

**BOROUGH OF MOUNT ARLINGTON  
COUNCIL MEETING MINUTES  
DECEMBER 2, 2014**

**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 Daily Record and Roxbury Register on January 2, 2014; notice was posted on the bulletin board in the main hallway of the Municipal Building on December 20, 2013 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.

**3. Flag Salute**

The Mayor asked for a moment of silence to remember all those who put themselves in harm's way to protect our freedoms. The Mayor asked to pray the violence in Newark and other cities ends; we are blessed here in Mount Arlington, we have a great community and things are quiet

**4. Roll Call**

Councilwoman Danchuk, Councilman Cangiano, Council President Sorge, Councilman Sadow, Councilman Windish, Councilman Stanzilis, Mayor Ondish. Matthew O'Donnell, Esq., Borough Attorney, and Carolyn Rinaldi, CFO/Municipal Administrator, were also present.

**5. Presentations/Mayor's Appointments**

- Proclamation for Recreation Member Kathy Appleby.  
The Mayor presented the Proclamation to Kathy Appleby and read same into the record.

**6. OPRA Report**

- The Mayor briefly explained the OPRA process and monthly report. There were 38 OPRA requests this month with only one exceeding the \$100 threshold: 1) from John Windish for correspondence received from Morris County Prosecutors Office/Councilwoman Danchuk for \$104.00. Total cost this month was \$1,144.00. Councilman Sadow requested a year-end OPRA report be prepared for the December 16<sup>th</sup> Council meeting; cumulative total of those who exceeded the threshold for the year.

**7. Approval of Minutes**

November 6, 2014                      Regular Meeting

Motion to Approve: Council President Sorge

Second: Councilman Stanzilis

Councilwoman Danchuk stated that on the first page, #6, her name was written as Paul, just a typo correction. Councilwoman Danchuk stated the minutes read, Councilman Windish stated "Council and Borough Attorney wrongly accused of Executive Session discussions...."; should the correction be "in John's opinion" or cross out "wrongly". Councilman Windish reiterated the circumstances surrounding that particular complaint sent by Councilwoman Danchuk to the Prosecutor's Office. Borough Attorney O'Donnell stated Councilwoman Danchuk's comments are duly noted and Council can vote on the

Minutes accordingly. Councilwoman Danchuk also questioned the statement, "All complaints have been dismissed." Borough Attorney O'Donnell requested the Clerk do the Roll Call. The Clerk clarified the only correction to be voted on is the typo.

Roll Call:

Aye: Cangiano, Windish, Stanzilis

Abstain: Council President Sorge, Sadow

Opposed: Danchuk

Motion Approved.

#### **8. Mayor's Report**

- Upcoming events: this Friday, December 5<sup>th</sup> is our Christmas Tree Lighting, 6:45 p.m. at Memorial Park and Saturday, December 6<sup>th</sup> is the Toys for Tots Kick-Off at 11:30 a.m. at Nolan's Ridge Clubhouse. The Mayor stated this is a positive event and thanked Councilman Sadow for his efforts.
- The Mayor stated our Re-Organization meeting will be on Sunday, January 4<sup>th</sup> at 11:00 a.m. at the Municipal Building, followed by a Mayor's Celebration at 1:00 p.m. at Pub 199.
- The Mayor gave a brief update on his health and stated it is just a challenge, he will get through it, it's in God's hands, he feels good and will keep moving along. Thanked the Council, staff and employees for their support, stating it makes it a lot easier to deal with.
- Rutgers published an analysis in the Daily Record regarding municipal consolidations entitled, "Size May Not Be the Issue". The basic idea is now they are backing down on the whole idea of merging as a way to make money. The Mayor will forward the report to Butch Fernandez.
- The Mayor performed a couple of weddings recently and mentioned one in particular where the entire Municipal Building Council Chambers was full of attendees.
- The Mayor attended the NJLM Convention; a lot of good training, seminars, networking, and sharing of information.

