

**BOROUGH OF MOUNT ARLINGTON  
COUNCIL MEETING MINUTES  
JULY 10, 2012**

**1. Call to Order**

- 2. Adequate notice** of this meeting of the Mayor and Borough Council of the Borough of Mount Arlington was given as required by the Open Public Meetings Act as follows: Notice was published in the Daily Record and the Roxbury Register on December 22, 2011; notice was posted on the bulletin board in the main hallway of the Municipal Building on December 14, 2011, has been available to the public, and 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 all those who put themselves in harm's way to protect our freedom.

**4. Roll Call**

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

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

None.

**6. 2011 Annual Report of Audit for 2011**

**2012-104** Resolution of the Mayor and Borough Council of the Borough of Mount Arlington, in the County of Morris, New Jersey, Confirming Receipt and Review of the Annual Report of Audit for 2011.

Motion to Approve: Councilman Sadow.

Second: Council President Sorge.

Borough Auditor Bud Jones, Nisivoccia LLP, was present. Mr. Jones stated the audit went very well. Councilman Sadow stated the Borough has such a small staff and we are doing our best to comply with the suggestion of segregation of duties. Councilman Sadow inquired about the landfill closure costs. Mr. Jones stated he has had previous discussions with Council regarding capping the landfill and related costs; the Borough has two separate funds/reserves for the landfill which are just earning interest at this point. Borough Engineer Daren Phil was present and indicated the Borough is at a crossroads because of the Highlands and securing the run off; Council will further discuss at a future meeting. Councilman Sadow asked about being under-bonded/under-borrowed. Mr. Jones indicated the Council look at the projects the Borough would like to complete and how to finance those projects, whether it be "pay as you go" or issue temporary debt or bonds for payment over ten years.

**Roll Call:**

Aye: Council President Sorge, Sadow, Cangiano, Windish.

Absent: Danchuk, Stanzilis.

None Opposed.

Motion Approved.

The Mayor and Council signed the 2011 Audit Affidavit.

\*The Council moved **New Business** ahead on the agenda to include Borough Auditor Bud Jones in the discussion.

**13. New Business**

1. Letter from Shain, Schaffer & Rafanello Law Firm to New Jersey League of Municipalities, received July 3, 2012, regarding Verizon vs. Hopewell/Business Personal Property Tax.

Borough Attorney Matt O'Donnell stated we have a resolution to be added to the Meeting Agenda, seeking authorization to join the amicus plea being filed on behalf of the League to take this matter to the Appellate Division. Mr. Jones stated there is no actual BPPT, it was consolidated into the COMPTRA; an increase in energy receipts tax is a decrease in COMPTRA. The Borough Attorney explained the resolution states it will cost the Borough \$220 to join the amicus; should Verizon get away with it, the legislature will have to amend the statute to include other providers of service. The Mayor stated that Verizon refuses to turn over the information as to how they arrived at these numbers; there is no documentation. Verizon has to file Form PT10 with the Assessor by September; in some municipalities, Verizon just would not file, saying they were not required to file, and that's what caused this litigation.

**Added Resolution:**

- 2012-111** Resolution of the Mayor and Borough Council of the Borough of Mount Arlington, in the County of Morris, State of New Jersey, Authorizing the Payment of Legal Fees in the Amount of \$220.00 to Join the Amicus Brief in the Hopewell v. Verizon Appeal.

Motion to Approve: Council President Sorge.

Second: Councilman Windish.

Roll Call:

Aye: Council President Sorge, Sadow, Cangiano, Windish.

Absent: Danchuk, Stanzilis.

None Opposed.

Motion Approved.

**7. Approval of Minutes**

June 26, 2012

Regular Meeting

Motion to Approve: Council President Sorge.

Second: Councilman Windish.

Roll Call:

Aye: Council President Sorge, Sadow, Cangiano, Windish.

Absent: Danchuk, Stanzilis.

None Opposed.

Motion Approved.

**8. Mayor's Report**

The Mayor thanked the Yacht Club for the fireworks again this year.

**9. Chief of Police Report**

- Chief Licata had previously submitted his Monthly Report.
- The Police Department has received one radar speed sign.
- The Sergeant hiring process started last Thursday.
- National Night Out is August 7, 2012. The Police Department always participates in the County National Night Out at Mennen Arena, 5pm – 8pm.

- Regarding OEM, the Chief is currently working on an updated Borough Emergency Operation Plan.
- The Police Department does participate in the Click It or Ticket Program, but the Chief was not sure of the Program time frame this year; this reminder will be added to the electronic sign on a rotating basis.
- Councilman Windish stated he has reviewed the Police overtime. The Chief stated he is not fully staffed but has yet to reach the average of 40 hours overtime coverage.

