

WHEREAS, the Mountainside PAL Basketball 8th Grade Boys beat out their competition in the Jersey Basketball Association league to become Champions of the blue division.

WHEREAS, the Mountainside 8th grade boys defeated IHM(10-4) 55-44 after losing to them previously in the season to take home the championship and

WHEREAS, the team came into the playoffs with a 10-2 record and

WHEREAS, finished their championship run with a overall 13-2 record

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the 8th Grade Boys Mountainside PAL basketball team players and coaching staff are hereby commended for their outstanding athletic achievements during the 2016 basketball season.

8th Grade Boys
Coaches; Marco Medina and Jerry Quinn
Jarod Abram Max Bakaletz
Matthew Cisneros Ferdinando Melo
Alex Moriak Jay Post
Christopher Provel Daniel Quinn
Matthew Quinn John Silva

ORDINANCE: Second Reading (Public Hearing)

ORDINANCE 1245-2016
ORDINANCE TO ESTABLISH A CAP BANK
(N.J.S.A. 40A:4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A:4-45.1 et.seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said final budget appropriations to 0.00% unless authorized by ordinance to increase it to 3.5% over the previous years' final appropriations; and,

WHEREAS, a municipality may, by ordinance, bank the difference between its final budget appropriations and the 3.5% increase authorized by this ordinance when said difference is not appropriated as part of the final budget; and,

WHEREAS, the Borough Council of the Borough of Mountainside, County of Union, hereby determines that this difference in the amount of \$297,829.04 that is not appropriated as part of the final budget shall be retained as an exception to the final appropriations in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, that any amount authorized herein above that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

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, Fech-Caccamo, Mortimer, Turner. Nays: 0

RESOLUTIONS:

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

RESOLUTION 46-2016

WHEREAS, permission is required of the Director of Local Government Services for approval for a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance, and

WHEREAS, NJS 39:4-139.9 allows municipalities to receive amounts for costs incurred for Parking Offenses Adjudication Act, and

WHEREAS, NJS 39:4-139.9 provides that the Director of Local Government Services may approve expenditures of monies by dedication by rider,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Mountainside, County of Union, State of New Jersey as follows:

1. The Mayor and Council hereby request permission of the Director of the Division of Local Government Services to pay expenditures for Parking Offenses Adjudication Act as per NJS 39:4-139.9.
2. The Borough Clerk of the Borough of Mountainside is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

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

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

RESOLUTION 47-2016

BE IT RESOLVED, by the Mayor and Council of the Borough of Mountainside, County of Union, that the budget herein before set forth is hereby adopted and shall constitute an appropriation for the purposes of the sums therein as set forth as appropriations, and authorization of the amount of \$8,547,450.78 for municipal purposes.

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

2016 MUNICIPAL HEARING

Mayor Mirabelli gave a summary of the proposed municipal budget for 2016.

The figures equate to an operating budget increase of \$84,564.70. The total increase on an average assessed home is \$24.72.

Mayor Mirabelli opened the meeting to anyone wishing to discuss the 2016 Municipal Budget.

Hearing no one wishing to speak, the meeting was closed to the public.

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

RESOLUTION 48-2016

WHEREAS, the Recreation Director Frank Masella has requested refunds to the following participants due to a trip cancellation; and

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

| <u>Recipient</u> | <u>Program</u> | <u>Amount</u> |
|---|----------------|---------------|
| Barbara Mullin 227 New Providence Road | Flower Show | \$104.00 |
| Ken Ilgavizis 273 Old Tote Road | Flower Show | \$104.00 |

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

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

RESOLUTION 49-2016

WHEREAS, on April 21, 2015 the contract for the Community Pool Snack Bar was awarded to Samantha Grindlinger; and

WHEREAS, in accordance with the contract specifications, the Governing Body has the right to extend the contract for up to two years; and

WHEREAS, the Recreation Department was satisfied with the quality products at reasonable prices; and

