

MINUTES

SPECIAL MEETING, MONDAY, AUGUST 9, 2010 AT 7:00 P.M. OR AS SOON THEREAFTER

OPEN PUBLIC MEETINGS ACT.

BOROUGH CLERK: this special 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 Tanelli and Councilman Yampaglia

EXCUSED: Councilman Kearney

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

PLEDGE OF ALLEGIANCE

Mayor Massa – ladies and gentlemen at this time I have a request from the council president to revise the regular order of business so that we can handle the resolutions on consent agenda and then we will have a public hearing and the presentation of the Porete avenue redevelopment plan and the hearing of citizens.

MOTION TO REVISE

INTRODUCED BY: Councilman Hughes

SECONDED BY: Councilman Bianchi

ROLL CALL: All council present vote in the affirmative

ABSENT: Councilman Kearney

Mayor Massa – resolutions on consent.

RESOLUTIONS ON CONSENT AGENDA

R-191-10 RESO RE: AUTHORIZATION TO PAY CLAIMS

R-192-10 RESO RE: APPROVAL OF PURCHASES OVER \$3,000.00

R-193 -10 RESO RE: CANCELLATION OF STALE OUTSTANDING CHECKS

R-194 -10 RESO RE: CANCELLATION OF BANK ACCOUNT

R-195-10 RESO RE: MUNICIPAL ALLIANCE GRANT FOR 2011

R-196-10 RESO RE: ESTABLISHMENT OF PETTY CASH FUND FOR VARIOUS DEPARTMENTS

R-197-10 RESOLUTION RE: SIGNATORS

R-198-10 RESO RE: TEMPORARY CAPITAL BUDGET [**pulled from consent**]

R-199-10 RESOLUTION:APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE PARK AVENUE RESURFACING PROJECT. [**pulled from consent**]

[R-200-10 off consent agenda]

R-201-10 RESO RE: RIDGE ROAD REDEVELOPMENT

Administrator Wall – this is to finish the work by Dave Maski formally of CMX engineering now of Van Cleef engineering for an amount not to exceed \$8,433 the balance of the community mobility form grant to complete that task from a prior period.

Mayor Massa – motion introduced consent agenda?

Councilman Hughes – I'll introduce it.

Councilman Bianchi – I'd like to...

Mayor Massa – Councilman Hughes, seconded by Councilman Bianchi?

Councilman Bianchi – no, I'd like to pull was it 199, that Park Avenue to discuss it. Was it 198 or 199?

Mayor Massa – you don't have a copy of that?

Councilman Bianchi – no I don't.

Mayor Massa – the councilman doesn't have a copy of that revised ordinance, revised agenda. I got everything. But that's okay anyway, can we discuss that after?

Administrator Wall – yes and I can discuss it at anytime.

Mayor Massa – okay, motion introduced?

INTRODUCED BY: Councilman Hughes

SECONDED BY: Councilman Bianchi

Administrator Wall – these are all items except for 199?

Councilman Tanelli – 198.

Councilman Bianchi – 198 Park Avenue.

Mayor Massa – no 199 I think is Park Avenue.

Councilman Bianchi – 199 is Park Avenue?

Administrator Wall – yes.

Mayor Massa – okay discussion? Call the roll.

ROLL CALL: All council present vote in the affirmative

ABSENT: Councilman Kearney

*Councilman Hughes recuses himself on all fire department purchases.

Councilman Tanelli – I'm sorry, point of order your honor, can we pull 198 also because I haven't had a chance to look at it?

Mayor Massa – grant application?

Councilman Tanelli – no, temporary capital budget.

Mayor Massa – okay temporary capital budget, right okay.

Councilman Tanelli – I vote yes on the rest of the consent agenda.

Mayor Massa – we will remove 198-10 from the consent agenda and vote on that separately. Any further discussion?

Councilman Tanelli – no, thank you.

Councilman Bianchi – I would like to discuss 199, I think that's [inaudible]. I'd like to discuss that I know Park Avenue has been done a few times, it's been repaved. Got some sections of the street that have some little dips in it that I think can be repaired. I personally think if we can move this grant around, I think there's other streets that are in worse shape than Park Avenue and one of them is Gold Street in North Arlington from Front Street all the way to the Garden Apartments. Now I don't know if we can swish the grant from Park Avenue because I live there to be honest with you so it would benefit me to have it done but I think there's worse streets than Park Avenue, you know. So we want to discuss it, I don't know.

Administrator Wall – we can discuss that just briefly, I just need to finish the roll call on the prior item. Resolution 199-10 NJDOT provides a grant process every year. We apply for it. We use to have a grant consultant, we now apply for it in house so we can maximize your dollars. The grant usually results in approximately 150,000 to 200,000 of award for each municipality. We apply every year. The most recent approval was to pave parts of Sunset, Vanderbilt, and Belmont which is in the process of being completed. The application process, in short you can change the resolution to approve administratively sending in the grant application in between now and the deadline which I believe is August 13th we can populate it with the streets that you have consensus on whether it be tonight or at another period of time. The park avenue estimate was done by Neglia Engineers in a prior year and as we have tried to move a long the grant process and move along road repaving, what we've used were estimates that were previously paid for and generated by the borough engineer. So we have those estimates came in about approximately 160,000 in that area. Council president Hughes had referenced the notion of the water company replacing water mains and dove tailing a road resurfacing with a replacement of water mains underneath but in short it's the NJDOT grant. We want to submit the grant application by August 13th to be there on a timely fashion. All of the documents are ready. We simply need to put into place the streets that you wish to apply for. That could either be this evening if you have consensus on it, this street or other streets, but the pool of funding is approximately 150 to 200,000.

Councilman Bianchi – for just Park Avenue?

Administrator Wall – for whichever street that this borough council chooses to apply for. What we need, what I'd like to get this evening to have everything in its proper order is the authorization to apply, assure that we apply on time and then either this evening or at some other point before the 13th by consensus to guide me regarding which streets you wish to apply for or which portions of street you wish to apply for.

Councilman Bianchi – well I might be throwing a monkey wrench into this and I don't want to do that. I'm just saying that in driving around the town, Park Avenue is a very busy street of course but I still think there's busier streets, I mean streets that are in more need of repair than Park Avenue even though they had dug it up a few water main breaks and they did repair exactly correctly and so...

Councilman Tanelli – point of order mayor.

Mayor Massa – Councilman.

Councilman Tanelli – can we just all agree to move forward with the grant application and that all of us can submit a list and see what common streets amongst the council and then execute it on the 19th?

Councilman Hughes – well no, we can't execute it on the 19th because the application has to be in on the 13th.

Councilman Tanelli – with the list of streets.

Councilman Hughes – yeah. And correct me if I'm wrong Terence but I believe that we are drawing from a list that was prepared by Neglia Engineering several years ago of streets that are need of repair.

Administrator Wall – this is not a new list. This is a list that's many years old. We have a list that's quite long of streets in need of repair.

Councilman Hughes – do you know if Gold Street is on that list?

Administrator Wall – I do not, I do not but you have dozens of streets are in need of repair.

Councilman Bianchi – there's plenty of streets. We can close your eyes and pick anyone you want to be repaired but to be honest with you Gold Street from Front Street to the garden apartments is horrendous. Its just horrendous and it's a heavily traffic street.

Councilman Johnson – point of order.

Mayor Massa – Mr. Johnson.

Councilman Johnson – we have to make a decision tonight on which street were going to pave right?

Administrator Wall – no, you need to simply approve the application process so you don't, you can either go with old estimates prepared by Neglia Engineering or there may be streets where there we were looking at York, we've looked at parts of Stover, the list is quite long, but if there is consensus offline...

Councilman Johnson – do we lose the grant though if we don't make the decision tonight?

Administrator Wall – no. no. You would make a decision to direct the administrator to apply so we have the form in place and then we would submit with the application by August 13th, we would submit electronically through the state system. We would perform the estimates which are I wouldn't be concerned with how the what the back story is about how we get there, the main item is if you give a priority list, if you have consensus on 1, 2, or 3 streets, we have streets that are concrete broken grass growing out of it. So clearly, there are a host of streets to consider. But if you had consensus either this evening or prior to August 13th we would be apply in a timely fashion. You would be rewarded with a grant of approximately 150 to 200,000 as is typical. The only thing we would suggest is not being in the community development block grant zone, the streets that are in the zone, I've sent prior maps to you that have highlighted which is in the community development area and not simply because it would be redundant; we would typically apply to CDBG grant funds on an annual basis with eligible streets so it would be counter productive to apply for those streets when we have a different basket of funding to apply for. So other than that qualifier all you would need to do [inaudible] this evening is yes were applying for the grant.

Mayor Massa – everybody that lives in the community, a lot of people live in the community, always call me up and complain about their street and everybody thinks their streets the worse. The biggest complaint I get is from the young lady that I live with on 8th street about her curbs falling in and potholes and we sent the machine down there, we've tried to as much as we can with the resources we have available and we've actually in the last few years had done about 5 million dollars worth of work with grants. So it's a problem we've had to take a look at and its very difficult councilman to quantify whose street is worse than, which streets worse than the other one. So this is a move in the right direction, I think it'd be a good idea if we sat down, put our heads together, took a list that, took a look at put a list together of what we've got to do and maybe prioritize these repairs going forward. I know in certain parts of towns especially where there are hills in the winter time, they always get a beating from the bad weather and the snow plows and the salt and everything else. So obviously these are streets where there are hills sometimes they're a traffic hazard because its very difficult for vehicles to stop safely

going up and down hills but in any event, going forward with this tonight is a again a step in the right direction and I certainly appreciate the concern of yourself and the other members of the council with respect with to our need to do other streets and I think that's one of the priorities that we're going to continue to look at is infrastructure repairs because its one of the important things we have to be focused with.

Administrator Wall – well then if I may mayor and council, I'll restate without including a specific street at this time resolution 199 for a vote; if you would like to take action just to simply agree to apply.

Councilman Bianchi – I'll introduce it.

Councilman Tanelli – I'll second it.

Administrator Wall – now this should be an approval to submit a grant application and execute a grant agreement with the New Jersey Department of Transportation.

