

## MINUTES

REGULAR MEETING, THURSDAY, AUGUST 19, 2010 AT 7:00 P.M. OR AS SOON THEREAFTER AT BOROUGH HALL

### OPEN PUBLIC MEETINGS ACT.

BOROUGH CLERK: this meeting is being held in accordance with the rules and regulations of the Open Public Meetings Act of the State of New Jersey. Adequate notice of this meeting was provided by forwarding a Sunshine notice which included the time, date and location of this public meeting of the Mayor and Council.

### ROLL CALL:

COUNCIL MEMBERS: Councilman Bianchi, Councilman Hughes, Councilman Johnson, Councilman Kearney, Councilman Tanelli and Councilman Yampaglia

ABSENT: Councilman Bianchi

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

### PLEDGE OF ALLEGIANCE

Mayor Massa – good evening ladies and gentleman, at this time I'd like to open the meeting to the hearing of citizens. Anyone who wishes to be heard, please come forward, state your name and address for the record, address chair, and please restrict your comments to municipal matters and try to limit yourself to five minutes to give everybody an opportunity to be heard. Neither myself nor the members of the council will comment on the hearing of the citizens until everyone has had an opportunity to be heard.

### PUBLIC COMMENTS

Bob Norcia – 108 Sunset Avenue. As a taxpayer, I requested an answer to an email sent to you by Linda Jacewich, 110 Sunset Avenue. Been several months and no answer. She accused the police department and the department of public works accepting gifts and in return they did favors. I have copies of the email. Last mayor, last mayor and council meeting, you said it was a neighbor dispute. Again and again you always answer by throwing curve balls to the tax payers and the media. It is not a neighborhood dispute. The two leading departments were accused of misconduct and a criminal wrong by Linda Jacewich. As mayor and retired policeman of 40 years, you cannot take sides. You cannot discriminate; you cannot use a double standard. You want taxpayers and citizens to abide by rules, codes, and North Arlington standards but you and your inner circle including Linda Jacewich do not. For example, you have habit of treating your people special big time favoritism. Your people can speak from 9 minutes to 15 minutes at two different mayor and council meetings. Others are told 3 to 6 minutes. My neighbor was given two zoning summonses, possibly three. I was told they were never satisfied. Again, how much were the violations? Other taxpayers are given 7 to 10 days to comply and I have those copies, if not they were to be fined \$500 each day if Linda Jacewich paid a fine, maybe our taxes would be less. If you didn't give so many raises, our taxes would be less. If you're workers paid part of the medical cost, our taxes would be less. You tell the workers to use their, excuse me, if you tell the workers maybe to use their own vehicles instead of the town's vehicles, it would be a save in cost. We as taxpayers want to stand up in North Arlington. We don't want to get buried. I'm not only fighting for myself, I'm fighting for all the people in North Arlington and I mean everyone no matter who it is. Your administration, the people involved with my complaint involves cronyism. I say give North Arlington back to the people and taxpayers, not your friends. Mr. Delia, Daveys, Mr. Tanelli all gave several donations, Antonicello, Kairys, Wall, Fernandez all allowed this serious violation to be covered up by not coming to investigate from the first day. It was all a fixed job mayor just like the one that was tried to be fixed at the Tick Tock Diner. Remember this one? Everybody seems to forget this one.

Mayor Massa – no, nobody’s forgot that, not at all.

Bob Norcia – anybody forgot this one? Anybody forget this one? I wanted to go on and on but I don’t know if the committee wants to let me keep talking or not.

Mayor Massa – you have a couple more minutes if you wish.

Bob Norcia – you had, we had a problem where some people tried to help like Mr. Tanelli got on the phone, tried to help, he got an email, he got one type of email, I got another type of email. I said that’s not what I got. Recall I was in front of his house. I was accused of harassing him by Mr. Wall called my home. Harassed my wife and intimidated my wife. I didn’t really appreciate that at all. Don’t ever call my house and intimidate my wife again.

Mayor Massa – Mr. Norcia, this is a hearing of citizens; you’re not going to threaten the borough administrator.

Bob Norcia – I’m not, that’s not a threat. I’m just telling him don’t intimidate and harass my wife that’s all.

Mayor Massa – it’s not the policy of this government to harass and intimidate anybody.

Bob Norcia – his duty was to talk to me and me only, that’s where the complaint [inaudible]. Mr. Tanelli tried to help out. Okay? Then it was a big [inaudible], the way I called and this and that. So he came and nothing was done. So, we went on and on and on. Mr. Antonicello came. This is all wrong; it’s got to come down. Robert Kairys’ fault. Rick Fernandez blame Robert Kairys. Some other people blame Robert Kairys. And then it went back and forth like the Mo, Larry, and Curly thing, you know who’s blaming who. So now we get into a situation where they were supposed to look into it and then nobody ever came like I mentioned earlier in the complaint. And I said you allowed a violation, a serious violation which comes under I don’t have the violation number but it involves the board of health, came up, Mr. Wall came, oh I’ll be there, I’ll be there, I’ll be there [inaudible] seven months later after the violation was covered up, Mr. Wall came down let me see the violation. I said now you come down, I mean I got six witnesses who came. Mr. Bianchi, one of your men, Mr. DiBlasi, couple other people that you know very well came down. The fence was 6 foot 6. I want to know why on the same property line I had to abide by lowering my fence down to 6 foot which was an 8 foot privacy fence and they came the same day and put up a 6 foot 6, 6 foot 8 fence all the way down. The neighbor agreed to do something which was witnessed by two of your councilmen, one on your side, I’ll put it that way and one on the other side. You objected to them coming down. Why have you object to them?

Mayor Massa – that’s not the councilmen’s job. I don’t want to get into it. You’ve gone over your five minutes...

Bob Norcia – well I’m just trying to tell you, nothing was ever done and that’s why I keep coming back.

Mayor Massa – well we’ll address your comments at the end of the hearing of citizens.

Bob Norcia – but I’m upset about the whole thing, I don’t like the way...

Mayor Massa – well we’re upset about it too. We want to see any problems resolved.

Bob Norcia – well it was fixed job; nobody did nothing from the first day. Everybody was involved with this Linda Jacewich. You know I had the feeling, [inaudible] mayor, I don’t feel like you should be sitting there. I feel like Mr. Wall shouldn’t be sitting there. I mean nobody’s doing nothing, nobody did nothing from the first day. I mean you insulted me. I’m paying taxes and a lot more than a lot of other people in the town and nobody did me justice, none whatsoever. That’s all. Thank you.

Mayor Massa – thank you. Anyone else?

Eileen Tita – Bernice Road. I'm here tonight because I have a couple of concerns. One is in reference to our water situation. I know money was spent to look into the water contract and to date after all these months, I haven't seen anything other than getting a new quarterly statement with the service fees going up and probably the water rate. So, I'd like an answer as to what has looking into the water contract accomplished? My second concern is with the Meadowlands Commission coming in again to tell North Arlington how to redevelop their properties; this was the situation four five years ago with Encap and that debacle. We don't need them again to tell us how to develop what our towns needs are. I was part of a redevelopment committee which was a couple of years ago we had outside people come in; we had a cross section of taxpayers in town and businesses. We sat down and we went over our whole town and came up with some really phenomenal ideas. The streetscape on Ridge Road which is progressing, River Road is turning in to be wonderful with businesses, restaurants. The area up on Ridge Road, we addressed that at a couple of the meetings and there again, look at the progress that's been made here every store is now being utilized. People are coming in, they're bringing tax money into our town and it's becoming vitalized. We don't need the Meadowlands Commission to tell us oh we're going to condemn your property again like they tried to hold the last time and we don't need it. I don't think the people in our town want it and frankly we came up with some viable plans. We also came up with a wonderful wish list which every town should have because that's the future and if you don't have a wish list, then the towns die. So my concern is let's keep our [inaudible] look at the plans that were put in and they're there. We went with three meetings and they were pretty filled, mayor was filled, Mr. Tanelli, several other people that are not on the council anymore were there. I didn't see anybody from the Meadowlands Commission there coming up with any ideas. So, those are my concerns and I hope you listen. Thank you.

Mayor Massa – thank you Mrs. Tita.

Rich Glennon – 174 Baltimore Avenue. In reference to the plan proposed by WSI Management LLC at the last mayor and council meeting and apparently supported by Mayor Massa and the democrats on the council. I believe it'll have a deleterious impact on the taxpayers of North Arlington. I would like to quote from a guest column article from the July 15<sup>th</sup> 2010 edition of the Leader newspaper written by Mayor Massa. Quote “after a decade of broken promises that talked about brown fields to green fields and a complete transformation with the Meadowlands, North Arlington had been given a second chance to right the wrongs of Encap and move forward with a realistic and viable plan for sustainable redevelopment that will once and for all end solid waste operations in the borough”. Let me repeat that will once and for all end solid waste operations in the borough. At the end of the article, the mayor goes on to say as mayor I'm prepared to work with all segments of the community to make a redevelopment a community initiative controlled by North Arlington and in the end, an economic engine for our children and grandchildren. Why then Mr. Mayor are you pushing so hard to get us into a multi year deal for a minimum of ten years of more solid waste. On the WSI company's original proposal, it states Bergen County and North Arlington will provide and/or facilitate all permits necessary to construct and operate the facility. I called Mr. Linda of WSI Management to clarify some of the items on the proposal. He referred me to the north Arlington Democratic Party website, NA Today and stated all of the information could be found there. Democrat's website Mr. Mayor? I thought this was a proposal to the Borough of North Arlington. Why would you have them posted on your party's website? I wish time would permit to correct the misstatements in that piece. At the end of the article, it states that WSI would seek the proper permits and allowances to operate which is contrary to its proposal. Which is correct Mr. Mayor? Your proposal or your website? Again, your website and the proposals state that WSI will provide \$200,000,000. When I asked Mr. Linda about that figure, he stated that it was more like \$25,000,000. But maybe the other money was available. Some additional differences between your website and NA Today are as follows, you state in it WSI attended a meeting with the Meadowlands Commission, that's not true for Mr. Ceberio's letter to you. The proposal has North Arlington of Bergen County committed to a certain tonnage per year. Who's committing on behalf of Bergen County? Next to your website states

