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**BOROUGH OF MOUNT ARLINGTON
COUNCIL MEETING MINUTES
JANUARY 28, 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 on January 23, 2014; notice was posted on the bulletin board in the main hallway of the Municipal Building on January 22, 2014 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.

4. Roll Call

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

5. Presentations/Mayor's Appointments

None.

6. Utility Receipt Report for the Month of December, 2013.

The Clerk read the Utility Receipt Report for December, 2013 into the record.
Grand Total: \$64,025.11

Tax Collectors' Report for the Month of December, 2013.

The Clerk read the Tax Collector's Report for December, 2013 into the record.
Total Receipts: \$236,622.23

7. Finance Report

None.

8. OPRA Report

The Mayor briefly explained the OPRA process and monthly report; there were no requests costing \$100.00 or over in this report however this report contained 37 OPRA requests, with a total cost to the Borough of \$926.00.

9. Approval of Minutes

December 3, 2013

Regular Meeting

Motion to Approve: Council President Sorge

Second: Councilman Cangiano

Roll Call:

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

Absent: Windish

None Opposed

Motion Approved.

December 19, 2013 Regular Meeting
 Motion to Approve: Council President Sorge
 Second: Councilman Cangiano
 Roll Call:
 Aye: Danchuk, Cangiano, Council President Sorge, Sadow, Stanzilis
 Absent: Windish
 None Opposed
 Motion Approved.

January 7, 2014 Re-Organization Meeting
 Motion to Approve: Councilman Cangiano
 Second: Council President Sorge
 Roll Call:
 Aye: Danchuk, Cangiano, Council President Sorge, Sadow, Stanzilis
 Absent: Windish
 None Opposed
 Motion Approved.

10. Mayor's Report

- The Mayor read his report into the record.

11. Chief of Police Report

- New Jersey Natural Gas has started gas line installation in Landing, by Bensel; might be slight detours but nothing major.
- Program for the schools on anti-bullying, especially on the internet; program will be given to the students and parents.
- As part of the program, Prevention is Key, there is a medical drop box permanently mounted in the lobby at Police Headquarters for unwanted, unused or expired prescription medications and even over-the-counter medications no longer used; the box is available at all times. The federal agencies designate drop locations two times a year but ours is always available.
- Super Bowl security preparations have been thorough but the teams do practice at the Jets facility in Florham Park, which brings more into Morris County. Mount Arlington has been part of a task force for five months now, concentrating on human trafficking; lots of preparation and security work, in an around the stadium but out to the counties as well.
- Chief met with Fire Chief Norman and a committee from Ridgeview Lane regarding a response plan; last year there was a question about response time regarding an incident on Ridgeview Lane. The residents need to know what to expect from the Police/Fire response and how they can help with the response. Created a Fire/Emergency Response Plan for the residents to follow; the plan went over very well and we will execute a drill in the springtime.

12. Municipal Administrator's Report

- Ordinances to be on for introduction on February 4 Agenda: permit excavation fees, updating the snow contractors' fee schedule and parking regulations reviewed by Chief Licata.
- Finance Committee and Capital Planning Meeting scheduled for February 10; Water & Sewer Committee meeting scheduled for February 18th.
- Contacted by School Superintendent Jameson for: 1) Board of Education would like to discuss the PILOT Agreement with the Borough Board of Education Committee; the Council would like Matt O'Donnell present at the meeting as well; and, 2) The Board of Education was requesting a gate at Decker School and after speaking with the Borough attorney, waiting for letter from the "regular" school board attorney regarding finalizing the conversation on the gate.
- the fire committee will have to meet with some of the Fire Department members regarding review and update of the Fire Department by-laws.
- Councilwoman Danchuk had called Ms. Rinaldi with a question about recording Executive Sessions Councilwoman Danchuk stated she was inquiring as to whether she would be able to record Executive Sessions for note-taking and remembrance reasons. The Mayor stated that at the recent Newly Elected Official seminar, Bill Kearns, attorney for the League of Municipalities, said no, his advice is not to record. Councilwoman Danchuk stated she spoke to Mr. Kearns after the seminar and he said there is no legislation to record and no legislation not to record. Councilman Sadow stated that all Council was in agreement except Councilwoman Danchuk. Councilman Sadow stated recording is against the whole concept of the things that need to be discussed. Matthew O'Donnell stated the whole purpose of Executive Session is to protect the Borough so the deliberation process

can be freely discussed and Council can speak their minds without exposing the Borough to any potential litigation. The Mayor asked Council if they preferred to have the Executive Sessions recorded; Council was opposed to recording the sessions, Councilwoman Danchuk was in favor.

