

MINUTES

REGULAR MEETING, THURSDAY, MAY 13, 2010 AT 7:00 P.M. OR AS SOON
THEREAFTER AT BOROUGH HALL

OPEN PUBLIC MEETINGS ACT.

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

ROLL CALL:

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

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

PLEDGE OF ALLEGIANCE

Mayor Massa – Mr. Clerk, I see that on the agenda there's a presentation to be made by the fiscal planner, however, I don't believe she's arrived yet...

Councilman Hughes – no she's delayed in traffic.

Mayor Massa – okay at this time we'll go directly to the hearing of citizens on public comments. Anyone who wishes to be heard, please come forward, state your name and address for the record and address the chair. We respectfully request that you restrict your comments to three minutes which will be timed by the borough clerk so everyone present has the right to be heard. Neither myself nor the members of the council will comment on the hearing of citizens until all citizens have been heard. So, if anyone wishes to be heard, please come forward, state your name for the record.

PUBLIC COMMENTS

Rich Glennon – 174 Baltimore Ave – Mr. Mayor, Mr. President, council members, since I'm going to be limited to three minutes, I have two issues I'd like to bring up.

Mayor Massa – certainly sir.

Rich Glennon – one is in reference to the new municipal judge that we're going to be picking. We have had some issues with the last judge. In today's North Arlington Leader, I'm quoting Mr. Tanelli said he took a different perspective about the judge. Said he raised white flags in January about Mr. Delvecchio's appointment, wasn't too crazy about him. We had a previous judge. Judge Yampaglia. I have here New Jersey Election Law Enforcement Commission printouts; goes back to the year 2003 up to 2009. We chose that Judge Yampaglia was a contributor to the Democratic Party which is great. We've always or we have heard here recently about pay to play in that Mr. Delvecchio was appointed a judge unless he worked with the Republican Party. This is here for anyone to look at. Judge Yampaglia contributed to the Democratic Party from the year 2003 through the year 2009 when he was sitting here as the presiding justice in this municipality. If that doesn't raise a flag for anybody, nothing should. He is giving money to your party, while he's sitting here as your judge. Next thing, I want to make reference to a meeting that was held here last night, a zoning board meeting. I'll purpose my comments by saying I was a member of the zoning department for five years. I have never seen a zoning board meeting or any meeting like that travesty last night. Every member who sat on that board last night should effectively resign including the attorney. Anybody who was sitting here who was at that meeting last night can verify what I say. We sat here for two hours and 15 minutes discussing how we are going to measure a fence. And all of the members at that board did nothing but talk about the individual who was here as the applicant which was Mr. Nick Antonicello. I don't know if Mr. Antonicello was a member of the zoning board any longer or the planning board. I know he was chairman when I was a vice chairman of that board. These people sat up here and talked about what a great guy Nick was and wonderful things he was

May 13, 2010

doing for the borough by putting up a fence that was illegal. I voted on fences with Mr. Antonicello where he denied applicants and to come here before people that he hand picked for that board, it's a travesty. Resign every one of them. They don't deserve to be on the board. That's it.

Mayor Massa – thank you sir. Anyone else wish to be heard? Name and address for the record.

Ann McClure – 10 Bayliss St – the first thing I want to compliment is our police department. We had a blackout here the other night and if anybody thinks that these guys get paid too much money, they got another story to tell because these guys went out there and put their lives on the line. Eight of us were out there and we watched them. In fact two of the fellows on the corner of River Road and the Pike, they almost got hit. They were trying to put flares up and the guy didn't see him and he jammed down his brake. But we went through all of the town and these guys really broke their backs and I think they should be complimented. And nobody should ever say if they don't see what they do that these guys get paid too much money because they don't. If anything, they don't get paid enough. That's number one. Number two, as far as the street department goes, I don't think these guys could work any faster doing the potholes then what their doing. They're doing a phenomenal job up and down all the side streets, especially Crystal Street. That street is the worse. And the guys have been out there and they've been filling up all the potholes really good. So they should really be complimented. And number three, I would give an open invitation especially to you Mayor Massa that when Father Anthony gets ordained for his first mass, we would love to have you over there. This kid is the most unbelievable kid that I have ever come across. And I'm sure the monsignor would love to have you over there and this young man, once you meet him, you'll love him. He's the greatest. That's number four. As far as the blackout goes, there were two women standing on the corner of River Road and Hendel and I don't know who they were, I've never seen them in town, but they tried to bust into one car and we jumped out and stopped it. You couldn't get the cops over there because there was no light to see. So we jumped out and we actually stopped them. And they took off and they ran like a bat out of hell. And I'd say maybe in their late 20's or early 30's and as far as the people at the Arlington Diner, I thought two of them was going to be up here at night but they also wanted to compliment your guys here on the department. And number four, Robert Kairys, from the building inspector's department, I never thought I would get up here and say this about him but he's doing a superb job. Okay, have a good one.

Mayor Massa – thank you Mrs. McClure. Your comments are appreciated. The record will reflect that Mr. Kairys is present in the room this evening. Anyone else wishing to be heard?

Richard Shemp – 60 Schuyler Ave – I'd like to make a recommendation that you take the hearing of citizens and you move it to the end of the meeting. Reason why I say this is you could have all the rules you want about the time and all this [inaudible] which you're trying to do but when you got a full agenda, okay, and you want people to attend the meeting and we come up here and you go through an agenda, if I have a question of what went on at the meeting that night, I have to wait all the way to next month to ask you. That's it.

Mayor Massa – I'll answer that for you. Thank you sir. Anyone else to be heard?

Bob Norcia – 108 Sunset Ave – I was at the meeting last night also and it was a disgrace now it was handled.

Mayor Massa – I'm sorry sir, I didn't hear your comment.

Bob Norcia – I was at the meeting last night...

Mayor Massa – okay the zoning board meeting I gather you're referring too.

Bob Norcia – yes sir. And I said it was a disgrace, the way it was handled, how they looked and everything else. I mean you'd never know they had the job that they have. Councilmen Sarlo repeatedly said something that he said in 2007, 7/18/2007, “we don't know how to measure a fence, we don't know how to measure a fence”.

Mayor Massa – just so you know, Mr. Sarlo is not a councilman. He is the attorney for the board.

Bob Norcia – the attorney, I'm sorry.

Mayor Massa – just to correct that issue. Thank you. Please continue.

Bob Norcia – I went through the same thing myself, “we don’t know how to measure a fence”. It seems that whoever the people are involved, mayor, had the connection with the town and they don’t have to do things. This violation that my neighbor had, she got three tickets for, nothing was ever corrected. I one the council; won the meeting and it was five to one, nothing was ever done. You went on to say we don’t know how to measure a fence, this is over three years, you don’t know how to measure a fence. You measure anything from the ground up to whatever your measuring, I mean whoever, human beings, steps, mailboxes, because its on a slope has no bearing because if its on a slope from the bottom to the top then you drop it down as you go it still stays 6 foot. It’s getting ridiculous. Why don’t they speak the truth and say exactly what it is. The measurement’s 6 foot, that’s the way it is. Its over three years, they’re still saying they don’t not, these are leaders in the town. These are your people. They don’t know how to measure a fence. Its in violation. Mr. Antonicello went on to say that people across the street had 6 foot 8, somebody else down the street had 6 foot 6. He was on the committee, why didn’t he say this before. He’s saying it now because I guess he’s under the gun now with something that he did illegally with no permit and I was told by him if you had no permit, it had to come down and you start all over. So, where do we have, people are getting certain priorities. Some people can do it who are friends with everybody in this building, and other people get tickets, they have to pay fines. I ask about the fines that my neighbor got. She had three tickets. No one, no one ever, Mr. Pearce, answered that response where she got three tickets. I asked “well what was the cost of the tickets”. I was told...

Mayor Massa – please direct your comments to the chair.

Bob Norcia – I was told well it was a legal thing and I wanted to fit, address Mr. Pearce.

Mayor Massa – Mr. Pearce is not involved in the issues regarding the zoning board just for the record. I got your off the hook.

Bob Norcia – the tickets were issued. I asked what was the amount in tickets because other people in town were fined \$500 a day for not correcting the violation. She went on two years. They gave her a ticket, a ticket, and then a third ticket. Nobody says nothing. I can’t get any information. I also addressed you at a meeting about a letter...

Mayor Massa – just to advise you Mr. Norcia, you have run slightly over the three minutes but I’ll allow you to continue another moment.

Bob Norcia – this will probably be my last time. I mean this is going on ridiculous. I know there is no rule saying you ask people that the town and taxpayers to spend only three minutes to five minutes. There’s no rule saying that you have to take five minutes. The reason why I’m saying this is...

Mayor Massa – protocol here, I just want to make sure if that if anybody else wants to be heard, we give them an opportunity to be heard. I would definitely allow you to continue after...

Bob Norcia – but there was someone here a month ago that spoke for 15 minutes. Now it’s a discrimination thing.

Mayor Massa – no its not a discrimination thing. It’s a determination made by the chair to...

Bob Norcia – if you let someone else do it and I can’t now, its discrimination.

Mayor Massa – I don’t want to engage you in an adversarial proceeding. However, we said the protocols the beginning of the meeting. It was agreed to by the council president and we would like to have everybody heard tonight that wishes to be heard. After they’ve all been heard, I don’t care if you want come here and address me for two hours.