WHEREAS, the Recreation Department and Recreation Committee recommends that the contract be extended through the 2016 pool season;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the Community Pool Snack Bar contract for the year 2016 be extended to Samantha Grindlinger, 1470 Route 22, Mountainside, NJ 07092 in the amount of \$10,000.00;

BE IT FURTHER RESOLVED that payment to the Borough shall be as follows:

June 1, 2016 - 33% of total or \$3,300
July 15, 2016 - 33% of total or \$3,300
August 1, 2016 – 34% of total price or \$3,400

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

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

RESOLUTION 50-2016

**GRANT AGREEMENT BETWEEN MOUNTAINSIDE FIRE DEPARTMENT AND THE
STATE OF NEW JERSEY BY AND FOR THE DEPARTMENT OF ENVIRONMENTAL
PROTECTION
GRANT IDENTIFIER: FS16-189**

WHEREAS, the Governing Body of the Mountainside Fire Department desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of approximately \$4,500 to fund the following project:

Volunteer Fire Assistance Grant

WHEREAS, the Governing Body resolves that Fire Chief Gary Cantagallo is authorized to execute a grant agreement with the State of a grant in the amount not less than \$4,500 and not more than \$4,500, and to execute any amendments thereto which so not increase the grantee's obligations.

WHEREAS, the Borough of Mountainside Council authorizes and hereby agrees to match 50% of the total project amount, in compliance with the match requirement of the agreement. The availability of the match for such purposes, whether cash, services, or property, is hereby certified. 50% of the match will be made up of in-kind services (if allowed by grant requirements and the agreement).

NOW, THEREFORE, BE IT RESOLVED that the grantee agrees to comply with all applicable federal, State and municipal laws, rules and regulations in its performance pursuant to the agreement.

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

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

RESOLUTION 51-2016

WHEREAS, the Construction Official have requested a refund to the following individual;
and

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

| <u>Applicant</u> | <u>Permit</u> | <u>Amount</u> |
|---|-----------------|---------------|
| Paul Ianiro Contractors Co 419 Valley Street Orange, NJ 07050 | Oil Tank Permit | \$150.00 |

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

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

RESOLUTION 52-2016

WHEREAS, Memorial Day symbolizes, and is a time for Americans to take a clear look, at both our past and our future. One day each year when we acknowledge the debt we owe to those men and woman who have given their all in service to their country; and

WHEREAS, the Borough of Mountainside is proud to take part in our 5th Annual Memorial Day Parade to be held on Monday, May 30, 2016; and

WHEREAS, we can show our appreciation for our Veterans and those brave individuals who have sacrificed their lives for our freedom and liberty; and

WHEREAS, the Governing Body of the Borough of Mountainside wishes to support this event; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Mountainside that \$500.00 shall be donated in order to support the Memorial Day Celebration.

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

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

RESOLUTION 53-2016

BE IT RESOLVED by the Governing Body of the Borough of Mountainside that the Chief Finance Officer be and she is hereby authorized to purchase two gift checks to be presented to the Valedictorian and Salutatorian from Deerfield School Graduating Class of 2016 in the Borough of Mountainside.

BE IT FURTHER RESOVLED that the gift checks will be in the amount of \$300.00 for the Valedictorian and \$200.00 for the Salutatorian.

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

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

RESOLUTION 54-2016

WHEREAS the Mountainside PTA traditionally sponsors a party at the Mountainside Municipal Pool for the students graduating from the 8th Grade of the Mountainside School District; and

WHEREAS the Mountainside Youth Baseball sponsors an end of year party at the Mountainside Municipal Pool; and

WHEREAS the Mountainside PTA and Mountainside Youth Baseball have requested that the Borough waive the \$400 fee which would otherwise be charged in order to defray the expenses associated with keeping the pool open for the party; and

WHEREAS the Governing Body has, in the past, waived such fee in order to enable the organizations to use those funds towards other expenses;

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the pool fee of \$400, which would be payable by the Mountainside PTA and Mountainside Youth Baseball for the use of the Mountainside Municipal Pool to hold their pool parties, be and the same is hereby waived.

