

**BOROUGH OF MOUNT ARLINGTON
COUNCIL MEETING MINUTES
APRIL 9, 2007**

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 January 18, 2007; notice was posted on the bulletin board in the main hallway of the Municipal Building on January 8, 2007 and said notice is on file in the office of the Borough Clerk.

3. Flag Salute

The Mayor asked for a moment of silence to remember our troops overseas and their families.

4. Roll Call

Councilwoman Mulligan, Councilman Doran, Councilman Sorge, Councilwoman Cerasoli, Council President Driscoll, Mayor Ondish. JoAnne Sendler, Borough Administrator, and Joseph Bell, Borough Attorney, were also present. Councilman Stone was absent due to family illness.

5. Presentations/Mayor's Appointments

- Proclamation Naming June Myasthenia Gravis Awareness Month.
Mayor Ondish read the Proclamation into the record.
- Proclamation Naming April 28 – May 6, 2007 National Safe Kids Week.
Mayor Ondish read the Proclamation into the record.
- Proclamation Naming April as Child Abuse Prevention Month.
Mayor Ondish read the Proclamation into the record.

6. Old Business

1. Civic Center Rental Policy.

The Committee recommends several revisions to the existing ordinance: 1) approvals to be made by the Administrator rather than Council; 2) usage for Borough groups and activities only, exclude outside agencies; 3) exempt fees for scouting groups; 4) no longer than 3 month reservation period by any group; 5) rentals without cost to current employees only, not waiver of fee for former employees; and 6) waive fees for volunteer groups serving the Borough but not for individuals from that group.

Council requested that the magnetic key system for the Civic Center be activated as soon as possible; distribute keys to the Police, Fire Department, Council Members, Paul Nelson, JoAnne Sendler.

2. Clerk's Follow-Up Report Memorandum, dated March 29, 2007.

- Follow-up list, noting further follow-up direction/status of any open items.

7. New Business

None.

8. Utility and Tax Collector's Report for the Month of March, 2007.

The Clerk read the Utility Report for the Month of March, 2007 into the record:
Grand Total: \$30,824.37.

The Clerk read the Tax Collector's Report for the Month of March, 2007 into the record:
Total Receipts: \$337,071.75.

9. Approval of Minutes

March 26, 2007 Special Meeting

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

March 26, 2007 Regular Meeting

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

10. Open to Public

Carolyn Rinaldi, Assistant Administrator:

- Miss Rinaldi provided an update on the Memorial Day Parade.

Andrew Danchuk, 50 Elizabeth Way:

- Mr. Danchuk will provide to Clerk a publication from the County which shows mine locations in town.
- Mr. Danchuk questioned the process for minute transcription and Memorialization. Council and Borough Attorney explained the minutes should be reasonably comprehensive and a summary is fine; we do have tapes as back-up.
- Mr. Danchuk provided a signed petition to the Clerk and read the Petition Statement into the record; a petition to secure grant money for the purchase of vacant land, utilizing a town-wide Open Space Tax. The Mayor explained that the current Open Space Tax benefits all in Morris County and an additional Borough tax would be another burden to taxpayers; he wanted to confirm that those who signed the petition understood all the facts. Attorney Bell explained the various forms of referendum, citing Election Law 19:37-1 and 19:37-2.

Paula Danchuk, 50 Elizabeth Way:

- Ms. Danchuk furthered the conversation regarding an additional Open Space Tax referendum on the November ballot. Council advised that they will read and digest the petition and possibly discuss this issue at the next meeting.
- Ms. Danchuk again asked Council to consider Judge Bonzonelis' decision and instructions in the case of Lake Rogerene Association vs. the Land Use Board and gave a written request of items she would like included in the March 12, 2007 Minutes to the Clerk. Council requested Ms. Danchuk provide a full copy of the Bonzonelis' decision to the Clerk.

