

RESOLUTION NO.: 2014 - 151

**A RESOLUTION OF CENSURE OF COUNCIL MEMBER PAULA DANCHUCK BY
THE MAYOR AND COUNCIL OF THE BOROUGH OF MOUNT ARLINGTON, IN
THE COUNTY OF MORRIS, STATE OF NEW JERSEY**

WHEREAS, the Mayor and Council of the Borough of Mount Arlington respects and relies upon transparent and open communications and conversations between its members in order to serve the Borough and its residents most efficiently and in a cost effective manner; and

WHEREAS, the Mayor and Council of the Borough of Mount Arlington expects its members to work with other members and bring to light any issues that affects the Borough; and

WHEREAS, on August 5, 2014, the Mayor and Council of the Borough of Mount Arlington determined that the actions of Council Member Paula Danchuck are intentionally detrimental to the Borough; unbecoming conduct of a Council Member; cause the Borough to expend funds for issues that may have been resolved internally; worthy of censure; and require a formal reprimand; and

WHEREAS, the Mayor and Council of the Borough of Mount Arlington has chosen this form of action in lieu of filing a Complaint with the Local Finance Board for allegations of violations of the Local Government Ethics Law in order to avoid the expense of expending additional Borough funds; to cease the perpetuation of the discussion of these issues; and to memorialize the issues taken with Council Member Paula Danchuck. These actions include, but are not limited to the following:

- As an elected official, contrary to the Local Government Ethics Law, applied for employment with the Borough Library; Borough Recreation Department; and without approval of the Council President, approached the Borough Attorney for personal legal advice regarding applying for these positions;
- Disclosed confidential information regarding on-going contract negotiations to her husband, who in turn discussed same with an FOP delegate. This conduct resulted in a Complaint by the Officer and the FOP demanding her removal from the Police Committee and the negotiations team. This disclosure of confidences could have subjected the Borough to a grievance;

- Filing criminal and ethical complaints with the Morris County Prosecutor's Office based solely upon personal opinion and analysis without first discussing such accusations with the Mayor and Council and the Borough Professionals;
- Causing the expenditure of Borough funds to research and defend unilateral accusations that the Borough violated the Open Public Meetings Act when she was asked in Executive Session and then later in Public Session, mitigating any potential OPMA problems, if she acted in her capacity as a Council Member when orchestrating the obtaining and certifying of the Petition to Consolidate with Roxbury Township. In this instance, the Borough was not permitted to defend or even view the Complaint filed by Council Member Paula Danchuck. See correspondence from the Morris County Prosecutor's Office, dated February 25, 2014 and subsequent requests.
- Retaliating against the Borough by contacting the press to accuse the Borough Mayor and Council of "bullying" because of the governing body's decision to file formal ethics charges against her with the State Ethics Commission, which were subsequently dropped once the cost of filing and pursuing same and the minor potential consequences once litigated was determined;
- Causing the expenditure of Borough funds to defend, research and respond to false accusations that a Borough Employee violated a Zoning Ordinance during her campaign for Mayor surrounding signage. Such erroneous allegations caused the Borough Police Department to have to expend man power and funds to perform an investigation where it was found the Borough Employee did not violate any Zoning Ordinance. See correspondence from the Morris County Prosecutor's Office, dated June 12, 2014 and Borough Police Records;
- Causing the expenditure of Borough funds to defend, research and respond to false accusations that the Borough violated the Open Public Meetings Act after being counseled by the Borough Professionals that her understanding of the law and executive session procedure was inaccurate. See correspondence from the Morris County Prosecutor's Office, dated August 18, 2014;
- Causing the expenditure of Borough funds to defend, research and respond to false accusations that the Mayor and Council violated the Open Public Meetings

Act by attending the public consolidation meeting held in Roxbury Township as residents of the Borough of Mt. Arlington. See correspondence from the Morris County Prosecutor's Office, dated August 18, 2014;

- Failing to reveal the contents of correspondence addressed and delivered to her as a Council Member at Borough Hall from the Morris County Prosecutor's Office when asked about whether she filed additional Complaints against the Borough without first revealing her personal issues with the governing body and its professionals. This instance causing the expenditure of Borough funds to research the issue and respond to OPRA requests;
- Sending electronic mail to a member of the public inquiring why that member requested certain documents in an OPRA request and copying the Mayor and Council on the correspondence implying that Council Member Danchuk was sending it on behalf of the Borough, when in fact they had no knowledge of the request. This instance was an attempt to create a public document that may not have been discoverable under OPRA at the current time;
- Discussed pending litigation items discussed in executive session with members of the public, which the subject matter became the topic of two OPRA requests that needed to be researched and responded to by Borough employees and Professional;
- Requested a copy of the public meeting that mentioned the professional who appeared in the executive session in order to further discuss the pending litigation items discussed in executive session with the members of the public. Her actions may have compromised negotiations and could expose the Borough to severe financial hardship, penalties and fines;
- For the reasons delineated at the public council meeting set forth in the November 5, 2014 minutes;
- For the issues discussed in the August 5, 2014 Complaint; and
- Council Member Danchuk acknowledges she is a member of CARMA and continues to perpetuate their accusations that the Borough does not act in a transparent nature.

WHEREAS, the Mayor and Council of the Borough of Mount Arlington have on numerous occasions requested that Council Member Paula Danchuck refrain from secretive behavior; filing unnecessary complaints without discussing her personal beliefs with the entire council; causing the Borough to defend and prosecute issues that should have been discussed at the council meeting; cease from behavior unbecoming of a Council Member; and to work with the Mayor and Council in a professional manner; and

WHEREAS, Council Member Paula Danchuck has refused these repeated requests; continues to behave in a manner detrimental to the Borough; and frustrates the process of the council meetings; and

NOW THEREFORE BE IT RESOLVED, that Council Member Paula Danchuck is hereby censured for her behavior.