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

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

RESOLUTION 55-2016

WHEREAS, Gregory Criscitiello is the owner of the property designated as 1041 Prospect Avenue, Block 5.01, Lot 9, on the tax map of the Borough of Mountainside, and took an appeal from his 2014 and 2015 real estate tax assessments; and

WHEREAS, Michael Frangella, the Borough's Tax Assessor, has recommended that such appeal 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 2014 assessed valuation for Block 5.01, Lot 9, otherwise known as 1041 Prospect Avenue, shall be reduced to \$290,000.

(b) The 2015 assessed valuation for Block 5.01, Lot 9, otherwise known as 1041 Prospect Avenue, shall be reduced to \$290,000.

(c) The provisions of N.J.S.A. 54:51A-8, the Freeze Act, shall apply to the assessment of Block 5.01, Lot 9, otherwise known as 1041 Prospect Avenue, for the Freeze Act years.

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 \$5,112.62 for the 2014 tax year and \$5,437.48 for the 2015 tax year, for a total refund of \$10,550.10, to the taxpayer. Such refunds are to be paid as follows: \$10,550.10 in 2016, and are to be paid by way of check made payable to "Maria R. Cozzini, Esq., Attorney for GREGORY CRISCITIELLO" and forwarded to Maria R. Cozzini, Esq., 1199 US Route 22 East, Mountainside, New Jersey, 07092.

The taxpayer shall waive all interest on all tax overpayments.

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

ORDINANCES: Second Reading (Public Hearing)

ORDINANCE 1246-2016

BOND ORDINANCE TO AUTHORIZE THE IMPROVEMENT OF WOOD VALLEY ROAD IN, BY AND FOR THE BOROUGH OF MOUNTAINSIDE, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$200,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS

BE IT ORDAINED by the Borough Council of the Borough of Mountainside, in the County of Union, State of New Jersey, as follows:

Section 1. The Borough of Mountainside, in the County of Union, State of New Jersey (the "Borough") is hereby authorized to improve Wood Valley Road in, by and for the Borough consisting of roadway reconstruction and the undertaking of drainage improvements, curb reconstruction and sanitary sewer improvements, where necessary. Said improvement shall include all work, materials and appurtenances necessary and suitable therefor. It is hereby determined and stated that said road to be improved is or will be of "Class A" or equivalent construction as defined in Section 22 of the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law").

Section 2. The sum of \$200,000 is hereby appropriated to the payment of the cost of making the improvement described in Section 1 hereof (hereinafter referred to as "purpose"). Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the down payment appropriated by this ordinance. Said improvement shall be made as a general improvement and no part of the cost thereof shall be assessed against property specially benefited.

Section 3. It is hereby determined and stated that (1) said purpose is not a current expense of said Borough, and (2) it is necessary to finance said purpose by the issuance of obligations of said Borough pursuant to the Local Bond Law, and (3) the estimated cost of said purpose is \$200,000, and (4) \$10,000 of said sum is to be provided by the down payment hereinafter

appropriated to finance said purpose, and (5) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$190,000, and (6) the cost of such purpose, as hereinbefore stated, includes the aggregate amount of \$12,000 which is estimated to be necessary to finance the cost of such purpose, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 4. It is hereby determined and stated that moneys exceeding \$10,000, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for said Borough, are now available to finance said purpose. The sum of \$10,000 is hereby appropriated from such moneys to the payment of the cost of said purpose.

Section 5. To finance said purpose, bonds of said Borough of an aggregate principal amount not exceeding \$190,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 6. To finance said purpose, bond anticipation notes of said Borough of an aggregate principal amount not exceeding \$190,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 7. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said Borough and attested by the Borough Clerk or Deputy Borough Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Chief Financial Officer of the Borough who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 8. It is hereby determined and declared that the period of usefulness of said purpose, according to its reasonable life, is a period of twenty years computed from the date of said bonds.

