

**REGULAR MEETING  
FEBRUARY 21, 2017**

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: Councilwoman Dierkes  
SALUTE TO THE FLAG  
ROLL CALL**

PRESENT: Mayor Mirabelli, Councilwoman Andre, Councilman Dierkes, Councilman Messler, Councilman Mortimer, Council President Turner, Administrator Debbie and Attorney Post. Also present Police Chief Allan Attanasio, Public Works Manager Ronald Romak and Recreation Director Frank Masella. Councilwoman Fech-Caccamo was absent.

**APPROVAL OF MINUTES:**

Upon motion by Councilman Turner and a second by Councilman Mortimer, the minutes of the Regular Meeting held on January 17, 2017 were approved. Roll Call: Ayes: Andre, Dierkes, Messler, Mortimer, Turner.

Upon motion by Councilman Turner a second by Councilman Mortimer, the minutes of the Work and Executive Session Meetings held on February 7, 2017 were approved. Roll Call: Ayes: Andre, Dierkes, Messler, Mortimer, Turner. Nays: 0.

**PROCLAMATION:**

YOUTH ART MONTH 2017

WHEREAS, art education contributes powerful educational benefits to all elementary, middle and secondary students including the following:

- Art education develops students' creative problem-solving and critical thinking abilities;
- Art education teaches sensitivity to beauty, order and other expressive qualities;
- Art education gives students a deeper understanding of multi-cultural values and beliefs;
- Art education reinforces and brings to life what students learn in other subjects; and
- Art education interrelates student learning in art production, art history, art criticism and aesthetics; and

WHEREAS, our national leaders acknowledged the necessity of including arts experiences in all students' education;

AND WHEREAS, March is officially recognized as YOUTH ART MONTH, I endorse the observance of YOUTH ART MONTH and encourage the support of quality school art programs for children and youth.

NOW, THEREFORE, I Mayor Paul N. Mirabelli do endorse March 2017 as YOUTH ART MONTH.

**RESOLUTIONS:**

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

**RESOLUTION 32-2017**

WHEREAS, the students of the 2017 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 2017 Alcohol Free Graduation Party of Governor Livingston High School.

Roll Call: Andre, Dierkes, Messler, Mortimer, Turner. Nays: 0  
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The following resolution was introduced by Councilman Messler and seconded by Councilman Turner.

**RESOLUTION 33-2017**

WHEREAS, in accordance with applicable provisions of the Public Contracts Law, the Borough advertised for Bids for Contract 2017-1 for "Rehabilitation of Sanitary Sewer Manholes"; and

WHEREAS, on January 26, 2017 the return date for the bids, eight bids were received as follows:

<b>Bidders:</b>	<b>Base Bid</b>	<b>Alt. #1</b>	<b>Base+Alt#1</b>
PIM Corporation	\$42,980.	\$6,120.	\$49,100.
Abraham General Const.	\$47,115.	\$12,000.	\$59,115.
Consolidated Maint. Solutions	\$48,530.	\$12,000.	\$60,530.
SWERP, Inc.	\$55,130.	\$13,656.	\$68,786.
National Water Main Cleaning	\$59,825.	\$15,840.	\$75,665.
Midwest Construction	\$95,680.	\$22,800.	\$118,480.
Standard Pipe Services	\$98,680.	\$26,400.	\$125,080.
Reivax Contracting Corp.	\$463,330.	\$148,800.	\$612,130.

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

WHEREAS, the lowest bidder is PIM Corporation, and the Borough Engineer has recommended that Contract 2017-1 be awarded to PIM Corporation, 201 Circle Drive North, Suite 105, Piscataway, NJ 08854

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the contract for Rehabilitation of Sanitary Sewer Manholes be awarded to PIM Corporation, 201 Circle Drive North, Suite 105, Piscataway, NJ in the amount of \$49,100.00.

Roll Call: Andre, Dierkes, Messler, Mortimer, Turner. Nays: 0  
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The following resolution was introduced by Councilman Dierkes and seconded by Councilman Turner.

**RESOLUTION 35-2017**

**SUPPORTING THE SUBMISSION OF APPLICATIONS TO THE COUNTY OF UNION FOR THE YEAR 43 COMMUNITY DEVELOPMENT BLOCK GRANT (“CDBG”) PROGRAM**

WHEREAS, the Borough of Mountainside advertised a public notice for and will conduct a public hearing on, February 21, 2017, to consider proposals for the Union County Year 43 Community Block Development Grant Program (“CDBG”); and

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Mountainside hereby expresses its support of the Union County Year 43 CDBG Program submissions presented to the Borough Council as set forth in the grant applications received, for the following programs:

1. Senior Citizens Social Services Program
  - a. Senior Transportation Program
  - b. Senior Services Program
2. Senior Citizen Handyman Program

BE IT FURTHER RESOLVED that a copy of this Resolution be furnished to the County of Union along with all applications required for CDBG program submission; and

BE IT FURTHER RESOLVED that this resolution shall take effect immediately.

Roll Call: Andre, Dierkes, Messler, Mortimer, Turner. Nays: 0  
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The following resolution was introduced by Councilman Turner and seconded by Councilman Mortimer.