BE IT FURTHER RESOLVED that a copy of this Resolution shall be published as required by law, within ten (10) days of its passage.

I HEREBY CERTIFY this to be a true and correct Resolution of the Borough Council of the Borough of Mount Arlington and adopted on December 16, 2014.

Approved:



Arthur R. Ondish, Mayor

Attest:



Linda DeSantis, RMC, Borough Clerk



MORRIS COUNTY PROSECUTOR'S OFFICE

Administration & Records Bldg.

P.O. Box 900

Morristown, New Jersey 07963-0900

FREDRIC M. KNAPP
ACTING PROSECUTOR
(Attorney #013641978)

Telephone: 973-285-6200
Fax: 973-285-6226
www.morrisprosecutor.org
prosecutor@co.morris.nj.us

Linda DeSantis, RMC, CI
Borough Clerk

February 25, 2014

MAR - 3 2014

Mayor Arthur R. Ondish and
Borough Council Members
Borough of Mt. Arlington
419 Howard Boulevard
Mt. Arlington, New Jersey 07856

Borough of
Mount Arlington

Re: Mt. Arlington Borough Council
MCPO File No.: PSU-13-254

Dear Mayor Ondish and Council Members:

It has come to our attention that on occasion you have continued your discussion of public session issues after having reconvened in executive session. One such instance occurred on November 12, 2013 with respect to the issue of merging with Roxbury Township.

Please be reminded of the strict limitations the Open Public Meetings Act (OPMA) places on the types of issues that may be discussed in executive session. After reconvening in executive session, all discussion of public session issues should cease. Future violations of the OPMA could result in monetary penalties being assessed (See N.J.S. 10:4-17).

Very truly yours,

Robert A. Weber, Esq.

Supervising Assistant Prosecutor/SDAG

RAW:eb

c: Matthew O'Donnell, Esq. (Town Attorney)
File



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June 12, 2014

Chief Keith Licata
Mt. Arlington Borough Police Department
520 Altenbrand Avenue
Mt. Arlington, New Jersey 07856

Re: Zoning Violation in the Borough of Mt.
Arlington

MCPO File No.: PSU-14-0125

Dear Chief Licata:

As you may be aware, the Morris County Prosecutor's Office is in receipt of a complaint made by Ms. Paula Danchuk regarding a zoning violation in the Borough of Mt. Arlington.

This matter is being referred to your department for whatever action you deem appropriate. Accordingly, this Office will close its file and take no further action with regard to this matter.

Should you have any questions regarding this matter, please feel free to contact Detective Dan Haber at (973) 285-6255.

Very truly yours,

John McNamara, Jr.
Supervising Assistant Prosecutor/SDAG

:eb

c: File

ALLEGATIONS INFORMATION

No Record Found

CASE CONTACT SECTION

Posted Date	Contact Name	Contact Type	Address	Related Subject (Relationship)	Posted By
06/12/2014	DANCHUK, PAULA	VICTIM/COMPLAINANT	HOME: 50 ELIZABETH WAY LANDING, NJ		HABER, DAN J

ORGANIZATION CONTACT

No Record Found

CASE VEHICLE SECTION

No Record Found

STAFF ASSIGNMENT SECTION

Assigned Date	Assigned Staff	Staff Role Type	Status	Removed Date	Assignment Admin
06/12/2014	HABER, DAN J	INVESTIGATIVE STAFF	PRIMARY		Remove Assignment
06/12/2014	MCNAMARA JR, JOHN K	ASSISTANT PROSECUTOR	PRIMARY		Remove Assignment
06/12/2014	ARSENEAULT, DENISE H	SUPERIOR OFFICERS	PRIMARY		Remove Assignment
06/12/2014	MCNALLY, ROBERT M	SUPERIOR OFFICERS	PRIMARY		Remove Assignment
06/12/2014	MURZENSKI, STEVEN	SUPERIOR OFFICERS	PRIMARY		Remove Assignment
06/12/2014	BRISKIE, EUGENIA Y	CLERICAL STAFF	PRIMARY		Remove Assignment

ASSIGNMENT REVIEW SECTION

Assignment Review Status	PENDING
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No Record Found

DISPOSITION REVIEW SECTION

Disposition Review Status	PENDING
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No Record Found

*Internal Affairs Summary**Monday, June 2, 2014 10:37:15 AM**HABER, DAN J**Page 2 of 2*

Linda DeSantis

From: paula danchuk <pjdathome@optonline.net>
Sent: Thursday, May 22, 2014 11:55 PM
To: tmahoney@mtarlingtonboro.com
C: dhalik@mtarlingtonboro.com; ldesantis@mtarlingtonboro.com
Subject: sign ordinance violation complaint
Attachments: Mt. Arl 10 13 09 minutes.pdf; Mt. Arl 09 14 09 minutes.pdf

Borough of Mount Arlington
419 Howard Boulevard
Mount Arlington, NJ 07856

Thomas Mahoney, Zoning Officer

May 22, 2014

Dear Mr. Mahoney:

I am sending this letter to memorialize the conversation we had Wednesday morning, May 21, 2014 at borough hall. I met with you as follow-up for the complaint I lodged on Monday, May 19, 2014 with Debra Halik, our construction and land use secretary regarding the campaign signs currently posted along the right-of-ways throughout our borough.

