

**BOROUGH OF MOUNT ARLINGTON
COUNCIL MEETING MINUTES
SEPTEMBER 24, 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 fighting overseas.

4. Roll Call

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

5. Presentations/Mayor's Appointments

The Mayor referred to a letter he received from George Brandt of Kara Homes, dated September 21, 2007, regarding Kara Homes reorganization and the completion of the Ridgeview project. Mr. Brandt erroneously indicated in the letter that he would attend the September 24th Council Meeting but meant the October 8, 2007 Council Meeting. The Council had decided that if there were no significant action by October 1, 2007, they would begin to pursue the bonds. The Mayor asked Council if they wanted to proceed with the previously decided date of October 1, 2007 or, since there is action being taken by Kara, wait until Mr. Brandt comes to the meeting of October 8, 2007. Attorney Bell suggested Council wait to hear George Brandt on October 8, 2007 before filing an action against the bonds. The Mayor asked Council that since there seems to be significant action, should we not move forward on October 1, 2007:

Council Members Poll: Mulligan – No, Sorge – Yes, Cerasoli – Yes,
Council President Driscoll – Yes, Stone – Yes.

6. Old Business

1. Clerk's Follow-Up Report Memorandum, dated September 14, 2007.
 - The Clerk discussed the items on the follow-up list, noting further follow-up direction/status of any open items.

7. New Business

None.

8. Approval of Minutes

August 13, 2007 Regular Meeting

Motion to Approve: Councilman Sorge.

Second: Councilwoman Mulligan.

Roll Call: Mulligan, Sorge, Cerasoli, Council President Driscoll, Stone – Abstain.

Motion Approved.

August 29, 2007 Special Meeting

Motion to Approve: Council President Driscoll.

Second: Councilman Sorge.

Roll Call: Mulligan, Sorge, Cerasoli - Abstain, Council President Driscoll, Stone – Abstain.

Motion Approved.

9. Open to Public

Ann Davis, Hopatcong Avenue:

- Ms. Davis is the secretary/treasurer of the Mount Arlington Historical Society and asked if the Historical Society is covered under any insurance with the Borough; Council agreed to bring this issue to Rich Allocca. Ms. Davis also questioned the Historical Society possibly taking over the first floor of the old telephone building. The Mayor confirmed that the Borough is looking into the old police station for the Historical Society. Councilwoman Cerasoli had suggested utilizing the first floor of the old telephone building for storage purposes only, until the new facility on Howard Boulevard is ready; there might even be room for storage in the extra room upstairs at the Rescue Squad.

Veronica Silkes, Succasunna Road:

- Ms. Silkes asked what DPW meant; the Mayor stated that is our Department of Public Works.
- Ms. Silkes stated that the Borough spent \$40,000 for Blue Shield but applied for a \$20,000 grant; we are still waiting for the DLGS decision on our SAGE grant application.
- Ms. Silkes asked about obtaining a copy of the budget and the cost; the Clerk stated that a copy of the budget is in the County Library and the local public library, along with copies in her office.
- Ms. Silkes asked that when decisions are made for the Mount Arlington Police, will there be consideration given to the tax burden that may or may not take place when their contracts end and they are no longer under the Mount Arlington budget, and, will our budgets be affected by their contracts. Mayor stated that we do not have the answer to that question as of yet but there will be public meetings upon receipt of the study.
- Ms. Silkes thanked the Mayor for recent information he gave her regarding a contact for NJ Transit.

Gayle Livecchia, 29 Brookside Lane:

- Ms. Livecchia asked the progress of the police study. The Mayor stated that as far as we know, it is on schedule and we will know at the end of the month; the due date is the 30th.
- Ms. Livecchia asked the exact cost of the study. The Mayor stated \$43,400.
- Ms. Livecchia asked for an update on her public information request. Joseph Bell stated that he did leave a message on her answering machine and followed up with correspondence to her; however, many of the requests are items that are not physically housed in this municipality. Also, her request was forwarded to Mr. Ehrenburg and he promised an expeditious answer to her questions.

