

**BOROUGH OF MOUNT ARLINGTON
COUNCIL MEETING WORKSESSION MINUTES
FEBRUARY 25, 2008**

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 Thursday, December 20, 2007; notice was posted on the bulletin board in the main hallway of the Municipal Building on December 11, 2007 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

The Mayor asked for a moment of silence for our troops and their safe return home.

4. Roll Call

Council President Driscoll, Councilman Sorge, Councilwoman Mulligan, Councilwoman Cerasoli, Councilman Doran, Mayor Ondish. JoAnne Sendler, Borough Administrator, and Matthew Giacobbe, Borough Attorney, were also present. Councilwoman Galate Goodman was away on vacation.

5. Presentations

1. Proclamations Awarded to Mount Arlington Alumni presently Members of Roxbury High School Marching Gael's.

The Mayor read the Proclamation into the record and presented plaques to those Alumni present: Dennis D'Abbraccio, Danielle D'Abbraccio and Nicole Graham; not present were Michael Scrimo, Sabrina Simmons, Allie Eichvalds and Katelyn Montan

6. Open to Public

Olga Tobin, 100 Rogerene Way:

Ms. Tobin stated that after paving Rogerene Way, she noticed her electrical circuit leading from her home to the lakefront had been destroyed. Daren Phil was in attendance and stated he had checked with the Construction Department and there is no permit for that line; the Borough might have to grant an easement to the private property owner but there are no records. Mr. Phil stated that they did deed research to ascertain the property line and suggested Ms. Tobin contact the County Courthouse to begin her research on the property.

Marge Ryan, 44 Rogerene Way:

Ms. Ryan brought pictures of Rogerene Way where ice is accumulating in front of her house since the repaving and discussed the water now running over the beach because the road is too high. Daren Phil has been in contact with Tomaro Contractors and they are trying to resolve these drainage problems. Ms. Ryan also stated that there are sump pumps going under the road into the lake; Mr. Phil will look into that as well.

Debbie Hill, 352 Howard Boulevard:

Ms. Hill questioned the status of the SAGE grant application filed for the police study; the Clerk will follow-up with the DLGS/DCA.

Sharon McDonald, 5 Chestnut Street:

Ms. McDonald learned of a theft of records from Borough Hall and wanted to clarify and find out more information. The 2004 box of Ordinances and Resolutions is missing from the vault. The Clerk's Assistant noticed the box was missing on Wednesday, February 20th. The Clerk has copies of all documentation but the originally signed documents are missing. Matthew Giacobbe stated that he was here on Borough business when the theft was discovered and advised the Clerk to file a report with the Police so they can do a proper investigation as to whether the box is missing or has been misplaced. The Clerk stated that the combination lock on the vault has been changed.

Scott Levitt, 137 Crestview Lane:

Mr. Levitt asked how Council will approach the Land Use Ordinance review. Mr. Giacobbe stated that no action will be taken this evening; this matter is only up for discussion with the Borough professionals but in an open session so that the public can be informed. The public will be allowed to make comments during the Public Hearing at the second reading of the ordinance. The ordinance will also be reviewed by the Land Use Board before introduction to the public.

7. Discussion Topics

1. Review Land Use Ordinance.

Mary Johanna LoPonte, Chairman, Land Use Board:

Ms. LoPonte stated that the Land Use Board is presenting this ordinance to the Council for their review; after introduction, the ordinance will come back to the Land Use Board for review and then sent back to Council within thirty days for final adoption. Ms. LoPonte discussed the Floor Area Ratio; presently the ordinance reads a resident is allowed to add on to their property 20% of the existing floor area, which then defines each addition to be a major variance. The rule is antiquated and does not serve our needs. ; we are putting the residents through a myriad of problems to improve their property and we need a hard and fast rule that we can apply to these applicants. The major responsibility of the Land Use Board is the protection of property in the Borough and to maintain the characteristics of the neighborhoods.

