

**BOROUGH OF MOUNT ARLINGTON
COUNCIL MEETING MINUTES
AUGUST 7, 2018
7:00 p.m.**

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 14, 2017 and posted on the bulletin board in the main hallway of the Municipal Building on December 6, 2017; 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.

At the mandate of Council President, all Councilpersons shall not discuss or address in the Public portion of this meeting any matter that is: 1) pending litigation; 2) ongoing investigation of any type; 3) potential litigation; and 4) personnel or any comments regarding any Borough employee without being given Rice Notice.

3. Flag Salute

Cub Scout Luke led the Pledge of Allegiance. The Mayor asked for a moment of silence to think about those brave men and women who serve around the world and put their lives at risk to protect our freedoms.

4. Roll Call

Councilman Delaney, Councilman Loughridge, Council President Sorge, Councilman Sadow, Councilman Cangiano, Councilman Windish, Mayor Stanzilis. Matthew O'Donnell, Esq., Borough Attorney, and Carolyn Rinaldi, CFO/Borough Administrator, were also present.

5. Presentations

None

6. Tax and Utility Report for the Month of July, 2018

Total Tax Collections:	\$356,096.24
Total Utility Collections:	\$376,946.87

7. Finance Report for the Month of June, 2018

Current Fund:	
Total Receipts:	\$ 354,798.72
Total Disbursements:	\$2,284,899.32

8. Approval of Minutes

July 10, 2018

Regular Meeting

Motion to Approve: Council President Sorge

Second: Councilman Sadow

Roll Call:

Aye: Delaney, Loughridge, Sadow, Cangiano, Windish, Council President Sorge

None Opposed

Motion Approved

9. Mayor's Report

- The Mayor stated he will forego his report due to the large audience and a lot of business to address tonight.

10. Chief of Police Report

- The Chief stated he will forego his report as well with the exception that at the last meeting, he had indicated he would report on Narcan numbers: for the calendar year 2017 the Department had 8 disbursements of Narcan, this year they have had 7 as of July.

11. Borough Administrator's Report

- In the interest of time, the Administrator indicated she would be brief as well.
- The Property Maintenance Report Council received is a new document which will be distributed monthly. Ms. Rinaldi wants to be sure this is the type of report Council is looking for and asked Council to speak with her if there should be any changes or additions. There were a couple of property maintenance issues this past Friday afternoon so there will be several updates to this report for the next meeting.
- The Annual 5K is normally held on a Saturday morning; this year it will be held on Friday night, September 21st at 6:00 pm and the race route will remain the same.

12. Council Committee Reports**Councilman Delaney:**

- No report at this time

Councilman Loughridge:

- Recreation does not usually meet in the summer and the Land Use Board did not have any items for their agenda
- Thanked Carolyn Rinaldi for taking the Council on the Borough Owned Property Tour

Councilman Windish:

- No report at this time

Councilman Cangiano:

- No report at this time

Councilman Sadow

- No report at this time

Council President Sorge:

- No report at this time

13. Public Comment

- The Mayor announced that those in the audience who are here for the Hillard Road Beach Property will be able to speak when the Ordinance is announced for second reading. This Public Comment portion is for any other matters.

- Captain Lee Moreau, Miss Lotta Yacht Cruise

Captain Moreau thanked the Mayor and Council for their continued support of the Veteran's Cruise. Mr. Moreau introduced Rick Hendrickson of Hopatcong and indicated that Mount Arlington had a wait list for the veterans and Mr. Hendrickson offered to take those on the wait list on his own patio boat, following the Miss Lotta. Mr. Hendrickson not only provided his own boat but had food and beverages for those aboard. The Mayor, Council and audience followed with a round of applause. Council President Sorge publicly thanked Mr. Moreau and the staff of Miss Lotta for the cruise.

