

**REGULAR MEETING  
SEPTEMBER 15, 2015**

In compliance with Chapter 231, OPEN PUBLIC MEETINGS ACT of the State of New Jersey, adequate notice has been given to all members of the Governing Body, the "Local Source" and the "Westfield Leader" the two newspapers designated to receive such notice. The notice is posted on the Borough Hall bulletin board.

Mayor Paul N. Mirabelli called the meeting to order at 7:31 P.M.

**INVOCATION: Mayor Paul N. Mirabelli  
SALUTE TO THE FLAG  
ROLL CALL**

PRESENT: Mayor Paul N. Mirabelli, Councilwoman Andre, Councilman Dierkes, Councilman Lane, Councilman Messler, Councilman Mortimer, Council President Turner, Administrator Debbie and Attorney Post. Also present were Police Chief Allan Attanasio, and Public Works Manager Ronald Romak.

**APPROVAL OF MINUTES:**

Upon motion by Councilman Mortimer and a second by Councilman Turner, the minutes of the Regular Session Meeting held on August 18, 2015 was approved. Roll Call: Ayes: Dierkes, Lane, Messler, Mortimer, Turner. Nays: 0. Abstained: Andre.

Upon motion by Councilman Dierkes and a second by Councilman Turner, the minutes of the Work Session Meeting held on September 1, 2015 were approved. Roll Call: Ayes: Andre, Dierkes, Lane, Messler, Mortimer, Turner. Nays: 0.

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**PROCLAMATION:**

WHEREAS, Mothers Against Drunk Driving New Jersey (MADD) is an organization that works to stop drunk driving and to support victims and their families; and

WHEREAS, MADD hosted their 3<sup>rd</sup> Annual Law Enforcement Recognition Program with over 550 police officers from New Jersey in attendance; and

WHEREAS, on June 26<sup>th</sup>, MADD honored police officers who excelled in drunk driving enforcement last year; and

WHEREAS, Police chiefs throughout the state nominated officers from their respective departments who had the highest amount of arrests of people who drive while intoxicated; and

WHEREAS, Detective William Stolting and Police Officer Adam Foti from the Mountainside Police Department received the MADD 2014 Law Enforcement Distinguished Service Award; and

WHEREAS, the Borough of Mountainside recognizes these officers for their exceptional efforts to combat drunk driving.

THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Mountainside give special thanks to Detective William Stolting and Police Officer Adam Foti for reducing impaired driving and saving lives on our roadways.

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**RESOLUTIONS:**

The following resolution was introduced by Councilman Dierkes and seconded by Councilman Mortimer.

**RESOLUTION 91-2015**

WHEREAS, the Borough of Mountainside would like to participate in the leaf disposal program at the Union County Conservation Center; and

WHEREAS, it is necessary to enter into an Indemnification Agreement and Memorandum of Understanding with the County of Union to participate in the leaf disposal program; and

WHEREAS, the current 2015 rate is \$2.00 per yard – loose, \$4.00 per yard – compacted.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the Mayor and Borough Clerk are hereby authorized to sign the Indemnification Agreement and Memorandum of Understanding to participate in the leaf disposal program at the Union County Conservation Center.

Roll Call: Andre, Dierkes, Lane, Messler, Mortimer, Turner. Nays: 0

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The following resolution was introduced by Councilman Turner and seconded by Councilwoman Andre.

**RESOLUTION 92-2015**

WHEREAS, the Recreation Director Frank Masella has requested a refund to the following pool member due to medical reasons; and

NOW, THEREFORE, BE IT RESOLVED that the Treasurer be authorized to issue the following refund:

<u>Recipient</u>	<u>Program</u>	<u>Amount</u>
Naomi Yablonsky	Pool – Non-resident	\$240.00

Roll Call: Andre, Dierkes, Lane, Messler, Mortimer, Turner. Nays: 0

The following resolution was introduced by Councilman Mortimer and seconded by Councilman Turner.

**RESOLUTION 93-2015**

WHEREAS, the Governing body of the Borough of Mountainside is aware that Friday, September 18, 2015 has been declared as “POW/MIA Remembrance Day”; and

WHEREAS, all Americans everywhere owe a special debt of gratitude and a responsibility for remembering and honoring those who have given so much to make all of us free and secure in this, our national homeland, and a recognition day is a fitting testament and remembrance for all of us, for the sacrifices of our POW/MIA Veterans;

NOW, THEREFORE, BE IT RESOLVED the Mayor and Council of the Borough of Mountainside that it hereby declares, Friday, September 18, 2015 as:

**“POW/MIA REMEMBRANCE DAY”**

in the Borough of Mountainside and urges all citizens of the Borough of Mountainside to make a special effort to give thanks to and remember the sacrifices rendered to us by all these noble sons and daughters of America.

Roll Call: Andre, Dierkes, Lane, Messler, Mortimer, Turner. Nays: 0  
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The following resolution was introduced by Councilwoman Andre and seconded by Councilman Turner.

