone here is against higher property taxes that means everyone needs to start supporting action that does exactly that to keep our property taxes stable. This governing body cannot afford to spend what it doesn't have. Decreasing revenue from baler operations remain in doubt. A lack of revenue from our Meadowlands parcels is becoming more and more financially a stumbling block that must be addressed. Councilman Hughes was talking about those properties before about being redeveloped. As the finance chairman I will make every effort to deliver the leanest, most cost effective budget. Like last year we will look at every opportunity to keep taxes stable and pass along the savings to the homeowner that is my objective. In my mind that means no raises, no promotions. Morally, there is not justification for the increase of salaries by public employees when in the private sector is being devastated by this recession. It is unreasonable and irresponsible to vote for raises for anyone no how justified. The people of this community cannot afford that. That is not rhetoric that just reality. If we place referendum on the ballot asking for salary increases or promotions, does anyone think it would pass? Why would anyone in this room campaign for such a course of action? I think the answer is obvious and the answer is no. The Governor has introduced a budget that cuts State spending by 1 billion less than when he entered office in 2006. Next month voters here in North Arlington will decide the fate of the annual school budget will be. That budget represents 60% of your tax dollar. These people can no longer shoulder that burden. As it pertains to our spending practices, I will look at all options to save money, more importantly until our litigation with Encap is resolved, it is irresponsible for anyone to suggest any spending increases of any kind. This governing body needs to respond to the current economic crises in a professional and cost saving manner. That means serious belt tightening, hiring freeze, considering a wage freeze as well as a freeze of any promotions. North Arlington cannot operate in a financial vacuum and act as if the economic perils of this country do not apply to 214 Ridge Road. I am asking my colleagues to take the situation as serious as the problem has become. To spend the community's money the way you spend your own. Those of us who manage public dollars will be held to account, to spend wisely, reform spending habits and do our business at the light of day, because then and only then the people will feel the trust and certainty that their local government is working for them. I know you Mayor Massa understand these issues, I believe in you Mayor Massa that you will provide the leadership necessary to govern

tough times, these are tough times. It is time we acknowledge that truth and respond accordingly. Thank you.

Mayor Massa – Councilman I want to commend you on first hand your efforts the job you are doing to make the solar energy a reality here in North Arlington. I know you sped a great deal of time, your commitment is unwavering to this project just as it is to the commitment to the taxpayers and people of the community. If we get some roofs out of this project without having to go into the pockets of the taxpayers I think that is more than a homerun it is pretty much a grand slam.

COUNCILMAN HUGHES – Mr. Mayor. First of all from the Health Dept. end on February 26, the Health Dept. conducted a multiphase blood screening program and they had over 30 residents show up to participate in the program.

They have a Fit and Fun for kids coming up on March 18th, 6:00 pm in conjunction with Clara Maass Hospital. As many of the programs are in the health dept they do them in conjunction with many of our neighboring medical facilities to share the cost so the burden is not taken entirely by the residents of North Arlington and many of these programs do have a small fee associated. This Fit and Fun for kids is going to teach people how to prepare better meals for children and snacks, how to eat healthier, how to have more activity and how to be more fit for life.

Another thing the Health Dept. is working more earnestly on is the PODS which is Point of Distribution. Unfortunately because of the world we live in today we do not know what is going to happen it is beneficial to the residents of North Arlington if the Government and the agencies within the government are well prepared. Our health dept. is striving very hard to become well prepared through the POD program which is conducted through the State of New Jersey, Office of Emergency Management and the States Dept. of Health. It is to set up distribution throughout the State for distribution of medications that could be given out in the event of an epidemic, such as we saw back in the 40's, 50's with the Polio epidemic or in the event of a biological attack. Just so you know the Health Dept. has been working diligently on this, they have a plan, they are right know looking for volunteers with the help of carrying out this plan. If anybody is interested call the Health Dept., they will sign you up, provide the training and there are no special skills required.

