

**REGULAR MEETING
SEPTEMBER 16, 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 8:10 P.M.

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

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

APPROVAL OF MINUTES:

Upon motion by Councilman Turner and a second by Councilman Dierkes, the minutes of the Regular and Executive Session Meetings held on August 19, 2014 were approved. Roll Call: Ayes: Andre, Dierkes, Messler, Mortimer, Turner. Nays: 0. Abstained: Lane.

Upon motion by Councilman Dierkes and a second by Councilman Turner, the minutes of the Work Session Meeting held on September 2, 2014 were approved. Roll Call: Ayes: Andre, Dierkes, Lane, Mortimer, Turner. Nays: 0. Abstained: Messler.

RESOLUTIONS:

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

RESOLUTION 86-2014

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:

Tower Homes LLC
1 Martin Place
Cranford, NJ 07016

<u>Block</u>	<u>Lot</u>	<u>Amount</u>	
3.K	47	\$465.92	Overbill

Regular Meeting
September 16, 2014 – Page 2

Randy & Claudia Shehady
373 Short Drive
Mountainside, NJ 07092

<u>Block</u>	<u>Lot</u>	<u>Amount</u>	
5.C	23	\$2,842.15	Overbill

Echo Recreation Partners L.P.
225 Millburn Avenue, Suite 202
Millburn, NJ 07041

<u>Block</u>	<u>Lot</u>	<u>Amount</u>	
24.J	1	\$35,625.85	Overbill

Corelogic Inc
Attn: Refund Department
PO Box 961250
Forst Worth, TX 76161-0250

<u>Block</u>	<u>Lot</u>	<u>Amount</u>	
3.B	22	\$456.66	Duplicate Payment
5.T	34	\$2,547.29	Duplicate Payment
16.G	7	\$2,095.81	Duplicate Payment
16.H	15	\$537.91	Overbill

Lereta, LLC
1123 Parkview Drive, Refunds Dept.
Covina, CA 91724

<u>Block</u>	<u>Lot</u>	<u>Amount</u>	
3.C	7	\$2,375.13	Duplicate Payment

Wells Fargo Real Estate Tax Services
Financial Support-Region 1
1 Home Campus MAC X2302-04D
Des Moines, IA 50328-0001

<u>Block</u>	<u>Lot</u>	<u>Amount</u>	
16.K	106	\$2,882.83	Duplicate Payment

Sitar Law Offices, LLC Attorney Trust Account &
Kontos, Menelaos & Tsambika
1481 Oak Tree Road
Iselin, NJ 08830

<u>Block</u>	<u>Lot</u>	<u>Amount</u>	
5.A	17.A	\$821.79	County Tax Appeal

Smith, Ruth
1132 Ridge Drive
Mountainside, NJ 07092

<u>Block</u>	<u>Lot</u>	<u>Amount</u>	
5.B	6.A	\$820.10	County Tax Appeal

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

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

RESOLUTION 87-2014

WHEREAS, the Governing body of the Borough of Mountainside is aware that Friday, September 19, 2014 has been declared as “POW/MIA Remembrance Day”; and

WHEREAS, all Americans everywhere owe a special debt of gratitude and a responsibility for remembering and honoring those who have given so much to make all of us free and secure in this, our national homeland, and a recognition day is a fitting testament and remembrance for all of us, for the sacrifices of our POW/MIA Veterans;

NOW, THEREFORE, BE IT RESOLVED the Mayor and Council of the Borough of Mountainside that it hereby declares, Friday, September 19, 2014 as:

“POW/MIA REMEMBRANCE DAY”

in the Borough of Mountainside and urges all citizens of the Borough of Mountainside to make a special effort to give thanks to and remember the sacrifices rendered to us by all these noble sons and daughters of America.

