

MINUTES

REGULAR MEETING, THURSDAY, MAY 14, 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

MOTION TO SUSPEND NORMAL COURSE OF BUSINESS FOR SWEARING IN OF A NEWLY APPOINTED POLICE LIUETENTANT

INTRODUCED BY: Councilman Tanelli

SECONDED BY: Councilman Hughes

ROLL CALL: All council present vote in the affirmative

TEMPORARILY ABSENT: Councilman Granell

MAYOR MASSA: Ladies and gentlemen, I just want to preface the swearing in ceremony with very important comments I feel I have to make with this transfer. I'm very proud of this [inaudible]. This is always a very great feeling for me to swear in a member of the force or promote a member of the force as in this case since my roots are with the North Arlington Police Department as just about everybody in town knows by now. So at this time what I would like to do is officially give the oath of office to newly appointed Hedenberg.

SWEARING IN OF SCOTT HEDENBERG

MAYOR MASSA: I just want to say real quickly I want to introduce Chief Ghione to say a few words. I just want to say for myself, my own ply, I was always proud to be a member of the department and even more proud now to be the mayor of the community and to oversee the great men and women of the department that do such a great job 24 hour 7 day a week basis, around the clock, Christmas, New Years, holidays, weekends, always called for service that serves the community; they've done a great job and I'm

sure they'll continue to do a great job so please lets have a hand for my police department.

CHIEF GHIONE: Why don't we start by thanking the mayor and council for this promotion. This is an important movement for the police department. Scott Hedenberg has, he is going to be taken over one of the platoon in the very near future and I have some plans for him that he knows of. He will be appointed to our special operations team as the operations commander, moving forward to school himself in becoming a commander. In the transition of the police department, we're getting [inaudible], so a lot of us along [inaudible] and this'll be moving forward to the future of the police department. So I want to commend Scott, I thank you for your loyal support, its recognized here today verbally by me. His performance is indicative to my performance and I'll tell you this with thirty officers in this community, as safe as we are, you North Arlington residents, and I say this all the time, can get a thank for you buck. They work very hard for you people and you all should be very proud with your [inaudible]. I say that very sincerely, at times I feel like I'm putting my fingers in dikes all over the place but it's because of their efforts that were able to make the community safe. Very shortly you're going to be hearing about some very substantial arrests led by the North Arlington police department. So thank you for your support as a community, thank you mayor and council, and thank you Scott and congratulations.

MOTION TO RETURN TO NORMAL COURSE OF BUSINESS

INTRODUCED BY: Councilman Hughes

SECONDED BY: Councilman Tanelli

ROLL CALL: All council present vote in the affirmative

MAYOR MASSA: Open the meeting to the hearing of citizens, I understand that Mr. Rich Dwyer from public service is here to be heard. We'd like to hear from Mr. Dwyer, if he's available.

TERENCE: Mr. Dwyer will be able to update the mayor and council and the community regarding the vegetation management, PSE&G, and address any related concerns.

PUBLIC COMMENTS:

RICH DWYER-PSE&G: Mayor, council, administrator, I thank you for having me here tonight because we of PSE&G believe that education and communication are so important to helping our communities understand the value of planting the right tree in the right location so that we can avoid any kind of incident that occurred in August 2003 when we have the interruption of electric service for over 50 million people and resulted in losses of over 6 billion dollars. Since that time, the regulation of electric transmission right of ways is being regulated by the federal energy regulatory commission and the North American electric reliability corporation and they have set the standards that we have to maintain in order to make sure we have safe, proper, reliable, and adequate electric service. Part of those regulations include that any vegetation that grows in the wire zone that is directly underneath the electric transmission wires cannot be more than

3 feet high as a mature height. Anything in the border zone from the wires, the edge of the wires, to the edge of the right of way cannot have a mature height of more than 15 feet. Some of the reasons are a little bit deceiving to the naked eye to people that don't work in our industry, they may say that the wires are so high how can they get into contact with the trees. When you have a very high humidity and very high ambient temperatures like in the 90s or more, and then you have a lot of power going over those lines, those lines can sag over 10 feet. Then when you combine the wind action, those wires can move back and forth. Additionally, the electric conductors, the wires, do not have to come in contact with the trees in order to have an interruption in electric service. As some of you may know, if you're going to put scaffolding on a building, according to the high voltage proximity act which is a law in the state of New Jersey and overseen by OSHA, scaffolding and any equipment has to be at least 10 feet away from high voltage conductors. Not that anything will come in contact but there does exist the possibility of electricity arking from the conductor to the scaffold or other piece of equipment. So its very important that we make sure that we have the right of ways established so that we can provide safe and adequate and reliable electric service because we all live in the high tech society today where so many of us are working on computers and need air conditioners, we have such a densely populated population in this area that so many people need to have those services. Additionally, when people do not abide by those laws and regulations as you know from working in public sector often times emergency management professionals have to be dispatched unnecessarily because conditions could have been avoided. One of the other things I'd like to say before possibly answering any questions is that if people are going to plant trees on the streetscape, it's very important that they plant utility friendly trees that don't grow over thirty feet high. The New Jersey Tree Foundation is established in the state of New Jersey, they work out of Trenton, they work very closely with communities, they have a list that I could also provide to you of utility friendly trees that do not grow into the wires. They provide you with the beauty that you're looking for, they provide you with the environmental benefits, they also of course help improve real estate values because you have a better looking streetscape, and they help prevent heat islands in the community. PSE&G supports community forestry programs, but we need to all work together to make sure that we're providing safe and reliable electric service. And if someone is going to plant a tree in front of their home let's say, very important that they call 811 New Jersey one call for a free mark out so that when their digging, they don't wind up hitting an underground electric or gas or sewer, water, or telecommunications line to again make sure that we're all working to provide the safest and most reliable service and use our emergency management professionals when they're really needed and not in situations that were absolutely avoidable and preventable; that's why the regulations and the legislations are in place so that we can have the communities that thrive safely. Does anyone have any questions? Yes.

COUNCILMAN TANELLI: One of my biggest concerns is we met at a residents home I guess a little over a year ago regarding some shrubs that were taken down and you had mentioned pretty much what you just said to the council regarding the new regulations. But then there was quite a gap between when we met and when the work started to be done. Any my only concern is now when I look at all the trees that are near the wires, I don't recall being notified that you guys were coming in to start the program in North

Arlington to start clearing properties but now every tree under the wires is like this. My concern is how healthy are these trees now going to be, I mean I'm sure you can't monitor every tree that these gentlemen are out there cutting but I mean there's trees on in just my immediate neighborhood that are literally the whole center has been cut out. I don't know how sturdy these trees are going to be, so now is that going to be a hardship on the borough when these trees start cracking and breaking falling into the street.

RICH DWYER: Okay there were two questions. The first one was the notification. PSE&G does notify the communities. Its one notification; sometimes its to the municipal clerk, sometimes its to the forester or the DPW, depending upon how that notification is set up in that particular community. The other thing is that you mentioned that how the trees are cut. The reason, and again, I want to stress that we cannot change the decisions that were made in the past to plant London Planes, Sycamore trees, Oak trees, all beautiful tall sturdy trees especially in an urban environment, however, since they grow straight into the wires, what we want to do is cut them and groom them, we call it directional pruning, so they actually grow up and around the wires and then you'll have established it'll be called liters or branches that like in the city of Bayonne a few years ago, if your familiar with Bayonne on Avenue C, we have a number of situations just like that but if you drive along there now, you'll see how the trees have grown up and around the wire and they're full and when you cut them like that and the trees grow up and around, it provides shade so you don't have growth from inside that v so to speak growing up into the wires. So again you can try to have your environmental benefits but at the same time electric reliability. So what we try to do is work with the New Jersey Tree Foundation so people know longer plant you know Sycamores, London Planes, and so forth under wires because those trees can grow up to 67 feet or more and if you plant trees that are 35 feet or less underneath the electric conductors. And by the way we do have certified arborists and certified tree experts on staff that actually do oversee the work of the contractors when they're out there.

COUNCILMAN TANELLI: Is there a program in place where maybe some of the trees that may be unsturdy after a v is cut into them where maybe they're removed all together and we go to the other side of the street and replant on the other side? Is there a tree replacement program?

RICH DWYER: Well PSE&G would and I think all communities would rather not remove trees and if you have a healthy tree you why not leave it there and sometimes people say 'why don't you cut more out of the tree to make it have a more balance effect?' well the reason why we don't want to do that is because the leaves are the food factory of the tree. The more leaves that you remove from the tree, the less healthy the tree will be. So we want to try to leave as much of the tree in place and then let it grow naturally and aesthetically as possible over time. So you really want to try to keep the trees in place and what I will do is I will send an email to administrator Wall tomorrow with a contact to the New Jersey Tree Foundation because they actually have a program where municipalities can qualify for free trees, utility friendly trees. So I can send you the contact information, you can look at the qualifiers, if you qualify then you don't have to

remove trees but you can look for locations where you can add beauty to your streetscape in a safe and reliable way.

COUNCILMAN HUGHES: Just a clarification, you mentioned right in the beginning shrubs over 3 feet and trees over 15 feet and then you talked about utility friendly trees under 30 feet, so?...

RICH DWYER: Okay Councilman Tanelli when he was talking about his street he was talking about on your streetscape he was talking about our electric distribution system. The electric distribution system is a much lower voltage. When you were talking about the electric transmission system which is the higher voltage that you're all familiar with, where the transmission towers are, that's where you have to have those federal regulations with nothing more than a 3 foot mature growth in the wire zone, nothing more than a 15 foot mature growth in the border zone. But on the streetscape, we have lower voltages, you want to try to have trees 35 feet or less so that they don't grow up into the wires because the other thing to is when you have trees that contact the wires its not good for the health of the tree because it opens up wounds on the tree for insects and fungus and bacteria, and of course the burns on the tree may actually help impede the flow of nutrients up and down the tree. So you really want to try to keep those trees away from the wires.

COUNCILMAN HUGHES: So basically anything under the high tension wires on the north end of town has to be under 3 feet?

RICH DWYER: Under the wires, in the wire zone, nothing more than a mature height of 3 feet.

COUNCILMAN HUGHES: And the periphery on the sides is 15 feet for a tree?

RICH DWYER: In what we call the border zone, from the edge of the wires to the edge of the right of way. Okay.

COUNCILMAN HUGHES: Outside of the right of way?

RICH DWYER: Well if it's outside the right of way and its not near the distribution...

COUNCILMAN HUGHES: Well it could be outside the right of way but extends into the right of way.

RICH DWYER: Well okay then if it extends, in order for it to become what we call a red span, it has to be modified in some way, we would do side trimming of the tree. If it grows up to 20 feet inside the right of way, then we would have to some side trimming but we don't want to remove the tree if we don't have to. Another thing to is I think its important to note is that when I first actually got into this job about 12 years ago or so, we had greater incidence of tree contacts causing interruptions in electrical service. Somewhere up around 27% and that does not count the additional several percent

because of animal contacts because the small animals use the branches as pathways to the electric conductors which can cause outages also. But now I think that number is down because of cooperative efforts between municipalities, non profit organizations, the tree foundation, and PSE&G, that number is down to about 14% and we think that we know with continued collaboration between all parties we can make that number go down even more.

