

OFFICIAL MINUTES
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF LITTLE FERRY
REGULAR MEETING
MARCH 13, 2012

CALL TO ORDER: Mayor Raguseo called the meeting to order at 7:05 p.m.

PLEDGE OF ALLEGIANCE: Mayor Raguseo led the Pledge of Allegiance

ROLL CALL: Present: Mayor Mauro Raguseo, Council President Ronald Anzalone, Councilwoman Roberta Henriquez, Councilman George Muller, Councilwoman Sue Schuck

Absent: Councilwoman Peggy Steinhilber

(NOTE) Councilman Sarlo arrived at 8:01 p.m.

SUNSHINE STATEMENT:

Adequate notice of this meeting was approved by resolution adopted by the Governing Body on January 6, 2012, approved unanimously and transmitted to The Record and Star Ledger as provided by the Open Public Meeting's Act. A copy of meeting notice was filed outside of the Borough Clerk's Office and has been posted on the bulletin board outside of the Borough Clerk's Office.

SPECIAL PRESENTATION:

Al Moffit, EWMA Environmental Waste Management gave a report on the clean-up activities at the JS Popper site.

Mayor Raguseo entertained a motion to Open Citizens Hearing.

Motion by: C/M Anzalone

Second by: C/W Henriquez

All ayes

Ron Simoncini, Axiom Communications, 700 Plaza Drive, Secaucus came forward to speak. He felt the presentation was not complete. He was not in full agreement with the report given by Mr. Moffit.

Caren Remsa, 72 Sabina Street came forward to speak. She felt Mr. Simoncini did not have proof of this contamination. She also wanted to know why the J.S. Popper building is still in operation. She felt that the Board of Health did not have all the proper information on the testing that was done.

Sal Badalamenti, 9 Taylor Street, came forward to speak. He felt there has not been any evidence supporting the fact that there is a public health hazard in the town. He said false statements can negatively affect property values.

John Buonocore, 110 Taylor Street, came forward to speak. He said there is no proof whatsoever that there is any danger to the citizens of Little Ferry. He is concerned that property values will go down because of all the false rumors.

A.J. Joshi, 22 Hester Street, came forward to speak. He said he serves on the Little Ferry Board of Education. He referred to a letter which was addressed to Frank Scarafile, Little Ferry Board of Education Superintendent. He said the letter cleared the false rumors regarding contamination at the school site. He said there is no reason of any kind to panic over the vapors spreading past the J.S. Popper site.

Donald Nuckel, 10 River Street Extension came forward to speak. He said he has proof that the contamination vapors have spread. He said that the vapors have migrated towards the school and he was very concerned about it. He said a school

district has a very important role in property values. He also mentioned that he was not happy about the districts test scores.

John Buonocore, came forward again. He said that if there was proof about contamination, why was it not provided to the Mayor and Council.

Ron Simoncini, came forward again. He continued to express his concerns and said he feels people should be thinking more about cleaning up the J.S. Popper site. He said it is a problem and the vapors are migrating south.

Bernie Sobolewski, 153 Eckel Road, came forward to speak. He said a lot of people in Little Ferry are not aware of the extent of the toxins. He spoke about remediation of property in Moonachie. He also spoke about his concerns about properties in Little Ferry where environmental cleanups were performed. He felt everyone should know what precautions should be taken in order to protect the residents and children of Little Ferry.

Mayor Raguseo addressed an issue with Mr. Sobolewski in reference to a letter he sent to the Department of Health. In the letter Mr. Sobolewski claimed that he knew 20 people who were stricken with cancer at the school. Ms. Burger from the Department of Health asked Mr. Sobolewski to provide the twenty names Mr. Sobolewski was only able to provide three names. Mayor Raguseo wanted to know if Mr. Sobolewski had the names of the other people who were stricken with cancer who worked for the school system. Mayor Raguseo said he wanted to help the investigation. To do this he would have to have all the correct facts.

Sal Badalamenti came forward to speak. He said the State of New Jersey requires all Doctors to report cancer mortalities to the State Department of Health. If there are any cancer clusters, the local Health Department is alerted. The Health Department in Little Ferry has not been alerted to any concerns.

Amy Moran, 101 Mehrhof Road, came forward to speak. She wanted to know how long the testing will go on and when will the results be found. She felt testing should be done and results found out as quickly as possible. Parents should be made aware of problems as quickly as possible for the safety of their children.