#### **9. Chief of Police Report**

- Chief Licata stated the Department has been very busy, just taking care of business.
- The Mayor had previously referred Chief Licata to TransOptions, the County transportation group which assists Morris County with a myriad of transportation issues; the Mayor has been on their Board for the past three years. TransOptions performed a study; they were interested in locations near schools, regarding sidewalks, walking to school. The Chief referred them to the flashing pedestrian crossing signs we had just placed on Oneida by the school. After checking the area, TransOptions provided a report deeming this area to be a very safe area, noting the Police Department had performed the correct course of action. The Chief hopes to participate in future studies.
- Councilman Sadow stated he saw an article on the news recently regarding police officers wearing body cameras. The Chief stated the entire video library of body-cams for all officers and dash-cams could be requested as an OPRA. Chief Licata stated there was a recent ruling in NJ that determined it was not necessary to release all files. Chief stated that effective March 1, 2015, all police vehicles must have cameras.
- Councilman Sadow thanked Chief Licata and the CERT Team for the support and traffic management control for the upcoming Toys for Tots Event on Saturday, December 6<sup>th</sup>.

#### **10. Municipal Administrator's Report**

- The Re-Organization Meeting is scheduled for January 4, 2015; a draft of the appointments and script has been distributed to Council this evening. The Mayor stated if Council had any questions regarding his appointments, we can discuss them at the December 16<sup>th</sup> meeting or call him directly. Councilwoman Danchuk suggested contacting the people being appointed/re-appointed so they can attend; Ms. Rinaldi stated that is the plan for this year.
- We did schedule another Council meeting for Tuesday, December 16, 2014.

#### **11. Council Committee Reports**

##### **Councilwoman Danchuk:**

- DPW is doing a great job; Paul Nelson's report has been distributed to all Council.

**Councilman Cangiano:**

- Stated the Veteran's Day Ceremony at MAPS School was well attended; Council President Sorge and Councilman Windish were in attendance as veteran's.
- NJLM Convention was very informational; walked the floor with the Mayor and was impressed by the number of people that approached the Mayor and the information shared.
- December 5<sup>th</sup> is the Tree Lighting and also the PTA Black and White Dinner at Picatinny to support the Mount Arlington PTA Cultural Arts Program.

**Council President Sorge:**

- Thanked all Council, employees, residents for their condolences on the recent passing of his brother and thanked all those who have stopped him to offer their condolences as well.
  - Attended the Flag Color Retirement Ceremony; the Scouts are learning how to respect the flag and demonstrating how much it means to all veteran's that they take care of the flag the way they do. It was a very enlightening and emotional ceremony.
  - Met this evening with the Mayor, Administrator and Police Chief to meet with the new Police Department candidate.

**Councilman Sadow:**

- Attended the NJLM Convention and spent time with the Mayor; had the same reaction as Councilman Cangiano, never knowing who he was walking with because the Mayor knew and was greeted by so many people.
  - As appointed representative for the consolidation feasibility study commission, Councilman Sadow spoke with the Mayor of Scotch Plains, the Mayor of Fanwood, a Fanwood council member and their consolidated Board of Education President. Councilman Sadow stated the conference was enlightening and he would recommend anyone to watch the Fanwood/Scotch Plains initiative.
- Toys for Tots is a Borough-wide campaign this year; Nolan's Ridge has grown this project for the past 4-5 years. Councilman Sadow thanked the Mayor and Council, Borough employees, Police Department, Fire Department, schools, Recreation, and the Girl Scouts for their support and efforts. There will be an Open House at Nolan's Ridge on Saturday, December 6<sup>th</sup>, 11:30 – 2:30; Santa will arrive at 12:30 by fire truck. The Borough has shown an outpouring of good will but the Marines say donations are down this year.

**Councilman Windish:**

- Also attended the NJLM Convention; enjoyable, learning experience.
- Attended his first Veteran's Day Ceremony with Council President Sorge; thoroughly enjoyed the program and the question and answer session that followed.
- Nothing to report on the Land Use Board.