COUNCILMAN HUGHES: Well, my next question is what about fencing because I believe years ago public service use to allow residents who would join this area to extend their yards into the right of way by contract with public service and allowed them to put up fencing in that area and many of those fences are more than 3 feet high.

RICH DWYER: That's a practice that we do not condone any longer because one of the reasons is somebody would put a fence up and somebody would put a pool in and somebody would put a shed in and then you have swing sets underneath the wires and then all of a sudden when PSE&G need to have access, then you're putting you know you're delaying the restoration times. You're putting our people at risk especially if you have to go out there at night on a cold and icy snowy night with a lot of storms. Our guys are out there working in some of the worst conditions possible restoring power and they have to make sure they have opened access, safe access, to our facilities so that the people in their homes and in hospitals are safe also and get the quickest restoration of power that's possible.

COUNCILMAN HUGHES: So you're telling me that these contracts then with these homeowners have been severed?

RICH DWYER: We no longer condone the putting fences up or any other structures on the right of ways.

COUNCILMAN HUGHES: Well what about the existing development and fencing that has been put up there over the years?

RICH DWYER: As their contracts expire, we ask them not to pursue putting up additional structures. If you have particular spots you want me to look at where you want us to contact the customers to ask them to remove it, we can work together on that.

COUNCILMAN HUGHES: No I'm not. I just want to know what the arrangement is between public service and these homeowners, who have been living there for numerous years...

RICH DWYER: The practice is that we no longer condone it but if you do have locations you want to take me out to, to look at, we can tell the customers to remove those structures.

COUNCILMAN HUGHES: Well no I'm not looking to have them remove it, I'm looking to have them, come to an amiable agreement with public service so that there's

communication here on both sides and were not hearing about somebody's fence being ripped down and they don't know about it.

RICH DWYER: We don't do that. We notify property owners, we are PSE&G and we are not only the most reliable provider of electric service in America and for the last 3 out of the 4 years, in 7 years a row, but were also one of the leading corporate citizens in the United States, we take that role very very seriously. And I think any of the council people who have worked with me in the past including the mayor and Mr. Wall, they would know that I get out there and I meet with the customers to make sure that we hear their concerns and we do the best we can to work with them.

MAYOR MASSA: Any further questions from any members of the council? Okay, Mr. Antonicello wishing to be heard.

NICK ANTONICELLO- 406 Riverview Ave: I am amazed to hear what this gentleman have to say this evening in regards to public service and electric gas company. I received a letter from PSE&G indicating the fact that they were going to come into North Arlington and the construction official received the same letter indicating the fact that they would come in and they would clean up certain areas of trees under the high tension exceeding 15th eliminations and no one disputed that. And they also indicate in the letter signed by Randy Scott indicating the fact that any vegetation of 3 feet would stay and not be damaged or touched at all. My particular property on Riverview Avenue going from North to South on Bergen Avenue to Boston, many many homes over there have evergreens, bushes that they personally planted. Now let me bring you back to the history of the agreement by public service electric gas company. This gentleman starts 12 years ago. I'm going back 30 years ago. I have a contract that with a dollar a year you would pay to public service electric gas company and you can put anything on that except permanent structure. He mentioned no pools, you could put a pool, years ago you were allowed that, a shed, yes you allowed. Those things were allowed as long as it was not permanent structure. He mentioned the fact that public service, men come out in the evening in snow and rain, my thirty years on Riverview Avenue, I have never seen one man who aint damage those wires even come out. To get the grass cut, you have to call them the grass has exceeded the limitations, please send someone to cut the grass. After receiving a letter from Mr. Scott, he came to my home and he said to me that all the vegetative on my property and public service property would not be touched as a buffer. We are only concerned of the evergreens and the trees beyond the 3 feet limitations. We have no problem with that. Myself, Mr. Diganova, Mr. Gallo, along the entire border there must have been 14 or 15 families that were standing there when Mr. Scott came to us and told what was actually going to happen. After we spoke with Mr. Scott he indicated that if we're doing this because the public utility commissioner was forcing them and it was going on through the state. We sent the letter to the public utility commissioner indicating the fact that, the Record, the Bergen Record had an article on Mach 16th in regard to vegetation. And the [inaudible] hit us back, she sent a letter back in response that it was 3 feet from vegetation under the wires. Mr. Taylor who was in charge of the area turned around and told us that yes keep the 3 feet there, your buffer would not be damaged anything beyond that tree limitations would be down. If there's a

fence that it would legally come down. If there's trees that were there then we take them down, and everybody in the community agreed to that. It was a community minded effort to comply with the regulations that were set forth by the public utility commissioner, Mrs. Fox indicated by sending 2 investigators down to take pictures of the area ensuring us that the 3 feet of a buffer would stay. David Howard came down to the avenue because Mr. Taylor was sick with a back injury. Stood on top of the hill, we gave him a letter from Mrs. Jamie Fox and Mrs. Shirley Innacome, acting co-director, indicating the fact that the buffer along the edge going from 6th street to Riverside Avenue on the bottom of the hill, anything 3 feet would stay as a buffer, anything under the wires would come down. We gave no whether, he said as far as he was concerned Mr. Howard the senior right of way coordinator stated that he didn't care about the letter from the public utility commissioner. He was concerned about cleaning the area up. As far as he was concerned, he told Mr. Scott in front of myself, Mr. Diginova, Mr. Gallo, and everyone on the avenue that the area will be cleaned up to his specifications and he didn't care about the letter that [inaudible] from the public utility commissioner, signed by Mrs. Innacome, Shirley Innacome. We called Mrs. Shirley Innacome up. She sent two investigators down, took pictures, and when they called back the damage was already down that day. That day when all the residents in the community were on the side going to 6th street down to Riverview Avenue it was down below vegetation down to the ground with a bulldozer and he indicated to us the fact that he was going to put down an insecticide to kill the remaining roots that we [inaudible]. We indicated to Mr. David Howood that this was children playground here. Children come here and play all year long in the summertime with basketball playing and to put some sort of an insecticide down, we're going to call [inaudible]. He came back the next day and indicated to us that he considered, he spoke with a contractor, and that no sick insecticide would be put down and they would come back and next year, not this year, next year to finish cleaning up. We said you're not going to leave it this way after you did all the damage, you took out all the buffers we had, Mr. Gallo himself spent thousands of dollars to put landscaping and trees in the back of his yard. He had his landscaper come in, cut the bushes down to 3 foot and shape them, and they came in Mr. Howard indicated under his direction to Mr. Randy Scott who was the contractor, the landscape contractor said to us in person is that the reason why he has to do, because if I don't do it he as told by Mr. David Howard that he wouldn't get paid. And they came into a machine and they cleaned it right down to the roots. And that's the way he left it. We called and we complained again to the public utility commissioner of what they've done. They came back 2 days later and they put down some hay and some grass seeds and that's the way it remains today. In turn, I had dogs coming over my property, my home was exposed to the public, vandalism which never happened but it was subjected to vandalism because it had no buffer there. I went out and spent \$1,300 to have a fence put up from the east to west side of my property. and I had permission to dig there by public [inaudible]. I had to call up what they call the real estate division to notify them that I was putting my fence up and they gave me a written approval, the woman came down and gave me a written approval, to go ahead and put my fence up as a buffer to replace the existing buffer which I had over 35 years ago going from 6th street to Riverview Avenue. So this gentleman speaks to you about emergencies at night and public services at community minded area, I take side of that. I am a stock holder, a [inaudible], and I intend to bring my grievance to the board of

directors when they meet in [inaudible]. This council, I just want to bring to your attention that what's happening in this community not only from 6th street from Ridge Road to 6th street, last year we had various individuals who had the same thing done with no respect to the community. I don't know why he's coming and saying their community minded, but as far as I'm concerned they are not community minded and I say the agreement that we have not only myself but that surrounding area has to be dealt with and Mr. Howard some sort of [inaudible] must be done for what they did to that area and what they've done to the people's trees and bushes and berry bushes that were plant there over the course of the years and most of those residents are long time residents, 15, 20, 25 years. Thank you mayor and council.

CATHY KEOGAN- Riverview Gardens: I am here tonight to present to Mayor Massa and the council members a flag that was carried by my son staff sergeant James Johnstone who is currently serving at Camp Taji in Iraq. There's also a trip ticket, a detailing mission that they were one, and also a picture of the platoon of the soldiers who were carrying the flag on the mission with my son. There is a letter but I cannot read it and I would just like to know if someone here, mayor would you be kind enough to read the letter that came with the flag?

MAYOR MASSA: Sure. [reads Cathy's son's letter out loud]. Thank you very much Cathy.

CATHY KEOGAN: I'd like to present this to the governing body on behalf of my son staff sergeant James Johnstone and also for the residents of the borough of North Arlington. Thank you for your time gentlemen.

BARBARA GANGI- 211 Ridge Road: She's under impression when you own store and have tables and chairs outside of business, it had to go before the zoning board? Also regarding problems with children at J&W saying it's dirty and noisy. She wants to know if anything can be done about it.

ROBERT KAIRYS: To answer the question, the zoning board, the answer to that is no. Ridge Road is a redevelopment area and in the plan, in the ordinance, it encourages actually tables and chairs where people serve food. That was one of the things for Ridge Road to change it up a bit. What I'll do from my office is we'll monitor the situation, we'll go over and talk to the owner, [inaudible] no garbage cans and stuff out there. We'll see about having them remove them at night. Now see the ordinance doesn't say they can, it doesn't really give a standard. It more or less encourages for people to do it. So what I'll do is on a property maintenance issue aspect of it is we'll follow it up and if it's as bad as you say, then we would issue a summons on the garbage end to prevent people from sitting there at 9 o'clock at night, can't do that when they're allowed to stay opened literally til 12.

BARBARA GANGI: Well actually they're not. They're kids. They're not even adults, they're kids.

ROBERT KAIRYS: I'll monitor the situation.

COUNCILMAN GRANELL: Asks Robert to provide council with report so they can be kept up to date.

COUNCILMAN BIANCHI: Comments on tables and chairs. I think when we changed this redevelopment thing we all had this picture in our minds of down the seashore, Fort Lauderdale, people sitting outside having a drink having a sandwich something to eat, and I think that's what we imagined in our minds. But when we changed the ordinance to allow these tables and chairs, it's different that people sitting there having drink or something to eat, there's kids hanging around, they're slopped in the chairs. I have nothing against kids, I love them all, but when I go to work in the morning at 7:30 and I'm walking down Ridge Road, I see tables and chairs out and kids all hanging all over the chairs and sitting with the feet up smoking cigarettes. Really not eating or buying anything but just sitting down. You know, it's becoming like a hang out now. I think that we just got misled with our own imagination when we pictured this Fort Lauderdale type of tables and chairs and people dining outside, it's not really turning out to be that way. That's my point, I could be wrong, but that's what I see.

COUNCILMAN DIBLASI: In front of Subway they do it too.