You asked last month for an update on the riverbank project, I am happy to report that the riverbank behind the old field house at the high school field has been remediated, they came in with their equipment, they had to wait for a string of cold days for them to bring the heavy equipment in, they put the rip-rap down on the riverbank and rebuilt up the riverbank behind the field house. The erosion has been stopped. Further south along the riverbank on the high school field that is yet to be done, they have ordered the rock but they have been waiting for a few more cold days to bring in their heavy equipment in. They are also going to be starting some remedial work at the boat ramp at Engine 1 firehouse as soon as the weather breaks waiting for spring. Will be repairing some of the stone wall that has been being eroded.

One final note in our efforts to save money everywhere we can, I would thank Administrator Wall. I had brought up early on last year about some of the light switches that shut themselves off if there is no activity in a room and I think you have seen them. I would like to see that program continued throughout all the Borough buildings.

COUNCILMAN TANELLI – Thank you Mayor. One additional recreation announcement, on April 18 behind Borough Hall there will be the girl's softball parade begins at 11:00 to walk down from Borough Hall to Allan Park, and on that same day there will be the Little League Parade at 2:00 pm behind Borough Hall.

One additional bit of information for the other members of the Council, the Mayor, Councilman Granell and I met with the Department of Transportation and the Meadowlands Commission last week in regards to that grant that we received. We are one of 5 communities in the State of New Jersey that received a grant to try and refurbish Ridge Road. The preliminary meeting was very impressive. They covered a lot of information, they expect a commitment from this Borough. The reason I am bringing it up now is that in the next few weeks we will be having our second meeting, we are going to be looking for the Borough volunteers to come to the meeting, because the most important part of this the reconstruction of Ridge Road with town input. Looking for people who want to come be positive, put their ideas out there, they have done it in a few other communities. We are actually ahead of the game compared to the other 4 communities actually they have not had their introductory meeting yet. One of the biggest part of this is when we meet with the volunteers they are going to have exercises where these people make their comments, how they would like to see the town, almost like a visioning session. They then take their input and incorporate into their second meeting and there will be 3 meeting with the town to discuss what their vision is for Ridge Road. It is not costing the Borough anything, it was a \$75,000 grant that was given to us by the DOT and our end goal when we come out of this is more of a main street for North Arlington, a place for businesses to come. They had some very important information regarding window size, awning signs, things that were successful in other communities. It was very educational for me sitting in a lot of the information, so I am looking forward to our second meeting.

Mayor Massa – Thank you very much. I appreciate all the work you have done on that project Councilman Tanelli. I think from this program a lot of new ideas can come to the table and we can take a look start to plan for the future of the community. I would like to thank all the members of the Council for the work they have done.

COUNCILMAN YAMPAGLIA – There will be a free movie day on April 4 at the Lincoln theatre.

MAYOR MASSA – I spent most of last week in Bergen County Superior Court with Judge Harris's court room, Councilman Tanelli and I did testify. We were tied up in Court while Council president Granell with representative from the Department of Community Affairs, Mr. Doria, Assemblymen Scalera and Schaer, and a representative

from Senator Sarlo office regarding the situation that North Arlington is in fiscally as the result of Encap problems that has been created for us. I want to thank Council president Granell for doing such a great job in representing the community, along with our Borough Administrator, I think our CFO was also involved.

I want to thank Congressman Rothman for getting reinstated our money for our Senior Bus. That money had been taken out of the Federal Budget by the previous administration and put back in the budget by the new president at the urging of Congressman Rothman. I want to thank him for the great job he has done here.

With respect to the Encap litigation as the Borough Attorney so eloquently gave a report earlier in the evening, I want to thank him for the great professional confident job that he has done in protecting the interest of the people of this community.

