REGULAR MEETING
FEBRUARY 19, 2019

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 Dierkes
SALUTE TO THE FLAG
ROLL CALL

PRESENT: Mayor Mirabelli, Councilwoman Andre, Councilman Dierkes, Councilman Messler, Councilman Mortimer, Councilwoman Pater, Council President Turner, Administrator Debbie and Attorney Post. Also present were Lt. Joseph Giannuzzi and Recreation Director Frank Masella.

APPROVAL OF MINUTES:

Upon motion by Councilman Turner and a second by Councilman Mortimer, the minutes of the Work Session Meeting held on January 15, 2019 were approved. Roll Call: Ayes: Andre, Dierkes, Messler, Mortimer, Pater, Turner. Nays: 0.

Upon motion by Councilman Mortimer a second by Councilman Turner, the minutes of the Regular Session Meeting held on January 22, 2019 were approved. Roll Call: Ayes: Andre, Dierkes, Messler, Mortimer Pater, Turner. Nays: 0.

Upon motion by Councilman Mortimer a second by Councilman Dierkes, the minutes of the Work & Executive Session Meetings held on February 5, 2019 were approved. Roll Call: Ayes: Dierkes, Messler, Mortimer Pater, Turner. Nays: 0. Abstained: Andre.

PROCLAMATIONS: RESCUE SQUAD MEMBER OF THE YEAR

WHEREAS, Lucy Fromtling has been a member of the Mountainside Rescue Squad since 2010; and

WHEREAS, the Mountainside Volunteer Rescue Squad recently presented Lucy Fromtling with the 2018 Member of the Year award; and

WHEREAS, Ms. Fromtling has served on various committees including the committee that purchased the last new ambulance; and

WHEREAS, before, during and after becoming a physician assistant Ms. Fromtling continues to volunteer her time and the Rescue Squad can always rely on her during snow storms when they typically put the second ambulance into service; and

WHEREAS, Ms. Fromtling is very involved with the purchasing and planning of upcoming community events like the Easter Egg Hunt, Parades, and Haunted Trail just to name a few.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Mountainside that Lucy Fromtling is hereby commended for being honored as the Mountainside Volunteer Rescue Squad 2018 Member of the Year.

YOUTH ART MONTH 2019

WHEREAS, art education contributes powerful educational benefits to all elementary, middle and secondary students including the following:

- Art education develops students' creative problem-solving and critical thinking abilities; and
- Art education teaches sensitivity to beauty, order and other expressive qualities; and
- Art education gives students a deeper understanding of multi-cultural values and beliefs; and
- Art education reinforces and brings to life what students learn in other subjects; and
- Art education interrelates student learning in art production, art history, art criticism and aesthetics; and

WHEREAS, our national leaders acknowledged the necessity of including arts experiences in all students' education; and

WHEREAS, March is officially recognized as YOUTH ART MONTH, I endorse the observance of YOUTH ART MONTH and encourage the support of quality school art programs for children and youth.

NOW, THEREFORE, I Mayor Paul N. Mirabelli do endorse March 2019 as YOUTH ART MONTH.

RESOLUTIONS:

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

RESOLUTION 32-2019

WHEREAS, the students of the 2019 Graduating Class of Governor Livingston High School have determined to have an Alcohol and Drug Free Graduation Party during the hours immediately following graduation until the following morning to be held at Rutgers; and

WHEREAS, the Governing Body of the Borough of Mountainside wishes to support this decision to have a graduation celebration free from the serving of alcohol and thereby assuring that there will be no students who have attended this graduation party driving under the influence of liquor or drugs; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Mountainside that $300.00 shall be given to the Fund Raising Committee of "PROJECT GRADUATION" toward the expenses incurred for the 2019 Alcohol Free Graduation Party of Governor Livingston High School.

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

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

RESOLUTION 33-2019

WHEREAS, the Borough of Mountainside needs to refund monies to interested parties for overpayment of current year taxes,

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

Duplicate payments Due to Banks

CoreLogic
Centralized Refunds
P. O. Box 9202
Coppell, TX 75019-9978

Block	Lot	Amount
3.23	3.05	$5,000.48

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

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

RESOLUTION 34-2019

WHEREAS, the New Jersey Forest Fire Protection Agency provides funding to organize, train and equip fire departments in rural communities through the Volunteer Fire Assistance Grant Program (VFA); and

WHEREAS, the Borough of Mountainside desires to apply for the Volunteer Fire Assistance Grant; and

WHEREAS, the Fire Chief will prepare the application for the VFA grant.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Mountainside formally approves the grant application effective on February 15, 2019.

