

**REGULAR MEETING
OCTOBER 21, 2014**

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: Mayor Mirabelli
SALUTE TO THE FLAG
ROLL CALL**

PRESENT: Mayor Paul N. Mirabelli, Councilwoman Andre, Councilman Dierkes, Councilman Lane, Councilman Mortimer, Council President Turner, Administrator Debbie and Attorney Post. Also present were Acting Chief Allan Attanasio, Recreation Director Frank Masella, Borough Engineer Michael Disko and Public Works Manager Ronald Romak. Councilman Messler was absent.

APPROVAL OF MINUTES:

Upon motion by Councilman Turner and a second by Councilman Mortimer, the minutes of the Regular Session Meeting held on September 16, 2014 were approved. Roll Call: Ayes: Andre, Dierkes, Lane, Mortimer, Turner. Nays: 0.

Upon motion by Councilman Lane and a second by Councilman Dierkes, the minutes of the Work and Executive Session Meetings held on October 7, 2014 were approved. Roll Call: Ayes: Andre, Dierkes, Lane, Mortimer, Turner. Nays: 0.

PROCLAMATIONS:

RED RIBBON WEEK

WHEREAS, October 23 through October 31, 2014 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 23 through October 31, 2014 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 17-24, 2014 as Band Appreciation Week.

RESOLUTIONS:

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

RESOLUTION 91-2014

WHEREAS, the New Jersey Transportation Trust Fund Authority Act has provided funds for the improvement of municipal roads through the New Jersey Department of Transportation; and

WHEREAS, the Borough of Mountainside desires to apply for a grant for local aid funds for improvements of a municipal road; and

WHEREAS, the Borough Engineer will prepare the application for the grant for local aid for a section of roadway known as:

WOOD VALLEY ROAD

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Mountainside formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Mountainside and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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

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

RESOLUTION 92-2014

WHEREAS, the New Jersey Transportation Trust Fund Authority Act has provided funds for the improvement of municipal roads through the New Jersey Department of Transportation; and

WHEREAS, the Borough of Mountainside desires to apply for a grant for local aid funds for improvements of a municipal road; and

WHEREAS, the Borough Engineer will prepare the application for the grant for local aid for a section of roadway known as:

FOREST HILL WAY

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Mountainside formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Mountainside and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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

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

RESOLUTION 93-2014

BE IT RESOLVED that the Chief Financial Officer Jill Goode is hereby authorized to accept bids for a \$4,851,900.00 Bond Anticipation Note.

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

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

RESOLUTION 94-2014

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 \$5,375.00; 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 \$5,375.00 to B&K Concessions, 29 Wall Street, Cranford, NJ 07016.

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

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

RESOLUTION 95-2014

WHEREAS, the Uniform Shared Services and Consolidation Act (N.J.S.A. 40A:65-1 et seq.) provides a mechanism through which counties and municipalities may enter into agreements for the provision of joint services; and

WHEREAS, Title I of the Housing and Community Development Act of 1974 provides for substantial federal funds being made to certain urban counties for use therein through the Community Development Block Grant (“CDBG”) Entitlement Program, HOME Investment Partnerships (“HOME”) Program and Emergency Solutions Grants (“ESG”) Program; and

WHEREAS, a Cooperative Agreement between the County of Union and the Borough of Mountainside was authorized previously this year by Resolution 68-2014 on June 17, 2014 to establish a legal mechanism through which the County government may apply for, receive and disburse federal funds from federal fiscal year 2015, 2016 and 2017 appropriations; and

WHEREAS, it is the desire of the Borough of Mountainside to amend the Cooperative Agreement with the County of Union to reflect the following changes:

- Page 2, Section E – Add the following language to the very end to the last paragraph, “and that such failure to comply will void the automatic renewal for such qualification period.”
- Page 3, Section G – Add the following language in a new item, numbered 4 – “The County and the Municipality are obligated to comply with all the other applicable laws.”
- Page 3, Section I – In the first paragraph in sentence three, change the word “Subsection (d) to read Section (d):”

NOW THEREFORE BE IT RESOLVED that the Borough of Mountainside hereby authorizes the above amendments to the Cooperative Agreement previously authorized and executed between the Borough of Mountainside and the County of Union; and

BE IT FUTHER RESOLVED, that a copy of the Resolution shall be forwarded to the County of Union.

