REGULAR MEETING
DECEMBER 17, 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 8:07 P.M.

INVOCATION: Councilman Mortimer
SALUTE TO THE FLAG
ROLL CALL

PRESENT: Mayor Paul N. Mirabelli, Councilman Messler, Councilman Mortimer, Council President Turner, Administrator Debbie and Attorney Post. Also present was Recreation Director Frank Masella. Councilwoman Andre, Councilman Dierkes and Councilman Lane were absent.

APPROVAL OF MINUTES:

Upon motion by Councilman Turner and a second by Councilman Mortimer, the minutes of the Regular and Executive Session Meetings held on November 26, 2013 were approved. Roll Call: Ayes: Mirabelli, Messler, Mortimer, Turner. Nays: 0.

Upon motion by Councilman Turner and a second by Councilman Mortimer, the minutes of the Work and Executive Session Meetings held on December 3, 2013 were approved.
Roll Call: Ayes: Mirabelli, Messler, Mortimer, Turner. Nays: 0

COMMENDATION: Councilman Mortimer presented the KIP Awards

WHEREAS, the Mountainside Recreation Department youth soccer programs endeavor to provide boys and girls in grades 5 through 8 with the opportunity to improve their skills and performances in competition with other surrounding communities; and

WHEREAS, the Recreation Department entered seven teams in the Intercounty Youth Soccer League this fall – two U12 Boys teams, two U12 Girls teams, two U14 Boys teams and one U14 Girls team; and

WHEREAS, the Intercounty Youth Soccer League -- after inaugurating its Keep It Positive (KIP) award in 2006 -- again this year invited coaches to nominate players who best demonstrated good sportsmanship; and

WHEREAS, the KIP Award was presented to Mountainside residents Sam Bakaletz, Giulia Goggi, Patrick Herrighty, and Megan Leick on Saturday, November 16, 2013.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that Sam Bakaletz, Giulia Goggi, Patrick Herrighty, and Megan Leick are hereby commended for their achievements.

RESOLUTIONS:

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

RESOLUTION 135-2013

WHEREAS, NJSA 40A:4-19 of the Local Budget Act provides that temporary appropriations shall be made for the purposes and amounts required in the manner and time therein provided; and

WHEREAS, the Chief Financial Officer has advised the Mayor and Council of the Borough of Mountainside of the necessity to provide for Temporary Debt Budget before January 1, 2014;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the following appropriations for Temporary Debt Budget be made for the year 2014:

APPROPRIATIONS	AMOUNTS
State of New Jersey Loan-Principal	$45,777.93
State of New Jersey Loan-Interest	701.93
TOTAL TEMPORARY DEBT BUDGET	$46,479.86

Roll Call: Mirabelli, Messler, Mortimer, Turner. Nays: 0

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

RESOLUTION 136-2013

WHEREAS, the owners of real estate in the Borough of Mountainside paid their real estate and sewer taxes by way of a check in an incorrect amount; and

WHEREAS, in many of such instances the error involved amounts of $5.00 and under;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the proper Borough Officials be and they hereby are authorized to cancel all such amounts on tax and sewer accounts, whether owed to the Borough or owed by the Borough, of $5.00 and under for the year 2013.

Roll Call: Mirabelli, Messler, Mortimer, Turner. Nays: 0

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

RESOLUTION 137-2013

WHEREAS, the Borough's current Contract for Curbside Pickup and Disposal of Recycling expires on January 25, 2014, and no additional extensions of that contract are permitted under the Local Public Contracts Law; and

WHEREAS, the Borough has determined that there is a continuing need for and benefit to the Borough from the Curbside Collection and Disposal of Recyclables; and

WHEREAS, pursuant to the Local Public Contracts Law, a notice of advertisement for bids, and an invitation to bid was published on August 22, 2013; and

WHEREAS, sealed bids were opened and read on October 31, 2013; and

WHEREAS, four bids were received as follows:

Contractor	Bid for First Contract Year
F. Basso Jr. Rubbish Removal Services Inc.	$2.19 per month per residence ($63,597.60)
Giordano Company	$2.24 per month per residence ($64,920.00)
Republic Services of NJ (Midco)	$2.67 per month per residence ($77,544.00)
Waste Management of NJ	$3.16 per month per residence ($91,764.00)

NOW THEREFORE BE IT RESOLVED, by the Governing Body of the Borough of Mountainside, County of Union, State of New Jersey as follows:

1. Award of the Contract for Curbside Collection and Disposal of Recyclables is hereby made to F. Basso Jr. Rubbish Removal Services Inc. as the lowest responsible bidder in the amount of $63,597.60 for the first Contract Year, which amount shall be increased in subsequent years pursuant to the terms of the Contract agreement.

2. The Contract shall be for a three-year term with an option to renew for two additional years at the Borough's sole discretion.

