

**BOROUGH OF MOUNT ARLINGTON
COUNCIL MEETING MINUTES
SEPTEMBER 4, 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

The Mayor asked for a moment of silence and reflection for all those around the world who put their lives at risk for our freedoms and the freedoms of those they are protecting.

4. Roll Call

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

5. Presentations

- Genesis Technologies, LLC -

Present: Dennis McConnell, Esq., McConnell Leonard Law, representing Genesis Technologies, Scott Rudder, President of the NJ CannaBusiness Association, NJ's first and largest cannabis trade association/non-profit organization, Julio Valentin, CEO of Greenleaf Compassion Center, the first medical cannabis dispensary in the NJ, Robert Frommelt and Chris Maher of Genesis.

- Mr. O'Connell stated Genesis Technologies, LLC, is seeking approval from the Governing Body to locate an alternative treatment center in the Borough on premises known as Lot 1, Block 69, a/k/a 10 Howard Boulevard, pursuant to NJAC 8:64-7.1. This property is owned by Richard and James O'Connor who have an agreement with Genesis for the development of the site. An alternative treatment center is a medical marijuana dispensary that will grow and sell medical marijuana pursuant to state and local laws and regulations. There are six active alternative treatment centers in NJ, two in each the north, central and south parts of state. Medical marijuana is a natural medicine that has been used for thousands of years; these facilities serve a community in need. Those using the medical marijuana use it as an alternative to opioids, benzos or other addictive drugs. On August 1, 2018, New Jersey released a Request for Application to open six additional facilities in the state; winners will be announced November 1, 2018. The facilities are equipped with medical advisory boards and doctors and the patient community has grown significantly in the past 7-9 months. These are positive changes, opioid addictions and overdoses going down by tackling the opioid crisis by

offering something that no one has ever died from; no one has ever died from a cannabis overdose in the history of the world. Cannabis offers much of the same relief or better than the drugs that are addictive. The alternative treatment center benefits the community as well because people are educating themselves on cannabis as a medication, looking for alternatives to addictive prescription drugs.

- This center would benefit the Borough by tax revenue and job creation; typically all the jobs are filled by the local communities. Locations are so dispersed that patients will travel just not to take the opioid; they will eat, shop, and visit the Borough. The traffic for an alternative treatment center can be compared to people going in and out of a CVS.

- In NJ, all the growing is done in a warehouse or greenhouse and since they are "growing medicine", the greenhouse has to have the medical grade environment to grow, the air, the filtration, water, various monitoring, etc. The warehouse is a building inside a building, for security; it is self-contained, carbon filtered and there is no smell of cannabis outside or inside the building.

- Mr. Valentin believes in this medicine so deeply that he is here promoting another company. The number one thing to do is educate the public and take away the stigma; when you see the medical value of this plant it is amazing. Mr. Valentin is not looking at Genesis as competition but rather as coworkers, as people who want to help.

- Mayor Stanzilis stated they did an excellent presentation and he personally has someone close to him, in their '80's, retired law enforcement, who is suffering and after being on opioids for years, this has been a life changing event. Mr. Rudder stated this has been a very successful treatment for seniors who have been taking pills for years and realizing nothing is helping.

- The state would want a Borough endorsement at this point in the application process; the State just wants to know that Mount Arlington is welcoming to this type of facility, pending final approval of the Land Use Board. The State wants to see that the Borough supports them as well as the sellers of the land. Mr. Valentin stated the Council has to think about the people that need the medicine; your seats on Council are for a limited time and you are going to make the difference now for the people in the future and in every community, you have people who need help. Let's remove the stigma, educate yourselves on the medical value of cannabis and realize that every one of us here has a family member who might need it.

- The Mayor took a straw poll of the Councilmembers....To support an application to the State of New Jersey by Genesis Technologies, LLC, who came before the Governing Body. The Governing Body said we will consider it, we are not going to say no or turn Genesis away, we do not have a feeling either way so we will give you a letter of go-ahead with your application, no commitments.

Yes: Delaney Loughridge Sorge Windish	No: Cangiano Sadow
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- The Mayor stated he is in favor of medical marijuana, and he knows that residents of our Borough can benefit from this, maybe someone in our ever-growing senior community. The Mayor complimented the presentation and education provided to the Governing Body and stated he does support the concept of this initiative as well. The Mayor thanked those who did the presentation and wished them the best of luck in their future endeavor.

6. Tax and Utility Report

None

7. Finance Report for the Month of July, 2018

Current Fund:	
Total Receipts:	\$2,073,435.88
Total Disbursements:	\$4,615,439.56

8. Approval of Minutes

August 7, 2018

Regular Meeting

Motion to Approve: Council President Sorge

Second: Councilman Delaney

Roll Call:

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

None Opposed

Motion Approved

9. Mayor's Report

- The Mayor attended a couple of Eagle Scout Ceremonies in Mount Arlington, one was done by video because the Mayor was on vacation. We are very fortunate to have a really strong and robust Scout program in the Borough and now we have some Eagle Scout projects that are actually benefiting the Borough; two projects at the Community Garden, which the dedication will probably be held this Fall, and the sign for the beach and the plaque in the stone is almost completed.

