REGULAR MEETING
DECEMBER 29, 2015

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 7:30 P.M.

INVOCATION: Mayor Paul N. Mirabelli
SALUTE TO THE FLAG
ROLL CALL

PRESENT: Mayor Paul N. Mirabelli, Councilwoman Andre, Councilman Dierkes, Councilman Lane, Councilman Messler, Councilman Mortimer, Council President Turner, Administrator Debbie and Attorney Post. Also present were Police Chief Allan Attanasio and Public Works Manager Ronald Romak.

APPROVAL OF MINUTES:

Upon motion by Councilman Turner and a second by Councilman Mortimer, the minutes of the Regular Session Meeting held on November 24, 2015 was approved. Roll Call: Ayes: Andre, Dierkes, Lane, Messler, Mortimer, Turner. Nays: 0.

Upon motion by Councilman Turner and a second by Councilman Mortimer, the minutes of the Work & Executive Session Meetings held on December 1, 2015 were approved. Roll Call: Ayes: Andre, Dierkes, Lane, Messler, Mortimer, Turner. Nays: 0.

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, Ryan Bonk 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, Ryan Bonk renovated a trail at the Reeves-Reed Arboretum in Summit, New Jersey, and;

WHEREAS, Ryan Bonk creatively planned to improve accessibility by adjusting the trail size and terrain, and:

WHEREAS, with the support of his friends, family and Boy Scout Troop, Ryan Bonk designed, built, and installed three benches and a set of outdoor stairs in the Arboretum trail system, in order to improve the ease of hiking and trail safety; and

WHEREAS, his service project materials were funded by donations from local businesses.

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

RESOLUTIONS:

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

RESOLUTION 110-2015

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 refunds, for the following reasons:

Duplicate payments Due to Banks

CoreLogic
1 CoreLogic Way
Refund Units: DFW 4-3
Westlake, TX 76262

Block	Lot	Amount	
7.A	1.C	$4,555.20	DUPLICATE PAYMENT
7.A	1.D	$6,189.53	DUPLICATE PAYMENT
16.F	27	$1,619.12	DUPLICATE PAYMENT

Wells Fargo Real Estate Tax Services
Financial Support- Region 1
1 Home Campus MAC X2302-04D
Des Moines, IA 50328-0001

Block	Lot	Amount	
5.T	11	$759.48	DUPLICATE PAYMENT

Overpayments Due to Property Owner

Wisniowska, Beata
3 Emerald Court
Clark, NJ 07066

Block	Lot	Amount	
15.A	27	$335.45	OVERBILL

Schott, Frank
1553 Coles Avenue
Mountainside, NJ 07092

Block	Lot	Amount	
3.K	11.C	$250.00	SENIOR CITIZEN ALLOWED

Cowell, Charles
1417 Orchard Road
Mountainside, NJ 07092

Block	Lot	Amount	
3.B	25	$250.00	VETERAN ALLOWED

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

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

RESOLUTION 111-2015

WHEREAS, the owners of real estate in the Borough of Mountainside paid their real estate and sewer taxes by way of a check in an incorrect amount; and

WHEREAS, in many of such instances the error involved amounts of $5.00 and under;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the proper Borough Officials be and they hereby are authorized to cancel all such amounts on tax and sewer accounts, whether owed to the Borough or owed by the Borough, of $5.00 and under for the year 2015.

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

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

RESOLUTION 112-2015

WHEREAS, receivable balance exist in the records of the Borough; and

WHEREAS, the balance is as follows:

Municipal Alliance Grant $ 5,133.53

NOW, THEREFORE, BE IT RESOLVED that the Chief Finance Officer cancel this balance from the records of the Borough.

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

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

RESOLUTION 113-2015

WHEREAS, the Recreation Director Frank Masella has requested a refund to the following individuals who registered and decided not to participate; and

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

Recipients	Program	Amount
Maritza Raimi 1447 Orchard Road	Basketball 3-5	$68.00
Michelle Cisneros 4 High Point Drive	Basketball 6-8	$78.00

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

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

RESOLUTION 114-2015

WHEREAS, the Borough of Mountainside has a road opening escrow balance due to an applicant and the Borough Engineer, Mike Disko, Jr., has requested the funds be returned, and

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

Applicant	Amount
Alba Drimtgias 227 Summit Road Mountainside, NJ	$5,000.00

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

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

RESOLUTION 115-2015

WHEREAS, N.J.S.A. 40A:4-58 provides for transfers within certain appropriations within the Municipal Budget during the last two 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 2015 Municipal Budget exists, and

WHEREAS, Resolution 115-2015 authorized the Chief Financial Officer to make these transfers,

NOW, THEREFORE, BE IT RESOLVED that the following budget transfers be ratified.

