

**REGULAR MEETING
APRIL 21, 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 Lane
SALUTE TO THE FLAG
ROLL CALL**

PRESENT: Mayor Paul N. Mirabelli, Councilman Dierkes, Councilman Lane, Councilman Mortimer, Council President Turner, Administrator Debbie and Attorney Post. Also present were CFO Jill Goode, Police Chief Allan Attanasio, Recreation Director Frank Masella and Public Works Manager Ronald Romak. Councilwoman Andre and Councilman Messler were absent.

APPROVAL OF MINUTES:

Upon motion by Councilman Mortimer and a second by Councilman Turner, the minutes of the Regular Session Meeting held on March 17, 2015 was approved. Roll Call: Ayes: Dierkes, Mortimer, Turner. Nays: 0. Abstained: Lane.

Upon motion by Councilman Dierkes and a second by Councilman Turner, the minutes of the Work & Executive Session Meetings held on April 7, 2015 were approved. Roll Call: Ayes: Dierkes, Lane, Mortimer, Turner. Nays: 0.

AWARD: Mabel Young Good Neighbor Award – Carol Goggi and Richard Osieja

PRESENTATIONS:

The Union County Chiefs Association presented the family with a plaque memorializing Chief Osieja's membership in the NJ State Police Chiefs Association.

Councilman Mortimer presented the Osieja Family with an American flag flown over the US Capitol building on behalf of Congressman Leonard Lance.

Assembly Representatives Jon Bramnick and Nancy Munoz presented the Osieja Family with a resolution on behalf of the State of New Jersey.

ORDINANCE: Second Reading (Public Hearing)

**ORDINANCE 1232-2015
CALENDAR YEAR 2015
ORDINANCE TO ESTABLISH A CAP BANK**

WHEREAS, the Local Government Cap Law, N.J.S. 40A:4-45.1 et.seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said final budget appropriations to 1.50% unless authorized by ordinance to increase it to 3.5% over the previous years' final appropriations; and,

WHEREAS, a municipality may, by ordinance, bank the difference between its final budget appropriations and the 3.5% increase authorized by this ordinance when said difference is not appropriated as part of the final budget; and,

WHEREAS, the Borough Council of the Borough of Mountainside, County of Union, hereby determines that this difference in the amount of \$162,145.74 that is not appropriated as part of the final budget shall be retained as an exception to the final appropriations in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, that any amount authorized herein above that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

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: Dierkes, Lane, Mortimer, Turner. Nays: 0

2015 Municipal Hearing

Mayor Mirabelli gave a summary of the proposed municipal budget for 2015. The following areas increased: insurances, salaries, department budgets, utilities, tax appeals, police equipment and pensions. The snow budget, emergency appropriations, Occidental settlement and RVSA reflected a decrease. The following relates to revenue figures: sale of municipal assets, fire fees, anticipate fees, interest on taxes and capital surplus reflected a decrease in revenue. There was an increase in the cable franchise fees.

These figures equate to an operating budget increase of \$246,328.44. The total increase on an average assessed home is \$82.27.

Mayor Mirabelli opened the meeting to anyone wishing to discuss the 2015 Municipal Budget. Hearing no one wishing to speak, the meeting was closed to the public.

RESOLUTIONS:

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

RESOLUTION 48-2015

BE IT RESOLVED, by the Mayor and Council of the Borough of Mountainside, County of Union, that the budget herein before set forth is hereby adopted and shall constitute an appropriation for the purposes of the sums therein as set forth as appropriations, and authorization of the amount of \$8,462,886.08 for municipal purposes.