COUNCILMAN BIANCHI: In front of the Subway too, in fact, Danielle who owns the hair salon across from Dunkin Donuts. He said the same thing that she said. He said 'I have a salon, I have women coming into my salon and I got all these kids hanging outside sitting on chairs and smoking cigarettes' and they're really not dining, they're just hanging around sitting around. So I think this imagination that we had way back when of this Fort Lauderdale type of North Arlington look, I don't see it, so maybe we might have to do something about it.

COUNCILMAN TANELLI: The program that we're looking into now with the DOT where we're investing the time to bring in groups to get their feedback on the Ridge Road redevelopment plan and moving forward. We're hoping to address these issues so I think in the near future this will be addressed probably within the next three months. As far as if that be allowed usage and that should continue to happen, I'll have more to report that after we have a couple of the visionary sessions.

EILEEN TITA- Bernice Road: Expresses happiness to council and lawyer regarding success of Encap. Discusses concerns and problems with Spring Air- is it a dead issue? Streetscape looks beautiful but is it going to continue? Is Ace Hardware going to take care of the horrible Ridge Lumber building? Suggests, regarding Baler, can wind turbines be put down somewhere by Porete Avenue or below cliff? It doesn't take away from Streetscape. if it could be done, bring money into town and power, and give the community and the homeowners a break on their utilities, she's for it. She thinks it may bring money into the area. Thanks council.

ANN MACLURE- 10 Bayliss Street: Complains of having backup in basement for 5th time coming in from street. She spoke with Robert who suggested to call street department. DPW checked it and said it's her problem. She states can't be her problem. Compliments fire department. Commends fire department member Matthew. Commends police department. Commends Chief Ghione. Complains about Passaic Valley and about hearing water run in the pipes of her house when water isn't being used. Public service told her that pipe connected to oil burner is too low. She wants to know why it wasn't inspected before moving in there. She's selling house and doesn't want buyers to have same problem with pipe. Complains about water running every night. Commends Cathy Keogan for all that she does.

MAYOR MASSA: I want to have the administrator take a look at this problem here.

TERENCE: Mayor per your direction, I'll have Passaic Valley get in touch with the citizen and explore all those complaints and claims that we've heard this evening.

TOM FERRY- 154 River Road: Putting up a residential wind turbine but zoning board shut him down because they called windmill on a 30 foot flag pole a shed, 2 story, can't exceed more than half the height of nothing else. Flag poles are allowed to be put up and he'd like to put a wind turbine which goes up 30 feet with the pole, 6 inches in diameter, and the wind turbine sits on top. It will generate about 15 to 18% of his electricity. Wants to know if he needs to go up to zoning board and do an appeal process, or an informal process because there's no regulations on the books for wind turbines, its new.

MAYOR MASSA: What we'll do is I'm going to have to direct you to Mr. Wall to explore the legalities of that issue. He can steer you in the right direction as to where you have to go to get any approvals if they legally can be done. That's the question I guess.

TOM FERRY: Well PSE&G has a program with state of New Jersey which they pay for, 65 to 85% of the total cost of the wind turbine.

MAYOR MASSA: Have you spoken to them about giving you assistance with any permit or anything?

TOM FERRY: Yes, I'm probably about a week away from being approved. Now also with that we are putting, you know, I can give you a picture of what it looks like.

TERENCE: Is it southwest wind power?

TOM FERRY: No, it's a [inaudible] type of windmill. Its from Bergy.

TERENCE: Bergy Unit. Okay. Mayor, I can say I'm on a small group advisory board of the state for wind energy, so I can, so they're looking statewide to consider standards for consideration from mayor and councils of ordinances. We currently do not have an ordinance that speaks of this issue. But I could speak to the gentleman offline as well.

TOM FERRY: It's 1.2 kilowatts. It has 200 watts of solar. There's 2 pounds on the lower base of it. And it's 1 kilowatt of wind. Its made for residential, made for property. Normal size property. Wing span is about 2 ½ meters with wing span that is in diameter.

COUNCILMAN BIANCHI: How big is the propeller?

TOM FERRY: It's 3 feet in diameter, 6 feet tall. But there's no regulation on the book for anything. You can have a CB antennae that can go up 60 feet but and a flag can go up to 32 feet, but as I said the zoning board said it wasn't [inaudible] and he classified as a shed because it generated electricity.

MAYOR MASSA: Perhaps these are technical issues that the zoning board has to address.

TOM FERRY: Well he voted me down because he said there's no regulations and he has to make certain assumptions. There's nothing there, he has to turn me down until the law has changed. Now also, I'm also approved for solar panels on my roof or 8 kilowatts. Also, PSE&G is putting up 60% of the cost and only 40% has to come from the resident to put it up. And with federal and state rebates, you get enough money back over 5 years to pay for the whole system. But that's the other thing. If your house is 35 feet tall which I think is the height of a residential building, you may have to tilt your solar panels in the other 45 degree angle which would put them above the 35 foot height. Now they're removable, its not a permanent structure technically, but it would put it about 2 to 3 feet above what the height restrictions would be. And same thing, there's no laws on it, on something like that.

COUNCILMAN HUGHES: I know you're right. There's not a lot of laws that are out there on this because a lot of the technology is still being evaluated. There's a lot of anecdotal evidence right now on a lot of these wind turbines with the low frequency harmonics actually creating a very uneasy or uncomfortable feeling for your neighbors. Now that has become a problem in areas where they put these wind turbines on land which is one of the reasons they're now looking at putting them off shore so that they're away from residential areas and places where people work. So the use of these in a very confined area like North Arlington is could be more a detriment to your neighbors and yourself based on the low frequency harmonics that's produced by these wind turbines. Now a lot of this science has not yet been fully evaluated, and a lot of the health [inaudible] hasn't been fully evaluated. So if we're going to, it's really our duty before we approve this before anyone can approve this, to really evaluate these things and wait for the science to catch up to the technology and evaluate the effect or the adverse effect that something like this could have on our residents.

TOM FERRY: Well that's good. Why don't we, if you don't mind, I would love to be the test subject on this because no one else is going to be doing it in North Arlington. I could put it up there and we can have the council [inaudible] the DPW monitor it. My house is a little different than others because I'm on River Road but I'm in the cul-de-sac that's above the height o River Road. We have the 2 house cul-de-sac so the houses in front of

me are, I guess a house is about 32, 30 feet high and then my windmill would be another 30 feet above them so it will be 60 feet from the houses in front and the other houses around me...

COUNCILMAN HUGHES: But what about the houses above you on Bathurst, I believe it is?

TOM FERRY: They're all surrounded by back yards. So I'm far enough from everybody...

COUNCILMAN HUGHES: It still 50 feet to 75 feet from another resident. Low frequency harmonica is a tremendous travel distance.

TOM FERRY: Well the next question is, I'm doing 30 feet because it's under what do you call, the limitations, but if I really want I can apply for the variance and go 60 feet. Its still 1.2 kilowatts. And I've had what you call anemometer for the last 8 months and we generate about close to 6 miles an hour on an average of wind and this thing only takes 3 ½ miles an hour to do it. But somebody has to step up and go for it.

COUNCILMAN HUGHES: Well I think we're waiting for the technology to be evaluated.

TOM FERRY: Well how long can that be?

COUNCILMAN HUGHES: Well it could take a while. Because if we give you permission to put that up and now all of your neighbors are wide awake all night because they got these low frequency harmonics vibrating through their house keeping them awake and yet we've now given you permission to do that, we're going to have a lot of angry residents in your area and you're going to be very adverse to going up and taking that down, won't you.

TOM FERRY: Well no I don't mind taking it down. If you say here Tom lets have a 2 year study on this and we'll leave it up there and we'll monitor it.

COUNCILMAN HUGHES: So we're going to deprive people of sleep for 2 years if this is a problem.

TOM FERRY: I've gone skiing on Jimmy Creek Mountain and they have a wind turbine that's gigantic and I hear nothing when I'm skiing over there and same thing with the young lady that talked about wind turbines in the dumping area, that would be the spot to do it but that's too expensive. This thing's only costing \$8500.

COUNCILMAN GRANELL: We've talked to the Meadowlands Commission about the properties in the Meadowlands about the wind speeds. They're still conducting surveys still from March 16th of this year looking at the data trying to figure out if that's even feasible for the Meadowlands. And surprising enough, there isn't enough within the

Meadowlands. There are dead parts in there and it's just not feasible to have like the wind turbines like Atlantic City has there at all. However, as a governing body I don't think this is the forum to put this forward, I think from a pilot perspective it's a really interesting idea, something worth exploring and looking at. I think we need to have Chuck Sarlo the planning board attorney look to see what available ordinances are available in other municipalities. And then we should sit back and see if its even feasible for our town. I'm not going to say no, but I think its something we should definitely wrap our hands around and look at what we see. I understand the harmonics may be an issue but they may not be an issue.

TOM FERRY: Well we won't know until we do it.

COUNCILMAN GRANELL: Well and that goes back to the question that the councilman thought about. It'd be very hard if you have your turbine up and then for two years, the neighbors aren't sleeping right. So maybe we have to come to an amicable agreement that if you were to do something along that line and you were testing, then we'd have to put processes in place there so at this milestone we discover this is affecting the residents. We'd probably take it down. But that's language to be worked out later, but I think there's some research that has to be done. You're very fortunate that we have an expert on the state board for wind, Mr. Wall able to assist and I'm sure he would be more than happy to work with you in putting some sort of proposal together and then come back to the mayor and council and certainly we could speak to the planning and zoning board to get that effort going to see what's available with planning and zoning. They'll probably be the first ones and not affecting everybody else is the key and he's absolutely right, if you put up and it starts driving everyone crazy with the harmonics, you'll have reduced power but we'll have 200 people in here screaming that you have [inaudible] power and keeping them up all night. Let's see if we can take that approach possibly.

MAYOR MASSA: The issues that the councilmen are raising are quite appropriate and quite timely and are very important. I think the technology is fine but the environmental impacts, the acoustical environmental impacts are still questionable and that's a concern, one that Councilman Hughes talks about harmonics, were talking about sound being reflecting, sound being absorbed, that creating a quality of life issue in the community and that is one of the issues we have to take into consideration before we are to go forward with anything of this nature. While this is something that's great environmentally with respect to generation of electricity as an alternative method than what's currently used now, whether or not it would be indeed feasible for the neighborhood. It might be feasible for you personally, but we have to take into consideration anytime we act the good of community at large. This is definitely something that can be evaluated but as Councilman Granell had said this is not the forum for any approvals or recommendations. The only basic recommendation we could make is that we do have the zoning board attorney take a look at what ordinances might be avail to see if something appropriate could be passed in this community to make it feasible for the community and work for you.

TOM FERRY: This one is made for close quarter residents, well quarter of an acre of property or less. So it's made for that. The sound is muted.

COUNCILMAN BIANCHI: Why don't hang on and after the meeting if you want to just get together, maybe you could sit down one afternoon and discuss it.

TERENCE: You work with Roger Dixon at all and the folks down there. I'll send the draft model ordinance that the state has to you for review.

TOM FERRY: Okay thank you very much.

MAYOR MASSA: The chair recognizes Mrs. Maclure's in your comments.

