

**REGULAR MEETING  
SEPTEMBER 17, 2013**

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 8:05 P.M.

**INVOCATION: Councilman Mortimer**

**MOMENT OF SILENCE: Victims at the Naval Base in Washington, DC**

**SALUTE TO THE FLAG**

**ROLL CALL**

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

**APPROVAL OF MINUTES:**

Upon motion by Councilman Turner and a second by Councilman Mortimer, the minutes of the Regular & Executive Session Meetings held on August 20, 2013 were approved. Roll Call: Ayes: Andre, Dierkes, Mortimer, Turner. Nays: 0. Abstained: Messler.

Upon motion by Councilman Mortimer and a second by Councilman Turner, the minutes of the Work & Executive Session Meetings held on September 3, 2013 were approved. Roll Call: Ayes: Andre, Dierkes, Mortimer, Turner. Nays: 0. Abstained: Messler.

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**RESOLUTIONS OF COMMENDATION:**

WHEREAS, the Mountainside Youth Baseball Association provides baseball players with the opportunity to improve their skills and compete with children from other local communities; and

WHEREAS, the Mountainside Youth Baseball Association entered a U8 Summer Travel team in the New Providence Green League; and

WHEREAS, the team achieved a division record of 9-2 finishing second in the New Providence Green League with one of their victories being a shutout against the division leader; and

WHEREAS, the team went 3-0 in the playoffs to win the Champions, and

WHEREAS, the U8 Summer Travel finished the season with a 12-2 record, defeating New Providence in our final game 4-3,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the U8 Summer Travel team and coaching staff are hereby commended for their achievements.

Joe Queli, Manager  
Assistant Frank Kasuda

Evan Alexander	Matthew Kasuda
Christopher McIntyre	Joseph Queli
Lev Villanueva	George Provel
John Schmidt	Matthew Diskin
Tim Smith	Lucca Napoli
William Reyes	Colin Goldbeck

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WHEREAS, the Mountainside Youth Baseball Association provides baseball players with the opportunity to improve their skills and compete with children from other local communities; and

WHEREAS, the Mountainside Youth Baseball Association entered a U9 Summer Travel team in the New Providence Green League; and

WHEREAS, the U9 team went undefeated achieving a division record of 10-0-1 and finishing first in the in the American West Division of the New Providence Green League; and

WHEREAS, the team earned a spot in the top ten for the entire U9 League

WHEREAS, the team went 3-0 in the playoffs to win the Championship, and

WHEREAS, the U9 Summer Travel finished the season as the U9 American League West Division and Playoff Champions,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the U9 Summer Travel team and coaching staff are hereby commended for their achievements.

Michael Andre, Manager  
Assistant Coaches: Coady Brown, Michael Labisi and Jim Ruban

Roman Andre	Coady Brown
Michael Christoph	Joey Cioffi
Kevin Foley	Michael Labisi
Rory McAloon	Gregory Patterson
Matthew Quinn	Jimmy Ruban
Leana Santos	Pete Skinner
Lucas Stecky	Connor Tracy

**RESOLUTIONS:**

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

**RESOLUTION 107-2013**

WHEREAS, the New Jersey Department of Transportation is about to undertake the design and construction of various locations on Route 22 from West of Robin Hood to East of Fairway Drive located in the Borough of Mountainside; and

WHEREAS, the Project may require the construction of new, and/or the protection, relocation and/or adjustment of facilities of the existing sewer system which is owned by the Borough of Mountainside; and

WHEREAS, NJDOT requests the Borough of Mountainside enter into NJDOT Utility Agreement UECA-8-RT 22 Robin Hood-103260; and

WHEREAS, the Agreement provides a mechanism for the NJDOT to pay the Borough of Mountainside for engineering costs related to the Project and performed by the Borough Engineer.

NOW, THEREFORE, BE IT RESOLVED that the Borough of Mountainside hereby certifies that Mayor Paul N. Mirabelli, Borough Clerk Martha Lopez and Borough Engineer Michael Disko, be authorized to execute NJDOT Utility Agreement UECA-8-RT 22 Robin Hood-103260.

