

**REGULAR MEETING  
JULY 18, 2017**

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: Councilwoman Andre  
SALUTE TO THE FLAG  
ROLL CALL**

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

**APPROVAL OF MINUTES:**

Upon motion by Councilman Turner and a second by Councilwoman Andre, the minutes of the Regular and Executive Session Meetings held on June 20, 2017 were approved. Roll Call: Ayes: Andre, Dierkes, Fech-Caccamo, Turner. Nays: 0. Abstained: Moritmer.

Upon motion by Councilman Turner a second by Councilman Dierkes, the minutes of the Work Session and Executive Session Meetings held on July 11, 2017 were approved. Roll Call: Ayes: Andre, Dierkes, Fech-Caccamo, Mortimer, Turner. Nays: 0.

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**PROCLAMATION:**

WHEREAS, scouting is a movement that challenges, inspires, and guides young people toward high achievements and high values as expressed in the Scout oath, law, motto, and slogan; and

WHEREAS, Eagle is the highest rank in the Boy Scouting, and requires mastery of difficult challenges in diverse areas; and

WHEREAS, to become an Eagle Scout requires demonstration of good character and community service; and

WHEREAS, only a minority of scouts ever achieves this distinguished accomplishment; and

WHEREAS, Joseph ("Joey") Rosenkrantz has demonstrated a special commitment to the Boy Scouts, and has worked with great diligence to successfully complete the requirements for the rank of Eagle; and

WHEREAS, for his Eagle community service project, Joey Rosenkrantz provided a Mobile Locker Unit for the Governor Livingston Soccer Team; and

WHEREAS, Joey's project aimed to help the soccer team by giving them a place to safely and securely store their personal items which also allows them to transport the Locker Unit to the field. Therefore, eliminating the need to walk down a paved pathway to the field in their cleats which quickly damages the condition of expensive cleats.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside, that they do hereby congratulate Joey Rosenkrantz on attaining the rank of Eagle Scout.

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**RESOLUTIONS:**

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

**RESOLUTION 81-2017**

WHEREAS, there exists vacancies in the position of Corporal in the Mountainside Police Department; and

WHEREAS, it is the desire of the Mayor and Council of the Borough of Mountainside to fill such vacancies with highly qualified individuals; and

WHEREAS, a number of eligible officers in the Mountainside Police Department have undergone extensive testing and evaluation as candidates for the position of Corporal; and

WHEREAS, all candidates during the selection process exemplified the high qualities and standards expected of the police personnel in this community; and

WHEREAS, the Police Committee and Police Chief have recommended the promotion of two candidates whose credentials and experience were found best to suit the needs of the Borough in filling the position of Corporal;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the following individuals be promoted to the position of Corporal in the Borough of Mountainside with all the rights, responsibilities and obligations attendant upon those positions:

1. Effective July 18, 2017, Patrolman Shaun Bendik is promoted to the position of Corporal.
2. Effective July 18, 2017, Patrolman William Stolting is promoted to the position of Corporal.

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

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

**RESOLUTION 82-2017**

WHEREAS, the Borough Engineer has requested refunds to the following individuals; and

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

<u>Applicant</u>	<u>Permit</u>	<u>Amount</u>
Echo Park Food, LLC 1079 Route 22 East Mountainside, NJ 07092	Temporary Sign	\$100

Salon Divine, LLC Irene Mushaeva 887 Mountain Avenue Mountainside, NJ 07092	Temporary Sign	\$100
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Roll Call: Andre, Dierkes, Fech-Caccamo, Mortimer, Turner. Nays: 0  
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The following resolution was introduced by Councilwoman Andre and seconded by Councilman Mortimer.

**RESOLUTION 83-2017**

WHEREAS, the Recreation Director Frank Masella requested the following refunds; and

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

<u>Applicant</u>	<u>Program</u>	<u>Amount</u>
Dana Tietsworth 1532 Long Meadow Mountainside, NJ 07092	Tennis	\$145.00
Patty Fowler 2322 Lyde Place Scotch Plains, NJ 07076	Pool Membership NR - Family	\$1141.77
Berri Duswalt 1299 Knollwood Road Mountainside, NJ 07092	Security Deposit Community Room	\$100.00

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

**RESOLUTION 84-2017**

WHEREAS, the Labor Attorney is required to perform services for the Borough beyond the scope of the services upon which his salary is based; and

WHEREAS, such services constitute professional services within the meaning of N.J.S.A.40A:11-2; and

WHEREAS, the nature of such legal services will not reasonably permit the drawing of specifications or the receipt of competitive bids;

WHEREAS, the Borough of Mountainside desires to appoint the Labor Attorney as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 and 20.5; and

WHEREAS, the appropriate Borough official has determined that the value of these services will exceed \$17,500, but not to exceed \$90,000 over the life of the contract. This maximum dollar value is based on a reasonable estimate of the services required over the contract term, and the Borough of Mountainside is not obligated to spend that amount; and