14. New Business

None

15. Old Business

None

16. Resolutions

Voted By Consent

**Resolutions 2018-117
through 2018-123**

2018-117 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 August 7, 2018

2018-118 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 License for the Licensing Period Commencing July 1, 2018

2018-119 Resolution of the Mayor and Borough Council of the Borough of Mount Arlington, in the County of Morris, State of New Jersey, Authorizing Temporary Suspension of Parking Restrictions on Seasons Drive as Set Forth in New Jersey Traffic Code 39:4-138 (Seasons Drive and Brookside Lane paving)

2018-120 Resolution of the Mayor and Borough Council of the Borough of Mount Arlington, in the County of Morris, State of New Jersey, Urging the Legislature to Amend S-716, S-477 and S-1766

2018-121 Resolution of the Mayor and Borough Council of the Borough of Mount Arlington, in the County of Morris, State of New Jersey, Authorizing a Professional Services Contract with Appraisal Systems, Inc. for Appraisal Services Related to Added Assessments in the Borough of Mt. Arlington

2018-122 Resolution of the Mayor and Borough Council of the Borough of Mount Arlington, in the County of Morris, State of New Jersey, To Redeem a Third Party Tax Lien Certificate of Sale #16-00019 for Property Known as Block 96, Lot 18

2018-123 Resolution of the Mayor and Borough Council of the Borough of Mount Arlington, in the County of Morris, State of New Jersey, To Redeem a Third Party Tax Lien Certificate of Sale #17-00013 for Property Known as Block 40, Lot 5

Motion to Approve By Consent: Councilman Sadow

Second: Council President Sorge

Roll Call

Aye: Delaney, Loughridge, Sadow, Cangiano, Windish, Council President Sorge

None Opposed

Motion Approved

17. Ordinances – Introduction

12-18 An Ordinance of the Mayor and Borough Council of the Borough of Mount Arlington, In the County of Morris, State of New Jersey, To Amend and Supplement the Code of the Borough of Mount Arlington, Chapter XII, Salaries, Personnel and Standards to Include Class II Special Police Officers

The Mayor read Ordinance 12-18 by Title.

Motion: Councilman Sadow stated that Ordinance 12-18 be introduced by Title and passed on First Reading and that a meeting be held on September 4, 2018 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.

Second: Council President Sorge

No Council Discussion

Roll Call

Aye: Delaney, Loughridge, Sadow, Cangiano, Windish, Council President Sorge

None Opposed

Motion Approved

18. Ordinances – Second Reading

- 10-18** 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 the Code of the Borough of Mount Arlington Chapter 132 Peddling and Soliciting, Article 1 Peddlers, Hawkers and Vendors; Article II Solicitors and Canvassers; and Article III Charitable Solicitations

The Mayor opened the Hearing to the Public on Ordinance #10-18 and read the Ordinance by title.

No Public Comment; the Mayor closed the Hearing to the Public.

Council President Sorge stated, I move for adoption and final passage of Ordinance #10-18

Second: Councilman Delaney

No Council Discussion

Roll Call:

Aye: Delaney, Loughridge, Sadow, Cangiano, Windish, Council President Sorge

None Opposed

Motion Approved

- 11-18** 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 Private Sale of Certain Municipal Property Located at Hillard Road in Block 39 Lot 46 (F/K/A Block 39A Lot 4) Owned by the Borough of Mount Arlington Not Required for Public Purposes Pursuant to N.J.S.A. 40A:12-13(B)(5)

The Mayor opened the Hearing to the Public on Ordinance #11-18 and read the Ordinance by title.

Public Comment:

The following people spoke:

JoAnn Fanelli, 20 Hillard Road, Bill Terhune, 6 Bertrand Island Road, Phyllis Tillou, 457 Windemere Avenue, George Bolen, 18 Hillard Road, Ronald Fanelli, 20 Hillard Road, Leon Gurevitch, 8 Bertrand Island Road, Melanie LeSueur, 467 Windemere Avenue, Darlene Kadel, 32 Hillard Road, Sue Suplicki, Hopatcong Cub Master Pack 206, Robert Wiedmuller, 423 Windemere Avenue, Jude Kondra, 433 Windemere Avenue, Sandra Gonzalez, 459 Windemere Avenue, Bruce Ryerson, 14 Hillard Road, Dan Coco, 36 Hillard Road,

- The individuals who spoke expressed their heartfelt desire for the Council to not sell the beach property. The residents know the beach is not theirs but have been told they have deeded access to the property. They have maintained the property for approximately sixty years and this is their connection to the lake and their community. The scouts do kayaking and water safety on that beach and the residents have easy access without having to cross any busy streets. The general consensus and comments from the public were to keep the beach property as it is, with no sale.

