

**REGULAR MEETING
JANUARY 19, 2016**

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 7:37 P.M.

INVOCATION: Councilwoman Andre
MOMENT OF SILENCE: Former Councilman David Hart
SALUTE TO THE FLAG
ROLL CALL

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

APPROVAL OF MINUTES:

Upon motion by Councilman Turner and a second by Councilman Mortimer, the minutes of the Reorganization Meeting held on January 5, 2016 was approved. Roll Call: Ayes: Andre, Fech-Caccamo, Messler, Mortimer, Turner. Nays: 0.

Upon motion by Councilman Turner and a second by Councilman Mortimer, the minutes of the Work & Executive Session Meetings held on January 12, 2016 were approved. Roll Call: Ayes: Andre, Fech-Caccamo, Messler, Mortimer, Turner. Nays: 0.

PROCLAMATION:

WHEREAS, Mountainside resident James T. Egan, Jr. joined the United States Marine Corps after graduating from Notre Dame in 1964; and

WHEREAS, while a member of the 3rd Battalion, 12th Marines, 3rd Marine Division, he was unexpectedly ordered to Vietnam; and

WHEREAS, on January 21, 1966, 1st Lt. Egan was an Artillery Forward Observer with a Reconnaissance Patrol which was operating about 15 miles southwest of the city of Quang Ngai in Quang Ngai Province, South Vietnam, when his patrol was ambushed by Viet Cong/North Vietnamese Army forces; and

WHEREAS, reports from his comrades established that Lt. Egan was wounded in the ensuing battle, presumably captured and he was thereafter carried as missing in action; and

WHEREAS, his ultimate fate has never been determined; and

WHEREAS, the Governing Body of this Borough determines that it is fitting and proper to assure that he is not missing from the minds and hearts of his fellow citizens of our Borough by commemorating the 50th Anniversary of his loss.

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Mountainside remembers and honors James T. Egan, Jr. for his courage, sacrifice and patriotism.

RESOLUTIONS:

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

RESOLUTION 25-2016

WHEREAS, the Union County Transportation Advisory Board has requested that the Borough of Mountainside appoint a representative and an alternate to serve on the Board for a one year term; and

WHEREAS, the Governing Body is desirous of appointing a representative and alternate from the Borough of Mountainside;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that Councilman Robert W. Messler be appointed as representative and Michael Disko, Jr. be appointed as an alternate for a term to expire December 31, 2016.

Roll Call: Andre, Fech-Caccamo, Messler, Mortimer, Turner. Nays: 0

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

RESOLUTION 26-2016

Governor's Council on Alcoholism and Drug Abuse
Fiscal Grant Cycle July 2014-June 2019

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, The Mountainside Council of the Borough of Mountainside, County of Union, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

WHEREAS, the Mountainside Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Mountainside Borough Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Union;

NOW, THEREFORE, BE IT RESOLVED by the Borough of Mountainside, County of Union, State of New Jersey hereby recognizes the following:

1. The Mountainside Borough Council does hereby authorize submission of a strategic plan for the Mountainside Municipal Alliance grant for fiscal year July 1, 2016 – June 30, 2017 in the amount of:

DEDR	\$ 15,743
Cash Match	\$ 3,936
In-Kind	\$ 11,807

2. The Mountainside Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

Roll Call: Andre, Fech-Caccamo, Messler, Mortimer, Turner. Nays: 0

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

RESOLUTION 27-2016

WHEREAS, the Fire Prevention Official Joseph Popolo has requested a refund to the following realtor who erroneously applied for a Certificate of Continued Occupancy for her client at: 1175 Wychwood Road; and

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

<u>Recipient</u>	<u>Amount</u>
Kathleen Gouldey Coldwell Banker West 600 North Avenue Westfield, NJ 07090	\$240.00

Roll Call: Andre, Fech-Caccamo, Messler, Mortimer, Turner. Nays: 0

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

RESOLUTION 28-2016

WHEREAS, a quote was received by the Borough of Mountainside for the July 4th 2016 Fireworks Celebration; and

WHEREAS, the quote was in the amount of \$15,000.00; and

WHEREAS, the Governing body has determined that Garden State Fireworks, Millington, New Jersey is the preferred vendor; and

WHEREAS, the Borough of Mountainside provides \$7,500.00, the Mountainside Volunteer Fire Company and Mountainside PAL provide \$3,750.00 each for the payment of the July 4th fireworks;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the proper Borough Officials are hereby authorized to enter into an agreement with Garden State Fireworks in the amount of \$15,000.00 for the 2016 July 4th Fireworks Celebration.

