

**REGULAR MEETING
JUNE 20, 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 7:32 P.M.

**INVOCATION: Council President Turner
SALUTE TO THE FLAG
ROLL CALL**

PRESENT: Mayor Mirabelli, Councilwoman Andre, Councilman Dierkes, Councilwoman Fech-Caccamo, Council President Turner, Administrator Debbie and Attorney Post. Also present Public Works Manager Ronald Romak and Assistant Recreation Director Samantha Grindlinger. Councilman Messler and Councilman Mortimer were absent

APPROVAL OF MINUTES:

Upon motion by Councilman Turner and a second by Councilwoman Fech-Caccamo , the minutes of the Regular Session Meeting held on May 16, 2017 were approved. Roll Call: Ayes: Andre, Dierkes, Fech-Caccamo, Turner. Nays: 0.

Upon motion by Councilman Turner a second by Councilwoman Andre, the minutes of the Work Session and Executive Session Meetings held on June 6, 2017 were approved. Roll Call: Ayes: Andre, Fech-Caccamo, Turner. Abstained: Dierkes.

RESOLUTION OF CONGRATULATIONS: Deerfield School Valedictorian & Co-Salutatorians:
Fiona Uray, Aidan Pine and Emma Sylvester

RESOLUTIONS:

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

RESOLUTION 67-2017

WHEREAS, the following applicants for Plenary Retail Consumption, Plenary Retail Distribution and Club License have complied with the provisions of R.S. Title 33, Intoxicating Liquors, c.1 Alcoholic Beverage Law; and

WHEREAS, these applications have been inspected and approved by the Board of Health and Fire Prevention Official.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside, County of Union, State of New Jersey, that pursuant to the statute in such case made and provided that the following Plenary Retail, Plenary Distribution and Club Licenses for the period of July 1, 2017 to June 30, 2018 be and the same are hereby granted:

2010-31-011-001	Mountainside Lodge BPO ELKS #1585 1193 Route 22	\$188
2010-32-002-003	Breezy Point Inc., t/a Chrones Tavern 906 Mountain Ave	2,500

2010-33-004-004	Spanish Tavern III Inc., t/a Spanish Tavern 1239 Route 22	2,500
2010-33-005-006	Stage House Tavern 3, LLC 1099 Route 22	2,500
2010-33-007-004	1230 Rt 22 Restaurant, LLC t/a Arirang Hibachi Steakhouse and Sushi Bar, 1230 Route 22	2,500
2010-33-008-005	Mosaico Café Inc. 1072 Route 22	2,500
2010-33-009-006	Famous Daves Ribs Inc. 1443 Route 22 East	2,500
2010-33-010-006	Ciro 56 Inc. t/a Publick House 899 Mountain Ave	2,500
2010-33-012-007	Echo Park Food, LLC t/a Echo Tap & Grille 1079 Route 22	2,500
2010-44-001-004	Bliwise Inc. t/a Vine Republic 1267 Route 22	2,500

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

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

RESOLUTION 68-2017

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:

Overpayment Due to Owner
Kato Management LLC
283 Bridle Path
Mountainside, NJ 07092

<u>Block</u>	<u>Lot</u>	<u>Amount</u>
15.12	16	\$27.00

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

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

RESOLUTION 69-2017

WHEREAS, the Recreation Director Frank Masella has requested a refund to the following participant due to a 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>
Caleb Cohen 178 Farley Avenue Fanwood, NJ 07023	Pool Membership	\$621

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

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

RESOLUTION 70-2017

WHEREAS, there exists a vacancy in the position of Recreation Assistant; and

WHEREAS, the Governing Body of the Borough of Mountainside is desirous of filling subject vacancy; and

WHEREAS, Samantha Grindlinger has the experience and knowledge to perform the duties of Recreation Assistant; and

WHEREAS, the Recreation Committee and Recreation Director Frank Masella have recommended the appointment of Samantha Grindlinger to the position of Recreation Assistant; and

NOW, THEREFORE, BE IT RESOLVED by Mayor and Council of the Borough of Mountainside that Samantha Grindlinger be and she hereby is appointed as Recreation Assistant effective May 16, 2017 at an annual salary of \$39,000.00.

