

**REGULAR MEETING
FEBRUARY 20, 2018**

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: Councilman Dierkes
SALUTE TO THE FLAG
ROLL CALL**

PRESENT: Mayor Mirabelli, Councilwoman Andre, Councilman Dierkes, Councilwoman Fech-Caccamo, Councilman Messler, Councilman Mortimer, Council President Turner, Administrator Debbie and Attorney Post. Also present were Police Chief Allan Attanasio, Recreation Director Frank Masella 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 Meeting held on January 16, 2018 were approved. Roll Call: Ayes: Andre, Dierkes, Fech-Caccamo, Messler, Mortimer, Turner. Nays: 0.

Upon motion by Councilman Turner a second by Councilman Mortimer, the minutes of the Work & Executive Session Meetings held on February 6, 2018 were approved. Roll Call: Ayes: Dierkes, Fech-Caccamo, Messler, Mortimer, Turner. Nays: 0. Abstained: Andre.

PROCLAMATIONS:

WHEREAS, art education contributes powerful educational benefits to all elementary, middle and secondary students including the following:

- Art education develops students' creative problem-solving and critical thinking abilities; and
- Art education teaches sensitivity to beauty, order and other expressive qualities; and
- Art education gives students a deeper understanding of multi-cultural values and beliefs; and
- Art education reinforces and brings to life what students learn in other subjects; and
- Art education interrelates student learning in art production, art history, art criticism and aesthetics; and

WHEREAS, our national leaders acknowledged the necessity of including arts experiences in all students' education;

AND WHEREAS, March is officially recognized as YOUTH ART MONTH, I endorse the observance of YOUTH ART MONTH and encourage the support of quality school art programs for children and youth.

NOW, THEREFORE, I Mayor Paul N. Mirabelli do endorse March 2018 as YOUTH ART MONTH.

WHEREAS, the Borough of Mountainside in New Jersey recognizes the problem of child abuse and neglect and is committed to helping its victims; and

WHEREAS, Court Appointed Special Advocates (CASA) of Union County recruits, trains, supports and supervises community volunteers as advocates for children who have been removed from their home due to neglect or abuse; and

WHEREAS, CASA volunteers ensure children's best interest remain the priority while working toward establishing a safe, stable, and permanent home for each child served; and

WHEREAS, CASA has a record of public service protecting the safety and well-being of Union County's foster children, defending them from harm and ensuring they are provided with the court-ordered services they need; and

WHEREAS, CASA establishes and maintains effect relationships with the family court, the Division of Child Protection and Permanency (DCPP), Child Placement Review Board, Office of the Public Defender, Legal Aid, and other child serving agencies/institutions in order to create a cooperative environment in which to best meet the needs of children.

NOW, THEREFORE, I, Paul N. Mirabelli, Mayor of the Borough of Mountainside, do hereby proclaim:

February 20, 2018

as

COURT APPOINTED SPECIAL ADVOCATE OF UNION COUNTY DAY

In the Borough of Mountainside and urge all residents to become aware of the work and mission of CASA of Union County. Let it be known that we support the education efforts to raise awareness of the CASA program at the local level and the need for community members to provide a voice for the children in foster care.

RESOLUTIONS:

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

RESOLUTION 32-2018

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 2018:

<u>APPROPRIATIONS</u>	<u>TO</u>	<u>FROM</u>
Construction Code SUV	-0-	22,500.00

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

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

RESOLUTION 33-2018

WHEREAS, N.J.S.A. 40A:5-21 authorizes the establishments of a Petty Cash Fund; and

WHEREAS, it is the desire of the Mayor and Council of the Borough of Mountainside, County of Union that the petty cash fund for the Recreation Department be increased from \$50.00 to \$100.00.

NOW, THEREFORE, BE IT RESOLVED the Borough of Mountainside, County of Union, hereby authorizes such action and two copies of this resolution be filed with the Division of Local Government Services, New Jersey Department of Community Affairs for approval.

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

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

RESOLUTION 34-2018

WHEREAS, it is the desire of the Borough of Mountainside, County of Union, that the petty cash fund for the office of the Fire Department with a listed Custodian of Chief Marc Franciosa in the amount of \$100.00 be rescinded.