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

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

RESOLUTION 49-2015

WHEREAS, there is a vacancy in the position of Communication Officer; and

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

WHEREAS, the Police Committee has recommended that the Borough Council take action to hire Anthony P. DeLuca Jr.; and

NOW, THEREFORE, BE IT RESOLVED, by Mayor and Council of the Borough of Mountainside that Anthony P. DeLuca Jr. is hereby appointed as Communication Officer at a starting annual salary of \$37,571.83, effective April 13, 2015; and

BE IT FURTHER RESOLVED, that Anthony P. DeLuca Jr. 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: Dierkes, Lane, Mortimer, Turner. Nays: 0

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

RESOLUTION 50-2015

BE IT RESOLVED by the Governing Body of the Borough of Mountainside that the Chief Finance Officer be and she is hereby authorized to purchase two gift checks to be presented to the Valedictorian and Salutatorian from Deerfield School Graduating Class of 2015 in the Borough of Mountainside.

BE IT FURTHER RESOVLED that the gift checks will be in the amount of \$300.00 for the Valedictorian and \$200.00 for the Salutatorian.

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

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

RESOLUTION 51-2015

WHEREAS the Mountainside PTA traditionally sponsors a party at the Mountainside Municipal Pool for the students graduating from the 8th Grade of the Mountainside School District; and

WHEREAS the Mountainside Youth Baseball sponsors an end of year party at the Mountainside Municipal Pool; and

WHEREAS the Mountainside PTA and Mountainside Youth Baseball have requested that the Borough waive the \$400 fee which would otherwise be charged in order to defray the expenses associated with keeping the pool open for the party; and

WHEREAS the Governing Body has, in the past, waived such fee in order to enable the organizations to use those funds towards other expenses;

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the pool fee of \$400, which would be payable by the Mountainside PTA and Mountainside Youth Baseball for the use of the Mountainside Municipal Pool to hold their pool parties, be and the same is hereby waived.

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

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

RESOLUTION 52-2015

WHEREAS, in an effort to curb the increasingly prevalent incidents involving drug and alcohol abuse that members of TREND have witnessed at the Governor Livingston High School; and

WHEREAS, TREND has created a program called Days of Realization that aims to show students the true risks that come from their reckless activities so they can see how different life can be if they were to die; and

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

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Mountainside that \$250.00 shall be given to TREND in order to support "DAYS OF REALIZATION" at the Governor Livingston High School.

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

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

RESOLUTION 53-2015

WHEREAS, the Recreation Director Frank Masella has requested refunds to the following participants due to class cancellations; and

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

| <u>Recipient</u> | <u>Program</u> | <u>Amount</u> |
|--|----------------|---------------|
| Jennifer Blander 1214 Foothill Way | Koosh | \$32.00 |
| Lynn Bager 1570 Brookside Road | Fitness Class | \$21.00 |
| Laurie Scott-Jonach 254 Bridle Path | Basketball | \$85.00 |

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

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

RESOLUTION 54-2015

WHEREAS, there exists a vacancy in the position of Department of Public Works Employee; and

WHEREAS, Edward Parin has been identified by Public Works Manager Ronald Romak as the individual with the requisite skills and experience to perform the functions of a Public Works Employee; and

WHEREAS, Administrator James Debbie Jr. has recommended that the Borough Council take action to hire Edward Parin.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Mountainside that Edward Parin is hereby hired as a full-time employee with the Department of Public Works, at a salary of \$34,680, effective April 6, 2015.

BE IT FURTHER RESOLVED, that Edward Parin 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: Dierkes, Lane, Mortimer, Turner. Nays: 0

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

RESOLUTION 55-2014

WHEREAS, the Construction Official Jerry Eger has requested a refund to the following contractor who was replaced by another company to install a rooftop air conditioning system at 1079 Route 22; and

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

| <u>Recipient</u> | <u>Amount</u> |
|---|---------------|
| The Jayson Company 2150 Stanley Terrace Union, NJ 07083 | \$104.00 |

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

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

RESOLUTION 56-2015

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 2014 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: Dierkes, Lane, Mortimer, Turner. Nays: 0

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

RESOLUTON 57-2015

WHEREAS, the Chief Finance Officer is required to submit a Corrective Action Plan of the 2014 Municipal Audit Report to the Governing Body;

NOW, THEREFORE, BE IT RESOLVED that the following 2014 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 2014 Audit Corrective Action Plan be forwarded to the Division of Local Government Services.