As you are now aware, in 2009 the borough amended chapter 17 Land Development Code Chapter 17.24.8 by ordinance # 22-09. This code was revised to prohibit the placement of signs "in or over any public right-of-way. (17-24.8(e)12) The revised ordinance states that all signs shall be placed on private property with the consent of the property owner. (17-24.8(e) 21) This revised ordinance also states that "all political signs shall be clearly marked with the name, address and telephone number of the person responsible for the removal of the sign". (17-24.8(g))

I also made a complaint regarding the four large 4 x 8 political wooden signs located at Davy Dogs, 438 and 416 Howard Boulevard and 216 Mt. Arlington Boulevard. Ordinance also states that no sign may be posted on a tree. (17-24.8(e) 13) I also questioned the maximum size allowable for political signs as I am unable to ascertain this information from the code.

During our conversation you stated that you felt the borough was not permitted to regulate political signs in this way and were going to ascertain from the borough attorney if this ordinance was enforceable. You also stated that you were going to determine the procedure for such enforcement. To date I have not received a response from the borough regarding your findings.

When this ordinance went into effect in 2009, the Mt. Arlington DPW removed signs from the right of way that did not follow the revised ordinance. I expect the same response from the borough at this time.

Attached please find the minutes from when the Ordinance was introduced and past. As you can see there was discussion of all the concerns you mentioned during our conversation.

I believe your responsibility as our zoning officer is to enforce our ordinances, even when the offending parties are part of our municipal government. The fact that the ordinance is being disregarded by the very people, Mayor Ondish, Councilman Sadow, and Maureen Cerasoli, who introduced it and voted for it, is of great concern to me. You expressed concern of a lawsuit by the people whose signs you are required to remove. I would find it quite amusing, if the very people who made the ordinance decided to sue the borough over the enforcement of the code, if it were not such a blatant abuse of power.

Paula Danchuk
50 Elizabeth Way
Landing, NJ 07850
(973) 770-2274

**BOROUGH OF MT. ARLINGTON
CONSTRUCTION DEPARTMENT**

419 HOWARD BLVD.
MT. ARLINGTON, NEW JERSEY 07856
(973) 398-6832 EXT 14
(973) 398-2309 (FAX)



May 23, 2014

Mr. Matthew J. O'Donnell, Esq.
O'DONNELL McCORD, P.C.
15 Mount Kimble Avenue
Morristown, New Jersey 07960

Dear Mr. O'Donnell,

I am writing this letter to request, as the Borough Attorney your guidance as to how to proceed with the enforcement of political signs.

I have received a complaint from a political candidate that several signs are not in compliance with the borough's sign ordinance. I have attached a copy of the complaint so that I do not have to list them in this letter and also attached a copy of the sign ordinance for your review.

Almost all of the smaller signs are placed within the county's right of way and the four large 4' x 8' signs are located on private property three of which are strapped to trees.

I know I don't have the authority to go on private property and remove any sign that might be in violation but who would I site, the property owner or the political candidates or both. Can the borough prohibit political signs from right of ways, (local, county and state)? I don't think I can just pull these signs out of the ground and discard them.

I welcome any direction you can provide me.

Yours truly,

Thomas J. Mahoney, Zoning Officer
c/c C. Rinaldi, Administrator

O'DONNELL McCORD, P.C.

ATTORNEYS AT LAW

15 MOUNT KEMBLE AVENUE
MORRISTOWN, NEW JERSEY 07960

T: (973) 538-1230

F: (973) 538-3301

Matthew J. O'Donnell**+†
MODONNELL@OMLAWPC.COM
Attorney Id.: 028261994
* Member NJ and NY Bars
+ Member U.S. Tax Court
• Diplomat NJ Local Government Law
† Certified Public Accountant (NJ & NY)

ESSEX COUNTY OFFICE
SEVEN HUTTON AVENUE
WEST ORANGE, NJ 07052

MONMOUTH COUNTY OFFICE
1725 HIGHWAY 35, SUITE C
WALL, NJ 07719

May 30, 2014

Thomas J. Mahoney, Zoning Officer
Borough of Mount Arlington
419 Howard Boulevard
Mount Arlington, New Jersey 07856-1129

Re: Enforcement of Political Signs

Dear Mr. Mahoney:

Receipt is acknowledged of your correspondence dated May 23, 2014. In this regard, please be advised that the Borough Code Section 17.24.8, Signs, and Ordinance No.: 22-09, regulate the time, place and manner of the placement of signs in the Borough. Your inquiry requests clarification of three (3) items: (1) are political signs permitted in a right of way owned by the County of Morris; (2) are political signs permitted on private property affixed to a tree; and (3) what authority does the Zoning Officer have to remove any non-compliant signs from County or private property.

First, Section 17.24.8 (e) (12) states that no sign or any part of a sign, except publicly owned or authorized signs, shall be placed in or extend into or over any public right of way. Given that you have identified that the signs at hand are located in the County's right of way, the Borough is not permitted to regulate the use of County owned property. However, I recommend that you contact the County and see if they have any rules or regulations governing the placement of political signs on County property or right of ways.

Second, Section 17.24.8 (e) (13), in relevant part, states that no sign shall be affixed to any tree. Consequently, the four (4) signs identified as being affixed to trees are not permitted to be attached to the trees. I recommend that you serve notice on the property owner, provide a copy of the relevant Borough Code and Ordinance section, and instruct that the signs be removed from the trees.

Thomas J. Mahoney, Zoning Officer
May 30, 2014
Page 2

Last, pursuant to the Borough Code Chapter 4 Administration of Government, Section § 4-26. Zoning Officer, Section C. Duties of Zoning Officer, Item (1) the Zoning Officer is granted the power through state statute to enforce the Zoning Ordinance of the Borough of Mount Arlington and have all the powers, functions and duties prescribed by general law and ordinances, and as further provided in the Zoning Ordinance. In this regard, review of the Code does not reveal any requirements for you to personally remediate the violations. I recommend that you notice and instruct the property owners of the Borough's Ordinance and to correct the non-compliant actions. In the event the issues are not remedied, you may issue a violation to the property owner.

