

**BOROUGH OF MOUNT ARLINGTON
COUNCIL MEETING MINUTES
DECEMBER 20, 2022
7:00 PM**

The Regular Meeting of the Borough Council of the Borough of Mount Arlington was held on Tuesday, December 20, 2022. This meeting was held in-person at the Municipal Building at 419 Howard Boulevard, Mount Arlington, New Jersey and commenced at 7:04PM.

Mayor Stanzilis called the meeting to order.

Mr. Bansch stated, “adequate notice of this meeting of the Mayor and 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 January 13, 2022 and posted on the bulletin board in the main hallway of the Borough Municipal Building on January 6, 2022; 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.”

The Mayor asked Firefighters Anthony Gonzalez and Matt Kincaid to lead everyone in the Pledge of Allegiance. The Mayor then asked everyone to remain standing to observe a moment of silence to ask God to watch over the Firefighters and Police Officers.

Roll Call was taken for attendance:

Present: Councilwoman Farris, Council President Delaney, Councilman Cangiano, Councilwoman Fostle, Councilwoman Galate and Mayor Stanzilis

Absent: Councilman Loughridge

Present from Administration: Administrator/CFO Ms. Rinaldi, Police Chief LaBruno, Borough Attorney Mr. Jessup, Water Supervisor Mr. Quillinan, Borough Engineer Mr. Puszcz and the writer.

Presentations: None

Appointments:

2022-157 A Resolution of the Mayor and Council of the Borough of Mount Arlington, County of Morris, State of New Jersey, Recognizing Appointment of Anthony Gonzalez as Volunteer Firefighter

Motion to Approve: Council President Delaney
Second: Councilwoman Fostle

Roll Call:

Aye: Farris, Cangiano, Fostle, Galate, Council President Delaney

Opposed: None

Motion Approved

Mayor Stanzilis administered an Oath of Office to Volunteer Firefighter Anthony Gonzalez. Mr. Gonzalez received his Firefighter badge.

Tax and Utility Report - None

Finance Report - None

Approval of Minutes:

December 6, 2022 – Regular Council Meeting

Motion to Approve: Councilwoman Galate

Second: Council President Delaney

Council Discussion: None

Roll Call:

Aye: Cangiano, Fostle, Galate, Council President Delaney

Opposed: None

Abstain: Farris

Motion Approved

Mayor's Report

Mayor Stanzilis reported the Menorah Lighting went well. Memorial Park was decorated beautifully for the Holidays. He thanked the Fire Department for doing a great job with Santa's Fire Truck Tour through Mount Arlington.

Borough Administrator's Report

Ms. Rinaldi had nothing new to report.

Police Chief's Report

Chief LaBruno wished everyone a Happy Holidays.

Fire Chief's Report – None

Council Committee Reports

All five Council Members had nothing new to report. They each wished everyone Happy Holidays and a Happy New Year.

Public Comment - None

Ordinance – Introduction: - None

Ordinance – Second Reading

10-2022 An Ordinance of the Borough of Mount Arlington, County of Morris, State of New Jersey, Vacating a Portion of Old Howard Boulevard
Carried from the December 6, 2022 meeting

The Mayor opened the Hearing to the Public and read Ordinance 10-2022 by Title.

Public comment:

Bernd Hefele, Esq, 21 Bowling Green Parkway, Suite 200 Lake Hopatcong, New Jersey – Mr. Hefele stated he represented Ken Russell, a resident of Old Howard Boulevard whose property would be impacted by the road vacation. Mr. Hefele wished to share Mr. Russell’s concerns. He presented a poster board containing pictures of Old Howard Boulevard, along with a map of the affected area.

Chris Merring, 196 Old Howard Blvd– Mr. Merring expressed concerns regarding future traffic flow in the affected area.

Ken Russell, 186 Old Howard Blvd – Mr. Russell stated the affected property was directly in front of his house which he had been maintaining. He expressed concerns regarding the future maintenance, steep grade and traffic safety in the affected area.

Ed Post, Old Howard Blvd – Mr. Post questioned why the lower portion of Old Howard Boulevard was being vacated.