ANN MACLURE: Okay what I wanted to say before was the whole town council and everybody in this room and everybody in town when the firemen and the policemen come around for donations, whatever change you have in your pocket, please give it to them. [Inaudible]. They deserve it. And I hope everybody dearly [inaudible] pockets for these guys. Last but not least, Lou Ghione had talked this out with a problem over there and I want to commend him on that and I want to thank him publicly. And last but not least, I think you're doing a hell of a good job.

MAYOR MASSA: Well thank you very much Mr. Maclure. We need that pat on the back. In light of the fact that I took a few loans from a judge in Bergen County several weeks ago with the Encap decision.

MOTION TO CLOSE PUBLIC COMMENTS

INTRODUCED BY: Councilman Tanelli

SECONDED BY: Councilman Granell

ROLL CALL: All council present vote in the affirmative

COUNCILMAN TANELLI: I'd like to address a few of Mrs. Titta's concerns. Like you we have the same questions and we look for answers sometime also. So for example Spring Air, it was approved along time ago. We're always asking what the status is on Spring Air. My understanding was they may have had the financing when they came with the project and they tried to roll the project out but I was, it was explained to me that financing had struggled because of the economy and they're meeting with new investors to try and still continue to do the project. That's been the delay. As far as Ridge Road streetscape, we're very satisfied with the way it went and as things happen on Ridge Road, we're looking to expand that. We're talking at the cemetery to try and help us out with when they do their renovation they'll hopefully continue. When any times there's new construction we're going to try and continue the streetscape down to the full end of Ridge Road. Look for more grants to continue, put benches, you know, follow the whole them all the way down. Ace Hardware has all their approvals. They're awaiting for some approvals still from the board. I was told that they have all their approvals. They're supposed to start soon. As far as the baler, you know as much as we do. We're banging

on the meadowland's commissions door everyday trying to get this baler back up and running and you know trying to find solutions for what's going to be a hardship for the borough if you have to start paying for our garbage. And as far as the turbine question was Councilman Granell and I have met with executive director Ciberio a number of times about solar panels and we've spoken about that also and he told us according to their three year study, the wind is not substantial enough to put....

EILEEN TITTA: You should come to my back yard.

COUNCILMAN TANELLI: Mine also, I mean every minute of the day there's a breeze in my yard but they're saying its not a high enough mile per hour to sustain the energy that they would need. Now that's what he's telling me.

EILEEN TITTA: In the meadowlands put them over by a [inaudible], they can't [inaudible].

COUNCILMAN TANELLI: Anyway, that's it for me mayor thank you.

COUNCILMAN BIANCHI: Even myself, I've been pretty annoyed with the Spring Air. I know they pitched very hard to get that project going. Okay there's a delay. But there's no reason why the people that live in the area have to suffer with the mess. If they're not going to build the project now, either we get our zoning officer get him down there and clean the bushes and the weeds, they promise that they were going to fence the property and correctly. Now if they don't build the building or they don't get the thing started, I think we have to force them immediately to clean the weeds and the bushes, the broken fences, and because the people don't live there it's a mosquito infested nightmare. So, I think what we should do is get our zoning officer to approach them and tell them that they have to clean the area and fence the area in. Now supposedly when I had spoken to the gentlemen back about a year and a half ago about the project, he was going to put up the PBC fencing down the side, take out all that beat up cyclone fence that's on the property. At least do that for the neighbors because the neighbors are up in arms with Spring Air and now we're really compounding their disaster. I think it's a good idea we get in touch with them immediately and tell them to clean the property and clean everything that's number one. Number two C&J Glass. Supposedly they're cleaning the property and fixing the property but I think its moving awful slow. It's a mess down. It doesn't look good for the people that enter North Arlington and who knows the way its going it could stay like that for another 10 years and even Spring Air. It could be like that another 10 years it'll be until this economy turns around. Well unless you heard something different Al.

COUNCILMAN GRANELL: I don't think we can afford as a community to let people hold the community hostage anymore for 10 years. That dog doesn't hunt anymore.

COUNCILMAN BIANCHI: That's what I'm saying but you said it better.

COUNCILMAN GRANELL: Businesses are going to come into North Arlington. They're going to develop in North Arlington and they're going to move forward. My suggestion for Spring Air is really simple. I'm not waiting to go clean bushes or fix fences. I think the owners of Spring Air should come into the mayor and council at the next meeting and explain the mayor and council and to the community what's the hold up. See that's what should be happening.

COUNCILMAN BIANCHI: You said it better.

COUNCILMAN GRANELL: For properties in the borough, the gig is up. We're a community; we're small, [inaudible]. It has to get done.

COUNCILMAN BIANCHI: You know what aggravates me Al? 25 years on the zoning board and planning board, they have guys come before me begging to do these tremendous jobs. They start, they don't continue on what they say. They say they're going to put up a bank and take care of it with landscapers. 'Oh we're going to have landscapers come in'. And it goes for naught. They come in for 2, 3 months and then there's weeds and bushes all over the place. We have people building stuff all over the town, 'I promise I'm going to do this, and I promise I'm going to do that' and then North Arlington always takes it on the chin. I think we got to stop. I think our zoning officers got to go down there and get in touch with these people and really get them going, clean that property up and C&J Glass also.

COUNCILMAN GRANELL: I'm going to share a little point with you. We're working under the Department of Transportation and part of that process in redeveloping the plan or form base codes for North Arlington, looking at the archives for the pictures that were here in North Arlington, what North Arlington looked like in the 30's, the 40's, the 60's, and 70's. So, just for kicks and giggles, I live at 610 Ridge Road right across the street from the old Pinkus property where the old Frank's Cleaners use to be. Here's a picture from 1958 that'll lead up to the picture here. Every store's here for rent. This is 1958. This is 2009. It's still empty. This can't be allowed to happen anymore. These are transient properties that something goes in there for a period of time, it runs its course, and this property is over and part of the plan that were looking at, you could pass that around to the folks and leave it out, is we have to put a plan in place that makes sense for the borough. We cannot allow business owners and properties just to go vacant because the economy is bad. We have to work with the business owners.

COUNCILMAN BIANCHI: We have to get tough.

COUNCILMAN GRANELL: Well tough is fine. But money is money and we have to work with the business owners to get these properties developed correctly for the borough so it makes sense.

COUNCILMAN BIANCHI: Now the Pinkus property, it's been like that ever since I've been a kid. It's never really been taken care of. And the problem is now supposedly, another gentleman came in, rented all the stores, going to clean them up and sub and rent

them out. Okay good idea. It's been like that since last March. It's almost a year. Paper on the windows. It doesn't look good and us as a governing body we talk we talk but we don't do anything. We got to do something. You got these guys and you got to get them around the neck and you got to make them do it. This guy down here at the C&J Glass, he as supposed to put a some type of Chinese farmers market, oriental market, but the thing is it never gets done. And then when it does get done, it doesn't get done the way they say when they come before the board. It's always a little different. It's always a little cheaper. It always looks a little crummy and I'm sick of it; I'm just tired of it. We got to do something as a governing body. We have the power to do it but we just don't do it. And you can blame me too. I'm just as much to blame. C&J Glass we got to do something about because the people that live down there on Fisher Street, they're all complaining that they sick and tired of looking out the window looking at it.

MAYOR MASSA: We got to recognize Mr. Kairys.

ROBERT KAIRYS: C&J Glass is, I actually got permission two days ago from the county planning board and the reason why that project was held up was because of, and I don't know whose on the planning board, but I think one of the things was in reference to parking and because that's a county road, their approval's necessary curbing sidewalks and stuff like that. they're not meeting til June, so I met with the doctor and he's one of the investors in the project who asked if I could make a phone call for him which I did and we do have permission to allow them to do interior work only. They cant, because of them because the county has to give their approval first, so they cant work on the outside. Actually councilman DiBlasi called me and said 'hey Bobby, I don't see permits, they're working down there'. They do have permits. What happened was I allowed to go inside and start, they started, and they got finish some minor work with me on our end and I'm assuming they should be full blown interior only sometime next week because I'm getting calls on the potholes and all that stuff but he can't [inaudible] because its held up on there. His plan has to be approved by the county and I spoke to them and that's unfortunately not going to be June, that's when they're meeting. So that's C&J Glass. On Spring Air, I do know because I spoke with Maria Schmitt from the health department. Our offices work together and notices did go out for them because we've talked to a resident down there whose complaining about rodents and stuff so we did put them on notice for exterminating the weeds and all that stuff for down on Schuyler Ave, Spring Air. As far as the project, nothing has come to our office as far as plans and stuff. I haven't received anything as far as what they're doing. We're just doing property maintenance and that's with the original owner which is the Bagoon family.

COUNCILMAN BIANCHI: Does the Bagoon's still own it or is it new guys?

ROBERT KAIRYS: Yes. As of right now they're on the records. That's who we sent the notices to.

MAYOR MASSA: At what point are we going to issue summonses?

ROBERT KAIRYS: It's a standard when we then give people time to get it done by timely receipt of my mail. Its usually 15 days. Maria's in tomorrow, I'll check with her.

MAYOR MASSA: I want to see summonses issued as soon as possible so that these people know we mean business. The points have been made by my distinguished colleagues here on my governing body are on the money. We have promised the people of this community we're going to do what we can to turn things around. Now I know that say Herculean task in this economy but if people do own property, they're responsible to maintain it. I know quite practically speaking that a lot of property owners want top value for their property which I guess their pretty much entitled to. One real estate broker told me quite frankly said they want gold because they think they're sitting on gold, and they are. This property is still quite valuable even though the market is down, its still valuable and getting people to invest in this shaky economy is very challenging to say the least but we do want summonses issued. Joe was correct, Al was correct when we talk about these particular issues so please stay on top of these things and issue the summonses and if anybody should complain as to why you're issue summonses, dump it on me. You can always blame it on the mayor. They can always get mad at me because I'm just doing my job, I'm following orders.

TERENCE: Can you briefly update the mayor and council on summons activities this year as opposed to last year?

ROBERT KAIRYS: Yea, were well ahead of what we did it at last year. [inaudible] at next month's meeting, I'll have the report, the properties that you talked about now, and where we have in because I know there's some other properties I've been working with Terence on that have been [inaudible].

TERENCE: Per the council's direction, the mayor, we have a former aggressive posture as [inaudible], property management and local housing. Thank you.

COUNCILMAN DIBLASI: I agree with Mr. Granell and Joe. I think we should get these owners from the Spring Air Mattress here at the next meeting if all possible. And about the Pinkus property, are we allowed to force those people to also do something Mr. Mayor?

MAYOR MASSA: Well the only thing we can do is the appropriate enforcement action. If their taxes are paid, we have to cite them for specific violations, take them to court, have them pay some fines. I think in the past, Robert's done that, right? And they've been taken into court, they paid the fines.

COUNCILMAN GRANELL: Cory and Alexis just stay there.

ROBERT KAIRYS: That went to litigation. What happened there, I don't know how much I can say on the record, I just know there's an issue in there with the family that owned the property, its an eternal yeah that one's in the courts because we have her, we've had her here in front of our judge and there was an agreement signed and then

once it left here there sounds like [inaudible] something happened on a legal aspect there so where that one stands I can make a phone call, I think I know, we know somebody we can call to find out but there's an issue out there. At this point I don't know if she still owns it.