Daren Phil, Borough Engineer:

Mr. Phil stated that they had provided a lot of information to the Mayor and Council a few months ago and there were issues that required more research. Mr. Phil stated that this ordinance will reflect the goal of the municipality. The Borough has a very rigid constraint on any lot that is non-conforming in size. Many of the applications coming before the Board completely disregard the characteristics of the neighborhoods and are looking to maximize what they can possibly fit on their lot; typically these applications are denied. The Floor Area Ratio takes the entire volume of the building, every floor level, and makes the applicants take that and provide the relative percentage to the amount of property that you own. The FAR will maintain the characteristics of our neighborhoods and all variances will no longer have to come before the Board if they abide by the floor area ratio. The Mayor stated that we are trying to make the applications themselves as user/reader friendly as possible, but the laws that bind us do not give us too many choices.

Michael Selvaggi, Land Use Board Attorney:

Mr. Selvaggi stated that there are two competing interests: 1) whether the municipality believes this is a problem, having monster homes on smaller lots; and 2) the impact they have on adjacent property owners. The 20% ordinance is virtually meaningless because it is such a low threshold; it is a ridiculous number and people are building without any parameters. The FAR affords the homeowner some idea of the magnitude of the house the Borough will allow.

Matthew Giacobbe, Esq. stated the process would be the ordinance comes before Council, Council modifies it as they see fit and then the ordinance goes back to the Land Use Board for their professional review and comment; the ordinance then comes back to Council for final passage.

Motion to Take a Five Minute Break: Sorge.
 Second: Council President Driscoll.
 All in Favor – Aye; None Opposed.
 Motion Approved.

Motion to Return to Meeting: Sorge.
 Second: Doran.
 All in Favor – Aye; None Opposed.
 Motion Approved.

2. Howard Boulevard & Altenbrand Avenue Roadway Improvements.

The Mayor stated that this project started more than six years ago and that Mr. Phil has been dealing with the various agencies trying to get approvals; we can now finally move forward. We had received a \$300,000 grant but the State did not release the money to us, which is part of the reason the project was held up.

Mr. Phil gave an overall review of the project and the approval process for this type of street enhancement project. The Borough had to shorten the project from the Municipal Building property to Altenbrand and then down to Park Avenue. Mr. Phil discussed lighting, stamped concrete stained sidewalks, and three different types of street trees. Mr. Phil stated we need another Resolution Authorizing the Borough to go to bid; we took the word “streetscape” out of the title because it attracts a certain type of contractors. The Clerk stated that the DOT requires this legal notice be published three consecutive weeks in the two Borough papers. Mr. Phil also discussed the realignment of Howard Boulevard. Council agreed to place the Resolution Authorizing Bid Process on the March 10, 2008 meeting agenda.

Council discussed property maintenance on both vacant and occupied properties; Council will discuss revising the property maintenance ordinance. Council agreed to invite Al Thompson to attend the next Worksession to discuss both the property maintenance and sign ordinance. Ms. LoPonte stated that real estate/property values in Mount Arlington have risen 14% while the rest of the county is dropping.

3. Resolution Opposing Revisions to the Wrongful Death Statute.

Matthew Giacobbe stated that there is a bill pending that will permit plaintiffs to sue municipalities for emotional distress damages; presently, damages are loss of consortium, etc., and this will open the flood gates to emotional distress, pain and suffering. There is opposition that this bill is against Title 59, which prohibits or limits the ability of individuals to sue government entities. This resolution would oppose the amendment to the statute and would urge our legislature, et al, to vote against the amendment. Council asked to have this resolution on the March 10, 2008 agenda.

4. Revise Worksession Procedures.

Matthew Giacobbe and the Clerk had discussed that the Borough Worksession advertisements should read, “Formal Action May Be Taken”, which affords Council the ability to take action but should be limited to “emergency/extraordinary action”. Mr. Giacobbe also advised listing an Executive Session on all Worksession agenda’s; the Executive portion can always be withdrawn. The Clerk will re-advertise the 2008 meeting schedule, including the appropriate verbiage and will add the verbiage to the Adequate Notice portion of Worksession agenda’s.

The Mayor stated he would not be attending the March 10, 2008 Council Meeting.

8. Adjourn

Motion to Adjourn: Councilman Doran.
Second: Council President Driscoll.
All in Favor – Aye; None Opposed.
Motion Approved.

Linda DeSantis, RMC
Borough Clerk

Minutes Approved at the Council Meeting on April 14, 2008.