

**BOROUGH OF MOUNT ARLINGTON
COUNCIL MEETING MINUTES
FEBRUARY 23, 2009**

1. Call to Order

- 2. Adequate notice** of this meeting of the Mayor and Borough Council of the Borough of Mount Arlington was given as required by the Open Public Meetings Act as follows: Notice was published in the Roxbury Register and the Daily Record on Wednesday, December 31, 2008; notice was posted on the bulletin board in the main hallway of the Municipal Building on December 31, 2008 and has been available to the public; notice of this meeting is on file in the office of the Borough Clerk.

In accordance with the Open Public Meetings Act (N.J.S.A. 10:4-1 et seq.). The Borough Council opens every public meeting for comments of the public. However, in accordance with N.J.S.A. 10:4-12 : “Nothing in this Act shall be construed to limit the discretion of a public body to permit, prohibit or regulate the active participation at any meeting,....”

Speakers at Borough meetings shall have five minutes to present their comments to the Borough Council so as not to consume time that would otherwise be allotted to other persons who wish to speak. Speakers shall be courteous to the Council and other persons attending the meeting. Offensive remarks or unruly behavior will not be allowed and anyone who violates this policy will be barred from participating in the meeting.

3. Flag Salute

1. Cub Scout Pack 60 presented the flag and led the flag salute. The Mayor asked for a moment of silence to remember our troops overseas fighting for our freedom. The Scouts recited the Boy Scout Pledge and Cub Pack Leader Anthony Mutz gave a brief overview of the history of scouting, the benefits to our youth and explained some of the Scout activities. The Mayor thanked the Scouts and expressed his support in scouting.

5. Presentations/Mayor's Appointments

1. Proclamation to Boy Scouts Naming February 1-8 as Scouting Anniversary Week.
The Mayor read the Proclamation into the record.
2. Chief Peterson to present Meritorious Service Awards to Sergeant Lowry and Patrolman McCoach.
Chief Peterson introduced the members of the Police Department in attendance at the meeting. Chief Peterson explained the Meritorious Service Awards and briefly discussed the incident responded to by Sergeant Lowry and Patrolman McCoach.
3. Proclamations to Honor Sergeant Lowry and Patrolman McCoach.
The Mayor read the Proclamations into the record.

6. Old Business

1. Mount Arlington Green Initiatives Committee.
Councilwoman Galate Goodman stated the next meeting will be March 10, 2009 at 6:30 p.m. and all are welcome; the committee will be discussing procedures.
2. Council Committee Reports.
Councilman Sadow, Recreation: Councilman Sadow met with Superintendent Jane Jameson regarding the Toxic Waistline Program, which has been accepted by the sponsors of the program. The kick-off date is March 1, 2009, and includes a 100 day program which only the faculty of our schools will be participating in; the goal is stamping out the drive to obesity. Once the pilot program is completed and we have some positive feedback, we can get the students involved, followed by opening the program to the community. There are prizes, top three “losers” get \$1,000 each. Council President Cerasoli stated that the Library just purchased the Wi Fit Program to encourage exercise.

Councilwoman Galate Goodman, Police: The Committee is continuing to work on contract negotiations.

7. New Business

None.

8. Open to Public

Nick Andrews, 121 Orben Drive:

- Mr. Andrews was speaking with the Mayor the last summer and a landscaping truck came speeding down Orben Drive; at that point, the Mayor suggested having surveillance cameras on Orben Drive to monitor the speed. Mr. Andrews commended the recent improvements to Orben Drive but indicated the improved road is an invitation to speed. Mr. Andrews spoke to Chief Peterson last week and he agreed with surveillance cameras or speed humps. The Mayor stated that speed humps are a good solution but they have drawbacks as well. Chief Peterson stated to Mr. Andrews recently that he feels he can control the speeding with officers patrolling the area. The Mayor stated this is an enforcement and public safety issue that the Chief is monitoring. The Mayor had previously spoken with Chief Peterson regarding installing solar powered speed monitors; we need to install something that will permanent.

