

**REGULAR MEETING
JUNE 16, 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 7:33 P.M.

**INVOCATION: Councilman Mortimer
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 Police Chief Allan Attanasio, Recreation Director Frank Masella and Public Works Manager Ronald Romak. Councilman Messler was absent.

APPROVAL OF MINUTES:

Upon motion by Councilman Dierkes and a second by Councilman Turner, the minutes of the Regular Session Meeting held on May 19, 2015 was approved. Roll Call: Ayes: Andre, Dierkes, Turner, Abstained: Lane, Mortimer. Nays: 0.

Upon motion by Councilman Dierkes and a second by Councilman Turner, the minutes of the Work & Executive Session Meetings held on June 2, 2015 were approved. Roll Call: Ayes: Andre, Dierkes, Lane, Mortimer, Turner. Nays: 0.

PRESENTATION: The American Water Company presented the Mountainside Rescue Squad with a grant of \$801.00 for equipment.

RESOLUTION OF CONGRATULATIONS:

WHEREAS, the citizens of the Borough of Mountainside are continually striving to provide quality education for all of our children; and

WHEREAS, it is clearly recognized that such education will be a major contribution toward our young people being good citizens and successful in whatever endeavors they undertaken in life; and

WHEREAS, it is appropriate that those who excel should be recognized and encouraged to continue the success into further education and participation in their community; and

WHEREAS, Nathaniel Roman, Valedictorian, has truly exemplified the finest in academic achievement at Deerfield School in Mountainside.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Mountainside recognize and congratulate Nathaniel Roman for his fine achievement and success, and award Nathaniel Roman a gift check of \$300.00. --

WHEREAS, the citizens of the Borough of Mountainside are continually striving to provide quality education for all of our children; and

WHEREAS, it is clearly recognized that such education will be a major contribution toward our young people being good citizens and successful in whatever endeavors they undertaken in life; and

WHEREAS, it is appropriate that those who excel should be recognized and encouraged to continue the success into further education and participation in their community; and

WHEREAS, Madison Fong, Salutatorian, has truly exemplified the finest in academic achievement at Deerfield School in Mountainside.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Mountainside recognize and congratulate Madison Fong for her fine achievement and success, and award Madison Fong a gift check of \$200.00.

RESOLUTIONS:

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

RESOLUTION 69-2015

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount;

SECTION 1

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Mountainside hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget for the year 2015 for the below sums of which item is now available as a revenue from:

Public & Private Revenues off-set with Appropriations;
Mountainside 2014 Safe Corridor Grant (\$23,849.75)
Clean Communities (\$15,505.02)

SECTION 2

BE IT FURTHER RESOLVED, that a like sum be and the same is hereby appropriated under the caption of:

Public & Private Programs Offset By Revenues Excluded from "CAPS"
Mountainside 2014 Safe Corridor Grant (\$23,849.75)
Clean Communities (\$15,505.02)

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

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

RESOLUTION 70-2015

WHEREAS, the Borough Engineer Mike Disko, Jr. has completed final inspections and has requested bond refunds to the following individuals; and

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

<u>Applicant</u>	<u>Permit</u>	<u>Amount</u>
Aurelio Martinez 183 Parker Street Newark, NJ 07104	Road Opening 153 Locust Ave	\$500
Robert & Tarquino Tranquilli 1120 Corrinne Terrace Mountainside, NJ 07092	Road Opening 1120 Corrinne Terrace	\$2,000
GWS Contractors, Inc. 105 Fresh Ponds Road (South Brunswick Twp.) Jamesburg, NJ 08831	Soil Moving 1317 Stony Brook Ln	\$1,000

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

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

RESOLUTION 71-2015

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.

WHEREAS, the estimated tax levy exceeds 105% of the prior year tax levy as a result of the calculations and Mayor and Council of the Borough of Mountainside requests the Director of the Division of Local Government Services to approve the 2015 estimated tax levy

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside on this 16th day of June, 2015, 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 2015 taxes, in accordance with the provisions of N.J.S.A. 54:4-66.2et seq.
2. The entire estimated tax levy for 2015 is hereby set at \$34,227,501.18.

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

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

RESOLUTION 72-2015

WHEREAS, the Borough of Mountainside has determined that the items listed herein are property no longer needed for public use; and

WHEREAS, the Local Unit Technology Pilot Program and Study Act (P.L. 2001, c. 30) authorizes the sale of surplus personal property no longer needed for public use through the use of an online auction service; and

WHEREAS, the Borough of Mountainside intends to utilize the online auction services of Municibid located at www.Municibid.com; and

WHEREAS, the sales are being conducted pursuant to the Division of Local Government Services' Local Finance Notice 2008-9; and

WHEREAS, the Borough of Mountainside desires to sell the following surplus property:

**2001 CROWN VICTORIA
VIN# 2FAFP71WX1X178623
MILEAGE: 87,918**

**2007 DODGE DURANGO WAGON
VIN# 1D8HB38P37F549264
MILEAGE: 156,982**

MOTOROLA PORTABLE RADIOS (6) WITH CHARGING STATION

MOTOROLA VEHICLE RADIOS (4)

GE ERICSSON PORTABLE RADIOS (2) WITH CHARGERS (2)

SENTRY FIREPROOF SAFES (2)

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside in the County of Union, State of New Jersey, that the Borough is hereby authorized to sell the surplus property as indicated above on an online auction website entitled www.Municibid.com; and

BE IT RESOLVED, that the terms and conditions of the agreement entered into between Municibid and the Borough of Mountainside are available at www.Municibid.com and in the Borough Clerk's office; and

BE IT FURTHER RESOLVED, that a certified copy of the within resolution be forwarded to the Division of Local Government Services.