Mayor Massa – motion introduced by Councilman Bianchi. Seconded by Councilman Tanelli. Any further discussion? Call the roll.

[RESOLUTION 199-10]

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

Administrator Wall – the next item is resolution that Councilman Tanelli asked to have pulled is resolution 198-10. This is a resolution regarding mending the temporary capital budget which is the statutory obligation to move forward on the Ridge Road Streetscape phase 3.

Mayor Massa – okay, motion introduced?

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

Mayor Massa – introduced by Councilman Hughes. Seconded by?

Councilman Johnson – I'll second it.

Mayor Massa – Councilman Johnson. Discussion?

Councilman Tanelli – mayor, I'd just like an explanation on why we're doing this for phase 2 from Terence, if you could just explain that we're not actually bonding the money. We're setting up a [inaudible] to actually pay for it I don't know if I'm correct on that?

Administrator Wall – yes, under fiscal state fiscal law, we're required to create the vehicle to fund projects regardless of whether you have grant funding or not. So, we have obtained an ARRA federal grant that I applied for with the staff and support of mayor and council and we received a grant that just shy of a half of a million dollars from the federal government to continue the previous program, Streetscape improvements in the Borough of North Arlington. This specific new segment begins at Garden Terrace where the prior segment terminated it will then continue on and because of the excellent pricing in the environment today, the contractors are extremely aggressive in the pricing, we're able to take that improvement all the way to Inman. So this would be curbing, sidewalk work, things of that nature, PSE&G's component, decorative lighting that they do is not reimbursable under the grant so that piece is also in here which is why the dollar figure is higher than the 460 specifically. There's also what are called section 20 soft cost that are included as well for construction management for Neglia Engineering for whichever engineering firm that you choose to do the construction management as well. So, you're required to have the finance vehicle in place and the rational would be that if the grant

funds didn't come in in a timely fashion, that the contractor would still have there timely payments that they would need to receive. We expect the grant funding to be moving through with in 30, 60, 90 days. We don't actually anticipate any degree of sloth in the reimbursement process. Within the grant document, rather the bond ordinance itself, it does state that the grant funding will offset any any implication with the finance vehicle. It's the grants, you will not be financing the dollar figure that's stated in the bond ordinance unless the federal government after approving the \$460,000 grant chooses to not fund it which would be frankly unheard of. We're following all their guidelines, Neglia Engineers is doing a fine job of complying with a bevy of rules and regulations that we haven't seen before in grant funding and making sure that everything is moving smoothly. We did have a preconstruction conference with the federal government with the local state folks, the engineers, the contractor, and the project is held in [inaudible] until these various vehicles are in place. And so this is the fiscal format, the statutory format were required to follow to move forward appropriately to discharge those grant funds to the benefit of the borough of North Arlington.

Mayor Massa – any further discussion?

Councilman Tanelli – thank you.

Mayor Massa – call the roll.

[RESOLUTION 198-10]

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

Mayor Massa – Ordinances.

Administrator Wall – first and again this relates to the prior conversation.

ORDINANCES

FIRST READING OF ORDINANCES

BOND ORDINANCE #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.

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

RESOLUTIONS OFF CONSENT AGENDA

R-200-10 RESO RE: INTRODUCTION OF BOND ORDINANCE #2058

Administrator Wall – simply a resolution approving what we've just accomplished.

Councilman Hughes – point of order. Is this necessary?

Administrator Wall – it is redundant statutorily but it was included in the package from the bond council so we chose to include it at this time.

Councilman Hughes – okay.

Mayor Massa – Introduction?

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

Administrator Wall – thank you mayor, that concludes.

Mayor Massa – okay at this time I'll open the meeting to the hearing of citizens. anyone wish to be heard please come forward, state your name and address for the record. Respectfully request that you confine your comments to municipal business and please restrict your comments to 5 minutes to give everybody the opportunity to be heard.

PUBLIC COMMENTS

Richard Scone – 17 Forest Street. Concerning the Park Avenue repaving. My opinion on that is that should have been discussed before hand maybe even having the citizens having input on that and that's all I have to say on that. I noticed that some pot holes were filled in the borough using the pothole killer which is a fairly good idea. It saves a lot of man power and so forth and so on. I work for the New Jersey Department of Transportation. I am a maintenance worker and I have done some what they call crack sealing. Its where you put a rubber I don't know the exact material it's a rubbery type material, you've probably seen it done in the county park. They fill cracks in as opposed to resurfacing the whole area and from my experience from plowing the high, the major highways and using salt and so forth, I noticed that the areas where we have used the crack sealing method the highways have not produced many potholes in those areas. It really works and it probably might have a less costlier, it might be less costlier than using a repaving the whole street with asphalt. I don't know locally maybe you can rent out a machine but you might want to consider that because if the street itself is not damaged to the point it needs to be resurfaced if there are cracks, it will get to that point and this could prevent it and save money in the future. Thank you.

Matt Linda – good evening. My name is Matthew Linda. I represent WSI Management. It's a solid waste company. We have new technology that we're interested in investing our technology in your redevelopment zone. We're offering \$200,000,000 to construct and operate the facility. We're interested in giving a host community fee to North Arlington in the amount of \$1,250,000 per year. We're looking to purchase the BCUA building. And we're looking to put together anywhere between 100 to 120 new job opportunities at the facility. I've been giving and submitting my presentation packages but I decided to come this evening where I have the mayor, the council, and every member present to schedule a meeting in the future when we can discuss this at length. Thank you very much.

Mayor Massa – thank you Mr. Linda. Anyone else?

Bob McClintock – 198 Rutherford Place. Did anyone understand about the bond ordinance 2058? I didn't understand that. Is it a bond or isn't it a bond?

Mayor Massa & Councilman Hughes – it is a bond.

Bob McClintock – so we've bonded. That cost the town money to bond for that. A grant we got, we bonded for?

Councilman Hughes – you have to pay for it in order to get, you have to pay for it as you go and then you submit through stages for reimbursement from the federal government. That's why you have to put the funding mechanism in place.

Bob McClintock – but the streetscape was 430,000 correct?

Administrator Wall – that's correct.

Bob McClintock – but we bonded 670,000.

Administrator Wall – correct. Mayor council, if you ...

Mayor Massa – I'll defer it to the administrator for explanation.

Administrator Wall – I'll do my best. Bond attorney isn't here. but the, two items. You're required by law to set up a funding vehicle even if you have a grant. If it's a \$50,000 grant, you have to have funding vehicle for that as well. The passing bond ordinance does not constitute selling bonds. But the key item to your question of if the grant is 460 some odd thousand in that range, why is it 670? Fair question. Streetscape phase 2 was not funded. The PSE&G lighting, the decorative lighting was excluded from the ability to receive grant funds, it was separate separate item, similarly the utility charges us directly and its not reimbursable. The one item that I can articulate to one point is that they now, the utility PSE&G charges municipalities at 30% I don't know how to characterize it, a tariff that exacerbates that cost which is out of control of the borough and its simply not under our control. So if we carried on the consistent look and feel and view of streetscape phase 2, with the decorative lighting, you can not have the decorative lighting and reduce that cost.

Bob McClintock – so this is really paying for things that weren't covered in the grant. And that's saying it in a nutshell?

Administrator Wall – Correct.

Councilman Hughes – Mr. Mayor? Streetlights are going to be about \$125,000. About 30,000 of that is tariff which is very unique because the government gives the grant on one hand and then they tax us back on the other hand. Parking meters are not covered under the grant. They won't pay for them. Certain other ancillary things like waste baskets they don't pay for. They don't pay for engineering costs.

Bob McClintock – I can understand that so its paying for stuff that wasn't covered?

Councilman Hughes – correct.

Bob McClintock – thank you.

Councilman Hughes – okay.

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

MOTION TO CLOSE PUBLIC COMMENTS

INTRODUCED BY: Councilman Tanelli

SECONDED BY: Councilman Hughes

ROLL CALL: All council present vote in the affirmative

ABSENT: Councilman Kearney

Mayor Massa – any member want to comment on the hearing of the citizens of comments by Mr. Ciccone or Mr. Linda?

Councilman Hughes – yeah, I'd be more than willing to sit in and have a meeting with Mr. Linda and sit and listen to him. I do see on his proposal thought that he wants North Arlington to guarantee him 10,000 tons of waste a year, which I'm sure there's going to be some sort of charge for that and I don't see that happening since we're getting free dumping from the environmental services baler that's going to be opening this Monday down on Baler Blvd. But I would be willing to sit and listen to him and hear what he has to say.

Mayor Massa – thanks. Anyone else? With respect to the comments for Mr. Ciccone, who's a visitor here on routine occasions, I have to say Richie everytime you come in here you give us something good to chew on or think about or worry about.

Rich Ciccone – well I did notice the crack sealing mended [inaudible].

Mayor Massa – okay, well this kind of technology is something that we're [inaudible]. We're going to refer this to our DPW and perhaps our municipal engineer get a review of it and see if its practical to do here. That's all I can say at this time on it. We'll give it a look-see and see how it squares with our community. Proposal from Mr. Linda is quite unique and quite interesting to say the least and I think this is something that we have to take a look at. I understand from a conference with Mr. Linda, in the past he was going to have a review of this by the Meadowlands Commission and also by the Governor's Office in Trenton so I would, will be looking forward to see what the results of that is and also we'd like to take a look at this situation too since apparently the BCUA site would be pretty much conducive to this type of operation. As I understand from reading all of the technical material I received, this is the newest technology in solid waste management where we take the garbage and turn into energy blocks, renewable energy and of course renewable energy is the wave of the future. We see that all over the world now, we see especially now in Europe and in Asia and even in South America. It's getting a little slow start here in North America for some reason I just don't know why but in any event this is definitely something that I think all entities have to take a look at, give it a fair evaluation and of course discuss any possible, any possible benefits this could have to the community and the region. I don't know what the status is, the financial status is right now of the some of the property on Porete Ave, we may be enlightened to that in a little while when we talk to our planner here. But in any event, this definitely is something that seem appears to be workable and from what I understand there are other communities and county governments in the region looking at something like this. And if North Arlington can get into this at the ground, ground level, it may be very beneficial to us. There was a time of course when the BCUA was going full tilt and when the transfer station, the baler was going full tilt which is now due to reopen but its going to be providing us with a lot less income than it did in the past but in any event there are some issues here that have to be examined from a very objective perspective and I think that myself and the council would be doing a justice to the community if we gave it a fair evaluation.