Robin Anderson, 54 Rogerene Way:

- Ms. Anderson stated that there are more (Open Space Tax) petitions/surveys being circulated and other signatures are forthcoming.
- Ms. Anderson had reviewed the Lake Rogerene roadway construction plans and has spoken with Daren Phil, who indicated that the project would be about 3 weeks on site. Ms. Anderson stated her concerns regarding timing of the project and the summer recreational season at the lake. The Mayor indicated that he does not want to see construction during the swimming season and asked the Administrator to speak with Mr. Phil regarding the time schedule and possibly doing the beach first.
- Ms. Anderson spoke about the possibility of moving the mailboxes on Rogerene Way; the paving will start from the mailboxes down.
- Ms. Anderson asked about the Council discussion regarding lighting in the Rogerene area; the discussion had pertained to possible additional lighting in the Elizabeth Way area, not around the lake itself.

11. Executive Session

2007-54 Resolution of the Mayor and Borough Council of the Borough of Mount Arlington, in the County of Morris, New Jersey, Authorizing Conference of the Mayor and Borough Council with the Public Excluded.

Motion to Go Into Executive Session: Councilman Sorge.

Second: Councilwoman Mulligan.

All in Favor – Aye; None Opposed.

Motion Approved.

Motion to Return to Open Session: Council President Driscoll.

Second: Councilwoman Mulligan.

All in Favor – Aye; None Opposed.

Motion Approved.

Council discussed the transcription of the Minutes and agreed with Joseph Bell's advice that the Minutes should be in summary form, reasonably comprehensive.

12. Resolutions

2007-55 Resolution of the Mayor and Borough Council of the Borough of Mount Arlington, in the County of Morris, State of New Jersey, Endorsing Submission of A Tonnage Grant Application to the NJ DEP, Office of Recycling.

Motion to Approve: Councilman Sorge.

Second: Council President Driscoll.

Roll Call: Mulligan, Doran, Sorge, Cerasoli, Council President Driscoll.

Motion Approved.

2007-56 Resolution of the Mayor and Borough Council of the Borough of Mount Arlington, in the County of Morris, New Jersey, Approving the Check Register Dated April 9, 2007.

Motion to Approve: Councilwoman Mulligan.

Second: Councilman Doran.

Roll Call: Mulligan, Doran, Sorge, Cerasoli, Council President Driscoll.

Motion Approved.

13. Ordinances – Introduction

08-07 An Ordinance of the Mayor and Borough Council of the Borough of Mount Arlington, in the County of Morris, State of New Jersey, Amending and Supplementing Chapter 4 Entitled "Administration of Government," of the Code of the Borough of Mount Arlington.

The Mayor read Ordinance 08-07 by Title.

Motion: Council President Driscoll stated that Ordinance 08-07 be introduced by Title and passed on First Reading and that a meeting be held on May 7, 2007 at 10:00 a.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: Councilwoman Cerasoli.

Roll Call: Mulligan, Doran, Sorge, Cerasoli, Council President Driscoll.

Motion Approved.

- 09-07** An Ordinance of the Mayor and Borough Council of the Borough of Mount Arlington, in the County of Morris, State of New Jersey, Amending and Revising Chapter 25, Criminal History Background Checks of Employees and Volunteers to Require Checks for Volunteers to Be Conducted Every Three Years.

The Mayor read Ordinance 09-07 by Title.

Motion: Councilwoman Cerasoli stated that Ordinance 09-07 be introduced by Title and passed on First Reading and that a meeting be held on May 7, 2007 at 10:00 a.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: Council President Driscoll.

Roll Call: Mulligan, Doran, Sorge, Cerasoli, Council President Driscoll.

Motion Approved.

- 10-07** An Ordinance of the Mayor and Borough Council of the Borough of Mount Arlington, in the County of Morris, State of New Jersey, Adopting and Amending Chapter 48, Animals, of the Code of the Borough of Mount Arlington To Revise Fees for Licensing of Dogs and Cats.

The Mayor read Ordinance 10-07 by Title.

Motion: Councilwoman Mulligan stated that Ordinance 10-07 be introduced by Title and passed on First Reading and that a meeting be held on May 7, 2007 at 10:00 a.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: Councilwoman Cerasoli.