Should you have any questions or require any additional information, please call me directly at (973) 538-1230.

Very truly yours,

O'DONNELL McCORD, P.C.



MATTHEW J. O'DONNELL

MOD:ce
Enclosure
cc: Carolyn Rinaldi, CFO/Municipal Administrator

BOROUGH OF MT. ARLINGTON
CONSTRUCTION DEPARTMENT
419 HOWARD BLVD.
MT. ARLINGTON, NEW JERSEY 07856
(973) 398-6832 EXT 14
(973) 398-2309 (FAX)



June 6, 2014

Detective LaGuerre

Several weeks ago, I was contacted by a council member, Paula Danchuk who wanted me to enforce the Borough of Mount Arlington sign ordinance. I explained to Ms. Danchuk that I didn't think I could enforce the removal of political signs in the county right of way and also whether I had jurisdiction over county, state or national election signs.

I informed Ms. Danchuk that I planned to write to the Borough Attorney to obtain his legal opinion on the enforcement of political signs.

I received Ms. Danchuk's complaint on May 22nd and wrote the attached letter to our attorney on May 23rd. I received our attorney's response on June 4th. (attached).

At no time did any candidate (other than Ms. Danchuk)contact me regarding the installation of their signs. No candidate contacted me to overlook any provisions of our ordinance related to their placement of signs. During the period of May 22 to the present, I have not had any conversation with any political candidate.

Since obtaining our Borough Attorney letter dated May 30, 2014 outlining the enforcement of political signs, I plan to request from the Borough clerk prior to the general election the names and address of all the political parties running and advise them that they must adhere to our sign ordinance.

Yours truly,

Thomas J. Mahoney
Construction Official/Zoning Officer

4 PAGES

MOUNT ARLINGTON POLICE DEPARTMENT

**520 Altenbrand Avenue
Mount Arlington, NJ 07856**

**Telephone 973-398-2100
Facsimile 973-398-6816**

On June 13, 2014 I received a letter from the Morris County Prosecutor's Office regarding a complaint they received about a campaign sign zoning violation.

I contacted Det. Dan Haber immediately and spoke with him about the complaint. The letter says it was referred to my department for whatever action I deem appropriate and that the MCPO will close the file and take no further action.

The complaint accuses three individuals of disregarding the ordinance as a "blatant use of power." The individuals being Mayor Ondish, Councilman Sadow and Maureen Cerasoli.

I spoke with Councilman Sadow on 6/19/14 at 1125 hrs and notified him of the complaint and its disposition.

I left a message for Maureen Cerasoli on 6/19/14 at 1120 hrs to call me at HQ. I later spoke with her on 6/20/14 at 0830 hrs and notified her of the complaint and disposition.

I spoke with Mayor Ondish on 6/19/14 at 1135 hrs and notified him of the complaint and its disposition.

On 6/19/14 at noon I went to Boro Hall and met with the Borough Administrator who provided me documents relevant to the situation. Included were correspondence between the Zoning Officer and the Borough Clerk, Town Attorney and Det. LaGuerre of the MCPO. Also included are the meeting minutes referenced in the IA Summary.

Based on these documents it was found that the situation was being actively pursued by the Zoning Officer with the guidance of the Borough Attorney. In regard to the "blatant use of power" complaint, after their investigation the MCPO determined they would close their file and take no further action. The MCPO handles investigations on public officials so no additional investigation will be conducted.

Conclusion: Based on my findings no additional administrative action will be taken.


Chief Keith Licata
June 20, 2014

MOUNT ARLINGTON POLICE DEPARTMENT

520 Altenbrand Avenue
Mount Arlington, New Jersey 07856
Telephone: 973-398-2100
Facsimile: 973-398-6816
Emergency: 9-1-1

Administration
Chief Keith Licata
Lieutenant Edward LaBruno

Supervisors
Sergeant James DiStasio

Detective Bureau
Sergeant Matthew Green
Detective Reginald Goode

Secretary
Valerie Kourtz

July 10, 2014

Dear Mr. Windish,

Receipt is acknowledged of your OPRA request dated July 1, 2014. As such, the seven (7) business day deadline to respond to your request is July 11, 2014. This response is being provided to your request for the following information:

"the full and complete file as permitted by law for Paula Danchuck's complaint on signage as sent to the Prosecutor's Office and the Mount Arlington Police Chief with complete findings, including the Zoning Officers Letter and all associated documentation."

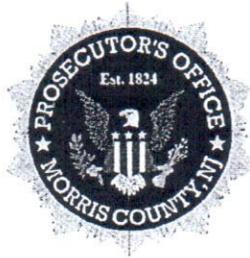
In response to your OPRA request for records in the possession of the Mount Arlington Police Chief please see the attached documentation which contains the complete file of the Mount Arlington Police Chief pertaining to the Complaint from Paula Danchuck regarding signage.

With respect to the request for the records of the Prosecutor's Office, please be advised that any documentation in the possession of the Prosecutor's Office would require a separate OPRA request to the Prosecutor's Office as this department is not the custodians of their records. Accordingly, pursuant to N.J.S.A. 47:1A-1.1 et seq., your request for same is denied.

If your request for access to a government record has been denied or unfilled within the seven (7) business days required by law, you have the right to challenge the decision of the Mount Arlington Police Department to deny access. At your option, you may either institute a proceeding in the Superior Court of New Jersey or file a complaint with the Government Records Council.



