

**REGULAR MEETING
OCTOBER 15, 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: Council President Turner
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 Public Works Manager Ronald Romak and Recreation Director Frank Masella.

APPROVAL OF MINUTES:

Upon motion by Councilman Mortimer and a second by Councilman Turner, the minutes of the Regular and Executive Session Meetings held on September 17, 2013 were approved. Roll Call: Ayes: Andre, Dierkes, Messler, Mortimer, Turner. Nays: 0. Abstained: Lane.

Upon motion by Councilman Dierkes and a second by Councilman Lane, the minutes of the Work and Executive Session Meetings held on October 1, 2013 were approved. Roll Call: Ayes: Andre, Dierkes, Lane, Messler, Mortimer, Turner. Nays: 0.

PROCLAMATIONS:

RED RIBBON WEEK

WHEREAS, October 21 through October 29, 2013 has been designated Red Ribbon Week, and

WHEREAS, Red Ribbon Week started in 1985 with a group of parents wearing red satin badges as a memorial to Enrique Camarena, a Federal Drug Enforcement Administration Agent who was killed while on duty, and

WHEREAS, as a result, in 1989 the red ribbon became a united symbol of commitment to create a drug-free America, showing a nation's intolerance to alcohol and drug abuse, and

WHEREAS, the Municipal Alliance of the Borough of Mountainside, whose mandate includes spreading the message of drug and alcohol abuse prevention, has coordinated borough and school participation by sponsoring Red Ribbon Week; and

THEREFORE, I, Paul N. Mirabelli, Mayor of the Borough of Mountainside do hereby proclaim October 21 through October 29, 2013 as

RED RIBBON WEEK

in the Borough of Mountainside and ask all residents to join in a personal commitment to a drug-free America by wearing and displaying red ribbons during Red Ribbon Week.

**BAND APPRECIATION WEEK
GOVERNOR LIVINGSTON HIGHLANDER BAND**

WHEREAS, on behalf of the Governor Livingston Band Parents Organization, we wish to acknowledge the musical accomplishments of the Governor Livingston Highlander Band; and

WHEREAS, these musical accomplishments have been a great asset to the students of Governor Livingston High School and all others who have supported the Highlander Band; and

WHEREAS, all citizens are urged to take interest in and give full support to the Governor Livingston Highlander Band in their annual programs.

NOW, THEREFORE, BE IT RESOLVED, that I, Paul N. Mirabelli, Mayor of the Borough of Mountainside, hereby proclaim November 18-25, 2013 as Band Appreciation Week.

RESOLUTIONS:

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

RESOLUTION 120-2013

WHEREAS, there exists vacancies in the position of Corporal in the Mountainside Police Department; and

WHEREAS, it is the desire of the Mayor and Council of the Borough of Mountainside to fill such vacancies with highly qualified individuals; and

WHEREAS, a number of eligible officers in the Mountainside Police Department have undergone extensive testing and evaluation as candidates for the position of Corporal; and

WHEREAS, all candidates during the selection process exemplified the high qualities and standards expected of the police personnel in this community; and

WHEREAS, the Police Committee and Police Chief have recommended the promotion of four candidates whose credentials and experience were found best to suit the needs of the Borough in filling the position of Corporal;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the following individuals be promoted to the position of Corporal in the Borough of Mountainside with all the rights, responsibilities and obligations attendant upon those positions:

1. Effective October 15, 2013, Patrolman Donald Amberg is promoted to the position of Corporal.
2. Effective October 15, 2013, Patrolman Michael Jackson is promoted to the position of Corporal.
3. Effective October 15, 2013, Patrolman Richard Huber is promoted to the position of Corporal.
4. Effective October 15, 2013, Patrolman Thomas Norton is promoted to the position of Corporal.

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

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

RESOLUTION 121-2013

WHEREAS, B&K Concessions has submitted to the Borough a performance security deposit during his concession contract this season; and

WHEREAS, this performance security deposit totaled \$4,990.36; and

WHEREAS, the pool season is over and Recreation Director Frank Masella recommends that B&K Concessions shall be reimbursed for their performance security deposit.

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 \$4,990.36 to B&K Concessions, 29 Wall Street, Cranford, NJ 07016.

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

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

RESOLUTION 122-2013

WHEREAS, the Recreation Director Frank Masella has requested a refund to the following participant due to program cancellation; 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>
Roseann Heirshberg (Jonah)	Squirts Tennis	\$79.00
1358 Outlook Drive	Sports Squirts	\$125.00
	Total	\$204.00

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

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

RESOLUTION 123-2013

BE IT RESOLVED that the Chief Finance Officer Jill Goode be and she hereby is authorized to accept bids for notes amounting to \$3,285,000.00 which consists of a \$3,167,000.00 Bond Anticipation Note and an \$118,000.00 Special Emergency Note.

