

**BOROUGH OF MOUNT ARLINGTON
COUNCIL MEETING MINUTES
FEBRUARY 11, 2008**

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 Thursday, December 20, 2007; notice was posted on the bulletin board in the main hallway of the Municipal Building on December 11, 2007 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

4. Roll Call

Council President Driscoll, Councilman Sorge, Councilwoman Galate Goodman, Councilwoman Mulligan, Councilman Doran, Mayor Ondish. JoAnne Sendler, Borough Administrator, and Matthew Giacobbe, Borough Attorney, were also present. Councilwoman Cerasoli was absent due to illness.

5. Presentations/Mayor’s Appointments

1. Read Across America Proclamation.
The Mayor read the Proclamation into the record (attached).

6. Old Business

1. Tax Appeal – Jack Marchione, Tax Assessor.
Mr. Marchione updated the Council on the one outstanding state tax court appeal in Mount Arlington, Block 61, Lot 23.13, New Seasons Assisted Living. The 2007 assessment was \$7.945 million, which when applying the ratio comes to a real value of \$9.7 million; the plaintiff had the value of the property between \$7.4 and \$8 million which, even if the \$8 million held in state tax court, it would result in a potential refund of \$28,000 to the plaintiff. Borough Appraiser Scott Holzhauer stated the value of \$8.65 million at best, which is enough to support the 2007 assessment but would make it very vulnerable to support the 2008 assessment with the drop in the current ratio. Mr. Holzhauer and Mr. Marchione were able to get the plaintiff to convince his client to withdraw the 2007 appeal which was done in time for Mr. Marchione to change the books for the 2008 tax assessment, using the \$7.9 million assessment to \$6.94 million. The settlement results in no refund given in either year to the plaintiff and essentially closes the book on all prior year tax appeals. Mr. Marchion stated that he does not need a resolution to withdraw a tax appeal.
2. Review OPRA Fees
Borough Attorney Matthew Giacobbe stated that Council will introduce an ordinance this evening regarding OPRA fees and the extraordinary costs of extraordinary requests. The ordinance refers to the entire fee document, underlining the changes. If a certain request is onerous, the hourly rate would be \$15 or the actual direct cost of labor. The focus of this new ordinance is to allow the public to know what they could potentially spend if they

make an extraordinary request and to insure that the taxpayers are not unduly burdened by an OPRA request of large magnitude. The Attorney will give guidance to the Clerk as to what is deemed extraordinary or not, as guided by the GRC and past court decisions. The law is clear, if there is a request that cannot be completed within the seven-days permitted by law, the requestor will be notified. The purpose of the new OPRA ordinance is to advise the public of the rules and work with the public to complete their request.

3. Discuss Silvestri lease.

The Borough has a yearly lease at 403 Howard Boulevard to house the Rescue Squad; the lease ends in April. The Borough is preparing to go to bid on 404 Howard and the building should be completed by the end of August. The Borough will enter into a month-by-month lease; the lease agreement/resolution will be on the March Council Meeting Agenda.

4. Communications Packet procedure.

The Clerk indicated that since her assistant is no longer in her office on Friday's, she requested permission to prepare the Communications Packet on Wednesday's. Minutes will no longer be attached to the Communications Packets since they are not distributed until the Friday preceding a Council meeting; Council approved this new procedure.

Mr. Giacobbe explained the additions to the Agenda Adequate Notice which are permitted under the Open Public Meeting Act. Mr. Giacobbe explained that the Agenda is the syllabus, the attachments are not part of the Agenda because they are draft items and not official records. Mr. Giacobbe suggested the Agenda be made available to the public and that four binders be available at the Council Meetings so the public can view the Agenda items. Agenda items, once adopted, will also be available in the Clerk's office for the public to view but a copy would warrant an OPRA request. Council approved this new procedure. Mr. Giacobbe stated that the Check Register is a document that shows items the Council is reviewing for potential action. The public still has the opportunity to review the Register in the binders. If a Councilmember has a question on the Check Register, Mr. Giacobbe suggested calling the Administrator or CFO. Mr. Giacobbe stated that Council can table or deny an item on the bill list but he does not want people leaving the meeting with the misperception that documentation attached to the Agenda are official documents. The Mayor stated that Councilwoman Mulligan can always direct her questions to the Administrator or the Finance Office; Councilwoman Mulligan stated that she can no longer call either but has to contact the Mayor or Council President Driscoll. Mr. Giacobbe offered to speak to Councilwoman Mulligan on the telephone about this matter .