**Councilman Stanzilis:**

- Thanked Council President Sorge for attending the Flag Color Retirement Ceremony; the Scouts really do teach each other how to honor the American flag. This event is very solemn for the Scouts; this was Zack Miller's Eagle project. Retired flags can be brought to the Scouts or given to Councilman Stanzilis; when they have enough flags, they will plan another ceremony. Ms. Rinaldi stated we will add information about the flag retirements onto the website. After the flags are burned, the Scout leaders keep the grommets from the ashes and the grommets are presented at future events for outstanding service.
  - Thanked Council President Sorge and Councilman Windish for their service to our country and for participating in this years' Veteran's Day Ceremony; it is an honor to have them on our Council.
  - Regarding the consolidation, there have been two in sixty years; just something to think about.
  - Thanked Councilman Sadow for his efforts with Toys for Tots; he has done a great job and there is good community spirit coming from our Borough.

**12. Public Comment****Veronica Silkes, Succasunna Road:**

- Ms. Silkes stated that Debra Hill filed an OPRA on August 12, 2014 for the Green Acres information that was based on Resolution 2013-113. On August 20, 2014, Ms. Hill received a response from the Borough indicating she was not entitled to the information. On September 5,

2014 Ms. Hill sent a letter requesting reconsideration and on September 26<sup>th</sup>, the Borough stated they were awaiting a response from the GRC on whether or not she was entitled to this information. On October 28, 2014, Ms. Hill received an email that stated the Borough would be notifying her shortly; on October 31, 2014, she received an email stating no such record exists. Ms. Silkes had requested the same information and received the same response and questioned the process, stating that the response went from not entitled to no record exists. Borough Attorney O'Donnell stated the information was part of pending litigation and the record does not exist. Discussion ensued between Ms. Silkes and the Council regarding how she was aware of the topic that was discussed in an Executive Session. The Mayor stated Ms. Silkes is not revealing why she wants this information; Ms. Silkes stated she has been asking information from the Borough since 2007 because she is curious. The Mayor stated that since 2007, these frivolous requests are costing The Borough a ton of money, and for what purpose? Ms. Silkes stated she is curious to know why the Borough paid Scott Holzhauer \$7,242 for services rendered for a record that doesn't exist. The Mayor stated there was an issue with Green Acres that Council had to deal with it; it was negotiation, it was not public knowledge, it was information that had to be gathered to follow the NJDEP process and conduct the Public Diversion hearing. Do you think we are doing something wrong and you can catch us? Council President Sorge stated we discussed the issue in Executive Session and the next day we received an OPRA on the subject; someone leaked the information from Executive Session. Ms. Silkes stated she is entitled to ask these questions and the Mayor stated the OPRA's are a cost to the Borough.

### 13. New Business

None.

### 14. Old Business

None.

### 15. Resolutions

**2014-131** Resolution of the Mayor and Borough Council of the Borough of Mount Arlington, in the County of Morris, State of New Jersey, Approving the Check Register Dated December 2, 2014.

Motion to Approve: Council President Sorge

Second: Councilman Sadow

Roll Call:

Aye: Danchuk, Cangiano, Council President Sorge, Sadow, Windish, Stanzilis

None Opposed.

Motion Approved.

\*The Mayor stated that there are many good things that people could do, visiting and reading to seniors, visiting and reading to veteran's, etc. The Mayor stated he loves to see people doing these things rather than sitting in the back of a council room with a camera; it seems like such a waste of time. OPRA money could go to feeding the homeless.

**2014-132** Resolution of the Mayor and Borough Council of the Borough of Mount Arlington, in the County of Morris, State of New Jersey, Designating Council Meeting Dates for the Year 2015.

Motion to Approve: Council President Sorge

Second: Councilman Stanzilis

Roll Call:

Aye: Danchuk, Cangiano, Council President Sorge, Sadow, Windish, Stanzilis

None Opposed.

Motion Approved.

- 2014-133** Resolution of the Mayor and Borough Council of the Borough of Mount Arlington, in the County of Morris, State of New Jersey, Establishing Holiday Schedule and Closure of Borough Hall Offices for Calendar Year 2015.