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

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

RESOLUTION 124-2013

WHEREAS, P.L. 2011, c.139 allows contracting units to enter into agreements with state, regional, or single government agencies that award contracts for its own use and is authorized under its own laws to extend those contracts to other government agencies; and

WHEREAS, the Houston-Galveston Area Council, hereinafter referred to as HGAC-Buy has offered voluntary participation in a Cooperative Purchasing System for the purchase of goods and services; and

WHEREAS, it is the desire of the Borough of Mountainside to join the HGAC-Buy Cooperative Purchasing System to purchase goods and services, to make the procurement process more efficient and to provide cost savings to the Borough.

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

1. That the Governing Body of the Borough of Mountainside does hereby authorize the Mayor to enter into an agreement and to participate in the HGAC-Buy Cooperative Purchasing System.
2. That the Borough shall be responsible to ensure that the goods and or services procured through the system comply with all applicable laws of the State of New Jersey, Local Public Contracts Law (N.J.S.A.40A:11-1 et seq) and all other provisions of the revised statutes of the State of New Jersey.
3. That this resolution shall take effect immediately upon passage.

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

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

RESOLUTION 125-2013

WHEREAS, Mr. & Mrs. Taeschler deposited funds in escrow in the amount of \$1,000.00 for a soil moving permit at 1049 Sunny Slope Drive; and

WHEREAS, there remained a balance due to Mr. & Mrs. Taeschler for \$1,000.00; and

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 \$1,000.00 to Mr. & Mrs. Taeschler, 1049 Sunny Slope Drive, Mountainside, NJ as recommended by the Borough Engineer.

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

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

RESOLUTION 126-2013

RESOLUTION OF CONSENT FOR THE INSTALLATION OF FIBER OPTIC CABLE BY CROSS RIVER FIBER, LLC.

WHEREAS, Cross River Fiber LLC, Cross River Fiber, Inc., d/b/a Cross River Fiber NJ Inc. ("Cross River Fiber"), seeks to place its telecommunication facilities aerially on existing utility poles or in an underground conduit in the Public Rights-of-Way within the Borough of Mountainside ("Borough") for the purpose of owning, constructing, installing, operating repairing and maintaining a telecommunications system; and

WHEREAS, Cross River Fiber was approved by the New Jersey Board of Public Utilities to provide local exchange and interexchange telecommunications services throughout the State; and

WHEREAS, N.J.S.A. 48:3-19 requires Cross River Fiber to obtain the consent of the Borough for the joint use of any existing utility poles; and

WHEREAS, pursuant to N.J.S.A. 48: 11-7, the installation of fiber optic cable in the thoroughfares and public rights of way in the Borough requires the authorization and approval of the governing body of the Borough; and

WHEREAS, such approval is to include a designation of the streets, road or highways in, along, over or under which the cables shall be erected, constructed or placed as well as the manner of erection, construction or placement, restoration of municipal facilities and roads; and

WHEREAS, N.J.S.A. 54:30-124(a) provides that a municipality may not impose any fees, taxes, levies or assessments in the nature of a local franchise, right of way, or gross receipts fee, tax, levy or assessment against telecommunications companies but that a municipality may impose reasonable fees for actual services made by any municipal, regional or county governmental agency; and

WHEREAS, pursuant to N.J.S.A. 48: 17-11, the installation of such cables is not to interfere with the safety or convenience of persons or vehicles on any street, road or highway where such cables are to be located; and

WHEREAS, pursuant to N.J.S.A. 48: 17-11, the governing body of the municipality where such cables are to be installed may adopt regulations and restrictions regarding the use of streets, roads or highways by the company causing such installation; and

WHEREAS, the consent to be granted is for the non-exclusive use of the Public Right-of-Ways for the purpose of owning, constructing, installing, operating, repairing and maintaining a telecommunications system subject to the terms and conditions set forth herein;

NOW, THEREFORE, BE IT RESOLVED, by the Borough of Mountainside, County of Union, New Jersey that:

1. The Borough hereby grants to Cross River Fiber a non-exclusive use of the Public Right-of-Ways for the purpose of owning, constructing, installing, operating, repairing and maintaining a telecommunications system.