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

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

RESOLUTION 88-2014

WHEREAS, receivable balance exist in the records of the Borough; and

WHEREAS, the balance is as follows:

Municipal Alliance Grant \$ 1,009.31

NOW, THEREFORE, BE IT RESOLVED that the Chief Finance Officer cancel this balance from the records of the Borough.

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

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

RESOLUTION 89-2014

WHEREAS, the Borough of Mountainside would like to participate in the leaf disposal program at the Union County Conservation Center; and

WHEREAS, it is necessary to enter into an Indemnification Agreement and Memorandum of Understanding with the County of Union to participate in the leaf disposal program; and

WHEREAS, the current 2014 rate is \$2.00 per yard – loose, \$4.00 per yard – compacted.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the Mayor and Borough Clerk are hereby authorized to sign the Indemnification Agreement and Memorandum of Understanding to participate in the leaf disposal program at the Union County Conservation Center.

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

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

RESOLUTION 90-2014

WHEREAS, in accordance with applicable provisions of the Public Contracts Law, the Borough advertised for Bids for Contract 2014-8 for “Paving Improvements on Sunny Slope Drive”; and

WHEREAS, on August 28, 2014 the return date for the bids, four bids were received as follows:

Bidders:	Base Bid	Alt. #1
Midwest Const.	\$367,925.66	\$22,050
Topline Const.	\$391,741.04	\$30,294
Cifelli & Son	\$441,410.00	\$36,000
Utility Systems Inc.	\$457,018.55	\$34,200

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

WHEREAS, the lowest bidder is Midwest Construction Inc. and the Borough Engineer has recommended that Contract 2014-8 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 Slope Drive is awarded to Midwest Construction Inc., 23 Dead River Road, Warren, New Jersey 07059 in the amount of \$389,975.66.

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

ORDINANCES: Second Reading (Public Hearing)

ORDINANCE 1226-2014

AN ORDINANCE GRANTING RENEWAL OF MUNICIPAL CONSENT TO COMCAST TO CONSTRUCT, CONNECT, OPERATE AND MAINTAIN A CABLE TELEVISION AND COMMUNICATIONS SYSTEM IN THE BOROUGH OF MOUNTAINSIDE, NEW JERSEY

Be it Ordained by the Mayor and Council of the Borough of Mountainside, County of Union, State of New Jersey ("Municipality") as follows:

Section 1. Purpose of the Ordinance

The municipality hereby grants to Comcast renewal of its non-exclusive Municipal Consent to place in, upon, across, above, over and under highways, streets, alleys, sidewalks, easements, public ways and public places in the municipality, poles, wires, cables, underground conduits, manholes and other television conductors, fixtures, apparatus and equipment as may be necessary for the construction, operation and maintenance in the Municipality of a cable television and communications system.

Section 2. Definitions

For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. Such meaning or definition of terms is supplemental to those definitions of the Federal Communications Commission ("FCC") rules and regulations, 47 C.F.R. Subsection 76.1 et seq., and the Cable Communications Policy Act, 47 U.S.C. Section 521 et seq., as amended, and the Cable Television Act, N.J.S.A. 48:5A-1 et seq., and shall in no way be construed to broaden, alter or conflict with the federal and state definitions:

- a. "Town" or "Municipality" is the Borough of Mountainside, County of Union, State of New Jersey.
- b. "Company" is the grantee of rights under this Ordinance and is known as Comcast of New Jersey II, LLC.
- c. "Act" or "Cable Television Act" is Chapter 186 of the General Laws of New Jersey, and subsequent amendments thereto, N.J.S.A. 48:5A-1, et seq.
- d. "FCC" is the Federal Communications Commission.
- e. "Board" or "BPU" is the Board of Public Utilities, State of New Jersey.
- f. "Office" or "OCTV" is the Office of Cable Television of the Board.
- g. "Basic Cable Service" means any service tier, which includes the retransmission of local television broadcast signals as defined by the FCC.
- h. "Application" is the Company's Application for Renewal of Municipal Consent.
- i. "Primary Service Area" or "PSA" consists of the area of the Municipality currently served with existing plant as set forth in the map annexed to the Company's Application for Municipal Consent.