Council President Sorge stated, I move for adoption and final passage of Ordinance #11-18

Second: Councilman Delaney

Council Discussion:

Council President Sorge:

- Stated we are reluctant to make decisions that may or may not be associated with what the public wants, we are here for the greater good of the Borough.

- Attorney O'Donnell stated a maintenance issue was brought to the governing body's attention, indicating the property was not being maintained and there was an abandoned grill on the property; our Property Maintenance Officer went to inspect the property. Since the Borough acquired title through way of a foreclosure in 1982, the Borough has owned it since that period of time. This is the first time we are hearing that some of you have easements and rights and access and rights that run with your land. It is important that you know that the governing body certainly respects those rights however, by law, those rights have to be memorialized. Mr. O'Donnell's office conducted a title search and none of these rights showed up in public record. It is a liability to the Borough if someone gets hurt, if someone drowns and that burden would be placed on all taxpayers. The Council is looking to basically make sure that this liability is removed but more importantly, by statute, to put it back on the tax rolls, and this is the process that the statute requires. Mr. O'Donnell stated that the Borough Tax Appeal Appraiser Mr. Holzhauser is here tonight to explain how he arrived at the price, the value, and this is all done according to statute. It is important that you know that the covenant provided in your attorneys letter states that so long as Bertrand Island no longer operates as an amusement park, those rights terminate; which is very compelling information contained in these public records that you have provided to us. Again, our concern is the liability that falls to the Borough. Council President Sorge stated that we were elected to make decisions concerning the whole Borough and unfortunately this is a situation that should have never happened.

Councilman Loughridge:

- Stated he sympathizes with the residents; he lives in the Knolls and they have a beach.

- The Mayor stated he heard the resident's comments which were all from the heart, no one had prepared notes, it was truly emotional and heartfelt. The Mayor stated we are between a rock and a hard place here with a lot of issues with liabilities, ownerships. The Mayor stated Councilman Loughridge spoke of Knolls Beach which is owned by a community association which might be an idea. The Mayor stated the adjacent property owners have the right of first refusal. The Mayor stated that this is not us against you and he stressed that point; the governing body is in a tough situation. The Mayor stated there is some gray area but the information provided states "this covenant shall run with the land and shall remain in full force and effect as long as said amusement park may be operated and conducted as such."

Councilman Cangiano:

- Stated the sale goes to the two contiguous owners and if they refuse, it is open to anyone, as dictated by State statute.

Councilman Windish:

- None

- The Mayor reminded those in attendance that when something is brought to your attention and you are a person of responsible charge, you can no longer ignore it, unfortunately.

Councilman Sadow:

- Stated it was clear that the residents spoke from the heart. However, he did not hear any one propose what the Mayor referenced, which would be, since it is a purchasable property and since there is such a desire on the part of the assembled group here, is did they ever discuss buying the property. Councilman Sadow stated that he is wondering if this ordinance doesn't require more time and consideration and tabling the ordinance might be in order.

The Mayor stated he feels that should be our direction. The Mayor stated that it seems that the pulse of the governing body is to table this for further consideration based on the amazing testimony that we have heard this evening. The Ordinance will be carried to the September 4, 2018 Council Meeting and between now and then, the Mayor highly recommended that the residents provide further information, perhaps another deed that contradicts what the governing body has regarding Bertrand Island amusement park. Please give this information directly to Linda DeSantis, our Clerk, so we can give these documents our full consideration. We are not voting on this tonight, as we were somewhat required to, and we will carry this motion to the next meeting. Attorney O'Donnell stated that those of you who have purchased your property recently, you were probably represented by an attorney; call that attorney to read your title policy to see if you have rights to this beach and is there a public easement that runs with your land. That information would be very instructive to us and would shed light on our course of action from this point. We are in a tough spot here and speaking for himself, the Mayor would like this to work out for everybody.