#### **10. Municipal Administrator's Report**

- Carolyn Rinaldi is working with Joe Kovalcik regarding researching the costs associated with potentially selling the cell tower.
- Paul Nelson provided Carolyn Rinaldi with a quote of \$9,000 for the LED retrofits for the pole street lights, excluding the bollards; DPW will do the work which is a savings as well. Council approved the purchase; the purchase will appear on the next bill list. This upgrade will also satisfy one of the Sustainable Jersey checklist components.
- Carolyn Rinaldi has been receiving applications for the Recreation position; will start interviewing next week and would like to have the hiring resolution on the August 7, 2012 Agenda.
- Paul Nelson is obtaining quotes for the field lighting, turf, track and security lighting for both the field and the beach. Daren Phil has other field layouts from discussions over the past years; ultimately, we will consolidate all these efforts and prepare a true cost/plan for the field upgrades.
- The grant application was completed and submitted for the Fire Department tanker. This was an extensive application and Carolyn Rinaldi thanked the Fire Department for their assistance in gathering information.
- Paul Nelson suggested the sidewalk signs to be placed on Howard Boulevard read, "Be Safe, Use Sidewalks". Council agreed to the verbiage; Carolyn Rinaldi will work with Paul Nelson regarding permits, etc. for the political size, removable signs.
- The Mayor stated there is no movement on obtaining the permit to complete the sidewalks; nothing has been done on the maintenance issue. NJDOT is a major stakeholder in Lakeland Bus.
- Carolyn Rinaldi mentioned we have received a few suggestions from residents regarding adding an awning or shade structure on the beach; this will be taken under consideration as the beach improvement project moves along. The Borough is receiving mostly positive feedback regarding the beach. As a reminder, the lifeguards are highly trained and certified and responsible for the safety of anyone in the water; they are not beach attendants.

#### **11. Council Committee Reports**

##### **Council President Sorge:**

Nothing to report.

##### **Councilman Sadow:**

With regard to the field improvements, the cost of the intended project(s) will only increase over time. Councilman Sadow stated once we know the scope of the project, we should begin understanding the bonding process; the Borough is in a good financial position now and we will be retiring some significant debt over the next 2-3 years. With regard to the 2011 Audit, we are currently paying more principal than interest on our current debt. Councilman Sadow would like to include senior recreation as well; the Seniors Club is a recreation for seniors and he suggests including all of these projects into one bond.

##### **Councilman Windish:**

Councilman Windish asked to schedule a Police Committee meeting to discuss Chapter 4 of the Borough Code regarding minimum requirements of officers; he stated we should mirror the State Police requirements.

##### **Councilman Cangiano:**

Councilman Cangiano asked the status of the Barnes Bros. tract of land by the Borough volleyball court. Borough Engineer Daren Phil stated there should be a chain across the entry way to Barnes and asked if Paul Nelson would look into why the chain is not being

used. Mr. Phil stated this is in violation of Green Acres because you cannot park a commercial or municipal vehicle on Green Acres, it is solely for public vehicles. Councilman Cangiano stated the Borough should really determine the best product for the field usage; Daren Phil has multiple alternate plans for the best layout/materials. Councilman Cangiano stated we should have the plans and know the goals before determining the dollars.

Councilman Cangiano asked for a status of our standing with Sustainable Jersey; Carolyn Rinaldi and Daren Phil will be meeting this week to go over our existing qualifying projects and requirements.

The Mayor introduced John Anderson, Area Manager for JCP&L. The Mayor worked with Mr. Anderson in the past and often mentions him as his contact for assistance in the Borough. Mr. Anderson stated that JCP&L has undergone a major overhaul as a result of the October storm and Hurricane Irene; they have incorporated upgrades in reporting outages and storm activity. Mr. Anderson described the features of the new website [firstenergycorp.com](http://firstenergycorp.com), and suggested the Borough place a link on our website for resident access. Mr. Anderson talked about their mutual assistance with other companies to assist in recovery; JCP&L is now one of ten operating companies.

## 12. Public Comment

None.

## 14. Old Business

### 1. Sewer and Water Franchise Discussion.

Borough Engineer Daren Phil stated the Marriott previously approached Suburban; Suburban confirmed their property, infrastructures, and systems and noted all were functioning fine. The type of geology is fabulous for subsurface disposal; United Waters entire treatment plant disposes to the ground water so there is no reason for them to want to discontinue disposing their own waste water. The Marriott has a lot of property and the capacity to expand if need be; Mr. Phil was impressed with the quality of the systems. The Borough Attorney stated that if the property were sold, the Board of Health could require an annual permit, indicating the owners have complied with any local, county and state regulations. Councilman Sadow would like to see the maintenance of the field specifically addressed to survive the current ownership. The Borough Attorney said by ordinance we can impose requirements for testing and inspections. The Borough Attorney and Daren Phil will discuss the proposed ordinance and introduce at the August 7, 2012 Council meeting.

