

**REGULAR MEETING
FEBRUARY 17, 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 7:35 P.M.

**INVOCATION: Councilman Dierkes
SALUTE TO THE FLAG
ROLL CALL**

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

APPROVAL OF MINUTES:

Upon motion by Councilman Turner and a second by Councilwoman Andre, the minutes of the Regular Session Meeting held on January 20, 2015 was approved. Roll Call: Ayes: Andre, Dierkes, Lane, Messler, Turner. Nays: 0.

Upon motion by Councilman Lane and a second by Councilman Turner, the minutes of the Work & Executive Session Meetings held on February 3, 2015 were approved. Roll Call: Ayes: Andre, Dierkes, Lane, Messler, Turner. Nays: 0.

RESOLUTIONS:

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

RESOLUTION 34-2015

WHEREAS, there exists a vacancy in the position of Chief of Police in the Mountainside Police Department; and

WHEREAS, it is the desire of the Mayor and Council of the Borough of Mountainside to fill this vacancy with a highly qualified individual; and

WHEREAS, the Police Committee has recommended the promotion of an officer whose credentials and experience were found best to suit the needs of the Borough in filling the position of Chief of Police.

THEREFORE, BE IT RESOLVED that effective this date Lieutenant Allan V. Attanasio is hereby promoted to the position of Chief of Police in the Borough of Mountainside with all rights, responsibilities and obligations attendant upon that position,

at an annual salary of \$131,160.60, with benefits in accordance with the PBA Contract/ Non-Union Employee Manual, retroactive to July 31, 2014.

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

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

RESOLUTION 35-2015

WHEREAS, the students of the 2015 Graduating Class of Governor Livingston High School have determined to have an Alcohol and Drug Free Graduation Party during the hours immediately following graduation until the following morning to be held at Rutgers; and

WHEREAS, the Governing Body of the Borough of Mountainside wishes to support this decision to have a graduation celebration free from the serving of alcohol and thereby assuring that there will be no students who have attended this graduation party driving under the influence of liquor or drugs; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Mountainside that \$300.00 shall be given to the Fund Raising Committee of "PROJECT GRADUATION" toward the expenses incurred for the 2015 Alcohol Free Graduation Party of Governor Livingston High School.

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

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

RESOLUTION 36-2015

WHEREAS, Snyder Foundation Inc. c/o Famous Daves is the owner of the property designated as 1443 Route 22, Block 10.E, Lot 5 on the tax map of the Borough of Mountainside, took an appeal from its 2013 and 2014 real estate tax assessments; and

WHEREAS, Michael Frangella, the Borough's Tax Assessor, after conferring with appraisers engaged by the Borough to appraise the true value of the aforesaid property, has recommended that such appeal be settled upon the terms set forth below; and

WHEREAS, the Borough Attorney concurs with such recommendations; and

WHEREAS, the Governing Body has concluded that such settlement is appropriate; and

WHEREAS, this resolution is necessary to formalize the Governing Body's decision.

NOW, THEREFORE, BE IT RESOLVED, that the foregoing tax appeals be settled as follows:

- (a) The 2013 assessed valuation for Block 10.E, Lot 5, otherwise known as 1443 Route 22, shall be reduced to \$775,000.
- (b) The 2014 assessed valuation for Block 10.E, Lot 5, otherwise known as 1443 Route 22, shall be reduced to \$700,000.
- (c) The 2015 assessed valuation for Block 10.E, Lot 5, otherwise known as 1443 Route 22, shall be reduced to \$630,000.
- (d) The 2016 assessed valuation for Block 10.E, Lot 5, otherwise known as 1443 Route 22, shall remain at \$630,000.

Upon receipt of the New Jersey State Tax Court Judgment reflecting the above referenced 2013 and 2014 assessment reduction, and when the method for generating the refund payment has been fully and finally approved, the appropriate Borough officials are authorized and directed to refund \$36,731.54 for the 2013 tax year and \$43,453.94 for the 2014 tax year for a total refund of \$80,185.48, to the taxpayer. Such refunds are to be paid as follows: \$30,000 in 2015, and \$50,185.48 in 2016, and are to be paid by way of check made payable to "Jennifer R. Jacobus, Esq., Attorney for SNYDER FOUND. INC. C/O FAMOUS DAVES" and forwarded to Jennifer R. Jacobus, Esq., 301 South Livingston Ave, Livingston, New Jersey, 07039.

The taxpayer shall waive all interest on all tax overpayments.

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

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

RESOLUTION 37-2015

WHEREAS, in July 16, 1991 the Governing Body of the Borough of Mountainside adopted a resolution setting forth the conditions upon which private persons or entities might employ members of the Borough Police Department during their off-duty hours for Police related activities; and

WHEREAS, on December 22, 1994, the Governing Body of the Borough of Mountainside adopted a resolution making certain changes and additions to the conditions upon which private persons or entities might employ members of the Borough Police Department during their off-duty hours for Police related activities; and

WHEREAS, it has come to the attention of the Governing Body that different municipalities employ differing rate structures when establishing the rate of compensation to Police Officers for outside employment; and

WHEREAS, on occasion, Mountainside Police Officers may be employed by such other municipalities to perform outside employment within the jurisdiction of such municipality; and

WHEREAS, the Governing Body is desirous of establishing a policy that Mountainside Police Officers be paid at the same rate as that of the Police Officers of the municipality when performing outside employment within the boundaries of that municipality.

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

1. The hourly rate for outside employment of Borough of Mountainside Police Officers for outside employment in municipalities or jurisdictions outside the boundaries of the Borough of Mountainside shall be the same as the rates paid to the Police Officers of that municipality or jurisdiction for such outside employment.
2. Nothing in this resolution shall be deemed to alter any other provision of Resolution 139-2008, or the prior resolutions of July 16, 1991 or December 20, 1994.

