

**REGULAR MEETING
DECEMBER 19, 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 7:31 P.M.

**INVOCATION: Council President Turner
SALUTE TO THE FLAG
ROLL CALL**

PRESENT: Mayor Mirabelli, Councilwoman Andre, Councilman Dierkes, Councilwoman Fech-Caccamo, Councilman Messler, Councilman Mortimer, Council President Turner, Administrator Debbie and Attorney Post. Also present were Police Chief Allan Attanasio, Public Works Manager Ronald Romak, Fire Chief Pecorelli and Deputy Fire Chief Cantagallo.

APPROVAL OF MINUTES:

Upon motion by Councilman Mortimer and a second by Councilman Turner, the minutes of the Regular Session Meeting held on November 21, 2017 were approved. Roll Call: Ayes: Andre, Dierkes, Fech-Caccamo, Messler, Mortimer, Turner. Nays: 0.

Upon motion by Councilman Turner a second by Councilman Mortimer, the minutes of the Work Session Meeting held on December 5, 2017 were approved. Roll Call: Ayes: Andre, Dierkes, Fech-Caccamo, Mortimer, Turner. Nays: 0. Abstained: Messler.

RESOLUTIONS:

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

RESOLUTION 123-2017

WHEREAS, the owners of real estate in the Borough of Mountainside paid their real estate and sewer taxes by way of a check in an incorrect amount; and

WHEREAS, in many of such instances the error involved amounts of \$5.00 and under.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the proper Borough Officials be and they hereby are authorized to cancel all such amounts on tax and sewer accounts, whether owed to the Borough or owed by the Borough, of \$5.00 and under for the year 2017.

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

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

RESOLUTION 124-2017

WHEREAS, N.J.S.A. 40A:4-58 provides for transfers within certain appropriations within the Municipal Budget during the last two months of the fiscal year; and

WHEREAS, the Chief Financial Officer has advised the Mayor and Council of the Borough of Mountainside that the need for certain transfers within the 2017 Municipal Budget exists, and

WHEREAS, this resolution authorizes the Chief Financial Officer to make these transfers,

NOW, THEREFORE, BE IT RESOLVED that the following budget transfers be ratified.

BE IT FURTHER RESOLVED that the Chief Financial Officer be and is hereby authorized to make any necessary transfers prior to year end and that these be ratified at the first regularly scheduled Governing Body meeting of 2018.

<u>CURRENT ACCOUNT</u>	<u>TO</u>	<u>FROM</u>
Contribution to DCRP	200.00	
Contribution of Social Security	5,000.00	
Municipal Clerk S/W	2,000.00	
Legal O/E	10,000.00	
Police S/W	20,000.00	
A&E S/W		15,200.00
Tax Assessor O/E		12,000.00
Planning Board O/E		10,000.00

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

ORDINANCE: Second Reading (Public Hearing)

ORDINANCE 1261-2017

AN ORDINANCE AMENDING ORDINANCE 1240-2015 THAT ADOPTED THE REDEVELOPMENT PLAN - BARNES TRACT, BLOCK 14, LOT 14, TO INCLUDE BLOCK 14, LOT 13 IN SUCH REDEVELOPMENT PLAN

WHEREAS, on October 6, 2015, the Mayor and Council of the Borough of Mountainside adopted Resolution 97- 2015 directing the Planning Board of the Borough of Mountainside, pursuant to N.J.S.A. 40A:12A-5 and 40A:12A-6 of the Local Redevelopment and Housing Law to undertake a preliminary investigation to determine whether the property, identified on the Borough’s tax map as Block 14, Lot 14 (hereinafter referred to as the “Barnes Tract”), qualifies as an area in need of Non- Condemnation Redevelopment; and

WHEREAS, on November 5, 2015, the Planning Board adopted a Resolution concluding that substantial evidence existed under N.J.S.A. 40A:12A-5(a), (c) and (d) that the Barnes Tract is an “area in need of redevelopment” under the Redevelopment Law and recommending to the Borough Council that the Barnes Tract be determined to be an “area in need of redevelopment;” and

WHEREAS, the Mayor and the Borough Council adopted Resolution 109-2015 accepting the recommendations of the Planning Board and determining the Barnes Tract to be an “area in need of redevelopment;” and

WHEREAS, at the request of the Mayor and Borough Council, John T. Chadwick, IV, P.P. created a proposed redevelopment plan entitled “Redevelopment Plan - Barnes Tract, Block 14, Lot 14;” and

WHEREAS, the Borough Council referred the Redevelopment Plan - Barnes Tract, Block 14, Lot 14 to the Planning Board, pursuant to N.J.S.A. 40A:12A-7(e), for a report and recommendation from the Planning Board concerning the proposed plan, together with an identification of any provisions in the proposed plan that are inconsistent with the master plan and, if so, any recommendations concerning those inconsistencies, and any other matters as the Land Use Board may deem appropriate; and

WHEREAS, the Planning Board recommended implementation of the Redevelopment Plan - Barnes Tract, Block 14, Lot 14 and reported that said plan is consistent with the Borough Master Plan; and

WHEREAS, the Borough Council has determined that the inclusion of the Redevelopment Plan - Barnes Tract, Block 14, Lot 14 does generally conform with the goals and objectives set forth in the Borough Master Plan and advances the objectives of the Borough Affordable Housing Plan, and