Councilman Tanelli – point of order your honor. I'm just curious if this proposal was presented to the Meadowlands Commission during the whole accepting of bids for the current baler site because the current baler site, there doesn't seem to be as bad an access problem as the BCUA property has, that's always been an issue with the garbage when it was a garbage baler site, is the access on Schuyler Avenue [inaudible] traffic? I'm just wondering how far it got with the Meadowlands Commission and what was reviewed and what was some of the feedback you got back from them before we sit down and meet.

Matt Linda- I spoke with Tom Mottaturano.

Councilman Tanelli – point of order, mayor, should he approach the mic so we can get him...

Mayor Massa – yeah please come up.

Matt Linda – I spoke with Tom Mottaturano. He's solid waste with the New Jersey Meadowlands Commission. And he said that WSI could not get into the bidding phase because we did not have a facility up and running. I inquired with a Mr. Bocchino and Mr. Shapiro, Shapirio, and got the same response from them if we had a facility up and running than we could have bid on the baler facility itself also but we were just too late.

Councilman Tanelli – okay, has there been any discussion with any of the local town as far as access to BCUA other than Schuyler Avenue or Disposal Road in North Arlington?

Matt Linda – we were talking with Corey Gallo from Rutherford and there is an alternate way of getting into the BCUA building and that's through Lyndhurst through the back gate which is Valley Brook Road instead of using just the access off Schuyler Avenue.

Councilman Tanelli – okay thank you.

Councilman Bianchi – well I have a question for you too because this is intriguing me. I know that that piece of property that you're interested in buying, the BCUA building, I know it's tied up in a lot of litigation, have you gone forward, has you're attorneys checked into that at all or are you just?

Matt Linda – the information that we received and Fred Dunn is representing WSI. Mr. Dunn is an attorney right here in Kearny. Supposedly the judge had ruled with Encap/Cherokee that all assets and liabilities are in a judgment phase where nobody could touch the property or make claim to it and that's exactly where it's positioned today. I know that the New Jersey Meadowlands Commission is extremely interested in this redevelopment and taking that site. But it's so perfectly made for this type of technology. There was a report made that they wanted to make into an ice skating rink.

Councilman Bianchi – I've never heard that.

Matt Linda – there was a report made that they wanted to use it just for storage. WSI is looking at that facility to give North Arlington that 1.25 million dollars every year which would certainly help your budget and we offer that to every municipality that we're going to from Passaic County to Rothman County New York to Hudson County and Essex. And now we're entering into Bergen County.

Councilman Bianchi – but my question is the purchasing of the property. What's the meat of it because I know that it was in bankruptcy with Wachovia Bank if I'm not mistaken?

Councilman Hughes – it's got to be on the market by the end of the year.

Councilman Bianchi – it'll be on the market by the end of the year, you do know this then what he's just said?

Matt Linda – I've heard it from Fred Dunn that it will be able to and I believe that the Meadowlands Commission is purchasing that from the courts from either delinquent taxes or eminent domain.

Councilman Hughes – no, there's no eminent domain involved. Its going to be, the land because of the money that's owed to the state of New Jersey by Encap Corporation and Cherokee Corp, though we're going to be settling it by transferring that land over to the Meadowlands who will then be turning around and putting it out on public bid for public auction. So it's going to at some point before the end of the year, all of the Encap Cherokee properties will be put out for bid except for the landfills.

Matt Linda – but North Arlington has the last call on the land use rights?

Councilman Hughes – yes. That property is within North Arlington.

Matt Linda – so I think it makes a tremendous amount of sense to use a building that was once a transfer station to put this solid waste technology in it, get the host community fee and put some people to work.

Councilman Bianchi – what type of garbage?

Matt Linda – municipal solid waste.

Councilman Bianchi – municipal solid waste.

Matt Linda – we take type 10 and we take type 13.

Councilman Bianchi – building material also?

Matt Linda – that's type 10, I'm sorry that's type 13.

Mayor Massa – now with respect, I'm sorry I didn't mean to interrupt please continue.

Matt Linda – no, we recycle 90% of the garbage that comes through our processing and I wanted to go through this during my presentation, but every black bag that you see outside, 50% of it has recyclable materials in it. And it goes into a landfill and gets buried forever where it goes through an incinerator and it burns. Why not recapture that and use that as renewable products?

Councilman Bianchi – they do that in other countries, they rip the bags apart.

Councilman Hughes – mayor, can we reschedule this for an informal hearing one night and allow Mr. Linda to come back with all of his slides and presentations and everything and...

Mayor Massa – sure, but I would like to have, I have a couple questions myself I would like to ask Mr. Linda if any other councilmen has any questions they'd like to ask him before we do that. You want to continue?

Councilman Bianchi – no I'm good, he answered my question. I was just interested in...

Mayor Massa – with respect to the proposal terms Mr. Linda, Bergen County and North Arlington would make the commitment so that 10,000 a year would not necessarily have to come from the Borough of North Arlington?

Matt Linda- no your garbage is presently going to the new baler facility...

Mayor Massa – the new baler facility, so if a facility such as this were to be up and running, you would have to be getting the 10,000 from either other communities in Bergen County. Or other communities anywhere else.

Matt Linda – if you see the total amount to be [inaudible] times three year process. Normal company would come in and want 50% added on a quarter pay. We're not looking for that. We want other municipalities to get the best price in Bergen County and certainly use out of county garbage also to help pay for the host fee.

Mayor Massa – so your contention would essentially be that you could accept solid waste from other communities at a lower rate than what they're paying now?

Matt Linda – yes.

Mayor Massa – thank you. I think that recommendation of the council president is in order, Councilman Tanelli?

Councilman Tanelli – just in the meantime, I'd like to note you're saying that there's no facilities, the reason you were excluding from the bidding was that there's no facilities in the area that are up and running, where can I do more research on this technology and actually see or get a real good feel on where it's being done and what the...?

Matt Linda – I can hand deliver a presentation package in a cd disk to your office tomorrow.

Councilman Tanelli – Could you have it here to Mr. Wall please?

Matt Linda – absolutely. It'll be here tomorrow morning by 10.

Councilman Tanelli – thank you.

Mayor Massa – thank you sir.

Councilman Johnson – question, point of order, can I ask a question?

Mayor Massa – Johnson.

Councilman Johnson – what's your price per ton?

Matt Linda – it's probably the same price, \$60 which the baler is using presently and I don't know what the contract terms are with the baler if there's escalations but that's the cheapest price that you'll find in the area and how we could compete is we get a tipping fee for \$60 at the front and we have all those recyclables coming out of the back and we could produce 45 megawatts of electricity every single day and that makes public service

smile because now they have energy that they can depend on that we can feed back into their grid.

Mayor Massa – so this energy would be sold to a public utility?

Matt Linda – yes sir.

Mayor Massa – okay thank you.

Councilman Hughes – Mr. Mayor?

Resident – [inaudible].

Mayor Massa – whoa whoa, please. We want to run a, we want to run a meeting with some order, if you want to comment on this during the redevelopment section, that's okay also, but right now it's a hearing of citizens.

Councilman Hughes – Mr. Mayor, just one more point, you are aware that neither North Arlington, Bergen County or the state of New Jersey has any statutory power to direct where anybody's garbage goes?

Matt Linda – absolutely.

Councilman Hughes – okay, so you are aware that you're basically going to have to go out and make individual contracts with deals with most waste haulers or individual communities within Bergen County, state county, Essex, or whoever you're going to make deals with because that statutory ability was taken away from us by the courts years ago which is the reason that the BCUA baler actually closed because at the time the state was directing garbage to that facility when there was a court case involving the direction of garbage by the state of New Jersey, the judge ruled that anybody could go anywhere they want.

Matt Linda – I believe that was the Carbone decision.

Mayor Massa – Carbone versus Clarkstown as I recall.

Matt Linda – yes. We have more garbage out there and it's very simple, if you want to pay \$80, Newark is paying 82 right now, we offered them 70, I think they're coming in our direction. We could offer \$60 to Bergen County, North Arlington, Rutherford, Lyndhurst, and on and on and on they'll be at the door because your baler's only limited to a certain amount of material, where's the rest of the material from the other municipalities going. You're really cutting off other municipalities within Bergen County because the permit only gives them so much material per day...

Councilman Hughes – yeah but there are a number of private facilities that are operating all over, I know there's four in North Bergen alone.

Matt Linda – do you know the numbers Mr. Hughes?

Councilman Hughes – that they're bringing in the garbage, no I don't. I think it's something around by....

Matt Linda – they're in the mid 70s.

Councilman Hughes – yeah by CSX or GS, CSX trains and stuff so.

Councilman Bianchi – Mr. Mayor, point of order.

Mayor Massa – councilman.

Councilman Bianchi – I have another question for you, where do you operate now or is this something new?

Matt Linda – this is brand new.

Councilman Bianchi – this is brand new; you don't have an operation in working right now?

Matt Linda – no.

Councilman Bianchi – so in order for you to get this up and running with this technology that you have, you need to purchase that building?

Matt Linda – no I think we should start from square 1, we have to get the approval from the department of environmental protection and the EPA, they did a due diligence on this technology so we know that the technology works, we would never come to Bergen County or Passaic County and invest \$200,000,000 to process. We don't have to do that. We know that this technology works and the first one that opens up the door, they will lead the nation in solid waste management especially New Jersey; they will start here and then just go across the United States. As the mayor said its happening all over the world. Why it can't get off the ground here...

Councilman Bianchi – I seen an article that was on television and they did this in China I seen them doing it.

Matt Linda – but Councilman in China, they could only produce 160 tons a day on one line. When I make my presentation, you'll see the six lines which could produce and process 24 hundred tons a day, almost equal to what the baler has and a permit requirement.