Veronica Silkes, Succasunna Road:

- Ms. Silkes asked if Blue Shield has ever voted to not disband a police department because their website only refers to the positive aspects of shared services. Mr. Ehrenburg had previously stated that all the studies he conducted were successful candidates for shared services.

Joe Wargo, FOP President:

- Mr. Wargo asked if the FOP could receive a copy of Mr. Ehrenburg's report when the Council receives a copy. The Mayor stated that the FOP could have the portion that will not be in negotiations and that Council will meet with the Police Department first before anything goes to the public.

Gayle Livecchia, 29 Brookside Lane:

- Ms. Livecchia asked if she had to complete another OPRA but Council asked that she just send the unanswered portion to Ted Ehrenburg.
- Ms. Livecchia asked why the Borough did not consider Rutgers University to do the police study. JoAnne Sandler stated that she was personally asked to do research to find someone to do this study and spoke with the Borough Attorney, the Sheriff, Jersey Professional Management, two freeholders, and the managers of the three communities involved in the study; Ted Ehrenburg was highly recommended by all. Councilwoman Cerasoli stated there were land use studies done by Rutgers in the past but this needed to expedited because it dealt with the safety of our residents; we hired someone who knew the intricacies of a police station and had knowledge of the workings of a police department.

10. Executive Session

- 2007-130** 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 Move the Executive Session to the End of the Meeting:
 Councilman Sorge.
 Second: Councilman Stone.
 All in Favor – Aye; None Opposed.
 Motion Approved.

11. Resolutions

- 2007-131** Resolution of the Mayor and Borough Council of the Borough of Mount Arlington, in the County of Morris, New Jersey, Authorizing the Receipt of Bids. (404 Howard Boulevard Structure and Drainage Improvements)

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

- 2007-132** Resolution of the Mayor and Borough Council of the Borough of Mount Arlington, in the County of Morris, New Jersey, Awarding Contract for Howard Boulevard Pedestrian Walkway, Drainage and Roadway Improvements.

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

- 2007-133** Resolution of the Mayor and Borough Council of the Borough of Mount Arlington, in the County of Morris, New Jersey, Authorizing Temporary Suspension of One-Way Traffic Provision on Rogerene Way During Roadway Construction.

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

- 2007-134** Resolution of the Mayor and Borough Council of the Borough of Mount Arlington, in the County of Morris, New Jersey, Authorizing Work Hours of the Rogerene Way Roadway and Drainage Improvements Project.

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

- 2007-135** Resolution of the Mayor and Borough Council of the Borough of Mount Arlington, in the County of Morris, New Jersey, Awarding Contract for Municipal Building Exterior Improvements Project.

Motion to Approve: Council President Driscoll.
 Second: Councilwoman Cerasoli.
 Roll Call: Mulligan - No, Sorge, Cerasoli, Council President Driscoll, Stone.
 Motion Approved.

Added Resolution

- 2007-136** Resolution of the Mayor and Borough Council of the Borough of Mount Arlington, in the County of Morris, New Jersey, Authorizing Special Counsel to Enter into Binding Arbitration in the Matter of the Removal of a Planning Board Member.

Motion to Approve: Councilman Sorge.
 Second: Councilwoman Mulligan.
 Council agreed to a Hearing date of October 9, 2007 if a Hearing is requested by the Planning Board Member.
 Roll Call: Mulligan, Sorge, Cerasoli, Council President Driscoll, Stone.
 Motion Approved.

12. Ordinances – Introduction

- 18-07** Ordinance of the Mayor and Council of the Borough of Mount Arlington, County of Morris, State of New Jersey, To Vacate and Extinguish Any and All Public Rights In and To a Portion of the Lane.

The Mayor read Ordinance 18-07 by Title.

Motion: Council President Driscoll stated that Ordinance 18-07 be introduced by Title and passed on First Reading and that a meeting be held on October 22, 2007 at 7:00 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 Stone.

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

Motion Approved.

- 19-07** Ordinance of the Mayor and Council of the Borough of Mount Arlington, County of Morris, State of New Jersey, Amending Article IV, Development Procedures, and Article VIII, Zoning, of the Land Use Ordinance.