Chief Keith Licata



*rec'd 8/20/14
Linda called and
said she put let
in bow mailbox*

MORRIS COUNTY PROSECUTOR'S OFFICE

Administration & Records Bldg.
P.O. Box 900
Morristown, New Jersey 07963-0900

FREDRIC M. KNAPP
PROSECUTOR
(Attorney #013641978)

Telephone: 973-285-6200
Fax: 973-285-6226
www.morrisprosecutor.org
prosecutor@co.morris.nj.us

August 18, 2014

*left message 10/14
can I release letter?*

Ms. Paula Danchuk
Councilwoman
Township of Mt. Arlington
419 Howard Boulevard
Mt. Arlington, NJ 07856

Re: Mt. Arlington Township Council
MCPO File No.: PSU-14-013

*copies of envelope given
out at sept
council meet*

Dear Councilwoman Danchuk:

The Morris County Prosecutor's Office is in receipt of your complaint regarding violations of the Open Public Meeting Act by members of the Mt. Arlington Township Council after six (6) members of the Council attended a consolidation public hearing at the Roxbury Township High School.

The Morris County Prosecutor's Office reviewed this matter and determined there was no evidence of a violation of the Open Public Meetings Act. Accordingly, this Office will close its file and take no further action with regard to this matter.

*Great news! Can all
attend consolidation
hearings.*

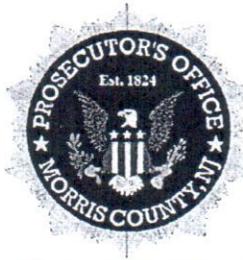
Should you have any questions regarding this matter, please feel free to contact Detective Dan Haber at (973) 285-6255.

Very truly yours,

John McNamara, Jr.
Supervising Assistant Prosecutor

:eb

c: File



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August 18, 2014

Ms. Paula Danchuk
Councilwoman
Township of Mt. Arlington
419 Howard Boulevard
Mt. Arlington, NJ 07856

*10/6/14 called
prosecutor's office + left
message.
Am I allowed to
release this letter
since it is
marked
confidential
on envelope*

Re: Mt. Arlington Township Council
MCPO File No.: PSU-14-0132

Dear Councilwoman Danchuk:

The Morris County Prosecutor's Office is in receipt of your complaint regarding violations of the Open Public Meeting Act by members of the Mt. Arlington Township Council when you allege it was wrong to enter executive session on two (2) occasions to discuss "Green Acres Property." *MADE PUBLIC AFTER EXECUTIVE SESSION AT OCTOBER COUNCIL MEETING*

The Morris County Prosecutor's Office reviewed this matter and determined there was no evidence of a violation of the Open Public Meetings Act. Accordingly, this Office will close its file and take no further action with regard to this matter.

Should you have any questions regarding this matter, please feel free to contact Detective Dan Haber at (973) 285-6255.

*10/1/14 MC Prosecutor OK to
called back.
release letter.*

Very truly yours,

John McNamara, Jr.
Supervising Assistant Prosecutor

*10/7/14
public hearing
on this topic
scheduled for
Nov. 13 at Mt.
Arl. school 7pm*

:eb

c: File

1

**BOROUGH OF MOUNT ARLINGTON
COUNCIL MEETING MINUTES
NOVEMBER 6, 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 also remembered Ilene St. John, former Clerk of the Board of Chosen Freeholders and a dear friend, who had passed this week.

4. Roll Call

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

5. Presentations/Mayor's Appointments

- Mayor's Appointments to the Consolidation Feasibility Study Commission: Councilman Sadow and Anthony Fernandez (in attendance)
- Councilwoman Danchuk expressed her surprise at the appointments, even though she did receive the Mayor's email announcement this past week. She stated Mr. Fernandez is very much opposed to doing anything with Roxbury and Councilman Sadow had expressed he did not even want the study done. Councilman Cangiano added that he feels Mr. Fernandez is an excellent choice; he has been involved with consolidation with Wharton, he knows Mine Hill, Roxbury and Mount Arlington, he is a long time resident of Mount Arlington and was involved in the merger of Mine Hill and Wharton Police. The Mayor read Councilman Sadow's email response/acceptance into the record.

6. OPRA Report

- The Mayor briefly explained the OPRA process and monthly report. There were 46 OPRA requests this month with three exceeding the \$100 threshold: 1) from F. Kugelman for the email distribution list, cost \$1,878; 2) from J. Koch, Professional Finders, financial records, et al, \$1,090.00; and 3) from John Windish for correspondence from Prosecutors Office to Paula Danchuk, et al, cost \$104.00. Councilman Windish distributed copies of two letters from the Morris County Prosecutors Office to Councilwoman Danchuk and read both letters into the record. There were four complaints in total; 1) Council and Borough Attorney wrongly accused of Executive Session discussion; 2) accusations regarding election signs; 3) complaint regarding Executive Session/Green Acres property discussions; and 4) complaint regarding six members of Council attending the same local function. All complaints have been dismissed. With regard to meetings, the Mayor stated the Council is allowed to attend the same functions, meetings, etc., so long as they are not conducting/discussing Borough business. Councilman Windish stated the Council will have a letter of censure for Councilwoman Danchuk at the December meeting and requested the Prosecutor letters be made part of the meeting Minutes.

7. Approval of Minutes

October 7, 2014

Regular Meeting

Motion to Approve: Councilman Cangiano

Second: Councilman Stanzilis

Roll Call:

Aye: Danchuk, Cangiano, Windish, Stanzilis

Absent: Council President Sorge, Councilman Sadow

None Opposed.

Motion Approved.

