

**BOROUGH OF MOUNT ARLINGTON
COUNCIL MEETING MINUTES
FEBRUARY 26, 2007**

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 January 18, 2007; notice was posted on the bulletin board in the main hallway of the Municipal Building on January 8, 2007 and said notice is on file in the office of the Borough Clerk.

3. Flag Salute

The Mayor asked for a moment of silence to remember our troops overseas.

4. Roll Call

Councilwoman Mulligan, Councilman Doran, Councilman Sorge, Councilwoman Cerasoli, Council President Driscoll, Mayor Ondish. JoAnne Sendler, Borough Administrator, and Nancy Gage, Borough Attorney, were also present. Councilman Stone was out ill.

5. Presentations/Mayor's Appointments

1. Read Across America Proclamation.

The Mayor read the Proclamation into the record and confirmed that he and Council members will be reading at the schools on Friday, March 2nd.

2. Proclamation Naming April Autism Awareness Month.

The Mayor read the Proclamation into the record.

6. Old Business

1. Presentation by Daren Phil:

- a. Tree Ordinance.

- Mr. Phil referenced his letter of January 19, 2007 regarding a tree removal ordinance and asked Council for guidance to finalize this ordinance. Nancy Gage stated that there are a large amount of baseline issues to be decided before finalizing this ordinance; the ordinance we have is the model from the Ten Towns Committee. Ms. Sendler asked if a committee should be formed as we need guidance. After Council discussion of various points of Mr. Phil's letter, Ms. Sendler confirmed that Council does want a tree ordinance in place; Nancy Gage and Daren Phil will come back to Council with a revised ordinance including Council's comments this evening.

- b. Sign Ordinance.

- Mr. Phil referred to the Draft Ordinance prepared by Kimball & Kimball, dated January 19, 2007, which he discussed with Mr. Kimball and JoAnne Sendler. Council noted that the Zoning Officer should be handling permits whereas the draft states Construction Official. After Council discussion, they agreed to introduce this ordinance at the next Council Meeting.

- c. Mine Ordinance.

- Mr. Phil referred to the Interoffice Memorandum from Alan Thompson, dated January 19, 2007 regarding abandoned mine shafts, which was originally brought to our attention with regard to Pio Costa property, which had to be fenced. Mr. Phil stated the jurisdiction of mining operations is through the state but he recommends this be included in the property maintenance code; our concern is that these are just open settlement areas that must be rendered safe. Nancy Gage stated that this ordinance gives us the right to abate the problem and charge the property owner with the cost. Mr. Phil thought this ordinance was sufficient.

2. Shed Ordinance.
 - JoAnne Sendler stated that the Land Use Ordinance, which will include a section regarding sheds, will be presented to the Land Use Board at their February 28, 2007 meeting, then the floor area ratio is going to be presented to the Board two weeks after that; the beginning of April it will come to Council, and as a courtesy back to the Board. Hopefully all the Land Use ordinances will be introduced in the beginning of April.
3. Clerk's Follow-Up Report Memorandum, dated February 15, 2007.
 - The Clerk discussed the items on the follow-up list, noting further follow-up direction/status of any open items.

7. New Business

1. Revisions to Borough Code, Chapter 36, Alarm Systems.

8. Approval of Minutes

February 12, 2007 Special Budget Meeting

Motion to Approve: Councilwoman Cerasoli.
 Second: Council President Driscoll.
 Roll Call: Mulligan, Doran, Sorge – Abstain, Cerasoli, Council President Driscoll.
 Motion Approved.

9. Open to Public

Richard Husni, 30 Mountainview Avenue:

- Mr. Husni stated that there is a problem with garbage on the corner of Altenbrand/Howard and Mountainview/Altenbrand. The residents have actually built garbage can storage bins; the Mayor asked the Clerk to notify Al Thompson and get a report on this situation. JoAnne Sendler advised Mr. Husni that he can always call Carolyn O'Connor to leave a message for Mr. Thompson. Nancy Gage will review our existing ordinances and speak to Al Thompson to confirm that the Code includes verbiage that residents do not leave their garbage cans exposed or by the street.

Paula Danchuk, 50 Elizabeth Way:

- The Mayor advised Ms. Danchuk that he would be unable to attend the PTA Dinner Dance; he will be attending an event in Wharton that night and again expressed his thanks for the invitation.
- With regard to the mine ordinance, Ms. Danchuk asked Daren Phil the code or name of ordinance and whether this ordinance enables the development of the property. Mr. Phil said the ordinance will enforce the property owner to render the property safe, so children don't get in harms way.
- Ms. Danchuk stated that most of the people she has spoken to in Lake Rogerene do not want more street lights and asked if Council wanted her to do a survey. The Mayor stated that we would leave this up to Chief Peterson as our Public Safety Officer to make sure that safety issues are compliant.
- Ms. Danchuk stated that they have a tractor and use it for the parade at the Lake, which is a concern regarding the recent low speed vehicles ordinance. Ms. Sendler suggested Ms. Danchuk call Chief Peterson to advise of this tractor use.