NOW, THEREFORE, BE IT RESOLVED the Borough of Mountainside, County of Union, hereby authorizes such action and two copies of this resolution be filed with the Division of Local Government Services, New Jersey Department of Community Affairs for approval.

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

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

RESOLUTION 35-2018

WHEREAS, the Borough of Mountainside, pursuant to N.J.S.A. 40A:11-4.1, may by resolution and without advertising for bids, purchase any goods or services under Cooperative Pricing Contract; and

WHEREAS, the Borough of Mountainside Construction Department is in need of a new vehicle and by utilizing Co-op contracts 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 Route 23 Automall, 1301 Route 23 South, Butler, NJ pursuant to MCCPC Contract # 15-C for the acquisition of this vehicle; and

WHEREAS, the cost for a 2018 Ford Escape SE with options under the MCCPC Contract is \$22,107.00; 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 2018 Ford Escape

SE with options in the amount of \$22,107.00 under terms and provisions of MCCPC Contract #15-C, Item #1 be and hereby is approved.

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

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

RESOLUTION 36-2018

WHEREAS, there is a vacancy in the position of a Deputy Court Administrator; and

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

WHEREAS, Eileen Keating is experienced in performing the duties of Deputy Court Administrator; and

WHEREAS, the Mountainside Court Interview Panel and Assignment Judge Cassidy have recommended that the Borough Council take action and hire Eileen Keating.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Mountainside that Eileen Keating is hereby hired as Deputy Court Administrator at an annual salary of \$47,000, effective January 29, 2018.

BE IT FURTHER RESOLVED, that Eileen Keating 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, Messler, Mortimer, Turner. Nays: 0

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

RESOLUTION 37-2018

WHEREAS, the students of the 2018 Graduating Class of Governor Livingston High School have determined to have an Alcohol and Drug Free Graduation Party during the hours immediately following graduation until the following morning to be held at Rutgers; and

WHEREAS, the Governing Body of the Borough of Mountainside wishes to support this decision to have a graduation celebration free from the serving of alcohol and thereby assuring that there will be no students who have attended this graduation party driving under the influence of liquor or drugs; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Mountainside that \$300.00 shall be given to the Fund Raising Committee of "PROJECT GRADUATION" toward the expenses incurred for the 2018 Alcohol Free Graduation Party of Governor Livingston High School.

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

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

RESOLUTION 38-2018

WHEREAS, the Borough of Mountainside needs to refund monies to interested parties for Police Outside Pay overages,

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

Police Outside Pay Overages:

Danfoss, Inc. 11655 Crossroads Circle Baltimore, MD 21220-2863	\$168.19
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P & A Construction, Inc. P.O. Box 28 Colonia, NJ 07067	\$94.88
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Roll Call: Andre, Dierkes, Fech-Caccamo, Messler, Mortimer, Turner. Nays: 0

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

RESOLUTION 39-2018

BE IT RESOLVED, by the Mayor and Council of the Borough of Mountainside, County Union, State of New Jersey, hereby authorizes the Mayor and Borough Administrator to sign the contract to provide professional animal control services to the Borough of Mountainside:

WITH: Animal Control Solutions, LLC
2 Marshall Drive
Flemington, NJ 08822

COST: \$15,480.00 (Annual)

TERM: 2 year contract
March 1, 2018 to March 1, 2020

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

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

RESOLUTION 40-2018

Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the 2017 Highway Safety Fund Project

2017 HIGHWAY SAFETY FUND PROJECT

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Mountainside formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor, Council and Borough Clerk are hereby authorized to submit an electronic grant application identified as HSF-2017-Mountainside Borough-00044 to the New Jersey Department of Transportation on behalf of the Borough of Mountainside.

BE IT FURTHER SOLVED that the Mayor, Council and Borough Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Mountainside and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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

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

RESOLUTION 41-2018

WHEREAS, the New Jersey Forest Fire Protection Agency provides funding to organize, train and equip fire departments in rural communities through the Volunteer Fire Assistance Grant Program (VFA); and

WHEREAS, the Borough of Mountainside desires to apply for the Volunteer Fire Assistance Grant; and

WHEREAS, the Fire Chief will prepare the application for the VFA grant.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Mountainside formally approves the grant application effective on January 31, 2018.

