

**REGULAR MEETING
JANUARY 28, 2014**

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 8:00 P.M.

**INVOCATION: Councilwoman Andre
SALUTE TO THE FLAG
ROLL CALL**

PRESENT: Mayor Paul N. Mirabelli, Councilwoman Andre, Councilman Dierkes, Councilman Lane, Councilman Mortimer, Council President Turner, Administrator Debbie and Attorney Post. Also present were Recreation Director Frank Masella and Public Works Manager Ronald Romak. Councilman Messler was absent.

APPROVAL OF MINUTES:

Upon motion by Councilman Mortimer and a second by Councilman Turner, the minutes of the Reorganization Meeting held on January 7, 2014 were approved. Roll Call: Ayes: Andre, Dierkes, Lane, Mortimer, Turner. Nays: 0.

Upon motion by Councilman Mortimer and a second by Councilwoman Andre, the minutes of the Work & Executive Session Meetings held on January 14, 2014 were approved. Roll Call: Ayes: Andre, Dierkes, Mortimer, Turner. Nays: 0. Abstained: Lane.

RESOLUTIONS:

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

RESOLUTION 23-2014

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

WHEREAS, the Borough of Mountainside intends to purchase an ambulance for the Mountainside Rescue Squad and by utilizing the HGAC-Buy Cooperative Pricing Agreement the Borough can receive competitive pricing, on a timely basis, without the expense and time involved in undertaking independent competitive bidding; and

WHEREAS, the Borough of Mountainside intends to enter into a purchase contract with PL Custom Emergency Vehicle (NJEV), Manasquan, NJ pursuant to HGAC-Buy Cooperative Pricing Agreement Contract #AM10-22 for the acquisition of a ambulance; and

WHEREAS, the cost for (1) one 2014 Type I Ford Classic Ambulance under Contract #AM10-22 is \$149,967.00; and

WHEREAS, the Borough's Financial Officer has certified that the funds are available for this purchase.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Mountainside, County of Union State of New Jersey that the purchase of (1) one 2014 Type I Ford Classic Ambulance under terms and provisions of HGAC-Buy Cooperative Pricing Agreement Contract #AM10-22 be and hereby is approved.

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

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

RESOLUTION 24-2014

WHEREAS, it is necessary for the Borough of Mountainside to contract with a regional health board in order to provide basic health and inspection services as required under state law; and

WHEREAS, the Mountainside Board of Health is recommending a contract be signed for this purpose with the Westfield Regional Board of Health at a cost of \$36,514.00 for 2014; and

WHEREAS, funds have been provided in the annual budget; and

WHEREAS, the contract term shall be extended to a three-year term; and

WHEREAS, in 2015 and 2016, the annual fee shall be increased each year by the sum of the lesser of: (A) two (2%) percent ; or (B) the percentage increase in the salaries of the Westfield Regional Board of Health department employees under the collective bargaining agreement over the prior year.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the appropriate Borough Officials be and they hereby are authorized to execute the contract with the Westfield Regional Board of Health for a three-year term.

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

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

RESOLUTION 25-2014

WHEREAS, the Union County Transportation Advisory Board has requested that the Borough of Mountainside appoint a representative and an alternate to serve on the Board for a one year term; and

WHEREAS, the Governing Body is desirous of appointing a representative and alternate from the Borough of Mountainside;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that Councilman Robert W. Messler be appointed as representative and Michael Disko, Jr. be appointed as an alternate representative for a term to expire December 31, 2014.

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

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

RESOLUTION 26-2014

WHEREAS, Associated Humane Societies, Inc., a non-profit corporation incorporated under the laws of the State of New Jersey and located at 124 Evergreen Avenue, Newark, New Jersey 07114 has offered to provide Animal Control Services from January 1, 2014 to December 31, 2014 for an annual sum of \$15,989.81.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Mountainside that the Mayor and Borough Clerk are hereby authorized to execute a contract with Associated Humane Societies, Inc. which contract shall include a 30-day termination clause.