Andrew Danchuk, 50 Elizabeth Way:

- With regard to the pending Developers Agreement with Shadow Woods/Atkins, Mr. Danchuk asked if now is a good opportunity to address wants and desires of the residents that will be most impacted by that development. The Mayor stated that part of the Agreement is setting up all the ground rules but as far as negotiation, before the lawsuit was filed, the Mayor asked the Lake residents their wants and desires and the only response he received was to fix Orben Drive, aside from the time frame for the construction vehicles, making sure we have Police on site, security and safety precautions. Nancy Gage stated that we are still bound by the approvals of the Land Use Board and cannot ask for more or change anything. Mr. Danchuk stated that we are potentially giving something up, there is going to be a larger amount of traffic, more houses, our lifestyle will be impacted; can we get some type of open space dedicated at

this time, possibly parcels that are under the ownership of the developer. The Mayor stated that the outside of the actual area that Shadow Woods is using will be conservation easements. Mr. Danchuk asked the Council to look at possible state grant monies. JoAnne Sendler stated that we have extensively done that, about 6-7 years ago, we actually had the assessed values done and we looked for grants and the grant dollars that would be available are miniscule compared to the cost of the property. Ms. Sendler stated that we have done all the grants, we've spoken to all the right people, we spent over \$40,000 on attempting to get that property. Councilwoman Cerasoli stated that we had done an appraisal on that property because we were going to apply for a grant and the maximum we could have received was \$800,000 but we would have to come up with over \$2 million. The Mayor suggested that Mr. Danchuk and residents of Lake Rogerene approach Mr. Pio Costa to see if individual private people want to buy it; Mr. Danchuk stated he has been negotiating with Robin LaHue and Anthony Pio Costa, Jr. for 18 years on and off.

Motion to Move the Executive Session to the End of the Meeting: Councilman Sorge.

Second: Councilwoman Mulligan.

All in Favor – Aye; None Opposed.

Motion Approved.

11. Resolutions

Motion to Move **Resolution 2007-34** to the End of the Meeting: Council President Driscoll.

Second: Councilman Doran.

All in Favor – Aye; None Opposed.

Motion Approved.

- 2007-35** Resolution of the Mayor and Borough Council of the Borough of Mount Arlington, in the County of Morris, New Jersey, Authorizing Transfer Resolution.
(Distributed at the Council Meeting.)

Motion to Approve: Councilwoman Mulligan.

Second: Councilman Doran.

Roll Call: Mulligan, Doran, Sorge, Cerasoli, Council President Driscoll.

Motion Approved.

- 2007-36** Resolution of the Mayor and Borough Council of the Borough of Mount Arlington, in the County of Morris, New Jersey, Awarding Contract for Circle/Southard Water and Roadway Improvements.

Motion to Approve: Council President Driscoll.

Second: Councilman Doran.

Roll Call: Mulligan, Doran, Sorge, Cerasoli, Council President Driscoll.

Motion Approved.

- 2007-37** Resolution of the Mayor and Borough Council of the Borough of Mount Arlington, in the County of Morris, New Jersey, Awarding Contract for Rogerene Way Roadway and Drainage Improvements – Phase I & II.

Motion to Approve: Councilman Doran.

Second: Councilwoman Mulligan.

Roll Call: Mulligan, Doran, Sorge, Cerasoli, Council President Driscoll.

Motion Approved.

2007-38 Resolution of the Mayor and Borough Council of the Borough of Mount Arlington, in the County of Morris, New Jersey, Authorizing Canceling of Water Billing for Irrigation Meter Known as Account Number 4168-1.

Motion to Approve: Council President Driscoll.

Second: Councilman Doran.

Roll Call: Mulligan, Doran, Sorge, Cerasoli, Council President Driscoll.

Motion Approved.

12. Ordinances – Introduction

None.

13. Ordinances – Second Reading

01-07 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 Improvements to the Lake Rogerene Firehouse and Appropriating \$32,000 for the Financing Thereof.

The Mayor opened the Hearing to the Public on Ordinance #01-07 and read the Ordinance by title.

Council President Driscoll stated, I move for adoption and final passage of Ordinance #01-07.

Second: Councilman Doran.

Roll Call: Mulligan, Doran, Sorge, Cerasoli, Council President Driscoll.

The Mayor declared that Ordinance #01-07 is passed on second reading and directed the Clerk to publish the notice of adoption as required by law.

14. Motions

None.

15. Mayor's Report

Mayor's Activity Report:

- 02/16/07 – WSUS held a fundraiser at the firehouse for the May family; they raised over \$1,000 that day.
- 02/20/07 – The Mayor attended a seminar offered by the League of Municipalities regarding Civil Unions. The Mayor explained the new laws regarding Mayor and officials performing ceremonies and the receipt of fees for their services.
- 02/21/07 – The Mayor attended a Highlands Council Meeting with Daren Phil, JoAnne Sendler and Carolyn Rinaldi regarding our issues with the Highlands Act.
- 02/21/07 – The Mayor, JoAnne Sendler, Council President Driscoll and Councilman Doran attended the Morris County League of Municipalities Meeting at the Birchwood Manor.
- 02/26/07 – The Mayor attended the Cub Scout Blue and Gold Dinner at the Elks with Council President Driscoll, Councilwoman Cerasoli and Councilman Stone. The Mayor distributed proclamations to the five scouts receiving their Arrow of Light awards.
- 02/27/07 – The Mayor attended an Executive Committee Meeting of the Raritan Highlands Compact.