Roll Call: Mulligan, Doran, Sorge, Cerasoli, Council President Driscoll.

Motion Approved.

14. Ordinances – Second Reading

- 04-07** An Ordinance of the Mayor and Borough Council of the Borough of Mount Arlington, in the County of Morris, State of New Jersey, Amending Article VII, Design Standards for Development, Chapter 17, Land Development, of the Code of the Borough of Mount Arlington To Amend Requirements Regarding Signs.

The Mayor opened the Hearing to the Public on Ordinance #04-07 and read the Ordinance by title.

Councilman Doran stated, I move for adoption and final passage of Ordinance #04-07.

Second: Councilwoman Cerasoli.

Roll Call: Mulligan, Doran, Sorge, Cerasoli, Council President Driscoll.

The Mayor declared that Ordinance #04-07 is passed on second reading and directed the Clerk to publish the notice of adoption as required by law.

- 05-07** 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 133, Property Maintenance, of the Code of the Borough of Mount Arlington, to Create a New Article VI, To Be Entitled, "Abandoned Mine Shafts and Excavations".

The Mayor opened the Hearing to the Public on Ordinance #05-07 and read the Ordinance by title.

Council President Driscoll stated, I move for adoption and final passage of Ordinance #05-07.

Second: Councilwoman Cerasoli.

Council direction for Clerk to correct typo on Page One of Ordinance.

Roll Call: Mulligan, Doran, Sorge, Cerasoli, Council President Driscoll.

The Mayor declared that Ordinance #05-07 is passed on second reading and directed the Clerk to publish the notice of adoption as required by law.

- 06-07** Bond Ordinance Amending Section 4(d) of Bond Ordinance No. 01-05 Adopted March 1, 2005 By the Borough of Mount Arlington, in the County of Morris, New Jersey.

The Mayor opened the Hearing to the Public on Ordinance #06-07 and read the Ordinance by title.

Council President Driscoll stated, I move for adoption and final passage of Ordinance #06-07.

Second: Councilwoman Cerasoli.

Roll Call: Mulligan, Doran, Sorge, Cerasoli, Council President Driscoll.

The Mayor declared that Ordinance #06-07 is passed on second reading and directed the Clerk to publish the notice of adoption as required by law.

- 07-07** 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 of an Amendment to Agreement for Potable Water Supply and Service By and Between the Borough of Mount Arlington and the Morris County Utilities Authority.

The Mayor opened the Hearing to the Public on Ordinance #07-07 and read the Ordinance by title.

Councilman Doran stated, I move for adoption and final passage of Ordinance #07-07.

Second: Council President Driscoll.

Roll Call: Mulligan, Doran, Sorge, Cerasoli, Council President Driscoll.

The Mayor declared that Ordinance #07-07 is passed on second reading and directed the Clerk to publish the notice of adoption as required by law.

15. Motions

1. Civic Center Application - Permission to Waive Fee and Security Deposit:

Lisa Anderson, Morris Area Girl Scouts Troop #1608, for a Troop Parent Meeting on April 17, 2007 from 6:30 p.m. to 8:30 p.m.

Motion to Approve: Councilwoman Mulligan.

Second: Councilman Doran.

Roll Call: Mulligan, Doran, Sorge, Cerasoli, Council President Driscoll.

Motion Approved.

2. Knee Deep Club request to use Mount Arlington Memorial Pond for Annual Junior Derby and Handicapped Children's Outing on June 9, 2007.

Motion to Approve: Councilwoman Mulligan.

Second: Councilman Sorge.

Roll Call: Mulligan, Doran, Sorge, Cerasoli, Council President Driscoll.

Motion Approved.

16. Mayor's Report

- The Mayor commended the Fire Department on their response to the fire on Reba Road.
- The Mayor and most Council Members attended the recent School Board Budget Meeting.
- The Mayor attended Building Committee meetings.
- The Mayor attended the Annual Morris County Government meeting.
- The Mayor and Councilman Doran attended the DARE Graduation at MAPS.