Wayne Cornelius, 192 Old Howard Blvd, Mount Arlington, New Jersey – Mr. Cornelius expressed concern regarding the steepness of the affected upper road and its impact on traffic safety. He questioned what was the allowable grade for the disturbance of streets in the Borough.

The Mayor closed the Hearing to the Public.

Motion: Councilwoman Galate “I move for adoption and final passage of Ordinance 10-2022”

Second: Council President Delaney

Council discussion: Mayor Stanzilis stated the Borough residents’ safety was paramount and the Borough took all of their concerns seriously. He agreed that utilizing the affected area in its current condition was unacceptable. To address this, the Borough had come up with a plan which improved traffic safety and visibility sightlines. Old Howard Boulevard would remain a dead-end street, and the medical building would continue to only have access from Howard Boulevard, so there would be no increase in traffic volume. Mayor Stanzilis added that no taxpayer money would be used for this project because the new property owner would be covering the project costs.

Mr. Puszcz gave a presentation on the vacation of the portion of Old Howard Boulevard and future improvements to the affected area:

- The Borough and potential buyer of the affected property had been under contract since an Ordinance was adopted in 2019 authorizing the sale of the affected property. This was a

sequential operation and Ordinance 10-2022 was only to authorize the vacation of a portion of Old Howard Boulevard.

- Once the lower road portion of Old Howard Boulevard was vacated by Ordinance 10-2022, the buyer would be responsible to improve the affected area.
- The potential buyer had already signed an agreement accepting certain conditions:
 - The buyer must provide an easement so that the vacated lower road would continue to be used by the public until the new upper road was completely built to standard and accepted by the Borough.
 - Borough standards included safety, sight lines, drainage and road maintenance.
 - All costs would be covered by the property owner including engineering, design and construction.
 - It would not affect the existing entrance onto Howard Boulevard.
- The Borough required the project to be completed within 5 years.
- Any standards regarding slopes would be addressed by the Land Use Board.
- All applications for development must go before the Land Use Board.
- No applications had yet been submitted to the Land Use Board.

Councilman Cangiano asked about the new road width, curbs and adequate site distance. Mr. Puszcz replied the roadway would be 30 feet wide; the right of way would be 50 feet wide; curbs, drainage and berms would be considered during the design phase; and adequate site distance had already been considered.

The Mayor reopened the Hearing to the Public.

Chris Merring, 196 Old Howard Blvd – Mr. Merring questioned why the residents of Old Howard Boulevard were not given an opportunity to purchase this property at fair market value. He wished to state, for the record, he felt this was not handled correctly with the adjacent property owners not being notified.

Mr. Jessup replied the law did not require the Borough to offer the property to anyone on Old Howard Boulevard. The Borough was expressly allowed to sell the property to the contiguous property owner, Arlington Plaza, LLP. The Ordinance in 2019, which authorized the sale of the property, was publicly advertised and a public hearing was held. Should any applications for site development to the affected area come before the Land Use Board, the law would require the Borough to notify all residents within 200 feet via certified letter. Currently there were no applications for site development before the Land Use Board.

Mr. Merring added the main concern was access onto Howard Boulevard.

Mr. Puszcz replied that any site plan applications for an ingress and egress onto Old Howard Boulevard would need to go before the Land Use Board for approval. There were no applications before the Land Use Board at this time.

Ken Russell, 186 Old Howard Blvd – Mr. Russell stated he did not understand why he was not notified that there were plans to sell this property. He also questioned what would happen if the buyer did not complete the road improvements satisfactorily.

Mr. Jessup reiterated the law did not require the Borough to offer the property to anyone on Old Howard Boulevard. The Borough was expressly allowed to sell the property to the contiguous property owner. Mr. Russell was not a contiguous property owner. Regarding the road improvements, the Borough would not approve the completion of any work unless it met the Borough's standards.

Mr. Puszcz added this was a favorable position for the Borough and residents because it would reduce the Borough's liability position by selling land it did not use; the Borough would no longer have to pay for insurance on this property; and it would increase tax revenue.

Bernd Hefele, Esq, 21 Bowling Green Parkway, Suite 200 Lake Hopatcong, New Jersey – Mr. Hefele expressed concern regarding the buildability of the affected area, the potential for the site not being developed and what would happen if the buyer decided not to move forward with any road improvements or development.