Memorialize that the Council will follow the five-minute rule and new procedures for Agenda items:

Roll Call: Council President Driscoll, Sorge, Galate Goodman, Mulligan, Doran.
All Approved.

7. New Business

None.

8. Utility Receipt Report for the Month of January, 2008.

The Clerk read the Utility Receipt Report for the Month of January, 2008 into the record:
Grand total: \$182,696.22.

Tax Collector's Report for the Month of January, 2008.

The Clerk read the Tax Collector's Report for the Month of January, 2008 into the record:
Total Receipts: \$757,967.72.

9. Finance Report for the Month of January, 2008.

The Clerk read the Finance Report for the Month of January, 2008 into the record:
Ending Balance: \$1,913,466.22.

Councilman Doran asked why the Finance Committee did not hold any meetings in 2007; the reason is that a decision was made that all Councilmember's be present at any Finance or Budget meeting.

10. Open to Public

Alice Stutz, 50 Ridgeview Lane:

Ms. Stutz stated that she is disgusted to hear that one of our elected officials is unable to get information directly from a Borough employee; she objects as a taxpayer.

Fran Hallowich, 502 Howard Boulevard:

Ms. Hallowich stated that she agreed with Ms. Stutz, why shouldn't the employees give that person the information requested.

11. Approval of Minutes

September 24, 2007 Regular Meeting

Motion to Approve: Councilman Sorge.

Second: Council President Driscoll.

Roll: Council President Driscoll, Sorge, Galate Goodman – Abstain, Mulligan, Doran – Abstain.

Motion Approved.

October 8, 2007 Regular Meeting

Motion to Approve: Councilman Sorge.

Second: Council President Driscoll.

Councilwoman Mulligan asked the status of taping of Executive Sessions (pg. 3); the Clerk, Clerk's Assistant and Assistant Administrator will be meeting with the attorney to discuss Executive Session procedures/minutes.

The Mayor asked about the dog park request (pg. 6); the Clerk has placed this item into follow-up.

The Mayor stated that one line of his report should read, " 09/26/07: The Mayor spent four hours with the EPA on Lake Hopatcong as guests aboard volunteer Commissioner O'Connor' boat."

Roll: Council President Driscoll, Sorge, Galate Goodman – Abstain, Mulligan, Doran.

Motion Approved.

October 9, 2007 Special Meeting

Motion to Approve: Council President Driscoll.

Second: Councilman Sorge.

Councilwoman Mulligan wanted confirmation that this was the meeting advertised as a Closed Meeting but when Council arrived, it turned into an Open Meeting; she had requested this to be reflected in the Minutes but it is not.

Councilwoman Mulligan stated that residents were denied to attend the important meeting regarding the Police issue/Ted Ehrenburg's study. Mr. Giacobbe stated that the report could contain a personnel issue and personnel has to be discussed in Executive Session; if when you received the report at that meeting and the attorney determined there was no personnel portion to be discussed, then he was correct to direct the Council to have the meeting in public. Mr. Giacobbe stated that there was no action taken at that meeting and he feels that Council acted on advice of legal counsel recommendation.

Roll: Council President Driscoll, Sorge, Galate Goodman – Abstain, Mulligan - No, Doran.

Motion Approved.

December 10, 2007 Regular Meeting

Motion to Approve: Council President Driscoll.
 Second: Councilman Sorge.
 Roll: Council President Driscoll, Sorge, Galate Goodman – Abstain, Mulligan, Doran.
 Motion Approved.

January 7, 2008 Reorganization Meeting

Motion to Approve: Councilwoman Mulligan.
 Second: Council President Driscoll.
 Roll: Council President Driscoll, Sorge - Abstain, Galate Goodman, Mulligan, Doran.
 Motion Approved.