Bob Norcia – I might take you up on that. It might take a while. Now this letter that was very important to me where my neighbor Linda Jacewich attacked the police and North Arlington Department of Public Works. She said that Mr. Norcia constantly has people touring his property. This involved the camera that was facing my yard which Mr. Wall came down and Mr. Bianchi came down said it was illegal. Nothing was done for seven months. So she writes an article that to the town, Mr. Wall has won, the police have won, I believe you had won also. Mr.

Norcia constantly has people touring his property. This has a card in the past and continues. Afterward these individuals including Pete, DPW, and North Arlington Police Department would leave his garage with packages of what I suspect is deer meat. Why hasn't anyone come to my house to review this situation? In addition, I have always found town trucks to make prior deliveries to Mr. Norcia's home. Bags of mulch, grass seed, and other seasonal uses for private use.

Mayor Massa – okay Mr. Norcia, you've spoken about five minutes. Anything further you want to discuss. Because we'd like the opportunity to address those comments.

Bob Norcia – This letter that was in the paper, I find it very discriminating, annoying, I said it at a meeting months ago, “don't let North Arlington turn into Jersey City and Secaucus, Hoboken” all of them. We go here with a [inaudible], Mr. Antonicello was given away jobs.

Mayor Massa – you're making an allegation that has not been proven and by the way has been investigated. Just so you're aware of that.

Bob Norcia – I'm going by what I read mayor. If its not true [inaudible]...

Mayor Massa – just because it's the newspaper, don't mean everything is true.

Bob Norcia – I'm reading what the papers [inaudible]...

Mayor Massa – you have the right to believe what you want to believe. Court of order.

Councilman Tanelli – times run out.

Bob Norcia – you want to kill the time right? I just said it before, you allowed somebody else to talk for 15 minutes, now you don't want me to talk.

Mayor Massa – Mr. Norcia, we've been extremely patient with you this evening. We've given you 6 minutes. Does anyone else wish to be heard? If anyone else does not wish to be heard and you want to continue Mr. Norcia, I'll allow it.

Bob Norcia – no one else.

Councilman Tanelli – point of order, your honor.

Mayor Massa – Councilman Tanelli?

Councilman Tanelli – I just have a quick question before Mr. Norcia continues. Mr. Kairys, has this fence situation been resolved? Has the fence not been taken down to 6 foot?

Robert Kairys – this one?

Councilman Tanelli – that Mr. Norcia's, that he continues to discuss.

Robert Kairys – the section that was violating, that was in violation, they did pay for it to have it reduced and it was approved by Rick Fernandez back [inaudible]. So the case was closed on, Mrs. Jacewich's situation was closed as per the borough.

Councilman Tanelli – my question is there was a violation, the violation was satisfies correct?

Robert Kairys – yes.

Councilman Tanelli – thank you.

Mayor Massa – thank you councilman.

Councilman Bianchi – I can comment on that. I can go a little further.

Mayor Massa – point of order, councilman.

Councilman Bianchi – point of order, I'm sorry. Well what had happened with this fence was, I was there with Sal DiBlasi for two three hours. The fence was over 6 foot. It was 6 foot 5, 6 foot 7. The whole length of the fence. The 100 feet of the fence. So to camouflage the 6 foot, she put dirt on the bottom of the fence on her side. She build it up, built it up, until it was 6 foot and I don't know if legally you can do that or I don't know the law when it comes to that. it was a part of the fence that they did fix that was on concrete, so they couldn't build it up. That they lowered and now the fence is in compliance but its not in compliance on his side of the fence. On his side of the fence, its 6 foot 5, on her side of the fence its 6 foot. So that's what I, I was there with Sal and we stayed there for hours. And then also too which he had with Rick Fernandez was there along with Robert and an attorney. What had happened was when she put the fence up, she had a four foot cyclone fence up, okay? And when she put her new fence up, she had six inches between the fences. She left her old fence up. She couldn't see it from her side but he could see from his side. So weeds grow between the fences and papers get in there and garbage gets in there and she agreed and I even asked her myself, 'Mrs. Jacewich are you going to get on your hands and knees and pull all these weeds out you know when they start growing.' "Yes I will do that." Sal said yes she agreed to it but she never did it. So I can understand the guy's plight but I don't know where we go.

Councilman Johnson – point of order. I think last night the engineer had noted that when Mrs. Jacewich, she built up the grade of the fence so she blocked the free flow of the water so that applies to, I think the engineer would refer to Mr. Antonicello's situation. He can build up the grade to make it a 6 foot fence instead of a 6 foot 6 fence to some extent like that and that's Mr. Norcia's problem. Mrs. Jacewich did a similar thing, built it up with cement on the other side and now it stops the free flow of water and the man, I was in his backyard, it's like a swamp after a big rain storm and that's where the problem really begins and ends and that's the heart of his problem.

Councilman Tanelli – point of order.

Mayor Massa – Councilman Tanelli.

Councilman Tanelli – this has been an ongoing issue for three years...

Councilman Bianchi – three years, I was going to say that.

Councilman Tanelli – somebody last night made a recommendation that this board come up with a, I mean Mr. Norcia's talking about since 2007 hearing Mr. Sarlo say he doesn't know how to measure a fence. Well in theory, when you look at the ordinance, it doesn't specifically say where it's supposed to begin to measure as it does if you were to build a house where you would measure on grade when you were going to do improvements to your home. Maybe its about time that this mayor and council decide specifically by ordinance how to measure a fence and where you're measuring from and it satisfies these issues and then if we have to go back and correct issues in the past or if they're grandfathered in, that's a determination we're going to have to make but that'll resolve a lot of these issues going forward. I mean more specifically, Mr. Norcia's been here for three years and nothing's ever been addressed except keep going back to his house getting told its okay and its fixed, then he shows up again for another six minutes, three minutes, and its still not rectified.

Councilman Bianchi – point of order mayor. Steve, you're right. The problem we have here is this problem's rancid through the whole town. He just don't have this problem. Nick had a problem last night but it's all over the town. People putting up these stockade fences and what they're doing is they're breaking the law. They're encroaching a corner piece of property. They're going to too far towards the corner making it almost a blind corner. I think Robert if I'm not mistaken, you're going to go only [inaudible] passed the back of your house along the side. Put one of those stockade fences on the corner of his property.

Robert Kairys – the corner, it's a measurement based on the size of his property. I know what you're saying for one point. Just to confer to everybody, mayor and council, the board did make a decision. I'm not going to wait 'til I get the resolutions from them, from the attorney that I do believe they're forwarding to you; I did talk to Mr. Sarlo yesterday. I'm going to forward the copy to the mayor and council with a possible change to the fence ordinance to make it a little bit clearer because its not clear and that was a discussion that we had after the meeting that I was trying to have last at the end of the meeting, and the last bit was that we were going to get

something for the mayor and council and to the borough attorney so that possibly having a change to the ordinance. That is what we'll formally be waiting for.

Mayor Massa – thank you Mr. Kairys.

Councilman Johnson- point of order mayor. I believe that the engineer also last night said that there are some guidelines. They're not in our ordinances that regulate the free flow of water whether you can block the flow or not and maybe that's something we should take a look at because Mr. Norcia's problems, you know he's not making this up. I mean when it rains, you have a swamp in your backyard.

Bob Norcia – never had it for 25 years.

Councilman Johnson – right.

Mayor Massa – Councilman Tanelli.

Councilman Tanelli – not to labor the point, but this was looked into last year and based on Mr. Delia's recommendation and Mr. Sarlo's, there is nothing on the books that they were able to locate and had anything to say about free flowing water because Mr. Norcia also has a wall on the other side of his yard that I guess would be impeding his neighbor. You can't, there's nothing on the books that says you can't build a knee wall on your property or on their property. If I wanted to build on the right side of my property and it made water retain in his yard, it becomes Mr. Norcia, based on legal opinion by Mr. Sarlo and Mr. Delia, it becomes Mr. Norcia's responsibility to alleviate the water problem.

Councilman Johnson – there's nothing on our books though but I know the engineer had referenced something, maybe some bigger guidelines or guidelines somewhere else, County guidelines, something that maybe we could adopt.

Mayor Massa – Perhaps we could have those guidelines reviewed by the engineer they could be submitted to the mayor and council for adoption and review and enact into ordinance. We will ask the clerk to work on that expeditiously and further more, we would also want to take a look at any other issues regarding the measurement of fences so that in the future these issues can be properly adjudicated by the construction code official without these individual cases coming before the zoning board, the planning board, the mayor and council and encumbering the resources of the community unnecessarily so that there'd be a clear explanation of what the issues are. Councilman Bianchi is pretty much well articulated the fact that there are a number of these issues throughout the community which have existed over decades and possibly even generations because of a lack of uniformity and a lack of enforcement. So now it is cast upon this administration to ensure that the ordinances are enforced and that is what we will do but we have to start from square one and most likely based on a recommendation of the councilpersons here, take a look at what should be done, recommendations by the attorneys, recommendations by the engineer. Is there anything further you have Mr. Norcia?

Bob Norcia – just to read this quick. And don't take it personal.

Mayor Massa – could you please come forward so it's picked up on the microphone? And identify what this document is.