Mr. Jessup stated he was confident that the Borough would ensure it was protected as part of the conditions of any easement agreement or application for site development.

Wayne Cornelius, 192 Old Howard Blvd, Mount Arlington, New Jersey – Mr. Cornelius asked what would be improved regarding site lines on Howard Boulevard.

Mr. Puszcz stated the affected area did not include any improvements at the direct intersection of Howard Boulevard and Old Howard Boulevard. However, if the buyer were to submit a site plan application to the Land Use Board for an ingress and egress onto Old Howard Boulevard, the applicant would need to address the site triangle at the intersection of Howard Boulevard and Old Howard Boulevard.

Dee Merring, 196 Old Howard Blvd, Mount Arlington, New Jersey – Ms. Merring asked if the Borough would be incorporating any other private property in that area into the new right of way. Mr. Puszcz replied the Borough was not.

There was group discussion regarding road maintenance during and after construction to the affected area.

Mr. Jessup clarified that the affected property was currently under contract with the contiguous property to be sold for the \$10,000.00 appraised value.

Paul Simonis, 198 Old Howard Boulevard – Mr. Simonis asked if the Borough was donating that portion of Old Howard Boulevard to the buyer. Mr. Jessup replied that portion of Old Howard Boulevard would be vacated and become part of the contiguous property owner's land.

The Mayor reclosed the Hearing to the Public.

Councilman Cangiano stated it was unfortunate that these discussions did not come up in 2019 and that the residents felt they were not notified last time. Although it made sense for the Borough to vacate one of the roadways, and he did not see any reason for a large increase in traffic onto Old Howard Boulevard in the future, he thought it was more cut-and-dry than this back when the Ordinance was passed in 2019. He asked what would happen if Ordinance 10-2022 did not pass tonight. Mr. Jessup replied the Borough would then go back to the buyer and see if they would still like to proceed with the sale.

Roll Call:

Aye: Farris, Fostle, Galate, Council President Delaney

Opposed: Cangiano

Abstain: None

Motion Approved

11-2022 An Ordinance of the Borough of Mount Arlington, County of Morris, State of New Jersey, Amending and Supplementing Chapter 48, Section 2 of the Code of the Borough of Mount Arlington Entitled "Animals"

The Mayor opened the Hearing to the Public and read Ordinance 11-2022 by Title.

There was no public comment.

The Mayor closed the Hearing to the Public.

Motion: Councilman Cangiano stated: "I move for adoption and final passage of Ordinance 11-2022"

Second: Councilwoman Farris

There was no Council discussion.

Roll Call:

Aye: Farris, Cangiano, Fostle, Galate, Council President Delaney

Opposed: None

Abstain: None

Motion Approved

12-2022 An Ordinance of the Borough of Mount Arlington, County of Morris, State of New Jersey, Authorizing the Use of Funds from the American Rescue Plan Act of 2021

The Mayor opened the Hearing to the Public and read Ordinance 12-2022 by Title.

There was no public comment.

The Mayor closed the Hearing to the Public.

Motion: Council President Delaney stated: "I move for adoption and final passage of Ordinance 12-2022"

Second: Councilman Cangiano

There was no Council discussion.

Roll Call:

Aye: Farris, Cangiano, Fostle, Galate, Council President Delaney

Opposed: None

Abstain: None

Motion Approved

13-2022 An Ordinance of the Borough of Mount Arlington, County of Morris, State of New Jersey, Amending and Supplementing Chapter 175 of the Code of the Borough of Mount Arlington Entitled "Water"

The Mayor opened the Hearing to the Public and read Ordinance 13-2022 by Title.

There was no public comment.

The Mayor closed the Hearing to the Public.

Motion: Councilman Cangiano stated: "I move for adoption and final passage of Ordinance 13-2022"

Second: Councilwoman Galate

There was no Council discussion.

Roll Call:

Aye: Farris, Cangiano, Fostle, Galate, Council President Delaney

Opposed: None

Abstain: None

Motion Approved

14-2022 An Ordinance of the Borough of Mount Arlington, County of Morris, State of New Jersey, Appropriating \$42,000.00 for the Purchase and Installation of Borough Building Generators in and by the Borough of Mount Arlington, County of Morris, State of New Jersey

The Mayor opened the Hearing to the Public and read Ordinance 14-2022 by Title.

