REGULAR MEETING
MARCH 21, 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 7:33 P.M.

INVOCATION: Councilwoman Andre
SALUTE TO THE FLAG
ROLL CALL

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

APPROVAL OF MINUTES:

Upon motion by Councilman Turner and a second by Councilman Mortimer, the minutes of the Regular and Executive Session Meetings held on February 21, 2017 were approved. Roll Call: Ayes: Andre, Dierkes, Messler, Mortimer, Turner. Nays: 0.

Upon motion by Councilman Turner a second by Councilman Mortimer, the minutes of the Work and Executive Session Meetings held on March 7, 2017 were approved. Roll Call: Ayes: Andre, Dierkes, Messler, Mortimer, Turner. Nays: 0.

Mountainside police officers King, Amberg and DeVito were thanked for their assistance by the Lorenz Family whose new baby McKenna was delivered at their home. The officers received a pink stork citation bar from Chief Attanasio.

PROCLAMATION:

WHEREAS, Bart Albert Barre was born in Connecticut and lived in the Midwest before moving to New Jersey; and

WHEREAS, during his time in Mountainside, Bart Albert Barre made many contributions to the community; and

WHEREAS, after graduating from Seton Hall School of Law, Bart became the Municipal Public Defender and Judge. Bart also served as a member on the following boards: Mountainside Borough Council, Planning Board, Board of Adjustment, Board of Education and Watts Foundation; and

WHEREAS, Bart was very involved with the Rotary Club, Community Presbyterian Church, Mountainside Little League, Midget Football, and Cub Scouts; and

WHEREAS, Bart Albert Barre passed into eternal life on March 6, 2017 at the age of 79 with his wife of 52 years, Carolkay, by his side; and

WHEREAS, Bart leaves behind his daughter Lisa and husband Stephen, his son Bart and wife Cathy, his beloved grandchildren Maclaine, Emily, and Christopher, and his German Shepherd Grace; and

WHEREAS, the Borough of Mountainside wishes to express their gratitude and appreciation for his unparalleled commitment to our community; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Mountainside recognize and commend Bart Barre for his years of service to the Borough of Mountainside.

RESOLUTIONS:

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

RESOLUTION 38-2017

WHEREAS, N.J.S.A. 40A:4-58 provides for transfers within certain appropriations within the Reserve Municipal Budget during the first three months of the fiscal year; and

WHEREAS, the Chief Financial Officer has advised the Mayor and Council of the Borough of Mountainside that the need for certain transfers within the 2016 Municipal Budget exists; and

WHEREAS, it is recommended that these budget transfers be made;

NOW, THEREFORE, BE IT RESOLVED that the following budget transfers be made in the 2016 Municipal Budget Reserves; and

CURRENT ACCOUNT	FROM	TO
Police O/E	50,000.00	
Gasoline	12,000.00	
Capital Improvement Fund		50,000.00
Legal		9,000.00
Fire Department		3,000.00
TOTAL	$62,000.00	$62,000.00

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

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

RESOLUTION 39-2017

WHEREAS, Vincent and Maureen Buonaspina are the owners of the property designated as 241 Friar Lane, Block 3.20, Lot 94, on the current tax map of the Borough of Mountainside, previously known as Block 3.A, Lot 94, and took an appeal from their 2015 and 2016 real estate tax assessments; and

WHEREAS, Michael Frangella, the Borough's Tax Assessor, has recommended that such appeals be settled upon the terms set forth below; and

WHEREAS, the Borough Attorney concurs with such recommendations; and

WHEREAS, the Governing Body has concluded that such settlement is appropriate.

NOW, THEREFORE, BE IT RESOLVED, that the foregoing tax appeal be settled as follows:

(a) The appeal of the 2015 assessed valuation of Block 3.20, Lot 94, then known as Block 3.A, Lot 94, otherwise known as 241 Friar Lane, shall be withdrawn and the 2015 assessed value shall remain the same.

(b) The 2016 assessed valuation for Block 3.20, Lot 94, otherwise known as 241 Friar Lane, shall be reduced to $183,400.

(c) The provisions of N.J.S.A. 54:51A-8, the Freeze Act, shall not apply to the settlement set forth herein.

(d) The 2017 assessed valuation for Block 3.20, Lot 94, otherwise known as 241 Friar Lane, shall be set to $178,400.