WSI to obtain all permits and allowances. WSI proposal states this is the responsibility of North Arlington and Bergen County. The WSI website doesn't really give you very much information. There's nothing regarding its corporate officers, or corporate statements, or any track [inaudible] in the industry. His answer to me was that's on a need to know basis only. I didn't realize I was going to need a security clearance to get this kind of information. This has an obvious bad odor about it, no pun intended. I would now refer to your letter of 8 11 10 to Mr. Ceberio, executive director of the New Jersey Meadowlands Commission where you are requesting their assistance with this project. Firstly you stated in your NA Today article and in the guest editorial, that you do not want the NJMC involved, so why did you write to the NJMC on the 11<sup>th</sup> and request [inaudible]. First two paragraphs of your letter pertain to residential housing. There is no housing in this proposal or in the redevelopment plan you were trumpeting in your desk column. You state the facility could be located at 1 Disposal Road. How will the trucks be getting out of this facility, in and out of the facility when there's no ingress or egress? Mr. Ceberio's response of 8 13 10 to you and the council. He stated that if WSI bids on the property and the borough changes this redevelopment plan. Here are some of the other elements WSI must take into consideration during the due diligence period. A) New Jersey Department of Environmental Protection permits solid waste, air, etc. B) In a901 clearance. C) Approval of the inclusion of their facility into the Bergen County Solid Waste plan. D) A covenant that county of Bergen placed on the property indicating that the site can never be used for municipal solid waste. E) Traffic [inaudible] through the intersection of Schuyler Avenue and Disposal Road. F) Acquisition that municipal solid waste from various sources to meet the 2000 tons per day they are seeking. It seems Mr. Mayor, that the more you looked at this and the contrary information put out by WSI and you and your website. The more this begins to look like the school reconstruction project when you were president of the board of education in the early 1990s, a project that was originally estimated by your architect at 7.7 million dollars. When it went out to bid, the first bids came back at 12. 2 million and the second set at 11.9 with the tax payers picking up the tab. Is this déjà vu with us getting stuck with the bill? Mr. Tanelli remarked at the last meeting that the numbers involved in this project are staggering. Staggering is right. I believe that the entire time you've been here, you've done nothing, nothing's been accomplished. The republicans took control of the council 8 months ago, since then they have come up with a redevelopment plan and thankfully have reopened the baler to create a revenue stream for North Arlington. Now that the election is coming, you put out a plan that is more smoke and mirrors than anything else. What should we believe Mr. Mayor? Your guest column article, your website, or your letter to Mr. Ceberio. At best Mr. Mayor, it's disingenuous, at worst, desperation politics. Thank you.

Mayor Massa – thank you. Anyone else wishing to be heard? Mr. Granell.

Al Granell – this is a little strange, it's been a while since I've been in this spot. My name is Albert Granell 610 Ridge Road. Councilman Bianchi's not here tonight. I wanted to address a couple issues and I'm glad Councilman Hughes is here because he can help me along. The 2007 municipal budget, there was going to be a zero percent tax increase, that's what we were shooting for and I believe that's happened. But originally if people remember it was 4 percent. With dialogue between the councilmen and Councilman Hughes and myself actually debated that actual issue whether it was going to be at 0 or 4 percent; we use to preserve [inaudible] taxes and generate for the citizens of North Arlington a zero percent tax increase for the year of 2007. The year of 2008, we did the same methodology more or less for you to reserve and we got it down to two. Let the record reflect mayor that the democrats and republicans on the council at that time all voted in majority and voted for those budgets. So the difference between campaigning, and rhetoric of campaigning and governing, they're two separate animals; you simply cant write letters when the history dictates that there's a different fact from the story now. Concerning Mrs. Jacewich, I'm going to be brief because I don't want to be six or nine minutes up here for you. In terms of Mr. Glennon, I find this to be completely ridiculous and its not has anything to do with borough business. We have questions concerning NA Today, I'm right here; please see me after the meeting. I'd be more than happier to talk to you because I know the editor [inaudible] democratic website. The mayor has a guest column on that website, be more than happy to talk to you about that. but I find it to be disingenuous when Councilman Tanelli in the 2007 election over in district 7, I mean this is the same person who took the ticker from that campaign machine. Councilman Tanelli,

what happened with the district machine voting machine, the year you won that election?...

Councilman Johnson – this is not a question and answer.

Al Granell – what happened?

Mayor Massa – councilman, you're out of order.

Al Granell – I think councilman that you when I leave you'd be more than happy to answer that question because I'm finding it surprising that charges weren't pressed against Mr. Glennon for tampering with a voting machine...

Mayor Massa – I'll address that.

Al Granell – but they had the audacity to come here and attack people on this board.

Rich Glennon – [inaudible] totally out of order.

Mayor Massa – you're out of order of sir.

Rich Glennon – no, you're out of order.

Mayor Massa – you're out of order.

Rich Glennon – he's accusing me of stealing something.

Mayor Massa – as a matter of fact you walked out of that voting, that school that night with the tape from the 7<sup>th</sup> district voting machine and I called the police department to investigate it.

Rich Glennon – who brought it back Mr. Mayor?

Mayor Massa – only after you were told to bring it back.

Rich Glennon – who brought it back?

Mayor Massa – you did...

Rich Glennon – thank you.

Mayor Massa - ... when you were told to bring it back, right?

Rich Glennon – and it was okay when you said you agreed that it was taken by mistake didn't you. You said that to me in front of a police officer. Want to bring him up here.

Mayor Massa – I'll address that...

Rich Glennon – why didn't you say that to him?

Mayor Massa – I'll address that. I said that to you I believed it was. I was trying to be resolute and kind to you to prevent a problem for your people.

Rich Glennon- for our, you don't have...

Mayor Massa – for you.

Rich Glennon – ... to be kind to me Mr. Mayor. It's bad enough you got this...

Councilman Johnson – so it's over, it's over.

Rich Glennon – guy with his poison pen, you didn't have to bring him here tonight.

Mayor Massa – you had your chance to talk, I’m going to hear anybody else who wants to be heard. And then we’ll comment on these on this hearing of citizens. Anyone else...yes sir?

Michael Flinn – 11 Stratford Place. I came up back in March for the special meeting for the Allen Park softball field. And over the past couple of weeks I’ve seen few articles in the local paper talking about the efforts that are being made with Bergen County to fix up those fields and Mr. Mayor, [inaudible] I just want to say thank you on behalf of myself and my neighbors. We know you guys have a lot on your plate and we appreciate that you never forgot about us. Thank you.

Mayor Massa – thank you sir. Anyone else wish to be heard? This time I’ll entertain a motion to close hearing of citizens.

**MOTION TO CLOSE PUBLIC COMMENTS**

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

Mayor Massa – anyone wish to comment on the hearing of citizens at this time, any council? With respect to Mr. Norcia’s complaint, I just would like to remind Mr. Norcia that when he first came to the council a number of years ago, Mayor Pitman asked me to investigate the problem, I put a proposal together, then he came back and said what a great job we did in helping him to get it resolved. But now we are going forward here and there seems to be additional problems. And he’s making additional allegations which he’s made before. So I’m going to direct the borough administrator to work with the any appropriate investigative agencies or officials to examine the entire file and send the report to Mr. Norcia with a copy of it to the Department of Community Affairs.

Administrator Wall – may I update you on the actual allegation?

Mayor Massa – thank you please.

Administrator Wall – the actual allegation is false with all due respect to Mr. Norcia’s first amendment rights to free speech that doesn’t give you also a right to your own facts. So I dispute all the allegations and the charges of improper and inappropriate behavior. I personally meant with Mr. Norcia multiple multiple times on site and in my office. I’ve also met with Mrs Jacewich in the office as well. This issue goes back since I have had the great pleasure of working for the folks in North Arlington and as I understand it, the dispute between these folks goes back approximately twenty years before then. The allegations of criminality or these other dynamics were ordered to be investigated by me to the chief of police through his detective bureau. They were thoroughly investigated, found to be baseless; subsequent to finding them to be baseless, Mr. Norcia was advised that they were baseless. He then requested a copy of the investigative report from the detective bureau to be sure that it was a proper public document. It was referred to the borough attorney at that time who then responded that it is not a public document, it was criminal investigatory document which I spoke directly with Mr. Norcia and advised him of same so to now be attacked is curious at best to me because that case has been thoroughly investigated and closed. The department of public works has engaged in absolutely no inappropriate or illegal behavior whatsoever and the allegations are simply false. That case is closed. If based on the mayor’s direction, I will defer to the new borough attorney the case and if there are any particular documents which may now be appropriate to be a public record, then we would certainly respond to Mr. Norcia in kind. As it relates to the other charges, I found that both the department of public works and the construction office and the construction official have comported with their duties correctly. Have followed the law correctly and have went, have met the task of property adjudicating the issue for all taxpayers in an equal fashion, being fair to the taxpayers and also fair to the law. And that’s my report on that particular matter mayor.

Mayor Massa – thank you. Mr. Tita, with respect to your comments, I want to thank you for recognizing some of the things that have been happening. There are a lot of other things that are going on in the community and we are looking to go forward. We're looking to make changes and improvements in the community number 1. There are people that may be interested in doing some redevelopment of the community on some areas that really need redevelopment and we're working on that. With respect to the plan for the Porete Avenue, of course that's something that has to be examined thoroughly and examined by our planning board which is a normal process and that will happen. so again I want to let you be assured that this mayor and I believe everyone here irrespective of party affiliation is concerned about the future of this community.

Councilman Hughes – Mr. Mayor, point of order.

Mayor Massa – councilman.

Councilman Hughes – I'd like to answer a couple of Mrs. Tita's questions. As far as the water investigation goes, that is ongoing. Passaic Water Valley Commission has been extremely reluctant to turn over records to the Borough of North Arlington that were involved with the investigation and assessment of the sale of the water system. We are targeting for some time in September to have a report to this council on the findings of the people that were hired to do this investigation. But as I said they have been very reluctant to turn over records, almost like pulling teeth out of them to just try and get one record. You ask for three, they give you one, then you got to go back and ask for more and they're just very reluctant to turn these records over. But our attorneys have been gathering the information little by little. And we hope to have an answer by latest the end of September. As far as Meadowlands control over our planning or out zoning, I know of no such action or plan by the Meadowlands.

Eileen Tita – it was in the paper.

Councilman Hughes – I don't care what was in the paper; there's no control over any of the developable area that's in that redevelopment plan is entirely under North Arlington's jurisdiction.

Eileen Tita – well I hope so.

