#### 1

# **BOROUGH OF MOUNT ARLINGTON COUNCIL MEETING MINUTES DECEMBER 14, 2010**

### 1. Call to Order

2. Adequate notice of this meeting of the Mayor and Borough Council of the Borough of Mount Arlington was given as required by the Open Public Meetings Act as follows: Notice was published in the Roxbury Register and the Daily Record on November 25, 2009; notice was posted on the bulletin board in the main hallway of the Municipal Building on November 23, 2009 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. Speakers shall be courteous to the Council and other persons attending the meeting. Offensive remarks or unruly behavior will not be allowed and anyone who violates this policy will be barred from participating in the meeting.

# 3. Flag Salute

The Mayor asked for a moment of silence to remember our armed forces fighting for our freedom.

### 4. Roll Call

Councilman Driscoll, Councilman Sorge, Councilman Sadow, Council President Galate. Councilman Windish, Councilman Doran, Mayor Ondish. Mitchell Jacobs, Esq., Borough Attorney, was also present.

### 5. Presentations/Mayor's Appointments

#### Added Presentation:

Dave Monahan, Mount Arlington Public School, showed a video of the activities leading up to and the actual Veterans Day Ceremony held at the school.

- 1. Energy Efficiency Discussion:
  - The Mayor stated the Borough is contemplating purchasing our energy from a third party at a reduced rate.
  - Robert Shagnon, Glacial Energy, gave a presentation and distributed a price comparison with JCP&L's rates. Glacial can save the Borough about 15% on their current metered energy charges for the next twelve months; they purchase directly from the grid.
  - Tony Menchaca, Verde Energy USA, gave a presentation, indicating Verde serves both commercial and residential accounts. Mr. Menchaca distributed a handout which included one price for the Borough and a lower price if the Borough and schools join together; they charge a monthly variable rate and as the account gets larger, they offer a twelve-month fixed rate; the best percentage savings would be 20%, least savings would be 10%.
- Utility Receipt Report for the Month of October, 2010.

The Clerk read the Utility Receipt Report for October, 2010 into the record.

Grand Total: \$199,753.69.

Utility Receipt Report for the Month of November, 2010.

The Clerk read the Utility Receipt Report for November, 2010 into the record.

Grand Total: \$289,127.34.

Tax Collector's Report for the Month of November, 2010.

The Clerk read the Tax Collector's Report for November, 2010 into the record.

Total Receipts: \$3,315,186.93.

7. Finance Report for the Month of November, 2010.

The Clerk read the Finance Report for November, 2010 into the record.

Current Fund:

Receipts \$3,736,683.77 Disbursements \$1,943,358.19

# 8. Open to Public

The Mayor stated the ordinance has been in our Code for quite some time but has not been fully enforced. Recently, the Borough has been aggressively enforcing this ordinance because of the improvements in the infrastructure, trying to increase property values, and trying to attract businesses and grow our community. Many of the residents in the audience expressed by raised hands that they were attending the meeting due to the issuance of recent violations and some expressed the problems of costs incurred by moving/storing their items. Councilman Doran stated this was enforced late in the season so for boat owners and suggested the Council be open to making some extensions. The Mayor stated the Zoning Committee will be working on revising this ordinance, possibly by February/March. The Mayor stated one alternative may be the redevelopment of the landfill for storage and long term parking, possibly offering residents a discount rate. Council agreed to strict enforcement of the front yard violations, anything that encroaches on the streets or right of ways, and safety and health issues but otherwise will grant a full relaxation of this ordinance until May 15, 2011; the ordinance will be enforced at its fullest at the beginning of boating season next year.

The following residents voiced their concerns about the outdoor storage ordinance and recent violations, most of whom requested extensions to comply with the ordinance:

Carol Miller, 115 McGregor Avenue Stephan Sher, 101 McGregor Avenue Tom Knudsen, 17 Cove Road Rob Gruber, 7 South Bertrand Road Paula Danchuk, 50 Elizabeth Way Greg Dominick, 600 Barbara Road Pat Hehir, 544 Dell Road

Susan Sher, 101 McGregor Avenue

Janine Lillian, 658 Succasunna Road Marlene Ackerman, 56 Rogerene Way

Henry Henderson, 186 Orben Drive

Motion to Relax the enforcement of the ordinance until the beginning of boating season, 2011, with the exception of any boat that is infringing on a right-of-way, a line of sight or creates a safety or health hazard as determined by the Police Department, and as of boating season 2011 the ordinance be enforced in full as amended January/February, 2011; specific to the warnings issued related to and grant amnesty to May 15, 2011: Councilman Sadow.