BE IT FURTHER RESOLVED that the Chief Financial Officer be and is hereby authorized to make any necessary transfers prior to year end and that these be ratified at the first regularly scheduled Governing Body meeting of 2016.

CURRENT ACCOUNT	TO	FROM
Contribution to DCRP	500.00	
Group Insurance-Health Waiver	3,000.00	
Contribution to Social Security		3,500.00

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

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

RESOLUTION 116-2015

WHEREAS, Arthur Kurz- TR, C/O AK Stamping is the owner of the property designated as 1159 Rt. 22, Block 23.C, Lot 8.D on the tax map of the Borough of Mountainside, and took an appeal from its 2012, 2013, 2014 and 2015 real estate tax assessments; and

WHEREAS, Michael Frangella, the Borough's Tax Assessor, has recommended that such appeal 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; and

WHEREAS, this resolution is necessary to formalize the Governing Body's decision.

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

(a) The 2012 assessed valuation for Block 23.C, Lot 8.D, otherwise known as 1159 Rt. 22, shall be reduced to $435,000.

(b) The 2013 assessed valuation for Block 23.C, Lot 8.D, otherwise known as 1159 Rt. 22, shall be reduced to $435,000.

(c) The 2014 assessed valuation for Block 23.C, Lot 8.D, otherwise known as 1159 Rt. 22, will remain the same.

(d) The 2015 assessed valuation for Block 23.C, Lot 8.D, otherwise known as 1159 Rt. 22, will remain the same.

(e) The 2016 assessed valuation for Block 23.C, Lot 8.D, otherwise known as 1159 Rt. 22, will be set at $435,000.

Upon receipt of the New Jersey State Tax Court Judgment reflecting the above referenced 2012, 2013, 2014, 2015 and 2016 assessment specifications 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 $4,879.00 for the 2012 tax year, $5,089.97 for the 2013 tax year, $0 for the 2014 tax year, and $0 for the 2015 tax year for a total refund of $9,968.97 to the taxpayer. Such refunds are to be paid as follows: $9,968.97 in 2015 and are to be paid by way of check made payable to "Daniel G. Keough, Esq., Attorney for ARTHUR KURZ-TR C/O AK STAMPING" and forwarded to Daniel G. Keough, Esq., 783 Springfield Avenue, Summit, New Jersey, 07901.

The taxpayer shall waive all interest on all tax overpayments.

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

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

RESOLUTION 117-2015

WHEREAS, Frank Criscitiello, Jr. and Ann Criscitiello are the owners of the property designated as 1080 Prospect Avenue, Block 6.B, Lot 12 on the tax map of the Borough of Mountainside, and took an appeal from their 2014 and 2015 real estate tax assessments; and

WHEREAS, Michael Frangella, the Borough's Tax Assessor, after reviewing the appraisal report provided by the taxpayers and based thereon calculated the true value of the property, has recommended that such appeal 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; and

WHEREAS, this resolution is necessary to formalize the Governing Body's decision.

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

(a) The 2014 assessed valuation for Block 6.B, Lot 12, otherwise known as 1080 Prospect Avenue, shall be reduced to $222,000.

(b) The 2015 assessed valuation for Block 6.B, Lot 12, otherwise known as 1080 Prospect Avenue, shall be reduced to $222,000.

(c) The 2016 assessed valuation for Block 6.B, Lot 12, otherwise known as 1080 Prospect Avenue, shall be set at $222,000.