Section 3. Statement of Findings

Public hearings conducted by the municipality, concerning the renewal of Municipal Consent herein granted to the Company were held after proper public notice pursuant to the terms and conditions of the Act and the regulations of the Board adopted pursuant thereto. Said hearings, having been fully open to the public, and the municipality, having received at said public hearings all comments regarding the qualifications of the Company to receive this renewal of Municipal Consent, the Municipality hereby finds that the Company possesses the necessary legal, technical, character, financial and other qualifications and that the Company's operating and construction arrangements are adequate and feasible.

Section 4. Duration of Franchise

The non-exclusive Municipal Consent granted herein shall expire 15 years from the date of expiration of the previous Certificate of Approval issued by the Board.

In the event that the Municipality shall find that the Company has not substantially complied with the material terms and conditions of this Ordinance, the Municipality shall have the right to petition the OCTV, pursuant to N.J.S.A. 48:5A-47, for appropriate action, including modification and/or termination of the Certificate of Approval; provided however, that the Municipality shall first have given the Company written notice of all alleged

instances of non-compliance and an opportunity to cure same within ninety (90) days of that notification.

Section 5. Franchise Fee

Pursuant to the terms and conditions of the Act, the Company shall, during each year of operation under the consent granted herein, pay to the Municipality two percent (2%) of the gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for cable television reception service in the Municipality or any higher amount required by the Act or otherwise allowable by law, whichever is greater. The current franchise fee amount for the Borough is 3.5% pursuant to NJSA 48:5A-30(d).

Section 6. Franchise Territory

The consent granted under this Ordinance to the renewal of the franchise shall apply to the entirety of the Municipality and any property subsequently annexed hereto.

Section 7. Extension of Service

The Company shall be required to proffer service to any residence or business along any public right-of-way in the Primary Service Area, as set forth in the Company's Application. The Company's Line Extension Policy, as set forth in the Company's Application, shall govern any extension of plant beyond the Primary Service Area.

Section 8. Construction Requirements

Restoration: In the event that the Company or its agents shall disturb any pavement, street surfaces, sidewalks, driveways, or other surface in the natural topography, the Company shall, at its sole expense, restore and replace such places or things so disturbed in as good a condition as existed prior to the commencement of said work.

Relocation: If at any time during the period of this consent, the Municipality shall alter or change the grade of any street, alley or other way or place the Company, upon reasonable notice by the Municipality, shall remove, re-lay or relocate its equipment, at the expense of the Company.

Removal or Trimming of Trees: During the exercise of its rights and privileges under this franchise, the Company shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks or other public places of the municipality so as to prevent the branches of such trees from coming in contact with the wires and cable of the Company. Such trimming shall be only to the extent necessary to maintain proper clearance of the Company's wire and cables.

Section 9. Customer Service

In providing services to its customers, the Company shall comply with N.J.A.C. 14:18-1, et seq. and all applicable state and federal statutes and regulations. The Company shall strive to meet or exceed all voluntary company and industry standards in the delivery of customer service and shall be prepared to report on it to the municipality upon written request of the Municipality Administrator or Clerk.

- a. The Company shall continue to comply fully with all applicable state and federal statutes and regulations regarding credit for outages, the reporting of same to regulatory agencies and notification of same to customers
- b. The Company shall continue to fully comply with all applicable state and federal statutes and regulations regarding the availability of devices for the hearing impaired and the notification of same to customers.
- c. The Company shall use every reasonable effort to meet or exceed voluntary standards for telephone accessibility developed by the National Cable Television Association (NCTA).
- d. Nothing herein shall impair the right of any subscriber or the Municipality to express any comment with respect to telephone accessibility to the Complaint Officer, or impair the right of the Complaint Officer to take any action that is permitted under law.