WHEREAS, the anticipated term of the contract is one year; and

WHEREAS, Vincent J. Apruzzese, Esq. (a member of the firm of Apruzzese, McDermott, Mastro & Murphy PC) will complete and submit a Business Entity Disclosure Certification which certifies that it has not made any reportable contributions to a political candidate or candidate committee in the Borough of Mountainside in the previous year, and acknowledging that the contract will prohibit it from making any reportable contributions through the term of the contract; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Mountainside that Apruzzese, McDermott, Mastro & Murphy, PC be the Labor Attorney, be and is appointed to perform such legal services as may be required by the Governing Body and which are beyond the scope of the services upon which the Labor Attorney's salary is based; and

BE IT FURTHER RESOLVED that award of this contract will be published in the appropriate newspaper within ten days hereof.

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

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

#### **RESOLUTION 85-2017**

WHEREAS, the Borough of Mountainside, pursuant to N.J.A.C. 5:34-7.21 may by resolution and without advertising for bids, purchase any goods or services under Cooperative Contract Purchasing; and

WHEREAS, the Borough of Mountainside Police Department has established a regular schedule for updating its police vehicles and that schedule requires two new vehicles each year and by utilizing the Morris County Cooperative Pricing Council (MCCPC) 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 Beyer-Ford, Morristown, NJ pursuant to MCCPC Contract #15-A for the acquisition of two (2) police vehicles; and

WHEREAS, the cost for two (2) 2017 Police Interceptor SUV's under Contract #15-A with options is \$54,073.00; and

WHEREAS, the Borough's Chief 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 two (2) 2017 Police Interceptor SUV's under terms and provisions of MCCPC Contract #15-A Item #5 be and hereby are approved.

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

**RESOLUTION 86-2017**

WHEREAS, the Union County Board of Chosen Freeholders established the “Kids Recreation Trust Fund” Grant Program designed to fund Recreational opportunities for our County’s children; and

WHEREAS, the Borough of Mountainside wishes to apply to Union County Trust Fund through the “Kids Recreation Trust Fund” Grant Program;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside, County of Union, State of New Jersey, that the proper Borough officials are hereby authorized to file an application with the County of Union for the 2017 “Kids Recreation Trust Fund” Grant Program for the following projects:

Field Improvements	\$180,000.00
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BE IT FURTHER RESOLVED, that matching funds in the amount of \$90,000.00 have been appropriated in accordance with the grant requirements.

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

**RESOLUTION 87-2017**

**AUTHORIZING THE MAYOR AND MUNICIPAL CLERK OF THE MUNICIPALITY OF MOUNTAINSIDE TO EXECUTE AN AGREEMENT WITH THE COUNTY OF UNION TO MODIFY THE COOPERATIVE AGREEMENT DATED JUNE 2014**

WHEREAS, certain Federal funds are potentially available to the County of Union under Title I of the Housing and Community Development Block Grant Act of 1974, as amended, commonly known as the Community Development Block Grant Program; and

WHEREAS, certain Federal funds are potentially available to the County of Union under Title II of the National Affordable Housing Act of 1990, commonly known as the HOME Investment Partnership program; and

WHEREAS, substantial Federal funds provided through subtitle B of Title IV of the McKinney-Vento Homeless Assistance Act commonly known as the Emergency Solutions Grants program (ESG) are allocated to prevent homelessness and to enable homeless individuals and families to move toward independent living; and

WHEREAS, it is necessary to amend an existing Cooperative Agreement for the County of Union and its people to benefit from this program; and

WHEREAS, it is in the best interest of the Municipality of Mountainside and the County of Union in cooperation with each other to enter into a modification of the existing Cooperative Agreement pursuant to N.J.S.A. 40A:65-1 et seq;

NOW THEREFORE, BE IT RESOLVED by the Mayor and Governing Body of the Borough of Mountainside that the agreement entitled "COOPERATIVE AGREEMENT BETWEEN THE COUNTY OF UNION AND CERTAIN MUNICIPALITIES FOR CONDUCTING CERTAIN COMMUNITY DEVELOPMENT ACTIVITIES," dated June 2014, for the Purpose of Inserting a Description of Activities for Fiscal Year 2017-2018 of the Union County Community Development Block Grant program, the HOME Investment Partnership program, and the Emergency Shelter Grant program (ESG), a copy of which is attached hereto; be executed by the Mayor and Municipal Clerk in accordance with the provisions of law;

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon its adoption.