Upon receipt of the New Jersey State Tax Court Judgment reflecting the above referenced 2014, 2015 and 2016 assessment specifications 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 $3,368 for the 2014 tax year and $3,582 for the 2015 tax year, for a total refund of $6,950 to the taxpayer. Such refunds are to be paid as follows: $6,950 in 2015 and are to be paid by way of check made payable to "Maria R. Cozzini, Esq., Attorney for FRANK CRISCITIELLO, JR. AND ANN CRISCITIELLO" 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, Lane, Messler, Mortimer, Turner. Nays: 0

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

RESOLUTION 118-2015

WHEREAS, Harold Feigel and Nancy Feigel are the owners of the property designated as 269 Sheffield Street, Block 7.D, Lot 1 on the tax map of the Borough of Mountainside, and took an appeal from their 2012, 2013, 2014, 2015 and 2016 real estate tax assessments; and

WHEREAS, Michael Frangella, the Borough's Tax Assessor, has recommended that such appeal 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; and

WHEREAS, this resolution is necessary to formalize the Governing Body's decision.

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

(a) The 2012 assessed valuation for Block 7.D, Lot 1, otherwise known as 269 Sheffield Street, shall be reduced to $500,000.

(b) The 2013 assessed valuation for Block 7.D, Lot 1, otherwise known as 269 Sheffield Street, shall be reduced to $500,000.

(c) The 2014 assessed valuation for Block 7.D, Lot 1, otherwise known as 269 Sheffield Street, will remain the same.

(d) The 2015 assessed valuation for Block 7.D, Lot 1, otherwise known as 269 Sheffield Street, will remain the same.

(e) The 2016 assessed valuation for Block 7.D, Lot 1, otherwise known as 269 Sheffield Street, shall be set at $500,000.

Upon receipt of the New Jersey State Tax Court Judgment reflecting the above referenced 2012, 2013, 2014, 2015 and 2016 assessment specifications 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 $2,779.20 for the 2012 tax year, $2,899.35 for the 2013 tax

year, $0 for the 2014 tax year and $0 for the 2015 tax year for a total refund of $5,678.55, to the taxpayers. Such refunds are to be paid as follows: $5,678.55 in 2015, and are to be paid by way of check made payable to "Daniel G. Keough, Esq., Attorney for HAROLD FEIGEL AND NANCY FEIGEL" and forwarded to Daniel G. Keough, Esq., 783 Springfield Avenue, Summit, New Jersey, 07901.

The taxpayer shall waive all interest on all tax overpayments.

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

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

RESOLUTION 119-2015

WHEREAS, A.K. Stamping Co., Inc. is the owner of the property designated as 1065 Bristol Road, Block 7.D, Lot 39 on the tax map of the Borough of Mountainside, and took an appeal from its 2011, 2012, 2013, 2014 and 2015 real estate tax assessments; and

WHEREAS, Michael Frangella, the Borough's Tax Assessor, has recommended that such appeal 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; and

WHEREAS, this resolution is necessary to formalize the Governing Body's decision.

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

(a) The 2011 assessed valuation for Block 7.D, Lot 39, otherwise known as 1065 Bristol Road, shall be reduced to $741,300.

(b) The 2012 assessed valuation for Block 7.D, Lot 39, otherwise known as 1065 Bristol Road, shall be reduced to $741,300.

(c) The 2013 assessed valuation for Block 7.D, Lot 39, otherwise known as 1065 Bristol Road, shall be reduced to $650,000.

(d) The 2014 assessed valuation for Block 7.D, Lot 39, otherwise known as 1065 Bristol Road, shall be reduced to $650,000.

(e) The 2015 assessed valuation for Block 7.D, Lot 39, otherwise known as 1065 Bristol Road, shall be reduced to $650,000.

(f) The 2016 assessed valuation for Block 7.D, Lot 39, otherwise known as 1065 Bristol Road, shall be set at $580,000.

Upon receipt of the New Jersey State Tax Court Judgment reflecting the above referenced 2011, 2012, 2013, 2014, 2015 and 2016 assessment specifications 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 $8,078.99 for the 2011 tax year, $8,559.94 for the 2012 tax year, $14,812.46 for the 2013 tax year, $15,486.06 for the 2014 tax year, and $16,470.04 for the 2015 tax year for a total refund of $63,407.49 to the taxpayer. Such refunds are to be paid as follows: $63,407.49 in 2015 and are to be paid by way of check made payable to "Daniel G. Keough, Esq., Attorney for A.K. STAMPING CO. INC." and forwarded to Daniel G. Keough, Esq., 783 Springfield Avenue, Summit, New Jersey, 07901.

The taxpayer shall waive all interest on all tax overpayments.