Bob Norcia – it's the meeting that you and I had with Mr. Wall. You scheduled a meeting at 10 o'clock in September. At the meeting, when I arrived at 2 minutes after 10, I was standing in the hall til 10:26, you guys had your coffee. At that point, I showed you the information that I was trying to prove. I showed you my photographs [inaudible] and you kept saying what's this, what's that, whose property is this, I argue with you people involved aloud. Linda Jacewich, to camouflage a serious violation pertaining to the six foot five. No one ever from the first day came upon to inspect the complaint. Mr. Wall came down, he said he went down there a dozen times, it's quoted in the paper. He was, you were only down my house one time. That's not the truth, that's a lie.

Terence – that's false sir.

Bob Norcia – it's in the paper 12 times, you...

Terence – I'm sorry, I can't let you just say something like that.

Bob Norcia – well it's false, it's in the paper.

Terence – I'm sorry, I can't let you say things like that.

Mayor Massa – for the record Mr. Norcia, not to interrupt you but that meeting we had with myself and Mr. Wall and you was October the 3rd as I recall it at 10 o'clock. No I'm sorry, it was October the 13th, I think it was the day after Columbus Day.

Bob Norcia – it was the 13th, I didn't want to say the 13th because everything's going wrong since I got started with this thing.

Mayor Massa – and what I did was I extended myself to listen to your issue.

Bob Norcia – you did.

Mayor Massa – which really is not within the scope of our responsibility but as I try to do with everybody in this community who has a problem, everybody wants to talk to the mayor in this town, and that's okay. They think that the mayor can solve their problems.

Bob Norcia – well when nothing else is done, who they going to talk to mayor?

Mayor Massa – sometimes the mayor can't solve the problem because the mayor doesn't have the authority to order neighbors not to do something as you ask me to do. You said you wanted me to *tell* her to do something if you recall during that meeting and I told you I cannot order Mrs. Jacewich to do anything unless we have the proper official a cite a specific violation and I think at that time the determination was made that there had not been, that the violation had been corrected and there was no violation of any water drainage that I was aware of at the time.

Councilman Johnson – point of order, mayor, if I may. I think we have a plan of action here. I don't think we need to rehash the old details. We're going to go forward. The engineers are going to look at the situation. So, instead of putting more bad blood on the table, let's move forward.

Bob Norcia – alright, I'll just quote this letter. Mr. Antonicello told at the variance committee, 'this is your fault, that's why were here. You didn't do what you're told.

Mayor Massa – excuse me, Mr. Antonicello is not present, are you talking about the meeting you had with me and the borough administrator?

Bob Norcia – yes.

Mayor Massa – he wasn't there at that meeting as I recall.

Bob Norcia – I'm just stating what he said.

Mayor Massa – he wasn't at the meeting with you, myself, and Mr. Wall.

Bob Norcia – no he wasn't.

Mayor Massa – okay, so please clarify that issue.

Bob Norcia – I'm trying to bring something out.

Mayor Massa – well when did Mr. Antonicello tell you this? I think its important that you be accurate in your statements.

Bob Norcia – [inaudible] its on your records. Its at the...

Mayor Massa – when did he say this sir?

Bob Norcia – 2008. exactly what month, I don't know when he, no, September of 2009. that's when we had it.

Mayor Massa – please continue and you can put on the record whatever you wish.

Bob Norcia – well I'm saying is he was here last night; he said to me that you have to, if you don't have a permit, you're not supposed to be putting up a fence. If you put up a fence, its got to be 6 foot. Here it is at a meeting, on tv, that he's saying that you did something wrong, that's why we're here. So, you know, if he wants it, practice what you preach, in other words, that's what I'm saying.

MOTION TO CLOSE PUBLIC COMMENTS

Mayor Massa – okay. Motion to close hearing of citizens?

Councilman Tanelli – I'll make that motion

Mayor Massa – motion by Councilman Tanelli. Second by Councilman Bianchi. Call the roll.

Terence – Councilman Bianchi?

Councilman Bianchi – yes

Terence – Councilman Hughes?

Councilman Hughes – yes

Terence – Councilman Johnson?

Councilman Johnson – yes.

Terence – Councilman Kearney?

Councilman Kearney – yes.

Terence – Councilman Tanelli?

Councilman Tanelli – yes

Terence – Councilman Yampaglia?

Councilman Yampaglia – yes

Councilman Tanelli – point of order your honor.

Mayor Massa – Councilman Tanelli.

Councilman Tanelli – I'd like the record reflects specifically Mr. Glennon my comments back in January, my two comments. Inexperienced, not having been a municipal judge before and the second was a conflict of interest with his outside interests. They were the two reasons I brought up personally at the January meeting. That was what I flew the red flag on and I was criticized after spending five years on this council by somebody that was on for ten minutes telling me that instead of Tanelli making a spectacle for political reasons onstage, he should have looked into their background. I did. And I'm sorry that no one else thought that it was important because now he has resigned based on conflicts of interests, correct? Thank you. One more thing, isn't it true that you resigned from the zoning board?

Rich Glennon – yes.

Councilman Tanelli – okay, do you have a reason why because it seemed to be shortly after the November election when the ballots seemed to disappear.

Rich Glennon – it had nothing to do with the election.

Councilman Tanelli – okay, I was just checking, thank you. I'm done.

Mayor Massa – thank you councilman. Any other councilmen want to comment with respect to the hearing of citizens? With myself, with respect to Mr. Glennon’s comments about former Judge Yampaglia making political campaign contributions. Former Judge Yampaglia was not censured by the superior court assignment judge for that issue and Judge Delvecchio was not censured for that issue either. He was censured by the Judge, Judge McGeady for the conflict of interest issue, so with respect to the conflict of interest issue, that was the only matter. There was no issue there with respect to political campaign contribution and also you made a comment regarding the zoning board meeting last night, you’re asking for their resignation. I think if you want to ask the members specifically at that meeting for their resignation, you could appear at the next meeting and so do that. You made some allegations regarding the protocols and proprieties regarding the zoning board meeting. I will examine those allegations myself with the proper protocols and proper review that falls within the scope of my authority. If anything happen that falls outside the scope of my authority, I would refer that matter to the proper agency whether it be the department of community affairs or any other agency responsible for oversight of zoning board. Mrs. McClure, I’d like to thank you for your comments regarding police department and street department and the invitation to the first mass of father Anthony would be an honor in light of the fact that I served for eight years as an altar boy at Queen of Peace church and served many first masses for many young priests that were ordained that lived in this town and that grew up in North Arlington. I could down a whole list of priests. I want to thank you for your comments about our enforcement people who do the job. Many times they’re criticized for not doing their jobs or their criticized for doing their job. Well, it’s like that with any other enforcement officer and any other officer in municipal government. I may make a decision that some people like, I may make a decision that some people don’t like but I have to make the decision and I have to make that decision based upon the information I have in front of me just as police officer and code enforcement officers have to do the same thing. Now Mr. Shemp, you made a comment with respect to the hearing of citizens being brought to the end of the hearing of citizens being brought to the end of the hearing, end of the council meeting. That would require a change of the bylaws of the mayor and council which would be subject to review by the mayor and council, if they feel that it would be appropriate and more effective governance. And lastly I think with Mr. Norcia’s comments, he said that some tickets were issued, there were no fines paid. I don’t know about that. I would have to defer to the enforcement officer as to whether or not any fines were paid, that issue with his next door neighbor has been ongoing for a number of years. They made allegations about nobody know how to measure a fence. Well, that’s been addressed I think quite articulately by the members of the council here tonight who have taken an interest. Yeah, maybe we do need some standards as to how fences should be measured, how other technical and geological problems on people’s property should be enforced and should be regulated, so we will take a look at that. That will be taken under advisement and I’m sure that we will, perhaps in a matter of months, be in a position to enact ordinances that will make the enforcement and the comforting convenience of the people living in this town more amenable when they have problems with neighbors whose waters draining on their yard or fences are too high. So with that, my comments are concluded regarding the hearing of citizens, anyone else with to comment further?

Councilman Hughes – yeah, Mr. Mayor, I’d liked to say something.

Mayor Massa – Councilman Hughes.

Councilman Hughes – there seems to be a lot of comments here that Judge Delvecchio entered into some type of conflict of interest. I don’t think that’s ever been established or in any kind of way. Its never been a conflict with him making movies and that was researched very thoroughly by Mr. Pearce, some other people long before he was ever offered the position of Judge in North Arlington. In fact, it was his decision to go forth about some future action that he questioned the superior court, the judge’s committee that would, and the ruling that he got was not that it was a conflict of interest but that it would severely limit his future income because his primary business, his primary part of employment is a filmmaker and an author. Being an author, he would not, and writing law books in the state of New Jersey, he would not be able to receive any royalties on his law books in the state of New Jersey while he was a sitting judge. So that would severely limit his income since he has the best selling book, journal, that’s used or law book now in the country. The other thing is, he would not be able to promote his movies being that they are sometimes political in nature. It was never any kind of ruling that anything was a conflict of interest. It was him voluntarily seeking an opinion that some future action, whether it would be a conflict of interest or not, and then by taking the opinion of the committee decided that it was in his best interest financially, he could not limit himself financially, to step down as judge. Now as far as Mr. Tanelli’s comments, I have the verbatim minutes from the January meeting and the

only thing you requested Mr. Tanelli was you wanted a confidentiality statement signed. Mr. Pearce said that is not a normal protocol for any type of judge or attorney because they are bound by client attorney privilege and anything that he would be using as a judge would not be allowed to be used in that nature so it was not normal protocol to put a conflict of interest or confidentiality statement as part of the resolution. There's no where in these minutes that I see you raise any kind of question of a conflict making movies and being a judge.