2014 Audit- Corrective Action Plan

Recommendation: None
Corrective Action: None

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

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

RESOLUTION 58-2015

WHEREAS, an ad was placed in the newspaper for the Community Pool Snack Bar Contract; and

WHEREAS, one proposal was submitted and Recreation Director, Frank Masella recommends awarding to Samantha Grindlinger in the sum of \$10,000.00; and

WHEREAS, Samantha Grindlinger, has extensive experience in the food industry and has been B&K Concessions' partner for the past four years;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the Community Pool Snack Bar contract for the year 2015 be awarded to Samantha Grindlinger, 1470 Route 22, Mountainside, NJ in the amount of \$10,000.00;

BE IT FURTHER RESOLVED that payment to the Borough shall be as follows:

June 1, 2015 - 33% of total or \$3,300.00
July 15, 2015 - 33% of total or \$3,300.00
August 1, 2015 – 34% of total price or \$3,400

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

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

RESOLUTION 59-2015

WHEREAS, The Law Enforcement Support Office (LESO), facilitates a law enforcement support program, which originated from the National Defense Authorization Act pursuant to 10 U.S.C. s. 2576 as part of the U.S. Government's Defense Logistics Agency Disposition Services (DLA) to transfer excess military equipment to civilian law enforcement agencies. Commonly referred to as the "1033 Program", this law allows transfer of excess Department of Defense property that might otherwise be destroyed to law enforcement agencies across the United States and its territories; and

WHEREAS, the Borough of Mountainside Police Department is a duly sworn and authorized law enforcement agency charged with the protection and enforcement of Federal, State and local laws within the municipality and, as such, is eligible to take part in the "1033 Program"; and

WHEREAS, pursuant to New Jersey State Senate Bill 2364, signed into law by Gov. Christie on March 18, 2015 the Mayor and Council of Mountainside deem it to be in the best interests of the people of the community to take part in the program so as to accept and secure from the Federal Government that surplus military equipment which would benefit the community; and

WHEREAS, the Chief of Police of the Borough of Mountainside would be the administrator in charge in requisitioning equipment available through the "1033 Program"; and

WHEREAS, pursuant to New Jersey State Senate Bill 2364, the Chief of Police is required to inform the Mayor and Council of the equipment sought from the program and the Mayor and Council must approve by resolution the acquisition of said equipment; and

WHEREAS, the New Jersey Division of State Police, Office of Emergency Management, Emergency Management Section, Preparedness Bureau-Support Services Unit serve as the State coordinator for the program and have prepared a "MEMORANDUM OF AGREEMENT" which outlines the program as well as the duties and responsibilities of Chief of Police of the Borough of Mountainside for taking part in the program.

NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH OF MOUNTAINSIDE, Union County, New Jersey, pursuant to the provisions of New Jersey State Senate Bill 2364, signed into law by Gov. Christie on March 18, 2015 that the Borough formally seeks enrollment in the "1033 Program" effective April 13, 2015 and appoints the Chief of Police of the Borough of Mountainside Police Department to be the administrator in charge for such acquisitions under the program; and

BE IT FURTHER RESOLVED that pursuant to New Jersey State Senate Bill 2364 that the Chief of Police is hereby ordered to provide the Mayor and Council a complete description of equipment sought to be acquired; and

BE IT FURTHER RESOLVED that pursuant to New Jersey State Senate Bill 2364 the Mayor and Council shall formally approve of all equipment sought to be acquired through the program by formal resolution; and

BE IT FURTHER RESOLVED that a copy of this resolution shall be forwarded to the appropriate State Coordinator for the Program and the Chief of Police of the Borough of Mountainside Police Department.

