

**REGULAR MEETING
MAY 15, 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 Mortimer
SALUTE TO THE FLAG
ROLL CALL**

PRESENT: Mayor Mirabelli, Councilwoman Andre, Councilman Dierkes, Councilwoman Fech-Caccamo, Councilman Messler, Councilman Mortimer, Council President Turner and Attorney Post. Also present were Police Chief Allan Attanasio and Recreation Director Frank Masella.

APPROVAL OF MINUTES:

Upon motion by Councilman Turner and a second by Councilman Mortimer, the minutes of the Regular & Executive Session Meetings held on April 17, 2018 were approved. Roll Call: Ayes: Andre, Dierkes, Fech-Caccamo, Messler, Mortimer, Turner. Nays: 0.

Upon motion by Councilman Mortimer a second by Councilman Turner, the minutes of the Work & Executive Session Meetings held on May 1, 2018 were approved. Roll Call: Ayes: Andre, Dierkes, Fech-Caccamo, Messler, Mortimer, Turner. Nays: 0.

PROCLAMATIONS:

MOUNTAINSIDE RESCUE SQUAD 80TH ANNIVERSARY

WHEREAS, established in 1938, the Mountainside Rescue Squad celebrates its 80th year; and

WHEREAS, the Rescue Squad is an independent, non-profit organization, staffed by volunteers who are dedicated to providing emergency medical services and safety training to Mountainside and the surrounding communities; and

WHEREAS, throughout the years these trained volunteers have contributed hundreds of hours of service to the health and safety of the residents of the Borough of Mountainside; and

WHEREAS, the Borough of Mountainside would like to offer special recognition to the members of the Mountainside Rescue Squad and urge the residents to recognize the endeavors made by our volunteers to enhance the quality of life of our community.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Mountainside, County of Union, State of New Jersey, do hereby publicly express congratulations, gratitude and thanks to the members of the Mountainside Rescue Squad for their continued dedication to the residents of the Borough of Mountainside.

BE IT FURTHER RESOLVED, that I, Paul N. Mirabelli, Mayor of the Borough of Mountainside, do hereby proclaim MAY 20 THROUGH MAY 26, 2018, AS EMERGENCY MEDICAL

SERVICES WEEK in Mountainside in recognition of all those dedicated individuals engaged in emergency services and express the heartfelt appreciation of our community.

WHEREAS, Reverend Christopher R. Belden, Pastor of the Community Presbyterian Church of Mountainside, has announced his retirement; and

WHEREAS, Dr. Belden served as Pastor at Christ United Presbyterian Church before coming to Mountainside in 1986; and

WHEREAS, Dr. Belden has understood society's changing needs, participating in interdenominational and interfaith coalition groups addressing homelessness, hunger, and the plight of refugees; and

WHEREAS, Dr. Belden has supported the church's mission of service to the community and the use of the church as a meeting place for a large variety of diverse organizations; and

WHEREAS, in addition to his pastoral ministry, Dr. Belden served on the boards of the Children's Specialized Hospital, the Mountainside Educational Foundation, the Library Board of Directors, and the Watts Foundation; and

BE IT RESOLVED, that the Mayor and Council of the Borough of Mountainside congratulates Reverend Christopher R. Belden on his retirement after 32 years of service.

NOW, THEREFORE, BE IT PROCLAIMED, that the Borough of Mountainside hereby recognize and commend Dr. Belden for his contributions to the Community Presbyterian Church and the Mountainside Community.

WHEREAS, the Girl Scout Bronze Award is the highest national award at the Junior Girl Scout level. It is an award that demonstrates that the Girl Scout fully understands the goals and values of Girl Scouting; and

WHEREAS, it requires that she complete a Journey along with a Take Action project related to that Journey program. Once these prerequisites are completed, the girls must plan, develop, and complete a project that must be carried out over at least 20 hours. The project should show the leadership skills that the girl has learned as a Junior Girl Scout and her commitment to her community and herself; and

WHEREAS, each girl's achievement is commendable and a great start in preparing herself for future awards such as the Cadette Silver Award and the prestigious Girl Scout Gold Award; and

WHEREAS, the scouts' project was Making Recess More Fun at Holy Trinity School. They devised a plan to replenish the recess equipment and introduce new arts and crafts materials. They organized an online sign up of donations, spread the word out through announcements, and visited and made presentations to younger classrooms. They also created a booklet containing the recess rules as well as ideas of other games that could be played at recess with little or no equipment.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Mountainside recognizes their achievements and congratulates the following scouts' on this great accomplishment: Mariah Deloris Drake, Esme Leigh McLaughlin, Lourdes Katharina Schlutter

ORDINANCE:

**ORDINANCE 1266-2018
CALENDAR YEAR 2018
ORDINANCE TO ESTABLISH A CAP BANK
(N.J.S.A. 40A:4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A:4-45.1 et.seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said final budget appropriations to 2.50% unless authorized by ordinance to increase it to 3.5% over the previous years' final appropriations; and,

WHEREAS, a municipality may, by ordinance, bank the difference between its final budget appropriations and the 3.5% increase authorized by this ordinance when said difference is not appropriated as part of the final budget; and,

WHEREAS, the Borough Council of the Borough of Mountainside, County of Union, hereby determines that this difference in the amount of \$89,217.36 that is not appropriated as part of the final budget shall be retained as an exception to the final appropriations in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, that any amount authorized herein above that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

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 Mortimer 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

2018 MUNICIPAL HEARING

Mayor Mirabelli gave a summary of the proposed municipal budget for 2018. The total increase on an average assessed home is \$19.22.

