

**BOROUGH OF MOUNT ARLINGTON  
COUNCIL MEETING MINUTES  
JUNE 30, 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, June 19, 2008; notice was posted on the bulletin board in the main hallway of the Municipal Building on June 12, 2008 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 troops overseas and their families.

**4. Roll Call**

Council President Driscoll, Councilman Sorge, Councilwoman Galate Goodman, Councilwoman Cerasoli, Councilman Doran, Mayor Ondish. JoAnne Sendler, Borough Administrator, and Matthew Giacobbe and Thomas Segretto, Borough Attorneys, were also present. Councilwoman Mulligan was out ill.

**5. Presentations/Mayor's Appointments**

1. Mayor's Appointment to Land Use Board: John Windish, Alternate IV Member.  
The Mayor stated that John Windish volunteered to fill the Alternate IV Member position on the Land Use Board. Mr. Windish was present; the Mayor made the formal appointment.
2. Daren Phil, Borough Engineer, and Joseph Kovalcik, CFO, to discuss capital projects.  
Daren Phil proceeded to give a status report on projects that have already been bonded and are underway; there are no new capital projects.
  - Altenbrand Avenue Drainage Improvement:  
This project is for flood control/we have a grant through NJDEP/ the design is 95% complete/looking to go out to bid in the Fall.
  - Streetscape Project:  
The Borough received DOT approval/we went to bid twice, prices were very high and we only had one bidder out of 18 bid packages sold/looking to negotiate the price and possibly change electric circuitry to run per block, which would reduce the cost/the discretionary aid grant application recently sent to DOT, requesting another \$150,000.
  - Orben Drive Roadway and Drainage:  
The project has been started/should be completed before the Fall.

- 404 Howard Boulevard:  
The Borough is looking at the firehouse to possibly house the rescue squad/ the drainage improvements have been completed/presently in holding pattern.
- Firehouse interior renovations:  
The firehouse renovations are being redesigned by the architects/the bids came in very high.
- Parker/Circle/Southard Sanitary Sewer Improvements:  
The roadway was completed/should have the TWA shortly to permit the installation of the sewers and complete the project.
- Public Beach Dock:  
The Borough sent the permit application to the DEP for permission to do renovation work on the dock and clean the debris and sediment that deposited in the water/ the Borough must be ready to do this work during the lake drawdown or we will have to wait at least another five years/the Mayor stated the State is considering not lowering the lake again.
- Howard Boulevard Site Distance Improvements:  
The Borough is responsible to do the design work and the County will slate it as a capital improvement project/we first received permits to straighten out the reverse curve at the bottom of Oneida but then Council asked the County if we could move the project to Altenbrand/the County agreed for safety reasons/the project about 75% complete in design.
- Hopatcong Avenue Roadway Improvements:  
This project is partially funded by last year's DOT grant/the project design is about one-third complete.
- Municipal Building Improvements:  
This project was awarded last year/Council will be discussing (in closed session) some issues with the contractor and the bonding company.

With regard to 2008, Mr. Phil indicated that the County will do the improvements on the roadway but not sidewalks or lighting for the Altenbrand and Howard Boulevard Improvement Project/the Borough has submitted a DOT grant application for assistance with this project/the Borough is not budgeting any dollars for this project as it will be a DOT project.

The Mayor stated that the Borough has not budgeted for any new capital projects; all of the mentioned capital projects have been underway; the money has already been bonded and we are moving forward.

## 6. Open to Public

Veronica Silkes, 668 Succasunna Road:

- Ms. Silkes read a statement into the record, indicating she did not have any questions for the Council. Ms. Silkes statement consisted of comments on municipal spending, salaries and Borough policies; she commented on the governing bodies' decisions and priorities. Ms. Silkes also discussed revenues for the coming year and requested no tax increase on the municipal budget.