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

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

RESOLUTION 60-2015

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. ("Redevelopment Law") provides a mechanism to assist local governments in efforts to promote programs of redevelopment; and

WHEREAS, the Redevelopment Law sets forth the procedures for the Borough to declare an area in need of redevelopment, along with the development and effectuation of a redevelopment plan; and

WHEREAS, pursuant to the required redevelopment procedures, specifically set forth in N.J.S.A. 40A:12A-6, no area of a municipality shall be determined a redevelopment area unless the governing body of the municipality shall, by Resolution, authorize the Planning Board to undertake a preliminary investigation to determine whether a proposed area is a redevelopment area meeting the criteria set forth in N.J.S.A. 40A:12A-5; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-5(a), “[t]he resolution authorizing the planning board to undertake a preliminary investigation shall state whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area other than the use of eminent domain (hereinafter referred to as a “Non-Condensation Redevelopment Area”) or whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area, including the power of eminent domain (hereinafter referred to as a “Condensation Redevelopment Area”); and

WHEREAS, the Mayor and Council of the Borough of Mountainside find it to be in the best interest of the Borough and its residents to authorize the Borough Planning Board to undertake such preliminary investigation of the study area identified as Block 14, Lot 14 on the Official Tax Map of the Borough of Mountainside, as a Non-Condensation Redevelopment Area; and

WHEREAS, the Mayor and Council wish to direct the Planning Board to undertake a preliminary investigation utilizing Borough Planner John T. Chadwick IV, P.P., to prepare the preliminary investigation, to determine whether the proposed study area, which includes Block 14, Lot 14, qualifies as an area in need of Non-Condensation Redevelopment pursuant to N.J.S.A. 40A:12A-5.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Mountainside, in the County of Union, and State of New Jersey, that the Planning Board is hereby authorized to undertake a preliminary investigation, utilizing John T. Chadwick IV, P.P., to prepare the preliminary investigation, pursuant to the notice, conduct a hearing and comply with other requirements of the Redevelopment Law, N.J.S.A. 40A:12A-1, *et seq.*, as amended, in order to recommend to the Mayor and Council whether the area comprising the study area, Block 14, Lot 14 on the official Tax Map of the Borough of Mountainside, is an area in need of Non-Condensation Redevelopment according to the criteria set forth in N.J.S.A. 40A:12A-5.

BE IT FURTHER RESOLVED that, pursuant to N.J.S.A. 40A:12-6(a), the redevelopment area determination shall authorize the Township to use all the powers provided by the Legislature for use in an Non-Condensation Redevelopment area other than the use of eminent domain.

BE IT FURTHER RESOLVED that the Planning Board shall submit its findings and recommendations to the Mayor and Council in the form of a Resolution with supporting documentation.

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

The following ordinances were tabled until further discussion at the June 2nd work session meeting with a public hearing on June 16th.

ORDINANCES: **TABLED**
 Second Reading (Public Hearing)

ORDINANCE 1233-2015

**AN ORDINANCE ADOPTING AND AMENDING ORDINANCE # 91-001 OF THE
BOROUGH OF MOUNTAINSIDE BOARD OF HEALTH ENTITLED
“CAT LICENSING”**

WHEREAS, the Mayor and Council of the Borough of Mountainside, County of Union, and State of New Jersey have determined that there is a need to protect the health, safety, and welfare of the residents of the Borough; and

WHEREAS, by way of Ordinance 91-001, the Borough Board of Health adopted the policy and procedures for the licensing of cats in the Borough; and

WHEREAS, the Mayor and Council have determined it is in the interest of the public to codify the Board of Health ordinance in order to have all ordinances applicable to privately owned animals consolidated in one location; and

WHEREAS, the Mayor and Council have determined to add additional terms and prohibitions to Ordinance 91-001; and

NOW THEREFORE BE IT ORDAINED by the Mayor and Council as follows: Board of Health Ordinance 91-001 “Cat Licensing,” is hereby adopted and amended as follows:

Section 1. DEFINITIONS

- a) CAT - Any member of the domestic feline species; male, female or neutered.
- b) CAT OF LICENSING AGE – Any cat which has attained the age of six months.
- c) ANIMAL CONTROL AUTHORITY – Any person or agency designated or certified by the State of New Jersey to enforce the provisions of this ordinance.
- d) OWNER - When applied to the proprietorship of a cat, shall include every person having a right or property (or custody) in such cat and every person who has such cat in his or her keeping, or who harbors or maintains a cat or knowingly premises occupied by that person.
- e) CATTERY – Shall mean any room or group of rooms, cage or exhibition pen, not part of a kennel, wherein cat for sale are kept or displayed.