Councilman Hughes – Mr. Mayor, like I said, I suggest that we schedule a night where have an informal hearing. I mean it's a fascinating subject and I'm sure we could probably sit here for another 45 minutes but it would be unfair to Mr. Heyer who's come up here tonight to do a presentation on the redevelopment plan which was advertised for the public.

Matt Linda – well thank you very much for your time.

Mayor Massa – thank you sir and we will schedule a meeting. Moving right along at this time, I'd like to open the presentation for public hearing on the Porete Avenue redevelopment plan, motion.

MOTION TO OPEN PUBLIC HEARING ON PORETE AVE REDEVELOPMENT

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

PRESENTATION – PUBLIC HEARING ON PORETE AVE REDEVELOPMENT

Fred Heyer – pardon my back. I'm a partner in the firm of Heyer, Gruel, and Associates. I believe this is the first time I've been before this board. You are probably more accustomed to seeing my partner Susan Gruel who has a fairly long history with North Arlington. We were retained by the borough to revisit the Porete Avenue redevelopment plan and the BCUA property in particular as well. We conducted a survey examined the property, visited the area, looked at some of the baseline information and the changing circumstances that are emerging in this changing economy of ours these days and we prepared a revision to a proposed revision to the redevelopment plan. The purpose of the meeting this evening is to take public input; this at this point is just a draft document. This is the first time it's being circulated. We invite your comments. You're input is very important to us. We find that these plans are invariably amended from we initially present. All of you know the area better than we do so we invite your comments and we expect to make revisions. Okay the area that we're talking about is approximately 120 acres in size. If you look at the aerial photograph, in the upper right hand corner, you can see disposal road as you move south, you see the town of Kearny. The green line represents the separation between the guideline, between the borough's jurisdiction and the NJMC district. That Baler Road is on the lower right hand corner, Porete Avenue is in the center. The green area you see there is the Beth Steel Site near the middle of the site.

Unrecognized – which is the Meadowlands [inaudible]?

Fred Heyer – this area here is the Beth Steel.

Unrecognized – that's not under Meadowlands intrusion.

Fred Heyer – no, the line is here. so although the properties are adjacent to the Meadowlands, all the properties we're talking about today are in the jurisdiction of Mt. Arlington. I'm sorry North Arlington. [Laughter].

Mayor Massa - North Arlington. Just want to keep you in the right town.

Fred Heyer – I wasn't even in the right county.

Mayor Massa – I know you've had a tough day so far.

Fred Heyer – goals and objectives, I don't normally do this but I'm going to give you the punch line first and usually I make you wait to hear it. In the context of redevelopment, redevelopment is a very important tool in planning. It's way of getting things done. It's a way of proactively planning and making projects happen. Redevelopment always has a dirty word potentially associated with it and the dirtiest word is eminent domain. This plan does not anticipate the use of eminent domain. So let me make that clear up front instead of saving it for the end, it's not the intent of this plan to use the statutory power or eminent domain to condemn properties for the purposes of redevelopment. Some of the principle objectives of the plan is to redevelop it and let land occupied by obsolete structures and uses to stimulate economic investment in the area, to promote effective non residential use of all redevelopment area property and to increase the property tax phase. We are not proposing any residential use in this plan so that's punch line number two that we're talking about all nonresidential uses in this draft of the plan. Number four is to improve access to the area. The area really suffers from access problems. Regionally, the properties are well located but from accessibility, it's awful [inaudible] yea. Access is poor. Number five is to ensure that new development is compatible with surrounding development in building mass and visual quality, to encourage the use of innovative development techniques and to reduce impervious coverage and to use green building technologies and standards where feasible. If you look at this map, it shows really the context that the property is sitting in the center of those grey concentric circles. The borough is shown in the darkest color in the middle of the darkest color you could see a yellow sliver, that's the redevelopment area. It's in great proximity to major market centers to primary transportation arteries, to a large labor pool and there are great opportunities for rehabilitation and adaptive reuse of the properties. The accessibility is probably the single biggest problem that the area faces and the access to the property right now principally through Porete Avenue. The cart way is narrow, the connection over, you need to connect over the Bayonne and Jersey City water supply easement. The Porete Avenue has a 20% grade and limited site distance, no left turn lanes. It is a really hostile situation particularly for driving large vehicles so I think if there's one liability that the area has that's holding it back is that access on Porete Avenue. As part of this plan, we proposed a new access off Baler Boulevard. The access would be across the, a grade rail crossing across the Beth Steel property. It would provide a loop circulation system which would ensure adequate and proper public safety and circulation and it would be in coordination with the development south of Belleville Turnpike. And that shows the roads. As a result of our examining the area, we recommended three distinct districts. The Porete Avenue area would be one zoning district, the Bethlehem Steel Site would be another redevelopment district, and the BCUA site would be treated differently. The properties are really different in character and they're access. We felt that they should be treated differently in terms of both use and bulk standards. Okay, if you look at this diagram, the lighter blue that's too the left is really showing the Porete Avenue Properties. These areas for the most part are existing developed properties, the lots tend to be relatively small when compared to the other two areas in the plan, so the bulk standards have to be [inaudible] you're dealing with an environment where it's developed and the lots are small. The anticipated uses are light industry, warehousing and distribution, general business and professional offices, and public uses. Again, the lot standards are one acre with in context of industrial development is relatively modest. You're looking at lot coverage of 80% and minimum floor area of 5,000 square feet for the principle structure and really pretty minimal building set back to 20 feet from all of the property lines. This is a fairly liberal zoning district. The Bethlehem Steel site is the biggest piece of undeveloped property. It presents the greatest development opportunity for North Arlington. It is the largest piece. It's the piece that provides the missing link for improved access to Porete Avenue. This area being vacant right now lends itself to a

planned industrial development and almost a park like setting, and industrial park development rather than a simple industrial subdivision and again, the uses here are light industry, warehousing and distribution, wholesale establishments, data centers, research laboratories, flex space. Here the minimum lot size we're recommending is 4 acres. Again, the opportunity is to do larger users, greener users, maximum lot coverage of 60% as opposed to 80% on Porete. Little bit greater building setbacks and a much larger minimum building size. Minimum of 40,000 square feet of building per lot. What this diagram shows and this is a, just a conceptual plan, Porete Avenue is located here. Baler [inaudible], I've had about 8 cups of Starbucks today so you'll see this be happening too. Baler is down on this side here. What that plan shows is a conceptual map. It's really a very preliminary design study of how the property could be used and I think what it shows is it's capable of being subdivided into 8 lots of 3 to 5 acres each with buildings of between 49,000 and 66,000 square feet so you're looking at between 40 and 50, 400 and 500,000 square feet of potential development. The way this was laid out, it was laid out that the buildings could be utilized for a variety of users that depending upon whether the mix was more office or more warehousing that the paved areas could be converted from parking to loading but its really just [inaudible] study to really show how the property could be developed. This piece of property contains the important missing link and probably the most important thing in it is this linkage here between Porete and Baler. That shows a cross length, a road access which would provide alternate road access to Porete Avenue. It would not only service this property but the other properties on Porete as well. The exact Geometry of what's going to happen down here has not been determined yet but the idea or the concept of providing that linkage is a very important aspect to opening up the entire redevelopment area. There's also if you look at the very top, a proposed secondary access road. A second place where conceivably a connection could be made to improve access to Porete Avenue. Other uses that could have on this property could be things like data centers, food distribution, flex space users; we're trying to come up with uses that are viable in the current market that are not really speculative uses that there may be an interest in developing these things. The one thing you don't want to happen in the context of redevelopment is to create a grand vision and then have the properties sit idle for years. That's not what redevelopment about. Redevelopment is about taking properties that are valuable to the community. These are potentially important projects and to come up with tools for making it happen. The BCUA site is a separate site on its own. It suffers from access issues as well. Its located at the extreme northern end of the redevelopment area, Disposal road is shown at the top. Schuyler Avenue runs down the left side of the area. There is as you're all aware of very abrupt change in topography between the top of the site and the bottom of the site so its not a really easy property easy. You're at grade at Disposal Road but once you start going up, start traveling south, the grade along the western edge of the site gets really steep. The BCUA site has that enormous building that was built as a waste facility. It has a bullet proof foundation. It's a monstrous piece of foundation engineering with a steel shell over it. This site is a little different from the other properties. We see the same types of uses but maybe a different scale. This is a property that because of its access issues, probably lends itself to more limited number of users either a single user or two or three users rather than a whole series of smaller lot. We saw things like larger scale flex space, warehousing and distribution, uses, novel uses like modular home manufacturing or those other manufacturing single user manufacturers that need big open space and need outdoor storage and needs outdoor space; theoretically we saw uses like commercial, recreation either indoor or outdoor, being used out there. This is a property where you know the novelty of the site is going to probably create users that you wouldn't conventionally find. I think once the community, once the borough gets to the request for a proposal stage; you may see a variety of users being proposed for this site that don't show in this plan. It's a property lends itself to someone that has specific requirements. We recommend that the minimum lot size here be 3 acres maximum lot coverage 60% minimum 40,000 square feet for the principle building. This shows a concept plan for the BCUA. We're proposing that if this were a single user it would use the 170,000 square foot footprint that's out there, outdoor storage in the rear, maybe display space in the front, loading area parking and it would use an internal access road. This would be again probably a single use scenario where one person, one user would take the entire property and again we just through the modular home manufacturer as a kind of use, it's not intended to be the only type of use but its something like that where you need a lot of space and you could use a building or at least a foundation of that size. This is a second

concept plan. What this does is it takes that lot and breaks it up into space for three users, 60,000 square feet of building per lot. It would use the internal access road. Users like data centers, food distribution and flex space users, there seems to be a growing market in Bergen County for these type of things. We're hearing that there's a man for refrigerator warehousing and food distribution space and things like that that the market is starting to turn for those kind of users, particularly in Bergen County. That's pretty much it for the overall draft of the plan and the outline.

Mayor Massa – any members of the council have any questions for Mr. Gruel?

Councilman Tanelli – I do have one question mayor. I bring this up to Susan last time when she did [inaudible] now it's marked a little bit differently, its same temporary access entrance and exit for the proposed road to get into the other site into the Beth Steel properties. Now I understand that Russo's done some work on the other side of the street where now you're proposing that road to be in.