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

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

RESOLUTION 38-2015

WHEREAS, at the Borough Tax Sale held on June 19, 2013, a lien was sold on 1397 Outlook Drive, also known as Block 4.C, Lot 18.F, owned by Russell, Robert W; and

WHEREAS, this lien known as Tax Sale Certificate 13-00079 was sold to FWDSL & Associates, LP, for a premium of \$51,000; and

WHEREAS, Wells Fargo Bank, on behalf of the property owner, Russell, Robert W, has requested redemption of this tax title lien 13-00079 and has paid the Borough of Mountainside all monies due including filed affidavits in amount of \$60,529.52; and

NOW, THEREFORE, BE IT RESOLVED that the Treasurer be authorized to issue a check to FWDSL & Associates LP, 5 Cold Hill Road S, Suite 11, Mendham, NJ 07945, in the amount of \$60,529.52 plus a premium of \$51,000, for the redemption and cancellation of Tax Title Lien Certificate #13-00079.

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

ORDINANCE: Second Reading (Public Hearing)

ORDINANCE 1231-2015

AN ORDINANCE AMENDING CHAPTER X, SECTION 1.14, SECTION a. AND b., OF THE CODE OF THE BOROUGH OF MOUNTAINSIDE, NEW JERSEY REGARDING MEMBERSHIP FEES FOR USE OF THE MOUNTAINSIDE COMMUNITY POOL

BE IT ORDAINED by the Mayor and Council of the Borough of Mountainside, County of Union, State of New Jersey, that Chapter X, Section 1.14-a. and Section 1.14-b. of the Borough Code be, and the same is amended and restated as follows:

10-1.14 Fees Established:
a. The resident and full time employee membership fees and guest fees shall be as follows:

- | | | |
|--|----------------------|----------|
| 1. Family Membership: | | |
| (I) Family Membership | | \$320.00 |
| (ii) Each unmarried child over 21 living at home or parent living with the family | | 112.00 |
| 2. Single Membership 16 years of age or older | | 163.00 |
| 3. Senior Citizen Membership: 62 years of age or older | | 112.00 |
| 4. A child under the age of 16 joining as part of a family, single or senior citizen membership of a relative, if both the child and the membership are resident | | 163.00 |
| 5. A resident person age 14 or 15 employed by a family as a parent's helper joining that family's membership | | 163.00 |
| 6. Single Parent/Child | | 273.00 |
| 7. Au Pair/Nanny | | 112.00 |
| 8. Guest daily fee: | Weekend/
Holidays | Weekdays |
| (I) Adult | 10.00 | 8.00 |
| (ii) Under 18 years of age | 8.00 | 7.00 |
| 9. House guest weekly fee (non-resident eating and sleeping in member's home): | | |
| (I) 18 years of age or younger | | 25.00 |
| (ii) Over 18 years of age | | 30.00 |

10. Individuals on active military duty who are residents shall be submitted free.
11. A family membership composed of only two persons shall be entitled to ten complimentary guests.
12. A single membership shall be entitled to five complimentary guests.
13. A senior citizen membership shall be entitled to two complimentary guests.
14. A family, senior citizen or single membership shall receive two complimentary guest passes if the membership fees paid in full on or before April 15 of the membership year.

b. Non resident membership fees and guest fees shall be as follows:

1. Family Membership:

(I) Family membership	\$595.00
(ii) Each unmarried child over 21 living at home parent living with family	112.00
2. Single Membership: 16 years of age or older 297.00
3. Senior Citizen membership: 62 years of age or older 250.00
4. A child under the age of 16 joining as part of a family, single or senior citizen membership of a relative, if both the child and membership are non-resident 297.00
5. A non-resident person age 14 or 15 employed by a family as a parent's helper joining that family's membership 297.00
6. Guest daily fee:

	Weekend/ Holidays	Weekdays
(I) Adult	10.00	8.00
(ii) Under 18 years of age	8.00	7.00
7. House guest weekly fee:

(I) 18 Years of age or younger	25.00
(ii) over 18 years of age	30.00
8. Registration fee payable for first year membership only:

(I) Single Membership	30.00
(ii) Family Membership	60.00

9. A family membership composed of only two persons shall be entitled to ten complimentary guests.
10. A single membership shall be entitled to five complimentary guests.
11. A senior citizen membership shall be entitled to two complimentary guests.

BE IT FURTHER ORDAINED that if any fees set by this ordinance or otherwise collected by the Recreation Department are paid by credit card, an additional charge equal to the percentage of such fees charged the Borough by the credit card issuer shall be applied.

BE IT FURTHER ORDAINED, that all other sections of Chapter X shall remain unchanged.

This ordinance shall take effect twenty days after the first publication hereof after final passage.

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 Councilwoman Andre 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, Messler, Turner. Nays: 0

MOTION:

The following motion was unanimously approved:

1. Approve raffle application from Mountainside Restoration Committee for an on premise draw raffle

BILLS & CLAIMS:

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

BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the following bills of the persons named and for the amounts stated below, having been duly audited and found to be correct this 17th day of February, 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 \$131,170.15 (Copy of bill list attached).

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

COUNCIL COMMENTS:

Councilman Turner congratulated newly appointed Police Chief Allan Attanasio.

AUDIENCE PARTICIPATION:

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

Upon motion by Councilman Dierkes and a second by Councilwoman Andre, the meeting was unanimously adjourned.

Meeting adjourned at 7:52 PM.

Respectfully submitted,

Martha Lopez, Borough Clerk