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

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

RESOLUTION 27-2014

WHEREAS, AMC THEATRES is the owner of the property designated as 1021 Route 22, Block 24J, Lot 1, on the tax map of the Borough of Mountainside, took an appeal from its 2010, 2011, 2012 and 2013 real estate tax assessments; and

WHEREAS, Michael Frangella, the Borough's Tax Assessor, after conferring with appraisers engaged by the Borough to appraise the true value of the aforesaid 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 2010 and 2011 tax appeals shall be withdrawn; and
- (b) The 2012 assessed valuation shall be reduced to \$4,242,000; and
- (c) The 2013 assessed valuation shall be reduced to \$3,471,600; and
- (d) The 2014 assessed valuation shall be reduced to \$2,893,000; and
- (e) The reduced 2014 assessed valuation of \$2,893,000 will remain in place for the 2015 and 2016 Tax Years and AMC Theatres shall not appeal the assessment for those tax years. Improvements to the seating and flooring of the subject property shall not be the subject of an added assessment levied unless such improvements result in an increase in the building square footage and/or a repartitioning of the structure resulting in additional screens.
- (f) Should a Borough-wide reassessment or revaluation to be implemented for the 2015 or 2016 Tax Year, it is agreed that the 100% revaluation tax assessment shall not exceed a fair market value of \$10,000,000.

Upon receipt of the New Jersey State Tax Court Judgment reflecting the above referenced 2012 and 2013 assessment reduction, 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 of \$179,906.88 for the 2012 tax year, and \$237,321.46 for the 2013 tax year, for a total refund of \$417,228.34, to the taxpayer by way of check made payable to “Bruce J. Stavitsky, Esq. for the benefit of AMC THEATRES” c/o Stavitsky & Associates LLC, 350 Passaic Avenue, Fairfield, New Jersey 07004.

The taxpayer shall waive all interest on tax overpayments provided payment is made within sixty (60) days of the date of entry of Final Judgment in this action.

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

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

RESOLUTION 28-2014

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 2013 Municipal Budget occurred prior to end of budget year 2013, and

WHEREAS, Resolution 144-2013 authorized the Chief Financial Officer to make these transfers,

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

<u>CURRENT ACCOUNT</u>	<u>FROM</u>	<u>TO</u>
A&E S&W	3,000.00	
Police S&W	5,000.00	
Snow Removal O/E		5,000.00
Police O/E		3,000.00

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

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

RESOLUTION 29-2014

WHEREAS, a quote was received by the Borough of Mountainside for the July 4th 2014 Fireworks Celebration; and

WHEREAS, the quote was in the amount of \$15,000.00; and

WHEREAS, the Governing body has determined that Garden State Fireworks, Millington, New Jersey is the preferred vendor; and

WHEREAS, the Borough of Mountainside provides \$7,500.00, the Mountainside Volunteer Fire Company and Mountainside PAL provide \$3,750.00 each for the payment of the July 4th fireworks;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the proper Borough Officials are hereby authorized to enter into an agreement with Garden State Fireworks in the amount of \$15,000.00 for the 2014 July 4th Fireworks Celebration.

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

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

RESOLUTION 30-2014

BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside, County of Union, State of New Jersey, that John Tomaine is hereby appointed as the Borough's representative to the Rahway Valley Sewerage Authority effective February 21, 2014, term to expire February 1, 2019.

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

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

RESOLUTION 31-2014

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 2013 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 2013 Municipal Budget Reserves; and

<u>CURRENT ACCOUNT</u>	<u>FROM</u>	<u>TO</u>
Recreation S&W	15,000.00	
Police S&W	1,000.00	
Police Dispatchers S&W	8,500.00	
Police Dispatchers O/E		8,500.00
Police O/E		1,000.00
A&E O/E		15,000.00
TOTAL	\$24,500.00	\$24,500.00

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

ORDINANCE: First Reading (Introduction)

ORDINANCE 1213-2014

AN ORDINANCE AMENDING CHAPTER X, SECTION 1.14, SECTION a. AND b., OF THE CODE OF THE BOROUGH OF MOUNTAINSIDE, NEW JERSEY REGARDING MEMBERSHIP FEES FOR USE OF THE MOUNTAINSIDE COMMUNITY POOL

BE IT ORDAINED by the Mayor and Council of the Borough of Mountainside, County of Union, State of New Jersey, that Chapter X, Section 1.14-a. and Section 1.14-b. of the Borough Code be, and the same is amended and restated as follows:

10-1.14 Fees Established:

a. The resident and full time employee membership fees and guest fees shall be as follows:

1. Family Membership:
 - (I) Family Membership \$314.00
 - (ii) Each unmarried child over 21 living at home or parent living with the family 110.00
2. Single Membership 16 years of age or older 160.00

- 3. Senior Citizen Membership: 62 years of age or older 110.00
- 4. A child under the age of 16 joining as part of a family, single or senior citizen membership of a relative, if both the child and the membership are resident 160.00
- 5. A resident person age 14 or 15 employed by a family as a parent's helper joining that family's membership 160.00
- 6. Single Parent/Child 268.00
- 7. Au Pair/Nanny 110.00

8. Guest daily fee:	Weekend/ Holidays	Weekdays
(I) Adult	10.00	8.00
(ii) Under 18 years of age	8.00	7.00

9. House guest weekly fee (non-resident eating and sleeping in member's home:		
(I) 18 years of age or younger		25.00
(ii) Over 18 years of age		30.00

- 10. Individuals on active military duty who are residents shall be submitted free.
- 11. A family membership composed of only two persons shall be entitled to ten complimentary guests.
- 12. A single membership shall be entitled to five complimentary guests.
- 13. A senior citizen membership shall be entitled to two complimentary guests.
- 14. A family, senior citizen or single membership shall receive two complimentary guest passes if the membership fees paid in full on or before April 15 of the membership year.

b. Non resident membership fees and guest fees shall be as follows:

- 1. Family Membership:
 - (I) Family membership \$584.00
 - (ii) Each unmarried child over 21 living at home parent living with family 110.00

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| 2. Single Membership: 16 years of age or older | | 291.00 |
| 3. Senior Citizen membership: 62 years of age or older | | 245.00 |
| 4. A child under the age of 16 joining as part of a family, single or senior citizen membership of a relative, if both the child and membership are non-resident | | 291.00 |
| 5. A non-resident person age 14 or 15 employed by a family as a parent's helper joining that family's membership | | 291.00 |
| 6. Guest daily fee: | Weekend/
Holidays | Weekdays |
| (I) Adult | 10.00 | 8.00 |
| (ii) Under 18 years of age | 8.00 | 7.00 |
| 7. House guest weekly fee: | | |
| (I) 18 Years of age or younger | | 25.00 |
| (ii) over 18 years of age | | 30.00 |
| 8. Registration fee payable for first year membership only: | | |
| (I) Single Membership | | 30.00 |
| (ii) Family Membership | | 60.00 |
| 9. A family membership composed of only two persons shall be entitled to ten complimentary guests. | | |
| 10. A single membership shall be entitled to five complimentary guests. | | |
| 11. A senior citizen membership shall be entitled to two complimentary guests. | | |

BE IT FURTHER ORDAINED that if any fees set by this ordinance or otherwise collected by the Recreation Department are paid by credit card, an additional charge equal to the percentage of such fees charged the Borough by the credit card issuer shall be applied.

BE IT FURTHER ORDAINED, that all other sections of Chapter X shall remain unchanged.

This ordinance shall take effect twenty days after the first publication hereof after final passage.

It was moved by Councilman Turner and seconded by Councilman Dierkes that this ordinance be passed on first reading and advertised in full for a public hearing on February 18, 2014.

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

MOTIONS:

The following motions were unanimously approved:

1. Approve raffle applications from Our Lady of Peace Church for two (2) on premise draw raffles, an off premise draw raffle and a 50/50 on premise draw raffle
2. Approve a raffle application from the Westfield YMCA for an on premise draw raffle

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 28th day of January 2014, 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 \$413,337.76 (Copy of bill list attached.)

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

COUNCIL COMMENTS:

Councilman Mortimer read a 2013 Mountainside Library synopsis.

Councilman Turner is seeking donations to fund the annual tree lighting.

Administrator Debbie and Mayor Mirabelli commended the DPW and Snow Removal Contractor for doing a great job during the recent snow storms.

Mayor Mirabelli asked residents to check on their neighbors during the extreme cold weather.

AUDIENCE PARTICIPATION:

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

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

Meeting adjourned at 8:17 PM.

Respectfully submitted,

Martha Lopez, Borough Clerk