8. Mayor's Report

- The Mayor thanked everyone for supporting him in his re-election. The Mayor was very pleased at the number of voters who came out, and humbled and honored by the amount of votes he received. The Mayor stated this is a tribute to the team and the way things have been going with the Borough in the past few years. Most people are very satisfied with the leadership, saving money, and the fact that we are the 6th lowest taxed town in Morris County; great staff, employees, professionals, and I am very proud of the Council I serve with. It is all about teamwork, about making it happen. The Mayor stated this was the first election where he was uncontested; every election has been a battle and he is blessed that he has not lost an election. The Mayor congratulated Councilman Stanzilis and Councilman Sadow on their re-elections to Council. The Mayor stated to Councilwoman Danchuk that he prays that they can work together, and together accomplish good things.
- The Mayor performed a few weddings since our last meeting.
- The Mayor reminded all of the Veteran's Day Ceremony at MAPS School on Monday, November 10, 2014.
- Christmas tree lighting at Memorial Park will be on Friday, December 5th.
- The Mayor is very proud of Recreation and publicly thanked Brenda Temple for her involvement; he receives very positive feedback from residents.
- The Mayor stated that Julie Crawford, the MAPS teacher that works with all the new technology and the solar sprinters, applied to First Energy for a grant for a bicycle that when pedaled, generates energy. The Mayor was with Ms. Crawford when First Energy presented the grant; the school has a slight shortfall and the Mayor is going to cover the difference.

9. Chief of Police Report

- The Chief congratulated the Mayor and Councilmen on their re-election.
- The Chief detailed the recent CERT Training Day which involved a live missing person search drill involving the Police Department, Fire Department, CERT Team and Boys Scouts. It was a great exercise to bring all of the different departments together and practice how to work as one unit. We had never done this before and it was a great learning experience for all involved.
- The Chief stated the Recreation Department is amazing; they were key volunteers for the 5K.
- The Chief stated they are finishing up the selection process to hire; no decision has been made yet.
- The Mayor publicly thanked Chief Licata for his excellent service to the community.
- The Chief stated that six members of the Department are EMT's.

10. Municipal Administrator's Report

- Ms. Rinaldi stated the last scheduled Council Meeting for the year is December 2, 2014. Last year we added another meeting in December for any last minute items and she would like to do the same for this year, scheduling Tuesday, December 16, 2014. The Clerk will notice the meeting upon confirmation from Council.

11. Council Committee Reports**Councilwoman Danchuk:**

- The DPW reports were distributed to Council and everything looks good.
- Recently attended the Shade Tree Commission Core Training, which is one of the requirements to start a Shade Tree Commission. Each municipality must have two people take this Core Training; the other participant was Construction Official Tom Mahoney. Councilwoman Danchuk stated that when the State did the rock shaving on Route 80, which was conservation land, they put approximately \$150,000 in an account for tree replacement and management; in order to access the money, we have to have a Shade Tree Commission. Three requirements for a Commission: two people trained in the Core Training, a forestry management plan (which we received a grant to prepare the plan), and filing an annual report. With Council's approval, this will all fall into place next year. This will give

us approval under the NJ Shade Tree Commission Forestry Assistance Act for insurance purposes for protection for any trees that go down in the Borough. Ms. Rinaldi has a sample ordinance to form the Shade Tree Commission but nothing will be done until 2015.

- Councilwoman Danchuk attended another County Flood Mitigation Meeting.
- Councilwoman Danchuk attended the Land Use Board meeting and was happy to hear that the one bedroom apartments can only have two people and the two bedrooms can only house four people; Woodmont Properties will be specifying this in their lease.
- Councilwoman Danchuk attended the Wellfleet Developers meeting in Roxbury. The project is basically staying the same except they will be building in five phases, with the first closest to Shippenport Road, which will also be realigned at the start of the project. The project is tied to COAH and affordable housing but the apartments will be located behind Walmart, separate from the Wellfleet development. Roxbury purchased 33 acres of the tract for open space which will eliminate about thirty new homes.

Councilman Cangiano:

- Councilman Cangiano stated that the week after the 5K Race, the Recreation Committee held a Halloween Bash and movie night. They held a "Trunk or Treat", the concession stand was open, cars were decorated, there was a costume parade/contest and music; the movie night followed the Halloween Bash. It was a great event; the Recreation Committee seems tireless.
- The Recreation Committee will be holding a Christmas House Decorating Contest; residents can register their house by December 5th and judging will take place the week of December 15th. There are many decorating categories.
- Councilman Cangiano stated that on December 5, 2014, the Mount Arlington PTA is holding a dinner dance at the Canon Gate Conference Center, Picatinny Arsenal, benefiting the Mount Arlington School Cultural Arts Program.
- Councilman Cangiano stated regarding Personnel, the Borough has vacancies in the Construction Office, Land Use Board, part-time Dial-a-Ride driver and part-time cleaning person. Council will discuss the personnel issues in Executive Session.

Councilman Windish:

- Technology Committee is moving right along.
- Councilman Windish stated that the Personnel Committee will have discussions in Executive Session.

Councilman Stanzilis:

- Councilman Stanzilis thanked the Mayor for congratulating him on his re-election; it has been a pleasure serving with the Mayor and Council.
- Councilman Stanzilis stated the OEM drill last week was outstanding and publicly thanked Chief Licata for his leadership, for organizing the whole training and getting all the volunteers together. This was a true example of how the community comes together and works side-by-side.
- Councilman Stanzilis will not be attending the NJLM Convention but his wife, Laura O'Reilly Stanzilis will be speaking for the New Jersey Boards of Health on Employee Health and Wellness.
- Councilman Stanzilis attended a meeting with the Board of Education; they gave a presentation on their thoughts regarding the redevelopment and will continue to discuss the impact on the schools. The meeting was attended by the Board of Education, their attorney, Carolyn Rinaldi, our Borough attorney, Council President Sorge and Councilman Sadow. The Board is planning a presentation to the entire Council in early 2015.