## 15. Resolutions

**2012-105** 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 July 10, 2012.

Motion to Approve: Councilman Windish.

Second: Council President Sorge.

Roll Call:

Aye: Council President Sorge, Sadow, Cangiano, Windish.

Absent: Danchuk, Stanzilis.

None Opposed.

Motion Approved.

**2012-106** Resolution of the Mayor and Borough Council of the Borough of Mount Arlington, in the County of Morris, State of New Jersey, Increasing the Duties and Hours of Debra-Ann Halik from Part-Time to Full-Time Employee.

Motion to Approve: Council President Sorge.

Second: Councilman Sadow.

Roll Call:

Aye: Council President Sorge, Sadow, Cangiano, Windish.

Absent: Danchuk, Stanzilis.

None Opposed.

Motion Approved.

- 2012-107** Resolution of the Mayor and Borough Council of the Borough of Mount Arlington, in the County of Morris, State of New Jersey, Authorizing the Settlement of Government Records Council Complaint No.:2010-210 and the Payment of Legal Fees in the Amount of \$922.00.

Motion to Approve: Council President Sorge.

Second: Councilman Sadow.

Roll Call:

Aye: Council President Sorge, Sadow, Cangiano, Windish.

Absent: Danchuk, Stanzilis.

None Opposed.

Motion Approved.

- 2012-108** Resolution of the Mayor and Borough Council of the Borough of Mount Arlington, in the County of Morris, State of New Jersey, Authorizing the Settlement of Government Records Council Complaint No.:2010-194 and the Payment of Legal Fees in the Amount of \$875.00.

Motion to Approve: Council President Sorge.

Second: Councilman Windish.

Roll Call:

Aye: Council President Sorge, Sadow, Cangiano, Windish.

Absent: Danchuk, Stanzilis.

None Opposed.

Motion Approved.

- 2012-109** Resolution of the Mayor and Borough Council of the Borough of Mount Arlington, in the County of Morris, State of New Jersey, Opposing the Proposed "Commuter Tax" on New Jersey Residents Who Work in New York City.

Motion to Approve: Council President Sorge.

Second: Councilman Windish.

Roll Call:

Aye: Council President Sorge, Sadow, Cangiano, Windish.

Absent: Danchuk, Stanzilis.

None Opposed.

Motion Approved.

#### **16. Ordinances – Introduction**

None.

#### **17. Ordinances – Second Reading**

None.

#### **18. Motions**

2. Application for Vendor Permit: Anderson Farms, Farmer's Market.

Motion to Approve: Council President Sorge.

Second: Councilman Sadow.

All in Favor – Aye.

Absent: Danchuk, Stanzilis.

None Opposed.

Motion Approved.

1. Application for Vendor Permit: Phil Doblosky, Starion Energy. (Tabled at 06/12/12 Council Meeting)  
Mr. Doblosky was present and explained he wants to hand-out information to help residents lower their energy bills. The Borough Attorney stated this is not a first amendment activity and subject to Council's approval and detailed the various peddling restrictions included in the Borough Code. The Borough Attorney confirmed that the

Council can revoke the license at any time, to restore peace and good order in the municipality and if granted, the license is only valid for 90 days.  
No Motion was made to approve this vendor permit.

**19. Executive Session**

**2012-110** 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 Withdraw: Councilman Sadow.

Second: Council President Sorge.

All in Favor – Aye.

Absent: Danchuk, Stanzilis.

None Opposed.

Motion Approved.

The Clerk had received an application from Fire Volunteer Jason Vivian to join the NJ State Firemen's Association; the application asks for date of Governing Body approval. The Borough Attorney asked to take the application and research the authorization in question.

**20. Adjourn**

Motion to Adjourn: Council President Sorge.

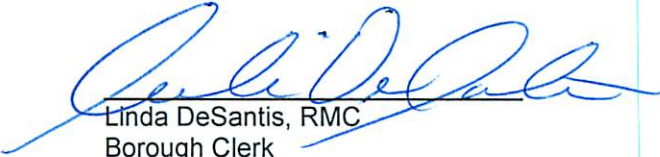
Second: Councilman Windish.

All in Favor – Aye.

Absent: Danchuk, Stanzilis.

None Opposed.

Motion Approved.



Linda DeSantis, RMC  
Borough Clerk

Minutes Approved at Council Meeting of August 7, 2012.