10. Chief of Police Report

- The schools open on Thursday, September 6th. Over the summer, the Superintendent and Chief have been attending additional school safety and security classes, there's a new certification for school safety specialist that the administrator or superintendent had to attend. This year we have enhanced our school security as far as infrastructure, procedures and training and our security is developing beyond what we have had in the past. The Chief stated through communications sent by the superintendent and her staff, parents of school-age children will be notified of the new safety procedures.

- The Annual 5K will be held on September 21st; we are trying a Friday night to try to increase attendance.

11. Borough Administrator's Report

- None

12. Council Committee Reports**Councilman Windish****Councilman Sadow****Councilman Delaney****Councilman Loughridge****Council President Sorge**

- None

Councilman Cangiano:

- Attended the monthly Musconetcong Sewerage Authority meeting where they discussed the huge ongoing problem of the usage of flushable wipes. The manufacturers label them as flushable but these bind up the system and cause tremendous amounts of damage to these facilities; the systems can't handle the stress these products bring into the system and the same holds true for individual septic tanks. There is very little public knowledge of this problem and we are facing serious costs that are reflected on the utility user; this is happening all over, not just problematic for the MSA.

13. Public Comment

Adam Toombs, 11 Willow Street:

- Mr. Toombs would like to establish a micro-brewery in the area with a family atmosphere; nothing like a bar but where we will teach and educate the public about the beers, making it all about Mount Arlington. We want to provide good beer, good fun and a safe atmosphere. The Mayor introduced Councilman Sadow as the Chairman of the Economic Development Committee and stated he would be in touch with Mr. Toombs.

14. New Business

None

15. Old Business

None

16. Resolutions**Voted By Consent****Resolutions 2018-125****through 2018-137**

- 2018-125** 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 September 4, 2018
- 2018-126** Resolution 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 a Contract Between Digital Strategy Associates, LLC and the Borough of Mount Arlington
- 2018-127** Resolution of the Mayor and Borough Council of the Borough of Mount Arlington, in the County of Morris, State of New Jersey, Authorizing Temporary Parking Restrictions and Road Closures During the Mayor's Wellness Committee 5K Run/Walk
- 2018-128** Resolution of the Mayor and Borough Council of the Borough of Mount Arlington, in the County of Morris, State of New Jersey, Authorizing the Amounts for Departmental Change Funds
- 2018-129** Resolution 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 a Contract Between Garda CL Atlantic, Inc. and the Borough of Mount Arlington
- 2018-130** Resolution of the Mayor and Borough Council of the Borough of Mount Arlington, in the County of Morris, State of New Jersey, Authorizing the Receipt of Bids (Howard Boulevard Sidewalk Project)
- 2018-131** Resolution of the Mayor and Borough Council of the Borough of Mount Arlington, in the County of Morris, State of New Jersey, Authorizing the Receipt of Bids (2018 NJDOT Road Rehabilitation Project)
- 2018-132** Resolution of the Mayor and Borough Council of the Borough of Mount Arlington, in the County of Morris, State of New Jersey, Authorizing the Receipt of Bids (2018 CDBG Road Rehabilitation Project)
- 2018-133** 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 #17-00020 for Property Known as Block 77, Lot 20
- 2018-134** 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 #17-00023 for Property Known as Block 89, Lot 11
- 2018-135** Resolution of the Mayor and Borough Council of the Borough of Mount Arlington, in the County of Morris, State of New Jersey, for Refund of Tax Payment Made on Tax Exempt Property Known as Block 61, Lot 42.03, Qual C054 (Legacy Title)
- 2018-136** Resolution of the Mayor and Borough Council of the Borough of Mount Arlington, in the County of Morris, State of New Jersey, for Refund of Tax Payment Made on Tax Exempt Property Known as Block 61, Lot 42.03, Qual C054 (Roundpoint Mortgage)
- 2018-137** Resolution of the Mayor and Borough Council of the Borough of Mount Arlington, in the County of Morris, State of New Jersey, for Refund of Overpayment For Property Known as Block 2, Lot 9.20

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

None

18. Ordinances – Second Reading

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:

Melanie LeSueur, 467 Windemere Avenue, JoAnn Tonelli, 20 Hillard Road, Darlene Kadel, 32 Hillard Road, Lorraine Haubrick, 32 Hillard Road.

- The residents stated this past month they held a neighborhood meeting, between 40-50 people attended, so the interest is still very high. Ms. LeSueur stated she gave the Clerk a stack of deeds expressing water rights and a lot of the water rights start running together from past deeds. Council had previously mentioned liability was a big issue but some of the deeds include verbiage stating that the residents who use the beach assume their own liability as part of their easement on that property, their water rights and water access rights. The residents are all very passionate about this space. Council had previously mentioned the residents forming an association and after discussion with the residents, they would be willing to do this provided they had the opportunity to do another assessment of the property. If it does come down to selling, the residents would like to be offered the property first, besides the two neighboring owners.