WHEREAS, on December 29, 2015 the Borough Council adopted Ordinance 1240-2015 that adopted the Redevelopment Plan for the Barnes Tract, Block 14, Lot 14, and

WHEREAS, in the course of implementing the aforesaid Redevelopment Plan for the Barnes Tract it came to the attention of the Governing Body that such Plan might be improved if Block 14, Lots 13 and 17 were also included in the aforesaid Redevelopment Plan, and

WHEREAS, on June 20, 2017 the Mayor and Council of the Borough of Mountainside adopted Resolution 78-2017 directing the Planning Board of the Borough of Mountainside, pursuant to N.J.S.A. 40A:12A-5 and 40A:12A-6 of the Local Redevelopment and Housing Law (the “Redevelopment Law”) to undertake a preliminary investigation to determine whether the properties identified on the Borough’s tax map as Block 14, Lots 13 and 17 qualify as properties in need of Non-Condensation Redevelopment; and

WHEREAS, a public hearing was held on August 22, 2017 by the Planning Board to determine whether the properties identified on the Borough’s tax map as Block 14, Lots 13 and 17 qualify as properties in need of Non-Condensation Redevelopment; and

WHEREAS, at this hearing the Planning Board considered a Chadwick Report, witnesses, exhibits, testimony, opinion, and comments by the public, as well as any statement of counsel; and

WHEREAS, on August 22, 2017, upon completion of the hearing, at which separate votes were taken regarding Lot 13 and Lot 17, the Planning Board adopted a Resolution concluding that substantial evidence existed under N.J.S.A. 40A:12A-5(a), (c) and (d) that Lots Block 14, Lots 13

and 17 are “areas in need of redevelopment” under the Redevelopment Law and recommended to the Borough Council that the both Lots be determined to be an “area in need of redevelopment;” and

WHEREAS, the Planning Board forwarded a copy of its Resolution to the Mayor and Borough Council; and

WHEREAS, by Resolution 108-2017 the Borough Council determined to partially accept these recommendations and determined that Block 14, Lot 13 is an “area in need of redevelopment;” and

WHEREAS, by Resolution 108-2017 the Borough Council referred the Redevelopment Plan - Barnes Tract, Block 14, Lot 14 back to the Planning Board, pursuant to N.J.S.A. 4QA:12A-7(e), for a report and recommendation from the Planning Board concerning inclusion of Block 14, Lot 13 in the proposed plan together with an identification of any provisions in the proposed plan that would be inconsistent with the master plan and, if so, any recommendations concerning those inconsistencies, and any other matters as the Planning Board may deem appropriate.

WHEREAS, this Ordinance will not be effective until the Planning Board has recommended implementation of the Redevelopment Plan - Barnes Tract, Block 14, Lot 14 as amended by the inclusion of Block 14, Lot 13 and reported that said plan is consistent with the Borough Master Plan; and

WHEREAS, this Ordinance will not be effective until the Borough Council has determined that the inclusion of the Redevelopment Plan - Barnes Tract, Block 14, Lot 14, as amended by the inclusion of Block 14, Lot 13 does generally conform with the goals and objectives set forth in the Borough Master Plan and advances the objectives of the Borough Affordable Housing Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE BOROUGH COUNCIL FOR THE BOROUGH OF MOUNTAINSIDE, NEW JERSEY, THAT:

Section 1

The Borough Council, after studying and deliberating the contents and substance of the “Redevelopment Plan - Barnes Tract, Block 14, Lot 14, as amended by the inclusion of Block 14, Lot 13,” desires to adopt Redevelopment Plan - Barnes Tract, Block 14, Lot 14, as amended by the inclusion of Block 14, Lot 13 which is attached as a part of this ordinance.

- a. This Redevelopment Plan as amended promotes development of a vacant and neglected municipal property and advances the Borough’s Affordable Housing Plan.
- b. This Redevelopment Plan as amended permits vacant, neglected and underutilized property to return to full productivity by creating new appropriate development regulations and opportunities.

Section 2

The attached “Redevelopment Plan - Barnes Tract, Block 14, Lot 14, as amended by the inclusion of Block 14, Lot 13” shall regulate development within the affected area under Local Redevelopment and Housing Law.

Section 3

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

Section 4

This ordinance shall take effect immediately upon final adoption and publication and in the manner provided by law.

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 Councilwoman Andre that this ordinance be passed on second and final reading and advertised by title only.

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

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 December 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 \$430,591.90 (Copy of bill list attached).

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

COUNCIL COMMENTS:

Councilman Turner gave an update on the latest Barnes Tract Committee Meeting. The Committee and Developer agreed to eliminate the commercial aspect of the project and to maintain as many mature trees as possible.

Councilman Turner wished everyone a happy holiday and new year.

Mayor Mirabelli thanked everyone who supported the tree and menorah lighting ceremonies. He also wished everyone a happy holiday and new year.

Councilwoman Andre thanked Santa for attending the holiday festivities.

AUDIENCE PARTICIPATION:

Genevieve Cooper from Knightsbridge Road had questions regarding the Barnes Tract Committee Meeting, particularly if any plans have been put in place and the status of the traffic study.

Councilman Turner explained that no particular plans have been developed and the Mayor stated we are still working on the traffic study.

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

Upon a motion by Councilman Turner and a second by Councilman Mortimer, the following resolution to adjourn to closed session was unanimously adopted:

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 personnel 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.

The meeting was recalled to public session at 7:56 P.M.

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

Martha Lopez, RMC
Borough Clerk