COUNCILMAN DIBLASI: With Spring Air, I think we got a meeting with Charles Sarlo because we gave him permission to have the storage facility there. If they don't construct very soon, we could pull that back and they'll have to come back in front of the board all over again. I mean we want them to develop it but if they're not going to make a move, we can't keep those approvals for a year, 2 years, 3 years. We just got to take those approvals away from them and then they'll have to come in front of us once again. Either that or the owners have to come in front of us and let us know if they're going to go ahead, yes or no. I don't know.

MAYOR MASSA: I think we'll take the appropriate action with respect to holding the owners accountable for the condition of the property and make the determinations as to what their actions and intentions are going to be with the property. Any other councilmen want to make any comment on the hearing of citizens? Okay, at this point we go to resolutions.

TERENCE: Next item mayor is a budget hearing. This is a required hearing. I'll just note up front that we have applied for extraordinary aid; we are awaiting that award but it is an order to open a public hearing of the local municipal budget for calendar year 2009.

BUDGET HEARING:

MOTION TO OPEN PUBLIC HEARING ON BUDGET

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

No citizen wished to be heard on budget

MOTION TO CLOSE PUBLIC HEARING ON BUDGET

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

TERENCE: Mayor and council, as soon as we have more information on the extraordinary aid application, we will have it sent to you immediately.

COUNCILMAN GRANELL: If it's okay with the mayor and council, I'd like to move the consent agenda unless someone has something in particular on the consent agenda they look to have removed.

COUNCILMAN BIANCHI: Well I wanted to pull one thing, I wanted to discuss one thing.

COUNCILMAN HUGHES: And I wanted to rebel something. I'd like to have 108 pulled. I have a question on it.

COUNCILMAN BIANCHI: And 101.

RESOLUTIONS ON CONSENT AGENDA

R-98-09 RESO RE: AUTHORIZATION TO PAY CLAIMS

R-99-09 RESO RE: CLOSE OF CONTRACT MORGAN PLACE RESURFACING

R-100-09 RESO RE: CLOSE OF HEDDEN TERRACE PLACE RESURFACING

R-101-09 RESO RE: CLOSE OF CONTRACT RIDGE ROAD STREETScape PHASE II (**TABLED**)

R-102-09 RESO RE: DESIGNATION OF THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS) AS THE BASIS FOR ALL INCIDENT MANAGEMENT IN BERGEN COUNTY, NJ

R-103-09 RESO RE: APPOINTMENT OF SUBSTITUTE CROSSING GUARDS

R-104-09 RESO RE: APPOINTMENT OF PUBLIC AGENCY COMPLIANCE OFFICER

R-105-09 RESO RE: APPOINTMENT OF PER DIEM COMMUNICATIONS OPERATOR

R-106-09 RESO RE: APPOINTMENT OF FIREFIGHTER

R-107-09 RESO RE: APPROVAL OF 2009 BUSINESS LICENSES

R-108-09 RESO RE: ENTER INTO AGREEMENT WITH COUNTY OF BERGEN FOR EMERGENCY SERVICES NOTIFICATION SYSTEM (**REMOVED FROM CONSENT AGENDA**)

R-109-09 RESO RE: LOCAL FINANCE BOARD

R-110-09 RESO RE: REFUND OF MONIES DUE TO DUPLICATE PAYMENT

INTRODUCED BY: COUNCILMAN GRANELL
SECONDED BY: COUNCILMAN TANELLI

ROLL CALL: ALL COUNCIL PRESENT VOTE IN THE AFFIRMATIVE
WITH THE EXCEPTION OF COUNCILMAN HUGHES WHO RECLUSES ON R-98-
09 RE: FIRE DEPARTMENT PURCHASES

R-101-09 RESO RE: CLOSE OF CONTRACT RIDGE ROAD STREETSCAPE
PHASE II

(MOTION TO TABLE)

INTRODUCED BY: Councilman Hughes

SECONDED BY: Councilman DiBlasi

ROLL CALL: All council present vote in the affirmative

MAYOR MASSA: Discussion?

COUNCILMAN BIANCHI: The last meeting that we had I was concerned about parking meters before we close this, did you do any research into the parking meters that we supposedly missing five meters up there.

ENGINEER: The research that I did I was able to confirm that at least four were missing. I was still looking into it further to make sure because you have said the five.

COUNCILMAN BIANCHI: I think the fifth one was underneath the garage. Melrays, I think that was the fifth.

ENGINEER: I've been looking in the wrong spot. I'm still getting my bearings right. So if you would allow me another week, I can double check that last spot then and be able to report back to you.

COUNCILMAN BIANCHI: So can we table this until the next meeting. The 101-09.

R-108-09 RESO RE: ENTER INTO AGREEMENT WITH COUNTY OF BERGEN
FOR EMERGENCY SERVICES NOTIFICATION SYSTEM

(MOTION TO TABLE)

INTRODUCED BY: Councilman Hughes

SECONDED BY: Councilman Tanelli

ROLL CALL: All council present vote in the affirmative

COUNCILMAN HUGHES: Mr. Mayor, question. In paragraph 6, I see where this is the reverse 911 system. The county's going to pay for the initial installation. They're going to pay for the costs of setting up the training and everything else. Then you get into paragraph 6, It says whereas the municipality shall pay the combine cost as outlined above in a corresponding subsequent agreement and with the county of Bergen. I don't see any costs outlined above that were agreeing to and I got no backup on this resolution

as to what those costs would involve. So before we really vote on this, we should determine what those costs are going to be going forward. Do you have an answer?

MAYOR MASSA: Absolutely, I think we should seek clarification on this with the county prior to voting on it.

TERENCE: Mayor and council, briefly and we could certainly table this til June absolutely, this is essentially a program that Bergen County offers. There's no cost unless you wish to utilize the system for community announcements whether it be to send a notice out about a parade or maybe other types of GIS oriented of announcements. There's zero cost for the borough unless you utilize it and I believe its approximately 3 cents per call. But if you don't have that backup, I would recommend you table it. But essentially its, there's no costs, but if you choose to use it for any community broadcast, there's a cost per use for the program essentially.

COUNCILMAN HUGHES: I think it's a great program. I think we really do a need to initiate it but I'd like to know how much its going to cost us going forward. Are we going to jeopardize losing this grant here from the county by waiting a month?

TERENCE: No.

COUNCILMAN HUGHES: Then I'd like to change my motion to have it tabled also.

TERENCE: This information was copied to the council but it was many months ago, so I'd like to copy it to you again. It would be absolutely appropriate to table it. Get the required information out to you again and list it for June if you wish.

COUNCILMAN TANELLI: I'll second the motion to table it.

R-112-09 RESO RE: AUTHORIZING APPLICATION TO THE LOCAL FINANCE BOARD PURSUANT TO N.J.S.A. 40A:2-7 (d)

INTRODUCED BY: Councilman Tanelli

SECONDED BY: Councilman Granell

ROLL CALL: All council present vote in the affirmative

ORDINANCES

SECOND AND FINAL READING OF ORDINANCE NO. 2010

CALENDAR YEAR 2009 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

MOTION TO OPEN PUBLIC HEARING

INTRODUCED BY: COUNCILMAN HUGHES
SECONDED BY: COUNCILMAN TANELLI
ROLL CALL: ALL COUNCIL PRESENT VOTE IN THE AFFIRMATIVE

MOTION TO CLOSE HEARING AND ADOPT

INTRODUCED BY: COUNCILMAN GRANELL
SECONDED BY: COUNCILMAN HUGHES
ROLL CALL: ALL COUNCIL PRESENT VOTE IN THE AFFIRMATIVE

SECOND AND FINAL READING OF ORDINANCE ORDINANCE NO. 2013

BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF A FIRE RESCUE TRUCK, APPROPRIATING \$800,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$467,500 BONDS AND/OR NOTES OF THE BOROUGH FOR PAYING THE COST OF SAID ACQUISITION AUTHORIZED TO BE UNDERTAKEN IN AND BY THE BOROUGH OF NORTH ARLINGTON, IN THE COUNTY OF BERGEN, NEW JERSEY

MOTION TO OPEN PUBLIC HEARING

INTRODUCED BY: COUNCILMAN TANELLI
SECONDED BY: COUNCILMAN GRANELL
ROLL CALL: ALL COUNCIL PRESENT VOTE IN THE AFFIRMATIVE

MOTION TO CLOSE HEARING AND ADOPT

INTRODUCED BY: COUNCILMAN TANELLI
SECONDED BY: COUNCILMAN GRANELL
ROLL CALL: AYES: COUNCILMAN BIANCHI, DIBLASI, GRANELL, TANELLI, YAMPAGLIA
COUNCILMAN HUGHES REFUSES HIMSELF ON MOTION

ORDINANCE NO. 2015

AN ORDINANCE OF THE BOROUGH OF NORTH ARLINGTON ESTABLISHING CHAPTER 206.1“CLOTHING BINS” OF THE CODE OF THE BOROUGH OF NORTH ARLINGTON IN ORDER TO REGULATE THE PLACEMENT AND OPERATION OF CLOTHING BINS

MOTION TO OPEN PUBLIC HEARING

INTRODUCED BY: COUNCILMAN GRANELL
SECONDED BY: COUNCILMAN HUGHES
ROLL CALL: ALL COUNCIL PRESENT VOTE IN THE AFFIRMATIVE

MOTION TO CLOSE HEARING AND ADOPT

INTRODUCED BY: COUNCILMAN DIBLASI
SECONDED BY: COUNCILMAN BIANCHI
ROLL CALL: ALL COUNCIL PRESENT VOTE IN THE AFFIRMATIVE

ORDINANCE NO. 2016

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

MOTION TO OPEN PUBLIC HEARING

INTRODUCED BY: COUNCILMAN DIBLASI
SECONDED BY: COUNCILMAN BIANCHI
ROLL CALL: ALL COUNCIL PRESENT VOTE IN THE AFFIRMATIVE

MOTION TO CLOSE HEARING AND ADOPT

INTRODUCED BY: COUNCILMAN DIBLASI
SECONDED BY: COUNCILMAN GRANELL
ROLL CALL: ALL COUNCIL PRESENT VOTE IN THE AFFIRMATIVE

ORDINANCE NO. 2017

AN ORDINANCE TO AMEND CHAPTER 48 ARTICLE IX §48.43 OF THE CODE OF THE BOROUGH OF NORTH ARLINGTON ENTITLED “OFFICERS AND EMPLOYEES”

MOTION TO OPEN PUBLIC HEARING

INTRODUCED BY: COUNCILMAN GRANELL
SECONDED BY: COUNCILMAN TANELLI
ROLL CALL: ALL COUNCIL PRESENT VOTE IN THE AFFIRMATIVE

MOTION TO CLOSE HEARING AND ADOPT

INTRODUCED BY: COUNCILMAN TANELLI
SECONDED BY: COUNCILMAN HUGHES
ROLL CALL: ALL COUNCIL PRESENT VOTE IN THE AFFIRMATIVE

ORDINANCE NO. 2018

BOND ORDINANCE PROVIDING FOR VARIOUS PARK IMPROVEMENTS IN THE BOROUGH, APPROPRIATING \$300,000 THEREFORE AND

AUTHORIZING THE ISSUANCE OF \$193,809 BONDS AND/OR NOTES OF THE BOROUGH FOR PAYING THE COST OF SAID IMPROVEMENTS AUTHORIZED TO BE UNDERTAKEN IN AND BY THE BOROUGH OF NORTH ARLINGTON, IN THE COUNTY OF BERGEN, NEW JERSEY