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

Second: Councilman Delaney

Council Discussion:

- Attorney Valandingham stated that if Council decides to adopt the ordinance, the next step is that the property would be available for the contiguous property owners to make the first offers; should they buy it, they are buying as is. It would be up to the purchaser, their engineers, surveyors, title company, to confirm if anyone has a valid right; the new owner would own exactly what the Borough now owns. The residents are saying there is an easement; if it is extinguished as most of them say 'in the event the amusement park is gone, this easement is extinguished'. Each one has something different; any valid easement will just run with the land. Ms. Valandingham stated Council would sell the land as is, like taking the deed and handing it to someone else with everything, just the way the Borough has it now. If someone has a valid easement, it would stay with the land, no matter who purchases the land.

- Attorney Valandingham stated if the contiguous property owners chose not to bid or their bid is below fair market value as determined by the assessor, the property goes to market.

- Attorney Valandingham stated the ordinance is NJSA 40A:12-13 (B)(5) which allows the municipality to sell the property to a contiguous property owner if it is vacant and less than the minimum size required for development under the current municipal ordinance. We asked the Planner and the Tax Expert to prepare an appraisal report and in its current form, it is vacant and less than the minimum size. Presently it would have to go to the Land Use Board for variances to be built on; hypothetically if someone were to do that, and hypothetical if the variances would be granted, the engineers and the surveyors would get involved to determine if it is even buildable because of the flag lot the way it is. Presently it is non-conforming and falls under that statute. The reason why this law reads this way is because the government says the municipality has this piece of land, we are going to give it to the two people that are affected the most, the two people that live next door. It is not

really buildable, maybe they could make it part of their lot, split it, do something with it so it doesn't affect your quiet use and enjoyment of your own property. When it becomes buildable, it is different and goes to the market.

- Attorney Valandingham stated some of the deeds have covenants that read, "this covenant.....", and they state they expire when the amusement park is no longer in existence. Some of the deeds don't say anything, some of the deeds have part of that covenant, but again, the Borough is selling as is. Attorney Valandingham confirmed that the sunset clause in the deeds that were submitted are valid clauses.

- Attorney Valandingham confirmed this is a flag lot and confirmed the selling price is a minimum of \$300,000.

- Councilman Sadow asked what if the contiguous property owners do not buy it and it does not sell to any public? Attorney Valandingham stated then there would be no action, the property would stay listed on the market but the property would have to be fenced and secured. At that point, Council would have to hire a surveyor to go through the deeds to ensure whatever is privately deeded or deemed an easement is open to that owner only.

No Further Council Discussion

Roll Call:

Aye: Delaney, Loughridge, Sadow, Cangiano, Windish, Council President Sorge
None Opposed

Motion Approved

Motion for a 5 Minute Break: Councilman Windish

Second: Councilman Delaney

All in Favor: Aye
None Opposed.

Motion Approved.

Motion to Return from Break: Council President Sorge

Second: Councilman Delaney

All in Favor: Aye
None Opposed.

Motion Approved.

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 opened the Hearing to the Public on Ordinance #12-18 and read the Ordinance by title.

No Public Comment

Council President Sorge stated, I move for adoption and final passage of Ordinance #12-18

Second: Councilman Delaney

No Council Discussion

Roll Call:

Aye: Delaney, Loughridge, Sadow, Cangiano, Windish, Council President Sorge
None Opposed

Motion Approved

19. Motions
None

20. Executive Session

2018-138 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: August 7, 2018

Action May or May Not Be Taken.

Motion to Go into Executive Session: Council President Sorge

Second: Councilman Delaney

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 August 7, 2018: Council President Sorge

Second: Councilman Loughridge

Roll Call

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

None Opposed

Motion Approved

21. Adjourn

Motion to Adjourn: Council President Sorge

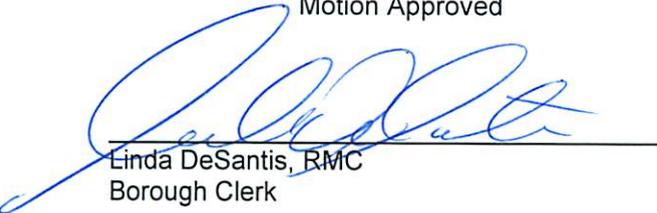
Second: Councilman Sadow

Roll Call:

All in Favor: Aye

None Opposed

Motion Approved



Linda DeSantis, RMC
Borough Clerk

Minutes Approved at Council Meeting on October 2, 2018.

BOROUGH OF MOUNT ARLINGTON
FINANCE OFFICE

Finance Report Current Fund

July 2018

Receipts	2,073,435.88
Disbursements	4,615,439.56