BE IT FURTHER RESOLVED, that Samantha Grindlinger 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, Fech-Caccamo, Turner. Nays: 0

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

RESOLUTION 71-2017

WHEREAS, in accordance with applicable provisions of the Public Contracts Law, the Borough advertised for Bids for Contract 2017-3 for “Resurfacing of Forest Hill Way”; and

WHEREAS, on June 1, 2017 the return date for the bids, five bids were received as follows:

Contractors:	Base Bid	Alt. #1	Alt. #2
Denbar Construction	\$280,270.00	\$37,842.50	\$87,936.00*
DLS Contracting	\$298,452.50	\$40,262.50	\$83,944.00
Midwest Construction	\$300,859.50	\$43,000.00	\$89,684.25
AJM Contracting	\$323,007.50	\$39,000.00	\$91,930.00
Black Rock	\$344,234.50	\$39,500.00	\$98,345.00

* = Corrected Amount

WHEREAS, the Borough Engineer recommends awarding the Base Bid, Alternate #1 and Alternate #2; and

WHEREAS, the lowest bidder is Denbar Construction Inc. and the Borough Engineer has recommended that Contract 2017-3 be awarded to Denbar Construction Inc., 726 Boulevard, Kenilworth, New Jersey 07033.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the contract for Resurfacing of Forest Hill Way is awarded to Denbar Construction Inc., 726 Boulevard, Kenilworth, New Jersey 07033 in the amount of \$406,048.50.

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

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

RESOLUTION 72-2017

WHEREAS, on April 18, 2017 the contract for the Community Pool Concession was extended to Samantha Grindlinger; and

WHEREAS, effective May 16, 2017, Samantha Grindlinger was appointed as Assistant Recreation Director for the Mountainside Recreation Department; and

WHEREAS, due to the circumstances, the Community Pool Concession contract with Samantha Grindlinger will be terminated; and

WHEREAS, the Recreation Director and Recreation Committee recommends that the contract be awarded to Mark Burkhardt.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the Community Pool Concession contract for the 2017 season be awarded to Mark Burkhardt, 241 Springfield Avenue, Westfield, NJ 07090 in the amount of \$10,000.00;

BE IT FURTHER RESOLVED that payment to the Borough shall be as follows:

June 1, 2017 - 33% of total or \$3,300
July 15, 2017 - 33% of total or \$3,300
August 1, 2017 - 34% of total price or \$3,400

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

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

RESOLUTION 73-2017

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount;

SECTION 1

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Mountainside hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget for the year 2017 for the below amount sums of which item is now available as a revenue from:

Public & Private Revenues off-set with Appropriations:
2017 Infrastructure and Municipal Aid Grant (\$50,000)
Clean Communities Grant (\$15,003.66)

SECTION 2

BE IT FURTHER RESOLVED, that a like sum be and the same is hereby appropriated under the caption of:

Public & Private Programs Offset By Revenues Excluded from "CAPS"
2017 Infrastructure and Municipal Aid Grant (\$50,000)
Clean Communities Grant (\$15,003.66)

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

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

RESOLUTION 74-2017

WHEREAS, in accordance with applicable provisions of the Public Contracts Law, the Borough advertised for Bids for Contract 2017-5 for "Paving Improvements on Longview Drive"; and

WHEREAS, on June 15, 2017 the return date for the bids, five bids were received as follows:

<u>Contractors:</u>	<u>Base Bid</u>	<u>Alt. #1</u>
Midwest Construction	\$272,557.51	\$26,985.00
Denbar Construction	\$288,528.50	\$22,487.50
Topline Construction	\$309,315.65	\$25,622.90
Black Rock	\$337,542.50	\$11,565.00
DLS Contracting	\$365,331.50	\$32,125.00

WHEREAS, the Borough Engineer recommends awarding the Base Bid and Alternate #1; and

WHEREAS, the lowest bidder is Midwest Construction Inc. and the Borough Engineer has recommended that Contract 2017-5 be awarded to Midwest Construction Inc., 23 Dead River Road, Warren, New Jersey 07059.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the contract for Resurfacing of Forest Hill Way is awarded to Midwest Construction Inc., 23 Dead River Road, Warren, New Jersey 07059 in the amount of \$299,542.51 pending attorney review.