12. Public Comment

Gene Paradiso, 206 Howard Boulevard:

- Mr. Paradiso congratulated those on their re-election.
- Mr. Paradiso thanked Chief Licata and Councilman Stanzilis for involving the Scouts in the recent OEM practice drill; the boys loved participating.
- Mr. Paradiso was taken back when the Mayor called the feasibility study participants malcontents. Mr. Paradiso expressed his satisfaction with Butch Fernandez being appointed to the study team.
- Mr. Paradiso sent the Clerk an advertisement regarding a local food drive, with a closer pick-up location than Interfaith in Morristown. The local churches bring food to Hope House in Dover and our neighboring towns can only service their residents. Bethlehem Church in Randolph will be a pickup location for Mount Arlington residents in need. There is also an online purchase option where you can purchase the food you want to donate to the food bank and in return, the food is delivered to the church. Mr. Paradiso stated the Council has supported the Toys for Tots and requested the same be

done for the food drive to benefit Mount Arlington residents. Mr. Paradiso stated the Republican Club of Mount Arlington is organizing this and the Mayor stated the Council can not endorse anything political; the Toys for Tots is for the military but the organizing group has obtained a non-profit I.D. Mr. Paradiso stated the Council voted on spending \$500 for a banner for Toys for Tots; the Mayor stated the Council cannot be involved in anything political. Mr. Paradiso stated that if people call the Borough looking for assistance, we can give them the contact information for Bethlehem Church.

13. New Business

None.

14. Old Business

None.

15. Resolutions

2014-119 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 November 6, 2014.

Motion to Approve: Councilman Cangiano

Second: Councilman Stanzilis

Roll Call:

Aye: Danchuk, Cangiano, Windish, Stanzilis

Absent: Council President Sorge, Councilman Sadow

None Opposed.

Motion Approved.

2014-120 Resolution of the Mayor and Borough Council of the Borough of Mount Arlington, in the County of Morris, State of New Jersey, Declaring the Month of January as "Radon Action Month" in the Borough of Mount Arlington.

Motion to Approve: Councilman Stanzilis

Second: Councilman Windish

Roll Call:

All in Favor: Aye

Absent: Council President Sorge, Councilman Sadow

None Opposed.

Motion Approved.

2014-121 Resolution of the Mayor and Borough Council of the Borough of Mount Arlington, in the County of Morris, State of New Jersey, To Cancel Solid Waste Fees for Property Known as Block 108, Lot 19.

Motion to Approve: Councilman Cangiano

Second: Councilman Stanzilis

Roll Call:

Aye: Danchuk, Cangiano, Windish, Stanzilis

Absent: Council President Sorge, Councilman Sadow

None Opposed.

Motion Approved.

2014-122 Resolution of the Mayor and Borough Council of the Borough of Mount Arlington, in the County of Morris, State of New Jersey, Requiring All Employees, With the Exception of Collective Bargaining Police Department Employees, to Contribute 50% of the Rates for Dental Benefit Coverage.

Motion to Approve: Councilman Stanzilis

Second: Councilman Cangiano

Roll Call:

Aye: Danchuk, Cangiano, Windish, Stanzilis

Absent: Council President Sorge, Councilman Sadow

None Opposed.

Motion Approved.

- 2014-123** 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: Councilman Cangiano

Second: Councilman Stanzilis

Roll Call:

Aye: Danchuk, Cangiano, Windish, Stanzilis

Absent: Council President Sorge, Councilman Sadow

None Opposed.

Motion Approved.

- 2014-124** Resolution 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 Permanent Conservation Easements Located on Block 83, Lots 15.01 and 15.02; Block 83.01, Lot 1; Block 82.01, Lot 1; and Block 72, Lot 1.01.

- 2014-125** Resolution 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 Permanent Conservation Easement Located on Block 61, Lot 42.03.

- 2014-126** Resolution 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 Permanent Drainage and Access Easement Located on Block 72.01, Lot 3 and Block 82, Lots 1.01 and 1.02.

Motion to **Approve 2014-124, 2014-125 and 2014-126 By Consent:** Councilman Windish

Second: Councilman Cangiano

Attorney O'Donnell stated these are Land Use Board approvals which were granted in 2007 and this is part of the approval process; this is administrative housekeeping.

Roll Call:

Aye: Cangiano, Windish, Stanzilis

Abstain: Danchuk

Absent: Council President Sorge, Councilman Sadow

None Opposed.

Motion Approved.

16. Ordinances – Introduction

- 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 read Ordinance 12-14 by Title.

Motion: Councilman Stanzilis stated that Ordinance 12-14 be introduced by Title and passed on First Reading and that a meeting be held on December 2, 2014 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 Cangiano

Roll Call:

Aye: Danchuk, Cangiano, Windish, Stanzilis

Absent: Council President Sorge, Councilman Sadow

None Opposed.

Motion Approved.

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 read Ordinance 13-14 by Title.

Motion: Councilman Cangiano stated that Ordinance 13-14 be introduced by Title and passed on First Reading and that a meeting be held on December 2, 2014 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 Stanzilis

Roll Call:

Aye: Cangiano, Windish, Stanzilis

Abstain: Danchuk

Absent: Council President Sorge, Councilman Sadow

None Opposed.

Motion Approved.

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 read Ordinance 14-14 by Title.

Motion: Councilman Stanzilis stated that Ordinance 14-14 be introduced by Title and passed on First Reading and that a meeting be held on December 2, 2014 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 Windish

Roll Call:

Aye: Cangiano, Windish, Stanzilis

Abstain: Danchuk

Absent: Council President Sorge, Councilman Sadow

None Opposed.