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

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

RESOLUTION 42-2018

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:

Duplicate payments Due to Banks

CoreLogic
Centralized Refunds
P. O. Box 9202
Coppell, TX 75019-9978

<u>Block</u>	<u>Lot</u>	<u>Amount</u>
2	5.03	3,467.48
3.02	3.01	5,147.03
3.03	34	2,217.62
3.04	23	2,170.91
3.06	11	2,350.00

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3.10	23.01	3,129.32
3.12	22.04	6,942.42
3.15	8.17	3,103.17
3.16	59	3,106.90
3.23	3.05	4,963.94
4	17.11	3,895.31
4.03	11	3,734.64
5.03	21	3,204.05
5.03	23	5,709.38
5.04	4	3,077.01
5.13	3	4,339.95
5.18	18	5,333.86
5.19	4	1,971.01
6.01	4	2,705.23
6.02	1	2,314.77
6.02	7	3,299.33
7.01	1.05	5,290.89
7.03	29	3,146.14
7.05	13	2,880.85
7.08	8	3,467.48
7.09	20	3,398.35
7.09	25	3,000.41
7.10	1	2,578.19
7.13	16	4,764.04
8.03	8	3,275.05
10.02	13	5,498.26
15.05	9	3,200.32
15.14	16	2,568.85
5.14	20	2,417.52
15.14	21	2,522.14
16.08	7	2,695.89
16.08	22	3,785.08
16.08	30	2,959.31
16.09	8	2,169.04
16.11	84	2,512.80
16.11	91	3,813.10
16.14	8	1,126.30
21	20	1,563.73
24.03	6	2,183.99
25	15	2,776.22

Wells Fargo Bank
Attn: Refunds/Financial Support
P. O. Box 14506
Des Moines, IA 50328

3.03	21	2,914.47
3.14	8.04	3,347.91
4.03	5	4,767.78
5.01	21	3,205.92
5.03	10	2,751.94
5.15	7.01	3,930.80
5.16	1	2,692.15

14	18.12	5,683.22
15.04	7	4,069.05
16.13	25	3,254.50
22.02	39	168.15

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

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

RESOLUTION 43-2018

WHEREAS, a new federal tax reform bill was signed into law on December 22, 2017 which caps taxpayers' ability to write off their property taxes at \$10,000; and

WHEREAS, the deduction had been unlimited and now reduces taxable income for federal income tax purposes; and

WHEREAS, property owners rushed to their local tax offices to prepay part or all of their 2018 property tax before December 31, 2017; and

WHEREAS, the Internal Revenue Service later issued a ruling that would limit the deductibility based on the date of the property tax assessment which limited taxpayers' ability to deduct these payments on their 2017 tax returns; and

WHEREAS, U.S. Representatives Leonard Lance and Josh Gottheimer sponsored legislation to allow property owners to deduct their entire 2018 property tax against their 2017 federal income taxes.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside hereby expresses its support of this proposed tax deduction bill.

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

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

RESOLUTION 44-2018

WHEREAS, the Beechwood School has requested a school crossing guard be appointed to monitor the Beechwood School parking lot daily for one hour; and

WHEREAS, the Beechwood School Officials agree to reimburse the Borough of Mountainside for any and all costs incurred to provide this requested crossing guard.

THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Mountainside that the Police Chief is authorized to proceed with the advertising, training and hiring of a new School Crossing Guard to be stationed at the Beechwood School parking lot. Such Guard shall be under the supervision and direction of the Chief of Police.

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

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

RESOLUTION 45-2018

WHEREAS in order to preserve the immunity from Mount Laurel suits that the Borough of Mountainside enjoys pursuant to the Judgment of Compliance and Repose entered by the Superior Court of New Jersey on September 10, 2014, it is necessary that the Borough proceed with development of the Barnes Tract in accordance with the Affordable Housing Plan that was approved by the Court, and

WHEREAS development of the Barnes Tract may exacerbate traffic congestion and control issues that have been experienced throughout the Borough, and

WHEREAS the Mayor and Council of the Borough of Mountainside are committed to minimizing any negative impacts that implementation of the Affordable Housing Plan will have on all of the residents of the Borough, and

WHEREAS one means of minimizing such impact is to have a study done which investigates traffic conditions and conducts traffic counts at such locations in the Borough as will enable the development of improvement scenarios for consideration by the Mayor and Council, and

WHEREAS the Mayor and Council solicited proposals from Traffic Engineering Firms for conducting the aforesaid study, and

WHEREAS three proposals for conducting the aforesaid study were received by the Borough, and

WHEREAS after considering each such proposal and the comments and reviews of such proposals by members of the Borough Staff and the Borough Attorney, the Governing Body has determined that the contract to conduct the aforesaid study should be awarded to NV5.