17. Borough Administrator's Report

None.

18. Adjourn

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

Linda DeSantis, RMC
Borough Clerk

Minutes Approved at Council Meeting of April 23, 2007.

BOROUGH OF MOUNT ARLINGTON

MOUNT ARLINGTON, NEW JERSEY

PROCLAMATION

WHEREAS, Myasthenia Gravis is a neuro-muscular disease striking children and adults, affecting control of voluntary muscles and afflicting several hundred of our fellow New Jerseyans; and

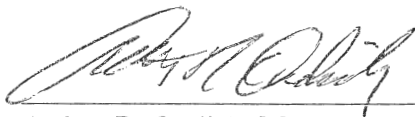
WHEREAS, the symptoms of this disorder include, but are not limited to, difficulty moving, breathing, swallowing, speaking and seeing; and

WHEREAS, the Myasthenia Gravis Foundation of America, Inc. is a non-profit organization founded, "to facilitate the timely diagnosis and optimal care of individuals affected by myasthenia gravis and closely related disorders, and to improve their lives through programs of patient services, public information, medical research, professional education, advocacy and patient care;" and

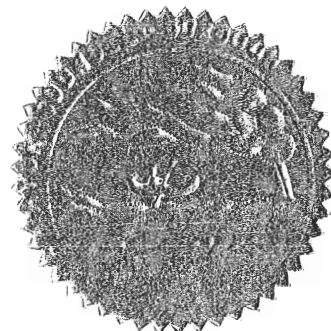
WHEREAS, Myasthenia Gravis is the most common neuromuscular disorder affecting the residents of New Jersey; and

WHEREAS, it is fitting to recognize the many physicians who demonstrate an untiring effort to treat this disease and search for a cure.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Borough Council of the Borough of Mount Arlington, County of Morris, State of New Jersey proclaim June 2007 as Myasthenia Gravis Awareness Month in the Borough of Mount Arlington.


Arthur R. Ondish, Mayor

April 9, 2007



BOROUGH OF MOUNT ARLINGTON

MOUNT ARLINGTON, NEW JERSEY

PROCLAMATION

WHEREAS, unintentional injury is the number one killer of children 14 and under and each year, more than 5,000 children 14 and under die from unintentional injuries; and

WHEREAS, emergency rooms experience nearly 2.4 million visits from children 14 and under each summer; and

WHEREAS, 90 percent of these injuries and deaths are preventable; 41 percent of these deaths occur during "trauma season", the months of May, June, July and August;

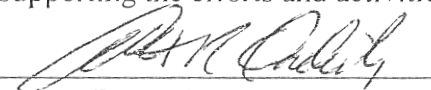
WHEREAS, the risk areas that show the greatest seasonal surge in deaths and injuries between May and August compared to the rest of the year are biking, drowning, pedestrian, motor vehicle occupants and falls; and

WHEREAS, Safe Kids Worldwide and Safe Kids New Jersey, led by the New Jersey State Safety Council promote childhood injury prevention by uniting diverse groups into local and state coalition, developing innovative educational tools and strategies, initiating public policy changes, promoting new technology and raising awareness through the media; and

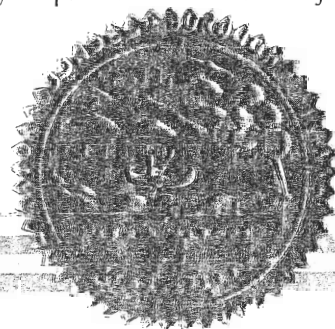
WHEREAS, Safe Kids Worldwide, with the support of founding sponsor Johnson & Johnson, launches Safe Kids Week 2007, "Make it a Safe Kids Summer", which focuses on five of the deadliest warm-weather risk areas of motor vehicles, drowning, pedestrian, biking and falls; and

WHEREAS, Safe Kids New Jersey has planned special childhood injury prevention activities and community-based events for Safe Kids Week 2007 in an effort to educate families about summer safety.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Borough Council of the Borough of Mount Arlington, County of Morris, State of New Jersey hereby proclaim April 28 – May 6, 2007, **NATIONAL SAFE KIDS WEEK** in New Jersey and call upon all the residents of the Borough of Mount Arlington to join in supporting the efforts and activities of Safe Kids New Jersey to prevent childhood injury.