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

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

RESOLUTION 75-2017

BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the following are the 2017 Base Salaries for the office and positions indicated:

A&E

Borough Administrator	\$52,852.32
Borough Clerk	\$77,209.97
Deputy Borough Clerk	\$36,600.28
Board of Health Secretary	\$3,665.07
Mayor	\$3,258.44
Councilman	\$1,629.23
OEM Director	\$8,641.60
OEM Deputy	\$7,962.20

FINANCE

Finance Assistant (P/T)	\$18.57
Finance Assistant	\$35,893.80
Chief Financial Officer	\$82,355.77
Tax Collector (P/T)	\$22,182.80
Assistant Tax Collector (P/T)	\$22.63

POLICE

Allan Attanasio (Chief)	\$136,459.49
Administrative Assistant	\$43,526.03
Records Clerk	\$19.84
Communications Officers:	
Walter Kutsop	\$56,189.37
Lewis Giordano	\$56,189.37
Michael Scuderi	\$47,996.39
Anthony DeLuca	\$42,054.07

Police Matron	\$27.92
Crossing Guards:	
Joan Laurent	\$24.28
Mario Magliacano	\$18.13
Patricia Salvato	\$19.64
Robert Vargo	\$19.25

BUILDING

Construction Secretary	\$50,946.53
Secretary: Engineer/DPW/Shade Tree/Recycling	\$39,185.80
Plumbing Inspector (P/T)	\$36.41
Electrical Inspector (P/T)	\$44.37
Fire Code/Fire Prevention (P/T)	\$31.21
Construction Code Official	\$28,717.14
Receptionist/Secy Construction/DPW/Building	\$16.85

PUBLIC WORKS

Ronald Romak	\$89,633.63
Thomas Root	\$52,739.32
Richard Neri	\$49,375.59
Oscar Cardona	\$43,483.46
Horacio Colella	\$40,595.72
Ed Parin	\$36,601.27
Matthew DeAnna	\$36,081.07
Engineer (P/T)	\$50,159.87
Tax Assessor (P/T)	\$18,953.31
Assistant to Assessor	\$4,830.36
Certified Wastewater & Treatment Operator	\$3,308.81
Planning Board – Recording Secretary	\$2,761.34
Upstairs Supervisor	\$5,743.43

COURT

Court Administrator	\$59,157.31
Deputy Court Administrator	\$47,940.00
Municipal Judge (P/T)	\$29,868.95
Municipal Prosecutor (P/T)	\$25,911.65
Veronica Acosta	\$19.38

MISCELLANEOUS

Cable TV Tech (M.Flynn)	\$11.04
Senior Citizen Coordinator	\$20,597.60
Senior Van Driver	\$16.56
Senior Handyman	\$19.38

RECREATION

Director/Pool Manager	\$85,962.69
Secretary/Pool Bookkeeper	\$39,185.79
Recreation Assistant (M. Butrico)	\$37,142.28
Pool Management (Returning)	2% increase
Pool Tech	\$8,398.43
Asst. Pool Tech (M. Butrico)	\$2,805.00

THEREFORE, BE IT RESOLVED, that the salary paid each office or position for the calendar year 2017, as established by this Resolution of the Governing Body, shall be retroactive to January 1, 2017.

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

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

RESOLUTION 76-2017

WHEREAS, the A&E Committee has recommended compensation adjustments to the following Municipal Employees:

Secretary: Engineer/DPW/Shade Tree/Recycling	\$2,500 effective May 1, 2017
Receptionist/Secretary: Construction/DPW/Bldg.	\$20.00 hourly effective May 1, 2017
Deputy Clerk	\$7,500 effective May 1, 2017
Tax Collector	\$14,000 effective June 1, 2017
Chief Financial Officer	\$14,000 effective June 1, 2017
Finance Assistant PT	\$22.00 hourly effective May 1, 2017
Finance Assistant	\$1,250 effective May 1, 2017
Police Administrative Assistant	\$2,500 effective May 1, 2017
Recreation Secretary/Pool Bookkeeper	\$2,500 effective May 1, 2017

NOW, THEREFORE, BE IT RESOLVED, that this compensation becomes effective as indicated above.

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

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

RESOLUTION 77-2017

WHEREAS, there is a need for a Foreman in the Department of Public Works; 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 Foreman; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Mountainside that Matthew DeAnna is hereby promoted to Foreman in the Department of Public Works, at an annual salary of \$46,081.07, effective June 1, 2017.

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

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

RESOLUTION 78-2017

A RESOLUTION DIRECTING THE PLANNING BOARD TO DETERMINE WHETHER THE REDEVELOPMENT PLAN FOR BLOCK 14, LOT 14 SHOULD BE EXPANDED

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 (the "Redevelopment Law") to undertake a preliminary investigation to determine whether the property

identified on the Borough's tax map as Block 14, Lot 14, which property is sometimes referred to as the Barnes Tract (hereinafter referred to as the "Study Area"), qualifies as an area in need of Non-Condensation Redevelopment; and

WHEREAS, in furtherance of this investigation, John T. Chadwick, IV, P.P. issued a report entitled "Preliminary Redevelopment Area Study - Barnes Tract (the "Chadwick Report"); and