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

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

**RESOLUTION 108-2013**

WHEREAS, the Borough of Mountainside is a member of the Suburban Municipal Joint Insurance Fund; and

WHEREAS, said renewed membership terminates as of December 31, 2013 unless earlier renewed by agreement between the Municipality and the Fund; and

WHEREAS, the Municipality desires to renew said membership;

NOW THEREFORE, be it resolved as follows:

1. The Borough of Mountainside agrees to renew its membership in the Suburban Municipal Joint Insurance Fund and to be subject to the Bylaws,

Rules and Regulations, coverages, and operating procedures thereof as presently existing or as modified from time to time by lawful act of the Fund.

2. The Mayor and Clerk shall be and hereby are authorized to execute the agreement to renew membership annexed hereto and made a part hereof and to deliver same to the Suburban Municipal Joint Insurance Fund evidencing the Municipality's intention to renew its membership.

**AGREEMENT TO RENEW MEMBERSHIP IN THE  
SUBURBAN MUNICIPAL JOINT INSURANCE FUND**

WHEREAS, the Suburban Municipal Joint Insurance Fund (hereinafter the Fund), is a duly chartered Municipal Insurance Fund as authorized by NJSA 40A:10-36 et seq., and;

WHEREAS, the Borough of Mountainside is currently a member of the said Fund, and:

WHEREAS, effective December 31, 2013, said membership will expire unless earlier renewed, and;

WHEREAS, the Mayor and Council of the Borough of Mountainside has resolved to renew said membership;

NOW THEREFORE, it is agreed as follows:

1. The Borough of Mountainside hereby renews its membership in the Suburban Municipal Joint Insurance Fund for a three (3) year period, beginning January 1, 2014 and ending January 1, 2017.
2. The Borough of Mountainside hereby ratifies and reaffirms the Indemnity and Trust Agreement Bylaws and other organizational land operational documents of the Suburban Municipal Joint Insurance Fund as from time to time amended and altered by the Department of Insurance in accordance with the Applicable Statutes and administrative regulations as if each and every one of said documents were re-executed contemporaneously herewith.
3. The Borough of Mountainside agrees to be a participating member of the Fund for the period herein provided for and to comply with all of the rules and regulations and obligations associated with said membership.
4. In consideration of the continuing membership of the Borough of Mountainside in the Suburban Municipal Joint Insurance Fund, the Fund agrees, subject to the continuing approval of the Commissioner of Insurance, to accept the renewal application of the Borough of Mountainside.

5. Executed the 17<sup>th</sup> day of September, 2013 as the lawful and binding act and deed of the Borough of Mountainside, which execution has been duly authorized by public vote of the governing body.

Roll Call: Andre, Dierkes, Messler, Mortimer, Turner. Nays: 0  
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The following resolution was introduced by Councilman Mortimer and seconded by Councilman Turner.

**RESOLUTION 109-2013**

WHEREAS, the Governing body of the Borough of Mountainside is aware that Friday, September 20, 2013 has been declared as “POW/MIA Remembrance Day”; and

WHEREAS, all Americans everywhere owe a special debt of gratitude and a responsibility for remembering and honoring those who have given so much to make all of us free and secure in this, our national homeland, and a recognition day is a fitting testament and remembrance for all of us, for the sacrifices of our POW/MIA Veterans;

NOW, THEREFORE, BE IT RESOLVED the Mayor and Council of the Borough of Mountainside that it hereby declares, Friday, September 20, 2013 as:

**“POW/MIA REMEMBRANCE DAY”**

in the Borough of Mountainside and urges all citizens of the Borough of Mountainside to make a special effort to give thanks to and remember the sacrifices rendered to us by all these noble sons and daughters of America.

Roll Call: Andre, Dierkes, Messler, Mortimer, Turner. Nays: 0  
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The following resolution was introduced by Councilman Dierkes and seconded by Councilman Turner.

**RESOLUTION 110-2013**

WHEREAS, the New Jersey Transportation Trust Fund Authority Act has provided funds for the improvement of municipal roads through the New Jersey Department of Transportation; and

WHEREAS, the Borough of Mountainside desires to apply for a grant for local aid funds for improvements of a municipal road; and

WHEREAS, the Borough Engineer will prepare the application for the grant for local aid for a section of roadway known as:

**CEDAR AVENUE**

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Mountainside formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Mountainside and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Roll Call: Andre, Dierkes, Messler, Mortimer, Turner. Nays: 0  
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The following resolution was introduced by Councilman Turner and seconded by Councilman Mortimer.