Motion to Approve: Council President Sorge

Second: Councilman Sadow

Roll Call:

Aye: Danchuk, Cangiano, Council President Sorge, Sadow, Windish, Stanzilis

None Opposed.

Motion Approved.

- 2014-134** Resolution of the Mayor and Borough Council of the Borough of Mount Arlington, in the County of Morris, State of New Jersey, Authorizing a Contribution to Morris County Adaptive Recreation Program (McARP)

Motion to Approve: Council President Sorge

Second: Councilman Windish

Roll Call:

Aye: Danchuk, Cangiano, Council President Sorge, Sadow, Windish, Stanzilis

None Opposed.

Motion Approved.

- 2014-135** 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: Council President Sorge

Second: Councilman Windish

Roll Call:

Aye: Danchuk, Cangiano, Council President Sorge, Sadow, Windish, Stanzilis

None Opposed.

Motion Approved.

- 2014-136** Resolution of the Mayor and Borough Council of the Borough of Mount Arlington, in the County of Morris, State of New Jersey, To Cancel Water, Sewer and Solid Waste Fees for Property Known as Block 52, Lot 9.

Motion to Approve: Council President Sorge

Second: Councilman Cangiano

Roll Call:

Aye: Danchuk, Cangiano, Council President Sorge, Sadow, Windish, Stanzilis

None Opposed.

Motion Approved.

- 2014-137** Resolution of the Mayor and Borough Council of the Borough of Mount Arlington, in the County of Morris, State of New Jersey, To Waive the Food & Drink Licensing Fees for the Board of Recreation Commission Concession Stand for 2015.

Motion to Approve: Council President Sorge

Second: Councilman Sadow

Roll Call:

Aye: Danchuk, Cangiano, Council President Sorge, Sadow, Windish, Stanzilis

None Opposed.

Motion Approved.

## **16. Ordinances – Introduction**

None.

## 17. Ordinances – Second Reading

**12-14** 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, Sewers, of the Code of the Borough of Mount Arlington.

The Mayor opened the Hearing to the Public on Ordinance #12-14 and read the Ordinance by title.

No Public Comment; the Mayor closed the Hearing to the Public.

Councilman Sadow stated, I move for adoption and final passage of Ordinance #12-14.

Second: Councilman Stanzilis

No Council Discussion.

Roll Call:

Aye: Danchuk, Cangiano, Council President Sorge, Sadow, Windish, Stanzilis

None Opposed.

Motion Approved.

The Mayor declared that Ordinance #12-14 is passed on second reading and directed the Clerk to publish the notice of adoption as required by law.

**13-14** An Ordinance of the Mayor and Borough Council of the Borough of Mount Arlington, In the County of Morris, State of New Jersey, Authorizing the Execution and Recordation of the Proposed Deed of Dedication for the Dedication of Lots and the Acquisition of the Real Property Located at Block No. 83, Lot No. 9 and Block No. 72.01, Lot No 3.

The Mayor opened the Hearing to the Public on Ordinance #13-14 and read the Ordinance by title.

Public Comment:

Robin Anderson, 54 Rogerene Way: Asked to see the property on the map; Borough Engineer Sabine Watson was present and showed the property. Borough Attorney O'Donnell stated this was approved in January 11, 2006; this ordinance and ordinance #14-14 are merely conditions of approval to dedicate real property to the Borough. The Mayor closed the Hearing to the Public.

Council President Sorge stated, I move for adoption and final passage of Ordinance #13-14.

Second: Councilman Sadow

No Council Discussion.

Roll Call:

Aye: Cangiano, Council President Sorge, Sadow, Windish, Stanzilis

Abstain: Danchuk

None Opposed.

Motion Approved.

The Mayor declared that Ordinance #13-14 is passed on second reading and directed the Clerk to publish the notice of adoption as required by law.