Mayor Raguseo assured Ms. Moran that information will be given to the public as soon as it is obtained.

Mayor Raguseo entertained a motion to Close Citizens Hearing.

Motion by: C/M Muller

Second by: C/W Henriquez

All ayes

Ken Job, Borough Engineer gave a brief overview in reference to the J.S. Popper property and the contamination claims. He said Mr. Nuckel's representative stated he was not an expert in this field. Mr. Job said it was obvious by some of the statements that he made. Mr. Job explained some of the words which were used by Mr. Nuckel's representative and explained the meaning of them. Mr. Job said the J.S. Popper representative was clear on the fact that there were no vapors migrating off the site. The school, daycare facility and a few houses were tested and no vapors were found off the site. Contaminants were found in the ground monitoring wells. Mr. Job said the way to address the situation at the J.S. Popper property is to establish the limits and the levels of the contaminants. After the limits and levels are determined, a mediation plan is put into place. The monitoring of the property is an ongoing process. DEP will assess each test result and determine what needs to be done. The fact that there are contaminants does not make the site dangerous. There are different standards for remediation, depending on what the property will be used for. The State will work with this company and come up with a plan for remediation. Mr. Job said from everything he has read there is undue panic over this site. Mayor Raguseo questioned Mr. Job about the fact that Little Ferry has 21 contaminated sites. Mr. Job said that is

to be expected anywhere there are commercial buildings. Mr. Job also explained the term heavy metals and hydrocarbons. Mayor Raguseo questioned Mr. Job about dangers to the public and the school. Mr. Job explained what needs to be done if anything. He said according to the levels that were reported, there is no danger.

Attorney Monaghan, Borough Attorney, also spoke on this issue.

Michael Capabianco, Administrator, said he contacted the Department of Health. He reported that their research showed no cancer cluster in Little Ferry.

Joe Claypoole, Arcadis Environmental Consulting (formerly Malcolm Pirnie) discussed remediation of the property in Moonachie.

Little Ferry Board of Education Superintendent Frank Scarafile and Toni Lynn Paragallo, Curriculum Coordinator, gave an overview report on the District's test scores. He wanted the public to know that anything that pertains to the Little Ferry School district is published on the website. He addressed the fact that it was rumored that the test scores were deplorable. He said this was totally untrue. Mr. Scarafile proceeded to give his presentation. He explained how he went about improving the curriculum with the valuable help of Ms. Paragallo. He explained the obstacles, which he had to overcome. Ms. Paragallo also spoke on the ways they are working to improve the curriculum and make gains. Mr. Scarafile said that education takes its twists and turns to accommodate the changing times. Mr. Scarafile and Ms. Paragallo presented slides and explained them to the Governing Body. Mr. Scarafile stated that there is a general apathy and he finds that alarming. He also said the decreased budget does not help to bring about improvement. He invited everyone to the budget hearing on March 22nd at the school and said he will be available to answer all questions and concerns.

REPORTS:

COUNCILWOMAN HENRIQUEZ reported on the meeting she attended for the HMMC. They want to promote the 2014 superbowl game. She reported progress on the fire department.

COUNCILWOMAN SCHUCK reported progress on policy and personnel.

COUNCIL PRESIDENT ANZALONE reported the DPW is cleaning around Lakeview Park. He said solar panels are being put in place around the Borough.

COUNCILMAN SARLO reported progress on his police report.

COUNCILMAN MULLER reported all vouchers have been signed and are ready for payment. He thanked Councilwoman Henriquez for her leadership and dedication on the preparation of the budget. He said Councilwoman Henriquez was a great mentor to him. He said the 2012 Municipal Budget is on the agenda tonight for introduction. He said there will be a presentation of the budget at next months meeting.

ORDINANCE(S) FOR INTRODUCTION:

ORDINANCE NO. 1363-18-12 – BOROUGH OF LITTLE FERRY,
CALENDAR YEAR 2012 ORDINANCE TO EXCEED THE MUNICIPAL
BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A:4-45.14)

Public Hearing for Ordinance No. 1363-18-12 shall be held on April 10, 2012 at 7:00 p.m. Upon completion of the Public Hearing, the Ordinance shall be considered for final adoption.

ORDINANCE(S) FOR INTRODUCTION continued:

BOND ORDINANCE NO. 1364-19-12 – BOND ORDINANCE AMENDING SECTION 6(d) OF BOND ORDINANCE #1308-18-10, AS AMENDED BY ORDINANCE #1318-03-11 OF THE BOROUGH OF LITTLE FERRY, IN THE COUNTY OF BERGEN, NEW JERSEY, FINALLY ADOPTED AUGUST 10, 2010, AS AMENDED FEBRUARY 8, 2011 IN ORDER TO INCREASE THE SECTION 20 COSTS.