Councilman Hughes – and I have a letter here from Bob Ceberio that basically says that the future of North Arlington is in our hands because they have not come in and dictated to us in any way, what's to be in that plan. All they're asking is, the only thing they were asking is that we have plan because when they take over these properties from Cherokee Corp, they will be putting it out immediately after some things were done to straighten out some zoning some property boundary line issues. That property is going to be turned around and sold to the highest bidder. A bidder will not come in and buy that property unless we have a plan that says what can be built in that area, that's why tonight under later on in the businesss, we're going to be referring the redevelopment plan that we had a public hearing on last week is going to be turned over to the planning board for a 45 day review period. That is required by law. Once that comes back to us, we will be adopting it but it is entirely our plan that was developed by this mayor and council, reviewed, and then also will be reviewed by the planning board of the Borough of North Arlington for their comment and then we put it on the borough website, we've had a public hearing on it. Anybody in North Arlington had the opportunity to make comment on this plan but in no way, shape or form, as the Meadowland's Commission dictated to North Arlington, what's to be in that plan.

Eileen Tita – well I hope you're right. That's not like the tone in the newspaper is and are [inaudible] with the development out in Xanadu and all of that with how he's going in there. Once the state takes over, we don't have a chance. So I'm just saying you know people are aware of it and we did have development meetings which I'm sure you were aware of.

Councilman Hughes – no I was not.

Eileen Tita – pardon?

Councilman Hughes – no I was not.

Eileen Tita – oh you had to be, you were on the council at that time...

Councilman Hughes – no I was not m'am. Councilman Bianchi and I were not invited to those meetings so we were not aware of that.

Eileen Tita – nobody was invited; you could go on your volition.

Mayor Massa – well and I know that the councilmen and yourself Mrs. Tita want to resolve that but I want to maintain decorum of the meeting as best as we can of course. You do have a lot of emotions it seems which is fine, that's good.

Eileen Tita – I'm the only that has them here, [inaudible] restaurants and businesses. That's it.

Mayor Massa – alright thank you. Anyone else want to comment?

Councilman Tanelli – yeah, point of order, your honor. Just two things I was complaining, number 1 is as a councilman it's my job if somebody comes here and makes any type of proposal or wants to present something to this mayor and council, it's my job to look at it. So my comments were the numbering that he presented when he stood here was staggering and it needed to be looked into. I don't remember ever supporting or not supporting it, what I said was it needed to be looked into, that's number one. Number two is I'm thrilled to death that the baler's open because the town needed the revenue. The baler never should have closed in the first place. That's what I've been saying. I've been harping on it from day 1; I can't tell you how many times I met with Mr. Ceberio about getting the baler reopened and not closing it in the first place. We even went and file a lawsuit trying to keep it opened. That's it. Thank you.

Mayor Massa – thank you. Also for Mrs. Tita from my own perspective and also just to bring Councilman Hughes up to date, I did contact Mr. Bella from the Passaic Valley Water Commission. He told me he was going to be in contact with his attorneys to make certain at all the documents requested were delivered to our attorneys.

Councilman Hughes – thank you.

Mayor Massa – with respect to Mr. Glennon's comment about my support of WSI. I did not give any support to any project. All WSI did was come here and make a proposal. That's the only proposal the committee has right now and I sent a letter to the Meadowlands Commission sure ask them to review it. I don't know whether this is a good proposal or a bad proposal. But I think it's my duty as mayor and duty of the gentlemen sitting here to take a look at this. We don't know what the process is. We don't know if it's a traditional solid waste operation. We don't know when this property goes up to bid according to the letter that I got from Mr. Ceberio, the public bid, once it is the process which is a little clumsy really whereby Cherokee turns the property over the Meadowlands Commission. The Meadowlands Commission goes and sells the property; I just couldn't figure out why Cherokee [inaudible] bankruptcy cause it wouldn't order a sale directly without the inclusion of the Meadowlands Commission but if that's the process that the Meadowlands Commission along with the attorney general's office wants to put in place, that's no problem. So with respect to WSI, you've looked at our website, you've read letters, you've commented about websites that belong to the local democratic party and by the way, just so you know, if you listen to the record of the last council meeting and I think you were here Mr. Glennon, all we want to do is take a look at this project. We want to take a look at proposal because right now nobody else is giving us anything now. Once it's vetted, once it's examined, its not going to cost the taxpayers anything. We can do that by just getting out own information. Then we'll make a decision. And this governing body wont support any particular developer until we get to the point of entering into some kind of developers agreement and that's not going to happen until any process meets the standard of the community and that was one of the

reasons why I went against my own party in 2006 because the community wanted to put the Encap proposal Arlington Valley on the ballot. The mayor at the time didn't want to do it and after the mayor lost the election and I'm sorry Councilman Bianchi's not here tonight. He spent an awful lot of time on the Republican campaign headquarters unofficially which was Joe's barbershop but irrespective of that and I don't like to get into those kind of things but I don't also like to be accused of it sounds like you're saying that I'm selling this community out. I never sold this community out in my entire career. I've always worked to try to do the right thing. Have I made a couple of mistakes over the years like anybody else in elected office, sure we'll make a few mistakes but the objective is this, to serve the people of this community, the taxpayers, that's the objective. And that will be my objective and that will be the role of this administration. So and by the way Mr. Linda did meet with the Meadowlands Commission people right after the August 9<sup>th</sup> meeting, he met with them on August the 10<sup>th</sup> to submit his proposal and they listened to what he had to say. Now I can't say how good or how viable this proposal is but I can say it is a proposal. And the question is in all reality that everybody's going to have to deal is once this real estate this property goes up to bid, I'm just wondering who's going to bid on that old transfer station because this isn't too much you could do with it other then spend a fortune to tear it down and do something else with respect to construction, it's got some contamination issues there as I recall and some other environmental issues that have to be resolved. And nobody seems [inaudible] wanted to go in ancient history about the board of education. Nobody seemed to complain when the Republican administration was running two balers; when 45 million dollars worth of host community fees come into this community and lets take a little extrapolation here of the money. 45 million coming in but the debt escalating to 28. So if concerned about what this administration does compared to others, you have a right to say what you want to say, you have a right to criticize websites, to criticize me but I think you're obviously inoperative for a local political group, you've shown that and you want to come here and criticize my administration, that's fine. I don't care. Freedom of the speech is important. I'll defend everybody's right to the death to have freedom of the speech but I think the important thing is that the record be set straight. I don't think, I didn't see any Republicans standing aside me on the night that Russ Pitman signed that agreement with Encap after Councilman Tanelli and I spent months examining it into the wee hours of the night, calling our own independent experts because we felt we couldn't rely on the experts that the borough had hired. We couldn't rely on a borough attorney at the time. Getting our own independent information. I didn't see anybody come with me when I went to the U.S. Attorney's office and asked for an inquiry; that's standing up for this town. When I look over my shoulder, that gentleman Steve Tanelli for the record so it's recorded, was side by side with me and we fought this thing. We tried to keep the baler opened with a lawsuit. We didn't want it to close 2008. The Meadowlands Commission closed it because they had to deal with Encap so they had to deal with Encap while I was taking on Encap. So, you can disagree with me all you want and you can criticize me all you want and I really don't mind that because I'm kind of accustomed to that but the reality is we wouldn't be at the point where we are today if we hadn't taken a stand and exposed one of the worst land use deals in the history of New Jersey, if not one of the worse some experts say in the history of the country. So, I don't want to belabor that fact but in any event you spent, the gentleman spent a lot of time quoting from newspaper stories and websites and proposals and so forth but the bottom line is the WSI proposal is exactly that, a proposal. How good it is, would it be good for this community, I can't say until it's evaluated. And the people will have an input. Sure the people may not want another solid waste facility in town, absolutely for whatever reasons, but the people also have to decide what else they want to put alternatively in the Porete Avenue Meadowlands Development project. That's going to be, have a profound economic impact on the future of this community. That's what I think is most important. So if my grammar was a little off tonight and some of my articulation was not too good, I apologize because I didn't have a chance to read from a prepared statement, just to comment the [inaudible]. So does anybody else wish to comment on any of the hearing of citizens? Okay, we'll continue with the regular course of business please.

#### **APPROVAL OF MINUTES 2009**

January 15, 2009

March 12, 2009

April 28, 2009  
May 15, 2009  
December 22, 2009

INTRODUCED BY: Councilman Tanelli  
SECONDED BY: Councilman Yampaglia  
ROLL CALL: AYES: Councilman Hughes, Councilman Kearney, Councilman  
Tanelli, Councilman Yampaglia  
ABSTAINS: Councilman Johnson  
ABSENT: Councilman Bianchi

**APPROVAL OF MINUTES 2010**

January 14, 2010  
February 11, 2010  
June 10, 2010  
August 9, 2010

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

Administrator Wall – mayor, next is resolutions on consent.

Councilman Johnson – Terence, just point of order.

Mayor Massa – point of order Councilman.

Councilman Johnson – can we change Jon Kearney also? He wasn't here in '09.

Councilman Kearney – oh yes.

Mayor Massa – councilman? Okay?

Administrator Wall – just note it accordingly, Councilman Kearney and Councilman Johnson abstain on 2009 and approval on 2010 so noted. Thank you very much.  
Resolutions on consent:

**RESOLUTIONS ON CONSENT**

R-202 -10 RESO RE: AUTHORIZATION TO PAY CLAIMS

R-203 -10 RESO RE: APPROVAL OF PURCHASES OVER \$3,000

R- 204 -10 RESO RE: RESIGNATION OF CROSSING GUARD

R-205-10 RESO RE: APPOINTMENT OF CROSSING GUARD

R-206-10 RESO RE: CANTERBURY AVENUE ASPHALT CORE DRILLING AND TESTING

R-207-10 RESO RE: TRANSFER OF LIQUOR LICENSE #0239-33-005-008

Administrator Wall – resolution 208-10 will be moved to a different location of the agenda but I'll read it. It regards an agreement for professional services for 2010 municipal resurfacing program for Sunset Avenue, Belmont Avenue, and Vanderbilt Place. This would only be approved if the bond were approved this evening regarding that project.

R-209-10 RESO RE: EXTENSION OF TAX/ACCOUNTING SERVICES CONTRACT WITH FIRST BYTE.

Administrator Wall - The contract has expired so we'll be on a month to month basis while we [inaudible] proposals for you. That has been advertised.

**R-210-10 RESOLUTION: APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR PARK AVENUE, UNION PLACE AND STOVER AVENUE RESURFACING PROJECT**

Administrator Wall – this is modifying the resolution from the prior meeting to match it with a preexisting \$81,000 grant from community development block grant funds. Councilman Bianchi had requested us further review the streets. It initially was a resolution for Park Avenue; we expanded it to match the CDBG prior approved grant which was Park Avenue, Union Place, and Stover so we can have a 100% or near 100% funding of that project with the 81,000 and an anticipated 150 to \$200,000 typical NJDOT grant will get us very close to completing the project at 100% grant funds and zero taxpayer funds if at all possible. That's the objective.