Fred Heyer – yeah this area there's a lot of activity happening right here and that area is in a state of flux and I think ultimately the design is going to be driven for that intersection by others but I think the important thing for this plan is the connection to baler and again I'm not sure where ultimately that final intersection's going to land but it shown as temporary on this plan.

Councilman Tanelli – I mean I've been down there, those, they're not going to take a lot of, you know they are beat up a little bit. I'm just concerned if we have tenants come in here and start renting these facilities that we're talking about and then they're going to have problems getting in and out. So I think access has to be one of the most important things we talk about before we get people down there.

Fred Heyer – I think access is going to be crucial. I think you're going to have to get around those issues, I think you're going to have to engineer it and that's with exercise and traffic engineering that's going to have to be done however, when you consider the alternative to improving Porete, I think its [inaudible] lift.

Councilman Tanelli – understand, thank you.

Mayor Massa – any members of the council have any questions or comments?

Councilman Hughes – I'd like to open up to the people in the audience and what they have to say.

Mayor Massa – at this time ladies and gentlemen, I'll open up the meeting to the hearing of citizens regarding the redevelopment plan, please come forward with any comments and questions, state your name and address for the record and please confine your comments to the Porete Avenue redevelopment plan. Mr. Corrigan, I know you want to, had a comment before and I wanted to give you an opportunity to speak. I'm just trying to maintain the protocols of the meeting.

PUBLIC COMMENTS ON PORETE AVE REDEVELOPMENT

Jay Corrigan – 25 Stover Avenue. What are the arrangements about how we're going to get that Bethlehem Steel property? It seems to be the biggest thing there. Are there arrangements for that?

Councilman Hughes – how are we going to get it? We're not. It's not going to at any point come into the ownership of North Arlington, eminent domain will not be used. The way it's scheduled right now that's part of the Cherokee LLC Corporation [inaudible] properties. That property will be being turned over some time in the near future to the Meadowlands Commission as part of the settlement with the state of New Jersey at which time, the meadowlands will be turning around and putting it out on public auction. So the Bethlehem Steel site, the BCUA site and certain other developable two parcels of lands in that grouping will be put out for public bid. So whoever has the plan wants to put it you know come into North Arlington buy the property up, they'll be allowed to bid on that

property. The reason we need to have the plan in places is so that somebody has a concept of what North Arlington will accept to be built on that property because these properties are under the control the land use planning control of the Borough of North Arlington. They do not have to go for Meadowlands permission or go through the Meadowlands commission for any type of zoning or variance of any sort.

Jay Corrigan – secondly, would be is there any kind of chemicals that we need to do a remediation under there because after all the top of the hill use to be a dump many many years ago I remember well...

Councilman Hughes – top of which hill?

Jay Corrigan – where the bowling alley and all is. That area was all dumps.

Councilman Bianchi – no.

Councilman Hughes – no, that used to be a farm.

Councilman Bianchi – that was a farm, cabbage farm.

Mayor Massa – well if you're talking about next door to the bowling alley, talking about diamond shamrock which was a chemical facility.

Jay Corrigan – no, forget the question, but is there any problem with that we could be....

Councilman Hughes – the Bethlehem Site is a contaminated site. It was remediated to an industrial standard years ago meaning the property was capped. It was contaminated with low levels I believe of pcb's, polychlorinatedbifinols which were used in the coating of pipes that the company that used to be there used to coat pipes in insulate pipes, tar types of it.

Jay Corrigan – I think [inaudible] was a problem down there too because I remember we were going to build a little league field down there and they came back and said no you cant because its not good for the kids to play.

Councilman Hughes – it would not be acceptable for recreational purposes of any sort. At least the BCUA property wouldn't be but for an industrial standard, it has been remediated and I believe there's a no further action letter by the DEP, yeah.

Jay Corrigan – that's all.

Mayor Massa – and by the way Jay, eminent domain has a profane term with this administration. I spend a week in superior court defending the community last March with respect to eminent domain and the old Encap case so I don't think anybody has to be worried about eminent domain with respect to the Borough of North Arlington.

Jay Corrigan – did I mention that?

Councilman Bianchi – you might have.

Rich Glennon – 174 Baltimore Avenue. I have a question regarding the traffic Councilman Tanelli started to talk about it [inaudible] vehicles within that particular location and I don't know how far along this has gotten but and correct if I'm wrong because I don't know a whole lot about that site down there. Whenever we talking about traffic, it seemed that we were talking about moving vehicles within the site from the southern end to the northern end getting over one section to another. And we were talking about the concentrated team is though and also something at the northern terminals up there one road up there. What's the consideration been given to and if this think comes to pass, it seems that there's going to be a tremendous amount of vehicular traffic in and out of that facility. What about the existing infrastructure that we have right now surrounding that facility. How are you going to get things in and out? I mean we've got Schuyler Avenue and the Belleville Pike, if you go down Schuyler Avenue and make a left, there's

Porete Avenue. It's, to me that sounds problematic getting vehicles in and out of that facility the way it stands now. What would we do in terms of doing something I guess with the Belleville Pike which is route 7 and that's a county road Mr. Mayor?

Mayor Massa – that's a state highway. Schuyler Avenue is a county road and Belleville pikes state.

Rich Glennon – what problems does that [inaudible] to this particular plan of trying to do something with state highway 7 and Schuyler Avenue?

Fred Heyer – this plan is very preliminary in nature, I think as this matures there has to be a traffic study to determine what other additional off track traffic improvements will be necessary. It's likely that a project of this scale and scope would require improvements to roadways and intersections that are not directly adjacent to the properties. One of the nice things about being in the redevelopment area is you can exact contributions for offsite roadway improvements that are necessarily limited to the impact that a developer brings from his project. So it's a way of getting those offsite improvements done. It's easy to negotiate those things in the context of redevelopment but you're absolutely correct. This is not the end of it. There will be other intersections you're going to have look out and out a couple of times. You know lights and capacities and turning movements and those things but this is just the very first step.

Councilman Bianchi – I have a question for you.

Mayor Massa – councilman.

Councilman Bianchi – oh I'm sorry, you're the chair.

Mayor Massa – oh no no, please councilman then I would like to comment on a question.

Councilman Bianchi – there's been some talk, I've heard talk around town and in Kearney that there was a proposed rail stations gonna be built in Kearny there by the where Walmart is; there's a rail line there, it runs right through Kearny right through North Arlington right through this site. Have you given any thought of that rail line, supposed to be like a light commuter service?

Fred Heyer – you're talking about a passenger service?

Councilman Bianchi – I think it's a passenger service that like they have in Bayonne that takes you up to [inaudible].

Fred Heyer – like the HBLRT, the light rail?

Councilman Bianchi –yeah light rail.

Fred Heyer – I've heard similar rumors. I know it's been discussed. I'm not sure it has a high likelihood of moving forward but it has been it has been kicked around a little bit but I'm not sure how mature that idea is. Personally, I think it's rather unlikely but it has been discussed.

Councilman Bianchi – because you're entrance into this site is going to go right over those railroad tracks and I don't know whether it's going to be like a little bridge to go over, have you done any research with the rail company that owns that rail line?

Fred Heyer – right now, all we did was, we examined the topography of the area. The wetlands mapping of the area and tried to come up with a site that was feasible from a just a general planning perspective where you didn't have to have significant bridging or significant elevation changes, we have not reached out to the rail yet. I mean, assuming that the community wants to move forward with this type of plan, with this type of plan, with this type of road network alignment, again this is phase 1. If you have to test the feasibility, so the next step would be to reach out and see whether or not there are any

other regulatory or railway planning [inaudible]. But no we have not done that, we haven't reached that.

Councilman Tanelli – mayor, point of order mayor.

Mayor Massa – yes, councilman.

Councilman Tanelli – just to discuss the traffic a little bit more, Councilman Hughes and I during our meetings with the planner we discussed a couple of the intersection issues, Rich could speak more about the cellars intersection that was designed and still on the paper with the DOT I think but was never executed. Another concern we had was water issues because up near the overpass, you get a light rain and you have flooding and water issues and that was something also that we talked about hopefully that if we relay this area out it would eliminate some of that water issue that creates a major backup and a traffic jam but we also discussed that this plan allows much better access for the Porete Avenue properties so I think that the companies that are located on Porete Avenue benefit from this plan because now you're not going up an easement, you're actually going out of an illegitimate road and you have direct access to your building. So if something along these lines and we're able to get an intersection into the development, its going to benefit all of those properties as well. Right now I mean for all these years we've been going over an easement maybe its not maintained the greatest, you have problems with collapsed water pipes. Hopefully that would eliminate that if you were to do it so that's a beneficial thing, that's why I'm so concerned with the access road to get into the sight because it could benefit everybody. But I know, I don't know if Rich you want to talk about cellars intersection.

Councilman Hughes – the cellar's intersection is no longer available to us as far as the grant that was put out by the DOT years ago. That money was recouped by DOT quite a while ago.

Councilman Tanelli – but the plans are still there?

Councilman Hughes – the plans still exist. For a cellar street bridge with a jug handle crossing the wetlands just that little section of green right on the south end of the redevelopment area. Just below that is wetlands. But the proposal at the time was cellar street extension was there's a road, just keep going to the left a little bit, right there, down a bit. There's a road there called cellar street and it was to make an intersection there bringing a roadway into the Bethlehem steel cite, the plans still exist. The beauty of this plan though is I could be wrong and maybe Larry you could tell me better, I believe by coming out further east on Belleville Turnpike you avoid the flooding area. I think most of the flooding in that area is right around the cellar street area.

Larry – it actually is from cellar street including where you're proposing the intersection and that water tends to come up wash up wash over and it'll come up to where the gas station is anyway from over here in the diner and gas station so it does impede that whole area, it washes over both sides.

Councilman Hughes – but I think once we get out pass H & M...

Larry – when you pass, right, once you get off at the first overpass, you don't have a problem.

Mayor Massa – excuse me councilman. For the record, Larence, would you please come forward and put your name and address on the record because you're answering questions here which could be an important part of our...

Larry – I apologize.

Mayor Massa – no no no.