Mayor Massa – well unfortunately we got to the point where he was a sitting judge, he did accept the position. Perhaps that should have been addressed prior to his accepting the appointment. However, that's not the issue [inaudible] forces us to go forward and that's an important part of this administration because the operations of the municipal court are paramount to an effective municipal government. Works tandem with the enforcement officers of the community and its important that we have a effective, judicial, individual sitting in a municipal court.

Councilman Kearney – also Mr. Mayor if I may. Point of order. Mr. Delvecchio was not censured; there was an advisory opinion that was submitted by the Supreme Court ethics committee regarding what council president Hughes was just talking about. I just wanted to make sure that there was no miscommunication about anybody being censored or prevented. As was stated by president, council president Hughes, Mr. Delvecchio chose to resign from the position as municipal judge and part take in his other interests so I just wanted to make [inaudible] for the record.

Mayor Massa – thank you Councilman. Once again just to reiterate the fact its unfortunate that those steps had not been taken prior to the appointment.

Councilman Johnson – point of order mayor. From what I understand, Judge Delvecchio was a very thorough and he was a fair judge. Judge Delvecchio from what I understand, from what people told me, he did a lot to straighten out the court and bring some integrity to our court. There were a lot of problems that I had heard about from Judge Doyne. So I think we should be praising Kenny, be thankful for the time that he spent here and now we're going to choose another judge and that's the important part but instead of criticizing Judge Delvecchio, lets be thankful for the time that he gave to us. He's a phenomenal legal scholar. So lets make a good decision and we'll go forward.

Mayor Massa – for the record, this administration, this mayor has never received any communication officially or unofficially from any superior court official with respect to any improprieties at the conduct of the court from the previous judge. Of course, people who have opinions about the way municipal court matters are handled again. Once again, the way a borough proceeding is handled, a court proceeding is handled, is subject to interpretation or opinion by people who are the participants in that process but we've never received any issues regarding integrity, never complaints, there's never been any official investigation as far as I'm concerned regarding integrity of the previous judge. So, again, councilman?

Councilman Tanelli – just real quick. I did reach out to the county looking for written opinion; I'm not sure if I'm going to receive one or not but I did ask for a written opinion on what their findings were and what their recommendation was.

Mayor Massa – thank you councilman. We will take the proper course of action that [inaudible] scope of our authority.

Councilman Johnson – point of order mayor. The one thing I would be concerned about is that a sitting judge donated a \$750 to a political committee. So in terms of integrity, I think that could be a problem and that's something that Mr. Glennon had mentioned.

Mayor Massa – any further comment?

Councilman Tanelli – well just real quick. If I'm not mistaken, Mr. Delvecchio's family [inaudible] donated to last year's campaign and all and also his assembly account was put into the republican account last year if I'm not mistaken.

Councilman Johnson – he was not a sitting judge when he made the donation.

Councilman Tanelli – okay thank you.

Mayor Massa – one at a time councilmen. Thank you. Any further comments? Thank you gentlemen for that spirited discussion. At this time we have a presentation which we'd like to hear from, the borough planner, Mrs. Gruel.

Councilman Bianchi – can we open the door and get some ventilation in here? I'm getting a little hot in here.

Mayor Massa – for the record Mrs. Gruel, please state your name, your affiliation, and the address of your company and the objective of your presentation tonight.

PRESENTATION

Susan Gruel – thank you. I'll put my back to the public. Mayor and council and members of the public, my name is Susan Gruel. I'm a professional planner with planning firm of Heyer, Gruel, and Associates. This is one of our associates, Kelly O'Brien and we were retained. We are located in Red Bank New Jersey. We were retained specifically [inaudible] to amend the Porete Avenue and BCUA redevelopment plan. And to recognize the existing conditions that make sure that the plans reflect the current goals and objectives of the borough. So we have a presentation at this point, a PowerPoint presentation, we felt that the best way to proceed is to have this presentation summarize the key aspects of the draft plan that we have at this point. I would know that in our efforts to prepare this, we had met with the two council members who are members of the subcommittee, Councilman Hughes and Councilman Tanelli. We have also gone out to look at the site, tour the site area, with several of the council members, the mayor, the administrator Mr. Wall and so we have had an opportunity to be able to speak with borough official on various issues and matters. Okay, and again, I don't mean to put my back to anyone. Just to establish the area we are talking about is 120 acres and I'm sure most of you are very well aware of the area, the Porete Avenue area at the border of the town of Kearney off of Belleville Turnpike on the edge of the Meadowlands district up to disposal road and bordering the Ridge or and Schuyler Avenue. We came up with a number of goals and its interesting that the plan and you'll see for those of you that have reviewed the adopted, some of the adopted original plans going back into the 90s that many of those goals and objectives and proposed land use is really are very consistent with the original concepts. Obviously one of the key aspects of the plan is to provide an area for economic development and economic investment, to provide for tax ratables and certainly that was something that was clearly conveyed to us through all the discussions with borough officials. At the same time, one of the aspects of the area for those of you that have gone down there is there's a need to improve the access to the area in order to provide an opportunity for economic development to occur and we also booked and included in one of the objectives is where feasible to utilize green building standards and sustainable with [inaudible]. You have an opportunity, that area there is really great in terms of many of the considerations for economic development. It is proximate to major market centers. It is adjacent to many of the major transportation corridors in the area and it also, there is a large labor pool within this area. Just look at the region in terms of economic development opportunities, what's out there and certainly you're at accord proximity to New York, proximity to the ports, proximity to airports. It has all of those opportunities that really make it right for economic development. Both in terms of rehabilitation, adaptive [inaudible] and development of a number of the vacant sites, particularly the Bethlehem Steel site. Accessibility. Right at this point for years, the current access Porete Avenue, it's a narrow cart way. It goes over the water supply easement. There are grade issues. There's limited site distance. So we have an issue, the first issue that we have to address, and interestingly that was one of the key issues that had to be addressed in the original redevelopment plan back in the early 90s where without good access, you really cant promote the economic development opportunity. So what we're proposing is the access to Porete Avenue is proposed to utilize Baler Boulevard on the meadowlands side of the railroad. A new access road is proposed that would be an accrete rail crossing. Across we looked at the elevations, the grade, where would be the most appropriate location and what we believe, we show that in yellow. I don't have a little laser light so I'm sorry but the yellow is the proposed access. It would provide a loop circulation system and provide for would also coordinate with the development that is occurring south of the Belleville Turnpike and Kearny and what we mean by that is for anyone that's familiar with that area now, there are two access points off of Belleville Turnpike. Who has that? You look like Kelly all of a sudden. Found it. That one.

Mayor Massa – just don't point it at nobody's face.

Susan Gruel – yeah exactly. I can you know play around.

Mayor Massa – especially outside to the Meadowlands because we'll have the homeland security come down and check us out.

Susan Gruel – yeah exactly. Okay, thank you. Down here as you know, there's an access point here and down here. What we're proposing is the use of that as a temporary continued temporary access until such time as there's an opportunity to construct an access point across [inaudible] Varzuski Street there where there is proposed to be an intersection based upon what has occurred and what development has occurred on again the southbound side of Belleville Turnpike in Kearney so that it is, the proposal is to coordinate efforts to provide a signalized intersection at that point that will better able to accommodate the development here, along Baler Boulevard, as well as to recognize that there's already development that's occurring here with proposed roadway access. We have had contact with the Meadowlands Commission and they are amenable to the use of Baler Boulevard as an access point into Porete Avenue. One of the other considerations that we had, and we have some concept plans as we go through this, but one of the other considerations is to provide obviously better access for those businesses along Porete Avenue so that they can utilize this road, the primary road, they can also what this is, this is an extension of [inaudible] no it's the right of way in the at the driveway at the H & M facility where there was a right of way that was provided and so that's an extension of that right of way that could be that could provide again a loop system so that there's several points of access into this area. This is the first thing we looked at in order to prepare the site for development. Now the other part of this is Disposal Road and the utilization of the, here we are down here, okay, is the utilization of Disposal Road and that certainly has its limitations as well. Both in terms of its improvement status and its grade, there's limited site distance, there's probably a need once development occurs there for some type of signalized intersection. So what that still would remain as a primary access to the BCUA site with the need for certain improvements. Again the intersection improvement, some improvement to Disposal Road. What we also looked at though is an alternative access to utilize going around through up and around and you'll recognize why and understand why were proposing this as an alternative access, up through Lyndhurst to get to Route 3 and obviously the turnpike. Again, one way or the other if you use Schuyler Ave or Orient Way, Route 3, Turnpike to Disposal, that's about five miles to the turnpike. It's not very far. Even with this alternative access point, you're within seven miles of the [inaudible] to the Turnpike right there. So, it's very close, it is not very far from Disposal Road as well. Okay, what we've done is we've divided the redevelopment area into three districts. The Porete Avenue area which is pretty much the existing businesses out there are right on Porete Avenue, the Bethlehem Steel site and the BCUA site. The Porete Avenue area, the principal permitted uses not unlike what the original permitted uses are, light industrial, warehouse distribution, general business, offices and public uses. We have certain bulk standards that we're proposing in a minimum wide area of 1 acre, 80% lot coverage, maximum building height 60 feet. One of the considerations that were in the original plan and we continued to provide that in this proposed plan is to assure that there is a minimal floor area, there's a minimum building area, and that goes to the need to provide economic development. You don't necessarily want because you will not have the tax ratables; just have these areas used for storage. Don't get the economic development benefit mostly from those primary uses only. You need building, you need development, so we have that minimum floor area there and then they'll [inaudible]. Okay. The Bethlehem Steel site, which is identified in the dark, woops, woops, Bethlehem Steel site is moving. Okay, there we go. The Bethlehem Steel site which is identified in the dark blue, that's a proposed to be a separate known area and what we have are principle permitted uses not surprising light industrial warehouse distribution, wholesale establishment, research [inaudible], flood space, but we've also added data center. And I just want to note, its very interesting because we were looking at various uses that we thought were particularly good for marketing and targeting. We also had been gathering research and this happens to be data centers happen to be a very very needed use for many of the major corporations that are in Manhattan in particular. And they're looking for areas where they can provide a backup for their data electronically. And they're looking for areas again here we go to proximity that are close to the core, close to New York City where their data is not that far away. So they, there have been several articles recently in the Times and in various economic development publications that have noted data centers. So we have added that very specifically and as you see here, we have also identified bulk standards, different standards associated with that zone. I wouldn't know that ...