MOTION TO OPEN PUBLIC HEARING

INTRODUCED BY: COUNCILMAN TANELLI
SECONDED BY: COUNCILMAN GRANELL
ROLL CALL: ALL COUNCIL PRESENT VOTE IN THE AFFIRMATIVE

MOTION TO CLOSE HEARING AND ADOPT

INTRODUCED BY: COUNCILMAN GRANELL
SECONDED BY: COUNCILMAN TANELLI
ROLL CALL: ALL COUNCIL PRESENT VOTE IN THE AFFIRMATIVE

ORDINANCE NO. 2019

BOND ORDINANCE PROVIDING FOR VARIOUS GENERAL IMPROVEMENTS IN THE BOROUGH, APPROPRIATING \$200,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$190,000 BONDS AND/OR NOTES OF THE BOROUGH FOR PAYING THE COST OF SAID IMPROVEMENTS AUTHORIZED TO BE UNDERTAKEN IN AND BY THE BOROUGH OF NORTH ARLINGTON, IN THE COUNTY OF BERGEN, NEW JERSEY

MOTION TO OPEN PUBLIC HEARING

INTRODUCED BY: COUNCILMAN BIANCHI
SECONDED BY: COUNCILMAN DIBLASI
ROLL CALL: ALL COUNCIL PRESENT VOTE IN THE AFFIRMATIVE

MOTION TO CLOSE HEARING AND ADOPT

INTRODUCED BY: COUNCILMAN DIBLASI
SECONDED BY: COUNCILMAN YAMPAGLIA
ROLL CALL: ALL COUNCIL PRESENT VOTE IN THE AFFIRMATIVE

ORDINANCE NO. 2020

BOND ORDINANCE PROVIDING FOR WILSON PLACE PHASE I IMPROVEMENTS, APPROPRIATING \$75,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$17,400 BONDS AND/OR NOTES OF THE BOROUGH FOR PAYING THE COST OF SAID IMPROVEMENT AUTHORIZED TO BE UNDERTAKEN IN AND BY THE BOROUGH OF

NORTH ARLINGTON, IN THE COUNTY OF BERGEN, NEW JERSEY

MOTION TO OPEN PUBLIC HEARING

INTRODUCED BY: COUNCILMAN BIANCHI
SECONDED BY: COUNCILMAN YAMPAGLIA
ROLL CALL: ALL COUNCIL PRESENT VOTE IN THE AFFIRMATIVE

MOTION TO CLOSE HEARING AND ADOPT

INTRODUCED BY: COUNCILMAN GRANELL
SECONDED BY: COUNCILMAN TANELLI
ROLL CALL: ALL COUNCIL PRESENT VOTE IN THE AFFIRMATIVE

ORDINANCE NO. 2021

BOND ORDINANCE PROVIDING FOR THE RESURFACING OF SUNSET AVENUE, APPROPRIATING \$225,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$25,000 BONDS AND/OR NOTES OF THE BOROUGH FOR PAYING THE COST OF SAID IMPROVEMENT AUTHORIZED TO BE UNDERTAKEN IN AND BY THE BOROUGH OF NORTH ARLINGTON, IN THE COUNTY OF BERGEN, NEW JERSEY

MOTION TO OPEN PUBLIC HEARING

INTRODUCED BY: COUNCILMAN HUGHES
SECONDED BY: COUNCILMAN TANELLI
ROLL CALL: ALL COUNCIL PRESENT VOTE IN THE AFFIRMATIVE

MOTION TO CLOSE HEARING AND ADOPT

INTRODUCED BY: COUNCILMAN TANELLI
SECONDED BY: COUNCILMAN BIANCHI
ROLL CALL: ALL COUNCIL PRESENT VOTE IN THE AFFIRMATIVE

ORDINANCE NO. 2022

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

MOTION TO OPEN PUBLIC HEARING

INTRODUCED BY: COUNCILMAN TANELLI
SECONDED BY: COUNCILMAN YAMPAGLIA
ROLL CALL: ALL COUNCIL PRESENT VOTE IN THE AFFIRMATIVE

MOTION TO CLOSE HEARING AND ADOPT

INTRODUCED BY: COUNCILMAN TANELLI

SECONDED BY: COUNCILMAN HUGHES

ROLL CALL: ALL COUNCIL PRESENT VOTE IN THE AFFIRMATIVE

ORDINANCE NO. 2023

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

INTRODUCED BY: COUNCILMAN BIANCHI

SECONDED BY: COUNCILMAN YAMPAGLIA

ROLL CALL: ALL COUNCIL PRESENT VOTE IN THE AFFIRMATIVE

ORDINANCE NO. 2024

BOND ORDINANCE PROVIDING FOR THE PAYMENT OF OBLIGATIONS OF THE BOROUGH, APPROPRIATING \$3,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$3,000,000 BONDS AND/OR NOTES OF THE BOROUGH FOR PAYING THE COST OF SAME AUTHORIZED TO BE UNDERTAKEN IN AND BY THE BOROUGH OF NORTH ARLINGTON, IN THE COUNTY OF BERGEN, NEW JERSEY

INTRODUCED BY: COUNCILMAN TANELLI

SECONDED BY: COUNCILMAN YAMPAGILA

ROLL CALL: ALL COUNCIL PRESENT VOTE IN THE AFFIRMATIVE

COUNCILMAN HUGHES: Mr. Mayor, I understand this is to pay our obligations to the court's borough seat Cherokee judgment but my understanding was that judgment was for 2.4 million dollars so my question is why are we appropriating 3 million dollars worth of boxes?

MAYOR MASSA: Well I can probably answer tonight. We have to take into consideration any possible consideration for prejudgment interest. So in light of that, there's been recommendation by council that we appropriate sufficient funds to cover that. of course, the actual appropriation will only be determination once the final amount of money is estimated for payment.

COUNCILMAN HUGHES: Up to \$600,000 of interest for prejudgment?

MAYOR MASSA: Well there may be additional costs involved also. Counsellor, do you have any further comment on that?

JORDAN (attorney): The only thing I would comment is Mrs. Tutela is here to talk about, so if Mrs. Tutela could come to the mike if she'd like. Your honor, your description of where we are exactly.

JUDY TUTELA: Basically there is an amount of interest to be paid and the initial calculation to be made was probably close to \$450,000. It didn't have an exact calculation and we wanted to be sure because we don't know how much time is going to last the time we do the, go to local financing, get everything taken care of, we left sufficient amount actually just to cover anything that would occur. Now that 3 million, obviously if you don't use it, you can close it and cancel it. So you know you're only going to use what you need to use. There are going to be some costs that are going to be incurred with bonding and with that you're going to have to have a little bit extra for that to. So basically the 550 covers both the interest and any bonding costs that are going to be associated getting with the bond in place.

MAYOR MASSA: Administrator's report.

TERENCE: The next item mayor is actually two items that weren't, and I apologize, these were requested of planning/zoning attorney Mr. Sarlo regarding ordinance 2025.

ORDINANCE NO. 2025

AN ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF NORTH ARLINGTON AMENDING CHAPTER 205 OF THE CODE OF THE BOROUGH OF NORTH ARLINGTON, ENTITLED "LAND DEVELOPMENT ORDINANCE" PROVIDING FOR GENERAL DEVELOPMENT PLAN APPROVAL PURSUANT TO N.J.S.A.40:55D-45, et. Seq.]

INTRODUCED BY: COUNCILMAN GRANELL

SECONDED BY: COUNCILMAN DIBLASI

ROLL CALL: ALL COUNCIL PRESENT VOTE IN THE AFFIRMATIVE

ORDINANCE NO. 2026

BOND ORDINANCE PROVIDING FOR THE BOROUGH PORTION OF THE COST OF SEWER IMPROVEMENTS BY THE NORTH ARLINGTON/LYNDHURST JOINT MEETING, APPROPRIATING \$750,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$750,000 BONDS AND/OR NOTES OF THE BOROUGH FOR PAYING THE COST OF SAID IMPROVEMENTS AUTHORIZED TO BE UNDERTAKEN IN AND BY THE BOROUGH OF NORTH ARLINGTON, IN THE COUNTY OF BERGEN, NEW JERSEY

INTRODUCED BY: COUNCILMAN GRANELL

SECONDED BY: COUNCILMAN TANELLI

ROLL CALL: ALL COUNCIL PRESENT VOTE IN THE AFFIRMATIVE

TERENCE: In the first line, it references Dumont. That would actually be edited. It is North Arlington. I checked the rest of the document and it appeared to be in order.

COUNCILMAN HUGHES: This is actually a resolution and an ordinance. We have to pass the resolution appropriating money and then pass the ordinance to fund it, so we're actually taking two separate actions here, I believe.

MAYOR MASSA: Counsellor, should we introduce the ordinance and then pass the resolution later?

TERENCE: Mayor and council, if I may, I received this ordinance approximately an hour and a half ago. I'd like Mrs. Tutela if you'd be so kind to describe this for the mayor and council for the consideration.

JUDY TUTELA: You have an ordinance and you also have a resolution, they are two separate actions. The resolution is to allow us to go down to local finance board to ask for a waiver of the down payment on the bonds to be issued and then the bonds to be issued is the ordinance.

MAYOR MASSA: So the first act would be an ordinance to introduce and this would be the first reading I would expect.

TERENCE: That's correct.

MAYOR MASSA: Councilman Hughes, does that answer your question? I'm glad you brought that issue up. Thank you. Okay we'll introduce a resolution to introduce ordinance 2026 for first reading. Introduced by councilman Granell, seconded by councilman Tanelli. Discussion? Call the roll? Do we need a resolution, oh no no we...

TERENCE: Next should be the ordinance.

MAYOR MASSA: ...can't [inaudible] do that until the ordinance is finally read.

COUNCILMAN HUGHES: No, we've done the resolution.

COUNCILMAN TANELLI: The resolution is to give her permission to go the local finance board to get a waiver.

MAYOR MASSA: So we will introduce a resolution this evening irrespective of the status of the ordinance?

COUNCILMAN TANELLI: Right.

MAYOR MASSA: Thank you.

COUNCILMAN TANELLI: I'll make a motion to move that resolution.

COUNCILMAN HUGHES: Got to be resolution 112.