Second: Councilman Driscoll.

Roll Call:

Aye: Driscoll, Sorge, Sadow, Council President Galate, Windish, Doran.

Nay: None.

Joe Weaver will send out letters to all those who received warnings specifying the amnesty until May 15<sup>th</sup>; Council agreed to not issue any additional warnings. The letters being sent from Zoning will clarify the exceptions.

Other topics of Open Session:

Stephan Sher, 101 McGregor Avenue

- Dr. Sher suggested placing upcoming dates of Council Meetings on the electronic sign. The Mayor said starting January 1, 2011, all board and council meetings will be advertised on the signs.

Wendy Maler, 75 Mountainview Avenue:

- Ms. Maler appreciates all the holiday lights but she would also like a Hanukkah light. Council President Galate stated a recent Supreme Court decision states in order to have a Hanukkah light, we must also have a crèche; a Christmas tree is secular, not religious.

Marlene Ackerman, 56 Rogerene Way:

- Ms. Ackerman asked about the number of electric bills the borough receives; the Mayor stated we are billed by meter, about 28 bills.

#### 9. New Business

1. None.

#### 10. Old Business

1. Snow Removal, Ordinance #20-09, adopted August 3, 2009.

The Mayor stated the Borough was clearing the snow on certain sidewalks where residents had a hard time accessing those sidewalks; the ordinance was revisited because our previous attorney was concerned about the liability issue. The Clerk read an email into the record from Matthew Giacobbe, Esq., dated November 21, 2010: "It has been determined that the sidewalks are within the right-of-way of the roadways. I suggest we go back to the way we were handling it with our DPW or contractor clearing the sidewalks we used to clear. We will need to discuss this after December 14, 2010." There is no liability issue, we have the right to be there clearing those sidewalks. Council will revisit the existing ordinance in February/March.

Motion to Relax the Violation Portion of Ordinance 20-09 for the 2010/2011 Winter Season and Authorize DPW to Perform the Snow Clearing: Council President Galate.

Second: Councilman Doran.

Roll Call:

Aye: Driscoll, Sadow, Council President Galate, Windish, Doran.

Nay: Sorge.

Motion Approved.

Council asked the Clerk to send letters to those residents affected by the new ordinance, indicating this decision.

# 2. Council Comments.

Councilman Sorge:

- Stated the Veteran's Day Ceremony went very well.
- Thanked the Fire Department for their response to recent fire at the Shore Hills Apartments; there are fire volunteers on our DPW which is key to quick responses within the Borough.

#### Councilman Doran:

- The DEP has issued a press release on the publication of the Lake Level Management Report; the Lake Hopatcong Commission will be holding hearings on this report sometime in January.
- Looking into automatic bill payment to reduce window traffic for the payment of taxes and utilities. The computer package would give email alerts to customers prior to a payment/debit being withdrawn. Patricia Simari, Tax Collector, is researching the different programs.
- Water and Sewer Committee met and discussed the fire hydrant maintenance between Mount Arlington and -Roxbury. At the last Council meeting, the Borough approved payment to Roxbury of \$21,000 to settle an eleven year dispute over fire hydrants; meanwhile, our engineering firm researched the fire hydrants and found Roxbury fire hydrants that Mount Arlington is maintaining. This is a work in process as we may have a counterclaim with Roxbury.

The sewer and water fees being charged to Mount Arlington customers only will require continued adjustment upward in order to get our sewer and water companies self-sufficient. We will notify all of our customers that we will start increasing these rates this year to reflect an increase of about 12.5% for both water and sewer, and will continue this increase for a three year period. We need to do this to live within the terms of the Memorandum of Understanding and in order to live within the 2% cap; the increase will be effective first quarter of 2011. The Clerk will provide an ordinance at the January 4, 2011 meeting, incorporating the increase in fees. Councilman Sadow asked if the Borough could sell this authority to possibly save money and run more efficiently. Councilman Doran stated if we sold and decreased the manpower of DPW. The Borough could not perform all the other duties DPW performs. The Mayor stated water companies are more interested in purchasing systems with wells, whereas the Borough is just a pass through without our own wells. The Mayor stated it is very costly to perform a study to price everything out for both water and sewer. Councilman Sadow stated he would like to revisit this issue.

#### Councilwoman Galate:

- Recently came across the Blest Machine, a new machine that converts plastic to fuel; which could be a source of revenue for the Borough not only to recycle for fuel, but sell the fuel. The machine converts 2.2 lbs. of plastic into 1 quart of oil.
- There was an article in the League of Municipalities magazine about having a community garden and how it increased the property values 9.4%.
- Congratulated the Mayor on being elected First Vice President of the League of Municipalities and President of the League's Educational Foundation.