Arthur R. Ondish, Mayor

April 9, 2007



BOROUGH OF MOUNT ARLINGTON

MOUNT ARLINGTON, NEW JERSEY

P R O C L A M A T I O N

WHEREAS, all children deserve to be nurtured, protected and free of physical or emotional harm; and

WHEREAS, child abuse and neglect is a significant social problem that damages the lives of children physically, mentally and emotionally and inflicts immeasurable harm to our society as a whole; and

WHEREAS, the Borough of Mount Arlington is committed to building a continuum of child abuse prevention and intervention programs that are culturally competent, strength-based and family-centered, with a strong emphasis on primary child abuse prevention; and

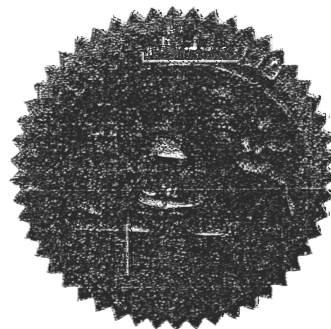
WHEREAS, the Borough of Mount Arlington promotes and supports community-based programs designed to prevent injury, abuse or neglect of children, achieve positive outcomes for parenting behavior and family functioning and relationships, and empower and increase safety for domestic violence victims and their children; and

WHEREAS, all sectors of the community, including law enforcement, medical professionals, schools, courts, the media and private and public agencies have joined forces to promote public awareness and community involvement in prevention during the month of April and throughout the year.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Borough Council of the Borough of Mount Arlington, County of Morris, State of New Jersey hereby proclaim **April 2007 as Child Abuse Prevention Month** in the Borough of Mount Arlington and urge fellow residents to become involved in efforts aimed at preventing our children from being abused and neglected.

Arthur R. Ondish, Mayor

April 9, 2007



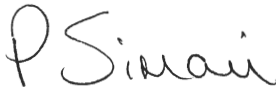
BOROUGH OF MT. ARLINGTON

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

UTILITY RECEIPT REPORT FOR

MONTH OF March 2007

<u>AMOUNT</u>	<u>DESCRIPTION</u>	<u>ACCOUNT NO.</u>
\$ 6,225.32	SOLID WASTE RECEIPTS	190-0353-097
\$ 19,019.52	SEWER RECEIPTS	190-0356-097
\$ 5,579.53	WATER RECEIPTS	190-0354-097
\$ 30,824.37	GRAND TOTAL	
\$ 2,272.00	(TRUST ACCT) SEWER CONNECTION FEE INSTALLMENT PLAN RECEIPTS	
\$ 289.53	WATER REPAIR RECEIPTS	
\$ 20.00	RETURNED CHECK FEE - WATER	



Patricia E. Simari, CTC

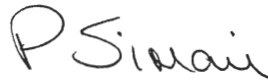
BOROUGH OF MT. ARLINGTON

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 March 2007

Dated April 3, 2007



Patricia E. Simari, CTC

Collections:

Current Taxes (5-01-17-001-001)	\$ 176,261.15
<u>2006</u> Taxes (5-01-17-001-002)	\$ 124,994.32
Future Taxes (5-01-17-001-004)	
Munic. Red. (5-01-17-004-001)	
Interest & Costs (501-08-112-000)	\$ 6,884.67
Return Ck. Fee (5-01-16-500-021)	
Tax Searches (5-01-08-105-010)	
Duplicate Bills (5-01-16-500-021)	\$ 3.00
3 rd Party Red. (5-01-17-004-002)	\$ 5,150.43
3 rd Party Red. Int./Subs (5-01-17-004-003)	\$ 23,640.18
Misc. <u>Copies</u> (5-01-16-500-021)	\$ 138.00
Tax Sale Costs (5-01-17-001-005)	
Tax Sale Premiums	
6% Delinq. Pen. (5-01-16-500-021)	
Tax Paid Certification	
Total Receipts	\$ 337,071.75