R-112-09 RESO RE: AUTHORIZING APPLICATION TO THE LOCAL FINANCE BOARD PURSUANT TO N.J.S.A. 40A:2-7 (d)

INTRODUCED BY: COUNCILMAN TANELLI

SECONDED BY: COUNCILMAN GRANELL

ROLL CALL: ALL COUNCIL PRESENT VOTE IN THE AFFIRMATIVE

ADMINISTRATOR'S REPORT

TERENCE – mayor and council, on the administrator's report, it'll be brief. Specific to Ridge Road which has been a subject to some conversation this evening, I just want to report you that we have, mayor and council has applied to Congressman Rothman's office for a special grant in the amount of 2 million dollars for streetscape improvements to complete the entire length of Ridge Road in North Arlington for streetscape improvements. So, we're hopeful that the mayor and council's application is looked at favorably and that we would secure the required amount of funding for that purpose. In addition, at the direction of the mayor and council, we've also processed a grant through the ARA stimulus funding known as the Transportation Enhancement Program through the [inaudible] system with the state of New Jersey in the amount of \$500,000. That would carry the, we've already complete phase 1 and phase 2 as recently completed. This would be a phase that would pick up from Hardin Avenue streetscape to Beaver which is in the vicinity of Dunkin Donuts. And again, these are all geared towards having the Ridge Road made as attractive as possible and rehabilitated in accordance with the directives of the mayor and council in the borough of North Arlington. Mayor, that would conclude my report.

ENGINEERS REPORT

ENGINEER – Good evening mayor and council. You all have my report forwarded by the borough administrator. Just touching on a few of the more prevalent projects. The 2009 NJDOT municipal program, Sunset Avenue, as we said we've been surveyed. We're going [inaudible] very quickly. Also Wilson Place, we should be completing our plans of specifications very rapidly, I would imagine in the several weeks and depending on the borough choice and selection and availability of funds, we'd be able to go to bids on those very soon. We have hawed up with the borough administrator's assistance on obtaining additional quotes for the pump station [inaudible]. We have not received all of the feedback yet. I expect to have heard from additional vendors by Wednesday to esneu we are getting the best price for the equipment. We had had a price of approximately the 11,382. We're seeing if we could do any better before we finally award the work. Once we have that, we will be in contact with the administrator and let him know basically what feedback we got from the additional vendors. Lastly, with the mayor and council's approval, at last meeting you had given us a not to exceed order for the 2008 storm management report, I have to say that with the administrator's assistance my officer was

able to complete the report and submit it on time to get JDEP. Terence was nice enough to sign it and send it and provide us with the additional information we needed, so that should be all set and taken care of. Does anybody have any specific questions or comments?

COUNCILMAN BIANCHI – Yea, the pump station, what is the actual price of those pumps? Do you know?

ENGINEER – Pumps? No I don't know the price of the pumps right now. I had to deal with the [inaudible] which there's approximately \$10,000 that we have. For new pumps in the station, I would have to research that and get back to you.

COUNCILMAN BIANCHI – Is there anyway you could give us a breakdown on that job, how much its going to cost everything, because these ball park figures of \$750,000 for Lyndhurst and North Arlington. That's a million and a half. To me it seems high. Maybe its not I don't know but.

COUNCILMAN HUGHES – Different pumps then the ones we just bonded for at the joint sewer commission.

COUNCILMAN BIANCHI – The joint sewer?

TERENCE – Geraldine and Truman.

COUNCILMAN BIANCHI – They're different pumps.

ENGINEER – The pump stations that I'm referring to here, they don't need new pumps. The pumps that you just appropriated money for is part of the joint meeting system. That's not what I'm reporting on in here.

COUNCILMAN BIANCHI – That's all I'm asking about. That's what I wanted to know but okay.

MAYOR MASSA – This is Disposal Road.

TERENCE – Geraldine and Truman is the common [inaudible] of the muffler monster as its called is Geraldine and Truman.

COUNCILMAN HUGHES: Correct me if I'm wrong but didn't we put out a request for bids or proposals for the annual maintenance on these pumps earlier in the year?

TERENCE – That's still in process.

COUNCILMAN HUGHES – Its still in process because I think the way it was setup we were paying emergency repairs every time for them to come down on a monthly basis to

do monthly maintenance. So I just want to know where we stand with that as far as getting that on a regular schedule and under bid.

ENGINEER – I know we've been trying to work with the administrator. I know he's forwarded it. I think you have the latest schedule.

TERENCE – Well we have changed the schedule from weekly which is not considered standard to bi-weekly to cut the cost by 50% and provide the same result and we also have a member of the DPW that attends to the inspection so we can start keeping an eye on the inspections our self and that reducing the cost further.

COUNCILMAN HUGHES – Okay.

COUNCILMAN TANELLI – I have a question regarding the drainage through Holy Cross Cemetery. This is one of those thorns in my side. Its been an ongoing thing I mean since 5 years I've been a councilman. If we're ready to move forward to publicly bid this project, it should have been on tonight's agenda.

TERENCE – We can add a resolution authorizing us to go to bid. I had a discussion with Mrs. Tutela. The funding is still available.

COUNCILMAN TANELLI – We have residents in that area that are suffering from flooding problems that this would be a major fix in that entire area. That would benefit like a 6 block radius.

TERENCE – We can add a resolution to that effect,.

COUNCILMAN TANELLI – I think we should. Thank you.

ENGINEER – Is there anything else? Thank you all very much. Have a good evening.

COUNCIL REPORTS

COUNCILMAN BIANCHI – Not much to report. The senior citizen bus is up and running and just want to know from Al if he heard anything about the grant money for the new bus.

Councilman Granell – the answer is no. They're still waiting to hear.

Councilman Bianchi – is it a guaranteed thing? We're just waiting for it or it's iffy?

Councilman Granell – it's all part of the stimulus package and stimulus money as they start delving that money out. They're aware that there's time frame for us, we're just waiting to see when they can cut him the checks and [inaudible].

Councilman Tanelli – bottom line councilman is that regardless of whether we get the stimulus money or not, we have that map grant sitting there waiting to pay for this bus. We are getting a new bus, it's just a matter of whether we're going to reallocate the map grant and use the stimulus money or bypass the stimulus money, the stimulus money was here marked strictly for the bus. We can't modify that. We can modify the map grant so that's why we're waiting to decide. Al's on the phone daily [inaudible].

Councilman Bianchi – Yea I just didn't have much to report so I figured...

COUNCILMAN DI BLASI – okay my report for the department of public works. They've cleaned up three borough parking lots and also line striped the parking lots. They've also taken care of 7 sewer backups. They've continued to compile tree lists for trims and removal from daily phone call complaints. They repaired several potholes on various streets. Repaired an old water dig on Fisher Place and also installed permit parking signs on the full length of Union Place. Removed 200 library file boxes from borough hall to dpw for shredding. We installed 200 yards of wood carpet at Macaluso park playground. Preparing for installation of new equipment. They also removed an old pool table and installed a new one in the youth center. Clean the youth center on a daily basis and they've been maintaining the soccer fields and baseball fields. So they've accomplished a lot of work mayor. That's all I have.

Mayor Massa –Mr. Diblasi, if you'd just have, I see Mr. McCabe is here, I'd just like to have an evaluation of the problem that Mrs. McClure is referring to evaluate to determine what municipal responsibility might be involved in that and what [inaudible]. Well in any event I think councilman DiBlasi...

Councilman DiBlasi – shes having a problem with a sewer backup.

Mayor Massa – and what I'd like you to do is just confer with her some time during the meeting regarding that issue so that we can get that resolved as to where any responsibility lies.

Jim McCabe – also mayor, yesterday I was at a meeting with the meadowlands commission and Mr. Wall was with us. I was sitting with the administrator from Kearny, Joe, and he thanked us again for putting their salt in our salt shakers and getting a new one. But over the last several months we've been helping them with sore jobs and everything else, they told us if we need anything they're willing to help us with anything we need as far as community sharing stuff. So the mayor also thanked us for working out that friendship with them.

Mayor Massa – very good. So sharing services is working a little bit here for us.

Jim McCabe – yes it is.

Mayor Massa – that’s good to hear because that’s all I heard about when I was at the mayor’s conference several weeks ago; trying to minimize cost impacts for each community. Thank you.

Councilman DiBlasi – So Mr. McCabe will look into your situation more, okay. Jimmy McCabe here, he’s in the Department of Public Works. He’ll be looking into your problem.

COUNCILMAN GRANELL – thank you mayor. Mrs. Tita, I want to thank you for your sentiment about encap and I’m pretty sure there isn’t in this room or the borough that isn’t happy that that stage of encap is gone but were far from done with that encap process. And one of the first things we did right after the decision itself is I reached out to the borough planner, the borough engineer, the redevelopment committee. What’s next? Okay but what’s the actual next step regarding North Arlington and those properties. And were going to be putting a very aggressive plan together but here’s the big difference, the community’s going to be part of this plan design, so we’re going to have meetings at the end of the month which makes sense for those properties, how we can canvass information from the community, what they would like to see down there. If we talk to different people is it industrial, is it recreational? I think its quite clear that housing doesn’t fit on top of a garbage dump and I think we all understand that. but what really makes sense for North Arlington in terms of ratables and how to bring ratables back into the borough and do that effectively in the window that we have. There’s a monstrous legal battle going on between AIG and the meadowlands commission and all the towns are really casualties that situation. On May 22, the meadowlands commission is having their meeting. Right after that meeting, commissioner Dory is going to meet councilman Tanelli and myself and the mayor to actually talk about some of the plans that they’re looking to do down there so I want to be sure that even though the case is done, as a governing body we’re not done and we are going to put plans in place to get that taken care of one way or the other and put us moving forward. On a separate subject near and dear to my heart, the North Arlington school budget was defeated and I’m very upset and disturbed about some of the conduct and some of the language I’m hearing coming back and forth from the board and this mayor and council. I can tell you honestly that this mayor and council conducted its finances the way they’ve conducted their finances and proposing their budget. People on this board probably wouldn’t be here serving as councilman, so I’m going to read a statement and I’m just going to give you some of the numbers to understand what’s happening on the North Arlington board of ed budget. As most of you know, the school budget was defeated by the voters on April 21st by a margin of 56% no and 44% yes. Once a school budget is defeated, it is the responsibility of this body to review the document for possible budget cuts in such a way that is not compromise thorough and efficient education here in North Arlington. In effect, our job is to rule out wasteful unnecessary spending. It is not our job to slash programs, cut expenditures away both compromises districts educational goals and objectives and I’ve heard stories about janitors losing their jobs and teachers being riced or not tenured, not knowing they’re coming back. That is all the part of the budget family and I have a real issue with that once you hear some of the numbers into the surplus that are in that budget. As a parent and I have a child that graduated that system and a child that’s in that system,