**R- 211-10 RESOLUTION RE: ACCUMULATED ABSENCES OF NON-AFFILIATED EMPLOYEES**

**R-212-10 RESOLUTION IN SUPPORT OF THE YMCA GRANT**

Administrator Wall – we support the non-profits in the area in their applications to community development block grant which is an October 8<sup>th</sup> application that were also going to be applying for. I'm going to be sending you the maps that are highlighted in yellow so you can choose which area you wish to apply for for this round but this is support of a non-profit.

**R-213 -10 RESO RE: REFERRAL OF THE PROPOSED AMENDED PORETE AVENUE REDEVELOPMENT PLAN TO THE PLANNING BOARD FOR REVIEW/COMMENTS**

Administrator Wall – [R-216-10 RESO RE: PER DIEM EMT'S] and a last resolution that I mentioned briefly, there is a request for leave from an EMT, part time EMT whose going back to school and will be back at some point but there's a recommendation from the chief to appoint two per diem EMTs. If I may just read this [inaudible] into the record. Whereas there's a need for two per diem EMTs due to a leave of absence, and whereby Christopher Imbrenda who is currently a dispatcher and John Sousa have been recommended by the Chief of police, now therefore be it resolved that Christopher Imbrenda and John Sousa are hereby appointed per diem employees at the rate of compensation currently enforced for same. If that's acceptable to you, that would help the continuation of the per diem EMT force in light of the fact of the leave of absence that's been filed by one of our members and that would conclude resolutions on consent.

Mayor Massa – motion introduced consent?

Councilman Hughes – quick question.

Mayor Massa – yes councilman.

Councilman Hughes – as for the per diem EMTs, what resolution number is that?

Administrator Wall – I'm sorry, that would be resolution 216-10 which would follow the executive resolution 215 and so this would pick up 216-10.

Councilman Tanelli – point of order your honor. Can I have resolution 213-10 pulled from consent please?

Mayor Massa – request by councilman to remove 213 from the consent agenda.

Administrator Wall – done. Introduction, a motion then for all resolutions except 208 which is moved beyond a bond hearing and 213 which would be voted on separately.

Councilman Tanelli – I'll introduce it.

Administrator Wall – Councilman Tanelli.

Councilman Hughes – I'll second that.

Mayor Massa – seconded by Councilman Hughes. Any discussion? Call the roll.

ROLL CALL: AYES: Councilman Hughes\*, Councilman Johnson, Councilman  
Kearney, Councilman Tanelli\*\*, Councilman Yampaglia\*\*  
ABSENT: Councilman Bianchi

\*with exception to the claims reso; he refuses himself from all fire department purchases because of involvement with the fire department.

\*\*except for any of the water investigation bills

Administrator Wall – thank you very much. Then at the request of Councilman Tanelli, resolution 213-10 is a resolution RE: REFERRAL OF THE PROPOSED AMENDED PORETE AVENUE REDEVELOPMENT PLAN TO THE PLANNING BOARD FOR REVIEW/COMMENTS

Councilman Hughes – I'll introduce that Mr. Mayor.

Mayor Massa – okay, seconded?

Councilman Kearney – I'll second it.

Mayor Massa – call the roll.

Administrator Wall – Councilman Hughes?

Councilman Hughes – yes.

Administrator Wall – Councilman Johnson?

Councilman Johnson – yes.

Administrator Wall- Councilman Kearney?

Councilman Kearney – yes.

Administrator Wall – Councilman Tanelli?

Councilman Tanelli – well I was hoping for a discussion on this. There's a couple, I found an error on page 21 in regards to New Jersey Meadowlands Commission recently negotiated with Cherokee and purchased the land in North Arlington known as the Bethlehem Steel in the BCUA transfer station. Then I have a letter from Mr. Ceberio on the 13<sup>th</sup> that said the commission does not own the land that issued the property still owned by Cherokee, so I'd like to have that amended before I vote on it.

Mayor Massa – thank you councilman.

Councilman Tanelli – so I was hoping to be able to maybe either table it or pull it and amend it and then come back and revisit it next month but ...

Randy Pearce – mayor, if I may. The process that we go through is for us to approve of the plan that goes to the planning board and doesn't get finalized until it comes back to us so the plan we can send it with a notation to the planning board advising them that it was anticipated results, that's its truly anticipated that they will have title. I agree with you

that that entry has not yet taken place; it was part of the discussion before with the hearing of citizens but we can note that without having to table it or do anything else because its not finalized til we, until it comes back to us.

Councilman Tanelli – okay thank you.

Councilman Hughes – it’s only a resolution for referral, not for adoption.

Randy Pearce – correct.

Councilman Tanelli – okay.

Mayor Massa – you comfortable with that councilman?

Councilman Tanelli – yes, thank you.

Administrator Wall – roll call mayor?

Mayor Massa – roll call.

ROLL CALL: All council present vote in the affirmative.

Administrator Wall – thank you. Next mayor and council, resolutions off consent.

## **RESOLUTIONS OFF CONSENT**

### **R-214-10 RESOLUTION RE: PLAN TO SEE THE MEADOWLANDS SPORTS COMPLEX**

Mayor Massa – motion introduced? This is an extensive motion with respect to our opposition to build housing in the Meadowlands essentially what it is and a copy of the resolution is available for the public if they wish to read it but I think its something that a lot of the local governments here in south Bergen are concerned about. Motion introduced?

INTRODUCED BY: Councilman Tanelli

SECONDED BY: Councilman Yampaglia

ROLL CALL: All council present vote in the affirmative

ABSENT: Councilman Bianchi

## **ORDINANCES**

### **FIRST READING OF ORDINANCES**

#### **ORDINANCE NO. 2059**

AN ORDINANCE TO AMEND THE GUIDELINES WITH REGARD TO POLICE OVERTIME BILLING for the mayor and council and the public’s edification; this relates to off duty work; this is not related to overtime within the body politic, they’re regular work time and that’s what this regards to, how we bill outside agencies that require the use of our police services.

Councilman Tanelli – point of order.

Mayor Massa – councilman, yeah.

Councilman Tanelli – the way it was explained to me by the police chief is its we are doing it currently but it came up in the audit trail and it needs to be cleaned up and needs to be formalized and processed so its on the books. So that’s why its being done by ordinance. Thank you.

Mayor Massa – that’s correct. It’s a matter of past practice and policy that does need to be documented if in any event, there’s ever any question as to how the process goes forward. Motion introduced?

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

**ORDINANCE NO. 2060 (REMOVED FROM AGENDA)**

AN ORDINANCE TO AMEND CHAPTER 205 OF THE CODE OF THE BOROUGH OF NORTH ARLINGTON ENTITLED “LAND DEVELOPMENT”

Councilman Hughes – Mr. Mayor, point of order.

Mayor Massa – councilman.

Councilman Hughes - I’d like to have this ordinance removed and I’d like to invite counsellor Pearce to give us an explanation as to why we’re actually having it removed from the agenda tonight.

Mayor Massa – certainly. Counsellor.

Randy Pearce – mayor, members of the council, I had drafted this ordinance in order to resolve what I determine to be a major problem with regard to jurisdiction over the Porete Avenue redevelopment area over the last year or so. The ordinance I drafted was based upon my belief that what the mayor and council had done last year had created an overlay of the Porete Avenue redevelopment plan for purposes of allowing certain development to continue down in the Porete Avenue area. Unfortunately, having reviewed this, I determined the following: March of 2004, ordinance 1909 was passed and the redevelopment agency was dissolved and all powers were transferred to this body as of March 2004. In April of 2008, this council referred a proposed ordinance, an amendment to the Porete Avenue redevelopment plan to the planning board. Nothing happened for 15 months until May of 2009 shortly after the Clayton Block application was heard, there was an ordinance placed as for first reading on May 14<sup>th</sup> before this governing body to deal with this overlay situation which would in certain situations give the zoning board certain powers over the redevelopment area. Unfortunately, four days later, Mr. Sarlo wrote a resolution from the planning board, prepared resolution from the planning board advising the mayor and council that the resolution that Mr. Delia had drafted did not in fact accomplish the goal but in fact did the opposite because it referred to the wrong ordinance which was the general land ordinance and not the Porete Avenue redevelopment area. That resolution was passed on to this mayor and council and either ignored or never received, I cannot figure out which but on June 11<sup>th</sup>, this council passed ordinance 2025 which was intended at least it appears to do certain things with Porete Avenue but did not do so. So the ordinance that was on the agenda for tonight was my attempt to fix the problem until I realized what this mayor and council did last June did not at all affect the powers that this council has and in fact as we see here today going back to 2004, all variances that are either use or expansions of pre existing uses or a variety of other reasons that need to come before this mayor and council, not before the zoning board as has been the case in the recent past. So that is the current situation so this ordinance if it will pass tonight would only cause another layer of confusion over what was done last June. And I need to send a letter to the planning and the zoning boards advising them that we are still operating under the 2004 ordinance and that they should not be taken any jurisdiction over areas especially as we are approaching the passage of the Porete Avenue redevelopment plan, the amended plan, any action that they take in this area which is the proper jurisdiction of this mayor and council could cause serious problems with a bigger picture that we spent quite a bit of time to get to at this particular point. So, unless there’s a problem or objection from the governing body, I need to clarify this situation with Mr. Sarlo for both boards, to ensure that we do not run into a problem between now and whenever the amended Porete Avenue redevelopment plan is in fact passed.

Mayor Massa – thank you counsellor. Okay the borough council will confer with Mr. Sarlo regarding [inaudible]; we will call this for either further action or for revision as recommended by the borough attorney; and he’ll be working with the planning board attorney on that?

Randy Pearce – Mr. Sarlo, I’ll coordinate with him.

Mayor Massa – okay thank you.

Administrator Wall – next item mayor and council, second reading and adoption of ordinance.

**SECOND READING AND ADOPTION OF ORDINANCES:**

**ORDINANCE NO. 2055**

AN ORDINANCE TO AMEND CHAPTER 273 OF THE CODES OF THE BOROUGH OF NORTH ARLINGTON ENTITLED “PROPERTY MAINTENANCE”

MOTION TO OPEN PUBLIC HEARING ON ORDINANCE NO. 2055 TO THE PUBLIC

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

Mayor Massa – anyone wishing to be heard regarding ordinance 2055, please come forward, state your name and address for the record, please restrict your comments to ordinance 2055. There’d be no one wishing to be heard on 2055, I’ll introduce, entertain a motion to close the hearing and adopt.