Charles Squires, 26 Birch Terrace:

- With regard to the Green Team Initiative, Mr. Squires stated that in Everett, MA, a city of 35,000 people, they have an agreement with a firm that handles recyclables. The company gives residents buckets for recyclables, pick them up, weigh them and keep the data; when residents reach X amount, they get gift certificates. Mr. Squires will give the article to Councilwoman Galate Goodman for review. The Borough Administrator stated the Borough is going out to bid on our garbage contract this year and she would like to review this as well.
- Mr. Squires was happy to see the United Water ordinance was withdrawn. United Water wants to raise the residents of Seasons Glen 50% for water and 50% increase in sewer. The residents are frustrated, hired an attorney and went before an Administrative Judge. Mr. Squires spoke to Mr. Atkins and Mr. Myrtle years ago and wanted assurance that the residents would not be paying for the expense of water service to Shadow Woods. If this ordinance should be re-introduced, Mr. Squires wants to be sure there is verbiage stating there is no additional cost to the residents. The Mayor stated that the BPU is imposing a statewide increase, not just for Seasons Glen; there are two separate issues that Atkins is working on at the same time but we will make sure that any future ordinances will absolutely divide the two completely. The Mayor stated that we have been trying to provide those buildings and Shadow Woods with Borough water but unfortunately because of the Highlands legislation and the MUA having a lot of problems, we have not been able to get in that way. The developer has to find water for his project, the two office buildings and a development, which will bring in tax ratables and reduce taxes in the entire Borough. The Borough Administrator stated that as we got more and more customers on line, the Borough was able to charge less because the debt was paid from everyone's input.

Scott Levitt, 127 Crestview Lane:

- Mr. Levitt wanted to clarify the issues Mr. Squires spoke about. Mr. Levitt stated the 15% increase in water is statewide and the 50% Mr. Squires was referring to is really the sewer rate, which is tied up into how much water you use. The problem is now we are in a recession, but they applied for the increase in July, which will show numbers that are no longer applicable. The Shadow Woods memorialization does not show anything that clearly says that any increases in capacity would be borne by the developer and he would like to see that in writing. Mr. Levitt stated there are trust issues with United Water. The Mayor stated there will be another ordinance but it will be very carefully scrutinized; the present Borough Ordinance #03-09 will be withdrawn. Mayor requested Mr. Levitt alert him as to the date of the BPU hearing as he would like to attend also. Councilman Sadow agreed that the issue is trust; the rate increase comes at a time when clearly the franchise expansion is taking place and it just doesn't seem like a coincidence. Councilman Sadow urged the public to put trust in the Mayor and Council to make certain that these issues are separate and apart. The Borough Attorney suggested Mr. Levitt obtain a copy of the transcript of the BPU hearing, highlight the discrepancies which United Water stated at their meeting, and ask the BPU to take this under advisement; indicate the representation that was made to the residents of Mount Arlington and ask the BPU to take this into account upon determining the rate increases.

Charles Squires, 26 Birch Terrace:

- Mr. Squires stated following the United Water meeting, he sent the judge a letter indicating that that same night the Council had a proposed ordinance. The Judge had stated that the final analysis of the numbers, etc. come to him, to see if an increase is fair or not. The Mayor stated that he had no idea that there was a meeting going on elsewhere during our last Council meeting.

4. Roll Call (accidentally excluded at commencement of meeting)

Councilman Driscoll, Councilman Sorge, Councilman Sadow, Councilwoman Galate Goodman, Council President Cerasoli, Mayor Ondish. JoAnne Sendler, Borough Administrator and Thomas Segreto, Borough Attorney, were also present. Councilman Doran was absent.

9. Approval of Minutes

January 26, 2009

Regular Meeting

Motion to Approve: Councilman Driscoll.

Second: Councilman Sadow.

Councilwoman Galate Goodman had a correction on page 2 regarding the Citizens Budget Review Committee.

Roll Call:

Aye: Driscoll, Sadow, Galate Goodman, Council President Cerasoli.

Abstain: Sorge.

Motion Approved.

Motion to Move the Executive Session to the End of the Meeting:

Councilman Sorge.

Second: Councilman Sadow.

All in Favor – Aye; None Opposed.

Motion Approved.

11. Resolutions

2009-42 Resolution of the Mayor and Borough Council of the Borough of Mount Arlington, in the County of Morris, State of New Jersey, Authorizing Execution of Professional Service Contract.

Motion to Approve: Councilman Driscoll.

Second: Councilman Sorge.

Roll Call:

Aye: Driscoll, Sorge, Sadow, Galate Goodman, Council President Cerasoli.

Motion Approved.

2009-43 Resolution of the Mayor and Borough Council of the Borough of Mount Arlington, in the County of Morris, State of New Jersey, in Compliance with NJDEP Stormwater Regulations Pertaining to Car and Truck Washing.

Motion to Approve: Councilman Sorge.

Second: Councilman Driscoll.

Councilman Sadow questioned the frequency of car and truck washing, stating again he is looking at dollars and, except as it pertains to the performance of the vehicle, is there a way can we shave some cost. Councilman Sorge stated it is a pay-me-now/pay-me-later deal because if the road salt eats through the underside of the vehicles, we would be paying more for repairs and replacement. Councilwoman Galate Goodman stated that maintenance of any vehicle would be to keep it clean. The Borough Administrator stated that this resolution simply complies with the DEP regulations; it is not a budget issue.