NOW THEREFOR BE IT RESOLVED that the appropriate Borough Officials be and they hereby are authorized to enter into a contract on behalf of the Borough with NV5, 7 Campus Drive, Suite 300, Parsippany, N.J. 07054, to conduct a study which investigates traffic conditions and conducts traffic counts at such locations in the Borough as will enable the development of traffic improvement scenarios for consideration by the Mayor and Council, for a base price of \$14,146.

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

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

RESOLUTION 46-2018

WHEREAS, at the Borough Tax Sale held on December 15, 2011, a tax lien was sold on 1110 Wyoming Drive, also known as Block 5.09, Lot 1, owned by Grammenos, James, Et Al; and

WHEREAS, this lien known as Tax Sale Certificate #11-00073 was sold to US Bank as Cust. for Phoenix (now Phoenix Funding, Inc.); and

WHEREAS, George Grammenos, owner, has requested redemption of this tax title lien 11-00073 and has paid the Borough of Mountainside all monies due including filed affidavits in amount of \$199,688.52; and

NOW, THEREFORE, BE IT RESOLVED that the Treasurer be authorized to issue a check to Phoenix Funding, Inc. 191 Glen Road, Mountainside, NJ 07092, in the amount of \$199,688.52 to be refunded upon receipt of the original Certificate of Sale #11-00073 by the Collector of Taxes.

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

ORDINANCES: Second Reading (Public Hearing)

ORDINANCE 1262-2018
AN ORDINANCE AMENDING CHAPTER X, SECTION 1.14, SECTION 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-b. of the Borough Code be, and the same is amended and restated as follows:

10-1.14 Fees Established:

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

12. 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.

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.

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 Councilwoman Andre and seconded by Councilman Turner that this ordinance be passed on second and final reading and advertised by title only.

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

ORDINANCE 1263-2018
AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF MOUNTAINSIDE, SCHEDULE IV,
SUBSECTION 7-3.6 WITH RESPECT TO LIMITED STREET PARKING ON MOHAWK DRIVE

BE IT ORDAINED by the Mayor and Council of the Borough of Mountainside, County of Union State of New Jersey that Schedule IV of subsection 7-3.6 of the Borough Code be and is hereby amended to include the following:

Section 1:

<u>NAME OF STREET</u>	<u>SIDES</u>	<u>TIME LIMIT</u>	<u>HOURS/DAYS</u>	<u>LOCATION</u>
Mohawk Drive	Both	4 hours	8:00 a.m. to 6:00 p.m. Monday through Friday	From intersection with Bridle Path to the intersection with Hickory Lane

Section 2:

Any ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance.

Section 3:

If any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable.

Section 4:

This ordinance shall take effect immediately upon its passage and adoption according to law.

Mayor Mirabelli opened the meeting to the public for anyone wishing to speak on this ordinance and this ordinance only.

Liz Truman, Cherry Hill Road, questioned where Mohawk Drive was located.

Hearing no one else wishing to speak, Councilman Turner closed the meeting to the public.

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

First Reading (Introduction)

ORDINANCE 1264-2018

BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF VARIOUS INFRASTRUCTURE IMPROVEMENTS IN, BY AND FOR THE BOROUGH OF MOUNTAINSIDE, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$900,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS

BE IT ORDAINED by the Borough Council of the Borough of Mountainside, in the County of Union, State of New Jersey, as follows:

Section 1. The Borough of Mountainside, in the County of Union, State of New Jersey (the "Borough") is hereby authorized to undertake various infrastructure improvements in, by and for the Borough consisting of: (A) bank stabilization at various locations; (B) sanitary and storm sewer improvements at various locations; and (C) reconstruction or resurfacing of various roads, including drainage improvements and curb construction or reconstruction, where necessary, as set forth on a list prepared by the Borough Engineer on file or to be placed on file with the Borough Clerk, and hereby approved as if set forth herein in full. Depending upon the contract price and other exigent circumstances, and upon approval by the Borough Council, there may be additions to or deletions from the list referred to in clause (C) of the preceding sentence. Said improvements shall include all work, materials and appurtenances necessary and suitable therefor. It is hereby

determined and stated that said roads to be improved are or will be of "Class A" or equivalent construction as defined in Section 22 of the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law").