## Councilman Windish:

- Recreation is looking into more adult programs and will confirm insurance/liability issues with the Finance Department. They are looking to redevelop the roller rink area, possibly for volleyball courts and/or tennis courts; the present tennis courts are in condition and in need of repair and maybe the Borough can use that site for the community garden.

Mayor thanked Councilman Driscoll for his many years of service as Council Member and expressed his appreciation for his work over the years, including saving the Borough so much money working with our IT systems. Councilman Driscoll received a round of applause from both Council and the audience.

### 11. Approval of Minutes

November 9, 2010

Regular Meeting

Motion to Approve: Councilman Sorge.

Second: Councilman Doran.

Roll Call:

Aye: Driscoll, Sorge, Sadow, Council President Galate, Windish,

Doran.

Nay: None Motion Approved.

## 12. Resolutions

2010-137 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 14, 2010.

Motion to Approve: Councilman Sorge.

Second: Councilman Windish.

Roll Call:

Aye: Driscoll, Sorge, Sadow, Council President Galate (Abstain

check #9406), Windish, Doran.

Nay: None. Motion Approved.

2010-138 Resolution of the Mayor and Borough Council of the Borough of Mount Arlington, in the County of Morris, State of New Jersey, Authorizing the Transfer of Funds (Amending Resolution 2010-124 to correct Board of Health O/E).

Motion to Approve: Councilman Sorge.

Second: Councilman Driscoll.

Roll Call:

Aye: Driscoll, Sorge, Sadow, Council President Galate, Windish,

Doran. Nay: None.

Motion Approved.

**2010-139** Resolution of the Mayor and Borough Council of the Borough of Mount Arlington, in the County of Morris, State of New Jersey, Authorizing the Transfer of Funds.

Motion to Approve: Councilman Sorge.

Second: Councilman Driscoll.

Roll Call:

Aye: Driscoll, Sorge, Sadow, Council President Galate, Windish,

Doran. Nay: None.

ivay. None

2010-140 Resolution of the Mayor and Borough Council of the Borough of Mount Arlington, in the County of Morris, State of New Jersey, Authorizing Cancellation of Portion of Trust Account Tax Sale Premium.

Motion to Approve: Councilman Doran.

Second: Councilman Sorge.

Roll Call:

Aye: Driscoll, Sorge, Sadow, Council President Galate, Windish,

Doran. Nay: None. Motion Approved.

2010-141 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: Councilman Doran.

Second: Councilman Sadow.

Roll Call:

Aye: Driscoll, Sorge, Sadow, Council President Galate, Windish,

Doran.
Nay: None.
Motion Approved.

2010-142 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 2011.

Motion to Approve: Councilman Sorge.

Second: Councilman Driscoll.

All in Favor – Aye; None Opposed.

Motion Approved.

2010-143 Resolution of the Mayor and Borough Council of the Borough of Mount Arlington, in the County of Morris, State of New Jersey, Authorizing the Purchase of Salt and Grits for the Year 2011. (International Salt Company, LLC).

2010-144 Resolution of the Mayor and Borough Council of the Borough of Mount Arlington, in the County of Morris, State of New Jersey, Authorizing the Purchase of Salt and Grits for the Year 2011. (Atlantic Salt, LLC).

Motion to Approve #2010-143 and #2010-144 by Consent: Councilman Sorge.

Second: Councilman Doran.

Roll Call:

Aye: Driscoll, Sorge, Sadow, Council President Galate, Windish, Doran.

Nay: None.

2010-145 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 Policy Endorsement for Dental Master Policy GD3119.

Motion to Approve: Councilman Driscoll.

Second: Councilman Sorge.

Roll Call:

Aye: Driscoll, Sorge, Council President Galate, Windish, Doran.

Nav: Sadow.

Motion Approved.

2010-146 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 Pay for Dental Benefit Coverage.

**Motion to Withdraw** (Council had no discussion prior to this resolution being placed on the Agenda; the change in dental coverage was never the intent of the full Council): Council President Galate.

Second: Councilman Sorge.

Roll Call:

Aye: Driscoll, Sorge, Sadow, Council President Galate, Windish,

Doran. Nay: None.

Motion Withdrawn.

- 2010-147 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 2011.
- 2010-148 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 2011.

Motion to Approve #2010-147 and #2010-148 by Consent: Councilman Sadow.

Second: Councilman Doran.

Roll Call:

Aye: Driscoll, Sorge, Sadow, Council President Galate, Windish,

Doran. Nay: None.