WHEREAS, on October 16, 2015 and October 23, 2015, a public notice was published in the Newark Star Ledger indicating that the Planning Board would conduct a public hearing regarding the Study Area on November 5, 2015; and

WHEREAS, a public hearing was held on November 5, 2015 by the Planning Board regarding this investigation of the Study Area; and

WHEREAS, at this hearing and as part of this investigation of the Study Area, the Planning Board considered the Chadwick Report, witnesses, exhibits, testimony, opinion, and comments provided by witnesses and the public, as well as any statement of counsel; and

WHEREAS, on November 5, 2015, upon completion of the hearing, 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 Study Area is an "area in need of redevelopment" under the Redevelopment Law and recommending to the Borough Council that the Study Area be determined to be an "area in need of redevelopment;" and

WHEREAS, the Planning Board has forwarded a copy of its Resolution; and

WHEREAS, the Mayor and the Borough Council have reviewed the Resolution and the recommendations contained therein and have determined that it is appropriate to accept these recommendations and to determine that the Study Area is an "area in need of redevelopment;" and

WHEREAS by Resolution passed on November 24, 2015 this Governing Body adopted the Planning Board determination that Block 14, Lot 14 was an area in need of Non-Condensation redevelopment and since that time has considered proposals from four applicants for the redevelopment of Block 14, Lot 14; and

Whereas the applicant selected by the Governing Body may acquire two contiguous properties, shown as Block 14, Lots 13 and 17 on the Borough Tax Map, which would modestly increase the size of the project, make available 3 more affordable homes, and enable a development that may be more functionally and aesthetically pleasing; and

Whereas the Governing Body has determined that such potential benefits warrant an examination of whether the two contiguous properties that the successful applicant may acquire should be included in the plan for the Redevelopment of Block 14, Lot 14.

Now therefore be in resolved by the Mayor and Council of the Borough of Mountainside that the Planning Board of the Borough of Mountainside is hereby directed pursuant to N.J.S.A. 40A:12A-5 and 40A:12A-6 of the Local Redevelopment and Housing Law (the "Redevelopment Law") to undertake a preliminary investigation to determine whether the properties identified on the Borough's tax map as Block 14, Lots 13 and 17, qualify as areas in need of Non-Condensation Redevelopment.

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

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

RESOLUTION 79-2017

WHEREAS, a disciplinary proceeding is currently in progress involving a member of the Borough of Mountainside Police Department, and by Resolution 109-2016 dated November 22, 2016

this Governing Body appointed Robert Verry to act as the Hearing Officer in such disciplinary proceeding; and

WHEREAS, the aforesaid disciplinary proceeding has gone forward in such manner as to cause the Hearing Officer to request that he be indemnified in the event that a claim or lawsuit is filed against him arising out of his discharge of his duties as the Hearing Officer, and

WHEREAS, the Governing Body is satisfied that the effect of its aforesaid Resolution 109-2016 is to delegate to Robert Verry the authority of the Police Committee of the Governing Body to hear and decide matters in the aforesaid disciplinary proceedings, and that in such circumstances Robert Verry is acting as a local public employee; and

WHEREAS, N.J.S.A. 59:10-4 provides that local public entities are hereby empowered to indemnify local public employees consistent with the provisions of the aforesaid statute and a local public entity may even indemnify an employee of the local public entity for exemplary or punitive damages resulting from the employee's civil violation of a state or federal law, if in the opinion of the governing body of the local public entity, the acts committed by the employee upon which the damages are based did not constitute actual fraud, actual malice, willful misconduct or an intentional wrong;

WHEREAS, it appearing following appropriate inquiry and review that it would be in the best interests of the residents of the Borough of Mountainside that Robert Verry not be required to retain and pay for separate representation by independent counsel in the event of litigation against him arising out of his discharge of his duties as Hearing Officer;

WHEREAS, it is the intent of this governing body that the municipality or the insurance representative thereof be completely responsible for any and all claims made against Robert Verry for claims for damages and other relief arising out of his discharge of his duties as Hearing Officer, including but not limited to all recovery of any nature and kind that may be awarded, to further include attorneys' fees, costs, settlement payments and all damages of any nature and kind that may be awarded as a result of this litigation; and

NOW, THEREFORE, in consideration of the continued orderly and effective operation of the Mountainside Police Department and its individual officers and further in consideration of the most orderly and effective and cost effective management of the instant disciplinary proceeding, the governing body of the Borough of Mountainside does hereby agree to indemnify, defend and save harmless Robert Verry of and from any and all claims, demands, losses, expenses, attorney's fees, settlements, penalties, causes of action, judgments, damages and/or any and all liability whatsoever that may result or be determined to be due and owing by reason of any claim arising out of his discharge of his duties as Hearing Officer. This shall remain a continuing obligation of the governing body and the Borough of Mountainside to Robert Verry until the conclusion of the instant disciplinary proceedings.