Motion Approved.

17. Ordinances – Second Reading**09-14**

An Ordinance of the Mayor and Borough Council of the Borough of Mount Arlington, Authorizing the Howard Boulevard Realignment Project and Appropriating \$125,000 for Said Improvement Authorized to be Undertaken In and By the Borough of Mount Arlington in the County of Morris, New Jersey.

The Mayor opened the Hearing to the Public on Ordinance #09-14 and read the Ordinance by title.

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

Councilman Cangiano stated, I move for adoption and final passage of Ordinance #09-14.

Second: Councilman Stanzilis

No Council Discussion.

Roll Call:

Aye: Danchuk, Cangiano, Windish, Stanzilis

Absent: Council President Sorge, Councilman Sadow

None Opposed.

Motion Approved.

The Mayor declared that Ordinance #09-14 is passed on second reading and directed the Clerk to publish the notice of adoption as required by law.

10-14 An Ordinance of the Mayor and Borough Council of the Borough of Mount Arlington Authorizing the Succasunna Road Improvement Project and Appropriating \$590,000 for Said Improvement Authorized to be Undertaken In and By the Borough of Mount Arlington in the County of Morris, New Jersey.

The Mayor opened the Hearing to the Public on Ordinance #10-14 and read the Ordinance by title.
No Public Comment; the Mayor closed the Hearing to the Public.
Councilman Stanzilis stated, I move for adoption and final passage of Ordinance #10-14.
Second: Councilman Cangiano
No Council Discussion.
Roll Call:
Aye: Danchuk, Cangiano, Stanzilis
Abstain: Windish
Absent: Council President Sorge, Councilman Sadow
None Opposed.
Motion Approved.

The Mayor declared that Ordinance #10-14 is passed on second reading and directed the Clerk to publish the notice of adoption as required by law.

11-14 An Ordinance of the Mayor and Borough Council of the Borough of Mount Arlington Providing for Amending Ordinance 13-07 and Appropriating \$40,000 Authorized to be Undertaken In and By the Borough of Mount Arlington in the County of Morris, New Jersey.

The Mayor opened the Hearing to the Public on Ordinance #11-14 and read the Ordinance by title.
Veronica Silkes, Succasunna Road:
- Ms. Silkes asked what the \$40,000 is being used for. Ms. Rinaldi stated this is not additional funding; it is an amendment to an existing ordinance. The money is being moved to the construction side for municipal projects.
No Further Public Comment; the Mayor closed the Hearing to the Public.
Councilman Stanzilis stated, I move for adoption and final passage of Ordinance #11-14.
Second: Councilman Cangiano
No Council Discussion.
Roll Call:
Aye: Danchuk, Cangiano, Windish, Stanzilis
Absent: Council President Sorge, Councilman Sadow
None Opposed.
Motion Approved.

The Mayor declared that Ordinance #11-14 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

2014-127 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 October 7, 2014.
- Personnel

Action May or May Not Be Taken.

Motion to Go Into Executive Session: Councilman Stanzilis

Second: Councilman Cangiano

Roll Call:

All in Favor: Aye

Absent: Council President Sorge, Councilman Sadow

None Opposed.

Motion Approved

Motion to Return to Open Session: Councilman Windish

Second: Councilman Stanzilis

Roll Call:

All in Favor: Aye

Absent: Council President Sorge, Councilman Sadow

None Opposed.

Motion Approved

Motion to Approve Executive Minutes of October 7, 2014: Councilman Windish

Second: Councilman Stanzilis

Roll Call:

Aye: Danchuk, Cangiano, Windish, Stanzilis

Absent: Council President Sorge, Councilman Sadow

None Opposed.

Motion Approved

Added**Resolutions:**

2014-128 Resolution of the Mayor and Borough Council of the Borough of Mount Arlington, in the County of Morris, State of New Jersey, Hiring Stella Salazar as Full-time Construction Technical Assistant and Land Use Board Secretary.

Motion to Approve: Councilman Windish

Second: Councilman Cangiano

Roll Call:

Aye: Danchuk, Cangiano, Windish, Stanzilis

Absent: Council President Sorge, Councilman Sadow

None Opposed.

Motion Approved

2014-129 Resolution of the Mayor and Borough Council of the Borough of Mount Arlington, in the County of Morris, State of New Jersey, Hiring Kevin Coogan as Part-Time Dial-a-Ride Driver.

Motion to Approve: Councilman Windish

Second: Councilman Stanzilis

Roll Call:

Aye: Danchuk, Cangiano, Windish, Stanzilis

Absent: Council President Sorge, Councilman Sadow

None Opposed.

Motion Approved

2014 -130 Resolution of the Mayor and Borough Council of the Borough of Mount Arlington, in the County of Morris, State of New Jersey, Hiring Kathleen Appleby As Part-time Cleaning Person for the Municipal Building and the Civic Center.

Motion to Approve: Councilman Cangiano

Second: Councilman Windish

Roll Call:

Aye: Danchuk, Cangiano, Windish, Stanzilis

Absent: Council President Sorge, Councilman Sadow

None Opposed.

Motion Approved

22. Adjourn

Motion to Adjourn: Councilman Windish

Second: Councilman Stanzilis

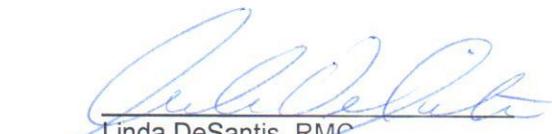
Roll Call:

All in Favor: Aye.

Absent: Council President Sorge, Councilman Sadow

None Opposed.

Motion Approved


Linda DeSantis, RMC
Borough Clerk

Minutes With Correction Approved at Council Meeting of December 2, 2014.