Motion Approved.

Resolution of the Mayor and Borough Council of the Borough of Mount Arlington, in the County of Morris, State of New Jersey, Modifying an Easement Agreement Between the Borough and the Musconetcong Sewerage Authority on Certain Property in the Borough Known as Block 18, Lot 12, on the Tax Map of the Borough of Mount Arlington.

Motion to Approve: Councilman Driscoll.

Second: Councilman Doran.

Daren Phil explained this is reducing the easement by the beach property that was previously granted to the MSA; present easement is excessive and needs to be reduced.

Roll Call:

Aye: Driscoll, Sorge, Sadow, Council President Galate, Windish, Doran.
Nay: None.
Motion Approved.

2010-150 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 a Petition for Plan Conformance to the Highlands Water Protection and Planning Council for Land in the Preservation Area.

Motion to Approve: Council President Galate.

Second: Councilman Windish.

Roll Call:

Aye: Driscoll, Sorge, Sadow, Council President Galate, Windish,

Doran.
Nay: None.
Motion Approved.

2010-151 Resolution of the Mayor and Borough Council of the Borough of Mount Arlington, in the County of Morris, State of New Jersey, Authorizing Issuance of Towing

2010-152 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.

Licenses for the Period January 1, 2011 Through December 31, 2011.

Motion to Approve #2010-151 and #2010-152 by Consent: Councilman Driscoll.

Second: Councilman Sorge.

Roll Call:

Aye: Driscoll, Sorge, Sadow, Council President Galate, Windish,

Doran. Nay: None.

Motion Approved.

2010-153 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 a 911 Service Agreement Renewal Between Saint Clare's Hospital, Inc. and the Borough of Mount Arlington.

Motion to Approve: Councilman Sorge.

Second: Councilman Doran.

Councilman Sadow stated the contract does not address replenishing the actual physical ambulance, however we have never paid for any maintenance. Joe Kovalcik, Budget Consultant, was present and stated we have a reserve of \$80,000 to purchase an ambulance. Roll Call:

Aye: Driscoll, Sorge, Sadow, Council President Galate, Windish, Doran.

Nay: None.

2010-154 Resolution of the Mayor and Borough Council of the Borough of Mount Arlington, in the County of Morris, State of New Jersey, Awarding Contract for Howard Boulevard Roadway Improvements.

Motion to Approve: Councilman Driscoll.

Second: Councilman Sorge.

Roll Call:

Aye: Driscoll, Sorge, Sadow, Council President Galate, Windish,

Doran. Nay: None. Motion Approved.

### 13. Ordinances - Introduction

None

### 14. Ordinances - Second Reading

An Ordinance of the Borough of Mount Arlington, County of Morris, State of New Jersey, Providing for the Improvements to the Proposed Senior Citizen Center Located at 404 Howard Boulevard and Appropriating \$80,000 for the Financing Thereof.

The Mayor opened the Hearing to the Public on Ordinance #11-10 and read the Ordinance by title.

Councilman Driscoll stated, I move for adoption and final passage of Ordinance #11-10.

Second: Councilman Sorge.

Roll Call:

Aye: Driscoll, Sorge, Sadow, Council President Galate, Windish, Doran. Nav: None.

Motion Approved.

The Mayor declared that Ordinance #11-10 is passed on second reading and directed the Clerk to publish the notice of adoption as required by law.

An Ordinance of the Borough of Mount Arlington, County of Morris, State of New Jersey, Amending Chapter 4-2 (A) of the Code of the Borough of Mount Arlington Entitled "Administration of Government".

The Mayor opened the Hearing to the Public on Ordinance #12-10 and read the Ordinance by title.

Councilman Driscoll stated, I move for adoption and final passage of Ordinance #12-10.

Second: Council President Galate.

The Clerk will add: ... "the cost will be borne by the municipality.."

Roll Call:

Aye: Driscoll, Sorge, Sadow, Council President Galate, Windish, Doran. Nay: None.

Motion Approved.

The Mayor declared that Ordinance #12-10 is passed on second reading and directed the Clerk to publish the notice of adoption as required by law.

An Ordinance of the Borough of Mount Arlington, County of Morris, State of New Jersey, Amending Chapter 134-2 of the Code of the Borough of Mount Arlington Regarding Certificates of Habitability.

The Mayor opened the Hearing to the Public on Ordinance #13-10 and read the Ordinance by title.

Councilman Driscoll stated, I move for adoption and final passage of Ordinance #13-10.

Second: Councilman Doran.

Roll Call:

Aye: Driscoll, Sorge, Sadow, Council President Galate, Windish, Doran. Nav: None.