Resident – excuse me, could you speak a little bit louder?

Susan Gruel – oh sure, I'm sorry. I wouldn't know that the way that we have proposed to structure this redevelopment plan is that his uses and the districts standards would supersede the zoning for this area. It would not be their two options, one is an overlay where you maintain the

existing zoning and then you'll just have overlay usage or that this becomes the base and we believe it's much cleaner, that it makes more sense to have the plan supersede the underlying zoning in this instance. For the members of the public, just to let you know that redevelopment plans are really a hybrid between a master plan for the community and a zoning ordinance and as we go along as you've seen our goals and objectives, there's certain other components of the plan that really are more in keeping with the master plan and yet some of this is more in keeping with the zoning type of standard. So it's really a hybrid of both. Okay, the next area is what we wanted to show you, here's the Bethlehem Steel site, in terms of just a general concept that we came up with to show you, to give an idea to what could potentially be developed on the Bethlehem Steel site, as you see there are potentially eight blocks in an industrial campus setting, there are about three to five acres each, each of the buildings are 50 around 50 to 66,000 square feet of floor area. What we have determined is the big mambo building that we use everybody use to love and all the users use to love that, that is no longer really what generally is particularly marketable. It's the smaller scale building in this area, in this general side and so what we've tried to do is being flexible if in fact the user came in and wanted to merge several of those blocks into one big building, they could but if they wanted to subdivide out even further those buildings, they could. The primary [inaudible] would be off of Baler Boulevard as we have there, wait a minute, down here and along here, across here, and again, this would connect to Porete Avenue. We would have opportunities for loading in the back. There would be landscaping opportunities. This would be a road along here as well. It would follow along here, this would be the frontage. You could have parking along here as well so that you really have a good circulation system and yet your maximizing the opportunity for development in this area. Possible use is again data center. One of the other uses [inaudible] and markets that we've found to be potentially available for this area is food distribution facilities. They are looking for these types of narratives in order to provide food distribution center, particularly when again, it's the market, its going to Manhattan and other areas around, and the port as well. So we also now the last district is the BCUA site, that is shown in blue. And we see a number of opportunities here [inaudible], warehouse distribution, self storage facility, commercial recreation indoor or outdoor, public use is obviously the park, is right in this area here which you'll see on another thing, slide. We have modular housing right near the factory. We thought that there is an opportunity for a manufacturer, a modular housing facility that could accommodate that site where the indoor, its large enough, where indoor use [inaudible] existing facility, whether it would remain or whether it could be adaptive with reused, that would be a matter to establish. But the facility now is about a 170,000 square feet and its very opened. It's an expanse, it has the potential of being able to be used for modular housing and has a showroom for that as well. Studio. A studio is defined as like a film studio, recording studio, that also is a great location. One of the things that we were trying to at least have as option. Our uses that would be economic development stim, you know would provide tax rates, but at the same time wouldn't have intense traffic. So these are the types of uses that may be a little less in town. One of the reasons why we looked at the alternative access point is the modular housing, you taking modular housing that you're not going to get up that braid on Disposal Avenue. So we were trying to be tactical as it relates to the existing condition. Again we have certain bulk standards, we had in a floor area of 40,000 square feet in the principle structure. It is also, we have a couple of concepts here. This is, you'll have the site layout, this is utilizing the existing 170,000 square foot print, it allows space out door storage in the rear. It allows even showcase area in the front up here. It allows loading areas and it provides enough parking. one of the things that we wanted to make sure of is we wanted to test the uses to make sure that they would fit. That they were possible. That if in fact there was a use of this footprint, that there was sufficient space to provide the other uses that are associated accessory [inaudible] loading and the parking. the use of the interior road access road and again possibly use the, we've spoken about already. Here we have the existing ball field's park green area here. and this shows that you could also divide, use the foundation, tear down the building again, we're not sure the extent of the structural integrity of the area. Available space for three years are the yellow is indicating buildings, 60, 000 square feet of the floor area on each. It has the required parking, it has some loading opportunities. Again, this could be the extension of the area and the uses that are within the Beth Steel site and it could go out into this area as well. The data center, food distribution, and flood space uses, so that's another concept. And I believe that that really is the core of the we wanted to summarize but we didn't want to bring the tears and have everybody start to snore. There are, this is the proposed draft. We have copies of the proposed draft, some. We will get more. We obviously wanted to hear back from everyone before we finalize. We also have copies of the power point that we just did and again, there's certain statutory requirements that have to been in a redevelopment plan but we didn't think that was quicklier timing to go over all of that. We [inaudible], the proposed uses. Thank you for the opportunity to make a presentation and we are happy to hear any thoughts.

May 13, 2010

Councilman Tanelli – point of order, your honor.

Mayor Massa – councilman.

Councilman Tanelli – I would just like to thank Susan for her work on this. You've really given us a document that we can sink our teeth into as far as options for uses on this property and I meant to say it when we met in the conference room when we first went over these drafts, I was really impressed with the document that you put together for us. My only question is we haven't heard anything about the properties, has it been purchased by the Meadowlands? Has it been put up for sale yet?

Councilman Hughes – not yet.

Councilman Tanelli – and my only other concern was I went down there after we met at the last meeting and I looked at those [inaudible] that we would be proposing to use and I'm still concerned obviously we would have to have an engineer take a look at it to make sure it could sustain if one of those bridges were to go down, would devastate this development and they would want some insurances that if they were going to move down there, you were going to build and use it as an entrance or an exit, that that you know that we're okay with those. They're really beat up.

Susan Gruel – absolutely and that's why we actually thought of those now as temporary only to get people out there and start to market it. But frankly we thought that there was a need to provide for a newly constructed access point in the middle of Ridge that again coordinates with the development and the intersection that is proposed [inaudible].

Councilman Tanelli – that's it, thank you.

Councilman Hughes – if we could look into a developer, actually provide in the access that's part of the development. If we get one developer who comes in who wants to that whole Bethlehem Steel site, they could also build the access roadway into that property. or approve the existing one. I'd also like to thank Mrs. Gruel from Heyer and Gruel for an excellent presentation. We're going to take this under advisement, we're going to look at it. We're going to make comments and then hopefully in a very short period of time, we'll be able to come back and introduce it as a new improved redevelopment plan for the borough and go forward because we are in desperate need of ratables in this community. We need to bring, we need to get this land developed as quickly as possible but we want to do it right. So we want to thank you for your efforts because I think you've taken the needs of the community very much into consideration in this plan and done a very excellent job. Thank you.

Mayor Massa – I have a question Mrs. Gruel. We have many reports from state agencies with respect to land use contamination there that requires cleanup.

Susan Gruel – we actually have a map in the plans that identifies those that are listed as contaminated sites are pending. We would anticipate that that would be something that would have to be addressed through specific development application and clearly they would have to do whatever is cleanup, whether they would use the buildings and the paving as part of their environmental cleanup methods. One of the things that I think that you don't have to worry about is if there's no proposal for residential use down there, there's certainly whatever cleanups standards would be at an industrial or non residential standards.

Mayor Massa – so who would be responsible for a cleanup if that, for whatever needs to be remediated.

Susan Gruel – it would be the redeveloper and or whatever responsible parties would be, I'm sure that Randy could explain that a little bit more, but there's certain bureaucratic standards you have.