**RESOLUTION 36-2017**

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 refund, for the following reason:

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>
7.03	28	\$3,682.54

Roll Call: Andre, Messler, Mortimer, Turner. Abstained: Dierkes. Nays: 0  
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The following resolution was introduced by Councilman Mortimer and seconded by Councilman Turner.

### **RESOLUTION 37-2017**

WHEREAS, Mountainside Realty, LLC is the owner of the property designated as 284 Sheffield Street, Block 7.13, Lot 21, on the current tax map of the Borough of Mountainside, previously known as Block 7.M, Lot 21, and took an appeal from the 2012, 2013, 2014, 2015 and 2016 real estate tax assessments associated with the property; and

WHEREAS, Michael Frangella, the Borough's Tax Assessor, has recommended that such appeals 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.

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

- (a) The 2012 assessed valuation for Block 7.13, Lot 21, then known as Block 7.M, Lot 21 otherwise known as 284 Sheffield Street, shall be reduced to \$640,000.
- (b) The 2013 assessed valuation for Block 7.13, Lot 21, then known as Block 7.M, Lot 21 otherwise known as 284 Sheffield Street, shall be reduced to \$640,000.
- (c) The 2014 assessed valuation for Block 7.13, Lot 21, then known as Block 7.M, Lot 21 otherwise known as 284 Sheffield Street, shall be reduced to \$640,000.
- (d) The 2015 assessed valuation for Block 7.13, Lot 21, then known as Block 7.M, Lot 21 otherwise known as 284 Sheffield Street, shall remain the same and the tax appeal related thereto shall be withdrawn.
- (e) The 2016 assessed valuation for Block 7.13, Lot 21, otherwise known as 284 Sheffield Street, shall remain the same and the tax appeal related thereto shall be withdrawn.
- (f) The provisions of N.J.S.A. 54:51A-8, the Freeze Act, may apply to this settlement agreement.

Upon receipt of the New Jersey State Tax Court Judgment reflecting the above referenced assessment values 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 \$6,793.60 for the 2012 tax year, \$7,087.30 for the 2013 tax year and \$7,409.60 for the 2014 tax year. Such refunds are to be paid as follows: \$21,290.50 in 2017, and are to be paid by way of check made

payable to “McKirdy & Riskin, P.A., Attorneys for Mountainside Realty LLC” and forwarded to Thomas M. Olson, Esq., 136 South Street, P.O. Box 2379, Morristown, New Jersey 07962 within 60 days of the Tax Court Judgment.

The taxpayer shall waive all interest on all tax overpayments.

Roll Call: Andre, Dierkes, Messler, Mortimer, Turner. Nays: 0  
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**ORDINANCE:** Second Reading (Public Hearing)

**ORDINANCE 1253-2017  
 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  |                      | \$334.00 |
| (ii) Each unmarried child over 21 living at home<br>or parent living with the family   |                      | 118.00   |
| 2. Single Membership 16 years of age or older  |                      | 171.00   |
| 3. Senior Citizen Membership: 62 years of age or older   |                      | 118.00   |
| 4. A child under the age of 16 joining as part of a family,<br>single or senior citizen membership of a relative, if<br>both the child and the membership are resident |                      | 171.00   |
| 5. A resident person age 14 or 15 employed by a family<br>as a parent’s helper joining that family’s membership  |                      | 171.00   |
| 6. Single Parent/Child   |                      | 285.00   |
| 7. Au Pair/Nanny   |                      | 118.00   |
| 8. Guest daily fee:  | Weekend/<br>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<br>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 admitted 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 \$621.00
    - (ii) Each unmarried child over 21 living at home parent living with family 118.00
  - 2. Single Membership: 16 years of age or older 312.00
  - 3. Senior Citizen membership: 62 years of age or older 263.00
  - 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 312.00
  - 5. A non-resident person age 14 or 15 employed by a family as a parent's helper joining that family's membership 312.00
  - 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 35.00
    - (ii) Family Membership 65.00
  - 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 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, Messler, Mortimer, Turner. Nays: 0  
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**MOTION:**

The following motion was unanimously approved:

1. Approve raffle application from Mountainside Restoration Committee for an off premise draw raffle  
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**BILLS & CLAIMS:**

The following resolution was introduced by Councilman Mortimer 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 21<sup>st</sup> day of February 2017, 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 \$359,059.83 (Copy of bill list attached).

Roll Call: Andre, Dierkes, Messler, Mortimer, Turner. Nays: 0  
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**COUNCIL COMMENTS:**

The Mayor announced receiving a new senior van from Union County. Chris Debbie was congratulated on his new position as County Police Chief.  
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**AUDIENCE PARTICIPATION:**

Hearing no one wishing to speak, Mayor Mirabelli closed the meeting to the public.  
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The following resolution was introduced by Councilman Mortimer and seconded by Councilman Turner.

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

WHEREAS, the Mayor and Council desire to discuss contracts and 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 7:44 P.M.  
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The meeting was recalled to public session at 8:33 P.M.

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