Larry – [inaudible]. I am employed by the ribbon sales company its on Porete Avenue in North Arlington for the past 21 years, 31 years.

Mayor Massa – makes you an expert.

Larry – pretty familiar with the area as well as anybody who's lived in the area that knows that needs to get to work through Belleville Turnpike. So the area that is in question, east of the railway overpass is where we fill it. Between that and the first overpass over the old New Jersey Transit line which is CSX, actually it's the [inaudible] so that's pretty funny. That was lies. There are water issues whether there [inaudible] mitigated through dredging that creek and everything else that alongside the temporary access road, it needs to be available [inaudible] that seem sot provide a lot of flooding that's done as people [inaudible].

Councilman – right okay. So this is one more thing that would have to be addressed by any developer who wants to come into that area.

Mayor Massa – well I think Mr. President, the important aspect here in reviewing this preliminary plan is a very profound role that the department of transportation would have to take with respect to the access issue and the traffic issue and I see here before me the possibility of the assistance of the national government with hopefully help from our legislative team in Washington because this type of project is going to require very extensive and expensive roadway renovations to make it viable, I don't think we can deny that and the important thing also we have to consider is that we as a community will certainly make our case and lobby for whatever federal assistance or state assistance we can get to make this a reality. Because that's an important part of the future of the community and the fact that it's so in such close proximity to the major economic markets in the country and Fred I think you got some interesting issues here and I think the next step here is to take a look at what we're going to have to put forward to the department of transportation and possibly the federal government to give us some kind of assistance to make this viable and its not just going to be a North Arlington plan, we want to make this a regional plan.

Councilman Bianchi – perfect Mr. Mayor, I'd like to say something. In the two and a half years that I've been sitting up here, this is the first night that I've seen him talk about something positive for the future of the town of North Arlington. Whether we're here or not, North Arlington's going in the right direction with this planning and the gentleman here maybe with the garbage so I think North Arlington's going in the right direction. That's all I can say. I feel good about it. That's all I have to say.

Mayor Massa – thank you. Anyone else wish to be heard on this issue? Richard?

Richard Scone – 73 Forest Street. I live on Forest Street which is one block in from Disposal Road, its very close to it. We dealt with the garbage already. We didn't care about the garbage because it made the town money and I was working down there, or go with that. However, Porete Avenue was presently what kind of a [inaudible] when they brought Terence, can you answer that for me?

Administrator Wall – I would need to look at a zoning map.

Councilman Hughes – it's in the redevelopment area.

Mayor Massa – the redevelopment area.

Richard Scone – it's not a residential zone, not a commercial zone?

Mayor Massa – no sir.

Richard Scone – does it have any specific zoning?

Mayor Massa – redevelopment area in the community has the luxury to do what it has to do with.

Richard Scone – provided they add more warehouses etc. etc. that's going to provide extra noise and smoke or whatever and I would think that the town would probably want to consider that a industrial zone or..?

Mayor Massa – well we're not going to have a steel mill down there.

Richard Scone – I hope not, I like [inaudible] nice and quiet too. I lived here for 45 years...

Mayor Massa – our objective here is like you see...

Richard Scone – I don't want to be trying to sleep and hearing a whole bunch of trucks pulling in and out of Porete Avenue down by the [inaudible] race light either. I'm just looking at the noise factor and the smog factor as a major thing and considering I live on Forest street which is one block in from Disposal road, that area I think should be considered for possibly a different zone at that juncture.

Unknown – but then what would you like to see there? Like what do you imagine being out there that would work well?

Richard Scone – actually I like the golf course idea.

[laughter].

Mayor Massa – thank you Rich. Councilman Bianchi.

Councilman Bianchi – I'd like to answer, I'd like to answer his question. Go back 25 years ago, Lyndhurst started to develop their property down by Medieval Times and the people were concerned about the same thing that lived up on Orient Way, just like people on Schuyler Avenue and it's just an accepting thing today. You have offices down there, you got Medieval Times down there, you got all those warehousing all in that area. And people said exactly what you said just now, you know the smoke, the dust, the trucks, it's just Orient Way, it just becomes a part of life and to me, Orient Way will be no different than Schuyler Avenue in North Arlington even though it's a little smaller street...

Richard Scone – I'm more worried about the property evaluation [inaudible].

Councilman Bianchi – can't help you there. Well I'm just saying Lyndhurst had the same problem and they seemed to have weathered it pretty well.

Mayor Massa – well I think what happened with Lyndhurst Joe is there was a great deal of commercial development there and it worked out well and now they have ratables and I think that's a real important part of why we're here tonight, ratables. The biggest complaint that we get from our people in the community and especially our older people living on a fixed income, the retirees, the property taxes are going to cost of living in the community and this is one of the reasons why we fought the Arlington valley project. But irrespective of that situation, we have to generate a reasonable level of ratables with responsible development to stabilize taxes and to keep this a viable community.
Councilman?

Councilman Hughes – Mr. Scone, also the way we're picturing this redevelopment plan, some of the proposed uses you saw is what considered light industry or commercial warehousing type properties. They're going to be out east of Porete Avenue so they're not going to be right directly below the cliff area, you may have truck traffic but you're not going to have the heavy like the mayor said, you're not going to have steel mill out there pounding away in the middle of the night doing any kind of that in fact most of the problems we have experienced over the years on Porete Avenue and in that area have been from a heavy industrial uses. Some of the pollution, some of the contamination problems that we've had. Some of the noise problems we've had over the years so we're specifically looking to get away from that use and having it more of a benign use similar to some of the long term warehousing that actually has recently just been built on the Belleville Turnpike on the Kearny side. Some of those new brick warehouses that are

down are absolutely beautiful. And have a very low impact on the community. So that's what we're looking to do is develop ratables and if we can get the tax rate down, it's going to affect everybody's property value.

Councilman Tanelli – you know mayor...

Mayor Massa – Councilman Tanelli.

Councilman Tanelli – also things that we always are concerned with up here is the quality of life for instance [inaudible] so that's why have that's the main purpose for these meetings is for you to come up and voice your opinions so that we can consider it when we start moving forward in development; that's why its important that people come to these open sessions and express their concerns. Our most important thing is the quality of life for taxpayers, taken care of the taxpayers and the residents of North Arlington. We all live here; we all want to see the same thing you want. We need ratables but we want to do it smart and we want do it with everybody's interest at heart. Thank you.

Mayor Massa – thank you councilman. Mr. President, anyone else, Larry sir would you please come forward.

Larry – would please go back to slide number 2? Mr. Mayor, you know I've been here before in regards to the redevelopment with the Cherokee Encap so on and so forth. Number 1 is a scary line. As a property owner, I'm not a property owner but I think if I spoke as a property owner, on Porete Avenue to redevelop land occupied by obsolete structures and uses, okay, and when you look at the Porete Avenue development, some of those buildings are older, probably nonconforming to the newer and everything else so what happens when we finally get a plan in place and we say well you're now nonconforming, what happens to that existing property?

Fred Heyer - obsolete in the terms of redevelopment means something a lot more than it would to [inaudible] observer. It's a word of art. If the building is not to code or if it's an older building its not necessary an obsolete building because you know dedicated to a viable use, its not obsolete. In terms of nonconformity, generally the way this plan is written right now, Porete Avenue allows for a wide variety of rather small scale users since there is not eminent domain proposed, they would be grandfathered in just like a change in traditional zoning would be. There would be for men to continue in their present form and they'd be a plan amendment if they wanted to expand it have to reconcile themselves with the redevelopment plan.

Larry – it was just a question because a lot of those buildings and I'm sure you've surveyed the area in great detail the twenty good setbacks and so on and so forth are almost non-existing on most of the property so when the redeveloped. Also Mr. Mayor, I just question, the 44 acres Bethlehem Steel as we know is currently not owned by anybody, its going to revert to the Meadowlands Commission.

Mayor Massa – well its owned by Cherokee right now but that's still in bankruptcy.

Larry – well its owned by Cherokee, right, and we're hoping that the property frees up however its going to go out to the highest bidder and I didn't know the Meadowlands Commission had gotten into the real estate business but you know, we addressed them on different levels, but it will go to the highest bidder. Now maybe in todays land use and somebody can come along and get that for a steal as Cherokee we know did and they decide to sit on that property, what happens?

Mayor Massa – you mean if they decide to buy it and just not develop it?

Larry – and not do anything til the properties worth more, what happens?

Mayor Massa – well that's speculative. And I can't answer that question quite honestly right now. We would have to take a look at the our legal options. I think at the present time, Rich I think you might agree with me to this, the original information we had was that Cherokee was looking to use this real estate to pay back the Meadowlands

Commission money that they owe them and land swap kind of thing and I think and I would hope and I would expect that the Meadowlands Commission would if it does put this property up for sale as it plans to so they have hired a real estate agent to do it last I heard, would be to have somebody come in and want to move it. I don't know of anybody in this economic market or real estate market that wants to speculate on property, I think they'd want to buy it turn around start getting a return for their investment.

Larry – well I would think and I think its kind of beneficial to the Borough of North Arlington that we get a return also. I mean we've been here long before and again ratables ratable [inaudible] so we only do that two ways: commercially and residentially. And residential obviously that whole concept is out the door. But you know is there some sort of contingency that the Meadowlands can put on the property.

Fred Heyer – you can. The way it works is when you have an area in need of redevelopment, you adopt a redevelopment plan. Its more than just going to the planning board and getting your development approval. You have to do that as well. But theres a second component to it. If you were a designated by the way, if you were a designated redeveloper, if you [inaudible] be the redeveloper of the property, its in the communities best interest to get into what's called a redevelopers agreement. In that redevelopers agreement, you can specify conforming meaning that you want this much built by this amount of time or if this is not built you're going to pay property taxes as though it were built. You can get into things and contingencies and leverage in redevelopment that you don't have under regular zoning and I think you nailed probably the most important thing. These properties are valuable to the community. They're good properties and you want them to be developed. Its in no ones best interest to have them sit so in your redevelopers agreement you're going to want them to negotiate terms that require performance by a certain date.