Public Hearing for Ordinance No. 1364-19-12 shall be held on April 10, 2012 at 7:00 p.m. Upon completion of the Public Hearing, the Ordinance shall be considered for final adoption.

ORDINANCES FOR FINAL PASSAGE:

ORDINANCE NO. 1354-09-12

Clerk Read Ordinance By Title Only:

AN ORDINANCE AMENDING CHAPTER 18, SECTION 1.20 ENTITLED “CODE ENFORCEMENT OFFICER” OF THE BOROUGH OF LITTLE FERRY, COUNTY OF BERGEN AND STATE OF NEW JERSEY.

Mayor Raguseo entertained a Motion to Open Public Hearing on Ordinance No. 1354-09-12

Motion by: C/W Henriquez

Second by: C/M Anzalone

All ayes

Since no one wished to speak on Ordinance No. 1354-09-12, Mayor Raguseo entertained a motion to Close Public Hearing.

Motion by: C/W Henriquez

Second by: C/M Sarlo

All ayes

Mayor Raguseo entertained a Motion to Vote on Final Adoption of Ordinance No. 1354-09-12 with notification of said adoption published in The Record.

Motion by: C/M Sarlo

Second by: C/W Henriquez

Roll Call: Ayes: Anzalone, Henriquez, Muller, Sarlo, Schuck

Nays: None

Absent: Steinhilber

ORDINANCE NO. 1355-10-12

Clerk Read Ordinance By Title Only:

AN ORDINANCE AMENDING CHAPTER 13, SECTION 4 ENTITLED “SURVEYS REQUIRED” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF LITTLE FERRY, COUNTY OF BERGEN AND STATE OF NEW JERSEY.

Mayor Raguseo entertained a motion to Table Ordinance No. 1355-10-12.

Motion by: C/W Schuck

Second by: C/M Muller

Roll Call: Ayes: Anzalone, Henriquez, Muller, Sarlo, Schuck

Nays: None

Absent: Steinhilber

ORDINANCE NO. 1356-11-12

Clerk Reads Ordinance By Title Only:

AN ORDINANCE AMENDING CHAPTER 35, SECTION 107, SUBPARAGRAPH a ENTITLED “COMPLIANCE WITH ARTICLE” OF THE

REVISED GENERAL ORDINANCES OF THE BOROUGH OF LITTLE FERRY, COUNTY OF BERGEN AND STATE OF NEW JERSEY.

Mayor Raguseo entertained a motion to Table Ordinance No. 1356-11-12.

Motion by: C/W Schuck

Second by: C/M Muller

Roll Call: Ayes: Anzalone, Henriquez, Muller, Sarlo, Schuck

Nays: None

Absent: Steinhilber

ORDINANCE NO. 1357-12-12

Clerk Read Ordinance By Title Only:

AN ORDINANCE ADDING CHAPTER _____, SECTION _____, ENTITLED "PROHIBITED DISCHARGES AND CONNECTIONS" OF THE BOROUGH OF LITTLE FERRY, COUNTY OF BERGEN AND STATE OF NEW JERSEY.

Mayor Raguseo entertained a motion to Open Public Hearing on Ordinance No. 1357-12-12.

Motion by: C/M Anzalone

Second by: C/M Sarlo

All ayes

Since no one wished to speak on Ordinance No. 1357-12-12, Mayor Raguseo entertained a motion to Close Public Hearing on Ordinance No. 1357-12-12.

Motion by: C/W Henriquez

Second by: C/M Muller

All ayes

Mayor Raguseo entertained a motion to Vote on Final Adoption of Ordinance No. 1357-12-12 with notification of said adoption published in The Record.

Motion by: C/M Sarlo

Second by: C/W Henriquez

Roll Call: Ayes: Anzalone, Henriquez, Muller, Sarlo, Schuck

Nays: None

Absent: Steinhilber

ORDINANCE NO. 1358-13-12

Clerk Read Ordinance By Title Only:

AN ORDINANCE AMENDING CHAPTER 2, SECTION 24.28 ENTITLED "EMPLOYMENT OF OFF DUTY POLICE OFFICERS, RATES OF COMPENSATION; ADMINISTRATIVE FEE; PAYMENT FOR SERVICES" OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF LITTLE FERRY, COUNTY OF BERGEN AND STATE OF NEW JERSEY.