Section 10. Municipal Complaint Officer

The Office of Cable Television is hereby designed as the Complaint Officer for the Municipality pursuant to N.J.S.A. 48:5A-26(b). All complaints shall be received and processed in accordance with N.J.A.C. 14:17-6.5. The Municipality shall have the right to request copies of records and reports pertaining to complaints by Municipality customers from the OCTV.

Section 11. Local Office

During the term of this franchise, and any renewal thereof, the Company shall maintain a business office or agent in accordance with N.J.A.C. 14:18-5.1 for the purpose of receiving, investigating and resolving all local complaints regarding the quality of service, equipment malfunctions, and similar matters. Such a business office shall have a publicly listed toll-free telephone number and be open during standard business hours, and in no event (excepting emergent circumstances) less than 9:00 A.M. to 5:00 P.M., Monday through Friday.

Section 12. Performance Bonds

During the life of the franchise the Company shall give to the municipality a bond in the amount of twenty-five thousand (\$25,000.00) dollars. Such bond shall be to insure the faithful performance of all undertakings of the Company as represented in its application for municipal consent incorporated herein.

Section 13. Subscriber Rates

The rates of the Company shall be subject to regulation as permitted by federal and state law.

Section 14. Public, Educational and Governmental Access

a. The Company shall continue to provide residents with a system-wide public access channel maintained by the Company. Qualified individuals and organizations may utilize public access for the purpose of cablecasting non-commercial access programming in conformance with the Company's published public access rules.

b. The Company shall continue to provide a system-wide leased access channel maintained by the Company for the purpose of cablecasting commercial access programming in conformance with the Company's guideline and applicable state and federal statutes and regulations.

c. The Company shall continue to provide a dedicated local access channel maintained by the Company for the purpose of cablecasting non-commercial access programming in conformance with the Company's guidelines and applicable state and federal statutes and regulations. The Company shall continue to maintain the two existing returns lines for the access channel (located at the Mountainside Municipal facility and at the Deerfield School). The Company shall also continue to maintain the access interconnection with Governor Livingston High School in Berkeley Heights, NJ.

d. The Company shall take any steps that are necessary to ensure that the signals originated on the access channels are carried without material degradation, and with a signal whose quality is equal to that of the other standard channels that the Company transmits.

e. The Communications Act of 1934, as amended (47 U.S.C. §543(b)(4)), allows the Company to itemize and/or identify the amount on the monthly bill assessed to satisfy any requirements imposed on the Company by the cable franchise to support public, educational, and governmental channels, or the use of such channels or any other services required under the franchise. The company reserves its external cost, pass-through rights to the extent permitted by law.

Section 15. Commitments by Company

a. The Company shall provide standard installation and basic cable television service on one (1) outlet at no cost to each school in the Municipality, public and private, elementary, intermediate and secondary, provided the school is within 200 feet of active cable distribution plant. Each additional outlet installed, if any, shall be paid for on a materials plus labor basis by the school requesting service. Monthly service charges shall be waived on all additional outlets except for equipment.

b. The Company shall provide standard installation and basic cable television service at no cost on one (1) outlet to each police, fire, emergency management facility, public library in the Borough and including Borough Hall and municipal pool facilities, provided the facility is located within 200 feet of active cable distribution plant. Each additional outlet installed, if any, shall be paid for on a materials plus labor basis by the Municipality. Monthly service charges shall be waived on all additional outlets except for equipment.

c. The Company shall continue to provide free basic Internet service, via high-speed cable modem, to one non-networked outlet in each school in the Borough, public and private, elementary, intermediate and secondary, at no charge, provided the school is within 200 feet of active cable distribution plant.

d. Within six (6) months of the issuance of a renewal Certificate of Approval (COA) by the Board, the Company shall provide to the municipality a one-time access-related technology grant in the amount of ten thousand dollars (\$10,000).