Larry – I just think its important that the Meadowlands Commission is going to offer that property to the highest bidder then something should be in place if they have to start to redevelop that and not it let it sit idle as it is anymore. I mean with that said the only other question I had was the I guess the Meadowlands Commission properties which obviously North Arlington has no say over and I read an article in the Record and they were talking about the proposals coming before North Arlington and everything else but those plans would have to go before the mayors of the Meadowlands district to okay that?

Mayor Massa – well I think you're talking about the xanadu project.

Larry – no I'm talking about the development in the Meadowlands districts. The properties that are not controlled by North Arlington.

Mayor Massa s- right well...

Larry – not the xanadu project. BCUA...

Mayor Massa – this administration will work with the Meadowlands Commission for the good of the community. That's our responsibility. And you did point out number 1 to redevelop land occupied by obsolete structures and uses and you had concerns about being kicked out or...

Larry – mayor, I know your position a long time on eminent domain and I just you know we write things and not that you write things but things can be misconstrued and everything else and you know its just a horse of a different color sometimes and that line can be a whole scary thing and I know your adamant [inaudible], you have a positive stance that eminent domain will not be used in North Arlington.

Mayor Massa – well I promised the...

Larry – I don't think that that's the issue but you know, the concern is existing business owners when the buildings deemed your not in that 20 foot setback, yes I understand

when you want to expand your business or you want to change then you have to be conforming but theres going to be no force understand you know...

Fred Heyer – I just read [inaudible] grandfather nonconforming use is in both standards where if you're five feet off the line, you're allowed to stay five foot...

Unknown – until such a time as the land use changes.

Mayor Massa – several years ago, I promised the Porete Avenue businessmen I'd stand in the way of the bulldozers, well I didn't stand in the way of the bulldozers but that young fellow and myself stood in Superior Court in Bergen County last mach and protected the rights of this community and fortunately worked kind of hard.

Larry – I think that [inaudible] your words are correct, the rights of the community not just the business owners.

Mayor Massa - ... work to our advantage.

Larry – thank you.

Mayor Massa – thank you Larry and thank you so much for your concern. Yes sir. Bob, you'll be next I promise.

Gordon Milms – mayor and council thank you. My name is Gordon Milms, I'm the engineer for Clayton companies and I just wanted to say that we're generally in favor of the plan. It looks like a good plan. We had a few comments which we submitted in writing and you're attorney was kind enough to send a letter acknowledging that. Just a few a few suggestions, we think at least from my review the plan might be a little limited on uses. I realize it's at a very early stage. But from our perspective, we recently invested over a million dollars on our property and we certainly don't want to be in any way nonconforming with the future zoning of the town. We'd like to be able to continue to do what we do there and we're tight on room. I mean we'd love to take up a couple acres for some additional area for what we do. And that would probably involve some outdoor storage so the suggestion would be that the uses that are permitted in the future zoning includes some outdoor storage which is customary for manufacturing facilities. Also, I suggested that some building heights be looked at because building heights in this type of a zone would have to be higher than what is typical, I see you already have in the plan, I see it now, you have it at 60 feet, that's good. I heard that in some of the zones and this is not our zone that the coverage would be limited to 60%, just wondering why if why couldn't it be higher than that, it might be better for the town to leave itself some flexibility there to allow a higher percent coverage. So just asking you to kind of consider that. And then with regard to the access, I think the access plan is excellent. It seems like a win situation, most of the infrastructure's already in place for that access arrangement. So, we would encourage it to continue to go that way. But thank you very much.

Mayor Massa – thank you. Robert.

Bob McClintock – 198 Rutherford Place. You know, I'm really glad we're getting the ball to move forward on this since Encap litigations over with. I do have a few concerns. I mean you did answer the contamination one but I do I mean a project like this like what is the infrastructure going to cost for something like this and how do we go about paying for things like that? you know like the impact fees I talked about. I did mention you know maybe if onsite and offsite at a few a council meetings maybe we could get something done with that and they help us in the future. I know that one intersection, I think I did read at the time was 2.4 million dollars just for that one intersection and that was how long ago so things when I start hearing things like that, development sounds great but now the infrastructure and of course I think we're going to be on the hook for that. The other thing is with the Beth Steel property, that's covered totally covered by the hundred year flood plane so I'd like to know how bad the flooding will be and you know with the hundred year flood plan, its like I look at it like this, there's a 63.4% chance that in a period covered by a 100 years that that property will flood. So that's like saying that in my lifetime, if I were to go in the ocean it would be a 63.4% chance I get eaten by a

shark, would I go in that water. No. So how bad is the flooding going to be but when you use the 100 year flood plane, that's only for the most [inaudible] flood in a 100 years. It doesn't mean you can't have 99 others that are just a little less. So to me that's scares me because once this is built and we get these tenants in there and they say guess what, you got to do something, my things flooding, you got to come in now and spend millions of dollars to upgrade this. So these are things that concern me with that.

Unknown – actually that's part of the reason why you heard the concern about the coverage being 60% which is relatively low in this environment. We recommended it be limited to 60% because you will have to do some onsite storm water retention and this will require offsite, not just the roads, but the drainage as well and the impact could spill well beyond it.

Bob McClintock – right so that to me when I hear that its like you know what, guys we've been burned twice with the water sale and with Encap, you know what I mean, like you said, I'm no expert, I'm a retired fireman. I don't have the expertise in this stuff but I know one thing I'd like to see is with any developer we make them put a bond up so we don't get holding the bag if they go bankrupt or for anything else. Anything that goes wrong, like the AIG bond, here you go, you know what fine you're out, we're getting our money back. I'd like to see that put in place. And also with the BCUA property, one of the things was for a modular home thing, sounded great and everything but I'll just read something here, the manufacturer home industry 2010, simply put here at the beginning of 2010, the manufacturer housing is in the dump in a slum okay right here. It says since late 2007, 8 manufacturer home produces out of a total 83 have went out of business so this like based on the economy. So what I picture is them moving in there and the economy's booming, [inaudible] were out of there we don't get stuck with this one use or as the gentleman was saying, a very special building there that cant really fit many things so if we do with the modular home, that does scare me.

Fred Heyer – this is the toughest piece [inaudible].

Bob McClintock – I don't want to open it up to just one type of thing where that's based on the economy because you know like I the gentleman here [inaudible], one thing you can always guarantee is what? People are going to produce what? Garbage. Look, that's just some of my thoughts. I thank you for listening to me.

Councilman Hughes – Mr. Mayor, I'd like to respond. You're right and the modular home was one suggestion. It wasn't...

Bob McClintock – that's what I was just saying.

Councilman Hughes – it wasn't one use that we're only going to allow. Also a lot of the infrastructure will have to be paid for by the developer. That's part of a redevelopment plan so when we have a person coming in wants to be our redeveloper of this property, part of their due diligence, part of their requirements that the community is going to put on them is that they do the development, they put the water mains, they put in the sewer lines, they put in road improvements, its all going to be part of them building the development.

Bob McClintock – that's something we're going to have to put on them because they're not responsible for that.

Councilman Hughes – you know that's something in a redevelopment plan, that's something you make them responsible for.

Bob McClintock – exactly that's what I'm saying. That's why when I spoke impact fees, if we had them in place so it could get the state to change them we could also make some money for the infrastructure improvements but also charge them for onsite and offsite.

Fred Heyer – you can give the equivalent of impact fees in redevelopment, you cant do it across the board New Jersey [inaudible]. But in redevelopment off track improvement

that are actually beyond the developers impact, they can agree, you can negotiate payments greater than their impact.

Bob McClintock – because once this is in, the traffic and now guess what we own those roads, we're going to maintain them, we're going to have to pave them, and I hear tonight we're looking for a grant and some of these roads are going to cost a lot of money in the future so if we had the impact fees where they could get charged for the impact they're going to have on those streets, that would definitely help us but like I said that intersection was 2.4 million dollars a long time ago, so I know maybe now we can get more since the economy is bad like Mr. Wall said more bank for our [inaudible].

Councilman Hughes – another aspect is now that we have a plan, it opens the door for us to go back to DOT and say look we have a viable plan here, can we bring this back up on the table and put it on the agenda for a grant, and it's very possible that we can get him to do that work.

Bob McClintock – but the flooding gets scammy because once they're in, they're going to find out we're responsible for that.

Councilman Hughes – that's another thing if you noticed how they've been doing to flooding problems in Rutherford on Route 17, like putting in these flood gates, most of the flooding on Belleville Turnpike area is that in that title it comes in between the Belleville Turnpike and the landfill and most of the water comes in backs up there and then starts coming over the roadway so its title from the marsh usually had mean high tide when you get a storm, that's when you have the flooding problems. They could build very easily another one of the flood type gates out there to keep that from happening similar to what they're doing in Rutherford now.

Bob McClintock – that was just my concern all this stuff in place.

Councilman Hughes – so yeah if somebody take a little hinge on one another...

Bob McClintock – we're not on the hook for it because you know what we've been dumped on quite a bit and to me...

Councilman Bianchi – you're right.

Councilman Johnson – I'm glad you admit it we got burnt with the water sale...

Bob McClintock – was it good or was it bad, what was the thing? You investigated it. Was it good or bad? You know what it should have been I'm not big for referendums but things like that maybe you need to put on a referendum and let the people actually speak and if it goes through fine, then there is no spending extra money to reinvestigate it.

Councilman Bianchi – Mr. Mayor, I'd like to say...

Mayor Massa – Councilman Bianchi.

Councilman Bianchi – here's a question, we had a gentleman here a few minutes ago from Clayton Block and I think I read through what he was saying about usage. Clayton Block, their storage is basically outside and I was listening to you before and lets just say a company comes in and wants to use the property as open storage, lumber, brick, anything that can stay outside, can we charge them taxes as though they had a warehouse on the property? You said something like that before.

Fred Heyer – that's an interesting concept. In the redevelopment area, you can negotiate what are called payments in lieu of taxes...

Mayor Massa – pilots.

Fred Heyer – which you can base on [inaudible].

Councilman Bianchi – that’s a scary saying because that was a [inaudible] lot years ago. What I’m trying to say is if say a company, a guy comes in, he builds a warehouse and he builds a smaller warehouse and alongside the warehouse he has open storage, can we as a town before we grant permission to build maybe Terence can answer this question or you, or the attorney...