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

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

RESOLUTION 73-2015

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the Middlesex Regional Educational Services Commission, hereinafter referred to as the "Lead Agency " has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services;

WHEREAS, on June 16, 2015 the Governing Body of the Borough of Mountainside, County of Union, State of New Jersey duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services;

NOW, THEREFORE BE IT RESOLVED as follows:

TITLE

This RESOLUTION shall be known and may be cited as the Cooperative Pricing Resolution of the Borough of Mountainside

AUTHORITY

Pursuant to the provisions of *N.J.S.A. 40A:11-11(5)*, the proper Borough Officials are hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.

CONTRACTING UNIT

The Lead Agency shall be responsible for complying with the provisions of the *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.

EFFECTIVE DATE

This resolution shall take effect immediately upon passage.

CERTIFICATION

I hereby, certify that the above resolution was adopted by the Mayor and Council of the Borough of Mountainside at a meeting of said governing body held on June 16, 2015.

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

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

RESOLUTION 74-2015

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>
5.C	23	\$995.24
15.M	26	\$2,165.63

Hudson City Savings Bank
West 80 Century Road
Paramus, NJ 07652

<u>Block</u>	<u>Lot</u>	<u>Amount</u>
7.H	29	\$2,507.15

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

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

RESOLUTION 75-2015

WHEREAS, in accordance with applicable provisions of the Public Contracts Law, the Borough advertised for Bids for Contract 2015-4 for “Resurfacing on Cedar Avenue”; and

WHEREAS, on June 11, 2015 the return date for the bids, four bids were received as follows:

Bidders:	Base Bid	Alt. #1	Alt. #2	Total
Denbar Const.	\$341,336.00*	\$10,800.94	\$28,986.00	\$381,122.94
Midwest Const.	\$354,254.00	\$10,385.00	\$39,626.95	\$404,265.95
Topline Const.	\$382,390.01	\$11,543.93	\$38,013.05	\$431,946.99
Black Rock	\$427,231.05	\$17,036.50	\$59,961.35	\$504,228.90

*= corrected amount

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

WHEREAS, the lowest bidder is Denbar Construction Inc. and the Borough Engineer has recommended that Contract 2015-4 be awarded to Denbar Construction Inc., 726 Boulevard, Kenilworth, New Jersey 07033.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the contract for Resurfacing on Cedar Avenue is awarded to Denbar Construction Inc., 726 Boulevard, Kenilworth, New Jersey 07033 in the amount of \$381,122.94, pending attorney review.

Special Condition Denbar Construction Inc. must provide an amendment stating the consent of surety will cover the entire contract award.

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

ORDINANCES: Second Reading (Public Hearing)

ORDINANCE 1237-2015

AN ORDINANCE TO AMEND ORDINANCE 1176-2010 FIXING SALARY RANGES AND CREATING POSITIONS FOR CERTAIN MUNICIPAL EMPLOYEES

BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that Ordinance 1176-2010 is hereby amended to include the following positions and/or fix the following salary ranges:

Fire Prevention Official (P/T)	\$25.00 - \$50.00 Hourly
Finance Clerk (P/T)	\$10.00 - \$25.00 Hourly
Engineer (P/T)	\$35,000 - \$80,000
Recreation Assistant	\$30,000 - \$50,000

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 Mortimer and seconded by Councilman Turner 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 1238-2015

AN ORDINANCE TO APPROPRIATE THE SUM OF ONE HUNDRED EIGHTY THOUSAND (\$180,000.00) FOR THE RESURFACING OF WOOD VALLEY ROAD (SECTION 3)

WHEREAS, the Governing Body of the Borough of Mountainside have decided to resurface Wood Valley Road (Section 3); 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 Wood Valley Road (Section 3);

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.

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 Turner that this ordinance be passed on second and final reading and advertised by title only.

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

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 16th day of June, 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 \$657,828.33 (Copy of bill list attached).

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

COUNCIL COMMENTS:

Mayor Mirabelli thanked the community and organizations for supporting the Memorial Day Parade.

Residents were invited to attend the PAL Car Show on Father's Day.

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 Councilwoman Andre, 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 litigation 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 7:52 P.M.

The meeting was recalled to public session at 8:05 P.M.

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

Respectfully submitted,

Martha Lopez, Borough Clerk