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

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

RESOLUTION 96-2014

WHEREAS, the Recreation Director Frank Masella has requested a refund to the following participant due to class cancellation based on low enrollment; 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>
Maya Frungillo 1458 Force Drive	Total Sports Squirts	\$100.00
Julia Guenther 223 Hickory Lane	Total Sports Squirts	\$100.00

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

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

RESOLUTION 97-2014

WHEREAS, there is a need for a Part Time Assistant in the Finance Department;
and

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

WHEREAS, Lisa Glock is experienced in performing the duties of Part Time Assistant in the Finance Department; and

WHEREAS, Administrator James J. Debbie, Jr. and CFO Jill Goode have recommended that the Borough Council take action to hire Lisa Glock;

NOW, THEREFORE, BE IT RESOLVED, by Mayor and Council of the Borough of Mountainside that Lisa Glock is hereby hired as Part Time Assistant in the Finance Department to work 20-29 hours per week at an hourly rate of \$17.50.

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

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

RESOLUTION 98-2014

WHEREAS, there exists a vacancy in the position of Recreation Assistant; and

WHEREAS, the Governing Body of the Borough of Mountainside is desirous of filling subject vacancy; and

WHEREAS, Michael Butrico has the experience and knowledge to perform the duties of Recreation Assistant; and

WHEREAS, the Recreation Committee and Recreation Director Frank Masella have recommended the appointment of Michael Butrico to the position of Recreation Assistant;

NOW, THEREFORE, BE IT RESOLVED by Mayor and Council of the Borough of Mountainside that Michael Butrico be and he hereby is appointed as Recreation Assistant effective October 20, 2014 at an annual salary of \$35,000.00;

BE IT FURTHER RESOLVED, that Michael Butrico be hired as a probationary employee for a period of ninety (90) days in accordance with the Borough of Mountainside Personnel Policy & Procedures Manual.

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

Council President Turner presented the oath of office to all the promoted positions.

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

RESOLUTION 99-2014

WHEREAS, there exists vacancies in the position of Lieutenant 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 Lieutenant; 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 Officer in Charge have recommended the promotion of two candidates whose credentials and experience were found best to suit the needs of the Borough in filling the position of Lieutenant;

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 Lieutenant in the Borough of Mountainside with all the rights, responsibilities and obligations attendant upon those positions:

1. Effective October 21, 2014, Sergeant Joseph Giannuzzi is promoted to the position of Lieutenant.
2. Effective October 21, 2014, Sergeant Thomas Murphy is promoted to the position of Lieutenant.

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

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

RESOLUTION 100-2014

WHEREAS, there exists vacancies in the position of Sergeant 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 Sergeant; 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 Officer in Charge have recommended the promotion of three candidates whose credentials and experience were found best to suit the needs of the Borough in filling the position of Sergeant;

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 Sergeant in the Borough of Mountainside with all the rights, responsibilities and obligations attendant upon those positions:

1. Effective October 21, 2014, Corporal Richard Huber is promoted to the position of Sergeant.
2. Effective October 21, 2014, Corporal Michael Jackson is promoted to the position of Sergeant.
3. Effective October 21, 2014, Corporal Richard Latargia is promoted to the position of Sergeant.