- f) PERSON – Any individual, corporation, partnership, organization, or institution commonly recognized by law as a unit.
- g) LICENSING AUTHORITY – The licensing authority is hereby designated as the office of the Borough Clerk.
- h) NEUTERED – Rendered permanently incapable of reproduction as certified by a licensed veterinarian.

Section 2. PROVISIONS RELATING TO RABIES VACCINATION OF CATS

- a) VACCINATION AND LICENSE REQUIREMENTS- No person shall own, keep, harbor or maintain any cat over six months of age within the Borough of Mountainside, unless such cat is vaccinated and licensed. The provisions of this section do not apply to cats held in a cattery, or those held by a State or Federal Research Facility, or a veterinary establishment where cats are received or kept for diagnostic, medical, surgical or other treatments, or licensed animal shelter, pounds, kennels or pet shops.
- b) VACCINATION – All cats shall be vaccinated against rabies by licensed veterinarian in accordance with latest “Compendium of Animal Rabies Vaccines and Recommendations for Immunization” published by the National Association of State Public Health Veterinarians, except as provided for in Section (d).
- c) VACCINATION CERTIFICATE – A certificate of vaccination shall be issued to the owner of each animal vaccinated on a form recommended by the State.
- d) EXEMPTIONS – Any cat may be exempted from the requirements of such vaccination for a specified period of time by the Board of Health, upon presentation of a veterinarian’s certificate stating that because of any infirmity or other physical shall be deemed inadvisable.

Section 3. LICENSING REQUIREMENTS

- a) CATS MUST HAVE LICENSE NUMBER DISPLAYED - Any person who shall own, keep or harbor a cat of licensing age shall annually apply for and procure from the licensing authority a license and official registration tag with the license number, or a registration sleeve for each cat so owned, kept or harbored, and shall place upon such cat a collar, or other device with a license number securely fastened or displayed thereto. Acceptable methods of displaying license number shall include, but are not limited to, break-away or electric collars. License tags or sleeves are not transferable. As an alternative to displaying the license number by collar or similar device, an Owner may utilize microchip technology as a form of identification of the animal. If microchip technology is employed then the owner shall provide this information to the Borough Clerk when the license for the cat is renewed each year.

