REGULAR MEETING
JANUARY 16, 2018

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: Councilwoman Andre
SALUTE TO THE FLAG
ROLL CALL

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

MAYOR’S ANNUAL ADDRESS:

As I have always said, Mountainside is a great community because of the volunteerism that we have here. We have a great Volunteer Fire Department and Rescue Squad. I can remember a few years ago when both organizations were scrambling for volunteers, but through the leadership of both organizations they have been able to recruit a lot of new members, especially young members. Both organizations are thriving and with the new young members and the current leaderships, these organizations are on solid ground to continue to be the great volunteer organizations that Mountainside deserves. It doesn't mean that they don't need more volunteers though. If anyone is interested in volunteering please contact the Fire Department and Rescue Squad or Borough Hall. I also want to commend the Police Department. These guys are on the front lines. They make this community a safe community that we all know and love. We also have a number of volunteer organizations: MYB, MSA, PAL, VFW, Lions Club, Rotary Club, and the Elks. We also have Girl Scouts, Brownies, Cub Scouts, and Boy Scouts. I want to commend the Boy Scouts because this year we recognized two new Eagle Scouts. In the last few years we have had 15 Eagle Scouts from Mountainside which is an unbelievable amount for a small community like ours. It is a testament to the Boy Scouts and to each of those members who attained the level of Eagle Scout.

This year we are in full swing with the implementation of our Fair Housing Plan. The Planning Board has approved 23 units behind Brighton Garden, 19 are market rate units and 4 are affordable units. They have already sold a number of units. The Board of Adjustment has approved thirty 55 and over units on Route 22 West, 24 market rate units and 6 affordable. These units are also under construction. The Barnes Tract which is on Mountain Ave by 7-1-1 has been designated an area in need of development. As a result of a Request for Proposal for this project POP Realty has been designated as the Developer for that project. They had the highest bid which was $3.1 million that was $500,000 higher than any other developer.

Pop Realty believes that the proximity to the Mountainside Pool will enhance the value of the Barnes Tract project and has offered to repave, curb and landscape the Pool parking lot and to extend the County trails up to the project which will lead down to Mountain Ave and make it much safer for our children who leave the pool and want to come up to the downtown to either 7-1-1, the deli, or wherever the kids go these days. Of course any connection to the County trails is subject to County approval. The principals of Pop Realty are members of a family that have already done successful projects in Mountainside- they completed the subdivision known as Robbie Lane at the edge of the Echo Lake Park. They have agreed to work closely with the Borough to ensure that the Barnes Tract is developed in accordance with our goals for the property. These goals are to comply with our fair housing plan, maximize the value to our taxpayers for the sale of the property, and at the same time

see the property developed in a way that will fit into the character of our Community. We also are very concerned about addressing the traffic and parking issues that surround a project like this and we are confident that working with the developer and the County, we will be able to adequately address those issues. I know that some of our citizens have expressed concerns about these projects, but I want to reiterate what I said last year, that these projects are in accordance with our Court Approved Affordable Housing Plan which is to protect Mountainside from aggressive builders who want to attempt to build high density housing in Mountainside.

These Affordable Housing high density projects were forced upon us by the State. Fortunately as a result of the efforts of myself, the town counsel, John Post our attorney, and John Chadwick, our planner, we have an approved affordable housing plan with only 6 units per acre, the lowest in the state. I know that some of our residents are against these types of State mandated Affordable Housing Developments but had we not acted when we did, we would have housing density between 20-60 units per acre like you see in Westfield, Garwood, Scotch Plains, and Cranford. By implementing our Court Approved Affordable Housing Plan we are insulated from their disastrous outcome.

I am also very proud to say for the 5th year in a row that Mountainside is striving and is fiscally sound. Even though we have a 2% cap, with the staff and all our volunteers the residents get the services that they expect from us and we do it in a fiscally responsible fashion. We do it the old fashion way. We get grants; we share services with the Board of Education, other towns and the County that's how we keep the costs down and still maintain the level of services for all Mountainside residents. I want to thank all of our staff here at Borough Hall because they are the backbone of helping us to stay below the 2% and continue to provide the same level of service.

As I said last year, I do have one concern and it seems to be getting worse. Mountainside is a town of volunteers, but one thing that I am hearing from the organizations is that it is the same people volunteering and we are not getting any new volunteers. I think that we need to do a better job in volunteering. One great example of a new volunteer committee is the Beautify Mountainside Committee which consists of volunteers of all ages who are responsible for the planters and decorations downtown. I cannot stress enough that all residents young and old need to volunteer. They really need to step up and get out and join these organizations and volunteer. I want to thank those who are already volunteering and who are setting a great example of volunteering for their children. This first step is volunteer when your kids first get involved in the programs. You will see the benefit of volunteering and hopefully you will continue to volunteer even after you children are out of the programs. The strongest volunteer organizations that we have in town are manned by people whose children are no longer benefiting from these different groups and that's the way it has to work. I want to commend all of the young adults that have joined the Rescue Squad and Fire Department. Younger people need to step up and start to volunteer so we can continue to keep Mountainside the great community that it is.

