

**REGULAR MEETING  
MAY 21, 2013**

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 8:02 P.M.

**INVOCATION: Councilman Mortimer  
SALUTE TO THE FLAG  
ROLL CALL**

PRESENT: Mayor Paul N. Mirabelli, Councilwoman Andre, Councilman Mortimer, Council President Turner, Administrator Debbie and Attorney Post. Also present was Public Works Manager Ronald Romak. Councilman Lane, Councilman Messler and Councilman Wass were absent.

**APPROVAL OF MINUTES:**

Upon motion by Councilman Mortimer and a second by Councilwoman Andre, the minutes of the Regular Meeting held on April 16, 2013 were approved. Roll Call: Ayes: Andre, Mortimer, Turner. Nays: 0.

Upon motion by Councilman Mortimer and a second by Councilwoman Andre, the minutes of the Work & Executive Session Meetings held on May 7, 2013 were approved. Roll Call: Ayes: Andre, Mortimer, Turner. Nays: 0.

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**RESOLUTIONS:**

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

**RESOLUTION 65-2013**

BE IT RESOLVED, by the Mayor and Council of the Borough of Mountainside, County of Union and State of New Jersey as follows:

WHEREAS, the State of New Jersey has experienced a series of extreme weather events over the last two years, including but not limited to: Hurricane Irene, the October 2011 snowstorm, Superstorm Sandy and an accompanying Nor'easter; and

WHEREAS, the Borough of Mountainside was impacted by said extreme weather events, including but not limited to loss of electrical power for prolonged periods of time throughout most if not all areas of the Borough; and

WHEREAS, Public Service Electric and Gas Company provides the Borough of Mountainside electric and/or gas service; and

WHEREAS, said extreme weather events severely damaged PSE&G infrastructure, including but not limited to: flooded electrical substations due to storm surges, downed power lines and poles due to high winds and fallen trees, and the destruction of gas meters due to contact with water; and

WHEREAS, the New Jersey Board of Public Utilities issued an order on January 23, 2013 directing the State's electric and gas utilities, including PSE&G, to implement certain recommendations in the areas of: "Preparedness efforts", "Communications", "Restoration and response", "Post event", and "Underlying infrastructure issues"; and

WHEREAS, PSE&G submitted an infrastructure filing on February 20, 2013 entitled "Energy Strong"; and

WHEREAS, "Energy Strong" proposes an investment of \$3.9B worth of infrastructure projects over a 10-year period enhance PSE&G's electrical and gas system, including but not limited to: fortifying electrical stations, replacing and modernizing cast iron gas mains, deploying smart grid technologies, improving pole distribution systems, creating more redundancies, undergrounding electricity lines, and protecting gas metering stations; and

WHEREAS, the Borough of Mountainside would benefit from the proposed investments in the "Energy Strong" filing.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside, Union County, New Jersey, that: the Borough of Mountainside formally declares its support for PSE&G's "Energy Strong" program.

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

### **RESOLUTION 66-2013**

WHEREAS, in accordance with Chapter 72, P.L. 1994, the Borough of Mountainside has the authority to prepare and issue estimated tax bills; and

WHEREAS, in order for the Borough of Mountainside to meet our financial obligations, maintain the tax collection rate, provide uniformity for tax payments and save the unnecessary cost of interest expenses on borrowing it would be in our best interest to do so; and

WHEREAS, the Tax Collector and the Chief Financial Officer have reviewed and computed an estimated levy in accordance with N.J.S.A. 54:4-66.3.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside on this 21<sup>st</sup> day of May, 2013, as follows:

1. The Borough of Mountainside Tax Collector is hereby authorized and directed to prepare and issue estimated bill for the Borough of Mountainside for the third quarter of 2013 taxes, in accordance with the provisions of N.J.S.A. 54:4-66.2et seq.
2. The entire estimated tax levy for 2013 is hereby set at \$31,125,269.73.

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

#### **RESOLUTION 67-2013**

BE IT RESOLVED that the Borough Clerk be and she hereby is authorized to advertise for bids for the Snow & Ice Removal Contract which bids are to conform to the specifications and requirements of the bid packages as prepared by the Administrator, Public Works Manager and Borough Attorney.

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

#### **RESOLUTION 68-2013**

WHEREAS, Memorial Day symbolizes, and is a time for Americans to take a clear look, at both our past and our future. One day each year when we acknowledge the debt we owe to those men and woman who have given their all in service to their country; and

WHEREAS, the Borough of Mountainside is proud to take part in our Second Annual Memorial Day Parade to be held on Monday, May 27, 2013; and

WHEREAS, we can show our appreciation for our Veterans and those brave individuals who have sacrificed their lives for our freedom and liberty; and

WHEREAS, the Governing Body of the Borough of Mountainside wishes to support this event; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Mountainside that \$200.00 shall be donated in order to support the Memorial Day Celebration.

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

### **RESOLUTION 69-2013**

WHEREAS, NJSA 40A:5-4 requires the Governing Body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2012 has been filed by a Registered Municipal Accountant with the Borough Clerk as per the requirements of NJSA 40A:5-6 and a copy has been received by each member of the Governing Body; and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

WHEREAS, the Local Finance Board has promulgated a regulation requirement that the Governing Body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the Governing Body has reviewed, as a minimum, the sections of the annual audit entitled:

GENERAL COMMENTS

### **RECOMMENDATIONS**

and

WHEREAS, the members of the Governing Body has personally reviewed as minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

### **GENERAL COMMENTS RECOMMENDATIONS**

as evidenced by the group affidavit form of the Governing Body; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board; and

WHEREAS, all members of the Governing Body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the Local Governing Body to the penalty provisions of R.S. 52:27BB-52 – to wit:

R.S. 52-27BB-52 – “A local officer or member of a local Governing Body who, after a date fixed for compliance fails or refuses to obey an order of the of the Director of Local Government Services, under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than One Thousand Dollars (\$1,000) or imprisoned for not more than one year, or both, in addition shall forfeit his office.”