The Mayor read Ordinance 19-07 by Title.

Motion: Councilman Stone stated that Ordinance 19-07 be introduced by Title and passed on First Reading and that a meeting be held on November 26, 2007 at 7:00 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.

Council President Driscoll stated that the floor-area ratio has taken people's ability to upgrade their homes on some of the smaller lots; he finds it practically

impossible to go from a C to a D variance. Mayor Ondish stated that he spoke with Mike Selvaggi, Esq., who stated that a D variance can come back as long as there is a substantial change in the application. Council President Driscoll stated that he feels the floor-area ratio numbers are low and feels it will depreciate some residents property value. The Mayor stated that all the professionals felt this ordinance was in order but Council President Driscoll requested his questions be answered by the professionals prior to introducing this ordinance. Roll Call: Mulligan - No, Sorge - No, Cerasoli - Yes, Council President Driscoll - No, Stone - No.

Motion Not Approved; Ordinance Not Introduced.

20-07 Ordinance of the Mayor and Council of the Borough of Mount Arlington, County of Morris, State of New Jersey, Authorizing the Grant of Sewer Lateral Easement Across Logan Way.

The Mayor read Ordinance 20-07 by Title.

Motion: Councilwoman Cerasoli stated that Ordinance 20-07 be introduced by Title and passed on First Reading and that a meeting be held on October 22, 2007 at 7:00 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.

Roll Call: Mulligan, Sorge, Cerasoli, Council President Driscoll, Stone.
Motion Approved.

21-07 Ordinance of the Mayor and Council of the Borough of Mount Arlington, County of Morris, State of New Jersey, To Amend and Supplement the Code of the Borough of Mount Arlington, Chapter XII, Salaries, Personnel and Standards.

The Mayor read Ordinance 21-07 by Title.

Motion: Council President Driscoll stated that Ordinance 21-07 be introduced by Title and passed on First Reading and that a meeting be held on October 22, 2007 at 7:00 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: Councilwoman Cerasoli.

Roll Call: Mulligan, Sorge, Cerasoli, Council President Driscoll, Stone.
Motion Approved.

13. Ordinances – Second Reading

None.

14. Motions

None.

15. Mayor's Report

None.

16. Borough Administrator's Report

None.

10. Executive Session

2007-130 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 **Withdraw** Executive Session: Councilwoman Cerasoli.
Second: Councilman Sorge.
All in Favor – Aye; None Opposed.
Motion Approved.

17. Adjourn

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

Linda DeSantis, RMC
Borough Clerk

Minutes Approved at Council Meeting of February 11, 2008.



September 21, 2007

Via Regular Mail and Facsimile

Arthur R. Ondish, Mayor
Borough of Mount Arlington
419 Howard Boulevard
Mount Arlington, New Jersey 07856

Dear Mayor Ondish:

As you know, the United States Bankruptcy Court confirmed the plan of reorganization (POR) of Kara Homes on September 12, 2007. The transaction will close on or about September 28, 2007.

As you may further be aware, the POR calls for the completion of the Ridgeview project by the reorganized debtor Kara at Mt. Arlington II, LLC., and the completion of the Pennington project by WCP Real Estate Strategies Fund, L.P

In connection with the Ridgeview project, we have contacted Suburban Consulting Engineers, Inc. and asked them to undertake a site inspection as soon as possible so that consistent with the order, the "Reorganized Debtor Kara at Mount Arlington II, LLC [can] complete all site improvements that were required under the resolution of approval for final site plan, shown on the final site plans submitted in connection with the approval, or included in any technical staff review or any consultant review requirements that were made part of the approval by the planning board."

Mr. Phil's office agreed to inspect the site and provide and updated punch list, and has provided a detail of the access road barrier designed by Suburban Consulting Engineers, Inc.

I am available to update the Mayor and Council as to our progress at the ~~September 24~~ ^{Oct 8th} meeting. *

Sincerely,

George J. Brandt

Cc: Thomas March EVP Homes by Maplewood, LLC
Sandra Iammatteo, Esq.

M+C - distribute
Oct mtg -
G. Sandler

9/24/07