Upon receipt of the New Jersey State Tax Court Judgment reflecting the above referenced assessment values and when the method for generating the refund payment has been fully and finally approved, the appropriate Borough officials are authorized and directed to refund $1,460.60, for the 2016 tax year. Such refunds are to be paid as follows: $1,460.60 in 2017, and are to be paid by way of check made payable to "Maria R. Cozzini, Esq., Attorney for Vincent and Maureen Buonaspina" and forwarded to Maria R. Cozzini, Esq., 1199 US Route 22 East, Mountainside, New Jersey, 07092.

The taxpayer shall waive all interest on all tax overpayments.

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

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

RESOLUTION 40-2017

WHEREAS, Bear Mountain Realty, LLC is the owner of the property designated as 200 Sheffield Street, Block 7.13, Lot 29, on the current tax map of the Borough of Mountainside, previously known as Block 7.M, Lot 29, and took an appeal from their 2013, 2014, 2015 and 2016 real estate tax assessments; and

WHEREAS, Michael Frangella, the Borough's Tax Assessor, has recommended that such appeals be settled upon the terms set forth below; and

WHEREAS, the Borough Attorney concurs with such recommendations; and

WHEREAS, the Governing Body has concluded that such settlement is appropriate.

NOW, THEREFORE, BE IT RESOLVED, that the foregoing tax appeal be settled as follows:
(a) The 2013 assessed valuation for Block 7.13, Lot 29, then known as Block 7.M, Lot 29 otherwise known as 200 Sheffield Street, shall remain the same and the tax appeal related thereto shall be withdrawn.

(b) The 2014 assessed valuation for Block 7.13, Lot 29, then known as Block 7.M, Lot 29 otherwise known as 200 Sheffield Street, shall remain the same and the tax appeal related thereto shall be withdrawn.

(c) The 2015 assessed valuation for Block 7.13, Lot 29, then known as Block 7.M, Lot 29 otherwise known as 200 Sheffield Street, shall be reduced to $3,072,000.

(d) The 2016 assessed valuation for Block 7.13, Lot 29, otherwise known as 200 Sheffield Street, shall be reduced to $3,072,000.

(e) The provisions of N.J.S.A. 54:51A-8, the Freeze Act, shall apply to Block 7.13, Lot 29, otherwise known as 200 Sheffield Street, for the Freeze Act years.

Upon receipt of the New Jersey State Tax Court Judgment reflecting the above referenced assessment values and when the method for generating the refund payment has been fully and finally approved, the appropriate Borough officials are authorized and directed to refund $35,855.82, for the 2015 tax year and $36,551.52, for the 2016 tax year. Such refunds are to be paid as follows: $72,407.34 in 2017, and are to be paid by way of check made payable to "Saiber, LLC., Attorneys for Bear Mountain Realty LLC" and forwarded to Andrew S. Kessler, 18 Columbia Turnpike, Suite 200, Florham Park, New Jersey, 07932.

The taxpayer shall waive all interest on all tax overpayments.

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

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

RESOLUTION 41-2017

WHEREAS, Charles and Barbara Kiley are the owners of the property designated as 1042 Ledgewood Rd., Block 7.03, Lot 36, on the current tax map of the Borough of Mountainside, previously known as Block 7.C, Lot 36, and took an appeal from their 2014, 2015 and 2016 real estate tax assessments; and

WHEREAS, Michael Frangella, the Borough's Tax Assessor, has recommended that such appeals be settled upon the terms set forth below; and

WHEREAS, the Borough Attorney concurs with such recommendations; and

WHEREAS, the Governing Body has concluded that such settlement is appropriate.

NOW, THEREFORE, BE IT RESOLVED, that the foregoing tax appeal be settled as follows:

(a) The 2014 assessed valuation for Block 7.03, Lot 36, then known as Block 7.C, Lot 36, otherwise known as 1042 Ledgewood Rd., shall be reduced to $200,800.

(b) The 2015 assessed valuation for Block 7.03, Lot 36, then known as Block 7.C, Lot 36, otherwise known as 1042 Ledgewood Rd., shall be reduced to $200,800.

(c) The 2016 assessed valuation for Block 7.03, Lot 36, otherwise known as 1042 Ledgewood Rd., shall be set at $200,800.

(d) The provisions of N.J.S.A. 54:51A-8, the Freeze Act, shall apply to Block 7.03, Lot 36, otherwise known as 1042 Ledgewood Rd., for the Freeze Act years.

Upon receipt of the New Jersey State Tax Court Judgment reflecting the above referenced assessment values and when the method for generating the refund payment has been fully and finally approved, the appropriate Borough officials are authorized and directed to refund $2,222.88, for the 2014 tax year, $2,364.12, for the 2015 tax year and $2,409.99 for the 2016 tax year to the taxpayer. Such refunds are to be paid as follows: $6,996.99 in 2017, and are to be paid by way of check made payable to "Maria R. Cozzini, Esq., Attorney for Charles and Barbara Kiley" and forwarded to Maria R. Cozzini, Esq., 1199 US Route 22 East, Mountainside, New Jersey, 07092.