I understand the reality, the difficulty for that budget. In an effort to provide transparency and objectivity, we've retained an outside auditing firm for the specific task of line item analysis of the 2009/2010 budget, the defeated budget. A public meeting was scheduled tomorrow with representatives from the board of education to discuss the governing body's specific recommendations that we received from the auditor so that this situation be resolved and we can move forward. My understanding now is that Dr. Stringham will not be attending. This is unfortunate since it is this process that we are following to resolve this defeated budget. This is Dr. Stringham's defeated budget. He needs to own up to that reality and cooperate in a reasonable and professional manner with this process. It does this governing body no good for the BOE to continue this adversarial mode had the board of education actively campaigned for a yes vote for swearing to the public to approve this referendum, we wouldn't be in the place we find ourselves today. But more importantly I'm shocked and I'm disappointed the school district would abdicate its responsibilities and not work with the mayor and council to find solutions for this budget [inaudible]. While I don't want to get to the specifics at this time because as a governing body we really have to go over the numbers, we'll be doing that later. The total underestimated year end surplus of this defeated school budget is roughly \$700,000. That's a surplus of \$700,000. There was a ripped plan implemented by the Board of Ed where they fired teachers and it's very confusing from a mayor and council perspective. For example, the budgeted salaries for grades 9 through 12 is 2.4 million dollars, yet, the actual dollar spent on 9 through 12 is really 1 million 972 thousand. More about \$400,000 more than needed to operate. That's more than needed to operate. The budget lied out for health benefits is 2.2 million dollars. But the actual health benefit expenditures through April of this year is just about 1.7 million. That's another \$356,000. So you have \$400,000 and \$356,000 more than what's needed for these health care costs. And just these two items alone, the [inaudible] figure is 26% higher than the districts actual cost and the health benefit line item is 25% higher than needed to operate. These are just the two questions that went passed Dr. Stringham and Mrs. Marano to explain to this body as well as to the voters of North Arlington who are being devastated by an economic recession that has hundreds of residents out of work or unemployed. To me it's absolutely unacceptable, incomprehensible to me that the superintendent of the schools and the school business administrator could submit a budget to voters that is padded with plenty of access and low hanging fruit that needs to be cut in hard economic times. It seems to me Dr. Stringham and Mrs. Marano have some explaining to do and they're afforded that opportunity tomorrow at 1 o'clock in these very chambers. Since Dr. Stringham will be less than a hundred yards from this location, I would think he would reconsider the boycott and make himself available for a thorough budget review. With all states, when a school district fails, it has to receive vote of approval. This is not rhetoric this is not I don't even know the work I'm looking for. It's very simple the numbers don't lie. There is \$700,000 in surplus and the threats that we made initially when we met with the board of ed, the first line out of Dr. Stringham's mouth was 'if you're going to cut anything out of this program, its teachers and student programs' only to have an independent auditing body come in and find \$700,000 in surplus, this does not make sense to me. So somebody's lying and somebody's wrong. And if the board of ed created a budget trying to give the taxpayers in North Arlington a 3.8 tax increase for no reason at all, the board of ed should apologize to the borough residents of North Arlington from

trying to make the borough residents of North Arlington spend money that we all direly need. This is not about spending money on the kids, we all love our kids, we all want the best for the kids. The budget that's going to be proposed by this mayor and council doesn't affect a child, doesn't affect a program, doesn't affect a teacher or a raise. So [inaudible] to differ what's the issue here. Everybody wants to spend money for their kids and do the right thing but let's do the right thing by the residents of North Arlington as well. Thank you.

COUNCILMAN HUGHES – Okay thank you mayor. I'd like to report from the health department that they're maintaining a very original watch on the swine flu pandemic that's kind of sweeping our area. Fortunately, there's no reported cases in North Arlington or I believe in Bergen County yet but our health department [inaudible]. So anyway they're keeping an eye on it. They're keeping very vigilant. Regina's doing a very excellent job with that. Some upcoming programs that we have, they're going to have a free program on stroke risk scheduled for May 20th. Its going to include a light healthy dinner. They seem to get a lot of extra people showing up when they offer dinner so they offer these light healthy dinners and people do attend very frequently. And they're also going to be doing on osteoporosis screening on May 21st in conjunction with H&B pharmacy whose also been very cooperative with the health department in providing and funding some of the programs that they've been doing. That's all I have mayor.

COUNCILMAN TANELLI – thank you mayor. First I'd like to echo councilman Granell's feedback and comments regarding the board of education budget. I too have been contacted by several employees and now former employees in the language that's been used for their termination only to find out that they weren't even included in this year's budget but were terminated basically saying that due to this mayor and council's decision, they were terminated. I find it quite frankly appalling but we'll have our opportunity tomorrow to address a lot of these issues. As far as the DPW, mayor, I would like to ask Mr. Wall. We've done a great job with implementing catch basin maintenance and rating them 1 to 10 and being able to repair the ones in real dire need to be repaired. We're also suffering problem with man hole covers that are, some are sinking foot, foot and a half. I know that we successfully did one on Lincoln. I'd like to start a list similar to the catch basin list if Mr. McCabe could please as he travels through town start making notes on man hole covers that you think need to be repaired.

Jim McCabe – we talked yesterday about putting one together.

Councilman Tanelli – okay thank you. The fire department, they answered 30 calls total in April. A small shed fire in river gardens that I actually visited while they were conducting business was extinguished without an incident. The fire department also participated in both the little league and softball parade. Its always great to have them lead us down the street. The kids love it. They will also be participating in the Passaic river regatta this Saturday, this is for the Kearny fire department and police department and like always they look forward to this year's participation in the borough's Memorial Day parade. Recreation, our summer's recreation program, we'll be holding their

registration on Saturday May 30th from 9 to 12 and June 6th from 9 to 12 at 1 legion place, at our youth center. That includes our tiny tot program, junior rec program, gymnastics and cheerleading programs, arts and crafts, and our opened youth center rec activities. Also soccer and basketball sport camps. Also mayor, I'd like to thank Mr. McCabe and the DPW for their work on vinnie macaluso park. What a great thing updating vinnie macaluso for our special needs children. I'd like to thank councilman Bianchi and Debbie Wertilik for and also Terence Wall for their work on it. That park's coming out beautifully and its really an asset to the borough and perfect location and I think its going to be enjoyed by all residents.

Councilman Bianchi – thank you.

COUNCILMAN YAMPAGLIA – thank you Mr. Mayor. The memorial day parade, the recreation will be sponsoring a bike contest where children throughout the neighborhood will be decorating their bike and riding them through the parade, prize will be given out. Also, the recreation will be sponsoring a movie under the stars night at the, this will be for late in august. Again this will looks like if they want to hold it down at Rip Collins at Rip Collins athletic field and then again that's for late august. 4th of july, the fireworks will be on display on July 3rd with a rain date of July 4th. That's all I have.

MAYOR MASSA – now ladies and gentlemen with respect to my own report, I'd just like to reiterate our victory over the Encap situation. What Judge Harris essentially did was award Encap Cherokee Corporation the 2.4 million dollars they usually given us. They were seeking tens of millions of dollars in damages which they judge ruled that they did not prove irrespective of the rest of the language of the court decision. We are now free to move forward. Just yesterday a tax sale was held for tax liens regarding \$355,000 worth of Cherokees property that they hold in North Arlington that they're in rears of. Nobody showed up to buy the tax liens. We didn't expect that was going to happen because they same situation occurred several months ago in Rutherford. However, now Cherokee owns property that they cannot have built 2,000 town homes on and it is our expectation and we're working with our legal counsel to see what they're going to do. I have to tell you one thing that I get, telephone calls routinely, and I think other members of this council also get telephone calls routinely from developers who want to go something really substantial and something futuristic and something that will benefit this community and that is going to be our objective. So I can tell you that we are diligently working, essentially day in and day out to the wee hours sometimes to deal with this issue, to bring it to a resolution that's going to benefit the people of this community. Just the other day, myself and councilman Granell and Tanelli met with our members of our state assembly regarding our requests for extraordinary aid which we're making in light of the fact that the state of New Jersey put us into this garbage business. They are responsible for getting us into the quagmire of Encap, they chose Encap, Encap was already on the table as the recognized developer at the time councilman Tanelli and I were sworn in as members of the council in I think it was January of 2005. It seems like almost eons ago. In any event now that that is behind us, we will be working as diligently as we can to see some kind of development in the community that's going to benefit all of us. Unfortunately some of the other development issues have been stalled and quite

frankly from what the developers tell us, there's a financial fear out there that has caused some of their funding sources to dry up but people are working, there may be some light at the end of the tunnel by the end of next year financially and we're hoping that in the mean time this still remains a very viable community. People still want to come here and open businesses. Councilman Bianchi had very distinguished comments that he made previously about being on the board for 20 years and seeing people come forward with these grandiose plans for development only to see them not to come to the level for which they at least promised. Well unfortunately that does happen and that's part of the reality of real estate and community development but our job is to try to make as much a reality into a positive development and positive operations in the community. We will see Ace Hardware. They've been give the approval by the various boards. We will see something happen with Spring Air property. There are developers interested in that also to take that project over, to purchase it. Of course that is always dependent upon the purchaser and the seller getting together on costs. And that is not something that we can legally become involved in. We cannot broker deals. We don't do that and we won't do that. respect to the board of education budget, I've been an observer of local government here in this community for quite along time even when I was a municipal employee I would regularly attend the council meeting and many times I would be the only person sitting in that room while the council did its business. And there were many times when the board of education budgets would fail for one reason or another and they would come before the mayor and council. Well I don't recall a board budget being examined with the level of scrutiny that this budget has been examined by has explained why articulately and eloquently by councilman Granell a few moments ago. There was a time when the previous mayor and council would cut \$100,000 from the budget, pass it or leave it intact and that would be the end of it. Well I can assure you that when your task money is at stake and the education of your children is at stake, this governing body is going to take it quite seriously as to how public money is managed and how it's spent. And all I ask is that the board of education and the mayor and council exercise the same diligence in doing the best that they can to manage the resources and the tax money of you the hardworking people. And I don't like to quote other politicians but one time Bill Clinton made a comment saying that he felt the pain of the people that were suffering and I feel the pain of the people that are suffering because when I'm called upon to spend money and allocate funds and perhaps have to impose small tax increases on the members of the community, the first thing I think of are the 75 year old widows that I meet when I knock on the doors and the senior citizens such as my parents who've lived in this community for many years and all of you people living on a fixed income. So those are the people I think about that we all think about everybody on this panel thinks about those things, when we have to manage your money and spend your money and run local government. Just tonight we passed an ordinance for the purchase of a piece of fire apparatus. They'll be some arguments saying well its very expensive piece of fire equipment. Yes it is. That's what fire equipment costs nowadays. But keep in mind that nearly half of the cost of that is being provided by a federal grant coming through the offices of councilman Steve Rothman and from Washington so that's money we don't have to spend and we can provide our firemen with state of the art equipment to protect them as they work to protect them with the best in fire response suits, air packs, all the safety equipment they need to enter burning buildings and service and protect the people of this community.

And of course I'm quite fond to hear the comments from Mrs. Maclure because I know that they're quite sincere. I know that if I do anything wrong, the first person I'm going to hear about it is Mrs. Maclure and that's good. That's fine. That's what we have to, that's what we have to be accountable for. We have to be accountable through the people and Arlene also and some of you other people that are regulars here. So in any event we will be working quite diligently to resolve the impasse with the board of education budget in order number 1 to provide a [inaudible] efficient education for our kids and secondly to meet the statutory requirement of having the budget finalized by the county superintendent so we can go forward and manage the rest of the day to day business of this community. That's all I have for tonight. At the next juncture I think we have a resolution for executive session.

R-111-09 RESO RE: EXECUTIVE SESSION

INTRODUCED BY: Councilman DiBlasi
SECOND BY: Councilman Yampaglia
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: All council present vote in the affirmative

Terence – the next item is Resolution 113.

R-113-09 RESO RE: POTENTIAL SETTLEMENT

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

R-114-09 RESO RE: CEMETERY DRAINAGE HOLY CROSS

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

ADJOURNMENT:

MOTION TO ADJOURN

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