MOTION TO CLOSE HEARING AND ADOPT

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

**ORDINANCE NO. 2056**

AN ORDINANCE TO AMEND CHAPTER 187 §2(C)(1) OF THE CODE OF THE BOROUGH OF NORTH ARLINGTON ENTITLED “VEHICLES AND TRAFFIC”

MOTION TO OPEN PUBLIC HEARING ON ORDINANCE NO. 2056 TO THE PUBLIC

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

Mayor Massa - – anyone wishing to be heard regarding ordinance 2056, please come forward, state your name and address for the record, please restrict your comments to ordinance 2056. No one wishing to be heard at this time, I’ll entertain a motion to

MOTION TO CLOSE HEARING AND ADOPT

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

ABSENT: Councilman Bianchi

Administrator Wall – thank you. Next item is the second reading and adoption of ordinances.

## **ORDINANCES**

SECOND READING AND ADOPTION OF ORDINANCES:

### **BOND ORDINANCE NO. 2057**

BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW INFORMATION TECHNOLOGY EQUIPMENT AND NEW AUTOMOTIVE VEHICLES, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE BOROUGH OF NORTH ARLINGTON, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$980,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

MOTION TO OPEN PUBLIC HEARING ON ORDINANCE NO. 2057 TO THE PUBLIC

Administrator Wall – we do also have the engineer here to discuss the project that they would engage in and I'm certainly available to answer any questions as well as any relevant department heads that are here regarding [inaudible].

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

Mayor Massa – discussion?

Councilman Tanelli – yes mayor. Point of order. Unfortunately, I was excused at the last meeting when they had the first reading, I'm a little concerned by the fact that we haven't adopted our budget yet and we don't know where we're actually going to be positioned and when I look down the list of the items that we're covering, obviously we don't want to lose the grant, we want to follow through and make sure that we cover the bonds for the grant but some of these vehicles and some of the things although they may be necessities, what on here's really an emergency? We're in dire straights financially and we're going to indebt our community whether it's \$17 or \$22, it's still an additional increase and an additional burden on the taxpayers. I'm just wondering if we should eliminate some of these items on here, reduce the amount of the bond, cover the grant that we're going to be getting and wait until we adopt our budget before we move forward on any of these other purchase. Unfortunately, I wasn't here to voice that concern when it was introduced, but I'd like to open that up to the council.

Mayor Massa – thank you councilman. I have a tendency to agree with you on that issue; it was my expectation that were going to be adopting our budget this evening but in light of the fact that application has been made for transition aid, the budget is not ready for finalization until we get word from Trenton and of course, there are piece of equipment identified in the bond that may be available for application to the capital budget when the final budgets approved, so that would be a, I would understand your concerns at that point. Any other comments by any other council?

Councilman Hughes – well Mr. Mayor, there's really nothing on this bond ordinance that is how you would put it, frivolous or unnecessary, I mean everything here is needed. We're driving, we have DPW trucks that are 15 years old and they're falling apart. We have a fire department vehicle that's over 20 years old that were looking to replace. We have a roof of a building that's leaking, it's been leaking for years. They've been

promised a roof year after year after year and its never gotten fixed. And every year you wait the water seeps in through the roof, deteriorates the rafters and actually becomes more expensive every year. We're looking to replace, repair streets that are in the state of severe disrepair, creating safety issues. And fortunately, even this is a bad economic time, the ability that the municipality has to borrow money at something like a quarter of a or 3 quarters of a percent interest is almost crazy to pass up if we were to wait for a better financial time, you may be looking at 3 and 4 percent interest which can be hundreds of thousands of dollars in interest payments that the town would actually have to pay back. So, we did have the money in the budget for capital improvements of amount of \$50,000 which is the amount that the town has to normally put in; it's the same amount we put in every year in the budget for the capital improvements and all we have to do is lay out 5% of this so to pass this opportunity up now when funding is so cheap to be able to purchase and invest this money into the community which as we all know has been neglected for year after year; we've just neglected doing things because we're waiting for a better day. Well it doesn't seem like better days are coming very quickly so we need a [inaudible] to do these improvements.

Mayor Massa – thank you councilman. Anyone else wish to comment? Councilman Tanelli?

Councilman Tanelli – yeah, just I'm not questioning that these things aren't all needed and I'm not saying that they should all be removed. What I'm saying is I'm in favor of whittling this down; the roof is an issue. I've heard many times that the roof is an issue. Maybe that the roof and the street should be on here. I just don't think that we should be buying a brand new fleet of cars in today's financial situation regardless of what we're going to be paying. That's just a difference of opinion, that's all. Thank you.

Mayor Massa - any other comments? Call the roll and we'll open it to the public.

[roll call]

Mayor Massa – anyone who wishes to be heard on this ordinance, please come forward, state your name and address for the record, and please restrict your comments to ordinance 2057.

Bob McClintock – 198 Rutherford Place. I really have to agree. I mean bonding at this time without [inaudible] a budget really doesn't make sense to me and also with the vehicles, they don't need to be replaced, they can do it [inaudible]. You know at this point, everyone's got to understand that we can't just keep buying things because eventually it's just getting out of control. You know we just got a you know brand new fire truck and now to replace the cars, it's a little much to ask. You really got to look at the taxpayer and say enough's enough. There's only so much that we can really bare you know before it gets to be too hard this cost. Thank you.

Mayor Massa – thank you sir. Anyone else wish to be heard?

George McDermott – 216 Rutherford Place. I disagree with Councilman Tanelli as well as Mr. McClintock. I do understand that financial times are very hard, very tough. I'll speak only on what affects me most right now and those are the vehicles from the emergency squad. Vehicles being without air conditioning where we do medical transports; mayor we transported your family members a lot of times with no problems and now our vehicles are at the point where they're about 130,000 miles from 1997. The first transport vehicle we had, borough did not have the money to pay for. We went and [inaudible] with donations from the taxpayers and spent ten grand out of donations from the taxpayers from squads' money in kind contributions from the town. That vehicle very rarely is used by volunteers; it's used for transports only. It goes over 100,000 miles, the air conditioning goes on a daily basis and the vehicles are in for repairs constantly. So we're going to say no to spending money on something that's going to keep the tax payers who are also our customers and our patients' safe and comfortable rides to keep them in vehicles that keep breaking down and have the possibility of breaking down while they're in transit leads us moral and to bigger problems. And being an employee in town, I can't speak for the other departments and also being a volunteer of other

organizations, there are other vehicles that are similar in kind with a lot of age. We're spending a lot of money repairing these vehicles and that money keeps adding up. [inaudible] \$17.00, \$22.00, you pay for tires here, air conditioning there, radiators, you name it, we pay for it. Yes, times are tough, but we do need to make sure we take care of the infrastructure of the services we provide. These are services we provide for the tax payers and that's what you're here to do, to help provide for the tax payers. So I hope you consider passing this. Thank you.

Mayor Massa – thank you. Anyone else wish to be heard? What I'd like the administrator do just take a quick comment on some of these items here that are under consideration.

Administrator Wall – The mayor and council will vote shortly on this bond ordinance. There are two parts, one I'll describe what is contemplated generally and also specifically and the second part Councilman Tanelli's comment regarding the road projects themselves, perhaps Mr. Pearce can speak to although the specialty's not bond work, the method in which the bond ordinance would be changed and the process of redrafting it or reintroducing it and how that dub tails with your winter calendar and your spring schedule of the road projects, that's the other part that you want to contemplate before you vote whichever way you feel is appropriate. I'll briefly go over the project. This, the total bond amount is \$980,000, \$200,000 of which would be drawn down from a grant netting that's roughly 780,000 unless you receive significant bidding; the bids come in as they've come in the past. The objective would either be to enhance the streets that you're doing or reduce the bond exposure further down. Vanderbilt would be paved from Schuyler to Truman, the engineer's construction cost, estimate is \$129,000 roughly. Belmont would be repaved, milled and repaved from Ridge to York. The engineer's construction estimate is 139,000 for that program and also Sunset would be milled and paved from Riverside to Ridge. The Engineer's construction cost estimate is approximately \$226,000. The other items that are contemplated and Mr. McCabe from the department of public works is here to discuss further [inaudible] our sweepers have outlasted the longest lived sweepers so a new sweeper to keep the streets clean is contemplated here as well as the device called madvac. If you see the small vehicle that cleans the streets and the side streets and the curbs, that vehicle has outlived its lifespan, it's obsolete. Additionally, the new roof in fire company 2, that roof has leaked over time and that needs taken care of as well as HVAC equipment in company 2 and company 3 central air conditioning and heat. Referenced earlier was the EMS vehicle, as well as PVO vehicles. Right now the parking violations officer is generally are using police cars so we want them to not be using police cars. We want the police to be using police cars and the parking, the [inaudible] vehicles have either fallen apart or been pieced together over time. They're no longer functioning appropriately so the PVO's need to be in an efficient vehicle to be able to carry out their duty and generate the revenue that they do. Another item contemplated is our vehicles additionally is a pickup truck to be able to tow the hazmat vehicle with the fire company. The other dual use that's contemplated is equipping it with snow plow equipment so instead of having additional pressure in the department of public works during snow events, the volunteer members would have the ability with this truck to be able to plow their, the EMS and fire parking lots. So from a timing stand point, these purchases would be done before winter time in that respect. The EMS is also contemplating if its not in the regular budget, Councilman Tanelli referenced items being in the regular budget as opposed to being in the bond. There are four defibrillators contemplated at a cost of approximately 20,000, a new stretcher which are quite expensive at \$12,000, and those are some of the items that are contemplated in, those are most frankly the items that are contemplated in this particular funding vehicle. If in the event you wish to break it up or perhaps do the roads and that's it, then we would simply need some guidance from a legal stand point of how you bifurcate the two or if you weren't going, if you were only going to do roads and not do any of the equipment or vehicles what have you, is I believe that's a process of redrafting your reintroduction but I'm not quite clear how the bond counsel will handle that piece.

Councilman Tanelli – point of order your honor.

Mayor Massa – councilman.