Motion to Hold the Executive Session #2008-31 at the End of the Meeting and Move Resolution #2008-32 to Follow Executive Session: Sorge.
 Second: Galate Goodman.
 Roll: Council President Driscoll, Sorge, Galate Goodman, Mulligan, Doran.
 Motion Approved.

13. Resolutions

2008-33 Resolution of the Mayor and Borough Council of the Borough of Mount Arlington, in the County of Morris, New Jersey, Awarding Contract for Orben Drive Roadway and Drainage Improvements.

Motion to Approve: Sorge.
 Second: Council President Driscoll.
 Roll Call: Council President Driscoll, Sorge, Galate Goodman, Mulligan, Doran.
 Motion Approved.

2008-34 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 Current and Future Property Taxes for Property Known as Block 12, Lot 1.

Motion to Approve: Council President Driscoll.
 Second: Mulligan.
 Roll Call: Council President Driscoll, Sorge, Galate Goodman, Mulligan, Doran.
 Motion Approved.

2008-35 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 February 11, 2008.

Motion to Approve: Sorge.
 Second: Doran.
 Roll Call: Council President Driscoll, Sorge, Galate Goodman, Mulligan, Doran.
 Motion Approved.

14. Ordinances

01-08 An Ordinance of the Borough of Mount Arlington, County of Morris, State of New Jersey, Amending Chapter 4, Administration, Section 4-25, Copies of Public Documents and Chapter A210, Fees, of the Code of the Borough of Mount Arlington.

The Mayor read Ordinance 01-08 by Title.

Motion: Council President Driscoll stated that Ordinance 01-08 be introduced by Title and passed on First Reading and that a meeting be held on March 10, 2008 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 Doran.

No Council discussion.

Roll Call: Council President Driscoll, Sorge, Galate Goodman, Mulligan, Doran.

Motion Approved.

02-08 An Ordinance of the Borough of Mount Arlington, County of Morris, State of New Jersey, Providing for the Municipal Consent of the Borough of Mount Arlington for United Water Arlington Hills Sewerage, Inc., to Provide Sewer Service to Block 61, Lots 42.01, 42.02 and 42.03 in the Borough of Mount Arlington and Confirming the Borough's Prior Resolution of Consent and for the Laying of Pipes and Mains and the Installation of Other Utility Facilities as May Be Necessary.

The Mayor read Ordinance 02-08 by Title.

Motion: Council President Driscoll stated that Ordinance 02-08 be introduced by Title and passed on First Reading and that a meeting be held on March 10, 2008 at 7:00 p.m. at the Municipal Building, 419 Howard Boulevard, Mount Arlington, NJ, for a Public Hearing, consideration of Second Reading and Passage of said Ordinance, and that the Clerk be directed to publish, post and make available said Ordinance in accordance with the requirements of law.

Second: Councilman Sorge.

No Council discussion.

Roll Call: Council President Driscoll, Sorge, Galate Goodman, Mulligan, Doran.

Motion Approved.

15. Motions

1. Resignation of Joe Brzezowski, Dial-A-Ride Driver.

Motion to Accept Resignation, With Regret: Sorge.

Second: Doran.

Roll Call: Council President Driscoll, Sorge, Galate Goodman, Mulligan, Doran.

Motion Approved.

2. NJ State Fireman's Association Membership Applications.

- John G. Mack
- Thomas Larkin

Motion to Approve: Council President Driscoll.

Second: Mulligan.

Roll Call: Council President Driscoll, Sorge, Galate Goodman, Mulligan, Doran.

Motion Approved.

16. Mayor's Report

See Attachment.

Mr. Giacobbe stated that Mayor Ondish paid for his own ticket to the Chamber of Commerce trip.

17. Borough Administrator's Report

Items will be discussed in Executive Session.

The Clerk had distributed to Council the NJDOT announcement received today regarding the rock-fall mitigation to commence on Friday, February 15th.

Motion to Take Five-Minute Break: Mulligan.

Second: Sorge.

All in Favor – Aye; None Opposed.

Motion Approved.

12. Executive Session

2008-31 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.

Litigation:

Levitt vs. Borough of Mount Arlington.