The state of Mountainside is that it is currently ranked by NJ Monthly Magazine as the l2th best town to live in NJ and one of the 16 hottest real estate markets in the state. People move to Mountainside and residents stay here because of our high property values, low taxes, and the small town suburban feel of Mountainside. These attributes are a direct result of the action of the Council and myself who continue to make decisions that are right for Mountainside based upon an evaluation of the facts and not rumors and innuendos that appear on the internet or social media. We strive to make decisions that are right for the Mountainside Community and not any individual or group. One very positive development that has occurred this year is that residents are starting to attend our council meetings to express their concerns and opinions about Council decisions that affect our community. This is the best way to express their concerns and we do listen.

In connection with the Barnes Tract development we heard the concerns of the residents and only included a small lot on Mountain Ave that would improve traffic, create more open space, and did not include a larger lot adjacent to the properties on Knightsbridge Lane. In addition we have decided not to include any retail stores as part of the development. Both of these actions will help to address the traffic and parking concerns expressed by the residents and create more open space in the development.

In addition we are in the process of awarding a bid for a town wide traffic study which will address traffic from Springfield Avenue to Glenside Road in a comprehensive fashion. A solution cannot be isolated to Mountainside but must include surrounding towns, the County, and the Department of Transportation.

I want to thank all those residents who have come to our meetings and expressed their concerns and encourage any residents who have a concern to attend our public meetings. We do listen.

Mountainside is our community and it is a great community. President Ronald Regan said "The person who agrees with you 80% of the time is a friend and an ally - not a 20% traitor." Mountainside is a community of friends and allies and not traitors. Let's keep it that way.

Thank you and God bless Mountainside.

APPROVAL OF MINUTES:

Upon motion by Councilman Turner and a second by Councilman Mortimer, the minutes of the Reorganization Meeting held on January 2, 2018 were approved. Roll Call: Ayes: Andre, Fech-Caccamo, Mortimer, Turner. Nays: 0.

Upon motion by Councilman Turner a second by Councilman Mortimer, the minutes of the Work & Executive Session Meetings held on January 9, 2018 were approved. Roll Call: Ayes: Andre, Fech-Caccamo, Mortimer, Turner. Nays: 0.

RESOLUTIONS:

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

RESOLUTION 23-2018

WHEREAS, it is the desire of the Governing Body of the Borough of Mountainside to appoint a Probationary Police Officer to the Borough of Mountainside Police Department; and

WHEREAS, the Police Committee interviewed several qualified candidates for the position of Probationary Police Officer for the Borough of Mountainside Police Department; and

WHEREAS, the Police Committee has recommended the appointment of Ryan Carr as Police Officer; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that Ryan Carr be appointed as a Probationary Police Officer for the Borough of Mountainside Police Department.

BE IT FURTHER RESOLVED, that said appointment shall be effective January 17, 2018 with the probationary period ending one-year from the appointment date at a probationary period salary of $42,342.58.

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

The following resolution was introduced by Councilwoman Fech-Caccamo and seconded by Councilman Turner.

RESOLUTION 24-2018
Governor's Council on Alcoholism and Drug Abuse
Fiscal Grant Cycle July 2015-June 2019
FORM 1B

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, 2018 – June 30, 2019 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, Mortimer, Turner. Nays: 0

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

RESOLUTION 25-2018

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, 2018.

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

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

RESOLUTION 26-2018

WHEREAS, Union County has established an Air Traffic & Noise Advisory Board; and

WHEREAS, increased air traffic and new routes from the local airports threaten the high quality of life currently enjoyed by the residents of Mountainside; and

WHEREAS, it is the desire of the Borough Council to appoint a member of the community to the aforementioned advisory board; and

WHEREAS, Mr. Zenon Moriak, of 1534 Deer Path, Mountainside, New Jersey has expressed an interest before the Borough Council on this most important issue.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Mountainside that Mr. Zenon Moriak is hereby appointed as the Municipal Representative to the Union County Air Traffic & Noise Advisory Board, term to expire December 31, 2019

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

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

RESOLUTION 27-2018

GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH THE
UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S
"Enforcement Guidance on the Consideration of Arrest and Conviction Records in
Employment Decisions Under Title VII of the Civil Rights Act of 1964"

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of

1964," as amended, 42 U.S.C. § 2000e et seq., (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE BE IT RESOLVED, That the Mayor and Council of the Borough of Mountainside, hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

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

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

RESOLUTION 28-2018

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 Resolution 124-2017 authorized the Chief Financial Officer to make any necessary transfers prior to year end and that these transfers be ratified at the first regularly scheduled Governing Body meeting of 2018; and

WHEREAS, the Chief Financial Officer has advised the Mayor and Council of the Borough of Mountainside that certain transfers were needed prior to year end within the 2017 Municipal Budget; and

WHEREAS, it is recommended that these budget transfers be ratified;

NOW, THEREFORE, BE IT RESOLVED that the following budget transfers be ratified in the 2017 Municipal Budget.