Mayor Raguseo entertained a motion to Open Public Hearing on Ordinance No. 1358-13-12.

Motion by: C/W Henriquez

Second by: C/M Sarlo

All ayes

Since no one wished to speak on Ordinance No. 1358-13-12, Mayor Raguseo entertained a motion to Close Public Hearing.

Motion by: C/M Sarlo

Second by: C/W Henriquez

All ayes

Mayor Raguseo entertained a motion to Vote on Final Adoption of Ordinance No. 1358-13-12 with notification of said adoption published in The Record.

Motion by: C/W Henriquez

Second by: C/M Sarlo

Roll Call: Ayes: Anzalone, Henriquez, Muller, Sarlo, Schuck

Nays: None

Absent: Steinhilber

ORDINANCE NO. 1359-14-12

Clerk Read Ordinance By Title Only:

AN ORDINANCE AMENDING AN ORDINANCE ENTITLED "ANIMAL CONTROL" OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF LITTLE FERRY, COUNTY OF BERGEN AND STATE OF NEW JERSEY.

Mayor Raguseo entertained a Motion to Open Public Hearing on Ordinance No. 1359-14-12.

Motion by: C/W Henriquez

Second by: C/M Sarlo

All ayes

Since no one wished to speak on Ordinance No. 1359-14-12, Mayor Raguseo entertained a motion to Close Public Hearing.

Motion by: C/M Sarlo

Second by: C/W Schuck

All ayes

Mayor Raguseo entertained a Motion to Vote on Final Adoption of Ordinance No. 1359-14-12 with notification of said adoption published in The Record.

Motion by: C/W Henriquez

Second by: C/M Anzalone

Roll Call: Ayes: Anzalone, Henriquez, Muller, Sarlo, Schuck

Nays: None

Absent: Steinhilber

ORDINANCE NO. 1360-15-12

Clerk Read Ordinance By Title Only:

A CAPITAL ORDINANCE APPROPRIATING THE SUM OF \$50,000 FOR ACQUISITION OF VARIOUS EQUIPMENT TO BE UNDERTAKEN BY THE BOROUGH OF LITTLE FERRY AND TO APPROPRIATE \$50,000 FROM CAPITAL SURPLUS.

Mayor Raguseo entertained a Motion to Open Public Hearing on Ordinance No. 1360-15-12

Motion by: C/M Sarlo

Second by: C/W Henriquez

All ayes

Since no one wished to speak on Ordinance No. 1360-15-12, Mayor Raguseo entertained a motion to Close Public Hearing on Ordinance No. 1360-15-12.

Motion by: C/M Sarlo

Second by: C/W Henriquez

All ayes

Mayor Raguseo entertained a Motion to Vote on Final Adoption of Ordinance No. 1360-15-12 with notification of said adoption published in The Record.

Motion by: C/W Henriquez

Second by: C/M Sarlo

Roll Call: Ayes: Anzalone, Henriquez, Muller, Sarlo, Schuck

Nays: None

Absent: Steinhilber

ORDINANCE NO. 1361-16-12

Clerk Read Ordinance By Title Only:

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE BOROUGH OF LITTLE FERRY, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$935,000 THEREFOR AND AUTHORIZING

THE ISSUANCE OF \$888,250 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.

Mayor Raguseo entertained a Motion to Open Public Hearing on Ordinance No. 1361-16-12

Motion by: C/M Sarlo

Second by: C/W Henriquez

All ayes

Since no one wished to speak on Ordinance No. 1361-16-12, Mayor Raguseo entertained a motion to Close Public Hearing.

Motion by: C/M Sarlo

Second by: C/W Henriquez

All ayes

Mayor Raguseo entertained a Motion to Vote on Final Adoption of Ordinance No. 1361-16-12 with notification of said adoption published in The Record.

Motion by: C/W Henriquez

Second by: C/M Anzalone

Roll Call: Ayes: Anzalone, Henriquez, Muller, Sarlo, Schuck

Nays: None

Absent: Steinhilber

ORDINANCE NO. 1362-17-12

Clerk Read Ordinance By Title Only:

AN ORDINANCE AMENDING CHAPTER 35, LAND USE, OF THE CODE OF THE BOROUGH OF LITTLE FERRY, BERGEN COUNTY, NEW JERSEY, TO ESTABLISH A NEW RF-A RIVERFRONT DEVELOPMENT INCLUSIONARY OVERLAY A ZONE EMCOMPASSING BLOCK 25 AND ALSO SETTling LITIGATION.