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Mountainside, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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

### **RESOLUTON 70-2013**

WHEREAS, the Chief Finance Officer is required to submit a Corrective Action Plan of the 2012 Municipal Audit Report to the Governing Body;

NOW, THEREFORE, BE IT RESOLVED that the following 2012 Audit Corrective Action Plan submitted by the Chief Finance Officer be and the same is hereby approved; and

BE IT FURTHER RESOLVED, that a certified copy of the 2012 Audit Corrective Action Plan be forwarded to the Division of Local Government Services.

#### **2012 Audit- Corrective Action Plan**

Recommendation: None

Corrective Action: None

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

**RESOLUTION 71-2013**

WHEREAS, the Recreation Director Frank Masella has requested a refund to the following pool member who is unable to utilize their membership and has provided notification prior to the start of the season; and

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

<u>Recipient</u>	<u>Amount</u>
Christine Pfeiffer 339 Central Avenue	\$147.00

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

**RESOLUTION 72-2013**

WHEREAS, DFC Associates II, LLC, the owner of the property designated as 1091 Bristol Road, Block 7.D, Lot 41, on the tax map of the Borough of Mountainside, took an appeal from its 2010, 2011 and 2012 real estate tax assessments; and

WHEREAS, Michael Frangella, the Borough's Tax Assessor, after conferring with appraisers engaged by the Borough to appraise the true value of the aforesaid property, has recommended that such appeal be settled upon the terms set forth below; and

WHEREAS, the Borough Attorney concurs with such recommendations; and

WHEREAS, the Governing Body, during an Executive Session on May 7, 2013, concluded that such settlement was appropriate; and

WHEREAS, this resolution is necessary to formalize the Governing Body's decision.

NOW, THEREFORE, BE IT RESOLVED, that the foregoing tax appeals be settled as follows:

- (a) The 2010 tax appeal shall be withdrawn;
- (b) The 2011 assessed valuation shall be reduced to \$180,000; and
- (c) The 2012 assessed valuation shall be reduced to \$180,000.

Upon receipt of the New Jersey State Tax Court Judgment reflecting the above referenced 2011 and 2012 assessment reductions, the appropriate Borough officials are authorized and directed to refund \$1,748.70 for the 2011 tax year and \$1,852.80 for the 2012 tax year for a total refund of \$3,601.50 to the taxpayer by way of check made payable to “Robert D. Blau, Esq. and DFC Associates II, LLC” c/o Blau & Blau, 222 Mountain Avenue, P.O. Box 50, Springfield, New Jersey 07081.

The taxpayer shall waive all pre-judgment interest on tax overpayments.

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

### **RESOLUTION 73-2013**

WHEREAS, Resolution 62-2013 was adopted on April 16, 2013 appointing the 2013 Summer Playground Staff; and

WHEREAS, the salary calculations were inaccurate and the inclusion of an additional hire requires an amendment to the approved resolution; and

WHEREAS, the following reflects the required changes:

Natalie Hryniewicz	Supervisor	\$3,097.74
Paul Mirabelli	Assistant Supervisor	\$2,170.00
Ben Camargo	Assistant Supervisor	\$2,170.00
Luke Mirabelli	Assistant Supervisor	\$2,170.00
Stephanie Scofield	Assistant Supervisor	\$2,170.00

and;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Mountainside that the recommendation of Recreation Director Frank Masella and the Recreation Committee be and hereby is accepted and approved pending completion of background checks.

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

**RESOLUTION 74-2013**

BE IT RESOLVED that the Borough Clerk be and she hereby is authorized to advertise for bids for the Mountainside Library HVAC Project which bids are to conform to the specifications and requirements of the bid packages as prepared by the Borough Engineer Michael Disko.

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

**RESOLUTION 75-2013**

BE IT RESOLVED that Police Chief James Debbie Jr. is hereby authorized to apply for the Cop Hiring Program Grant.

Roll Call: Andre, Mortimer, Turner. Nays: 0  
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**ORDINANCE:** First Reading (Introduction)

**ORDINANCE 1209-2013**

**AN ORDINANCE TO APPROPRIATE THE SUM OF ONE HUNDRED EIGHTY THOUSAND (\$180,000) FOR THE RESURFACING OF NEW PROVIDENCE ROAD & WOODLAND AVE., SEC. 2**

WHEREAS, the Governing Body of the Borough of Mountainside have decided to resurface New Providence Road & Woodland Avenue Section 2; and

WHEREAS, a grant award is now available from NJDOT in the amount of \$180,000.00; and

WHEREAS, the Governing Body of the Borough of Mountainside concurs that this resurfacing is necessary;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Mountainside that the sum of \$180,000.00 be and is hereby appropriated for the resurfacing of New Providence Road and Woodland Avenue Section 2;

BE IT FURTHER ORDAINED that the Borough of Mountainside shall be reimbursed by the State of New Jersey, Department of Transportation in the amount of \$180,000.00.

It was moved by Councilwoman Andre and seconded by Councilman Turner that this ordinance be passed on first reading and advertised in full for a public hearing on June 18, 2013.

Roll Call: Andre, Messler, Mortimer, Turner. Nays: 0  
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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 21<sup>st</sup> day of May 2013, 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 \$1,417,119.28 (Copy of bill list attached.)

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

No comments.

**AUDIENCE PARTICIPATION:**

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

Meeting adjourned at 8:16 PM.  
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Respectfully submitted,

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Martha Lopez, Borough Clerk