CURRENT ACCOUNT	FROM	TO
Police Dispatchers S&W	2,500.00	
Recreation S&W		1,500.00
Contribution to Social Security		1,000.00
TOTAL	$2,500.00	$2,500.00

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

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

RESOLUTION 29-2018

WHEREAS, the Borough of Mountainside held its Tax Sale on December 13, 2017, and liens were sold on the following addresses; and

WHEREAS, the property owners have paid the Borough of Mountainside all monies due within 10 days and prior to the issuance of the tax sale certificate; and

NOW, THEREFORE, BE IT RESOLVED that the Treasurer be authorized to issue a check to following for the refund of the tax lien and premiums paid to the borough.

17-00001 1139 Spruce Drive Block 5.20 Lot 24.02 Amount: $82,697.69 Premium: $300,000.00	US Bank Cust for PC7 Firstrust Bank Tax Lien Service Group 50 So. 16th Street - Suite 2050 Philadelphia, PA 19102
17-00002 1135 Spruce Drive Block 5.20 Lot 24.03 Amount: $49,550.06 Premium: $220,000.00	US Bank Cust for Tower DBVII Trust 2017-1 Tax Lien Service Group 50 So. 16th Street - Suite 2050 Philadelphia, PA 19102
17-00003 213 Summit Road Block 5.20 Lot 24.04 Amount: $62,882.80 Premium: $367,000.00	US Bank Cust for Tower DBVII Trust 2017-1
17-00004 1132 Spruce Drive Block 5.20 Lot 24.05 Amount: $50,717.80 Premium: $276,000.00	US Bank Cust BV0002 Trst & Crdtrs Tax Lien Service Group 50 So. 16th Street - Suite 2050 Philadelphia, PA 19102
17-00005 260 Hickory Lane Block 15.12 Lot 12 Amount: $8,630.23 Premium: $47,500.00	US Bank Cust BV002 Trst & Crdtrs
17-00006 1 Little Court Block 22.01 Lot 8.02 Amount: $1,034.71	John Venutolo 25 Hughes Place Summit, NJ 07901

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

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

RESOLUTION 30-2018

WHEREAS, the Borough of Mountainside, pursuant to N.J.S.A. 40A:11-4.1, may by resolution and without advertising for bids, purchase any goods or services under Cooperative Pricing Contract; and

WHEREAS, the Borough of Mountainside DPW Department is in need of a new truck and by utilizing Co-op contracts the Borough can receive competitive pricing, on a timely basis, without the expense and time involved in undertaking independent competitive bidding; and

WHEREAS, the Borough of Mountainside intends to enter into a purchase contract with DFFLM, LLC., T/A Ditschman/Flemington Ford, Flemington, NJ pursuant to MCCPC Contract # 15-C for the acquisition of a DPW vehicle; and

WHEREAS, the cost for a 2018 Ford F-250 Truck with options under the MCCPC Contract is $37,362.75; and

WHEREAS, the Borough's Financial Officer has certified that the funds are available for this purchase.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Mountainside, County of Union State of New Jersey that the purchase of (1) one 2018 Ford F-250 Truck with options in the amount of $37,362.75 under terms and provisions of MCCPC Contract #15-C, Item #8 be and hereby is approved.

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

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

RESOLUTION 31-2018

WHEREAS, a quote was received by the Borough of Mountainside for the July 4th 2018 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 2018 July 4th Fireworks Celebration.

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

ORDINANCES: First Reading (Introduction)

ORDINANCE 1262-2018
AN ORDINANCE AMENDING CHAPTER X, SECTION 1.14, SECTION 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-b. of the Borough Code be, and the same is amended and restated as follows:

10-1.14 Fees Established:

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

12. 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.

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 Andre and seconded by Councilwoman Fech-Caccamo that this ordinance be passed on first reading and advertised in full for a public hearing on February 20, 2018.

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

ORDINANCE 1263-2018
AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF MOUNTAINSIDE, SCHEDULE IV, SUBSECTION 7-3.6 WITH RESPECT TO LIMITED STREET PARKING ON MOHAWK DRIVE

BE IT ORDAINED by the Mayor and Council of the Borough of Mountainside, County of Union State of New Jersey that Schedule IV of subsection 7-3.6 of the Borough Code be and is hereby amended to include the following:

Section 1:

NAME OF STREET	SIDES	TIME LIMIT	HOURS/DAYS	LOCATION
Mohawk Drive	Both	4 hours	8:00 a.m. to 6:00 p.m. Monday through Friday	From intersection with Bridle Path to the intersection with Hickory Lane

Section 2:
Any ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance.

Section 3:
If any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable.

Section 4:
This ordinance shall take effect immediately upon its passage and adoption according to law.

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 20, 2018.

Roll Call: Andre, Fech-Caccamo, 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 16th day of January 2018, 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 $346,146.71 (Copy of bill list attached).

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

COUNCIL COMMENTS:

Mayor Mirabelli commended the Police Department for participating in the holiday donation of presents to the Arc Kohler School students.

AUDIENCE PARTICIPATION:

Hearing no one wishing 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 7:59 P.M.

_____
Martha Lopez, RMC
Borough Clerk