**RESOLUTION 111-2013**

Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Highway Safety Fund 2013

**SAFE CORRIDOR PROJECT**

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Mountainside formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor, Council and Borough Clerk are hereby authorized to submit an electronic grant application identified as 22-6002123 to the New Jersey Department of Transportation on behalf of the Borough of Mountainside.

BE IT FURTHER SOLVED that the Mayor, Council and Borough Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Mountainside and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Roll Call: Andre, Dierkes, Messler, Mortimer, Turner. Nays: 0  
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The following resolution was introduced by Councilman Messler and seconded by Councilwoman Andre.

**RESOLUTION 112-2013**

WHEREAS, the Borough of Mountainside would like to participate in the leaf disposal program at the Union County Conservation Center; and

WHEREAS, it is necessary to enter into an Indemnification Agreement and Memorandum of Understanding with the County of Union to participate in the leaf disposal program; and

WHEREAS, the current 2013 rate is \$2.00 per yard – loose, \$4.00 per yard – compacted.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the Mayor and Borough Clerk are hereby authorized to sign the Indemnification Agreement and Memorandum of Understanding to participate in the leaf disposal program at the Union County Conservation Center.

Roll Call: Andre, Dierkes, Messler, Mortimer, Turner. Nays: 0  
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The following resolution was introduced by Councilwoman Andre and seconded by Councilman Turner.

**RESOLUTION 113-2013**

WHEREAS, there exists a vacancy in the position of Department of Public Works Employee; and

WHEREAS, Jason Koscinski has been identified by Public Works Manager Ronald Romak as the individual with the requisite skills and experience to perform the function of Department of Public Works Employee; and

WHEREAS, Administrator James Debbie Jr. has recommended that the Borough Council take action to hire Jason Koscinski.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Mountainside that Jason is hereby hired as a full-time employee with the Department of Public Works, at a salary of \$34,000, effective September 9, 2013.

BE IT FURTHER RESOLVED, that Jason Koscinski be hired as a probationary employee for a period of ninety (90) days in accordance with the Borough of Mountainside Personnel Policy & Procedures Manual.

Roll Call: Andre, Dierkes, Messler, Mortimer, Turner. Nays: 0  
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The following resolution was introduced by Councilman Turner and seconded by Councilman Dierkes.

**RESOLUTION 114-2013**

WHEREAS, there is a vacancy in the position of Communication Officer; and

WHEREAS, the Governing Body of the Borough of Mountainside is desirous of filling subject vacancy; and

WHEREAS, the Police Committee has recommended that the Borough Council take action to hire Michael Scuderi; and

NOW, THEREFORE, BE IT RESOLVED, by Mayor and Council of the Borough of Mountainside that Michael Scuderi is hereby appointed as Communication Officer at a starting annual salary of \$35,404.77, effective August 25, 2013; and

BE IT FURTHER RESOLVED, that Michael Scuderi be hired as a probationary employee for a period of ninety (90) days in accordance with the Borough of Mountainside Personnel Policy & Procedures Manual.

Roll Call: Andre, Dierkes, Messler, Mortimer, Turner. Nays: 0  
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The following resolution was introduced by Councilman Mortimer and seconded by Councilman Turner.

**RESOLUTION 115-2013**

WHEREAS, there is a vacancy in the position of Communication Officer; and

WHEREAS, the Governing Body of the Borough of Mountainside is desirous of filling subject vacancy; and

WHEREAS, the Police Committee has recommended that the Borough Council take action to hire Andrew Yasinski; and

NOW, THEREFORE, BE IT RESOLVED, by Mayor and Council of the Borough of Mountainside that Andrew Yasinski is hereby appointed as Communication Officer at a starting annual salary of \$35,404.77, effective September 6, 2013; and

BE IT FURTHER RESOLVED, that Andrew Yasinski be hired as a probationary employee for a period of ninety (90) days in accordance with the Borough of Mountainside Personnel Policy & Procedures Manual.

Roll Call: Andre, Dierkes, Messler, Mortimer, Turner. Nays: 0  
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The following resolution was introduced by Councilwoman Andre and seconded Councilman Turner.

**RESOLUTION 116-2013**

WHEREAS, the Recreation Director Frank Masella has requested a refund to the following participant due to ineligibility; and

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

<u>Recipient</u>	<u>Program</u>	<u>Amount</u>
Maria Briggs (Ryan) 1079 Legdewood Road	Soccer	\$130.00

Roll Call: Andre, Dierkes, Messler, Mortimer, Turner. Nays: 0  
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The following resolution was introduced by Councilman Turner and seconded by Councilman Dierkes.