The taxpayer shall waive all interest on all tax overpayments.

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

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

RESOLUTION 42-2017

WHEREAS, Patricia Biondi is the owner of the property designated as 1413 Orchard Road, Block 3.02, Lot 26, on the current tax map of the Borough of Mountainside, previously known as Block 3.B, Lot 26, and took an appeal from that property's 2014, 2015 and 2016 real estate tax assessments; and

WHEREAS, Michael Frangella, the Borough's Tax Assessor, has recommended that such appeals be settled upon the terms set forth below; and

WHEREAS, the Borough Attorney concurs with such recommendations; and

WHEREAS, the Governing Body has concluded that such settlement is appropriate.

NOW, THEREFORE, BE IT RESOLVED, that the foregoing tax appeal be settled as follows:

(a) The 2014 assessed valuation for Block 3.02, Lot 26, then known as 3.B, Lot 26, otherwise known as 1413 Orchard Road, shall remain the same and the tax appeal related thereto shall be withdrawn.

(b) The 2015 assessed valuation for Block 3.02, Lot 26, then known as 3.B, Lot 26, otherwise known as 1413 Orchard Road, shall remain the same and the tax appeal related thereto shall be withdrawn.

(c) The 2016 assessed valuation for Block 3.02, Lot 26, otherwise known as 1413 Orchard Road, shall be lowered to $172,200.

(d) The provisions of N.J.S.A. 54:51A-8, the Freeze Act, shall <u>not</u> apply to this settlement and the 2017 assessed valuation for Block 3.02, Lot 26, otherwise known as 1413 Orchard Road, shall be set at $167,200.

Upon receipt of the New Jersey State Tax Court Judgment reflecting the above referenced assessment values and when the method for generating the refund payment has been fully and finally approved, the appropriate Borough officials are authorized and directed to refund $1,460.60 for 2016. Such refunds are to be paid as follows: $1,460.60 in 2017, and are to be paid by way of check made payable to "Maria R. Cozzini, Esq., Attorney for Patricia Biondi", and forwarded to Maria R. Cozzini, Esq., 1199 US Route 22 East, Mountainside, New Jersey, 07092.

The taxpayer shall waive all interest on all tax overpayments.

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

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

RESOLUTION 43-2017
2016 TONNAGE GRANT PROGRAM

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling program; and

WHEREAS, it is the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection is promulgating recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including, but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and indicate the assent of the Borough of Mountainside to the effort undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such resolution should designate the individual authorized to ensure that the application is properly completed and timely filed;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that Mountainside hereby endorses the submission of a Municipal Recycling Tonnage Grant Application to the New Jersey Department of Environmental Protection, Office of Recycling and designates Ronald Romak, Public Works Manager, to ensure that the said application is properly filed.

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

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

RESOLUTION 44-2017

WHEREAS, there exists a need for a Pool Manager and Assistant Managers at the Community Pool for the 2017 season; and

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

John Tosato, Manager	$11,602.44
Scott Laudati, Assistant Manager	$ 7,539.67
Pat Mamrak, Assistant Manager	$ 7,176.53

WHEREAS, each of the above individuals shall be appointed as temporary employees for the 2017 season;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council 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;

BE IT FURTHER RESOLVED that the salaries for the above positions shall be set forth in the boroughs annual salary resolution.

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

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

RESOLUTION 45-2017

WHEREAS, NJSA 40A:4-19 of the Local Budget Act provides that temporary appropriations shall be made for the purposes and amounts required in the manner and time therein provided;

NOW, THEREFORE, BE IT RESOLVED that the following additional temporary appropriations shall be made for the year 2017:

APPROPRIATIONS	FROM	TO
Legal, O/E	55,000.00	80,000.00
Rahway Valley Sewerage Auth	-0-	460,000.00
Contribution to PERS	-0-	200,015.25
Contribution to PFRS	-0-	658,979.83

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

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

RESOLUTION 46-2017

WHEREAS, the Recreation Director Frank Masella has requested refunds to the following participants due to a program cancellations; and

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

Recipient	Program	Amount
Matthew Pater 1155 Corrinne Terrace	Ski Trip	$132
Kate Motz 5 Little Court	Lacrosse	$140