Steve Lardiere, 45 Kadel Drive:

- Mr. Lardiere asked the process of asking questions at Council Meetings. The Borough Attorney explained that the law mandates that at any public meeting, the public has the right to observe the conduct and business of the governing body and has a right to comment either on the business of the governing body or on anything in general; it does not give the public the right to interact with the governing body but rather the opportunity to be heard on various issues. However, if there are ordinances on the Meeting's Agenda for second reading, those ordinances have a separate hearing for the public which takes place separate and apart from the public comment on agenda or non-agenda items. If a specific question can not be

answered by Council, the Council would direct the person to make an appointment with the appropriate Borough professional

- Mr. Lardiere asked if the Borough Council had sought any outside expertise in reviewing the school budget. Council President Driscoll stated that after conferring with the Borough Attorney, we did not seek any outside sources; however, we did meet with the Morris County Superintendent of Schools and her business manager. Councilwoman Galate Goodman stated that the County said they don't give advice, they will field the questions but they are not in the position to advise and they did not make any specific recommendations.
- Mr. Lardiere asked when the municipal budget, draft or otherwise, will be available to the public to review. The Mayor stated that budget would be introduced at the next meeting with a public hearing to follow. After introduction, the budget will be available in the Clerk's office, the public library and the county library.
- Mr. Lardiere asked the net cost of the municipal building renovation project. The Borough Engineer stated the project cost about \$153,000. The Mayor stated that renovating the building was part of the streetscape project which has been planned for a very long time; the contractor bid a very reduced price.

Pete Zoccolillo, 7 William Street:

- Mr. Zoccolillo is a former major league baseball player, as well as his colleague Mike Zirrillo, who was also in attendance. The two men started a Morris County Cubs team in Roxbury last year but are looking for a home field. The two visited Fireman's Field which has a lot of potential and does not have the scheduling conflicts of Roxbury; they are willing to put money into the field such as weeding, painting, scoreboard, batting cages, etc. They would like to bring excitement back into the area and would be willing to do free summer clinics for the Mount Arlington kids. The Mayor expressed his appreciation and described the problems with water and irrigation on field, stating that the long range plan was to have a couple of fields so one could be used while the other is regenerated. The Mayor will contact Mr. Zoccolillo to further discuss this possibility and schedule a meeting with Daren Phil, Paul Nelson, and Councilman Doran.

James Grant, 90 Rogerene Way:

- Mr. Grant stated he was at the Council meeting three weeks ago to speak about the problems with his neighbor that owns a three family home in a one family residential zone and inquired as to the status. The Mayor read a letter from Al Thompson, Zoning Officer, stating that he met with the owner of 86 Rogerene Way who confirmed it is a two family residence and met the renters as well. Mr. Thompson took pictures of the deck and the only material on the deck was typical deck furniture and the garbage cans were in the garage. Mr. Thompson stated that the property has been listed as a two family for over 20 years but cannot find any record as to when and how it was converted. Mr. Grant stated that just because a building has been deemed a two family for 20 years does not mean it is a two family and that the burden of proof is on owner of the house, not on the Borough or Mr. Grant. The Mayor stated that the Borough will not spend anymore money on this issue; Mr. Grant can file a civil suit against the homeowner or the Lake Rogerene Association can sue but the Mayor is satisfied with our Property Maintenance Officer's inspection.
- Mr. Grant stated that there is a paper road between the two homes and if the Borough has no use for that property, he would like to take that piece of property. The Mayor requested a formal letter and the Borough will look into it.
- Mr. Grant also noted the continuous garbage left out on the road at 86 Rogerene Way. The Mayor stated that Mr. Thompson noted that the garbage has been cleaned up. The Mayor stated that the owner of the house is an attorney in New York City and he knows how to play the game; the Mayor stated all we can do is issue a summons if there is a violation; Mr. Grant can always file a police report. The Mayor also asked Mr. Thompson to notify the Board of Health Officer to check out the property.