Personnel:

Discussion of Police Department Staffing/Police Ordinance.

Assistant to the Clerk. *will not be discussed.

Dial-A-Ride.

Deputy Court Clerk.

Attorney/Client Privilege:

COAH.

Recreation Committee/Lifeguards.

Post Retirement Health Benefits.

Cell Phone Policy.

Motion to Go Into Executive Session: Mulligan.

Second: Council President Driscoll.

All in Favor – Aye; None Opposed.

Motion Approved.

Motion to Go Into Open Session: Sorge.

Second: Council President Driscoll.

All in Favor – Aye; None Opposed.

Motion Approved.

Resolution

2008-32 Resolution of the Mayor and Borough Council of the Borough of Mount Arlington, in the County of Morris, New Jersey, Hiring Part-Time Deputy Court Administrator.

Motion to Approve: Council President Driscoll.

Second: Sorge.

Roll Call: Council President Driscoll, Sorge, Galate Goodman, Mulligan, Doran.

Motion Approved.

**Added
Resolutions:**

2008-36 Resolution of the Mayor and Borough Council of the Borough of Mount Arlington, in the County of Morris, New Jersey, Hiring Jacqueline Murphy as Part-Time Dial-A-Ride Driver.

Motion to Approve: Council President Driscoll.
Second: Sorge.
Roll Call: Council President Driscoll, Sorge, Galate Goodman, Mulligan, Doran.
Motion Approved.

2008-37 Resolution of the Mayor and Borough Council of the Borough of Mount Arlington, in the County of Morris, New Jersey, Hiring Police Officer Joseph Farina.

Motion to Approve: Council President Driscoll.
Second: Doran.
Roll Call: Council President Driscoll, Sorge, Galate Goodman, Mulligan, Doran.
Motion Approved.

The Mayor stated that he will not be attending the March 10th Council Meeting.

18. Adjourn

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

Linda DeSantis, RMC
Borough Clerk

Minutes Approved at Council Meeting of March 10, 2008.

PROCLAMATION

WHEREAS, the citizens of the Borough of Mount Arlington stand firmly committed to promoting reading as the catalyst for our student's future academic success, their preparation for America's jobs of the future, and their ability to compete in a global economy; and

WHEREAS, the Borough of Mount Arlington has provided significant leadership in the area of community involvement in the education of our youth, grounded in the principle that educational investment is key to the community's well-being and long-term quality of life; and

WHEREAS, *NEA's Read Across America*, a national celebration of reading, will be conducted on March 3, 2008, which would have been the 104th birthday of Theodor Seuss Geisel, better known as Dr. Seuss; and

WHEREAS, *Read Across America - NJ* is being conducted statewide by the New Jersey Education Association, in partnership with the New Jersey State League of Municipalities, the New Jersey Library Association, Saturn-UAW, and their local affiliates across the State to promote reading and adult involvement in the education of our community's students.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Borough Council of the Borough of Mount Arlington call on the citizens of the Borough of Mount Arlington to assure that every child is in a safe place reading together with a caring adult on March 3, 2008.

AND, BE IT RESOLVED, that this body enthusiastically endorses *NEA's Read Across America* and *Read Across America - NJ*, and recommits our community to engage in programs and activities to make America's children the best readers in the world.

Arthur R. Ondish, Mayor

February 11, 2008

WATER REPAIR RECEIPTS (INCLUDED IN WATER RECEIPT TOTAL)

Patricia E. Simari, CTC

c:\trialbalanceutility

\$ 182,696.22 **GRAND TOTAL**

\$ 0.00 (TRUST ACCT) SEWER CONNECTION FEE INSTALLMENT PLAN RECEIPTS

WATER REPAIR RECEIPTS (INCLUDED IN WATER RECEIPT TOTAL)

UTILITY RECEIPT REPORT FOR

MONTH OF January 2008

<u>AMOUNT</u>	<u>DESCRIPTION</u>	<u>ACCOUNT NO.</u>
\$ 17,860.29	SOLID WASTE RECEIPTS	190-0353-097
\$ 132,379.96	SEWER RECEIPTS	190-0356-097
\$ 32,455.97	WATER RECEIPTS	190-0354-097