Roll Call: Mirabelli, Messler, Mortimer, Turner. Nays: 0

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

RESOLUTION 138-2013

WHEREAS the Borough's contract with Maverick Building Services for Janitorial Services expires January 31, 2014; and

WHEREAS under the terms of such contract the Borough has an option to renew the contract for an additional one year term; and

WHEREAS the Governing Body has determined that it would be in the best interests of the Borough to renew the term of the Agreement as it is entitled to do under the terms of the Agreement.

NOW THEREFORE BE IT RESOLVED that the Governing Body of the Borough of Mountainside does hereby authorize the appropriate Borough Officials to advise Maverick Building Services that the Borough is exercising the option to renew the contract for an additional one year term expiring on January 31, 2015.

Roll Call: Mirabelli, Messler, Mortimer, Turner. Nays: 0

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

RESOLUTION 139-2013

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, the Council of the Borough of Mountainside, County of Union, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and

WHEREAS, the Borough of Mountainside Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Borough of Mountainside Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Union;

NOW THEREFORE BE IT RESOLVED, by the Borough of Mountainside, County of Union, State of New Jersey hereby recognizes the following:

1. The Borough of Mountainside Council does hereby authorize submission of a strategic plan for the Mountainside Municipal Alliance grant for fiscal year 2014-2015 in the amount of:

DEDR	$ 15,743
Cash Match	$ 3,936
In-Kind	$ 11,807

2. The Borough of Mountainside Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

Roll Call: Mirabelli, Messler, Mortimer, Turner. Nays: 0

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

RESOLUTION 140-2013

WHEREAS, Loretta Matthews purchased tickets for the Radio City Trip for Jeffrey Chang, and he is unable to attend the show; and

WHEREAS, it is recommended by the Recreation Director that Loretta Matthews be refunded $65.00.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the Finance Officer is hereby authorized to refund the amount of $65.00 to Loretta Matthews, 2620 Farview Drive, Mountainside, NJ 07092.

Roll Call: Mirabelli, Messler, Mortimer, Turner. Nays: 0

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

RESOLUTION 141-2013

WHEREAS, the Borough of Mountainside, pursuant to N.J.A.C. 5:34-7.21 may by resolution and without advertising for bids, purchase or lease any goods or services under State Contract; and

WHEREAS, the Borough of Mountainside is currently using an outdated phone system and is in need of a replacement. The new phone system will allow the Borough use of the latest telecommunications technology that will in turn provide competitive phone rates.

WHEREAS, by utilizing a State Contract the Borough can receive competitive pricing, on a timely basis, without the expense and time involved in undertaking independent competitive bidding; and

WHEREAS, the Borough of Mountainside intends to enter into a lease agreement contract with Avaya Communications, Inc., through Office Solutions Inc. as an authorized dealer under Contract #A80802 for the acquisition of a new phone system; and

WHEREAS, the cost to lease this new phone system for five years under Contract #A80802 is $33,329.24; and

WHEREAS, the Borough's Financial Officer has certified that the funds are available for this purchase.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Mountainside, County of Union State of New Jersey that the lease agreement for a new phone system under terms and provisions of the State Contract # A80802 be and hereby is approved.

Roll Call: Mirabelli, Messler, Mortimer, Turner. Nays: 0

The following resolution was introduced by Councilman Mortimer and seconded by Councilman Messler:

RESOLUTION 142-2013

WHEREAS, in accordance with applicable provisions of the Public Contracts Law, the Borough advertised for Bids for Contract 2013-6 for "HVAC Unit Replacement at Mountainside Public Library"; and

WHEREAS, on September 26, 2013 the return date for the bids, four bids were received as follows:

Bidder:	Base Bid Total
Burlew Mechanical, LLC	$224,445.00
Bart's Construction, LLC	$269,381.00
Envirocon, LLC	$279,500.00
Bill Leary A/C & Heating	$289,000.00

WHEREAS, the lowest bidder is Burlew Mechanical, LLC and the Borough Engineer and Attorney have recommended that Contract 2013-6 be awarded to Burlew Mechanical, LLC, 484 South Pine Avenue, South Amboy, NJ 08879.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that Contract 2013-6 for "HVAC Unit Replacement at Mountainside Public Library" is awarded to Burlew Mechanical, LLC, 484 South Pine Avenue, South Amboy, NJ 08879 in the amount of $224,445.00. The award becomes effective after December 18, 2013 to allow the completion of the estoppel period for Bond Ordinance 1212-2013.