Fred Heyer – it’s a question for your attorney but its an interesting question.

Councilman Bianchi – yes, okay. A guy comes in and says okay I’m only going to build 50% of my property with a warehouse so that’s all we can charge him for taxes and the rest is going to be open storage, can we charge that gentleman that’s going to own that building as though it was a covered structure?

Bob McClintock – I don’t think so because its not a covered structure.

Fred Heyer – if you can negotiate a pilot payment on whatever terms you really want for example if you’re expecting someone to build a 50,000 square foot building in five years, I’ve seen redevelopers agreement that said if its not there in 5 years, you’re paying taxes even if nothing is there. you’re paying taxes on the whole nut as though it were completed. So, its all in the terms you negotiated and the real power in this thing is the business deal associated with that developers agreement because as a governing body a lot of the traditional shackles that you cant do are, you know you release from you can, it becomes a business deal. You [inaudible] deal that you can make and you can include novel payment schedules.

Councilman Bianchi – like you were saying 60% of the property should be a building. Suppose they build 40% of the property and keep the other 20% of the property for open storage, tractor trailers, or just trailers with stuff in it and stuff like that, can I don’t know maybe the attorney can answer this question, can we charge them for taxes as though they had 80% of the property covered?

Fred Heyer – it wouldn’t be taxes, it would be payment to the north access [inaudible].

Councilman Bianchi – well okay yeah.

Councilman Hughes – yeah but if you recall, we’re setting the minimum coverage of the properties by the plan and the subsequent noting that goes with it. So were setting that if you buy this property, you got to cover 60% of the property with a building.

Councilman Bianchi – with a building.

Councilman Hughes – that’s what the plan says. Minimum.

Councilman Bianchi – with a building. So then somebody just cant come in and say well listen I’m just going to park cars here, you know what I mean, cars from port Newark.

Fred Heyer – now the way its written right now with a building size is like what you’re talking about is kind of a novel twist that if you send this plan out there and for example five years, you cant get all of the buildings built, than you have another user that comes in and only wants to build half the buildings, well then you can open it up to that kind of redevelopment...

Councilman Bianchi – you have to pay taxes on the whole building even though its not there?

Fred Heyer – yeah.

Bob McClintock – I just had one more thing. Also, sometimes this is all great but you know sometimes when you get a plan, who are the companies that want this? What company wants this? You know what I mean, like who wants this data center stuff, give me a name. You know like I could say put something down there but if I don’t have

somebody that wants to come there or already have a list of people that want that, what good is it, it's just a plan.

Councilman Hughes – most of the clothing warehouses in Secaucus that use to be there years ago, they're all data centers. They're taking over the warehousing in Secaucus with data center.

Bob McClintock – but that's what I mean. So say x, y, z datacenter is looking for this, give me a name because when I see just a plan, it looks great on paper but if no ones looking for it...

Randy Pearce – its okay to zone that way.

Bob McClintock -... you know what I mean?

Randy Pearce – the zoning's out there for people to look at and say I can put my use on that property.

Bob McClintock – but what I'm saying is as he's coming in say, data centers, I'm like well who uses data centers. I don't know anyone. I know the first thing about money but not data so to me its almost like these companies are using this. Like I can give you the names of all the modular homes that went out of business, all the companies, I can give you their names right now, so I should say to you this company, this company went out of business or this company, this company, this company are looking to do this type of thing. So to me that makes it so much easier as a taxpayer to maybe foot the bill for something like this knowing that there are a list of clients, its almost like I [inaudible] developer, I'm not going to build this house unless I can sell this. Right? Unless you have a buy for it, you're not going to build that extra house. Builders do that right, they don't build the house until they have a buyer for it.

Councilman Bianchi – but Bob there is [inaudible], like I was just at Costco today and across from Costco there use to be ADT, they demolished that whole building, they put up a gigantic building. I don't know what's going in there but there is companies out there looking to build. I mean the site was enormous that their building.

Bob McClintock – but tell me there are companies, [inaudible] companies?

Councilman Bianchi – oh I don't know.

Bob McClintock – well that's what I'm saying, I don't know. You know, so [inaudible]

Unknown – that's the developer's job.

Mayor Massa – we do get people who've indicated interest in building warehouse here.

Councilman Hughes – there has been a number of people interested...

Mayor Massa – and they're reputable developers.

Bob McClintock – then fine, then I don't have a problem with it but that's what I'm saying as long as we have someone that is looking for that type of thing it makes sense. If we don't have someone that's looking for it, it doesn't make sense.

Councilman Bianchi – well Bob, you got to understand where we're located.

Councilman Hughes – that's why we hired this gentleman here to do that.

Bob McClintock – but that's what I'm saying, he's just saying these types of buildings and I'm saying well...

Randy Pearce – he's just saying possibly, just possible uses. He's just giving us concepts.

Bob McClintock – okay.

Randy Pearce – who knows? Anyone can come walking in from [inaudible] and say we want to do this. The gentleman from the garbage industry thing, that's a new concept.

Bob McClintock – okay.

Randy Pearce – alright. Just concepts.

Bob McClintock – thank you.

Mayor Massa – thank you Robert.

Councilman Tanelli – point of order your honor before we adjourn.

Mayor Massa – Councilman Tanelli.

Councilman Tanelli – being that the water sale came up, I wasn't going to bring this up til the 19th but being that its such a laughing matter spending 30K on an investigation, I'd like to know are we ever going to get any results from that investigation, was there a time limit put on them, 90 days, 180 days?

Mayor Massa – do we have any?

Councilman Tanelli – because it seems to be a joke, so.

Mayor Massa – any [inaudible] reports yet on file from the engineer and attorney and the water investigation? I haven't seen anything.

Administrator Wall – in the clerks office [inaudible] mayor and council know that at this juncture.

Councilman Hughes – the way I understand it because of the reluctance of Passaic Valley Water Commission to provide records through OPRA, it had delayed the process substantially. When I think they're hoping to have a report to this council by the September council meeting.

Councilman Tanelli – thank you.

Mayor Massa – thank you councilman. Any other persons wish tot be heard regarding the Porete Avenue redevelopment proposal, development plan? Any other business before the mayor and council?

Councilman Bianchi – I'd like to just throw something out on the floor...

Mayor Massa – Councilman.

Councilman Bianchi – being we're talking about redeveloping and its on 10 minutes to 9. Ridge Lumber company, we're trying to redevelop Ridge Road. Ridge Lumber company is going to sit there and sit there. I know were working on these factory down on Schuyler Avenue also.

Mayor Massa – that's correct. Two eyesores in the community that make me very upset when I drown down either Schuyler Avenue or Ridge Road.

Councilman Bianchi – two eyesores, yes. You don't know how upset I am that's why I'm bringing it up.

Mayor Massa – well quite frankly I think we all know and please correct somebody is I'm wrong, these two pieces of properties, this development is the victims of national recession and money problems, this is what we hear. The developers wanted to do that. we put all the plans in place, all the approvals our planning does, zoning boards went

crazy reviewing the documentation, the developers spent probably tens of thousands of dollars in legal fees and architectural fees only to see their source of revenue dry up. So, I would like to be able to wave a magic wand and see these things happen but right now we can't do that councilman. Councilman Hughes and I even have made arrangements to try see what can be done with Schuyler Avenue.

Councilman Hughes – just a thought and maybe Mr. Heyer can answer this or Mr. Pearce, could we put out a request for development proposal for the Ridge Lumber property?

Fred Heyer – do you have a developer already?

Councilman Hughes – no.

Fred Heyer – sure.

Councilman Bianchi – I cant even find out who owns the property. the tax office, I went down to the tax office, there's a guy paying the tax lien, some guy from Englewood.

Randy Pearce – no that's, tax lien is simply the tax gets paid to the town; you buy a tax [inaudible] certificate so the town gets paid but the ownership is of record.

Councilman Bianchi – oh it is.

Randy Pearce – oh absolutely. There's an owner, trust me, there is a deed and there's an owner.

Councilman Bianchi – well I went down to the tax office and I couldn't get it. I got the name...

Councilman Hughes – you got to go see Denis McGuire Tuesday night.

Randy Pearce – it exists Joe.

Councilman Bianchi – I know that there's a guy paying the taxes on the properties.

Randy Pearce – that's just so the town can meet its budget requirements and that when that gets redeemed someday, it's 18% interest on that.

Councilman Bianchi – yes I understand that but I can't even get a hold of the original owner to sit down and talk with them to see like what he wants to do with that piece of property.

Randy Pearce – if you talk to Denis, he'll be able to get the answer.

Mayor Massa – Councilman I would have expected that the bank, I think its still a bank that might own that title to or might have a strong [inaudible] interest in that real estate would be doing something to turn it over. I can't understand it...

Councilman Bianchi – I can't understand what's going on.

Mayor Massa – anybody having a nice piece of prime real estate like that and not doing something with it so...

Councilman Bianchi – we want to put North Arlington on the right track.

Mayor Massa – I will check with the, with Mr. Sarlo to see if he's heard anything further from anyone on it. And I think we're going to go along with these recommendations and possibly if whether we can legally can on [inaudible] borough attorney with respect to or the planning board or zoning planning board attorney or whoever the whoever the legal entity has the appropriate authority to handle that for the community whether it be our

borough attorney or the planning board attorney to take the proper action and try to shake the tree a little bit.

Councilman Hughes – but it is a redevelopment zone so we have some leeway there.

Councilman Bianchi – what do we have? What type of leeway do we have being its in the redevelopment area, you said it's the council? Its been sitting like for five years the property.

Fred Heyer – you may want to make some phone calls to owners and people that are interested before you take any extreme action, you may want to contact the people and probably the financial institution that has [inaudible], I would talk to them first.

Mayor Massa – I think that's an issue that the councilmen want to take up at executive session at a further meeting to discuss our options. Anyone else wish to be heard on this very important issue tonight? I want to thank everybody for their participation. I want to thank Fred for a very nice presentation and want to thank the members of the council for their diligence and their hard work with this project. There's no other business. Motion to adjourn...

ADJOURNMENT:

MOTION TO ADJOURN

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

Terence M. Wall
Borough Clerk