Section 16. Emergency Uses

The Company will comply with the Emergency Alert System ("EAS") rules in accordance with applicable state and federal statutes and regulations.

The Company shall in no way be held liable for any injury suffered by the municipality or any other person, during an emergency, if for any reason the municipality is unable to make full use of the cable television system as contemplated herein.

Section 17. Liability Insurance

The Company shall at all times maintain a comprehensive general liability insurance policy with a single limit amount of \$1,000,000 covering liability for any death, personal injury, property damages or other liability arising out of its construction and operation of the cable television system, and an excess liability (or "umbrella") policy in the amount of \$5,000,000.

Section 18. Incorporation of Application

All of the statements and commitments contained in the Application or annexed thereto and incorporated therein, and any amendment thereto, except as modified herein, are binding upon the Company as terms and conditions of this consent. The Application and other relevant writings submitted by the Company shall be annexed hereto and made a part hereof by reference provided same do not conflict with applicable State or Federal law.

Section 19. Competitive Equity

Should the Municipality grant a franchise to construct, operate and maintain a cable television system to any other person, corporation or entity on terms materially less burdensome or more favorable than the terms contained herein, the Company may

substitute such language that is more favorable or less burdensome for the comparable provision of this Ordinance subject to the provisions of N.J.A.C. 14:17-6.7.

Section 20. Separability

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or federal or state agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and its validity or unconstitutionality shall not affect the validity of the remaining portions of the Ordinance.

Section 21. Third Party Beneficiaries

Nothing in this Franchise or in any prior agreement is or was intended to confer third-party beneficiary status on any member of the public to enforce the terms of such agreements or Franchise.

Section 22. Effective Date

This Ordinance shall take effect immediately upon issuance of a Renewal Certificate of Approval from the BPU.

Section 23. Inconsistency

All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

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, Mortimer, Turner. Nays: 0

First Reading (Introduction)

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**

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 amend the Floor Area Ratio (“FAR”) and side yard setback standards for the residential zoning districts in the Borough; and

WHEREAS, the Borough Planner has made certain recommendations to to amend the Borough Code to incorporate these changes; and

WHEREAS, previously by Ordinance 1210-2013, the Borough amended the Borough amended the FAR to .225 for the residential zoning districts in the Borough; and

WHEREAS, upon further recommendation by the Borough Planner, the Mayor and Council have determined that it is in the interest of the Borough to amend the Required Conditions for the residential zoning districts to allow a range of FAR provided certain side yard setback conditions are met; and

NOW THEREFORE BE IT ORDAINED by the Mayor and Council as follows: Article 10, Section 1003 of the Borough Code be and the same is hereby is amended by adding new subsection (aa):

(aa) Floor Area Ratio Regulation. A floor area ratio is calculated by dividing the habitable floor area of a dwelling by the lot area. Habitable floor area shall not include garage space, basement whether finished or unfinished, attic space, an open porch or breezeway.

AND BE IT FURTHER ORDAINED THAT Subsection 1008 (c) (3) of the Borough Code be and the same is hereby deleted and that there be substituted the following new Section 1008(c)(3):

(3) Side Yard. There shall be two (2) side yards, neither of which shall be less than ten (10) feet or ten percent (10%) of the lot width, whichever is greater except that for a single-family dwelling having a FAR of 0.225 or greater but in no event greater than 0.24, shall have a side yard setback of 15 feet or 15% of the lot width, whichever is greater.

AND BE IT FURTHER ORDAINED THAT Subsection 1008 (c) (8) of the Borough Code be and the same is hereby deleted and that there be substituted the following new Section 1008(c)(8):

(8) Floor Area Ratio. A standard floor area ratio for the R-1 Zone shall be .225. However, for certain applications for single family dwellings having a proposed FAR of greater than 0.225 but in no event greater than 0.24, the side yard setback requirements shall be as determined in section three (3) above.