Councilman Tanelli – I mean George makes a valid point and some of the departments like I mentioned in my earlier comments, I'm not saying that the stuff's not needed, it needs to be prioritized. I don't think a new construction vehicle at this time in a town that's a mile square, I don't know if we need a brand new construction vehicle to be put on this bond. Mobile data terminals are a necessity but it's not needed today. What I'm saying is we don't have the budget struck yet. Should we be bonded at \$12,000 stretcher or should we be purchasing that out of a budget? That's my question. I'm not against, the roof needs to be fixed, I never said anything about not doing the roof. What I'm saying is there's things in here that I don't think we should be bonding for. There are things in here I'm in favor of bonding for. Like I apologize earlier. I wasn't at the first meeting. I hadn't had an opportunity to review and unfortunately I apologize. I'm bringing it up now that's my concerns. I'm not against some of the items; they're necessities, I understand that, some are more important than others. But today, without a budget struck, today without knowing what our economic disasters going to be in two months, I don't think we should be bonding some of these items, that's all. That's been my point. I'm not saying we don't need another ambulance, I'm not saying but the thing that glares out is the construction vehicle. I mean we're a mile square, I'm sorry, but there's a vehicle somewhere in this town for at least for the rest of this year maybe until a little bit of the beginning of next year that I'm sure the construction department could use. That's just my point of view, I'm sorry if a...

Administrator Wall – well just another item, any subsequent purchase from this if you did approve this tonight, all of those items would then be listed on a further bill list for future vote. So if you do happen to approve this bond, you're not de facto approving every single item here. For example, the neglia proposal would need, that's the reason we've changed that around. It wouldn't be approved unless it was approved but every single item, if you wish to approve this and then in the future not approve specific purchases you can also do that and reduce the bond and debt in this as well.

Councilman Johnson – point of order. How does it affect the grant money?

Administrator Wall – perhaps if Mr. Neglia can come up and discuss the grant process and what you're contemplating and if you have any insight, if you've experienced bifurcating the bonding before, speak to that as well.

Mr. Neglia – sure. Well just to start with the grant...

Mayor Massa – Mike for the record, just put your name and [inaudible].

Mr. Neglia – Mike Neglia of Neglia Engineering Associates, 34 Park Avenue in Lyndhurst. As most of you are aware every year there's a trust fund program that goes out and usually put applications in to get reviewed by state and then grants are usually either issued or denied. The borough was fortunate to receive on October 14<sup>th</sup> 2009 a letter awarding the grant of \$200,000 to the Borough of North Arlington for the streets that were listed before Sunset Avenue, Belmont Avenue, Stover Ave when it was actually in the application but its not in the plan as and Vanderbilt Place. We have been notified by the state asking us what the status of that is because there has been some time that's lapsed since you gotten the award letter and I do have to at least warn you that there's always a potential, the longer you don't utilize these grant awards that you, you could have a tendency to lose it. Now, I'm not saying you'll lose it in 24 hours or losing it next week but when the state notifies the municipalities that you have lost a grant or you didn't use it in a timely fashion, that letter comes and it's almost too late to resurrect. The other thing and to keep in mind is the longer you delay using the grant you received in 2009, the chances of you getting another grant in your 2010 applications becomes slimmer to get it. So in terms of your grant process and how that works, in terms of your roads, they're looking, DOT now is looking for or the state is actually looking for engineering plans to review and approve because the process with the grant applications is a little different than your capital improvement work. Those plans have to be prepared on their standards and their specifications, sent out to their office for their review and approval and once they give you the review and approval, the project can go out to bid and then it comes to you for an award of contract for the low and most responsible bidder. So that's the way the grant program works, and I just you know I felt it important

to at least advise you of that. In terms of the bonding and how that works, I'm not a bond counselor expert but I don't know if Randy has more experience in that or not, how the bonds you know, you basically float a bond and the expenditures are the draw down on those bonds are again comes back to the governing body as Mr. Wall went over with you in terms of prior to going out to bid, prior to accepting it or spending it. Now I don't know the exact costs of what the bonds cost in terms of the overall number and how that works but that's really not my area.

Mayor Massa – thank you sir.

Councilman Tanelli – isn't this the second time we bonded for an improvement project. We had to have bonded in the past. That's been one another one of the audit callouts correct? Like last streetscape we just bonded streetscapes that we have a pay [inaudible] so now this will be the second time because of the audit kicking it out saying its something that needed to be done. So in the past, we've never bonded to use a grant correct?

Administrator Wall – I can't speak to the past, you're supposed to...

Councilman Tanelli – when have you been here?

Administrator Wall – well you're supposed to have a funding [inaudible].

Councilman Tanelli – but we haven't. We've been accepting grants and we've been paying out on the projects but we haven't really had, we haven't bonded to cover the grant.

Councilman Hughes – that's correct.

Councilman Tanelli – okay. So there is a chance that...

Councilman Hughes – some of the grants that we have received, we have not put the proper funding vehicle in place over the last four or five years.

Councilman Tanelli – right, so now we're doing it according to the statute, how we're supposed to do it, we're supposed to bond but in reality we could accept a grant and not bond anything and still use the grant to pay for the thing. The auditor will scream and holler but we've done it for the last five years, correct?

Unidentified Speaker – I can't, [inaudible] questions going to be.

Councilman Hughes – unfortunately there are no [inaudible]...

Mayor Massa – councilman.

Councilman Hughes – ...to do that anymore. In the past, there's been cash reserves within the budget that you could draw upon but all those cash reserves have been drawn down to almost nothing so basically we're cash broke. We don't have any cash to pay for those bills as we go. So we have to put a funding vehicle in place. Many of these things as you stated were in the budget and they were actually what we're looking to do is pull them out of the budget to help with this years budget so we don't have an adverse tax impact upon the residents on North Arlington. And also because these are traditionally long term use items, paying them off over time is actually a more advantageous move for the municipality to do it that way so that we don't have a major impact upon the community. I mean if we had to go out and build a new building in one tax year, you could have a million dollar spike in your tax bill then the next year it drops a million dollars. But by bonding it, you allowed to even that out over the course of time. So as these that are taken out of the budget if we approve this bond tonight, those things will be taken out of the budget, will actually reduce the budget and help us on that end for this years tax rate and it'll also enable us to get some things done that are desperately needed by all of our departments. I mean like I said there's nothing in here that's frivolous, there's nothing in here that's icing on a cake, everything in here is a very necessary piece

of equipment. You're mentioning the construction vehicle. Its state law he has to use a municipal vehicle that's identified so to do inspections. That's a requirement of state law so we have to provide him a vehicle. He's driving around in a 16 year old, old chiefs car that's its actually totaled by the insurance company because of a motor vehicle accident and but we still have it on the road because we don't have anything else to give them. Plus there are not only the construction official, you have the housing inspector needs a vehicle. He's required to have a vehicle by state law. So many of these vehicles are not a nice thing to have, they're required. They have to be property identified in a municipal vehicle so that the people who are inspecting know their not fraud. So you know that's why they show ID, that's why they have to have proper identification showing the card of the municipality. Part of that identification is the vehicles they actually drive in so I think by doing this like I said before we'll be funding this at 3 ¼ of a percent interest. That's what your bond anticipation notes are going for now we can do this for a short period in time, whatever we don't use in this bond, we reduce the bond by. Whatever we can also continue to get reimbursed for in grants, we can reduce this bond by and many of these things may come in well under cost. I think Mr. Neglia can attest to the fact that as we've gone out on bids for streets improvements in the last few years, they've been coming in under the cost that they've been estimating because it's a very competitive market right now and that's another thing because the contractor's are so slow, they're desperate for work. You can get 10 or 20 people bidding on projects that use to get 1 or 2 bidding on now and they're coming in at prices that are so advantageous to the community, it'd almost be foolish to pass them up. So, I recommend we pass this and get on with putting in, investing back into the community and fixing some of the things that need to be fixed.

Councilman Tanelli – I'd like to ask Mr. Pearce a question.

Randy Pearce – certainly.

Councilman Tanelli – Mr. Wall mentions the fact that if this bond passes, you could vote down individual items on the budget, I mean is that...?

Randy Pearce – yeah, just for the record the way most towns work in New Jersey is you have a separate bond counsel and I want to make that clear that generally speaking borough attorneys are not bond counsels, you have a separate counsel. But Mr. Wall is correct and Mr. Hughes just mentioned you do not have to use every thing that's in this bond ordinance but you have to set it up for purposes of being able to utilize it. If you don't pass it tonight, it's going to have to be reintroduced; it's going to push us probably into next year and then the needs coming up in the winter, I don't vote so it's not policy issue but you're going to have from a legal point of view a significant delay in this process.

Mayor Massa – any further comment from any members of the council? Any other members of the public wish to be heard regarding the ordinance? I believe the cost to this according to the borough administrator would be approximately \$15 a month over a five year period for the taxpayer.

Administrator Wall – if I recall correctly from Mr. Lerch's presentation, a million dollars was roughly I believe \$17 per household per year.

Mayor Massa – per household per year.

Administrator Wall – yes. If you were at 980 and backed out 200 and then came down to 780, I would imagine \$14.50 or in that area and if there were certain authorizations that were subsequently not approved whether it be whatever the item may be, then you would then back those numbers down and if by way of as an example there's a reference to other grants we have a cleaned community's grants that we may be able to, I was on the phone with them, I believe its \$22,000 that we may be able to use for the smaller sweeper vehicle. So for example, if we can utilize that, than that would pull down \$22,000, anywhere we can pull down we pull down regardless. The objective is to have little to no impact whatsoever on the taxpayers but to provide needed services where possible. So that figure would come down at 17 or 16 or 15 or 14 a year. The baseline if I recall

correctly was a \$1,000,000 issuance approximately 17 so it would be linear. If it was only 500,000 it would be 17 divided by 2.

Jimmy McCabe – I’m the superintendent of public works. I understand the situation but without some of the equipment, we just can’t do the job, as simple as that. We need the small sweeper, I need another big sweeper, my air compressor that we use when we jack hammer is a 1978. It hasn’t started in five years. We borrowed Kearny’s when we have to use it. The lift for the trucks was put in at 1989. We replaced one a few years ago. The other one does not hold the weight of the trucks anymore, it starts slowly coming down. So if you pass some of it, I would like some of that cash. That’s all.

Mayor Massa – thank you James.

Jimmy McCabe – yeah, your welcome.

Mayor Massa – take it easy with that back by the way.

Jimmy McCabe – can we bond a back?

[laughter]

Mayor Massa – any other persons wish to be heard on this ordinance? At this time I’ll entertain a, anyone else wish to be heard on the ordinance, at this time I’ll entertain a motion to close hearing of citizens and adopt.