There was no public comment.

The Mayor closed the Hearing to the Public.

Motion: Council President Delaney stated: "I move for adoption and final passage of Ordinance 14-2022"

Second: Councilwoman Farris

There was no Council discussion.

Roll Call:

Aye: Farris, Cangiano, Fostle, Galate, Council President Delaney

Opposed: None

Abstain: None
Motion Approved

16-2022 An Ordinance of the Borough of Mount Arlington, County of Morris, State of New Jersey, Authorizing Cancellation of Unexpended Balance of Improvement Authorizations

The Mayor opened the Hearing to the Public and read Ordinance 16-2022 by Title.

There was no public comment.

The Mayor closed the Hearing to the Public.

Motion: Council President Delaney stated: "I move for adoption and final passage of Ordinance 16-2022"

Second: Councilwoman Galate

There was no Council discussion.

Roll Call:

Aye: Farris, Cangiano, Fostle, Galate, Council President Delaney

Opposed: None

Abstain: None

Motion Approved

Resolutions – All Vote by Consent

2022-151 A Resolution of the Mayor and Council of the Borough of Mount Arlington, County of Morris, State of New Jersey Approving Transfer of Funds

2022-152 A Resolution of the Mayor and Council of the Borough of Mount Arlington, County of Morris, State of New Jersey, Approving the Check Register Dated December 20, 2022

2022-153 A Resolution of the Mayor and Council of the Borough of Mount Arlington, County of Morris, State of New Jersey, Authorizing the Execution of a Shared Interlocal Services Contract Between the Borough of Mount Arlington, the Borough of Wharton, the Borough of Netcong, the Township of Byram and the Borough of Stanhope, with the Borough of Hopatcong, for the Provision of Animal Control Officer Services and Animal Pound/Shelter Services

2022-154 A Resolution of the Mayor and Council of the Borough of Mount Arlington, County of Morris, State of New Jersey, Approving Participation within the New Jersey Department of Environmental Protection Water Quality Improvement Projects Grant

2022-155 A Resolution of the Mayor and Council of the Borough of Mount Arlington, County of Morris, State of New Jersey, Authorizing Execution of an Agreement with Lake Hopatcong Elks for 2023 Senior Citizens Meetings

Motion to Approve: Council President Delaney

Second: Councilwoman Galate

Council Discussion: None

Roll Call:

Aye: Farris, Cangiano, Fostle, Galate, Council President Delaney

Opposed: None

Abstain: None

Motion Approved

Executive Session

2022-156 A Resolution of the Mayor and Borough Council of the Borough of Mount Arlington, 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

Anticipated attorney-client privilege topics in Executive Session:

- Discussion of Executive Meeting Minutes:

- o February 1, 2022 Regular Council Meeting

Action May or May Not Be Taken

Motion to Enter into Executive Session: Council President Delaney

Second: Councilman Cangiano

Council Discussion: None

Roll Call:

Aye: Farris, Cangiano, Fostle, Galate, Council President Delaney

Opposed: None

Abstain: None

Motion Approved

Executive Session commenced at 8:34PM.

Open Session commenced at 8:40PM.

Motion to Approve, AND Release to Public, Executive Session Minutes of February 1, 2022:

Councilwoman Farris

Second: Councilwoman Fostle

Council Discussion: None

Roll Call:

Aye: Farris, Fostle, Council President Delaney

Opposed: None

Abstain: Cangiano, Galate

Motion Approved

Adjourn

Motion to Adjourn: Council President Delaney

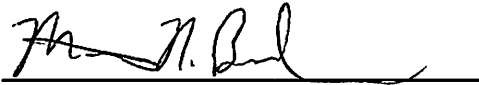
Second: Councilwoman Galate

Roll Call:

All in Favor: Aye

Opposed: None
Motion Approved

The meeting adjourned at 8:41PM.

A handwritten signature in black ink, appearing to read "M. N. Bansch", written over a horizontal line.

Matthew N. Bansch, Borough Clerk

CC: Website

Minutes Approved at the Regular Council Meeting of February 7, 2023