AND BE IT FURTHER ORDAINED THAT Subsection 1009(c)(3) of the Borough Code be and the same is hereby deleted and that there be substituted the following new Section 1009(c)(3):

(3) Side Yard. There shall be two (2) side yards, neither of which shall be less than ten (10) feet or ten percent (10%) of the lot width, whichever is greater except that for a single-family dwelling having a FAR of 0.225 or greater but in no event greater than 0.24, shall have a side yard setback of 15 feet or 15% of the lot width, whichever is greater.

AND BE IT FURTHER ORDAINED THAT Subsection 1009 (c) (8) of the Borough Code be and the same is hereby deleted and that there be substituted the following new Section 1009(c)(8):

(8) Floor Area Ratio. A standard floor area ratio for the R-1 Zone shall be .225. However, for certain applications for single family dwellings having a proposed FAR of greater than 0.225 but in no event greater than 0.24, the side yard setback requirements shall be as determined in section three (3) above.

AND BE IT FURTHER ORDAINED THAT Subsection 1010(c)(3) of the Borough Code be and the same is hereby deleted and that there be substituted the following new Section 1010(c)(3):

(3) Side Yard. There shall be two (2) side yards, neither of which shall be less than ten (10) feet or ten percent (10%) of the lot width, whichever is greater except that for a single-family dwelling having a FAR of 0.225 or greater but in no event greater than 0.24, shall have a side yard setback of 15 feet or 15% of the lot width, whichever is greater.

AND BE IT FURTHER ORDAINED THAT Subsection 1010(c) (8) of the Borough Code be and the same is hereby deleted and that there be substituted the following new Section 1010(c)(8):

(8) Floor Area Ratio. A standard floor area ratio for the R-1 Zone shall be .225. However, for certain applications for single family dwellings having a proposed FAR of greater than 0.225 but in no event greater than 0.24, the side yard setback requirements shall be as determined in section three (3) above.

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.

The Council agreed to make some amendments to the ordinance prior to final adoption.

It was moved by Councilman Messler and seconded by Councilman Turner that this ordinance be passed on first reading and advertised in full for a public hearing on October 21, 2014.

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

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 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.

It was moved by Councilman Lane and seconded by Councilman Mortimer that this ordinance be passed on first reading and advertised in full for a public hearing on October 21, 2014.

Roll Call: Andre, Dierkes, Lane, Messler, 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.

It was moved by Councilman Turner and seconded by Councilman Mortimer that this ordinance be passed on first reading and advertised in full for a public hearing on October 21, 2014.

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

MOTIONS:

1. Raffle applications from Mountainside PTA for a 50/50 on premise draw raffle and two (2) on premise draw raffles
2. Raffle application from Mountainside Restoration Committee for an off premise draw raffle
3. Approve appointments of Thomas McGowan and Matthew Schweikert as Volunteer Firefighters

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 16th day of September 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 \$187,655.19 (Copy of bill list attached.)

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

COUNCIL COMMENTS:

Councilwoman Andre invited the public to attend the Hetfield House Annual Fall Mum and Plant Sale on September 18-21, 2014. The Levi Cory House was successfully lowered on September 5th and work will soon begin on the repair of the building's sill and fascia. The Hetfield House is joining the Mountainside Newcomers Club Townwide Garage Sale on September 20th. Residents are encourage to donate items for the sale to the Hetfield House.

On behalf of the Mayor and Council, condolences were sent to the families of Michael Perrotta and Blake Kelley.

Mayor Mirabelli invited residents to support the PTA Fall Festival and PAL Cop Trot on October 18, 2014.

Councilwoman Andre reminded the community about the Four Centuries in a Weekend Open House and the NJ 350th Anniversary Celebration on October 18th.

AUDIENCE PARTICIPATION:

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

Upon motion by Councilman Lane second by Councilman Mortimer, the meeting was unanimously adjourned to public session. The meeting adjourned at 8:29 P.M.

Respectfully submitted,

Martha Lopez, Borough Clerk