Roll Call: Andre, Fech-Caccamo, Messler, Mortimer, Turner. Nays: 0

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

RESOLUTION 29-2016

WHEREAS, the Borough of Mountainside has a road opening escrow balance due to an applicant and the Borough Engineer, Mike Disko, Jr., has requested the funds be returned, and

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

<u>Applicant</u>	<u>Amount</u>
Selario, LLC 1151 Wyoming Drive Mountainside, NJ	\$7,395.38

Roll Call: Andre, Fech-Caccamo, Messler, Mortimer, Turner. Nays: 0

Resolution 30-2016 Liquor License Transfer was tabled.

ORDINANCES: First Reading (Introduction)

ORDINANCE 1241-2016

AN ORDINANCE TO REPEAL CHAPTER IX BUILDING AND HOUSING SECTION 9-1.2 OF THE CODE OF THE BOROUGH OF MOUNTAINSIDE TO REPEAL THE PROVISIONS THEREOF PERTAINING TO THE CONSTRUCTION BOARD OF APPEALS

WHEREAS, N.J.S.A. 52:27D-127 provides that there shall be a Construction Board of Appeals for each county to hear appeals from decisions by the Uniform Construction Code Enforcing Agency which shall hear appeals from decisions of the Municipal Uniform Construction Code Enforcing Agency; and

WHEREAS, said statute provides that a municipality may establish its own Construction Board of Appeals to hear appeals from decisions by the municipal enforcing agency; and

WHEREAS, the Mayor and Council of the Borough of Mountainside has determined that the Construction Board of Appeals established by Chapter IX of the Code of the Borough of Mountainside is no longer necessary and that any appeals from decisions of the local enforcing agency may be heard by the Union County Construction Board of Appeals.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Mountainside as follows:

SECTION 1. Chapter IX Building and Housing Section 9-1.2 of the Code of the Borough of Mountainside is hereby repealed and the Mountainside Construction Board of Appeals is hereby abolished.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 3. If any portion of this ordinance shall be determined to be invalid, such determination shall not affect the validity of the remaining portions of said ordinance.

SECTION 4. This ordinance shall take effect upon final passage and publication in accordance with law.

SECTION 5. The Municipal Clerk is hereby directed to file a copy of this ordinance with the Office of Regulatory Affairs of the Division of Codes and Standards in the Department of Community Affairs, the Union County Board of Construction Appeals, and the Union County Board of Chosen Freeholders.

It was moved by Councilman Messler and seconded by Councilwoman Andre that this ordinance be passed on first reading and advertised in full for a public hearing on February 16, 2016.

Roll Call: Andre, Fech-Caccamo, Messler, Mortimer, Turner. Nays: 0

ORDINANCE 1242-2016
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 | \$327.00 |
| (ii) Each unmarried child over 21 living at home or parent living with the family | 115.00 |
| 2. Single Membership 16 years of age or older | 167.00 |
| 3. Senior Citizen Membership: 62 years of age or older | 115.00 |
| 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 | 167.00 |
| 5. A resident person age 14 or 15 employed by a family as a parent's helper joining that family's membership | 167.00 |

6. Single Parent/Child 279.00

7. Au Pair/Nanny 115.00

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 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 15th of the membership year.

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

1. Family Membership:

(I) Family membership	\$608.00
(ii) Each unmarried child over 21 living at home parent living with family	115.00

2. Single Membership: 16 years of age or older 305.00

3. Senior Citizen membership: 62 years of age or older 257.00

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 305.00

5. A non-resident person age 14 or 15 employed by a family as a parent's helper joining that family's membership 305.00

6. Guest daily fee:	Weekend/ Holidays	Weekdays
(I) Adult	10.00	8.00
(ii) Under 18 years of age	8.00	7.00

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|--|-------|
| 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.

It was moved by Councilwoman Fech-Caccamo and seconded by Councilman Turner that this ordinance be passed on first reading and advertised in full for a public hearing on February 16, 2016.

Roll Call: Andre, Fech-Caccamo, Messler, Mortimer, Turner. Nays: 0

MOTION:

The following motion was unanimously approved:

1. Approve appointment of Luke Gibbons as a Volunteer Firefighter

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 19th day of January, 2016, 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 \$334,744.57 (Copy of bill list attached).

Roll Call: Andre, Fech-Caccamo, Messler, Mortimer, Turner. Nays: 0

COUNCIL COMMENTS:

Councilman Mortimer sent condolences to the Hart Family.

Mayor Mirabelli announced the grand opening of the Media Center at Deerfield School.

AUDIENCE PARTICIPATION:

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

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

Meeting adjourned at 7:49 PM.

Martha Lopez, RMC
Borough Clerk