16. Borough Administrator's Report

- JoAnne Sendler stated that we will move forward with advertising for lifeguards; we will contact one person from last years squad who was willing to oversee the program and we will make this a part of our continuing budget discussion. The Mayor suggested the ad be placed on the website and on the electronic signs.
- JoAnne Sendler stated that there will be a Building Committee meeting on Tuesday and after that meeting, we will come back to Council with a recommended three year capital budget.
- Communications Packet, February 23rd, the letter from Saint Clare's regarding moving the beds: Ms. Sendler asked Council's thoughts and confirmed that we will ask the May family and find a place to donate the beds.
- JoAnne Sendler stated she received a call from Jack Richards who may want to rent 526 Altenbrand for a brief period of time; it might be short-term rental of the ground level.

- JoAnne Sendler stated that we are having a Public Safety meeting in May and at that time she will ask all Department Heads to be part of a meeting with Verizon, per Councilman Doran's suggestion. Verizon will assess our system and review land lines, wireless, pump stations, mobiles, etc.

10. Executive Session

2007-33 Resolution of the Mayor and Borough Council of the Borough of Mount Arlington, in the County of Morris, New Jersey, Authorizing Conference of the Mayor and Borough Council with the Public Excluded.

Motion to Go Into Executive Session: Councilman Doran.
Second: Councilman Sorge.
All in Favor – Aye; None Opposed.
Motion Approved.

Motion to Go Into Open Session: Councilman Sorge.
Second: Council President Driscoll.
All in Favor – Aye; None Opposed.
Motion Approved.

2007-34 Resolution of the Mayor and Borough Council of the Borough of Mount Arlington, in the County of Morris, New Jersey, To Authorize Execution of an Amendment to the Agreement for Potable Water Supply and Service With the Morris County Municipal Utilities Authority (MCMUA).

Motion to Approve: Councilman Doran.
Second: Councilwoman Cerasoli.
Roll Call: Mulligan, Doran, Sorge, Cerasoli, Council President Driscoll.
Motion Approved.

17. Adjourn

Motion to Adjourn: Councilman Sorge.
Second: Councilwoman Mulligan.
All in Favor – Aye; None Opposed.
Motion Approved.

Linda DeSantis, RMC
Borough Clerk

Minutes Approved at Council Meeting of March 12, 2007.

PROCLAMATION

WHEREAS, the citizens of the Borough of Mount Arlington stand firmly committed to promoting reading as the catalyst for our student's future academic success, their preparation for America's jobs of the future, and their ability to compete in a global economy; and

WHEREAS, the Borough of Mount Arlington has provided significant leadership in the area of community involvement in the education of our youth, grounded in the principle that educational investment is key to the community's well-being and long-term quality of life; and

WHEREAS, *NEA's Read Across America*, a national celebration of reading, will be conducted on March 3, 2007, which would have been the 103rd birthday of Theodor Seuss Geisel, better known as Dr. Seuss; and

WHEREAS, *Read Across America – NJ* is being conducted statewide by the New Jersey Education Association, in partnership with the New Jersey State League of Municipalities, the New Jersey Library Association, Saturn-UAW, and their local affiliates across the State to promote reading and adult involvement in the education of our community's students.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Borough Council of the Borough of Mount Arlington call on the citizens of the Borough of Mount Arlington to assure that every child is in a safe place reading together with a caring adult on March 3, 2007.

AND, BE IT RESOLVED, that this body enthusiastically endorses *NEA's Read Across America* and *Read Across America – NJ*, and recommits our community to engage in programs and activities to make America's children the best readers in the world.



Arthur R. Ondish, Mayor

February 26, 2007



BOROUGH OF MOUNT ARLINGTON

MOUNT ARLINGTON, NEW JERSEY

PROCLAMATION

WHEREAS, Autism is a pervasive developmental disorder affecting the social, learning and behavioral skills of those affected by it; and,

WHEREAS, Autism was once thought to be a relatively rare disorder, affecting only one in 10,000 people; and,

WHEREAS, as more and more health professionals become proficient in diagnosing Autism, more children are being diagnosed on the autistic spectrum, resulting in rates as high as one in 150 children; and,

WHEREAS, while there is no cure for Autism, it is well documented that if individuals with Autism receive treatment early in their lives, it often is possible for those individuals to lead significantly improved lives; and,

WHEREAS, The New Jersey Center for Outreach and Services for the Autism Community (COSAC), and Autism Speaks is spearheading an awareness effort in order to educate parents, professionals and the general public about Autism and its effects.

NOW, THEREFORE BE IT RESOLVED THAT I, Mayor Arthur R. Ondish, do hereby proclaim April as AUTISM AWARENESS MONTH in the Borough of Mount Arlington, and urge all employees and residents to become better educated on the subject of autistic spectrum disorders.



Arthur R. Ondish, Mayor

February 26, 2007