- The Clerk reminded Council of the Morris County League of Municipalities Re-Organization Meeting on February 19, 2014.

13. Council Committee Reports

Councilman Stanzilis:

- The School Board had their Re-organization meeting last week and congratulated Sheila Studint as the President of the Board; the meeting nights have changed from Monday to Wednesday.
- Fire Department meeting on Monday night with Chief Norman, Mayor Ondish, Carolyn Rinaldi and Councilman Stanzilis. The Department will perform an open inspection in the near future, inviting the Mayor and Council, Police Chief, other fire departments in the area, to come in and inspect the equipment. Also discussed the equipment maintenance schedule; Chief Norman feels confident that the maintenance schedule they are using is adequate and the recent equipment breakdowns had nothing to do with the ongoing maintenance.
- Boys Scouts had their Klondike competition in the Poconos this past weekend.

Councilman Sadow:

- Recent Seniors Club meeting cancelled due to weather; next meeting is February 12, 2014. Councilman Sadow and Administrator Rinaldi will attend the Seniors meeting to present an update on Borough issues, a state-of-the-state type of address.

Council President Sorge:

- Attended the Saint Clare's meeting with the Mayor and Administrator; further meetings to be scheduled.

Councilman Gangiano:

- Was happy to hear that gas lines are being installed in town; hopefully, getting closer to the Rogerene area.
- Board of Health Re-organization meeting; nothing of importance other than news that Saint Clare's is being sold, they had immediately shut-down some of the outpatient services which have affected business with Mount Olive and Mount Arlington.
- Board of Recreation had their Re-organization meeting on January 13th and a regular meeting on January 20th. They have many events planned and the committee is looking for volunteers to help on event days. The Mayor stated that both ReMax and Bank of America have offered to assist the Borough in any way, Recreation can contact them.

Councilwoman Danchuk:

- DPW is doing an excellent job with keeping up with the storms. Councilwoman Danchuk requested monthly reports from DPW, as was done in the past; Municipal Administrator Rinaldi will request Paul Nelson reinstate this practice and send the reports to Councilwoman Danchuk on a monthly basis.
- Attended a Flood Mitigation meeting in Morristown last night.

14. Public Comment

Nancy Absalon, 15 Oak Street:

- Ms. Absalon said she was disappointed to hear that the fire trucks are apparently being well maintained; will keep a diligent eye on their costs. Ms. Absalon mentioned some items that the Fire Department purchased with the \$7,000 check written in December; wanted to list their spending habits and questioned purchasing items for the new fire truck that has not yet been delivered. Councilman Stanzilis stated that Brian Shatzel responded to 105 to our 140 calls last year, and commended him as he was in the audience. Councilman Stanzilis continued that new fittings, etc., had to be purchased for the new truck, the old equipment would not work. The Mayor asked Ms. Absalon if she could make an appointment with the Chief and sit down to discuss these items; Ms. Absalon stated that is a problem because does not feel comfortable reaching out to him. The Mayor and Councilman Stanzilis agreed that Ms. Absalon can meet with Councilman Stanzilis, Liaison to the Fire Department, to discuss any of her concerns, and he will, in turn, contact the Chief.

Marlene Ackerman, 56 Rogerene Way:

- Asked status of the Borough calendars; they should be mailed in about a week but the entire calendar is on-line now.

- Ms. Ackerman is having trouble editing some information on the Borough Reverse 9-1-1 system. sChief Licata was present and stated the registration is initiated by the County and he will work with them to enable users an easier sign-up process; he will also attend a Senior meeting to instruct new users. The school system is completely different; all residents should sign up for the Borough Reverse 9-1-1.