Chris Kelly, 52 Summit Avenue:

- Mr. Kelly asked if anyone had inspected the Prospect Avenue burm and that he and a few volunteers would fix the burm at no cost to the Borough. The Borough Engineer stated that this should be completed in the next few days; he has been working with Paul Nelson of DPW.
- Mr. Kelly asked about the status of the Fire Department training at and watering Fireman's Field; the Mayor stated he would follow up with Councilwoman Mulligan.
- Mr. Kelly asked the status of his offer to have volunteers work on the old library building; the Borough Attorney will do research on this.
- Mr. Kelly stated that the only problem the Borough has at the intersection of Howard Boulevard and Altenbrand is limited sight distance and suggested setting back the bushes on the corner property. The Mayor stated that it has to be fixed right the first time; the Borough Engineer is working on the design to alleviate the existing problems. The Mayor stated the County is doing this project and he is thankful to the County for addressing this safety issue.

## 7. Discussion Topics

Joseph Kovalcik to discuss municipal budget.

- Mr. Kovalcik has been waiting to present the budget because he wanted to see the audited financial statements of the Borough. Mr. Kovalcik stated there are 2 budget caps: the 4% levy cap, based on the amount to be raised by taxation (the tax levy), and an appropriation cap, 2.5% or 3.5% if done by an ordinance. Currently, we are cap compliant on the appropriation side by about \$100,000 but we do have issues on the levy side. Mr. Kovalcik discussed some facts on the budget:
  - The state aid numbers have not been released as of yet but he thinks we are still about \$103,000 less in state aid.
  - The Pension costs increase of almost \$130,000.
  - On the amount to be raised by the taxation cap, we are about \$290,000 less. The driver is the fund balance; he has to take approximately \$150,000 less this year.
  - The State is not regenerating all the revenues we had in the prior year.
  - The State is backed up on giving us hotel tax which is a \$12,000 debt .
  - Last year the taxes we anticipated taking in were \$33,000 more than this year.
  - The water connection fees are about \$50,000 less than last year.
  - The MSA contract went up \$10,000.
  - Health insurance is inside cap but we added a new officer and health benefits.
  - The utility costs are about \$103,000 higher.
  - Mr. Kovalcik stressed that we must look at the future now so that as costs either increase or become due, the Borough is prepared.
  - Last year we did not have the knowledge that state aid would be cut this year.
  - We are \$290,000 away from the levy cap and suggests Council go for the waiver now.
  - Using last years' ratables, we are at \$.60 as a tax rate.
  - Water, utilities, police, Dial-A-Ride, insurance, library, pension, and debt service are all main drivers in the \$980,000 increase in the budget.
  - The total budget went up \$1.2 million.
  - Pension costs increased approximately 3.5 to 4%
  - The Borough is doing all this on about 28 cents on the tax dollar.

## 8. Executive Session

**2008-105** 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.

Motion to Move Executive Session to the End of Meeting: Council President Driscoll.

Second: Councilwoman Cerasoli.

All in Favor – Aye; None Opposed.

Motion Approved.

## 9. Resolutions

**2008-106** Resolution of the Mayor and Borough Council of the Borough of Mount Arlington, in the County of Morris, State of New Jersey, Authorizing the Renewal of Plenary Retail Consumption/Distribution and Club Licenses for the Licensing Period Commencing July 1, 2008.

Motion to Approve: Councilman Sorge.

Second: Council President Driscoll.

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

Motion Approved.

**2008-107** Resolution of the Mayor and Borough Council of the Borough of Mount Arlington, in the County of Morris, State of New Jersey, Approving Submission and Execution of a Grant Agreement with the NJDOT for the Howard Boulevard Sight Distance Improvement Project.

Motion to Approve: Council President Driscoll.

Second: Councilman Sorge.

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

Motion Approved.

**2008-108** Resolution of the Mayor and Borough Council of the Borough of Mount Arlington, in the County of Morris, State of New Jersey, To Exceed 5% of Previous Years Levy.

Motion to Approve: Council President Driscoll.

Second: Councilwoman Cerasoli.