Section 2. The sum of \$900,000 is hereby appropriated to the payment of the cost of making the improvements described in Section 1 hereof (hereinafter referred to as "purpose"). Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the down payment appropriated by this ordinance. Said improvements shall be made as general improvements and no part of the cost thereof shall be assessed against property specially benefited.

Section 3. It is hereby determined and stated that (1) said purpose is not a current expense of said Borough, and (2) it is necessary to finance said purpose by the issuance of obligations of said Borough pursuant to the Local Bond Law, and (3) the estimated cost of said purpose is \$900,000, and (4) \$45,000 of said sum is to be provided by the down payment hereinafter appropriated to finance said purpose, and (5) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$855,000, and (6) the cost of such purpose, as hereinbefore stated, includes the aggregate amount of \$90,000 which is estimated to be necessary to finance the cost of such purpose, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 4. It is hereby determined and stated that moneys exceeding \$45,000, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for said Borough, are now available to finance said purpose. The sum of \$45,000 is hereby appropriated from such moneys to the payment of the cost of said purpose.

Section 5. To finance said purpose, bonds of said Borough of an aggregate principal amount not exceeding \$855,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 6. To finance said purpose, bond anticipation notes of said Borough of an aggregate principal amount not exceeding \$855,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 7. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said Borough and attested by the Borough Clerk or Deputy Borough Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Chief Financial Officer of the Borough who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 8. It is hereby determined and declared that the period of usefulness of said purpose, according to its reasonable life, is a period of twenty years computed from the date of said bonds.

Section 9. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk of said Borough, and that such statement so filed shows that the gross debt of said Borough, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$855,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 10. Any funds received from private parties, the County of Union, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purpose, shall be applied to the payment of the cost of such purpose, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purpose shall be reduced accordingly.

Section 11. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Borough Clerk and is available for public inspection.

Section 12. The Borough intends to issue the bonds or notes to finance the cost of the improvements described in Section 1 of this bond ordinance. If the Borough incurs such costs prior to the issuance of the bonds or notes, the Borough hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 13. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Borough, and the Borough shall levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 14. This ordinance shall take effect twenty days after the first publication thereof after final passage.

It was moved by Councilman Mortimer and seconded by Councilman Turner that this ordinance be passed on first reading and advertised in full for a public hearing on March 20, 2018.

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

MOTION:

The following motion was unanimously approved:

1. Approve raffle application from PTO Benjamin Franklin School 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 20th day of February 2018, 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 \$421,185.21 (Copy of bill list attached).

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

COUNCIL COMMENTS:

Councilwoman Andre invited residents to attend the 8th Graders vs Cops/Firemen Basketball Fundraiser.

Mayor Mirabelli commended and recognized the volunteer board members on the Library Board, Planning Board and Board of Health.

In light of the school shootings in Parkland Florida, Police Chief Attanasio was asked to review the policy and procedures for the emergency management plan for all school districts.

AUDIENCE PARTICIPATION:

Liz Truman, Cherry Hill Road, had questions about the parking permit waiting list, where commuters are allowed to park and solutions to the lack of commuter parking. Mayor Mirabelli stated the council was aware of the need for more commuter parking spaces.

Margaret Harris, Beechwood Court, informed the Council about at least three water main breaks in her area within a five-year span. Public Works Manager Ronald Romak was asked to investigate the situation.

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

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

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 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 8:08 P.M.

The meeting was recalled to public session.

Upon a motion by Councilman Dierkes and a second by Councilman Mortimer, the meeting was unanimously adjourned at 8:43 P.M.

Martha Lopez, RMC
Borough Clerk