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

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

RESOLUTION 101-2014

WHEREAS, there exists a vacancy 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 vacancy with a highly qualified individual; 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 Officer in Charge have recommended the promotion of one candidate 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 individual be promoted to the position of Corporal in the Borough of Mountainside with all the rights, responsibilities and obligations attendant upon this position:

1. Effective October 21, 2014, Patrolman Jeffrey Stinner is promoted to the position of Corporal.

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

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

RESOLUTION 102-2014

WHEREAS, in accordance with applicable provisions of the Public Contracts Law, the Borough advertised for Bids for Contract 2014-9 for "Paving Improvements on Sunny View Road"; and

WHEREAS, on October 2, 2014 the return date for the bids, two bids were received as follows:

<u>Bidders:</u>	<u>Base Bid</u>	<u>Alt. #1</u>	<u>Alt. #2</u>	<u>Total</u>
Midwest Const.	\$269,389.01	\$14,280.00	\$12,546.00	\$296,215.01
Topline Const.	\$281,187.16	\$10,876.60	\$14,215.99	\$306,279.75

WHEREAS, the Borough Engineer recommends awarding the Base Bid, Alternate #1 and Alternate #2; and

WHEREAS, the lowest bidder is Midwest Construction Inc. and the Borough Engineer has recommended that Contract 2014-9 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 Sunny View Road is awarded to Midwest Construction Inc., 23 Dead River Road, Warren, New Jersey 07059 in the amount of \$296,215.01.

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

ORDINANCES: Second Reading (Public Hearing)

TABLED ORDINANCE 1227-2014

AN ORDINANCE AMENDING ARTICLE 10, SECTIONS 1008(c), 1009(c), AND 1010(c) OF THE LAND USE ORDINANCE OF THE BOROUGH OF MOUNTAINSIDE

ORDINANCE 1228-2014

AN ORDINANCE AMENDING SECTION 17-2.1(C)(1) OF THE CODE OF THE BOROUGH OF MOUNTAINSIDE

WHEREAS, the Mayor and Council of the Borough of Mountainside, County of Union, and State of New Jersey have determined upon the recommendation of the membership of the Fire Department to change how the position of Deputy Chief is filled; and

WHEREAS, under the current ordinance, the outgoing Fire Chief is automatically appointed as Deputy Fire Chief for the following year; and

WHEREAS, the membership of the Fire Department has determined that it is in the best interest of the Department and the Borough to instead permit the incoming Fire Chief to select a member of the Department to serve as Deputy Fire Chief; and

NOW THEREFORE BE IT ORDAINED by the Mayor and Council as follows: Section 17-2.1(c)(1) of the Borough Code be and the same is hereby is amended and restated in its entirety as follows:

- (1) The officers of the department shall consist of a chief, an assistant chief and two deputy chiefs. The chief, the assistant chief and one deputy chief shall be elected annually by a majority vote of the active members of the fire department, for a term of one year commencing on January 1 and shall hold office until their respective successors are elected. The office of one deputy chief shall be by appointment of the newly elected chief of one of the existing members of the Department.

AND BE IT FURTHER ORDAINED THAT all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

This ordinance shall take effect immediately upon final adoption and publication and in the manner provided by law.

Mayor Mirabelli opened the meeting to the public for anyone wishing to speak on this ordinance and this ordinance only.

Hearing no one wishing to speak, Councilman Turner closed the meeting to the public.

It was moved by Councilman Lane and seconded by Councilman Mortimer that this ordinance be passed on second and final reading and advertised by title only.

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

ORDINANCE 1229-2014

AN ORDINANCE TO APPROPRIATE SEVENTY-THREE THOUSAND DOLLARS (\$73,000.00) FROM THE CAPITAL IMPROVEMENT FUND TO PURCHASE AND EQUIP TWO POLICE VEHICLES (SUV)

WHEREAS, the Governing Body of the Borough of Mountainside is desirous to purchase and equip two SUVs for use by the Mountainside Police Department, and

WHEREAS, funds up to the amount of \$73,000.00 may be needed for this purchase and equipment; and

WHEREAS, the Governing Body of the Borough of Mountainside concurs that the purchase and equipment to be necessary;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Mountainside that the sum of \$73,000.00 be and is hereby appropriated from the Capital Improvement Fund for the purchase and equipment of two Police SUVs.