Gene Paradiso, 206 Howard Boulevard:

- Wished Mayor, Council and staff a Happy New Year.
 - Wanted to personally thank the Clerk for handling the Feasibility Study petition. In the process of submitting an application to the State and included an outline of the prospective commission and requested the Mayor and Council choose one voting commissioner and one alternate; wants Mayor and Council to be in the communication loop. The commission should be completed within the next couple of months. Mr. Paradiso stated we are not procrastinating on what our objectives are so it should move forward. Councilman Sadow asked how both municipalities are disseminating information regarding this feasibility study, because his recent experience shows very few residents of both towns know about this. Mr. Paradiso stated that once the application is completed, there are three public meetings held – one in each municipality and then a joint meeting with both municipalities. The Clerk asked Mr. Paradiso if Roxbury had filed their petition; Mr. Paradiso stated not as yet. Chris Rogers, 3 Ford Road, Landing, joined Mr. Paradiso at the podium. Mr. Rogers stated it is actually being mailed January 29, 2014; Roxbury Clerk certified the signatures. This is the first time that a School Board is being involved in the process, not just the municipal government. The Clerk stated that through continual conversation with the State on the process, she was told that if the application process is not completed properly and for some reason denied, the two municipalities involved cannot re-apply together for five years.

Marlene Ackerman, 56 Rogerene Way:

- Stated that when Councilman Sadow attends the Seniors meeting, he will see that very few people know about the Reverse 9-1-1 system, similar to his statement that very few Roxbury and Mount Arlington residents know about the feasibility study petition. We have submitted the proper number of signatures and will continue to spread the word about the study. Councilman Sadow agreed, whether it is a good idea or even a bad idea, it is always only a small group of people with the idea. Ms. Ackerman stated that Governor Christie is pro-consolidation and has been successful in other areas. Councilman Sadow stated that a same consolidation was attempted in 1993 at which time Mount Arlington was in favor and Roxbury rejected; the reality is this has been tried before and residents paying taxes to either of these municipalities are fully cognizant as to what this really entails when we go down this consolidation path. The Mayor stated we will get as much information out as possible with the electronic sign, email and website.

Gene Paradiso, 206 Howard Boulevard:

- In 1993, three Council members and the President of the Board of Education gathered signatures to put the question on referendum as to whether or not to form a commission; petition signatures bypass that step. Both Roxbury and Mount Arlington held the referendum, Mount Arlington passed the question to form the commission, Roxbury turned it down.

15. New Business

- Letter from the Lake Hopatcong Foundation, dated January 13, 2014, regarding Lake Hopatcong Block Party.
 Administrator Rinaldi read the letter into the record. The Foundation will attend the February 4, 2014 Council meeting for discussion.

16. Old Business

None.

17. Resolutions

2014-22 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 January 21, 2014.

Motion to Approve: Council President Sorge

Second: Councilman Stanzilis

Roll Call:

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

Absent: Windish

None Opposed

Motion Approved.

- 2014-23** 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 Sadow

Roll Call:

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

Absent: Windish

None Opposed

Motion Approved.

- 2014-24** 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 an Animal Control Contract for the Year 2014.

Motion to Approve: Council President Sorge

Second: Councilman Cangiano

Roll Call:

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

Absent: Windish

None Opposed

Motion Approved.

- 2014-25** Resolution of the Mayor and Borough Council of the Borough of Mount Arlington, in the County of Morris, State of New Jersey, Consenting to Appointment of Chief Prosecutor and Prosecutor for the Joint Municipal Court of Dover.

Motion to Approve: Council President Sorge

Second: Councilman Cangiano

Roll Call:

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

Absent: Windish

None Opposed

Motion Approved.

- 2014-26** Resolution of the Mayor and Borough Council of the Borough of Mount Arlington, in the County of Morris, State of New Jersey, Consenting to Appointment of Chief Public Defender and Public Defender for the Joint Municipal Court of Dover.

Motion to Approve: Council President Sorge

Second: Councilman Cangiano

Roll Call:

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

Absent: Windish

None Opposed

Motion Approved.