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

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

RESOLUTION 120-2015

WHEREAS, there is a need for the full-time position of a Department of Public Works Employee; and

WHEREAS, Matthew DeAnna has been identified by Public Works Manager Ronald Romak as the individual with the requisite skills and experience to perform the duties of a Public Works Employee; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Mountainside that Matthew DeAnna is hereby hired as a full-time employee with the Department of Public Works, at an annual salary of $34,680, effective January 1, 2016.

BE IT FURTHER RESOLVED, that Matthew DeAnna 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, Lane, Messler, Mortimer, Turner. Nays: 0

ORDINANCE: Second Reading (Public Hearing)

ORDINANCE 1240-2015
AN ORDINANCE ADOPTING THE
REDEVELOPMENT PLAN - BARNES TRACT, BLOCK 14, LOT 14

WHEREAS, on October 6, 2015, the Mayor and Council of the Borough of Mountainside adopted Resolution 97-2015 directing the Planning Board of the Borough of Mountainside, pursuant to N.J.S.A. 40A:12A-5 and 40A:12A-6 of the Local Redevelopment and Housing Law to undertake a preliminary investigation to determine whether the property, identified on the Borough's tax map as Block 14, Lot 14 (hereinafter referred to as the "Barnes Tract"), qualifies as an area in need of Non-Condemnation Redevelopment; and

WHEREAS, on November 5, 2015, the Planning Board adopted a Resolution concluding that substantial evidence existed under N.J.S.A. 40A:12A-5(a), (c) and (d) that the Barnes Tract is an "area in need of redevelopment" under the Redevelopment Law and recommending to the Borough Council that the Barnes Tract be determined to be an "area in need of redevelopment;" and

WHEREAS, the Mayor and the Borough Council adopted Resolution 109-2015 accepting the recommendations of the Planning Board and determining the Barnes Tract to be an "area in need of redevelopment;" and

WHEREAS, at the request of the Mayor and Borough Council, John T. Chadwick, IV, P.P. created a proposed redevelopment plan entitled "Redevelopment Plan - Barnes Tract, Block 14, Lot 14;" and

WHEREAS, the Borough Council referred the Redevelopment Plan - Barnes Tract, Block 14, Lot 14 to the Planning Board, pursuant to N.J.S.A. 40A:12A-7(e), for a report and recommendation from the Planning Board concerning the proposed plan, together with an identification of any provisions in the proposed plan that are inconsistent with the master plan and, if so, any recommendations concerning those inconsistencies, and any other matters as the Land Use Board may deem appropriate; and

WHEREAS, this Ordinance will not be effective until the Planning Board has recommended implementation of the Redevelopment Plan - Barnes Tract, Block 14, Lot 14 and reported that said plan is consistent with the Borough Master Plan; and

WHEREAS, this Ordinance will not be effective until the Borough Council has determined that the inclusion of the Redevelopment Plan - Barnes Tract, Block 14, Lot 14 does generally conform with the goals and objectives set forth in the Borough Master Plan and advances the objectives of the Borough Affordable Housing Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE BOROUGH COUNCIL FOR THE BOROUGH OF MOUNTAINSIDE, NEW JERSEY, THAT:

Section 1

The Borough Council, after studying and deliberating the contents and substance of the "Redevelopment Plan - Barnes Tract, Block 14, Lot 14," desires to adopt Redevelopment Plan - Barnes Tract, Block 14, Lot 14, which is attached as a part of this ordinance.

a. This Redevelopment Plan promotes development of a vacant and neglected municipal property and advances the Borough's Affordable Housing Plan.
b. This Redevelopment Plan permits vacant, neglected and underutilized property to return to full productivity by creating new appropriate development regulations and opportunities.

Section 2

The attached "Redevelopment Plan - Barnes Tract, Block 14, Lot 14" shall regulate development within the affected area under Local Redevelopment and Housing Law.

Section 3

All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 4

This ordinance shall take effect immediately upon final adoption and publication and in the manner provided by law.

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 Lane and seconded by Councilman Dierkes that this ordinance be passed on second and final reading and advertised by title only.

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

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 29th day of December, 2015, 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 $214,834.05 (Copy of bill list attached).

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

COUNCIL COMMENTS:

Mayor Mirabelli thanked Councilman Lane for his many years of service.

AUDIENCE PARTICIPATION:

Hearing no one desiring 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 7:49 PM.

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Martha Lopez, RMC
Borough Clerk