#### MOTION TO CLOSE HEARING AND ADOPT

INTRODUCED BY: Councilman Hughes  
SECONDED BY: Councilman Johnson  
ROLL CALL: AYES: Councilman Hughes, Councilman Johnson, Councilman Kearney  
NAYS: Councilman Yampaglia  
ABSTAINS: Councilman Tanelli (based on reasons brought to the council’s attention)  
ABSENT: Councilman Bianchi

Administrator Wall – may I have a recommendation from the borough attorney as to whether or not this passed or not?

Randy Pearce – it did not pass pursuant to the state statutes we must have a four six majority, 2/3<sup>rds</sup> of the voting members so we do not have a passage.

Administrator Wall – measure fails. Next item is bond ordinance number 2058.

#### **BOND ORDINANCE NO. 2058**

BOND ORDINANCE TO AUTHORIZE THE RIDGE ROAD STREETScape PROJECT (PHASE III) IN, BY AND FOR THE BOROUGH OF NORTH ARLINGTON, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$670,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

#### MOTION TO OPEN PUBLIC HEARING ON ORDINANCE NO. 2058 TO THE PUBLIC

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

ABSENT: Councilman Bianchi

Mayor Massa – at this time I'll open the hearing to the public on ordinance 2058. Anyone who wishes to be heard on 2058 please come forward, state your name and address for the record, and please confine your comments to 2058. That's the streetscape ordinance with respect to bonding of \$670,000 for this appropriation. I think a lot of people in the community have been pretty happy with what they've seen. This is a great opportunity for the borough to improve a very vital part of our infrastructure. No one wish to be heard at this time, I'll entertain a motion to close the hearing and adopt.

#### MOTION TO CLOSE HEARING AND ADOPT

INTRODUCED BY: Councilman Tanelli

SECONDED BY: Councilman Hughes

ROLL CALL: All council present vote in the affirmative

ABSENT: Councilman Bianchi

#### **ADMINISTRATOR'S REPORT**

Administrator Wall – briefly just want to go over a couple quick items with you regarding grants. There was a 2003 grant that for a job that was finished in 2005, working with the Bergen County folks, the 50,000 was never reimbursed so we are processing finance, all the purchase orders and the relevant materials to make sure you receive your \$50,000. That's from 7 years ago. There's another grant from 2005, it's a \$71,500 bike path grant. There were some acquisition issues at the time for a bike path and so that project had moved forward but we're trying to retain the funding. So we're in discussions with the county with reallocating those funds to potential River Road acquisition site. That's also pending with the Green Acres application and we will update you accordingly. We did apply for the NJDOT grant recently as you just modify the resolution today. We're hopeful of an award of approximate 150 to 200,000 by that organization. Based on your approval tonight, congratulations, the ARAA of approximately 460,000 will begin to be deployed with the Ridge Road streetscape phase 3 project is now ready to go. Subject to a 20 day [inaudible] period if I'm not mistaken. The CDBG application process, the deadline is October 8<sup>th</sup>. We're on track to apply, again I referenced earlier we'll be sending you the highlight of maps again to choose within the CDBG is community development block grant area, federal funds that are run through the county, it's a federal funding vehicle. Items on the budget, the transitional aid application that we submitted, we expect information positive or negative by the end of August, the first few days of September. I've heard different information but I can share the information that I had was out of 566 municipalities, 24 applications were submitted and only 17 are being considered. If that information is accurate I would be hopeful that this tremendously complicated and complex application would hopefully result in an appropriate award considering the fact that we did lose nearly \$300,000 of aid this year and we're looking for that aid back in addition to another \$300,000 so that's August 30<sup>th</sup> approximately. Now the cap waiver meeting is September 8<sup>th</sup> at the local finance board so that is approximately the week after when we expect to hear yes or no with the transitional aid which is the new language for it used to be called extraordinary aid. People may be more familiar with the term extraordinary aid and finally the budget meeting is scheduled currently for September 16<sup>th</sup> 2010. Just a quick note on summer employees, they're now getting ready to go back to school. They've done a fine job and under leadership of Jim McCabe and the folks at DPW, they conducted themselves professionally and well and I believe they had their seatbelts on most all the time so they stayed safe as well. Last item, very pleased to announce subject to [inaudible] ratifications working in conjunction with the borough attorney, but I think the Joe Verri, the diocese would be comfortable with me sharing with you the cemetery has agreed to completely rehabilitate the sidewalk, the length of their project. They have a project upcoming as opposed to doing general repairs of the sidewalk, they are going to completely rip it up, pour fresh concrete and also do the line of pavers similar to streetscape phase 2 up by Belleville pike and down. So you'll have from the curb in the brick pavers and then regular fresh sidewalk brand new, zero cost to the taxpayers, not a dime. They will additionally be repairing the issues on the other side of the highway on Schuyler. Schuyler is a problematic area. They're going to be fixing that as well. But the

good news is that they've agreed to completely renovate brand new sidewalks from sten to stern beyond what they had, they were required to do so we appreciate them working in partnership. Mayor Massa was at the most recent meeting where we had some discussions in that regard so I'm proud of that and I just want to report that to you as well and we'll have updates accordingly unless Mr. Pearce has anything new regarding the matter.

Randy Pearce – no it's consistent with my conversations with their attorney and their representative and I think Mr. Wall did a very good job in getting them to the table.

Administrator Wall – thanks. That concludes my report.

Mayor Massa – I also want to thank you for the job you did with the negotiations over the cemetery.

Administrator Wall – thank you. Thank you very much.

Mayor Massa – that's usually not easy dealing with cemetery kind of people because they give you the creeps once in the while.

Administrator Wall – I was hoping they wouldn't let me down.

Mayor Massa – in all seriousness, we were able to have an agreement with the cemetery to take care of this part of the street and again these are things that help us out, make our town look better, and make it more attractive. Engineer's report, Mr. Neglia you've been waiting patiently tonight.

### **ENGINEERS REPORT**

.Mr. Neglia – yeah I think it's going to be brief because I have to thank Mr. Wall because I think he hit all four of the items on my engineer's report during the [inaudible]. But to be very very brief, in terms of the streetscape program, that'll be scheduled to start after your approvals tonight and September, we'll be moving forward on that. Your DOT reimbursement is going to be coming, going to be submitted once we get the core samples on that and in terms of your municipal road programs, we'll wait for further direction from the mayor and council on that after you pass the bond or revised the bond or however you're going to handle that situation. That's basically all we have to report and I think everything else has been covered unless there's any other questions.

Mayor Massa – thank you sir. Council reports. Councilman Hughes.

### **COUNCIL REPORTS**

COUNCILMAN BIANCHI – [Absent]

COUNCILMAN HUGHES – yeah, thank you Mr. Mayor. Well I was informed that our Meadowlands Commission baler opened yet, I believe yesterday. So garbage started flowing in to North Arlington, not something we were want to see go on for a very long period of time but something that I hope will help us through our transitional period until we can get good redevelopment put on the books and actually brought into fruition in the borough. As you noted earlier, we did a resolution referring our redevelopment plan to the planning board for their commentary and review and hopefully they'll get that back to us quickly so it can be adopted and put in place and be on our books and our code book by the time the property goes up for sale, Cherokee properties go up for sale. And also, I'm happy to report that two negotiations with the Meadowlands Commission, the North Arlington Lyndhurst Joint Sewer meeting has received a million dollar grant for the upgrading of our joint sewer plant which has lived well past our its life expectancy and has been in desperate need of improvements for the last three years. They've agreed though the Encap bond to forward to the joint meeting, one million dollar funding for most it should cover most of the cost of the upgrades and hopefully it'll eliminate some of the problems we've been having there in the past few months or past few years with pumps breaking down and sewerage flowing out the door of the building and the various

other problems that we've had to deal with so I'm very happy about that too Mr. Mayor. Thank you.

Mayor Massa – thank you councilman. Councilman Johnson.

COUNCILMAN JOHNSON – yes, its been a productive yet difficult summer for our DPW with the temperatures hitting above 90 degrees on more than 60 days, granted this is the work of the DPW workers but this type of weather day in and day out, it takes a toll on everybody. The summer intern program like Terence commented about before was very successful. Once again the students assisted the DPW workers, the students painted curbs and lines throughout the town. They did an excellent job. They worked on a couple of other programs. Their work really gave fresh look to Ridge Road and you can see that with the sharp and crisp yellow lines on both sides. The pot hole killer truck on loan from the Meadowlands Commission has continued to fill potholes throughout the town. The feedback on the truck has been very positive. Not only does the truck save time but also with the financial backing of the Meadowlands Commission, it also saves a great deal of money. The repairs are done quickly. Streets do not have to be blocked off and the repairs are supposed to last for a minimum of three years which is a good thing based on the winter we had this year. The end of June and beginning of July saw the installation of you benches and garbage cans on Ridge Road. It's definitely nice to see people using these benches especially in the summer time. On note, we worked with several senior citizens and residents to gather input about where to actually put these benches where they thought the best locations would be and that was very successful also. The streetscape project like Terence commented beginning from Melrays and going to Inman should be starting shortly. More recently the DPW, they've pruned a pair of trees along Ridge Road. They removed the lower branches which had become problematic. When people were walking they were bumping into the branches so when you look down Ridge Road now, there's a higher arch to the trees, it gives a more regal look to the town to Ridge Road which is a good thing for everybody so all in all the DPW has had a great summer. When you see the guys, when you see the workers, when you see Jimmy McCabe and the workers you know, don't be afraid to let them know that you really appreciate their work, little thanks goes a long way. When we're trying to keep up the maintenance of this town with only ten workers. And I think we passed up a good opportunity, Councilman Tanelli, Councilman Yampaglia not voting for this bond from the perspective of working with the DPW, our equipment is very marginal. I mean we're at the point now, where we might not even get the job done. The street sweeper is broken pretty much every other week. The madvac is operational. I think you guys passed up an opportunity to do something really for the residents of this town and for \$17 a year per household, that's inexpensive. Thank you.

Mayor Massa – Councilman Kearney.

COUNCILMAN KEARNEY – I have nothing to report this evening.

Mayor Massa – Councilman Tanelli.

