

**REGULAR MEETING
MAY 19, 2015**

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 7:34 P.M.

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

PRESENT: Mayor Paul N. Mirabelli, Councilwoman Andre, Councilman Dierkes, Councilman Messler, 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 Lane and Councilman Mortimer were absent.

APPROVAL OF MINUTES:

Upon motion by Councilman Turner and a second by Councilwoman Andre, the minutes of the Regular Session Meeting held on April 21, 2015 was approved. Roll Call: Ayes: Andre, Dierkes, Messler, Turner. Nays: 0.

Upon motion by Councilman Dierkes and a second by Councilman Turner, the minutes of the Work & Executive Session Meetings held on May 5, 2015 were approved. Roll Call: Ayes: Andre, Dierkes, Messler, Turner. Nays: 0.

RESOLUTIONS:

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

RESOLUTION 63-2015

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 4th Annual Memorial Day Parade to be held on Monday, May 25, 2015; 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, Messler, Turner. Nays: 0

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

RESOLUTION 64-2015

WHEREAS, there exists a need in the Recreation Department for 2015 Summer Playground Staff; and

WHEREAS, Recreation Director, Frank Masella and the Recreation Committee have recommended that the following individuals be appointed to said positions:

Stephanie Scofield	Supervisor	\$3,159.69
Luke Mirabelli	Assistant Supervisor	\$2,257.67
Matthew Doyle	Assistant Supervisor	\$2,213.40
Andrew DiFrancesco	Assistant Supervisor	\$2,213.40
Thomas Haydanek	Assistant Supervisor	\$2,170.00

and;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Mountainside that the recommendation of Recreation Director Frank Masella and the Recreation Committee be and hereby is accepted and approved pending completion of background checks.

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

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

RESOLUTION 65-2015

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount;

SECTION 1

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Mountainside hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget for the year 2015 in the sum of \$10,000.00 which item is now available as a revenue from:

Public & Private Revenues off-set with Appropriations;
Comcast Local Access/Technology Grant

SECTION 2

BE IT FURTHER RESOLVED, that a like sum of \$10,000.00 be and the same is hereby appropriated under the caption of:

Public & Private Programs Offset By Revenues Excluded from "CAPS"
Comcast Local Access/Technology Grant

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

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

RESOLUTION 66-2015

WHEREAS, the Recreation Director Frank Masella has requested refunds to the following participants due to class cancellations; 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>
Maya Frungillo 1458 Force Drive	Sports Squirts	\$140.00
Sharron Anderson 1131 Ridge Drive	Parent & Me Soccer	\$140.00
Rhiannon Marwaha 1072 Saddlebrook Rd	Soccer Squirts	\$280.00

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

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

RESOLUTION 67-2015

WHEREAS, the Mayor and Council of the Borough of Mountainside sought bids pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq, for Contract 2015-1, Resurfacing of Cedar Avenue, which were received by the Borough on April 23, 2015; and

WHEREAS, by Memo dated April 30, 2015, the Borough Engineer recommended that the bid be awarded to the low bidder in the amount of \$406,990.94 subject to review by the Borough Attorney; and

WHEREAS, the review of the bids by the Borough Attorney revealed that the bid by the low bidder included non-substantive yet non-waiveable errors which would preclude awarding the bid in accordance with the recommendation of the Borough Engineer; and

WHEREAS, proceeding to award the bid to the next lowest bidder under such circumstances would entail spending an additional \$12,725 on this project beyond the amount bid by the low bidder; and

WHEREAS, pursuant to N.J.S.A. 40A:11-13.2(e), the governing body may reject all bids where it has reserved the right to do so in the Invitation to Bid and where, acceptance of a bid would mean the “purposes” of the Local Public Contracts Law are being “violated”; and

WHEREAS, the governing body has determined to reject all bids submitted because it has determined that the purposes of the Local Public Contracts Law would be thwarted due to the existence of the non-substantive errors in the bid documents of the lowest bidder it were necessary to spend an additional \$12,725 on this project.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Mountainside, County of Union, State of New Jersey, that it rejects all bids submitted for Contract 2015-1, and the Borough Clerk is hereby authorized to again advertise for bids for the Contract 2015-1, in accordance with specifications prepared by the Borough Engineer.

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

ORDINANCES: First Reading (Introduction)

ORDINANCE 1237-2015

AN ORDINANCE TO AMEND ORDINANCE 1176-2010 FIXING SALARY RANGES AND CREATING POSITIONS FOR CERTAIN MUNICIPAL EMPLOYEES

BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that Ordinance 1176-2010 is hereby amended to include the following positions and/or fix the following salary ranges:

Fire Prevention Official (P/T)	\$25.00 - \$50.00 Hourly
Finance Clerk (P/T)	\$10.00 - \$25.00 Hourly
Engineer (P/T)	\$35,000 - \$80,000
Recreation Assistant	\$30,000 - \$50,000

This ordinance shall be effective upon final passage and publication in accordance with the law.

It was moved by Councilman Turner and seconded by Councilman Dierkes that this ordinance be passed on first reading and advertised in full for a public hearing on June 16, 2015.

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

ORDINANCE 1238-2015

AN ORDINANCE TO APPROPRIATE THE SUM OF ONE HUNDRED EIGHTY THOUSAND (\$180,000.00) FOR THE RESURFACING OF WOOD VALLEY ROAD (SECTION 3)

WHEREAS, the Governing Body of the Borough of Mountainside have decided to resurface Wood Valley Road (Section 3); and

WHEREAS, a grant award is now available from NJDOT in the amount of \$180,000.00; and

WHEREAS, the Governing Body of the Borough of Mountainside concurs that this resurfacing is necessary;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Mountainside that the sum of \$180,000.00 be and is hereby appropriated for the resurfacing of Wood Valley Road (Section 3);

BE IT FURTHER ORDAINED that the Borough of Mountainside shall be reimbursed by the State of New Jersey, Department of Transportation in the amount of \$180,000.00.

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

It was moved by Councilman Messler and seconded by Councilman Dierkes that this ordinance be passed on first reading and advertised in full for a public hearing on June 16, 2015.

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

BILLS & CLAIMS:

The following resolution was introduced by Councilman Dierkes 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 May, 2015, 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 \$354,918.19 (Copy of bill list attached).

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

COUNCIL COMMENTS:

Councilwoman Andre and the Mountainside Rescue Squad invited everyone to attend an open house on May 20th which includes a dedication ceremony for the new ambulance.

The Mountainside Historical Committee is sponsoring a golf outing on June 15th to benefit the restoration and maintenance of the Levi Cory and Hetfield Houses.

The Mayor invited the community to take part in the 4th Annual Memorial Day Ceremony/Parade and the 6th Annual Charity Car & Motorcycle Show on June 21st.

AUDIENCE PARTICIPATION:

Volunteers from the Mountainside Rescue Squad informed the public about National EMS Week to pay homage to all EMS and the vital work involved when responding to medical emergencies. Special thanks was given to the Mayor and Council for their contribution to the Rescue Squad.

Council President Turner thanked the volunteers for all they do.

Residents were informed about the national “click it or ticket” campaign that is in full effect to bring awareness to the importance of seat belt usage.

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

Upon a motion by Councilman Dierkes and a second by Councilman Messler, the meeting was unanimously adjourned.

Meeting adjourned at 7:47 PM.

Respectfully submitted,

Martha Lopez, Borough Clerk