Mayor Mirabelli opened the meeting to the public for anyone wishing to speak on this ordinance and this ordinance only.

Hearing no one wishing to speak, Councilman Turner closed the meeting to the public.

It was moved by Councilman Turner and seconded by Councilman Mortimer that this ordinance be passed on second and final reading and advertised by title only.

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

MOTIONS:

The following motions were unanimously approved

1. Approve the following raffle applications:

Highlander Booster Club	50/50 on premise draw raffle
Paul Jackson Fund	On premise draw raffle
	50/50 on premise draw raffle
NJ Association of Twins Mothers Club	50/50 off premise draw raffle

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 21st day of October 2014, 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 \$416,017.90 (Copy of bill list attached.)

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

COUNCIL COMMENTS:

Councilman Mortimer announced the Mountainside Public Library was presented with the 2014 Lucky Award for excellence in library service particularly in the face of challenges or adversity. The library is collecting donations for the Friends Fall Book Sale. Friends of the Library are presenting an evening of classical sax music at the Community Presbyterian Church on November 8th.

Councilman Dierkes invited the community to volunteer for Clean Communities Day on October 25th followed by a pizza lunch at Deerfield School.

Mayor Mirabelli thanked the volunteers and those who participated in the weekend festivities including the PTA Fall Festival, PAL Cop Trot, Softball Game, and the Four Centuries Open House. The Mayor mentioned the beautiful renovations to the Hetfield House and complimented Eagle Scout Jeffrey White on his Hetfield House sign project.

Borough Engineer Michael Disko responds to an open letter from former Cranford Mayor Dan Aschenbach regarding Mountainside's proposed revision of Floor Area Ratio (FAR) requirements. Mr. Disko explained how Mountainside's Land Use regulations are more restrictive than those used by other watershed communities. Mountainside has a 30% residential lot coverage limitation, less than other residential standards. The borough's 24% FAR is also less than every other zone district shown. The borough follows storm water mitigation standards shown to be more effective than those included in the proposed model watershed ordinance.

AUDIENCE PARTICIPATION:

Several residents expressed their concerns about the road disrepair on Mary Allen Lane since its paving is contingent upon a timely subdivision development project.

Manny Arango, 478 Mary Allen Way, has discussed the conditions of the road with Borough Officials and filling the potholes doesn't resolve the problem. Mr. Arango was concerned that without a project deadline the road may never be repaired.

Mayor Mirabelli explained that the developer is not required to apply the topcoat on the road until the project is completed.

Bill Ehrhardt, 1008 Mary Allen Lane, explained that Mary Allen Path and Mary Allen Way are private roads that were paved and funded by the neighbors. Mr. Ehrhardt stated the borough probably did not anticipate the development to take so long. He suggested enforcement of an ordinance pertaining to a required barrier at construction sites to prevent the topsoil from going into the street.

Dave Meltzer, 1000 Mary Allen Lane, stated it has been a difficult situation with no cooperation from the developer and is asking the town to step up.

Geza Eckert, 474 Mary Allen Way, suggested the borough repave the road and if utility work is required, they can patch as needed.

Mayor Mirabelli assured the residents that the Borough will address their concerns and review the land use ordinances.

Manny Arango, 478 Mary Allen Way, mentioned the lack of enforcement for overgrown weeds and shrubs on empty lots which obstructs the view.

Councilman Turner advised Mr. Arango that the borough has an enforceable ordinance pertaining to site issues.

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

Upon motion by Councilman Turner second by Councilwoman Andre, the meeting was unanimously adjourned to public session. The meeting adjourned at 9:03 P.M.

Respectfully submitted,

Martha Lopez, Borough Clerk