

**REGULAR MEETING  
APRIL 16, 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  
SALUTE TO THE FLAG  
ROLL CALL**

PRESENT: Mayor Paul N. Mirabelli, Councilwoman Andre, Councilman Lane, Councilman Mortimer, Council President Turner, Administrator Debbie and Attorney Epstein. Also present were CFO Jill Goode, Auditor Warren Korecki, and Recreation Director Frank Masella. Councilman Messler and Councilman Wass were absent.

Mayor Mirabelli began the meeting by leading the assembled in a moment of silence for the victims of the bombing in Boston.

**APPROVAL OF MINUTES:**

Upon motion by Councilman Mortimer and a second by Councilman Turner, the minutes of the Regular and Executive Session Meetings held on March 19, 2013 were approved. Roll Call: Ayes: Andre, Lane, Mortimer, Turner. Nays: 0.

Upon motion by Councilman Lane and a second by Councilman Mortimer, the minutes of the Work & Executive Session Meetings held on April 9, 2013 were approved. Roll Call: Ayes: Andre, Lane, Mortimer, Turner. Nays: 0.

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**PROCLAMATIONS:**

**RESOLUTION OF COMMENDATION**

WHEREAS, on April 11, 2013 the Gateway Regional Chamber of Commerce held the annual Union County Mayor's Dinner; and

WHEREAS, the mayor's dinner is an event where the Chamber of Commerce recognizes the efforts of the 21 mayors of Union County and what they do to make this a thriving business community; and

WHEREAS, Paul N. Mirabelli was nominated for the Mayor of the Year Award by the members of the Local County Affairs Committee of the Chamber; and

WHEREAS, the Mayor of the Borough of Mountainside Paul N. Mirabelli was awarded the coveted title of Union County Mayor of the Year; and

WHEREAS, this award is given in recognition of Mayor Paul N. Mirabelli's support of the business community in the Borough of Mountainside; and

WHEREAS, Mayor Paul N. Mirabelli shows his involvement by attending and participating in many community functions and events.

NOW, THEREFORE, BE IT RESOLVED that the Borough of Mountainside hereby congratulates Paul N. Mirabelli for being named Union County Mayor of the Year.

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John Freer was the recipient of the 2013 Mabel Young Good Neighbor Award.

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**ORDINANCE:** Second Reading (Public Hearing)

**ORDINANCE 1207-2013**  
**CALENDAR YEAR 2013**  
**ORDINANCE TO ESTABLISH A CAP BANK**  
**(N.J.S.A. 40A:4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S.A. 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 2.0% unless authorized by ordinance to increase it to 3.5% over the previous year's 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 \$115,508.84 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, Council President Turner closed the meeting to the public.

It was moved by Councilman Mortimer and seconded by Councilwoman Andre that this ordinance be passed on second and final reading and advertised by title only.

Roll Call: Ayes: Andre, Lane, Mortimer, Turner. Nays: 0.

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### **2013 Municipal Hearing**

Mayor Mirabelli stated the following items contributed to the proposed tax rate for 2013: The increase to this year's budget is \$312,160 based on the following: health insurance/waivers, reserve for tax appeals, emergency events, pensions, contractual salary obligations, OEM budget, miscellaneous revenue, delinquent taxes and RVSA. Decreases were made in department appropriations, non-contractual salaries, court fees, FEMA reimbursements, interest on taxes and investments, sewer use charges, municipal assets, library budget, dog and cat licensing. These factors caused an increase of \$115.22 to the average assessed homeowner. The total increase from last year's budget is 4.12 percent equivalent to 7 points at a tax rate of 1.63.

Mayor Mirabelli opened the meeting to anyone wishing to discuss the 2013 Municipal Budget.

Scott Schmedel, 1538 Deer Path, questioned the need for an increase in the OEM budget. Mayor Mirabelli explained in the past, the OEM Director was a volunteer position held by Council President Turner and the title now requires certifications and will receive a stipend. The positions will be held by Chief James Debbie and Public Works Manager Ronald Romak. The increase should also cover costs that may be associated with improvements to our communications system. The Media & Information Committee have implemented a new borough website, facebook page, twitter account and continues to encourage residents to sign up for union county first alert. Interest in the honeywell phone system and sharing Westfield's radio station are other improvements being explored.

Hearing no one else wishing to speak, the meeting was closed to the public. Mayor Mirabelli stated that the budget adoption will be postponed until the work session meeting in May because we just received budget approval from the state.

**RESOLUTIONS:**

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

**RESOLUTION 58-2013**

WHEREAS, in accordance with applicable provisions of the Public Contracts Law, the Borough advertised for Bids for Contract 2013-3 for “Reconstruction of Pavilion at Mountainside Community Pool”; and

WHEREAS, on April 2, 2013 the return date for the bids three bids were received as follows:

<b>Bidders:</b>	<b>Base Bid:</b>	<b>Alt.#1</b>	<b>Total</b>
Edge Property Maintenance, Inc.	\$70,000.00	\$10,000.00	\$ 80,000.00
Penn-Bower Inc.	\$82,740.00	\$7,500.00	\$ 90,240.00
Zenith Construction Services, Inc	\$120,000.00	\$5,000.00	\$125,000.00

WHEREAS, on April 9, 2013, the lowest bidder Edge Property Maintenance, Inc. was awarded Contract 2013-3; and

WHEREAS, Edge Property Maintenance, Inc. failed to include the completed Mandatory Affirmative Action Questionnaire, a mandatory item under Mountainside’s bid protocol; and

WHEREAS, the bid is non-conforming and must be rejected; and

WHEREAS, the next lowest bidder, Penn-Bower, Inc., submitted a fully responsive bid and therefore should be awarded Contract 2013-3.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the contract for “Reconstruction of Pavilion at Mountainside Community Pool” is re-awarded to Penn-Bower, Inc., 143 West Main Street, High Bridge, NJ 08829, in the amount of \$90,240.00.