Councilwoman Galate Goodman will speak with the police to obtain the washing frequency.

Roll Call:

Aye: Driscoll, Sorge, Sadow, Galate Goodman, Council President Cerasoli.

Motion Approved.

- 2009-44** Resolution of the Mayor and Borough Council of the Borough of Mount Arlington, in the County of Morris, State of New Jersey, Authorizing Submission of Local Government Energy Audit Program Application.

Motion to Approve: Councilman Sorge.

Second: Councilman Driscoll.

The Mayor stated there are four engineering firms to choose from, omitting Clough Harbor. The process is once our application is submitted and receive approval from TRC, the company running the program, we will write an RFP to determine the scope of our needs and submit it to all four firms; Daren Phil will generate the RFP. Council President Cerasoli asked if we had to budget the \$100,000 this year. The Mayor stated that once we get approved to go for the audit, the \$75,000 is encumbered immediately; our audit is capped at \$100,000 but whatever the cost of our audit, 75% of it is encumbered by the BPU and the grant, so we do not have to pay any money. If the audit is returned with suggestions, the changes have to cost 25% of the cost of the implementation, then they will give us the \$25,000 as well; it is a 100% free audit. The Mayor stated that if we do not follow their suggestions, we will have to come up with 25% of the total audit cost. The Mayor stated we are under no obligation, we have until the implementation phase to decide if we want to make changes to save energy. The audit is also going to be looking at sustainable energy, solar and wind, of which Mount Arlington has a good potential. The Mayor stated that the County Improvement Authority is doing a similar program for solar.

Roll Call:

Aye: Driscoll, Sorge, Sadow, Galate Goodman, Council President Cerasoli.

Motion Approved.

- 2009-45** Resolution of the Mayor and Borough Council of the Borough of Mount Arlington, in the County of Morris, State of New Jersey, Authorizing a Transfer of Funds.

Motion to Approve: Councilman Driscoll.

Second: Councilman Sorge.

Roll Call:

Aye: Driscoll, Sorge, Sadow, Galate Goodman, Council President Cerasoli.

Motion Approved.

- 2009-46** Resolution of the Mayor and Borough Council of the Borough of Mount Arlington, in the County of Morris, State of New Jersey, Establishing Hourly Rates for Personnel to be Charged Under the OPRA Special Service Fee Ordinance for 2009.

Motion to Approve: Councilman Sorge.

Second: Councilman Sadow.

Roll Call:

Aye: Driscoll, Sorge, Sadow, Galate Goodman, Council President Cerasoli.

Motion Approved.

- 2009-47** Resolution of the Mayor and Borough Council of the Borough of Mount Arlington, in the County of Morris, State of New Jersey, Designating the Month of March as "Women's History Month".

Motion to Approve: Council President Cerasoli.

Second: Councilwoman Galate Goodman.

Roll Call:

Aye: Driscoll, Sorge, Sadow, Galate Goodman, Council President Cerasoli.

Motion Approved.

12. Ordinances – Introduction

*Motion to Withdraw:

- 03-09** An Ordinance of the Mayor and Borough Council of the Borough of Mount Arlington, in the County of Morris, State of New Jersey, Providing for the Municipal Consent of the Borough for United Water New Jersey Inc. to Provide Water Service to Block 61, Lots 42.01, 42.02 and 42.03; Block 72, Lots 1.01 and 1.02; Block 72.01, Lot 3; Block 82, Lots 1.01, 1.02, 1.03 and 1.04; Block 82.01, Lot 1; Block 83, Lots 9, 15.01 and 15.02; and Block 83.01, Lot 1 in the Borough of Mount Arlington and for the Laying of Pipes and the Installation of Other Utility Facilities as May Be Necessary.

Motion to Withdraw: Council President Cerasoli.

Second: Councilwoman Galate Goodman.

Roll Call:

Aye: Driscoll, Sorge, Sadow, Galate Goodman, Council President Cerasoli.

Motion Approved to Withdraw.

- 05-09** An Ordinance of the Mayor and Borough Council of the Borough of Mount Arlington, in the County of Morris, State of New Jersey, Amending Chapter 135, Entitled Sewers and Chapter 175, Entitled Water, of the Code of the Borough of Mount Arlington.

The Mayor read Ordinance 05-09 by Title.