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

#### **RESOLUTION 88-2017**

HEREAS, local municipalities require specific tools to address the rising cost of municipal government; and

WHEREAS, in July 2010 the Governor and New Jersey State Legislature enacted a permanent 2% cap on municipal and school board tax levies with limited exceptions that did not include police and fire arbitration contract awards; and

WHEREAS, salary costs, to a great extent, drive property tax increases; and

WHEREAS, in December 2010 the Legislature unanimously approved and the Governor enacted a temporary 2% cap on police and fire arbitration contract awards in an effort to control increasing salary costs and provide a solution to assist local governments in keeping property taxes down and cost under control; and

WHEREAS, the December 2010 legislation included an April 1, 2014 sunset on the 2% arbitration cap while the 2% property tax levy remained permanent for municipalities and school boards; and

WHEREAS, in June 2014 the Legislature unanimously approved and the Governor enacted an extension to December 31, 2017 for the 2% arbitration cap, however, the 2% property tax levy cap continues to remain permanent, without an exemption for police and fire arbitration contract awards; and

WHEREAS, municipalities continue efforts to contain costs and provide vital services to residents within the 2% property tax levy while the New Jersey economy remains sluggish and taxpayers struggle to keep their homes and pay their taxes; and

WHEREAS, we recognize that this change in arbitration reform needs a longer time to mature in order to see the benefits of the legislation and its actual impact on the cost of local government budgets and the impact on taxpayers; and

WHEREAS, the final report and recommendations of the Police and Fire Public Interest Arbitration Impact Task Force, which was established in the December 2010 legislation, is not due until the same day as the expiration of the cap on interest arbitration awards, December 31, 2017; and

WHEREAS, we recognize it is now time for our taxpayers to benefit directly from these cost saving measures as many police and fire contracts will come due for negotiation after the sunset date, and

WHEREAS, if the cap on interest arbitration expires while the 2% levy cap remains in effect, municipalities will be forced to reduce or eliminate municipal services in order to fund interest arbitration awards;

NOW, THEREFORE, BE IT RESOLVED, that the governing body of Mountainside urges the State Legislature to extend the 2% cap on Police and Fire Arbitration Contract Awards for 5 more years at which time the Legislature will have hard data to examine and then make a final decision as to whether this law should be made permanent; and

BE IT FURTHER RESOLVED, that a copy of this Resolution is forwarded Assembly Representatives Senator, the Commissioner of the Department of Labor, the Lieutenant Governor and the Governor of State of New Jersey and the League of Municipalities.

Roll Call: Andre, Dierkes, Fech-Caccamo, Mortimer, Turner. Nays: 0  
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**ORDINANCES:** Second Reading (Public Hearing)

**ORDINANCE 1259-2017**

**AN ORDINANCE TO APPROPRIATE THE SUM OF TWO HUNDRED TWENTY THOUSAND (\$220,000.00) FOR THE RESURFACING OF MEETING HOUSE LANE**

WHEREAS, the Governing Body of the Borough of Mountainside have decided to resurface Meeting House Lane; and

WHEREAS, a grant award is now available from NJDOT in the amount of \$220,000.00; and

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

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Mountainside that the sum of \$220,000.00 be and is hereby appropriated for the resurfacing of Meeting House Lane.

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 \$220,000.00.

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  
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First Reading (Introduction)

**ORDINANCE 1260-2017**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF MOUNTAINSIDE, SCHEDULE IV, SUBSECTION 7-3.6 WITH RESPECT TO LIMITED STREET PARKING ON HICKORY LANE**

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:

<u>NAME OF STREET</u>	<u>SIDES</u>	<u>TIME LIMIT</u>	<u>HOURS/DAYS</u>	<u>LOCATION</u>
Hickory Lane	Both	4 hours	8:00 a.m. to 6:00 p.m. Monday through Friday	From intersection with Birch Hill Road to the intersection with Garrett Road

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 Councilman Dierkes and seconded by Councilman Turner that this ordinance be passed on first reading and advertised in full for a public hearing on August 15, 2017.

Roll Call: Andre, Dierkes, Fech-Caccamo, Mortimer, Turner. Nays: 0  
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**BILLS & CLAIMS:**

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

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 18<sup>th</sup> day of July 2017, 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 \$288,805.60 (Copy of bill list attached).

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

Councilman Turner thanked the Police Committee, Police Chief and Administrator for their involvement in the promotion process for the Corporal rank.

**AUDIENCE PARTICIPATION:**

Karen Blumenfeld from Summit informed the Council regarding an incident at the BP Gas Station on Route 22 on 7/17/17. Ms. Blumenfeld reported that when the attendant removed the gasoline nozzle from the pump he accidentally sprayed her mother and the car with gasoline. Ms. Blumenfeld thanked Officer Pastore, Sergeant Latargia and the EMT for their assistance and asked the Council to consider a policy to address this type of situation. The Mayor asked the Police Chief to investigate the matter with Ms. Blumenfeld.

Hearing no one else wishing to speak, Mayor Mirabelli closed the meeting to the public.  
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Upon motion by Councilman Mortimer and a second by Councilman Dierkes, the meeting was unanimously adjourned.

Meeting adjourned at 9:00 PM.  
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Martha Lopez, RMC  
Borough Clerk