Mayor Massa – any questions or comments from the council. Well this is, I'd like to just point out that this is the next step in the future of this community. I'd just like to again reiterate that had it not been for the fact that we stood fast and took on the Encap proposal that would have put 1600 townhouses here, we probably wouldn't have been here tonight, we wouldn't have been, we had the courage we were able to go forward with that litigation and fortunately, we were able

to get to this point to now where we can look forward to a commercial and industrial development in our community as the council president said to go forward with the bringing ratables into the community. So I want to thank you for your efforts and of course this is a draft proposal and its subject to revision as I understand that, is that correct?

Susan Gruel – that is correct. That’s why we have drafts all over, to make sure that everybody knows it’s not a final [inaudible] without hearing back from everyone here.

Councilman Hughes – point of order, mayor. The way its been discussed is this is now for the council’s consideration for any input from the council. Once we get close to a more final product, what we’d like to do then is have a public hearing, invite the property owners of Porete Avenue to the meeting, a special invitation and open it up to all the residents of the community so that anybody who as any kind of a question regarding this plan will have an opportunity to either give input or make comments on it before we do actually finalize it and adopt it.

Mayor Massa – that would be the next step. Thank you Hughes for that comment, of course that would be our objective. That was promised originally when we took on the Encap developers and Cherokee that we would have the community involved. Thank you.

Susan Gruel – thank you.

Mayor Massa – approval of minutes.

APPROVAL OF MINUTES

Terence – yes, mayor and council. Approval of minutes: MARCH 11, 2010 and MARCH 25, 2010.

Mayor Massa – motion introduced, Councilman Bianchi. Second?

Councilman Johnson – second.

Mayor Massa – Councilman Johnson. Discussion? Call the roll.

Terence – Councilman Bianchi?

Councilman Bianchi – yes.

Terence – Councilman Hughes?

Councilman Hughes – yes.

Terence – Councilman Johnson?

Councilman Johnson – yes.

Terence – Councilman Kearney?

Councilman Kearney – yes.

Terence – Councilman Tanelli?

Councilman Tanelli – yes March 11th. I abstain on March 25th, I wasn’t present.

Terence – noted. Councilman Yampaglia?

Councilman Yampaglia – yes.

Terence – thank you very much. Next mayor and council, resolutions on consent.

RESOLUTIONS ON CONSENT:

Terence – resolution 127-10 is resolution regarding AUTHORIZATION TO PAY CLAIMS. A quick note, there’s a category item on the billing that references an item to be charged, its in the

wrong category, just a housekeeping measure I'm going to speak to the finance department to make sure its in the proper categories. Also there is an item listed as \$2,000 referenced as a fine from inspection rather from the state. That is under appeal. We're expecting that fine to hopefully be eliminated. It's in the bills list but it will not be paid from this bill's list and we expect that to be addressed. They had some paperwork they did not have yet. This regards an inspection that they conducted at one of the buildings so we expect that issue to be resolved so I just wanted to note that for the record as well that that check will not be going out. Resolution 128-10 is a resolution regarding APPROVAL OF PURCHASES OVER \$3,000.00. Resolution 129-10 is a resolution regarding CANCELLATION OF SMALL TAX BALANCES. Resolution 130-10 is a resolution regarding INTERLOCAL SERVICE AGREEMENT PISTOL RANGE. Resolution 131-10 is a resolution regarding REFUND OF MONIES DUE TO DUPLICATE PAYMENTS. Resolution 132-10 is a resolution regarding REFUND OF TAX MONEY – SENIOR CITIZEN. Resolution 133-10 is a resolution regarding APPOINTMENT OF SUBSTITUTE CROSSING GUARD. Resolution 134-10 is a resolution regarding ON PREMISE 50/50 RAFFLE QUEEN OF PEACE HIGH SCHOOL. Resolution 135-10 is a resolution regarding OFF PREMISE RAFFLE QUEEN OF PEACE HIGH SCHOOL. Resolution 136-10 is a resolution regarding ON PREMISE TRICKY TRAY QUEEN OF PEACE HIGH SCHOOL. Resolution 137-10 is a resolution regarding ON PREMISE RAFFLE BPOE #1992 NORTH ARLINGTON LODGE. Resolution 138-10 is a resolution regarding AGREEMENT FOR PROFESSIONAL SERVICES BLOCK 10 LOT 69.02. I believe this references a proposal from Neglia Consulting. We're going to delete that resolution and that item will be paid for by the owner's of Block 10, Lot 69.02. I believe this refers to Riverview Gardens. This is a site plan, 1500 approximate quote.

Randy Pearce – it's a survey.

Terence – okay and Mr. Randazzo called earlier today indicating that issue will be managed by the property so we will not be, that invoice will not be a borough invoice. Would that be correct Mr. Pearce?

Randy Pearce – that is correct.

Terence – okay, thank you. Resolution 139-10 is a resolution regarding LEAVE OF ABSENCE FOR SUBSTITUE CROSSING GUARD. Resolution 140-10 is a resolution regarding AWARD OF CONTRACT RIDGE ROAD STREETSCAPE PHASE III. Resolution 141-10 is a resolution regarding CHANGE ORDER 2009 SUNSET AVE ROAD RESURFACING. Resolution 142-10 is a resolution regarding AGREEMENT FOR PROFESSIONAL SERVICES FOR CONSTRUCTION MANAGEMENT RIDGE ROAD STREETSCAPE PHASE III. Resolution 143-10 is a resolution regarding EMERGENCY SEWER REPAIRS VARIOUS LOCATIONS. Resolution 144-10 is a resolution regarding REFUND OF MONIES DUE TO DUPLICATE PAYMENTS.

Mayor Massa – motion introduced?

Councilman Tanelli – I'll make that.

Mayor Massa – Councilman Tanelli. Second? Councilman Bianchi. Discussion? Call the roll.

Terence – Councilman Bianchi?

Councilman Bianchi – yes

Terence – Councilman Hughes?

Councilman Hughes – yes with the exception of the bills resolution; I refuse myself from all fire department purchases.

Terence – thank you. Councilman Johnson?

Councilman Johnson – yes.

Terence – Councilman Kearney?

Councilman Kearney – yes.

May 13, 2010

Terence – Councilman Tanelli?

Councilman Tanelli – yes except for line item 2250 which is a payment of \$1581.53 to Scandariato. Thank you.

Terence – Thank you. Councilman Yampaglia?

Councilman Yampaglia – yes except for 2250, payment to Scandariato.

Terence – thank you. Next, mayor and council are ordinances.

ORDINANCES:

Terence – second reading and adoption of ordinance. ORDINANCE NO. 2048. This is an ORDINANCE TO AMEND CHAPTER 187 §2(C)(1) OF THE CODE OF THE BOROUGH OF NORTH ARLINGTON ENTITLED “VEHICLES AND TRAFFIC”. This’ll be a motion to open public hearing on Ordinance number 2048 to the public

Mayor Massa – motion introduced? By Councilman Tanelli. Second by Councilman Yampaglia. Discussion? Call the roll.

Terence – Councilman Bianchi?

Councilman Bianchi – yes.

Terence – Councilman Hughes.

Councilman Hughes – yes.

Terence – Councilman Johnson?

Councilman Johnson – yes.

Terence – Councilman Kearney?

Councilman Kearney – yes.

Terence – Councilman Tanelli?

Councilman Tanelli – yes.

Terence – Councilman Yampaglia?

Councilman Yampaglia – yes.

Mayor Massa – ladies and gentlemen, if anyone wishes to be heard on ordinance 2048, please come forward, state your name and address for the record and please limit your comments to ordinance 2048. There be no one wishing to be heard, this time I’ll introduce a motion to close hearing of citizens and adopt.

Councilman Hughes – I’ll make that motion.

Mayor Massa – motion by Councilman Hughes. Second by Councilman Tanelli. Call the roll.

Terence – Councilman Bianchi?

Councilman Bianchi – yes.

Terence – Councilman Hughes.

Councilman Hughes – yes.

Terence – Councilman Johnson?

Councilman Johnson – yes.

Terence – Councilman Kearney?

Councilman Kearney – yes.

Terence – Councilman Tanelli?

Councilman Tanelli – yes.

Terence – Councilman Yampaglia?

Councilman Yampaglia – yes.

Terence – next ordinance is NO. 2049. This is a CALENDAR YEAR 2010 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK PURSUANT TO N.J.S.A. 40A:4-45.14. This will be a motion to open public hearing on ORDINANCE NO. 2049 to the public mayor.

Mayor Massa – motion introduced by Councilman Hughes. Seconded by Councilman Bianchi. Discussion? Call the roll.

Terence – Councilman Bianchi?

Councilman Bianchi – yes.

Terence – Councilman Hughes.

Councilman Hughes – yes.

Terence – Councilman Johnson?

Councilman Johnson – yes.

Terence – Councilman Kearney?

Councilman Kearney – yes.

Terence – Councilman Tanelli?

Councilman Tanelli – yes.

Terence – Councilman Yampaglia?

Councilman Yampaglia – yes.

Mayor Massa – at this time, I'll open a meeting to the hearing of citizens on ordinance 2049. Anyone who wishes to be heard on 2049, please come forward, state your name and address for the record and kindly restrict your comments to ordinance 2049. There be no one here wishing to be heard, at this time I'll introduce a motion to close hearing of citizens and adopt. Motion introduced by?

Councilman Hughes – I'll make that motion.

Mayor Massa – Councilman Hughes. Seconded by Councilman Kearney. Call the roll.