- 2014-27** 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 CDRS Grant Application. (Water Main Replacement – Schmitz Terrace and Henry Court)

Motion to Approve: Councilman Sadow

Second: Council President Sorge

Roll Call:

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

Absent: Windish

None Opposed

Motion Approved.

- 2014-28** 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 Sustainable Jersey Grant Application. (Community Garden)

Motion to Approve: Council President Sorge

Second: Councilwoman Danchuk

Roll Call:

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

Absent: Windish

None Opposed

Motion Approved.

- 2014-29** Resolution of the Mayor and Borough Council of the Borough of Mount Arlington, in the County of Morris, State of New Jersey, Endorsing Submission of the 2013 Recycling Tonnage Grant Application to the New Jersey Department of Environmental Protection.

Motion to Approve: Council President Sorge

Second: Councilman Cangiano

Roll Call:

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

Absent: Windish

None Opposed

Motion Approved.

18. Ordinances – Introduction

None.

19. Ordinances – Second Reading

None.

20. Motions

- Vendor's Permit, Schwan's Home Service, Inc., frozen food sales, no solicitation
- Vendor's Permit, Tyron Gene-Mercury Thomas, Limousine/Taxi service

Motion to Approve Both Applications: Councilman Sadow

Second: Council President Sorge

Roll Call:

All in Favor – Aye

None Opposed

Absent: Windish

Motion Approved.

21. Executive Session

- 2014-30** 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 Topics: Attorney Client Privilege:

Executive Session Minutes December 19, 2013

Personnel

Action May Be Taken

Motion to Go Into Executive Session: Council President Sorge
Second: Councilman Stanzilis

Roll Call:
 All in Favor - Aye
 Absent: Windish
 None Opposed.

Motion Approved.

Motion to Return to Open Session: Council President Sorge
Second: Councilman Cangiano

Roll Call:
 All in Favor - Aye
 Absent: Windish
 None Opposed.

Motion Approved.

Motion to Approve the Executive Session Minutes December 19, 2013, with corrections as noted by Attorney O'Donnell: Council President Sorge

Second: Councilman Cangiano

Roll Call:
 All in Favor - Aye
 Absent: Windish
 None Opposed.

Motion Approved.

Councilman Sadow asked Councilwoman Danchuk if there was a criminal investigation of the Council; Councilwoman Danchuk stated she does not know of any. Councilman Sadow read a portion of the Executive Session Minutes of December 19, 2013 regarding a possible criminal investigation. Councilwoman Danchuk stated she had felt Council discussed issues in Executive Session that were not covered as executive privilege so she did make a complaint to the Prosecutors Office; not a criminal investigation, administrative. Councilman Sadow stated he fully agrees with open communication but disagrees that there has been inappropriate closed communication; nit-picking on issues that do eventually come into open session and continuing with action with the prosecutor is totally inappropriate. Councilman Sadow feels it is inappropriate to follow through with an ethics violation complaint against Councilwoman Danchuk which will cost \$10,000 or more on legal fees, prosecuting what will ultimately be a slap on Councilwoman's wrist and a \$100 fine. Councilman Sadow suggested putting all of this to rest, withdraw the ethics violation issue if Councilwoman Danchuk will stop picayune nit-picking. Councilman Sadow stated that if our job is for the best interests of the Borough, the best scenario is to start clean, fresh slate, and work together on Borough issues.

Motion to Drop the Ethics Violation Charge Against Councilwoman Danchuk:
Councilman Sadow

Second: Councilwoman Danchuk

The Mayor requested that he would rather a full Council to make this decision and Councilman Windish is absent this evening.

Councilman Sadow moved to table this Motion until a full Council is present.

Roll Call:
 All in Favor - Aye
 Absent: Windish
 None Opposed.

Motion to Table Approved.

22. Adjourn

Motion to Adjourn: Council President Sorge

Second: Councilman Sadow

Roll Call:

All in Favor - Aye

Absent: Windish

None Opposed:

Motion Approved.

A handwritten signature in blue ink, appearing to read "Linda DeSantis", written over a horizontal line.

Linda DeSantis, RMC
Borough Clerk

Minutes Approved at Council Meeting of March 4, 2014.