R-73-09 RESO RE: EXECUTIVE SESSION

INTRODUCED BY: Councilman Tanelli
SECOND BY: Councilman Hughes
ROLL CALL: All Council present vote in the affirmative

MOTION TO RETURN TO REGULAR BUSINESS

INTRODUCED BY: Councilman Granell
SECONDED BY: Councilman Tanelli
ROLL CALL: All Council present vote in the affirmative

Mr. D;Elia read into the record the following:

WHEREAS, a Memorandum of Agreement has been executed by Local 32 OPEIU, AFL-CIO, Blue Collar employees and a Memorandum of Agreement was executed by the White Collar & Dispatchers with the following terms and conditions:

Terms of agreement shall be from January, 2007 through December 31, 2009

Wages retro to January, 2007 2%
Wages retro to January, 2008 2.5%
Wages retro to January, 2009 2.5%

Prescription co-pays to be effective April 1, 2009 - \$7.50 Generic \$15.00 Name Brands

Effective April 1, 2009 employees selecting single coverage shall pay \$20.00 per month

Husband/Wife Parent/Child shall pay \$30.00 per month
Family shall pay \$40.00 per month

Employees hired after April 1, 2009 shall have HMO coverage only at no cost.
Deductibles shall increase \$200.00 for single, \$400.00 for family

Longevity payment schedules to be changed:
9% for 21 years of service
12% - 24 years of service
No longer will there be 27 to 30 years of service category

Bereavement leave daughter-in-law, son-in-law will be added to list of family members

Retirement – Language to be added to reflect current Borough policy of coverage rights continuing for spouse/dependent after death of employee

With those modifications:

NOW THEREFORE BE IT RESOLVED, that the Memorandum of Agreement with the Blue Collar employees, White Collar/Dispatchers be approved.

Dispatchers

Sick Leave: Days to be converted to hours.

Vacations: Days to be converted to hours

Overtime: For police dispatchers shifts worked in excess of 11.5 hours in any one daily shift or in excess of 80 hours in any two week period, the employee shall be paid at the overtime rate of one and one-half 1-1/2 times the regular straight time rate.

Work Schedule: Police dispatchers shall work shifts of 11.5 hours daily.

Mr. Wall – This would be a new resolution R-74-09

R-74-09 RESO RE: MEMORANDUM OF AGREEMENT BLUE & WHITE COLLAR COLLECTIVE BARGAINING UNITS

INTRODUCED BY: Councilman DiBlasi

SECONDED BY: Councilman Bianchi

ROLL CALL: AYES: Councilman Bianchi, Councilman DiBlasi, Councilman Hughes, Councilman Tanneli, Councilman Yampaglia

NAY: Councilman Granell

Councilman Hughes recluded himself on voting.

Mr. Wall last item is MOA regarding PBA

Mr. D'Elia – Read into the record the following:

R-75-09 RESO RE: PBA MEMORANDUM OF AGREEMENT

WHEREAS, the PBA has agreed to a Memorandum of Agreement which provides for any promotions made during the calendar year 2009. The person promoted shall not receive the contractually specified rank differential pay at the time of promotion but will instead receive same beginning (1) one calendar year from the date of such promotion.

NOW THEREFORE BE IT RESOLVED that the Memorandum of Agreement memorializing that understanding be executed by the Borough of North Arlington.

INTRODUCED BY: Councilman Tanelli

SECONDED BY: Councilman Granell

ROLL CALL: All council present vote in the affirmative

Mr. D'Elia - Mr. Wall I have given you the Memorandum of Agreement executed by the Mayor for the Blue and Whites collar. I am going to give you the Memorandum of Agreement on this resolution as well. Can we attach those to the resolutions that we just adopted. I will still with you so we can work out the actual contractual terms with the unions to give them the final contract.

Mr. Wall – Thank you

ADJOURNMENT:

MOTION TO ADJOURN

INTRODUCED BY: Councilman Tanelli

SECONDED BY: Councilman Granell

ROLL CALL: All Council present vote in the affirmative

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

Respectfully submitted,

Cathy Keogan