**RESOLUTION 94-2015**

WHEREAS, there is a need for a Full Time Finance Clerk; and

WHEREAS, the Governing Body of the Borough of Mountainside is desirous of hiring someone to assist in the Finance Department; and

WHEREAS, Ashley Osieja is experienced in performing the duties of Full Time Finance Clerk; and

WHEREAS, Administrator James J. Debbie, Jr. and CFO Jill Goode recommends that the Borough Council take action to hire Ashley Osieja;

NOW, THEREFORE, BE IT RESOLVED, by Mayor and Council of the Borough of Mountainside that Ashley Osieja is hereby hired as Full Time Finance Clerk in the Finance Department at an annual salary of \$34,500 effective August 24, 2015.

Roll Call: Andre, Dierkes, Lane, Messler, Mortimer, Turner. Nays: 0  
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The following resolution was introduced by Councilman Messler and seconded by Councilman Dierkes.

**RESOLUTION 95-2015**

WHEREAS, in accordance with applicable provisions of the Public Contracts Law, the Borough advertised for Bids for Contract 2015-5 for “Paving Improvements on Saddle Brook Road”; and

WHEREAS, on September 11, 2015 the return date for the bids, three bids were received as follows:

<b>Bidders:</b>	<b>Base Bid</b>	<b>Alt. #3</b>
Midwest Construction	\$323,456.00	\$17,500
Topline Construction	\$350,861.92	\$38,535
Black Rock	\$353,307.60	\$26,250

WHEREAS, the Borough Engineer recommends awarding the Base Bid and Alternate #3; and

WHEREAS, the lowest bidder is Midwest Construction Inc. and the Borough Engineer has recommended that Contract 2015-5 be awarded to Midwest Construction Inc., 23 Dead River Road, Warren, New Jersey 07059.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the contract for Paving Improvements on Saddle Brook Road is awarded to Midwest Construction Inc., 23 Dead River Road, Warren, New Jersey 07059 in the amount of \$340,956.00. The bid award is effective on September 17, 2015, after the bond ordinance 20-day estoppel period ends and upon attorney review.

Roll Call: Andre, Dierkes, Lane, Messler, Mortimer, Turner. Nays: 0  
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The following resolution was introduced by Councilman Mortimer and seconded by Councilman Turner.

**RESOLUTION 96-2015**

WHEREAS, the Borough of Mountainside needs to refund monies to interested parties for overpayment of current year taxes,

NOW, THEREFORE, BE IT RESOLVED that the Treasurer be authorized to issue the following refunds, for the following reasons:

Duplicate payments Due to Banks

CoreLogic  
1 CoreLogic Way  
Refund Units: DFW 4-3  
Westlake, TX 76262

<u>Block</u>	<u>Lot</u>	<u>Amount</u>
4.B	12	\$2,467.40
5.C	23	\$1,121.72
7.L	13	\$2,843.20
24.D	12.A	\$2,249.13

CitiMortgage, Inc  
PO Box 23689  
Rochester, NY 4692

<u>Block</u>	<u>Lot</u>	<u>Amount</u>
7.A	1.C	\$4,555.20

Overpayment Due to Property Owner

Snyder Foundation, Inc  
% Famous Daves  
12701 Whitewater Dr. -200  
Minnetanka, MN 55343

<u>Block</u>	<u>Lot</u>	<u>Amount</u>
10.E	5	\$169.77

Roll Call: Andre, Dierkes, Lane, Messler, Mortimer, Turner. Nays: 0  
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**MOTIONS:**

The following raffles were unanimously approved:

1. Community Access Unlimited, Inc. 50/50 off premise draw raffle  
on premise draw raffle
2. Mountainside PTA 50/50 on premise draw raffle  
on premise draw raffles (2)
3. NJ Association of Twins Mothers' Club 50/50 off premise draw raffle
4. Mountainside Education Foundation 50/50 on premise draw raffle  
50/50 off premise draw raffle  
on premise draw raffle  
casino night

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**BILLS & CLAIMS:**

The following resolution was introduced by Councilman Mortimer and seconded by Councilwoman Andre:

BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the following bills of the persons named and for the amounts stated below, having been duly audited and found to be correct this 15<sup>th</sup> day of September, 2015, the same be paid after Council's review, if and when funds are available and that the Mayor, Council President, Administrator and Treasurer are hereby authorized and directed to sign and deliver warrants for same in the amount of \$102,584.92 (Copy of bill list attached).

Roll Call: Andre, Dierkes, Lane, Messler, Mortimer, Turner. Nays: 0  
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**COUNCIL COMMENTS:**

No comments.

**AUDIENCE PARTICIPATION:**

Frances Ehman Bellak, 1238 Poplar Avenue, at several meetings informed the Council that there was a serious soil erosion problem due to water run-off in her neighborhood. The Borough Engineer inspected the properties and agrees there is a problem. Any resolution would require Department of Environmental Protection (DEP) permits and approval which is a long, expensive and complicated process. Mrs. Bellak asked if the recent bond ordinance will fund this project. Mayor Mirabelli explained that the bond appropriations would not include this soil erosion issue. The Borough Engineer has been researching with the DEP what options may be available. Administrator Debbie will follow up with the Borough Engineer and inform Mrs. Bellak on the status.

Hearing no one else desiring to speak, Mayor Mirabelli closed the meeting to the public.  
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Upon a motion by Councilman Turner and a second by Councilman Mortimer, the meeting was unanimously adjourned.

Meeting adjourned at 7:50 PM.  
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Respectfully submitted,

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Martha Lopez, Borough Clerk