2. As a condition of this permission, Cross River Fiber must:

a) Obtain the consent of the owner of the poles and/or existing conduit before it may proceed with the installation of said lines, providing the Borough of Mountainside Engineer with verification of consent;

b) At all times, indemnify and hold harmless the Borough of Mountainside and its agents, servants and employees from any and all actions, claims, suits, demands or costs that may be made by any person or persons, company or corporation, for or by reason of any injury including death or damage to any person or thing or property whatever resulting from or associated with the installation, operation, repair, or maintenance of the fiber optic cable, conduit or associated facilities;

c) Be liable to the Borough of Mountainside for any and all damages caused by it, or sustained by the Borough, for and by reason of construction, installation, repair, operation and maintenance of the fiber optic cable, conduit or associated facilities;

d) Comply with all requirements for street construction, maintenance, and traffic control as contained in the Borough of Mountainside Code Section 7-7.1 *et seq.* including specifically restoring all roads and Borough property to the original condition.

3. Cross River Fiber shall submit a routing plan and a description of the method of installation to the Borough Engineer for review, and shall not commence installation until it has received written approval of such submission from the Borough Engineer.

4. Cross River Fiber shall reimburse the Borough all fees it incurs in connection with the granting of this consent, such fees to include those of the Borough Attorney and the Borough Engineer, prior to commencing installation.

5. Cross River Fiber shall post a performance bond for the work proposed in an amount to be determined by the Township Engineer.

6. A copy of this Resolution shall be forwarded to Cross River Fiber.

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

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

**RESOLUTION 127-2013
AMENDING RESOLUTION 105-2013 DUE TO POSTPONEMENT**

WHEREAS, the Borough of Mountainside has granted permission to close New Providence Road from Mountain Avenue to Birch Hill Road on Saturday, November 2, 2013 from 7:00 to 12:00 PM for the purpose of moving the Historic Levi Cory House; and

WHEREAS, the rain date is scheduled for Saturday, November 9, 2013; and

WHEREAS, this resolution will request permission from the Union County Freeholders to close these county roads.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that approval is granted to the Borough of Mountainside for a street closing and request the same from the County of Union.

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

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

RESOLUTION 128-2013

WHEREAS, Resolution 118-2013 approved the road opening application permit for Liquid Church, a New Jersey Nonprofit Corporation (“Liquid Church”) in consideration of Liquid Church entering into a License Agreement whereby the Borough could use an open field area on the Liquid Church property for recreational purposes; and

WHEREAS, the Governing Body has determined that it would not be practicable to go forward with the License Agreement contemplated by Resolution 118-2013 but that it would be in the best interests of the Borough for the Borough to have a Right of First Offer regarding the Liquid Church property, and that such Right of First Offer would be satisfactory consideration for the Borough to approve the road opening permit application referred to in Resolution 118-2013.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that Resolution 118-2013 be and the same is hereby amended to substitute that the road opening permit application for Liquid Church is hereby approved, effective as of the date of execution of a Right of First Offer Agreement between the Borough and Liquid Church

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

ORDINANCE: First Reading (Introduction)

ORDINANCE 1212-2013

BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF A NEW AUTOMOTIVE VEHICLE, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE BOROUGH OF MOUNTAINSIDE, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$2,000,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

BE IT ORDAINED by the Borough Council of the Borough of Mountainside, in the County of Union, State of New Jersey, as follows:

Section 1. The Borough of Mountainside, in the County of Union, State of New Jersey (the "Borough") is hereby authorized to make various public improvements and to acquire a new automotive vehicle, including original apparatus and equipment, in, by and for said Borough, as more particularly described in Section 4 hereof. The cost of the improvements includes all work, materials and appurtenances necessary and suitable therefor.

Section 2. There is hereby appropriated to the payment of the cost of making the improvements described in Sections 1 and 4 hereof (hereinafter referred to as "purposes"), the respective amounts of money hereinafter stated as the appropriation for said respective purposes. Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the down payment appropriated by this ordinance. Said improvements shall be made as general improvements and no part of the cost thereof shall be assessed against property specially benefited.

Section 3. It is hereby determined and stated that the making of such improvements is not a current expense of said Borough.

Section 4. The several purposes hereby authorized for the financing of which said obligations are to be issued are set forth in the following "Schedule of Improvements, Purposes and Amounts" which schedule also shows (1) the amount of the appropriation and the estimated cost of each such purpose, and (2) the amount of each sum which is to be provided by the down payment hereinafter appropriated to finance such purposes, and (3) the estimated maximum amount of bonds and notes to be issued for each such purpose, and (4) the period of usefulness of each such purpose, according to its reasonable life, computed from the date of said bonds:

SCHEDULE OF IMPROVEMENTS, PURPOSES AND AMOUNTS

A. Acquisition of a new automotive vehicle, including original apparatus and equipment, consisting of an ambulance for the use of the Volunteer Ambulance Corps.