- b) **TIME FOR APPLYING FOR LICENSE** – The owner of any newly acquired cat of licensing age, or of any cat which attains licensing age, shall make application of license tag or sleeve for such cat within ten (10) days after such acquisition or age attainment. This requirement will not apply to a non-resident keeping a cat within the Borough of Mountainside for no longer than (90) days.
- c) **CATS BROUGHT INTO JURISDICTION** – any person who shall bring, or cause to be brought into the Borough of Mountainside any cat licensed in another State for the current year, and bearing registration tag or sleeve and shall keep the same or permit the same to be kept within the Borough of Mountainside for a period of more than (90) days, shall immediately apply for a license and registration tag or sleeve for each such cat.
- d) **APPLICATION, CONTENTS, PRESERVATION OF INFORMATION** - The application shall state the breed, sex, age, color and markings of the cat for which license and registration are sought, and whether it is of long- or short-haired variety, and shall include a color photograph of the cat, to be provided in hard copy or electronically as such technology shall become available. The application shall also state whether the cat has a microchip or similar identification technology, and also the name, street and post office address of the owner, and the person who shall keep or harbor such cat.
- e) **LICENSE FORMS AND TAGS** – License forms and official tags or sleeves shall be furnished by the licensing authority and shall be numbered serially, and shall bear the year of issuance and name of the Municipality.
- f) **EVIDENCE OF INNOCULATION WITH RABIES VACCINE OF CERTIFICATION OF EXEMPTION; REQUIREMENT FOR LICENSE** - No licensing authority shall grant such license and official registration tag or sleeve for any cat, unless the owner thereof provides evidence that the cat to be licensed and registered has been inoculated with a rabies vaccine of a type approved by and administered in accordance with the recommendations of the United States Dept., of Agriculture and the United States Dept. of Human Services, or has been certified exempt as provided by this ordinance. The rabies inoculation shall be administered by a duly licensed veterinarian permitted by law to do same.
- g) **LICENSE FEE SCHEDULE** – A license shall be issued after payment of a fee of \$13.00 for each unneutered cat, and \$10.00 for each neutered cat. Persons who fail to obtain a license as required within 30 days of the annual renewal date (January 31st, annually) shall be subject to a delinquent fee of \$10.00 for each license purchased.
- h) **FEES, RENEWALS, EXPIRATION DATE OF LICENSE** – Licenses from another Municipality shall be accepted. The person applying for the license and registration tag or sleeve shall be the same as for the original. All licenses should expire as of December 31st annually. Only one license and registration

tag or sleeve shall be required in the licensing year for any cat in the Borough of Mountainside. Any valid New Jersey license tag or sleeve issued by a New Jersey Municipality shall be accepted by this Municipality as evidence of compliance.

i) LOSS OF LICENSE – If a license tag or sleeve has been misplaced or lost, the licensing authority may issue a duplicate license and/or registration tag or sleeve for that particular cat at a fee of \$1.00.

j) PROOF OF LICENSE – Proof of licensing shall be produced by any person owning, keeping, maintaining, or harboring a cat, upon the request of any health official, police officer, animal control officer or other authorized person.

k) INTERFERING WITH PERSONS PERFORMING DUTIES UNDER THIS ORDINANCE– No person shall hinder, molest or interfere with anyone authorized or empowered to perform any duty under this ordinance.

l) DISPOSITION OF FEES COLLECTED – License fees and other monies collected or received under the provisions of this ordinance, shall be forwarded to the Treasurer of the Borough of Mountainside, and shall be placed in a special account separate from any of the other accounts of the Borough of Mountainside, and shall be used for the following purposes only: collecting, keeping and disposing of cats liable to seizure, for local prevention and control of rabies, providing anti-rabies treatment under the direction of the Board of Health for any person, own, or suspected to have been exposed to rabies, and for administering any provision of this ordinance. Any unexpected balance remaining in such special account shall be retained until the end of the third fiscal year following, and may be used for any of the purposes set forth in this section. At the end of the said third fiscal year thereafter, there shall be transferred from such special account to the general funds of the Municipality any amount then in such account which is in excess of the total amount paid into the special account during the last two fiscal years next preceding.

Section 4. PENALTY - ANY PERSON WHO VIOLATES, OR WHO FAILS, OR REFUSES TO COMPLY WITH THIS ORDINANCE, SHALL BE LIABLE TO A PENALTY OF \$100.00 to \$500.00.

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.

TABLED ORDINANCE 1234-2015

**AN ORDINANCE ADOPTING AND AMENDING ORDINANCE # BOH 2-2011 OF
THE BOROUGH OF MOUNTAINSIDE BOARD OF HEALTH**

WHEREAS, the Mayor and Council of the Borough of Mountainside, County of Union, and State of New Jersey have determined that there is a need to protect the health, safety, and welfare of the residents of the Borough; and

WHEREAS, by way of Ordinance #BOH 2-2011, the Borough Board of Health adopted an ordinance prohibiting the unsanitary feeding of pets and requiring the removal of cat feces; and

WHEREAS, the Mayor and Council have determined it is in the interest of the public to codify the Board of Health ordinance in order to have all ordinances applicable to privately owned animals consolidated in one location; and

WHEREAS, the Mayor and Council have determined to add additional terms and prohibitions to #BOH 2-2011; and

WHEREAS, the outdoor feeding of domesticated animals, including cats, within the Borough, attracts raccoons and other wild animals and encourages the establishment of feral and stray cats; and

WHEREAS, the Mayor and Council have determined to prohibit the outdoor feeding of domesticated animals along with additional identification requirements for domesticated animals.