Terence – Councilman Bianchi?

Councilman Bianchi – yes.

Terence – Councilman Hughes.

Councilman Hughes – yes.

Terence – Councilman Johnson?

Councilman Johnson – yes.

Terence – Councilman Kearney?

Councilman Kearney – yes.

Terence – Councilman Tanelli?

Councilman Tanelli – No.

Terence – Councilman Yampaglia?

Councilman Yampaglia – No.

Terence – next item mayor, administrator's report.

ADMINISTRATOR'S REPORT

Terence – just a couple brief updates rather and Mr. Crifasi will also illustrate some of the recent programming we have ongoing. We have a fantastic project that I'm going to defer to Mr. Crifasi to discuss with the Streetscape. Due to market conditions, we're able to get to get exceptionally low bids on our Ridge Road Streetscape Phase 3 which with your decision today is set to go to construction. This is nearly 100% grants through ARRA funding stimulus funding which will extend your existing streetscape from your phase 2 which ended I believe at Harding and will take...oh oh Hendel...Harding to Hendel but also be able to extend it to Inman due to exceptionally low construction pricing. And Mr. Crifasi will be addressing that. I wanted to let you know about that important information. The middle school playground is nearly complete. You may have seen it. So that will be due and set for a dedication ceremony. Perhaps Mr. Ammirato can coordinate that for you. And also perhaps a ribbon cutting for the streetscape when you start the construction. Perhaps, coordinate that as well. Also, we did have a funding through a \$26,000 grant for additional benches and waste receptacles that we did do a tour of Ridge Road to identify the areas. Councilman Johnson also engaged in the services of a wonderful resident who has been in the borough for many, many, many years often walking along Ridge Road. So we're able to get a feel of where the additional benches could go in an area that's not currently set for streetscaping. Those are going to be installed within the next week but we will have a map of the locations that appear to be useful for the additional benches. That was due to Xanadu funding; that was funded through the Meadowlands organization. One housekeeping item that I wanted to get input regarding upcoming July 4th. Many municipalities throughout the state of New Jersey have revisited whether or not the funding was in place to consider fireworks. So I wanted to ask the governing body for advice and consent as it were as to whether or not you would wish to carry forward with the fireworks program as we typically do each year or if you'd like to revisit that due to financial considerations or perhaps some amended program for that particular event because the timing would be now that we would solicit the proposals, book the contracts, and set up the schedule. So if we can have some advice on that, that would be helpful out of tonight's meeting. And that's all I have mayor.

Mayor Massa – okay, thank you Mr. Wall. Engineer's report.

ENGINEERS REPORT

Engineer – thank you mayor and council. This is our engineer's report for the month of April going into May. Item number one, Sunset Ave resurfacing for DOT, we had our preconstruction meeting was set for groundbreaking probably middle of next week weather permitting. You do have on your agenda, the approval for the change order, which is a few items of safety that the police chief brought up. It's for a speed bump that slows down the traffic which has been successful on some of the other streets that we've tried. And its also for two of those solar powered blinking speed signs

Mayor Massa – stop signs.

Engineer – stop signs. Not the stop signs themselves but the 25 mile and hour whether it's LED.

Mayor Massa – speed limitation...

Engineer – correct and solar power.

Mayor Massa – that would be solar powered like stop signs.

Engineer – correct, same thing. That's in this change order. And when the project begins next week, within the next two weeks, that project should be complete and everything will be installed as planned. Ridge Road streetscape as Mr. Wall mentioned, now that the contract has been awarded, we'll have our preconstruction meeting in the next week or so and as Mr. Wall requests, we'll make sure there's a ribbon cutting and there's proper notification for the businesses and whatnot to get that project started. I'm assuming it will be a summer project where it goes one or two months throughout the summer. We'll make sure there's no delay; we're impeding on the businesses as we did with phase 2. another note that I'll bring up that Mr. Wall and I were discussing was PSE&G apologizes but on phase 2 when the decorative streetlights were put in, Mr. Wall and I did put in an official request to have the cobra lights removed from the telephone poles and somehow they never were. They were on the list, department changed, workers changed, they never got done. I spoke with Mr. Ditola from PSE&G yesterday. There's a work order in to expedite having those lights removed and there's an order in to have a credit for the bill going backward to when we requested the light being taken off.

Mayor Massa – very good, thank you. We can use all the credit we can get right now.

Engineer – yes. Holy Cross Cemetery, I spoke with the contractor today that was awarded the planting of the plants along Holy Cross fencing. They're going to meet out there next Monday and hope to plant forsythias and whatnot, probably next Tuesday or Wednesday which would close that project out. The 309 River Road Green Acres grant application as I reported last month; we did receive the report at the day of the meeting. We spent a good part of the last month reviewing it. Mr. Neglia himself who had some history of that area would like to look it over and maybe add some comments of past instances to make sure that when we give you that report, you're fully aware of present and past situations there. And lastly, the Zadroga Soccer field, there's a proposal that I think you approved to have an inlet inserted in that parking lot to help the drainage and also temporarily restore some of that slope that's eroding, its not a permanent solution but it's a solution for a temporary. On an added note, not Neglia related but I hear Mr. Wall is mentioning about fireworks. If Mr. Wall were interested in asking any surrounding or neighboring towns if they were interested, maybe that might, that might help your decision when you discuss it later on. I'd be more than happy to discuss that with you.

Terence – thank you.

Mayor Massa – thank you sir. Any questions on the engineer's report? Council reports, Councilman Bianchi.

COUNCIL REPORTS

COUNCILMAN BIANCHI – well I just got a report about the bus. Our new bus is being used if more than the old one was. I think the people are really appreciating it. And they're appreciating their ride to Patsy's Shop Rite in Lyndhurst and to the Foodtown, Tuesdays and Fridays. The bus is being used more. So we made a good investment. That's all I have.

Mayor Massa – well I think the record should reflect we got to that bus through a grant.

Councilman Bianchi – yes we did.

Mayor Massa – thank you Councilman. Councilman Hughes.

COUNCILMAN HUGHES – yeah real short, I would just like to publicly thank the work of Passaic Valley Sewer Commission for all the work they've been doing in North Arlington along the Riverbank. Over the last year and a half or so, they helped refurbish one of our parks, refurbishing the work at the Little League Field. The High School football field, removing some trees that fell down in another park and then this past Saturday they had their 6th annual canoe paddle. Growing up in North Arlington, Passaic River was always like the local sewer, but I

think the Passaic Valley Sewer Commission has to be commended for the work, tremendous work they've done cleaning up the river and making it useful for recreational purposes and I think we only have good things to come in the future as long as they continue along the current course. That's all I have Mr. Mayor.

Mayor Massa – thank you Councilman. Councilman Johnson.

COUNCILMAN JOHNSON – the DPW's been working hard trying to clean the town up for the Memorial Day parade. They cleaned out the planters which have become littered with bottles and other types of garbage. I think it was important also that they topped it off of they're in the process of topping it off with more soil. A lot of the planters, the soil had either leaked out or people had taken it out, so now its topped off. They're going to be planting flowers; some of the containers had been planted. You'll see the flowers in front of borough hall. There's also two new trees that were planted in front of borough hall. The buildings and grounds has a buildings and grounds department has a new van, it's a used van, but its something new for them as Terence alluded to, there's some new benches and garbage containers that are going to be installed. Today, Terence went around with one of the residents, her name was Florence, for the past 20 years or so, she's been really advocating for these benches. So we said why not give her the opportunity to give us ideas on where they could be located. She walks Ridge Road, she's an avid walker, said lets take her input. So Terence went around Florence today and I believe her input was helpful Terence?

Terence – absolutely. We also went with the installer for these particular items, so he'll be helping map this up for you.

Councilman Johnson – right and we also used his knowledge of the industry. Streetscaping phase 3 as Terence had said is going to start hopefully in July from Melrays to Hendel. The county also announced that they'll be paving River Road so that's definitely a plus for us and that's all I have at this point.

Councilman Bianchi – Mr. Mayor, point of order.

Mayor Massa – Councilman Bianchi.

Councilman Bianchi – Terence, I just have to ask you one question. I notice, I brought this to your attention, I think we did call Cali. Could you please call Cali tomorrow and tell him to make sure for the summer he empties all those city garbage cans because a lot of [inaudible] and they missed them. You know, they empty some and some are overflowing. Grecco Park overflowing, in front of North Arlington High School overflowing, Arlington Boulevard has a trash can that's about 20 feet down the street overflowing.

Terence – it is their responsibility and I will let them know.

Councilman Bianchi – I want them emptied every day, not just once or twice a week.

Terence – I'll call them when I leave this evening.

Councilman Bianchi – you know, I feel that Cali tells his men to do it but they just don't do it, you know, to be honest with you.

Jimmy McCabe – can I answer that?

Councilman Bianchi – yes, yes you can.

Jimmy McCabe – people are stealing the containers inside the garbage.

Councilman Bianchi – people are stealing the, what do you mean they're stealing the containers?

Jimmy McCabe – there's metal containers inside these 20 gallon plastic garbage can. People are stealing the inside. They're taking the whole can. People are throwing the garbage in the outside part of it, we've been trying to empty it through garbage bags again til we can get some ordered.

Councilman Johnson – that's not surprising.