Appropriation and Estimated Cost	\$ 150,000
Down Payment Appropriated	\$ 11,900
Bonds and Notes Authorized	\$ 138,100
Period of Usefulness	5 years

B. Undertaking of improvements to public buildings consisting of (i) installation of a generator at the Public Library, (ii) replacement of the air conditioning system at the Public Library and (iii) replacement of an air conditioning unit at the Municipal Building. It is hereby determined and stated that the public buildings being improved are of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law").

Appropriation and Estimated Cost	\$ 400,000
Down Payment Appropriated	\$ 19,050
Bonds and Notes Authorized	\$ 380,950
Period of Usefulness	15 years

C. Reconstruction or resurfacing of various roads in the Borough, including drainage improvements and curb construction or reconstruction, where necessary, as set forth on a list prepared by the Borough Engineer on file or to be placed on file with the Borough Clerk, and hereby approved as if set forth herein in full. Depending upon the contract price and other exigent circumstances, and upon approval by the Borough Council, there may be additions to or deletions from the aforesaid list. It is hereby determined and stated that said roads being improved are of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law.

Appropriation and Estimated Cost	\$1,450,000
Down Payment Appropriated	\$ 69,050
Bonds and Notes Authorized	\$1,380,950
Period of Usefulness	10 years

Aggregate Appropriation and Estimated Cost	\$2,000,000
Aggregate Down Payment Appropriated	\$ 100,000
Aggregate Amount of Bonds and Notes Authorized	\$1,900,000

Section 5. The cost of such purposes, as hereinbefore stated, includes the aggregate amount of \$158,000 which is estimated to be necessary to finance the cost of such purposes, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 6. It is hereby determined and stated that moneys exceeding \$100,000, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for said Borough, are now available to finance said purposes. The sum of \$100,000 is hereby appropriated from such moneys to the payment of the cost of said purposes.

Section 7. To finance said purposes, bonds of said Borough of an aggregate principal amount not exceeding \$1,900,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All

matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 8. To finance said purposes, bond anticipation notes of said Borough of an aggregate principal amount not exceeding \$1,900,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 9. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said Borough and attested by the Borough Clerk or Deputy Borough Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 10. It is hereby determined and declared that the average period of usefulness of said purposes, according to their reasonable lives, taking into consideration the respective amounts of bonds or notes authorized for said purposes, is a period of 10.63 years computed from the date of said bonds.

Section 11. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk of said Borough, and that such statement so filed shows that the gross debt of said Borough, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$1,900,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 12. Any funds received from private parties, the County of Union, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purposes, shall be applied to the payment of the cost of such purposes, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purposes shall be reduced accordingly.

Section 13. The Borough intends to issue the bonds or notes to finance the cost of the improvements described in Sections 1 and 4 of this bond ordinance. If the Borough incurs such costs prior to the issuance of the bonds or notes, the Borough hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 14. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Borough, and the Borough shall levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 15. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Borough Clerk and is available for public inspection.

Section 16. This ordinance shall take effect twenty days after the first publication thereof after final passage.

It was moved by Councilman Mortimer and seconded by Councilman Turner that this ordinance be passed on first reading and advertised in full for a public hearing on November 26, 2013.

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

BILLS & CLAIMS:

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

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 15th day of October 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 \$1,532,756.26 (Copy of bill list attached).

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

COUNCIL COMMENTS:

Mayor Mirabelli invited everyone to attend the PAL Annual Cop Trot, PTA Fall Festival, and Levi Cory House Move.

AUDIENCE PARTICIPATION:

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

Upon motion by Councilman Mortimer and a second by Councilman Dierkes, the following resolution to adjourn to closed session was unanimously adopted:

WHEREAS, the Open Public Meetings Act of the State of New Jersey permits the public to be excluded from certain matters to be discussed by the Governing Body; and

WHEREAS, the Mayor and Council desire to discuss contracts which are matters where the exclusion of the public is permitted; and

WHEREAS, public disclosure of the results of this discussion will be made as soon as the matters discussed have been resolved by the Governing Body of the Borough of Mountainside;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the aforesaid matters shall be discussed in closed session upon adoption of this resolution.

Meeting adjourned to closed session at 8:34 P.M.

The meeting was recalled to public session at 8:50 P.M.

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

Respectfully submitted,

Martha Lopez, Borough Clerk