**14-14** An Ordinance of the Mayor and Borough Council of the Borough of Mount Arlington, In the County of Morris, State of New Jersey, Authorizing the Execution and Recordation of the Proposed Deed of Dedication for Roadway Right of Way and the Acquisition of the Real Property Located at Block No. 83.01, Part of Lot No. 1; Block 83, Part of Lot Nos. 9, 15.01 and 15.02; Block 82.01, Part of Lot 1; Block 82, Part of Lots 1.01, 1.02, 1.03 and 1.04; Block 72.01, Part of Lot 3; and Block 72, Part of Lots 1.01 and 1.02 to Create Trailwood Drive and for Road Widening Along Laurel Path, Maple Path, Orben Drive, Elizabeth Way and Dawes Way.

The Mayor opened the Hearing to the Public on Ordinance #14-14 and read the Ordinance by title.

Public Comment:

Robin Anderson, 54 Rogerene Way: Curious about the road widening of the roads listed in this ordinance. Sabine Watson stated the widening will not impact the existing properties, they will not lose any of their frontages; she confirmed that the roads listed in the ordinance will not be changed in any way. The development will be ten single family homes and sixty condominium units.

The Mayor closed the Hearing to the Public.

Council President Sorge stated, I move for adoption and final passage of Ordinance #14-14.

Second: Councilman Cangiano

The Mayor closed the Hearing to the Public.

Council Discussion:

Councilwoman Danchuk stated the ten homes have a conservation easement and questioned the terms of the easements. Engineer Watson stated the developer has put up construction fencing to define those areas so there are no trees taken down and also no grading. It will clearly show on the lot development plan that this area is not to be disturbed; our intent is that the area remains undisturbed. Sabine Watson stated they are there once a week to check on the construction site. The Mayor stated he has spoken to the developer regarding access to Elizabeth Road, eliminating Maple Path.

No Further Council Discussion.

Roll Call:

Aye: Cangiano, Council President Sorge, Sadow, Windish, Stanzilis

Abstain: Danchuk

None Opposed.

Motion Approved.

The Mayor declared that Ordinance #14-14 is passed on second reading and directed the Clerk to publish the notice of adoption as required by law.

#### 18. Motions

None.

#### 19. Executive Session

**2014-138** 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.

- Attorney-Client Privilege:

- Approval of Executive Minutes of November 6, 2014

*Action May or May Not Be Taken.*

Motion to Go Into Executive Session: Council President Sorge

Second: Councilman Windish

Roll Call:

Aye: Danchuk, Cangiano, Council President Sorge, Sadow, Windish, Stanzilis

None Opposed.

Motion Approved.

Motion to Return to Open Session: Council President Sorge

Second: Councilman Windish

Roll Call:

All in Favor: Aye

None Opposed.

Motion Approved.

Motion to Approve Executive Minutes of November 6, 2014: Council President Sorge

Second: Councilman Windish

Roll Call:

Aye: Danchuk, Cangiano, Windish, Stanzilis

Abstain: Council President Sorge, Sadow

None Opposed.

Motion Approved.

## 20. Adjourn

Motion to Adjourn: Council President Sorge

Second: Councilman Windish

Roll Call:

All in Favor: Aye

None Opposed.

Motion Approved.

  
\_\_\_\_\_  
Linda DeSantis, RMC  
Borough Clerk

Minutes Approved at Council Meeting of December 16, 2014.

**CERTIFICATE OF  
APPRECIATION  
AWARDED TO  
*KATHY APPLEBY***

**WHEREAS**, the Mayor and Borough Council wish to publicly extend their gratitude and appreciation to *Kathy Appleby* for her countless hours of volunteer service with the Borough of Mount Arlington Recreation Commission; and

**WHEREAS**, the Mayor and Borough Council wish to acknowledge the dedication and commitment *Kathy Appleby* has exhibited during her years of volunteer service with the Recreation Commission.

**NOW, THEREFORE, BE IT KNOWN**, that the Mayor and Borough Council of the Borough of Mount Arlington wish to honor, recognize and express thanks to *Kathy Appleby* for her loyalty and service to the Borough of Mount Arlington.

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Arthur R. Ondish, Mayor

December 2, 2014