Mayor Raguseo entertained a Motion to Open Public Hearing on Ordinance No. 1362-17-12

Motion by: C/M Sarlo

Second by: C/W Henriquez

All ayes

Eileen DeLeeuw, 11 Chapman Drive came forward to speak on Ordinance No. 1362-17-12. She gave her opinion on how she felt the Riverfront Development should look.

Since no one else wished to speak, Mayor Raguseo entertained a Motion to Close Public Hearing on Ordinance No. 1362-17-12.

Motion by: C/W Henriquez

Second by: C/M Sarlo

All ayes

Mayor Raguseo entertained a Motion to Vote on Final Adoption of Ordinance No. 1362-17-12 with notification of said adoption published in The Record.

Motion by: C/W Henriquez

Second by: C/M Sarlo

Roll Call: Ayes: Anzalone, Henriquez, Muller, Sarlo, Schuck

Nays: None

Absent: Steinhilber

PROCLAMATIONS, RESOLUTION(S) & ORDINANCE(S) FOR INTRODUCTION:

Mayor Raguseo entertained a motion to vote on Proclamations and Resolutions 118 through 127 and Resolutions 132 through 138.

Motion by: C/W Henriquez

Second by: C/M Sarlo

Roll Call: Ayes: Anzalone, Henriquez, Muller, Sarlo, Schuck

Nays: None

Absent: Steinhilber

PROCLAMATION:

National Poison Prevention Week

Colorectal Cancer Awareness Month

RESOLUTIONS:

118. Authorizing SportCare to Provide Cleaning Services for the Borough's Synthetic Turf Field
119. Authorizing the Execution of a Contract Agreement between the Borough of Little Ferry and Any Excuse For A Party, Inc.
120. Resolution Regarding Settling Robert N. Lee Hyern OK Tax Appeals
121. Authorizing Refund of Tax Overpayment to Carol A. Kearney
122. Approval of Minutes – Workshop Meeting – February 7, 2012 & Workshop Meeting – February 21, 2012
123. Amending Resolution No. 110, Adopted 2/21/12 to Authorize Borough Engineer to Prepare Plans & Specifications for the Washington and Memorial Schools Sidewalk Replacement Project
124. A Resolution Authorizing the Borough of Little Ferry to Apply for Tonnage Grants for the Calendar Year 2012
125. Tax Reimbursement Certification
126. Authorizing the Execution of a Contract Agreement Between the Borough Of Little Ferry and Garden State Fireworks, Inc.
127. Authorizing the Borough Administrator to enter into a Professional Services Agreement with AccuTech Environmental Services in the Amount of \$12,300 for a Vapor Intrusion Study at the DPW Garage
128. Appointed Pro-Tempore Clerk for the Workshop meeting (**passed 3/06/12**)
129. Authorizing Borough Administrator and Borough Clerk to be signatories for paperwork associated with the Bergen County CD sidewalk replacement grant (**passed 03/06/12**)
130. Authorizing Borough Administrator to advertise and hire part-time bus drivers (**passed 03/06/12**)
131. Authorizing hiring of Joseph Estrella as School Crossing Guard (**passed 03/06/12**)
132. Authorizing the Transfer of 2011 Budget Appropriation Reserves
133. Emergency Temporary Budget Appropriations for 2012
134. Introduction of 2012 Municipal Budget
135. Release of Escrow – Robert & Susan Aitken
136. Approval of Application for Raffle License – Ridgefield Memorial High School – PTA – On –Premise Raffle
137. Approval of Application for Raffle License – Ridgefield Memorial High School – PTA – On-Premise 50/50 Raffle
138. Claims Resolution
139. Closed Session Resolution (adopted at Workshop Meeting)

Since there was no other business to be conducted, Mayor Raguseo entertained a motion to adjourn.

Motion by: C/W Henriquez

Second by: C/W Schuck

All ayes

Meeting adjourned at 9:45 P.M

Minutes transcribed by Deputy Borough Clerk Patricia Lazzaro and respectfully submitted by Borough Clerk Barbara Maldonado. I hereby certify the foregoing Minutes to be a true account of the Regular Meeting of the Mayor and Council held on March 13, 2012.

Barbara Maldonado, Borough Clerk