Section 9. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk of said Borough, and that such statement so filed shows that the gross debt of said Borough, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$190,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 10. Any funds received from private parties, the County of Union, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purpose, shall be applied to the payment of the cost of such purpose, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purpose shall be reduced accordingly.

Section 11. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Borough Clerk and is available for public inspection.

Section 12. The Borough intends to issue the bonds or notes to finance the cost of the improvement described in Section 1 of this bond ordinance. If the Borough incurs such costs prior to the issuance of the bonds or notes, the Borough hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 13. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Borough, and the Borough shall levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 14. This ordinance shall take effect twenty days after the first publication thereof 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 Dierkes and seconded by Councilman Turner that this ordinance be passed on second and final reading and advertised by title only.

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

First Reading (Introduction)

ORDINANCE 1247-2016
AN ORDINANCE AMENDING CHAPTER VII SECTION 7-14 OF THE REVISED GENERAL
ORDINANCES OF THE BOROUGH OF MOUNTAINSIDE TO PROHIBIT PARKING ON AN
ADDITIONAL PORTION OF THE WEST SIDE OF MILL LANE

WHEREAS, N.J.S.A. 39:4-8 authorizes the Borough to restrict general parking on any street under its jurisdiction; and

WHEREAS, Chapter VII, Section 7-14 of the Revised General Ordinances of the Borough of Mountainside prohibits parking along the entire length of the east side of Mill Lane and further prohibits parking along the 75 feet of the west side of Mill Lane that runs north of Echo Lake Park Drive; and

WHEREAS, the Mountainside Police Department has been monitoring the traffic and parking conditions on Mill Lane since the opening of the Echo Tap Grill, located at 1079 Route 22 East; and

WHEREAS, the Department has determined that a dangerous condition exists due to both the queuing of vehicles that turn off of Route 22 and stop in the southbound roadway of Mill Lane, to await entry into the 1079 Route 22 East parking lot, and also due to the parking of vehicles along a two hundred seventy four foot (274 ft.) stretch of the curb line on the west side of Mill Lane that runs south from Route 22; and

WHEREAS, the Police Chief has recommended eliminating this dangerous condition by amending the parking ordinance to prohibit parking along this two hundred seventy four foot (274 ft.) stretch of Mill Lane; and

WHEREAS, the Police Chief has confirmed with the Department of Public Works that all necessary resources and signage are available to execute the Department's recommendation; and

WHEREAS the Mayor and Council are in agreement with the Police Chief and have therefore decided to eliminate all parking along the two hundred seventy four foot (274 ft.) stretch of the west side of Mill Lane that runs south from Route 22 East.

NOW THEREFORE BE IT ORDAINED by the Mayor and Council as follows: The portion of the far right column of the chart found in Chapter VII, Section 7-14, of the Revised General Ordinances of the Borough, that addresses the segments of the west side of Mill Lane upon which parking is prohibited, is hereby supplemented and amended to read as follows:

For a distance of 75 feet north of the Echo Lake Park Drive and for a distance of 274 feet south of the intersection of Mill Lane and Route 22 East.

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 Turner and seconded by Councilman Mortimer that this ordinance be passed on first reading and advertised in full for a public hearing on May 17, 2016.

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

MOTION:

The following motion was unanimously approved:

1. Raffle applications from Friends of American Cancer Society of NJ for a 50/50 on premise draw raffle and an on premise draw raffle

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 April, 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 \$300,925.90 (Copy of bill list attached).

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

COUNCIL COMMENTS:

Residents were invited to attend the Little League/Softball Parade.

AUDIENCE PARTICIPATION:

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

Upon motion by Councilman Mortimer and a second by Councilman Turner, 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 litigation 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 8:05 P.M.

The meeting was recalled to public session at 8:42 P.M.

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

Martha Lopez, RMC
Borough Clerk