NOW THEREFORE BE IT ORDAINED by the Mayor and Council as follows: BOH #2-2011 is hereby adopted and amended as follows:

Section 1. Feeding Prohibited

The feeding of stray or feral cats is prohibited. The maintenance and/or feeding of privately owned cats in such a manner as to create unsanitary conditions, attract vermin, or be potentially detrimental to health or create a public health nuisance, including the feeding of cats outdoors, is hereby prohibited. All feeding of privately owned cats must occur indoors, and indoors is defined in this ordinance to mean all areas in a building enclosed by an exterior wall, excluding, however, attic and cellar areas, utility rooms, open porches, breezeways and garages.

Section 2. Animal Nuisances

- A. It shall be unlawful for any person to permit a cat within their ownership or control to excrete feces onto any private or public property, without immediately removing and, within a reasonable time, properly disposing of such feces.
- B. Section 2, paragraph A. of this Ordinance shall not apply where the owner or occupant of private property grants permission for a cat to excrete feces on that property, provided such feces does not accumulate to such a degree that it shall create an objectionable smell or other nuisance to the public or neighboring properties. This exception shall not exempt such owners or

occupants from being subject to the public nuisance, property maintenance and public health regulations of the Borough.

- C. The sanitary manner for removal of feces shall be by the placement of the removed feces in a sealed plastic bag and then further placed in said owner's own garbage or waste removal container and shall not be by placement of the feces, whether in a sealed plastic bag or not, in any garbage or waste container owned or maintained by the Borough of Mountainside or any garbage or waste container of any other person or entity, or storm sewer.

Section 3. Remedies

Should the circumstances described in Section 2(A) occur, where a resident who has not given permission for a cat to excrete feces on property controlled by the resident, and such feces are not removed within a reasonable time, the resident may contact the Borough Animal Control officials or such other persons as the Borough may designate, and request the trapping of the cat responsible at no cost to the complaining resident. When such a cat is trapped, Borough representatives or assigns will inspect the animal for license tags or scan for an identification microchip, as required by Ord. 91-001, and return the cat to its owner. If there is no evidence of license or microchip, the cat shall be turned over the animal shelter currently under contract with the Borough to accept stray animals.

Section 4. Violations and Penalties.

Any person violating any provision of this Ordinance shall be punished by a fine not to exceed \$200.

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.

TABLED ORDINANCE 1235-2015

**AN ORDINANCE ADOPTING AND AMENDING ORDINANCE # BOH 1-2012 OF
THE BOROUGH OF MOUNTAINSIDE BOARD OF HEALTH**

WHEREAS, the Mayor and Council of the Borough of Mountainside, County of Union, and State of New Jersey have determined that there is a need to protect the health, safety, and welfare of the residents of the Borough; and

WHEREAS, by way of Ordinance #BOH 1-2012, the Borough Board of Health adopted an ordinance limiting the number of dogs and cats that would be permitted to live in residences in the Borough; and

WHEREAS, the Mayor and Council have determined it is in the interest of the public to codify the Board of Health ordinance in order to have all ordinances applicable to privately owned animals consolidated in one location; and

NOW THEREFORE BE IT ORDAINED by the Mayor and Council as follows: BOH #1-2012 is hereby adopted and amended as follows:

Section 1. Definitions - for the purposes of this Ordinance:

- A. Foster Placement - Is defined as a temporary placement of less than six (6) months that a domestic animal lives in a residence while the person who possesses such animal is attempting to find a permanent placement for the animal
- B. Residence, Multi-Unit - A dwelling which is occupied, as a rule, for permanent residence purposes and which is either sold, rented, leased, let or hired out, to be occupied as a residence or home with two or more separate independent units, each of which generally contains sanitary, sleeping, kitchen and dining facilities, fixed or portable.
- C. Residence, Single Unit - One or more rooms comprising living accommodations designed and used for occupancy with one (1) single housekeeping unit and typically containing sanitary, sleeping, kitchen and dining facilities, fixed or portable, for one such unit.