Roll Call: Messler, Mortimer, Turner. Abstained: Mirabelli. Nays: 0

The following resolution was introduced by Councilman Messler and seconded by Councilman Mortimer:

RESOLUTION 143-2013

WHEREAS, in accordance with applicable provisions of the Public Contracts Law, the Borough advertised for Bids for Contract 2013-7 for "Standby Power Generator at the Mountainside Public Library"; and

WHEREAS, on September 26, 2013 the return date for the bids, three bids were received as follows:

Bidder:	Base Bid Total
Envirocon, LLC	$ 97,678.00
Electrical Applications, Inc	$ 99,375.00
Burlew Mechanical, LLC	$133,664.00

WHEREAS, the lowest bidder is Envirocon, LLC and the Borough Engineer and Attorney have recommended that Contract 2013-7 be awarded to Envirocon, LLC, 490 Schooley's Mountain Road, Hackettstown, NJ 07840.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that Contract 2013-7 for "Standby Power Generator at Mountainside Public Library" is awarded to Envirocon, LLC, 490 Schooley's Mountain Road, Hackettstown, NJ 07840 in the amount of $97,678.00. The award becomes effective after December 18, 2013 to allow the completion of the estoppel period for Bond Ordinance 1212-2013.

Roll Call: Mirabelli, Messler, Mortimer, Turner. Nays: 0

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

RESOLUTION 144-2013

WHEREAS, N.J.S.A. 40A:4-58 provides for transfers within certain appropriations within the Municipal Budget during the last two months of the fiscal year; and

WHEREAS, the Chief Financial Officer has advised the Mayor and Council of the Borough of Mountainside that the need for certain transfers within the 2013 Municipal Budget exists, and

WHEREAS, Resolution 144-2013 authorized the Chief Financial Officer to make these transfers,

NOW, THEREFORE, BE IT RESOLVED that the following budget transfers be ratified.

BE IT FURTHER RESOLVED that the Chief Financial Officer be and is hereby authorized to make any necessary transfers prior to year end and that these be ratified at the first regularly scheduled Governing Body meeting of 2014.

CURRENT ACCOUNT	TO	FROM
Police, S&W	30,000.00	
Fire, O/E	12,000.00	
Group Insurance, Waiver	1,000.00	
Contribution to Social Security		10,000.00
Public Works, S&W		15,000.00
Recreation, S&W		5,000.00
Insurance, Group, Ins. Plan		13,000.00

Roll Call: Mirabelli, Messler, Mortimer, Turner. Nays: 0

The following resolution was introduced by Councilman Messler and seconded by Councilman Turner:

RESOLUTION 145-2013

WHEREAS, the following Swimming Pool Utility capital outlay appropriation balance remains unexpended; and

WHEREAS, it is necessary to formally cancel said balance.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the Chief Finance Officer cancel the following unexpended balance of the Swimming Pool Utility:

Capital Outlay, Pool $19,662.00

Roll Call: Mirabelli, Messler, Mortimer, Turner. Nays: 0

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

RESOLUTION 146-2013

WHEREAS, certain real property in the Borough of Mountainside known as Lot 12 in Block 14 on the Tax Map of the Borough having a street address of 971 Mountain Avenue, Mountainside, New Jersey 07092 (“the Property”) is available for sale; and

WHEREAS, the Property is adjacent to property currently owned by the Borough; and

WHEREAS, it is in the public interest to increase the size of the parcel currently owned by the Borough, in order to make the best and most efficient use of the parcel owned by the Borough; and

WHEREAS, the Borough desires to authorize the Mayor to negotiate and enter into a contract for the purchase of the Property in accordance with the Local Lands and Buildings Law, N.J.S.A. 40A:12-1 et. seq.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the Mayor be authorized to negotiate and enter into a contract for the purchase of the Property in compliance with the Local Lands and Buildings Law, N.J.S.A. 40A:12-1 et.seq.

Roll Call: Mirabelli, Messler, Mortimer, Turner. Nays: 0

MOTIONS:

The following motion was unanimously approved:

1. Approve raffle application from Lions Eye Bank of New Jersey for a 50/50 off premise draw raffle

2. Approve raffle application from Our Lady of Lourdes Church for an off premise draw raffle

BILLS & CLAIMS:

The following resolution was introduced by Councilman Mortimer and seconded by Councilman Messler:

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 17th day of December 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 $1,305,963.90 (Copy of bill list attached).

Roll Call: Mirabelli, Messler, Mortimer, Turner. Nays: 0

COUNCIL COMMENTS:

Council wished everyone a Happy Holiday.

Mayor Mirabelli read a press release from the Mountainside Board of Education regarding a referendum addressing repairs to our school facilities at a special election scheduled for March 14, 2014.

Mayor Mirabelli invited all to attend the 2014 Reorganization Meeting on January 7th and wished everyone a Happy Holiday.

AUDIENCE PARTICIPATION:

Hearing no one desiring to speak, Mayor Mirabelli closed the meeting to the public.

Upon motion by Councilman Messler and a second by Councilman Mortimer, the meeting was unanimously adjourned.

Meeting adjourned at 8:22 PM.

Respectfully submitted,

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Martha Lopez, Borough Clerk