### **RESOLUTION 117-2013**

WHEREAS, the Borough of Mountainside, NJ is vulnerable to damages from natural hazard events, which pose a threat to public health and safety and could result in loss of life, property and economic hardship and;

WHEREAS, a Multi-jurisdictional Natural Hazard Mitigation Plan (the Plan) has been developed through the work of the Union County Hazard Mitigation Plan Working Group and other interested parties within the County, and;

WHEREAS, the Plan recommends hazard mitigation actions that will help protect people and property affected by natural hazards occurring within Union County that will reduce future public, private, community and personal vulnerability and costs of disaster response and recovery, and that will reinforce the County's leadership in emergency preparedness, and;

WHEREAS, the strategies of this plan identified and characterized hazards, assess risks, prioritized and implementable mitigation measures, and;

WHEREAS, the Disaster Mitigation Act of 2000 (PL 106-390) and associated Federal Regulations per 44 CFR 201 required by participating communities within the County to formally adopt a Hazard Mitigation Plan subject to the approval of the Federal Emergency Agency to be eligible for Federal funds for hazard mitigation projects and activities as they become available, and;

WHEREAS, Union County has received comments on the Plan that fully meet the requirements as stipulated by the Federal Emergency Management Agency.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Mountainside that:

1. The Council of the Borough of Mountainside, hereby adopts the Union County, New Jersey Multi-jurisdictional Hazard Mitigation Plan, dated July 21, 2011, as this municipality's official Hazard Mitigation Plan, and resolves to execute the mitigation actions in the Plan as well as those created during the annexation process.

2. A representative from the Borough of Mountainside Office of Emergency Management or designated official will undertake periodic updates required by the Plan.

Roll Call: Andre, Dierkes, Messler, Mortimer, Turner. Nays: 0  
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**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 17<sup>th</sup> day of September 2013, 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 \$1,508,754.05 (Copy of bill list attached.)

Roll Call: Andre, Dierkes, Messler, Mortimer, Turner. Nays: 0  
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**COUNCIL COMMENTS:**

Mayor Mirabelli invited everyone to attend the PAL Cop Trot and the PTA Fall Festival on October 19<sup>th</sup>. A reminder to all, that the Levi Cory House is scheduled to be moved on October 5<sup>th</sup>. The Mayor commended the Historical Restoration Committee for their fundraising efforts and perseverance.

**AUDIENCE PARTICIPATION:**

Hearing no one desiring to speak, Mayor Mirabelli closed the meeting to the public.  
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Upon motion by Councilman Turner and a second by Councilman Messler, 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, personnel, and litigation 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 8:35 P.M.  
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Upon a motion by Councilman Mortimer and a second by Councilman Messler, the meeting was recalled to public session at 9:45 P.M.

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

### **RESOLUTION 118-2013**

WHEREAS, Liquid Church, a New Jersey Nonprofit Corporation (“Liquid Church”) owns property located at 1180 Spruce Drive, Mountainside, New Jersey, 07092 (the “Property”); and

WHEREAS, the Property contains approximately 4.25 acres, and includes a building currently utilized as a house of worship (the “Building”), parking lot areas and an open field area (the “Open Area”); and

WHEREAS, Liquid Church is in the process of renovating the Building, to include installation of a new HVAC system, which will require the construction and installation of a natural gas line; and

WHEREAS, Liquid Church has made application to the Borough for a road opening permit to allow such construction; and

WHEREAS, it is Borough policy that there is a five year moratorium on opening roads that have been newly paved for utility connections; and

WHEREAS, the Borough and Liquid Church have contemplated entry into a License Agreement, whereby the Borough will have use of the Open Area for recreational and municipal purposes; and

WHEREAS, without the street opening permit, the only alternative HVAC system would require the employment of storage tanks in the Open Area which would prevent its use as a recreational area and frustrate the Borough’s purposes; and

WHEREAS, the Borough has determined to waive the terms of the ordinance that would otherwise prevent the opening of the road due to recent paving in order to effectuate its purposes in gaining additional space for the Borough recreational programs; and

WHEREAS, the Borough has resolved to issue the road opening permit effective as the date of execution of the License Agreement.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the road opening permit application for Liquid Church is hereby approved, effective as of the date of execution of the License Agreement.

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

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

Respectfully submitted,

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Martha Lopez, Borough Clerk