Motion: Councilman Driscoll stated that Ordinance 05-09 be introduced by Title and passed on First Reading and that a meeting be held on March 23, 2009 at 6:00 p.m. at the Municipal Building, 419 Howard Boulevard, Mount Arlington, NJ, for a Public Hearing, consideration of Second Reading and Passage of said Ordinance, and that the Clerk be directed to publish, post and make available said Ordinance in accordance with the requirements of law.

Second: Councilman Sorge.

The Borough Administrator stated that Joe Kovalcik suggested the increase, which was confirmed by Bud Jones.

Roll Call:

Aye: Driscoll, Sorge, Sadow, Galate Goodman, Council President Cerasoli.

Motion Approved.

- 06-09** An Ordinance of the Mayor and Borough Council of the Borough of Mount Arlington, in the County of Morris, State of New Jersey, Concerning Regulation of Charitable Clothing Bins.

The Mayor read Ordinance 06-09 by Title.

Motion: Councilman Sorge stated that Ordinance 06-09 be introduced by Title and passed on First Reading and that a meeting be held on March 23, 2009 at 6:00 p.m. at the Municipal Building, 419 Howard Boulevard, Mount Arlington, NJ, for a Public Hearing, consideration of Second Reading and Passage of said Ordinance, and that the Clerk be directed to publish, post and make available said Ordinance in accordance with the requirements of law.

Second: Councilman Driscoll.

Councilman Sadow asked if the clothing bin contents are for charitable organizations or earmarked for less fortunate residents of Mount Arlington. The Borough Attorney stated the contents are not specific for Mount Arlington. The Clerk reminded Council that upon adoption of this ordinance, Council will also adopt a resolution outlining the procedures and Clerk's duties relative to clothing bins. Councilman Sadow stated that the spirit of the bins is one of charity and asked if we have any responsibility to make sure the contents of the bins are in fact used for that purpose. The Borough Attorney stated that the labels on the bins have to identify if the bin is for a charitable organization or private entity and name such entity. Councilman Sadow stated we cannot insist upon bins strictly for charitable purposes but we can insist on proper labeling.

Roll Call:

Aye: Driscoll, Sorge, Sadow, Galate Goodman, Council President Cerasoli.

Motion Approved.

13. Ordinances – Second Reading

02-09

An Ordinance of the Borough of Mount Arlington, County of Morris, State of New Jersey, Amending the Code of the Borough of Mount Arlington Regarding Special Service Charges Pursuant to the Open Public Records Act.

The Mayor opened the Hearing to the Public on Ordinance #02-09 and read the Ordinance by title.

Councilman Driscoll stated, I move for adoption and final passage of Ordinance #02-09.

Second: Council President Cerasoli.

Roll Call:

Aye: Driscoll, Sorge, Sadow, Galate Goodman, Council President Cerasoli.

Motion Approved.

The Mayor declared that Ordinance #02-09 is passed on second reading and directed the Clerk to publish the notice of adoption as required by law.

14. Motions

15. Mayor's Report

The Mayor read his report into the record.

16. Borough Administrator's Report

10. Executive Session

2009-41

Resolution of the Mayor and Borough Council of the Borough of Mount Arlington, in the County of Morris, New Jersey, Authorizing An Executive Session of the Mayor and Borough Council and Excluding the Public from That Portion of the Meeting.

Executive Session Topics: Negotiations - Police Contract, Shared Services – Construction and Personnel.

There will be action taken following the Executive Session.

Motion to Go Into Executive Session after a Five-Minute Break: Councilman Driscoll.

Second: Councilman Sorge.

All in Favor – Aye; None Opposed.

Motion Approved.

Motion to Go Back into Open Session: Councilman Driscoll.

Second: Councilman Sorge.

All in Favor – Aye; None Opposed.

Motion Approved.

Added Resolution

2009-48 Resolution of the Mayor and Borough Council of the Borough of Mount Arlington, in the County of Morris, State of New Jersey, Appointing Monica Goscicki as Chief Financial Officer.

Motion to Approve: Council President Cerasoli.

Roll Call:

Aye: Driscoll, Sorge, Sadow, Galate Goodman, Council President Cerasoli.

Motion Approved.

17. Adjourn

Motion to Adjourn: Councilman Driscoll.

Second: Councilman Sorge.

All in Favor – Aye; None Opposed.

Motion Approved.

Linda DeSantis, RMC
Borough Clerk

Minutes Approved at Meeting of March 23, 2009.