The Borough CFO stated that in order to keep the cash flow in the Borough, we will be preparing estimated tax bills for the third quarter.

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

Motion Approved.

**2008-109** Resolution of the Mayor and Borough Council of the Borough of Mount Arlington, in the County of Morris, State of New Jersey, To Determine the Extended Grace Period Date for Third Quarter 2008 Tax Payments.

Motion to Approve: Councilman Sorge.

Second: Councilman Doran.

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

Motion Approved.

## 10. Ordinances – Introduction

**10-08** An Ordinance of the Borough of Mount Arlington, County of Morris, State of New Jersey, Determining Positions Eligible for the Defined Contribution Retirement Program for the Borough of Mount Arlington.

The Mayor read Ordinance 10-08 by Title.

Motion: Council President Driscoll stated that Ordinance 10-08 be introduced by Title and passed on First Reading and that a meeting be held on August 11, 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.

The Borough Attorney stated this is mandated for all municipalities; the anticipated cost of PERS increase could be 85% because it is a guaranteed annuity; if you meet the retirement requirements, you are guaranteed a payment of years of service, divided by 55, times the average of your three highest years. The Defined Contribution Retirement Program is designed for retirees and is more akin to a 401K where the retiree/employee will gain/benefit based on the conditions of the market. The State of NJ will no longer be a guarantor for a pension.

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

Motion Approved.

#### **11. Ordinances – Second Reading**

**None.**

#### **12. Motions**

- Vendor Application for Ice Cream Truck submitted by Lawrence Jones, Chilly Willy's Ice Cream.

Motion to Approve: Councilman Sorge.

Second: Councilman Doran.

All in Favor – Aye; None Opposed.

Motion Approved.

The Mayor made reference to the Communications Packet of June 25, 2008, #7: The Mayor will be attending the Summer 2008 Wind Energy Symposium on August 11, 2008. The Mayor believes the Borough has potential for wind energy, especially being on the lake.

#### **8. Executive Session**

**2008-105** 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.

Motion to Take a Five Minute Break and Return to Go into Executive Session to Discuss Shared Services, Levitt vs. the Borough of Mount Arlington, Police Staffing, Finance Department, and Payment of Monies to a Bonding Company as Opposed to a Contractor: Council President Driscoll.

Second: Councilman Sorge.

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.

**Added Resolutions:**

**2008-110** Resolution of the Mayor and Borough Council of the Borough of Mount Arlington, in the County of Morris, State of New Jersey, Authorizing Joint checks to the Contractor and the Bonding Company for Public Work Performed on the Contract and Project Known as Exterior Improvements to Municipal Building.

Motion to Approve: Councilman Sorge.

Second: Councilwoman Cerasoli.

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

Motion Approved.

**2008-111** Resolution of the Mayor and Borough Council of the Borough of Mount Arlington, in the County of Morris, State of New Jersey, Hiring Carolyn Rinaldi as Part-Time Clerical Help (Finance).

Motion to Approve: Councilman Sorge.

Second: Council President Driscoll.

The Borough will not fill the position Ms. Rinaldi is vacating.

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

Motion Approved.

Motion to Cancel the Regularly Scheduled Council Meeting of August 11, 2008 and Schedule a Council Meeting for August 18, 2008: Councilman Sorge.

Second: Councilwoman Cerasoli.

The Borough Attorney stated the reason for this change is so that the CFO will have the opportunity to meet with the Local Finance Board on or about August 13, 2008.

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

Motion Approved.

The Mayor asked Veronica Silkes for a copy of the statement she read into the record during the Open to the Public portion of the meeting; Ms. Silkes gave a copy to the Mayor.

**13. Adjourn**

Motion to Adjourn: Councilman Sorge.

Second: Councilman Doran.

All in Favor – Aye; None Opposed.

Motion Approved.

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Linda DeSantis, RMC  
Borough Clerk

Minutes Approved at Council Meeting of September 8, 2008.