The Borough Appraiser Scott Holzhauer stated he was asked to look at this property, absent of any easements or restrictions, basically as a fee simple property. Mr. Holzhauer prepared a restricted analysis report on July 5, 2018. He conferred with the Borough Planner Jessica Caldwell and they looked at the issues of riparian impact and felt that even with the setbacks, etc., there was still enough of a building envelope that the lot could conceivably be built on. It is a lakefront lot, it's in excess of the zone requirement, about 8,000 square feet, and in a 7,500 square foot zone. He did find vacant land sales, far and few between, some in Mount Arlington, some in Roxbury and Hopatcong, and concluded the value of the property at \$300,000 because it is a buildable lot. The assessment on the property is \$254,000 and the Borough's ratio is at 90%. If there are some types of easements or impediments on the property, it would then change Mr. Holzhauer's value.

Motion to Carry the Second Reading to September 4, 2018: Councilman Sadow

Second: Councilman Loughridge

Roll Call

Aye: Delaney, Loughridge, Sadow, Cangiano, Windish, Council President Sorge

None Opposed

Motion Approved

The Mayor stated the ordinance is being carried for further discussion at the September 4, 2018 Council meeting, a large part due to your presence this evening. The Mayor thanked all for attending and sharing your heartfelt comments with us, it's very much appreciated.

19. Motions

None

20. Executive Session

2018-124 Resolution of the Mayor and Borough Council of the Borough of Mount Arlington, in the County of Morris, State of New Jersey, Authorizing An Executive Session of the Mayor and Borough Council and Excluding the Public from that Portion of the Meeting

Attorney/Client Privilege:

- Approval of Executive Minutes: July 10, 2018

Action May or May Not Be Taken.

Motion to Go into Executive Session: Council President Sorge

Second: Councilman Sadow

Roll Call

Aye: Delaney, Loughridge, Sadow, Cangiano, Windish, Council President Sorge

None Opposed

Motion Approved

Motion to Return to Open Session: Council President Sorge

Second: Councilman Delaney

Roll Call

Aye: Delaney, Loughridge, Sadow, Cangiano, Windish, Council President Sorge

None Opposed

Motion Approved

Motion to Approve Executive Session Minutes of July 10, 2018: Council President Sorge

Second: Councilman Delaney

Roll Call

Aye: Delaney, Loughridge, Sadow, Windish, Council President Sorge

None Opposed

Motion Approved

21. Adjourn

Motion to Adjourn: Council President Sorge

Second: Councilman Cangiano

Roll Call:

All in Favor: Aye

None Opposed

Motion Approved



Linda DeSantis, RMC
Borough Clerk

Minutes Approved at Council Meeting on September 4, 2018.

Borough of Mt. Arlington

Tax & Utility Office

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

The Month of July 2018

Dated:

Completed by: Kayleen Pickering, CTC

Tax Collections:

<u>Description</u>	<u>Account #</u>	<u>Collections</u>
Current Taxes	8-01-17-001-001	\$ 323,500.68
2017 Taxes	8-01-15-499-200	13,169.42
2017 Taxes (Collected at Tax Sale)		
Prepaid Taxes	8-01-17-001-004	9,010.45
Municipal Redemption	8-01-17-004-001	
Interest & Costs	8-01-08-112-000	3,327.30
Interest & Costs (Collected at Tax Sale)		
Return Check Fee	8-01-16-500-047	
Tax Searches	8-01-08-106-010	
Duplicate Bills	8-01-16-500-016	
O/S Lien Red./Subs	8-01-17-004-002	6,407.52
O/S Lien Red. Int.	8-01-17-004-003	566.87
O/S Lien Red. 6% YEP	8-01-16-500-025	
O/S Lien Red. Rec. Fee	8-01-17-004-003	114.00
Misc. Copies	8-01-16-500-017	
Tax Sale Costs	8-01-16-500-018	
Tax Sale Costs (Collected at Tax Sale)		
Tax Sale Premiums	Trust Account	
6% Year End Penalty	8-01-16-500-025	
Tax Paid Certification	8-01-16-500-013	
Redemption Calculation Fee		
Total Tax Collections		<u>\$ 356,096.24</u>

Utility Collections:

Solid Waste		\$ 41,488.62
Sewer		249,769.63
Water		85,688.62
Sewer Connection Fee Install Plan		
Total Utility Collections		<u>\$ 376,946.87</u>

Total Collections for the Month \$ 733,043.11

BOROUGH OF MOUNT ARLINGTON
FINANCE OFFICE

Finance Report Current Fund

June 2018

Receipts	354,798.72
Disbursements	2,284,899.32