Motion Approved.

The Mayor declared that Ordinance #13-10 is passed on second reading and directed the Clerk to publish the notice of adoption as required by law.

An Ordinance of the Borough of Mount Arlington, 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 #14-10 and read the Ordinance by title.

Councilman Driscoll stated, I move for adoption and final passage of Ordinance #14-10.

Second: Councilman Doran.

Roll Call:

Aye: Driscoll, Sorge, Sadow, Council President Galate, Windish, Doran. Nay: None.

Motion Approved.

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

An Ordinance of the Borough of Mount Arlington, County of Morris, State of New Jersey, Amending Chapter 133, Property Maintenance, of the Code of the Borough of Mount Arlington, To Amend Requirements for Sight Distance Protection.

The Mayor opened the Hearing to the Public on Ordinance #15-10 and read the Ordinance by title.

Councilman Sorge stated, I move for adoption and final passage of Ordinance #15-10.

Second: Councilman Doran.

Roll Call:

Aye: Driscoll, Sorge, Sadow, Council President Galate, Windish, Doran. Nay: None.

Motion Approved.

The Mayor declared that Ordinance #15-10 is passed on second reading and directed the Clerk to publish the notice of adoption as required by law.

### 15. Motions

- 1. Our Lady of the Lake Church Bingo License Application BA-10-08 for the year 2011.
- Our Lady of the Lake Church Instant Raffle License Application RA-10-09 for the year 2011

- 3. Mount Arlington Seniors Bingo License Application BA-10-10 for the year 2011.
- 4. Mount Arlington Seniors Instant Raffle License Application RA-10-11 for the year 2011.

Motion to Approve All Motions By Consent: Councilman Driscoll.

Second: Councilman Sorge.

Roll Call:

Aye: Driscoll, Sorge, Sadow, Council President Galate, Windish,

Doran. Nay: None.

Motion Approved.

# 16. Mayor's Report

- The Mayor stated that the punch list of items for Ridgeview has been completed.
- The Mayor's Book Club will be hosted by Centenary College but still funded by the League of Municipalities; this year the focus will be on first grade students.
- The Mayor will be meeting in Dover regarding our court; there will be a change in how the court will be managed. Councilman Sadow volunteered to go with the Mayor.

#### 17. Executive Session

2010-155 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 Session Topic:** 

Police Contract

Approval of Executive Minutes: November 9, 2010

Professional Service RFP's for 2011

Year 2011 Budget Discussion

Action Will Be Taken.

Motion to Go Into Executive Session: Councilman Sorge.

Second: Councilman Doran.
All in Favor – Aye; None Opposed.

Motion Approved.

Motion to Return to Open Session: Councilman Sorge.

Second: Councilman Doran.

All in Favor - Aye; None Opposed.

Motion Approved.

Motion to Approve Executive Minutes of November 9, 2010: Councilman

Sorge.

Second: Councilman Sadow.

All in Favor - Aye; None Opposed.

Motion Approved.

Motion to Approve Paul Nelson to Utilize Rich Peterson to Snowplow at \$15.00 per hour To Offset Overtime: Councilman Sorge.

Second: Councilman Driscoll.

Roll Call:

Aye: Driscoll, Sorge, Sadow, Council President Galate, Windish,

Doran.

Nay: None.

#### **Added Resolutions**

2010-156 Resolution of the Mayor and Borough Council of the Borough of Mount Arlington, in the County of Morris, New Jersey, Authorizing A Three-Year Contract with the Morris County Joint Insurance Fund.

Motion to Approve: Councilman Sadow.

Second: Councilman Sorge.

Roll Call:

Aye: Driscoll, Sorge, Sadow, Council President Galate, Windish,

Doran. Nay: None. Motion Approved.

2010-157 Resolution of the Mayor and Borough Council of the Borough of Mount Arlington, in the County of Morris, New Jersey, Authorizing Execution of A One-Year Contract with FOP Lodge 78, Specifically Noting A Freeze in Salaries, Including Steps, the FOP Members Accept the Increase in Their Medical Cost and the Contract is Effective For One Year Only, Through December 31, 2011.

Motion: Councilman Doran. Second: Councilman Sorge.

Roll Call:

Aye: Driscoll, Sorge, Sadow, Council President Galate, Windish,

Doran. Nay: None. Motion Approved.

# 18. Adjourn

Motion to Adjourn: Councilman Driscoll.

Second: Councilman Sorge. All in Favor – Aye; None Opposed.

Motion Approved.

Linda DeSantis, RMC Borough Clerk

Minutes Approved at Council Meeting of February 15, 2011.