Section 2. Limit on Number of Dogs and/or Cats.

No more than six (6) dogs and/or cats are permitted to be harbored or kept in any single family residence. No more than three (3) dogs and/or cats are permitted to be harbored or kept in an individual unit of a multi-unit residence. This Section shall not apply to cats or dogs that are in foster placement.

Section 3. Grandfathering.

If as of the effective date of #BOH 1-2012 a resident had obtained licenses as required by Ordinance 91-001 for more than the number of animals permitted by #BOH 1-2012, such resident shall be allowed to renew such licenses, provided however, that as the licensed animals die or otherwise are removed from the residence the resident shall not be permitted to replace same and instead will be limited to the number of animals permitted in Section 2.

Section 4. Violations and Penalties.

Any person violating any provision of this article shall be punished by a fine not to exceed \$200. Each day the violation continues shall constitute a separate and distinct offense.

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.

TABLED ORDINANCE 1236-2015

AN ORDINANCE AMENDING ORDINANCE #1087-2005 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 that there is a need to protect the health, safety, and welfare of the residents of the Borough; and

WHEREAS, by way of Ordinance 1087-2005, the Mayor and Council prohibited the feeding of wild animals under the circumstances set forth in the Ordinance; and

WHEREAS, Ordinance 1087-2005 amended Chapter 5, Animal Regulations, of the Borough Code, to include a new Section 6 which prohibited the feeding of wild animals, the storage of pet food or animal feed in a manner that would attract any wild animal, and also requiring that persons take remedial action to secure or remove outdoor animal and pet feeders; and

WHEREAS, the Mayor and Council have determined that to further protect the health, safety, and welfare of the residents of the Borough a prohibition against the outdoor feeding of domesticated animals must be established by Ordinance.

NOW THEREFORE BE IT ORDAINED by the Mayor and Council as follows: Ordinance 1087-2005, and Chapter 5, Section 6 of the Borough Code as created thereby, the Subsection entitled "Prohibited Actions," is hereby amended so that the third paragraph is replaced in its entirety as follows:

No person shall fail to take remedial action to avoid the attraction of, or contact with, wild animals. Such remedial action may include the securing or removal of outdoor trash and outdoor wild animal feeders.

AND BE IT FURTHER ORDAINED THAT Ordinance 1087-2005, and Chapter 5, Section 6 of the Borough Code as created thereby, the Subsection entitled, "Prohibited Actions," is hereby amended to include a new fifth paragraph as follows:

No person shall feed or in any manner provide food outdoors to any domesticated animal, including cats, in the Borough.

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.

MOTIONS:

The following motions were unanimously approved:

1. Raffle applications from Friends of American Cancer Society of NJ for a 50/50 on premise draw raffle and an on premise draw raffle
2. Approve appointment of Cassandra Lee Kinney as a Volunteer Firefighter
3. Raffle application from the Mountainside PAL for a 50/50 on 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 April, 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 \$274,245.42 (Copy of bill list attached).

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

COUNCIL COMMENTS:

Councilman Lane congratulated the Osieja Family.

Mayor Mirabelli announced the YMCA Health Bee and how the YMCA provides 7th graders with a free membership to promote a healthy lifestyle.

AUDIENCE PARTICIPATION:

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

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

Meeting adjourned at 8:17 PM.

Respectfully submitted,

Martha Lopez, Borough Clerk