BOROUGH OF MOUNT ARLINGTON

MOUNT ARLINGTON, NEW JERSEY

PROCLAMATION

WHEREAS, the success of Scouting for Cub Scouts, Boy Scouts, Explorers, and Venturing depends on our community organizations; and,

WHEREAS, there are 505 churches and synagogues, schools and parent-teacher associations, service and fraternal clubs, and other community organizations that have been chartered in our area by the Boy Scouts of America to use the Scouting program; and,

WHEREAS, the volunteer leaders selected by these chartered organizations are performing an outstanding service for 18,871 boys and young men and women; and,

WHEREAS, the Patriots' Path Council of the Boy Scouts of America and its corps of dedicated volunteer leaders are providing necessary support to the leaders in the 6,236 Cub Scout Packs, Boy Scout Troops, Explorer Posts and Venture Crews.

NOW, THEREFORE BE IT RESOLVED THAT I, Mayor Arthur R. Ondish, proclaim the week of February 1-8, 2009, as Scouting Anniversary Week and urge our citizens to join with me in expressing appreciation to the community organizations and their volunteer Scouting leaders for bringing this values-based program to our young people.

Arthur R. Ondish, Mayor

February 23, 2009

PROCLAMATION

IN HONOR OF

SERGEANT WILLIAM LOWRY

BOROUGH OF MOUNT ARLINGTON

POLICE DEPARTMENT

WHEREAS, the Mayor and Borough Council wish to publicly express their gratitude to Sergeant William Lowry for his bravery and heroism in assisting a resident during a brutal personal attack; and

WHEREAS, during these tense seconds and due to the magnitude of the violence, Sergeant Lowry and Patrolman McCoach were able to remove and restrain the assailant before any further injury was sustained; and

WHEREAS, Sergeant Lowry placed his life at risk to come to the aid of the resident during this most horrifying attack; and

WHEREAS, if it were not for the split second response of Sergeant Lowry, a life might not have been saved.

NOW, THEREFORE, BE IT PROCLAIMED, by the Mayor and Borough Council of the Borough of Mount Arlington that they wish to honor and recognize the bravery and heroism of Mount Arlington Police Department Sergeant William Lowry.



Arthur R. Ondish, Mayor

February 23, 2009

PROCLAMATION

IN HONOR OF

PATROLMAN DENNIS McCOACH

BOROUGH OF MOUNT ARLINGTON

POLICE DEPARTMENT

WHEREAS, the Mayor and Borough Council wish to publicly express their gratitude to Patrolman Dennis McCoach for his bravery and heroism in assisting a resident during a brutal personal attack; and

WHEREAS, during these tense seconds and due to the magnitude of the violence, Patrolman McCoach and Sergeant Lowry were able to remove and restrain the assailant before any further injury was sustained; and

WHEREAS, Patrolman McCoach placed his life at risk to come to the aid of the resident during this most horrifying attack; and

WHEREAS, if it were not for the split second response of Patrolman McCoach, a life might not have been saved.

NOW, THEREFORE, BE IT PROCLAIMED, by the Mayor and Borough Council of the Borough of Mount Arlington that they wish to honor and recognize the bravery and heroism of Mount Arlington Police Department Patrolman Dennis McCoach.


Arthur R. Ondish, Mayor

February 23, 2009

Mayor report for 2/23/09

Since our 2/6/09 meeting:

Feb 10- Attended our second green team meeting joined by Mayor Fred Profeda of Maplewood. Mayor Profeda is the co-chair of the Mayors Committee for a Green Future. The MCGF are the sponsors of Sustainable Jersey which is the program that will go live on 2/26/09 to help all municipalities in NJ Go Green.

Feb 11- Attended a Legislative Review Committee in Princeton through the League of Municipalities.

Feb 12- Went on a trip with Mayor Chegwidden and his high school students to Washington DC to attend the Junior Statesmen of America winter conference. It was a great trip. On Feb 12th had a chance to meet with Lisa Jackson our new EPA Administrator in her office. A panel was put together to address the students about the USEPA and what they do. On Feb 13th we had a chance to meet with the new US Department of Agriculture Secretary Vilsack. Great guy and USDA put together several speakers to address and educate the students on what the USDA does. We returned home on Feb 15th.

Feb 17- Had a meeting with the NJ Division of Parks and Forestry to discuss leasing the former Forest Fire division building in Franklin. The Lake Hopatcong Commission will have the opportunity to move our maintenance and storage facility to that location. We will also have the opportunity to lease out the remaining space to generate some income for the LHC operating budget. Following that meeting we went over to the DEP and had a meeting to discuss user fees. Returned home and attended our regular LHC meeting in Mount Arlington.

Feb 18- Attended the Morris County League of Municipalities meeting at Birchwood manor where Bill Dressell, the Exe Director of the state league gave a state of the state presentation. I was jointed my Councilman Driscoll and Administrator Sendler.