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

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

RESOLUTION 80-2017

WHEREAS, a disciplinary proceeding is currently in progress involving a member of the Borough of Mountainside Police Department; and

WHEREAS, the aforesaid disciplinary proceeding has gone forward in such manner as to cause the members of the Governing Body to conclude that they should be indemnified in the event that a claim or lawsuit is filed against all of them or any one of them in either their official capacities as elected Borough Officials or in their individual capacities, arising out of their discharge of their duties members of the Borough of Mountainside Governing Body; and

WHEREAS, N.J.S.A. 59:10-4 provides that local public entities are empowered to indemnify local public employees consistent with the provisions of the aforesaid statute and a local public entity may even indemnify an employee of the local public entity for exemplary or punitive damages resulting from the employee’s civil violation of a state or federal law, if in the opinion of the governing body of the local public entity, the acts committed by the employee upon which the damages are based did not constitute actual fraud, actual malice, willful misconduct or an intentional wrong; and

WHEREAS, it appearing following appropriate inquiry and review that it would be in the best interests of the residents of the Borough of Mountainside that members of the Governing Body not be required to retain and pay for separate representation by independent counsel in the event of litigation against all or any of them, whether in their official capacities or individually, arising out of their discharge of their duties as members of the Governing Body of the Borough of Mountainside; and

WHEREAS, it is the intent of this Governing Body that the Borough of Mountainside or the insurance representative thereof be completely responsible for any and all claims made against members of the Governing Body for claims for damages and other relief arising out of their discharge of their duties as members of the Governing Body of the Borough of Mountainside, including but not limited to all recovery of any nature and kind that may be awarded, to further include attorneys’ fees, costs, settlement payments and all damages of any nature and kind that may be awarded as a result of this litigation.

NOW, THEREFORE, in consideration of the continued orderly and effective governance of the Borough and further in consideration of the most orderly and effective and cost effective management of the instant disciplinary proceeding, the Governing Body of the Borough of Mountainside does hereby agree to indemnify, defend and save harmless the members of the Governing Body of the Borough of Mountainside, both in their official capacities and individually, of and from any and all claims, demands, losses, expenses, attorney’s fees, settlements, penalties, causes of action, judgments, damages and/or any and all liability whatsoever that may result or be determined to be due and owing by reason of any claim arising out of their discharge of their duties as members of the Governing Body. This shall remain a continuing obligation of the Governing Body and the Borough of Mountainside until the conclusion of the instant disciplinary proceedings.

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

ORDINANCE: First Reading (Introduction)

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.

It was moved by Councilwoman Fech-Caccamo and seconded by Councilman Dierkes that this ordinance be passed on first reading and advertised in full for a public hearing on July 18, 2017.

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

BILLS & CLAIMS:

The following resolution was introduced by Councilman Dierkes and seconded by Councilwoman Andre:

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 20th day of June 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 \$827,727.37 (Copy of bill list attached).

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

COUNCIL COMMENTS:

Councilwoman Andre thanked the Board of Education and Senior Coordinator Kim Moriak for a successful Senior Citizen Prom.

Mayor Mirabelli invited everyone to attend the July 4th Fireworks and thanked the Mountainside Fire Company and PAL for their contributions.

AUDIENCE PARTICIPATION:

Gary Whyte, Old Tote Road, announced he was the recipient of the New Jersey State Governor's Jefferson Award. Mr. Whyte mentioned receiving the 500th Proclamation addressing Fibrodysplasia Ossificans Progressiva (FOP) an extremely rare connective tissue disease.

Bruce Patterson, Garwood Activist, would like to form a coalition consisting of all the union county municipalities to seek funds from the county possibly through grants to assist with the mandated tax reassessments affecting many towns.

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

Upon a motion by Councilman Dierkes and a second by Councilman Turner the following resolution to adjourn to closed session was unanimously adopted:

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 contracts 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 8:00 P.M.

The meeting was recalled to public session at 8:19 P.M.

Upon motion by Councilwoman Andre and a second by Councilman Dierkes, the meeting was unanimously adjourned.

Martha Lopez, RMC
Borough Clerk