BOROUGH OF MT. ARLINGTON

419 HOWARD BOULEVARD

MT. ARLINGTON, NEW JERSEY 07856

TAX & UTILITY OFFICE

(973) 398-6832 EXT. 13 & 14

FAX (973) 398-2309

TON

6

ACCOUNT NO. _____

0353-097 _____

0356-097 _____

0354-097 _____

MENT PLAN RECEIPTS _____

TAL) _____

To the **Mayor & Council** of the Borough of Mt. Arlington:
I hereby submit my report of receipts & disbursements for

The Month of January 2008

Dated February 5, 2008

Patricia E. Simari, CTC

Collections:

Current Taxes (5-01-17-001-001)	\$ <u>726,682.87</u>
_____ Taxes (5-01-17-001-002)	\$ <u>28,064.69</u>
_____ Taxes (Collected at Tax Sale)	
Future Taxes (5-01-17-001-004)	
Municipal Redemption (5-01-17-004-001)	
Interest & Costs (501-08-112-000)	\$ <u>1,496.89</u>
Interest & Costs (Collected at Tax Sale)	
Return Ck. Fee (5-01-16-500-021)	
Tax Searches (5-01-08-105-010)	
Duplicate Bills (5-01-16-500-021)	
3 rd Party Red. (5-01-17-004-002)	\$ <u>299.58</u>
3 rd Party Red. Int./Subs (5-01-17-004-003)	\$ <u>1,392.94</u>
Misc. Copies (5-01-16-500-021)	\$ <u>15.75</u>
Tax Sale Costs (5-01-17-001-005)	
Tax Sale Premiums	
6% Delinquent Penalty (5-01-16-500-021)	
Tax Paid Certification	\$ <u>15.00</u>
Receipts	\$ <u>757,967.72</u>

c:\trial\balancereceipts

BOROUGH OF MT. ARLINGTON

419 HOWARD BOULEVARD
MT. ARLINGTON, NEW JERSEY 07856
TAX & UTILITY OFFICE
(973) 398-6832 EXT. 13 & 14
FAX (973) 398-2309

To the **Mayor & Council** of the Borough of Mt. Arlington:
I hereby submit my report of receipts & disbursements for

The Month of January 2008

Dated February 5, 2008

patricia E. Simari, CTC

Collections:

Boro of Mt. Arlington
Finance Office

Finance Report

January 2008

Beginning Balance	1,316,896.42
Receipts 01-08	1,420,125.04
Disbursements 01-08	823,555.24
Ending Balance	1,913,466.22

January 30, 2008

Paul Nelson,

This is to inform you that February 29, 2008 will be my last day of work.
I would like to thank you for the opportunity you have given me.

Joe Brzezowski

UU



Linda -
Motion to accept
resignation 2/11 meeting

Mayor report for 2/11/2008:

1/22/08- Chaired monthly Lake Hopatcong Commission meeting. We are in active discussion about the implementation of user fees for the lake. The state is recommending a fee for boaters. A sticker system.

1/26/08- Attended the pinewood derby at Decker school along with Council President Driscoll, Councilman Doran and Councilwoman Galate

1/30/08- Attended Legislative Review Committee in Trenton

1/30/08- Attended funding committee meeting further reviewing boating fees for Lake Hopatcong

1/31/08- Went on the Walk to Washington Train trip. Networked with many fellow elected officials. Attended Congressional dinner. Spent some time with Governor Corzine and several other leaders of large corporations in NJ. Returned on Friday Feb 1.

2/4/08- Attended Congressman Frelinghuysens Mayors breakfast in Parsippany.

2/6/08- Attended Morris Tomorrow Board meeting. Later in the day attended the public meeting about the Highlands Regional Master Plan.

2/9/08- Attended Sussex County Republican Brunch. Had a chance to speak with Senator Orahio and many of the elected officials from Sussex County and the Freeholder board.

2/9/08- Officiated a wedding at the Arlington

Will be attending a meeting of the Executive Board of the League of Municipalities with Governor Corzine tomorrow evening to discuss this Toll road monetization plan.