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

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

RESOLUTION 47-2017
CONDUCTING ANNUAL BUDGET EXAMINATION

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C 5:30-7.2 through 7.5 the Borough of Mountainside has been declared eligible to participate in the program by the Division of Local Government Service, and the Chief Financial Officer has determined that the Borough meets the necessary conditions to participate in the program for the 2017 budget year;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that, in accordance with N.J.A.C. 5:30-7.6a & b and based upon the Chief Financial Officer's certification, the Governing Body has found the municipal budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:

   a. Payment of interest and debt redemption charges
   b. Deferred charges and statutory expenditures
   c. Cash deficit of preceding year
   d. Reserve for uncollected taxes
   e. Other reserves and non-disbursement items
   f. Any inclusions of amounts required for school purposes

2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met. (Complies with the “CAP” law.)

3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.

4. That pursuant to the Local Budget Law:

   a. All estimates of revenue are reasonable, accurate, and correctly stated
   b. Items of appropriation are properly set forth
   c. In itemization, form, arrangement, and content the budget will permit the exercise of the comptroller function within the municipality.

5. The budget and associated amendments have been introduced, publicly advertised, and adopted in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.

6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Director of the Division of Local Government Services.

CERTIFICATION OF APPROVED BUDGET

It is hereby certified that the Approved Budget complies with the requirements of law and approval is given pursuant to N.J.S.A. 40A:4-78(b) and NJAC 5:30-7.

It is further certified that the municipality has met the eligibility requirements of NJAC 5:30-7.4 and 7.5, and that I Chief Financial Officer of the Borough of Mountainside, have completed the local examination in compliance with NJAC 5:30-7.6.

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

ORDINANCE: First Reading (Introduction)

ORDINANCE 1254-2017
ORDINANCE TO ESTABLISH A CAP BANK
(N.J.S.A. 40A:4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 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 0.50% unless authorized by ordinance to increase it to 3.5% over the previous years' 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 $203,443.08 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.

It was moved by Councilman Dierkes and seconded by Councilman Mortimer that this ordinance be passed on first reading and advertised in full for a public hearing on April 18, 2017.

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

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

RESOLUTION 48-2017
MUNICIPAL BUDGET NOTICE

Municipal Budget of the Borough of Mountainside, County of Union for the Calendar Year 2017;

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2017;

BE IT FURTHER RESOLVED, that said Budget Summaries be published in the Local Source in the issue of March 30, 2017;

The Governing Body of the Borough of Mountainside does hereby approve the following as the Budget for the year 2017;

Notice is hereby given that the Budget and Tax Resolution was approved by the Mayor and Council of the Borough of Mountainside, County of Union, on March 21, 2017. A hearing on the Budget and Tax Resolution will be held at the Municipal Building on April 18, 2017 at 7:30 PM at which time and place objections to said Budget and Tax Resolution for the year 2017 may be presented by taxpayers or other interested persons.

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

MOTIONS:

The following motions were unanimously approved.

1. Approve raffle application from Mountainside Education Foundation for a 50/50 on premise draw raffle

2. Authorization to appoint Austin Senkarik as a Volunteer Firefighter
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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 21st day of March 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 $686,145.89 (Copy of bill list attached).

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

COUNCIL COMMENTS:
Councilman Mortimer announced upcoming library events. Mayor Mirabelli provided a March blizzard report and thanked the DPW for their assistance. The National Council for Safety & Security ranked Mountainside 21st as one of the safest cities in New Jersey.

AUDIENCE PARTICIPATION:

Linda Condrillo, Wood Valley Road, was concerned about cars speeding on her street and suggested performing a traffic study or radar.

Suzanne Streeter, Saddle Brook Road, expressed her concerns regarding the proposed Union County Bike Trail.

Scott Klein, South Fork Road, announced his concerns regarding speeding throughout the Borough and asked if reverse 9-1-1 system was available to resident during emergency situations. The Mayor explained that the Borough participates in the Union County First Alert Program and encouraged residents to sign up.

John Bruno, Saddle Brook Road, expressed his concerns regarding the proposed bike trail.

Stacey Barbosa, Long Meadow, stated her support regarding the proposed bike trail.

Connie Pelligrino, Saddle Brook Road, spoke about security and safety issues regarding the proposed bike trail.

Glen Manna, Saddle Brook Road, was concerned about the environmental impact in regard to the proposed bike trail.

Mayor Mirabelli stated that a meeting is forthcoming with County and Borough Officials to express these concerns.

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

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

Meeting adjourned at 8:17 PM.

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Martha Lopez
Borough Clerk