We the undersigned residents of the Borough of Mount Arlington urge Mayor Arthur Ondish and members of the Town Council to initiate the application process to secure grant money for the purchase of vacant land. This grant money is available from the Morris County Open Space Preservation Fund. We understand that since the inception of the Morris County Open Space Trust Fund on July 1, 1993, Mount Arlington taxpayers have contributed approximately \$1,731,000.00 to this fund and that the governing body of Mount Arlington has not submitted a single request for any portion of these Funds to preserve open space in Mount Arlington. These tracts of land are among the last large contiguous parcels of undeveloped property available in the Borough of Mount Arlington and face an immediate threat of development. These parcels lie in areas of environmental significance and contain upland habitat adjacent to Lake Rogerene including the bulk of the undisturbed area necessary to the recharge of Lake Rogerene. These parcels include Block and Lot, 86-5, 87-7, 88-1, 89-16, 89-22, 90-13, 93-1, 94-1 and 94-13. With the exception of 93-1 and 94-1, these parcels are connected, totaling approximately 15 acres, and adjoin a large section of protected land lying in Roxbury Township. Block 93-1 and 94-1 are separate and contain the outflow creek from Lake Rogerene.

open space. Not long ago, Mount Arlington had the most open space preserved land for a town our size, than any other in Morris County. Not too many years ago, Morris County put in place an open space tax that is included in the county portion of your tax bill. This money goes into a fund that is used to preserve open space. I volunteered to sit on the Morris County Open Space Committee last year and got quite education. It is a two-year term and I plan to learn as much as I can this year. I intend to use that knowledge to save any and all undeveloped land left in town where possible.

**Numerous pages
w/ signatures*

Andrew Danchuk 4/9/07

I would like to have the town council meeting minutes of March 12, 2007 amended to include my statements made regarding the Shadow Woods Developer's agreement. Because the discussion of the developer's agreement for Shadow Woods and Valley Road was moved to executive session, I asked the council to please refer to and keep in mind Judge Bozonelis' decision in the case of LRCA v. Land Use Board ... Docket No. MRS-L-869-06.

I would also like the March 12, 2007 minutes to note that several council members appeared to act as if they had no previous knowledge of the ramifications of the judge's decision and asked to see the decision. The township attorney stated that she had a copy of the decision and would be able to show it to them before the discussion on the developer's agreement took place.

At tonight's meeting, I would just like to mention that after reading the Shadow Woods developer's agreement signed on March 13, 2007, there is no mention of Orben Drive with reference to the anticipated construction traffic and no quantification of the impact to be anticipated by the residents of Lake Rogerene.

Once again I refer to the case of LRCA v. Land Use Board ... Docket No. MRS-L-869-06. Judge Bozonelis decided against any action. His conclusion was that if the Board and the Town determined that the Orben Drive roadway was sufficient, it was. Implicit in this view is that the Borough, as the ultimate responsible authority, could arrive at that conclusion, and if incorrect would bear the consequences and be responsible to the residents for any injury or loss of quality of life because of their oversight. Judge Bozonelis also mentioned at during the trial that the question of Orben Drive, its safety, and the quantification of truck traffic during construction, and the possible repair, rebuilding or replacement of Orben would await the Developer's Agreement.

I am asking for the council's assurance that this is just a beginning developer's agreement with Shadow Woods and that an agreement will be put into place which addresses all the concerns of Lake Rogerene residents.

I request that my comments be transcribed verbatim and memorialized in the minutes.

A handwritten signature in blue ink, appearing to read "E. Marschall", with a long horizontal flourish extending to the right.

to Clerk after (at)
meeting 4/9/07