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

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

RESOLUTION 35-2018

RESOLUTION AUTHORIZING THE SALE OF property shown on the Borough Tax Map as Block 16, Lot 58, and is also known as 235 Central Avenue, Mountainside, New Jersey, pursuant to the terms of N.J.S.A. 14A:12-13

WHEREAS, the Governing Body of the Borough has determined that property owned by the Borough that is shown on the Borough of Mountainside Tax Map as Block 16, Lot 58, and is also known as 235 Central Avenue, Mountainside, New Jersey, ("Property") is not needed for public use, and

WHEREAS, such Property is significantly smaller than the minimum size required for development under the Mountainside zoning ordinance and is without any capital improvement thereon; and

WHEREAS, the Borough's continued ownership of such Property causes maintenance expenses and real estate tax losses that would be avoided if the Property is sold, and

WHEREAS, the Governing Body has determined that the Property should be sold pursuant to the terms of N.J.S.A. 14A:12-13, and

WHEREAS, according to the Borough Tax Map there are two properties that are owned by private parties that are contiguous to the Property, and

WHEREAS, N.J.S.A. 14A:12-13 provides that under the circumstances regarding the Property the sale should be to the owner of contiguous property who is willing to pay the highest price for the property, and

WHEREAS, the Governing body has obtained an appraisal of the Property to ensure that the minimum sale price that will be set for the Property exceeds the appraised value of the Property.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Mountainside that the Borough Clerk sell the Property at a private sale:

A. To the contiguous property owner who offers the highest bid for such property that is in excess of $10,000, and

B. Contiguous property owners will be notified by the Clerk of the date and time such bids will be received, which date shall be no less than 30 days from the date of such notice, and

C. Contiguous property owners will be notified that the deed to the Property will include a restriction against the Property being used in connection with other property as the basis for a use or bulk variance from the Zoning Ordinance of the Borough of Mountainside.

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

ORDINANCES: Second Reading (Public Hearing)

ORDINANCE 1272-2019
AN ORDINANCE AMENDING CHAPTER X, SECTION 1.14, SECTION a. AND b., OF THE CODE OF THE BOROUGH OF MOUNTAINSIDE, NEW JERSEY REGARDING MEMBERSHIP FEES FOR USE OFTHE 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-a. and Section 1.14-b. of the Borough Code be, and the same is amended and restated as follows:

10-1.14 Fees Established:

a. The resident and full time employee membership fees and guest fees shall be as follows:

1. Family Membership:		
(I) Family Membership		$341.00
(ii) Each unmarried child over 21 living at home or parent living with the family		121.00
2. Single Membership: 16 years of age or older		175.00
a. A Two Adult Membership: 18 years or older living in the same Mountainside address		325.00
3. Senior Citizen Membership: 62 years of age or older		121.00
4. A child under the age of 16 joining as part of a family, single or senior citizen membership of a relative, if both the child and the membership are resident		175.00
5. A resident person age 14 or 15 employed by a family as a parent's helper joining that family's membership		175.00
6. Single Parent/Child		291.00
7. Au Pair/Nanny		121.00
8. Guest daily fee:	Weekend/ Holidays	Weekdays
(I) Adult	12.00	10.00
(ii) Under 18 years of age	10.00	8.00
9. House guest weekly fee (non-resident eating and sleeping in member's home:		
(I) 18 years of age or younger		25.00
(ii) Over 18 years of age		30.00

10. Individuals on active military duty who are residents shall be admitted free.

11. A family membership composed of only two persons shall be entitled to ten complimentary guests.

12. A single membership shall be entitled to five complimentary guests.

13. A senior citizen membership shall be entitled to two complimentary guests.

14. 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.

15. A two adult membership shall be entitled to five complimentary guests.

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

1. Family Membership:
   (I) Family membership 633.00
   (ii) Each unmarried child over 21 living at home parent living with family 121.00

2. Single Membership: 16 years of age or older 318.00

3. Senior Citizen membership: 62 years of age or older 268.00

4. A child under the age of 16 joining as part of a family, single or senior citizen membership of a relative, if both the child and membership are non-resident 318.00

5. A non-resident person age 14 or 15 employed by a family as a parent's helper joining that family's membership 318.00

6. Guest daily fee:	Weekend/ Holidays	Weekdays
(I) Adult	12.00	10.00
(ii) Under 18 years of age	10.00	8.00

7. House guest weekly fee:
   (I) 18 Years of age or younger 25.00
   (ii) over 18 years of age 30.00

8. Registration fee payable for first year membership only:
   (I) Single Membership 35.00
   (ii) Family Membership 65.00

9. A family membership composed of only two persons shall be entitled to ten complimentary guests.

10. A single membership shall be entitled to five complimentary guests.

11. A senior citizen membership shall be entitled to two complimentary guests.

12. A family, senior citizen or single membership shall receive two complimentary guest passes if the membership fees are paid in full on or before April 15 of the membership year.

BE IT FURTHER ORDAINED that if any fees set by this ordinance or otherwise collected by the Recreation Department are paid by credit card, an additional charge equal to the percentage of such fees charged the Borough by the credit card issuer shall be applied.

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.

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

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

First Reading (Introduction)

ORDINANCE 1273-2019
BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS EQUIPMENT IN, BY AND FOR THE BOROUGH OF MOUNTAINSIDE, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF $625,000 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 make various public improvements and to acquire new information technology and telecommunications equipment in, by and for said Borough, as more particularly described in Section 4 hereof. The cost of the improvements includes all work, materials and appurtenances necessary and suitable therefor.