Jimmy McCabe – its not Cali's fault.

Councilman Bianchi – well, no, I'm not blaming Cali. I'm just saying that I'd like to have the

Jimmy McCabe – they go there but there's no...

Councilman Bianchi – so does that mean they can't empty the cans?

Councilman Johnson – they also steal the flowers too out of the planters.

Councilman Bianchi – well anyway if you can call Cali, I'd appreciate it. And what would it take Jimmy for you to get, Jimmy, what would it take for you to get new liners for the inside?

Jimmy McCabe – I ordered them [inaudible].

Councilman Bianchi – well, my suggestion would be when they do come in and you get them and you put them in there, to anchor them in there somehow. But I don't know how you're going to do that because then you can't take them out.

Councilman Johnson – put bags in there maybe or poxy the containers.

Mayor Massa – question for the director of public works, Mr. McCabe. Has there been a police report made on these things or any documentation regarding this issue?

Jimmy McCabe – no.

Mayor Massa – what's our losses with respect to the cost of the borough?

Jimmy McCabe – about 25, 30 dollars.

Mayor Massa – so how many of them are missing?

Jimmy McCabe – I know two right now.

Mayor Massa – okay, so there's only a couple that are missing? There's only a few of them are missing?

Jimmy McCabe – yes.

Mayor Massa – alright, thank you.

Councilman Bianchi – I also want to thank superintendent McCabe. He did a wonderful job down at Schuyler Zadroga field. He landscaped the stone real nice and he's bought bushes to put on the other monument that we put down by the rec house and did a wonderful job. Masterful.

Mayor Massa – thank you councilman.

Councilman Tanelli – he must really want those garbage cans...

[Laughter]

Mayor Massa – Councilman Kearney.

COUNCILMAN KEARNEY – yes, just briefly, it seems that with the good work of Jimmy Herrmann, the practice fields are working, he's alleviated many of the pressures that were previously before us where you had different teams fighting for practice time on the fields so that seems to be working well. The one glitch though is when there are overtime games and unfortunately what happens is if the game starts too late, the game cant be completed especially down off of Schuyler Avenue field where we were addressed to having the lights there. You know, some of the neighbors, that are surrounding the field are possibly considering maybe permitting what's strict enforcement some type of lighting but we're trying to work it out so that all the public could find a happy medium where maybe there possibly could be a consideration of lights without our board looking like we broke a deal with them to promise them if we did have the field, not to have the lights there, so there's still an issue some of the teams coming in to play

in North Arlington are, they're getting somewhat reluctant and discouraged to come and play at our facility because who wants to play a game and if that team happens to be losing and anything can happen in one inning, their mindset is its not really acceptable but I guess we're still working on that so that's basically all I have for tonight.

Mayor Massa – Councilman Tanelli.

COUNCILMAN TANELLI – I'm going to keep it really brief, I had no report this month your honor but I did want to mention to Councilman Kearney I did speak to the director, I happen to know the gentlemen who runs the south Bergen softball league that we participate in now; I just happened to play with him on the weekends. And he did mention that due to the fact that we are in dire need of light in fields that we can go back to what they did the first year which I think may have been last year with the 5th and 6th and that's to play the games on the road. I mean we all want to be able to play home games and eliminate some of the travel but back when we ran when I was involved with boys basketball, the first couple years of travel, we had gym restrictions and we played all our games on the road. I mean the object here is to get the girls as much playing time as possible to let them improve their skills whether its home or away, you still want them to play the full game. So that might be an option. He definitely said he offered that to Mr. Tetto, I don't know where it stands currently. Thank you.

Mayor Massa – Councilman Tanelli, anything further?

Councilman Tanelli – no.

Mayor Massa – Councilman Yampaglia.

COUNCILMAN YAMPAGLIA – thank you Mr. Mayor. Mayor, briefly, I talked to Tony Mondaro from the EMS and he had, we had a discussion regarding a new computer software program surrounding towns are using the EMS squads are using. They have shown to increase the efficiency, response time, and overall operations of the EMS in these towns. He had talked to me about the better reporting practices. You could actually do medical research right on the spot. Somebody' injured [inaudible] and they could actually also tell what kind of traffic is ahead. This kind of technology you know down the road could actually save lives so down the road or maybe next month sit down and talk about implementing something like this in the future. And that's all.

Mayor Massa – thank you.

MAYOR MASSA – with respect to my own report, I'd just like to advise the community that several weeks ago I was in Atlantic City for a conference, mayors, and during that time, Senator Sarlo who chairs the senate budget committee held hearings inviting a number of mayors from the various communities around the state to make their case regarding the loss of state aid and the profound impact that that loss of state aid is having. Its having a [inaudible] impact right now under the governor's new proposals. Number one, possible layoffs of government employees and many of them involve public safety sector such as police and fire and of course other services such as public works, health, and other services such as library. Number two of course in order to maintain staffing and services at acceptable levels in communities, it may be necessary for communities to have to raise taxes appreciably. And of course, the senator and his committee were very sensitive to the needs of our communities. Many other issues were also discussed at various seminars including changes to collective bargaining. Changes to land use regulations to make it easier for developers to come into communities such as ours and start up projects so the important thing is containing costs on a local level, shared services was a major cause of concern for a number of municipalities. There were several seminars making recommendations for shared services for municipalities. We here in North Arlington always examine that and that's something that's going to be examined from now for as long as I remain in this chair and I think as long as I remember hearing this, this council remains in their chair. Secondly, I just want to comment that the other day we had a bank robbery in town. It's the second time the Sovereign Bank was held up by an armed felon. And I just want to make a note real quick to the comment that Mrs. McClure made with respect to the responsive police. Our department responded immediately with all available personnel. We got the assistance of local surrounding police agencies. I even got a telephone call from a friend of mine, a federal agent who had heard it over the SPEN radio, that's a state police emergency notification system, who was responding to work in his office in Newark and we also were able to utilize the services of the brand new emergency fire rescue unit that has an infrared sensor to put that into operation, to conduct to participate in

the search for the perpetrator along the river bank. I'm sure some of you saw the television movie or the video of the arm robbery in place that was taken with the camera and you notice that the perpetrator had a firearm, what appeared to be a firearm in his hand. I just want to say that many times our officers respond to these type of calls with only several police officers in response and no one knows the profound danger that you're confronting unless you've actually been there and experienced it and its not something nice or pleasant to experience from my own experiences responding to armed robberies in this community and other locations. But in any event, the department did an excellent job, the investigation is ongoing and cooperation with other agencies and just as you are proud of our police, so am I and I'm sure to vouch for the communities. That's all I have. Executive session.

Terence – resolution 145-10 is a resolution is a resolution regarding EXECUTIVE SESSION. Whereas the open public meetings act chapter 231 permits the exclusion of the public from a meeting, in certain circumstances and whereas the mayor and council is of the opinion that such circumstances presently exist. Whereas the mayor and council wish to discuss collective bargaining, personnel, anticipated and pending litigation, and attorney-client privilege matters, public release of the discussion will only incur after council approval. Action may or may not occur after discussion. May I have a motion please?

Mayor Massa – motion to executive session? Councilman Tanelli. Second by Councilman Hughes. Call the roll.

Terence – Councilman Bianchi?

Councilman Bianchi – yes

Terence – Councilman Hughes?

Councilman Hughes – yes

Terence – Councilman Johnson?

Councilman Johnson – yes.

Terence – Councilman Kearney?

Councilman Kearney – yes.

Terence – Councilman Tanelli?

Councilman Tanelli – yes

Terence – Councilman Yampaglia?

Councilman Yampaglia – yes

Terence – now therefore be it resolved that the mayor and council are in executive session. Thank you.

[EXECUTIVE SESSION]

Terence – we are now back on the record.

Councilman Hughes – testing 1, 2, 3.

Mayor Massa – motion to return to the regular order of business by Councilman Hughes. Second by Councilman Tanelli. Call the roll.

Terence – Councilman Bianchi?

Councilman Bianchi – yes

Terence – Councilman Hughes?

Councilman Hughes – yes

Terence – Councilman Johnson?

Councilman Johnson – yes.

Terence – Councilman Kearney?

Councilman Kearney – yes.

Terence – Councilman Tanelli?

Councilman Tanelli – yes

Terence – Councilman Yampaglia?

Councilman Yampaglia – yes.

Terence – mayor and council, there's one item, personnel related.

Councilman Kearney – yes. Pursuant to civil service certification, I would like to make a motion to appoint Gina Marshall as the North Arlington court administrator for a salary of \$58,000.

Mayor Massa – motion introduced by Councilman Kearney. Seconded Councilman Bianchi. Discussion? Call the roll.

Terence – this be resolution 146. Councilman Bianchi?

Councilman Bianchi – yes

Terence – Councilman Hughes?

Councilman Hughes – yes

Terence – Councilman Johnson?

Councilman Johnson – yes.

Terence – Councilman Kearney?

Councilman Kearney – yes.

Terence – Councilman Tanelli?

Councilman Tanelli – yes

Terence – Councilman Yampaglia?

Councilman Yampaglia – yes.

Councilman Tanelli – I'll make a motion to adjourn.

Mayor Massa – motion to adjourn by Councilman Tanelli. Seconded by Councilman Kearney. All in favor?

Terence – unanimous.