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

**RESOLUTION 59-2013**

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 2013 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, Lane, Mortimer, Turner. Nays: 0  
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The following resolution was introduced by Councilwoman Andre and seconded by Councilman Mortimer.

**RESOLUTION 60-2013**

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

WHEREAS the Mountainside PTA has requested that the Borough waive the \$400 fee which would otherwise be charged 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 Mountainside PTA to otherwise spend the money on the graduating students;

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 for the use of the Mountainside Municipal Pool to hold a party for the graduating 8<sup>th</sup> Grade students, be and the same is hereby waived.

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

**RESOLUTION 61-2013**

WHEREAS, the Recreation Director Frank Masella has requested a refund to the following participant due to program cancellation; 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>
Pamela Federbusch 1091 Prospect Ave	Zumba	\$76.00

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

**RESOLUTION 62-2013**

WHEREAS, there exists a need in the Recreation Department for 2013 Summer Playground Staff; and

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

Natalie Hrynkiewicz	Supervisor	\$3,128.11
Paul Mirabelli	Assistant Supervisor	\$2,235.10
Ben Camargo	Assistant Supervisor	\$2,235.10
Luke Mirabelli	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, Lane, Mortimer, Turner. Nays: 0  
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The following resolution was introduced by Councilman Lane and seconded by Councilman Turner.

**RESOLUTION 63-2013**

WHEREAS, the Borough of Mountainside has granted permission to close Mountain Avenue from New Providence Road to Mountainview Drive on Sunday June 16, 2013 from 10:00 to 4:00 PM for the purpose of a PAL Cancer Fundraising Event; and

WHEREAS, this resolution will request permission from the Union County Freeholders to close these county roads including permission for the PAL to erect and remove a banner on said street.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that approval is granted to the PAL for a street closing and request the same from the County of Union.

Roll Call: Andre, Lane, Mortimer, Turner. Nays: 0  
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**ORDINANCE:** Second Reading (Public Hearing)

**ORDINANCE 1208-2013**

**AN ORDINANCE TO APPROPRIATE THE SUM OF FIFTY-SEVEN THOUSAND DOLLARS (\$57,000) FOR IMPROVEMENTS TO THE RECREATION FACILITIES OF THE BOROUGH OF MOUNTAINSIDE FROM CAPITAL SURPLUS**

WHEREAS, the Governing Body of the Borough of Mountainside have decided to make improvements to the recreation facilities of the Borough of Mountainside; and

WHEREAS, funds up to the amount of \$57,000.00 may be needed; and

WHEREAS, the Governing Body of the Borough of Mountainside concurs that these improvements to the recreation facilities are necessary;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Mountainside that the sum of \$57,000.00 be and is hereby appropriated for the improvements to the recreation facilities.

BE IT FURTHER ORDAINED that the amount of \$57,000 be appropriated from the Capital Surplus.

BE IT FURTHER ORDAINED that the Borough of Mountainside may be reimbursed by the grants, insurance proceeds or FEMA proceeds and when this money is received, these funds will reimburse back the Capital Surplus.

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 Lane closed the meeting to the public.

It was moved by Councilman Mortimer and seconded by Councilwoman Andre that this ordinance be passed on second and final reading and advertised by title only.

Roll Call: Andre, Lane, Mortimer, Turner. Nays: 0  
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**MOTION:**

The following motion was unanimously approved:

1. Approve raffle applications from Watchung Stables Auxiliary Inc. for three (3) on premise 50/50 draw raffles and three (3) on premise draw raffles

**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 16<sup>th</sup> day of April 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 \$1,396,233.62 (Copy of bill list attached.)

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

Councilman Lane encouraged the public to join the Volunteer Fire Department and Junior Firefighter Program.

Councilman Lane informed the residents about the Watts Mountainside Community Foundation. The Foundation supports charitable organizations benefiting the citizens of Mountainside. Since 2006 the Foundation has distributed over \$1,041,000 in Mountainside. Some of the organizations benefiting from these grants include the Historical Preservation Committee, Mountainside Recreation Department, the Boy Scouts, Mountainside Softball Association, the Board of Education, Scholarship Winners, the Rescue Squad, and SAGE. Borough Hall recently received funds to replace the lights on the Mountainside Christmas tree. We commend the Watts Foundation for their service to Mountainside.

Councilman Turner extended his condolences to the victims of the Boston bombing and warned the public to be aware of your surroundings, if you see something, say something.

Mayor Mirabelli commended the CFO and staff for another audit without any recommendations. The Mayor announced a Veterans Outreach Forum on May 1<sup>st</sup> that will focus on available Veteran's services and benefits. This year the Borough will celebrate its 2<sup>nd</sup> Annual Memorial Day Celebration, if anyone is interested in participating contact the Mayor or Councilwoman Andre.

**AUDIENCE PARTICIPATION:**

Ruth Goense from the Historical Preservation Committee informed the residents that the Levi Cory House will be relocated to Constitution Plaza. The Committee needs financial and volunteer help with the move.

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

Meeting adjourned at 9:00 PM.  
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Respectfully submitted,

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Martha Lopez, Borough Clerk