Section 2. There is hereby appropriated to the payment of the cost of making the improvements described in Sections l and 4 hereof (hereinafter referred to as "purposes"), the respective amounts of money hereinafter stated as the appropriation for said respective purposes. Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the down payment appropriated by this ordinance. Said improvements shall be made as general improvements and no part of the cost thereof shall be assessed against property specially benefited.

Section 3. It is hereby determined and stated that the making of such improvements is not a current expense of said Borough.

Section 4. The several purposes hereby authorized for the financing of which said obligations are to be issued are set forth in the following "Schedule of Improvements, Purposes and Amounts" which schedule also shows (l) the amount of the appropriation and the estimated cost of each such purpose, and (2) the amount of each sum which is to be provided by the down payment hereinafter appropriated to finance such purposes, and (3) the estimated maximum amount of bonds and notes to be issued for each such purpose, and (4) the period of usefulness of each such purpose, according to its reasonable life, computed from the date of said bonds:

SCHEDULE OF IMPROVEMENTS, PURPOSES AND AMOUNTS

A. Undertaking of the following infrastructure improvements: (i) bank stabilization at various locations, (ii) sanitary and storm sewer improvements at various locations, (iii) resurfacing of tennis courts at the Municipal Complex and (iv) reconstruction or resurfacing of various roads, including drainage improvements and curb construction or reconstruction, where necessary, as set forth on a

list prepared by the Borough Engineer on file or to be placed on file with the Borough Clerk, and hereby approved as if set forth herein in full. Depending upon the contract price and other exigent circumstances, and upon approval by the Borough Council, there may be additions to or deletions from the list referred to in clause (iv) of the preceding sentence. It is hereby determined and stated that said roads to be improved are or will be of at least "Class B" 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").

Appropriation and Estimated Cost	$300,000
Down Payment Appropriate	$ 14,300
Bonds and Notes Authorized	$285,700
Period of Usefulness	10 years

B. Acquisition of new information technology and telecommunications equipment consisting of a computer system upgrade for the use of various Borough departments, offices and agencies.

Appropriation and Estimated Cost	$240,000
Down Payment Appropriated	$ 12,900
Bond and Notes Authorized	$227,100
Period of Usefulness	7 years

C. Undertaking of various interior renovations and improvements to the Municipal Building, including, but not limited to, installation of new recording, sound and video systems in the Municipal Court and replacement of carpeting and flooring at various locations.

Appropriation and Estimated Cost	$ 85,000
Down Payment Appropriated	$ 4,050
Bonds and Notes Authorized	$ 80,950
Period of Usefulness	10 years

Aggregate Appropriation and Estimated Cost	$625,000
Aggregate Down Payment Appropriated	$ 31,250
Aggregate Amount of Bonds and Notes Authorized	$593,750

Section 5. The cost of such purposes, as hereinbefore stated, includes the aggregate amount of $30,000 which is estimated to be necessary to finance the cost of such purposes, 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 6. It is hereby determined and stated that moneys exceeding $31,250, 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 purposes. The sum of $31,250 is hereby appropriated from such moneys to the payment of the cost of said purposes.

Section 7. To finance said purposes, bonds of said Borough of an aggregate principal amount not exceeding $593,750 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 8. To finance said purposes, bond anticipation notes of said Borough of an aggregate principal amount not exceeding $593,750 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 9. 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 who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 10. It is hereby determined and declared that the average period of usefulness of said purposes, according to their reasonable lives, taking into consideration the respective amounts of bonds or notes authorized for said purposes, is a period of 8.85 years computed from the date of said bonds.

Section 11. 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 $593,750 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 12. 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 purposes, shall be applied to the payment of the cost of such purposes, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purposes shall be reduced accordingly.

Section 13. The Borough intends to issue the bonds or notes to finance the cost of the improvements described in Sections 1 and 4 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 14. 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 15. 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 16. This ordinance shall take effect twenty days after the first publication thereof after final passage.

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 February 19, 2019.

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

MOTION:

The following motion was unanimously approved:

1. Approve raffle application from PTO Benjamin Franklin School for an on premise draw raffle
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BILLS & CLAIMS:

The following resolution was introduced by Councilman Mortimer and seconded by Councilman Messler:

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 February 2019, 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 $140,210.93 (Copy of bill list attached).

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

COUNCIL COMMENTS:

Councilman Mortimer highlighted upcoming library events.

Councilwoman Pater announced the need for volunteers to participate in the Snow Buddy Program.

Councilwoman Andre congratulated the Mountainside Boy Scout Troop 177.

Mayor Mirabelli stated he was honored to attend Jerry Hoy's National Guard Deployment Ceremony.

AUDIENCE PARTICIPATION:

Tom Barker, 172 New Providence Road, questioned whether the sanitary sewer improvements includes the sewer behind the walking trail.

Gary Whyte, 289 Old Tote Road, announced an upcoming fundraiser for Fibrodysplasia Ossificans Progressiva (FOP).

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

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

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 7:56 P.M.

The meeting was recalled to public session.

Upon a motion by Councilman Dierkes and a second by Councilman Mortimer, the meeting was unanimously adjourned at 8:40 P.M.

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Martha Lopez, RMC
Borough Clerk