COUNCILMAN TANELLI – first of all I'd like to wish Joe a speedy recovery. We miss his comments when he's here. The NAPD, I'd like to thank officer Fiore and Chief Ghione for the police department for their work this year against night out against crime. Now more than ever, its important that neighborhoods come together with the economy struggling and crime on the rise in the region, its important that we all work to keep our neighborhood safe. I look forward to being much more involved next year to see if we cant get add to the list of blocks that participate. I know the mayor received the letter from Dr. Stringham thanking him for attending the Bathurst block party where he actually sang two songs. And I'd also like to thank you for Mr. Johnson for his opinion. It's nice that he speaks for all the taxpayers. Thank you.

Mayor Massa – thank you councilman. Councilman Yampaglia.

COUNCILMAN YAMPAGLIA – nothing to report tonight mayor.

MAYOR MASSA – ladies and gentlemen for my own report, I want to go to comments of Councilman Tanelli with respect to the national night out. It was handled very well by our police department. National night out is a great opportunity for the community to come together. Everybody gets out in the neighborhood, police department provides a little food to some of the sponsored block parties and they get a chance to talk about their problems and to meet and to communicate about problems of the neighborhood. One of the things that I recall from crime prevention in the old days was there's nothing like a nosy neighbor. Nosy neighbors are the foundation of the block watches that we had in the past. If you see something, say something. And that's one of the things that I tried to articulate to the people when I drove around in the community that night and met with a number of the residents; I was telling them to be wary. Police can't be everywhere all the time and it's important that if you do see something unusual, call the cops and fortunately we've got a community here that does that. They're not [inaudible] about calling the police. They see something unusual and much of the information that they get had led to a number of stolen car arrests, burglary arrests, information regarding narcotics trafficking, all kinds of different things that we have to stay on top of to keep this a good viable community. So I want to thank the police department for that and I want to thank the community for participating. I also just want to recognize the North Arlington fire department. On its 100<sup>th</sup> anniversary, this is a letter from our distinguished senator Menendez, Bob Menendez who's a good friend of the community of North Arlington. Bob wanted to express in a letter to the fire department his warmest wishes on their hundredth anniversary of the formation of the North Arlington fire department and he wanted to also mention that he was glad to see that the community took delivery of a 2010 kayomee rescue truck and had a successful wet down back in June and he said he's honored to recognize all the officers and the members of the fire department for the selfless commitment to safety and protection of North Arlington residents. And he also said that as our United States senator, he's committed to improving the lives of all New Jerseyans and to thank us for our continued cooperation to ensure the safety of our great state and he wishes a memorable 100<sup>th</sup> anniversary to the NA fire department. So that'll go into the files of the fire department. [Siren sounds in background]. Speaking of fire department, there they go.

Councilman Tanelli – point of order your honor.

Mayor Massa – councilman.

Councilman Tanelli – before we close, I'd like to offer, I'll state tonight, I'll meet with anybody that would like to further discuss the ordinance and try to revamp the ordinance to something that to get a speedy amended ordinance back on the agenda with the things that we all agree on that we need versus what a few things that I don't think that we need.

Councilman Johnson – I believe it's not going to work though time wise.

Mayor Massa – point of order councilman.

Councilman Johnson – thank you. I don't think it's going to work like councilor said here it's not going to work until next year. We're not going to be able to get it back onto the agenda.

Mayor Massa – well councilman...

Councilman Johnson – some other vehicle.

Mayor Massa – there's always an opportunity for as councilman mentioned a special session to address these issues, to fine tune this bond. I can see the concerns that Councilman Tanelli has; we're looking in the dark right now in this community. We're facing a tax increase; we're applying for transitional aid. We're trying to deliver the quality of services that the community is accustomed to do and I can understand Councilman Tanelli and then my own feeling that we have to be as cost effective as we can and I think tonight was an opportunity for dialogue between the members of the council, that's what's important that we discuss these issues and put it out in front of the community. Let them say have their say about ordinances. We spend clearly or nearly a

million dollars, it's not an everyday thing and of course these are items [inaudible] infrastructure impacts that we do, yeah, we do have to take a look at these. And perhaps with the few revisions, we can revisit this issue again. At this point like to entertain a message...yes councilman?

Councilman Tanelli – if this was amended in the next week, 45 days, something can be done in sometime near October correct?

Randy Pearce – the problem is Mr. Tanelli that I have a couple things; (1) we're going to have greater expense now because bond counsel is going to charge us to do another bond ordinance with whatever change you require and then you're going to have to reintroduce it, [inaudible] go through that process of notice, then another meeting to approve it. And then 20 days for it to take effect, I mean it could be done, I mean it's possible by December, I mean it is possible. But having defeated the ordinance tonight, it has to go through the initial process all over again.

Councilman Tanelli – thanks.

Councilman Hughes – which is going to delay tax paving is not going to be able to take place until the spring time. Roof repairs maybe in the winter but it would depend on the weather so some of the maintenance items on here would be delayed til the spring and then the economy may be turned around by then and you're going to have increased costs in addition to the cost that Councilor Pearce delineates.

Councilman Johnson – point of order your honor. I think for \$17 a year [inaudible] put us in a real real tough situation. This man right here doesn't know how he's going to run the DPW with the trucks and the equipment that he has, whether the streets will get swept, whether that street sweeper will last another week. It was broke two weeks ago and was out of commission for three weeks.

Mayor Massa – executive session, motion introduced?

Administrator Wall – mayor and council, there's no executive session planned for this evening.

Randy Pearce – If I actually Mr. Wall, If I could have...

Administrator Wall – there is an item now?

Randy Pearce – there is one item. The mayor asked me to report back on this item and ...

Administrator Wall – oh okay, I apologize.

Randy Pearce – it'll take five minutes maximum, I promise.

Mayor Massa – thank you. Okay, motion for executive session introduced by Councilman Tanelli, seconded by Councilman Yampaglia. Call the roll.

Administrator Wall – mayor, let me just read, whereas the Open Public Meeting Act, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances, and whereas, the Mayor and Council is of the opinion that such circumstances presently exist; and whereas, the Mayor and Council wish to discuss...Mr. Attorney, what's the item?

Randy Pearce – it has to do with certain properties in the town that are in the state of disrepair and legal action might be taken with regard to that.

Administrator Wall – thank you very much. Public release of the discussion will only occur after counsel approval. Action may or may not occur after discussion. Roll call then mayor? Yes?

Mayor Massa – call the roll.

R-215-10 EXECUTIVE SESSION

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

Administrator Wall – now therefore be it resolved that the mayor and council are now in executive session. Thank you very much.

[Enter into executive session]

Administrator Wall – we’re now back on the record.

MOTION TO RETURN TO REGULAR ORDER OF BUSINESS

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

Administrator Wall – Mr. Pearce?

Randy Pearce – ah yes, Mr. Mayor, members of the council, one of the reasons why I chose to request that we have an executive session even though there was a belief we were not going to have one is it appeared to me that when the vote was taken on the second reading of the bond ordinance dealing with vehicles etc. that there was a lack of proper legal advice given to the board with regard to what number of votes were necessary and what the effect of abstentions would be upon that vote. I apologize to the mayor and council for not given you this advice in advance and having given it in executive session, the statute is clear that a vote of at least of the full eligible membership must be obtained for passage of the bond ordinance. In advising the council, Mr. Tanelli was unaware of that legal distinction and the normal vote the majority still would have prevailed, the bond ordinance still would have passed even with his abstention and I believe he could speak for himself but it was his intention that he go on the record as abstaining with the understanding that it would not cause the bond ordinance to be defeated. So I think Mr. Tanelli wishes to change his vote from abstention to an affirmative vote. If that’s true, then we’ll take that action and I will do the necessary legal research tomorrow to confirm that it is possible for this process to be completed along those lines. Yes Mr. Tanelli?

Councilman Tanelli – point of order your honor?

Mayor Massa – point of order councilman.

Councilman Tanelli – first of all, I’d like to apologize to the mayor and the members of the council for actually not knowing what the proper procedure would have been on this bond ordinance. As I mentioned from the very beginning, there are some necessities on this ordinance that need to be taken care of, the paving, the roof, but there are some things on here that I think we shouldn’t be because I don’t deem them necessities. But in fairness to defeat this bond for the fact that I can vote later vote against those items and not expend the money, I’d like to reconsider my vote to a yes vote on this ordinance if legally possible and I’d like to thank Mr. Pearce. I appreciate him looking into this tomorrow. As I said, my abstention was based on the fact that I would have liked to see a few of these items removed from the overall bond but I certainly didn’t want to not move on some of the issues and I certainly didn’t want the bond to be defeated. So with that I’d like to hand it back over to the chair.

Mayor Massa – thank you. Councilor, will this require a vote of the entire panel or just...

Randy Pearce – no we'd now have to reopen where temps assuming that's legally possible to reopen the vote after proper legal advice has been given to the council on this bond ordinance and take a revote.

Mayor Massa – we're reopening this at the motion to close and adopt or reopening to hear citizens?

Randy Pearce – we're reopening it for hearing of citizens.

Mayor Massa – at this time we'll entertain a motion to reopen the meeting to the hearing of citizens on ordinance 2057. Motion introduced by?

**BOND ORDINANCE NO. 2057**

INTRODUCED BY: Councilman Hughes  
SECONDED BY: Councilman Kearney  
ROLL CALL: AYES: Councilman Hughes, Councilman Johnson, Councilman  
Kearney, Councilman Tanelli  
NAYS: Councilman Yampaglia  
ABSENT: Councilman Bianchi

Mayor Massa – at this time, I'll open the meeting to hearing of citizens. Anyone who wishes to be heard on ordinance 2057, please come forward state your name and address for the record and please restrict your comments to ordinance 2057. There'd be no one here to be heard. At this time, I'll entertain a motion to close hearing of citizens and adopt. Introduction by?

**MOTION TO CLOSE HEARING AND ADOPT**

INTRODUCED BY: Councilman Hughes  
SECONDED BY: Councilman Kearney  
ROLL CALL: AYES: Councilman Hughes, Councilman Johnson, Councilman  
Kearney, Councilman Tanelli  
NAYS: Councilman Yampaglia  
ABSENT: Councilman Bianchi

Administrator Wall – thank you.

Mayor Massa – what's the record on this [inaudible] in light of the fact that we were given extended legal advice on this rather complicated legal issue and I want to thank council for recognizing that and bringing it to the immediate attention of the council.

Randy Pearce – with four affirmative votes the bond ordinance is confirmed or passed.

Mayor Massa – thank you. Any further business coming before the council?

Administrator Wall – no mayor.

Mayor Massa – at this time, I'll entertain a motion to adjourn.

**ADJOURNMENT:**

**MOTION TO ADJOURN**

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