Mayor Mirabelli opened the meeting to anyone wishing to discuss the 2018 Municipal Budget.

Hearing no one wishing to speak, the meeting was closed to the public.

RESOLUTIONS:

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

RESOLUTION 68-2018

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 69-2018

BE IT RESOLVED, by the Mayor and Council of the Borough of Mountainside, County of Union, that the budget herein before set forth is hereby adopted and shall constitute an appropriation for the purposes of the sums therein as set forth as appropriations, and authorization of the amount of \$8,775,292.95 for municipal purposes.

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 70-2018

RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF MOUNTAINSIDE, IN THE COUNTY OF UNION, NEW JERSEY, COVENANTING TO COMPLY WITH THE PROVISIONS OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, APPLICABLE TO THE EXCLUSION FROM GROSS INCOME FOR FEDERAL INCOME TAX PURPOSES OF INTEREST ON OBLIGATIONS ISSUED BY THE BOROUGH OF MOUNTAINSIDE, AUTHORIZING THE MAYOR, BOROUGH CLERK, CHIEF FINANCIAL OFFICER AND OTHER BOROUGH OFFICIALS TO TAKE SUCH ACTION AS THEY MAY DEEM NECESSARY OR ADVISABLE TO EFFECT SUCH COMPLIANCE AND DESIGNATING A \$5,380,750 BOND ANTICIPATION NOTE, DATED MAY 1, 2018 AND PAYABLE MAY 1, 2019, AS A "QUALIFIED TAX-EXEMPT OBLIGATION" PURSUANT TO SECTION 265(b)(3) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED.

WHEREAS, the Borough of Mountainside, in the County of Union, New Jersey (the "Borough"), from time to time issues bonds, notes and other obligations, the interest on which is excluded from gross income for Federal income tax purposes, and desires to take such action as may be necessary or advisable to establish and maintain such exclusion; and

WHEREAS, the Internal Revenue Code of 1986, as amended (the "Code"), contains provisions with respect to the exclusion from gross income for Federal income tax purposes of interest on obligations, including provisions, among others, that require issuers of tax-exempt obligations, such as the Borough, to account for and rebate certain arbitrage earnings to the United States Treasury and to take such other action to establish and maintain such Federal tax exclusion; and

WHEREAS, the Borough intends to issue a \$5,380,750 bond anticipation note, dated May 1, 2018 and payable May 1, 2019 (the "Note"); and

WHEREAS, the Borough desires to designate the Note as a "qualified tax-exempt obligation" pursuant to Section 265(b)(3) of the Code;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Mountainside, in the County of Union, New Jersey, as follows:

SECTION 1. The Borough Council hereby covenants on behalf of the Borough, to the extent permitted by the Constitution and the laws of the State of New Jersey, to do and perform all acts and things permitted by law and necessary to assure that interest paid on bonds, notes or other obligations of the Borough (including the Note) be and remain excluded from gross income of the owners thereof for Federal income tax purposes pursuant to Section 103 of the Code.

SECTION 2. The Mayor, Borough Clerk, Chief Financial Officer and other officials of the Borough are hereby authorized and directed to take such action, make such representations and give such assurances as they may deem necessary or advisable to effect compliance with the Code.

SECTION 3. The Note is hereby designated as a "qualified tax-exempt obligation" for the purpose of Section 265(b) (3) of the Code.

SECTION 4. It is hereby determined and stated that (1) the Note is not a "private activity bond" as defined in the Code and (2) the Borough and its subordinate entities, if any, do not reasonably anticipate issuing in excess of \$10 million of new money tax-exempt obligations (other than private activity bonds) during the calendar year 2018.

SECTION 5. It is further determined and stated that the Borough has not, as of the date hereof, issued any tax-exempt obligations (other than the Note) during the calendar year 2018.

SECTION 6. The Borough will, to the best of its ability, attempt to comply with respect to the limitations on issuance of tax-exempt obligations pursuant to Section 265(b) (3) of the Code; however, the Borough does not covenant to do so, and hereby expressly states that a covenant is not made hereby.

SECTION 7. The issuing officers of the Borough are hereby authorized to deliver a certified copy of this resolution to the original purchaser of the Note and to further provide such original purchaser with a certificate of obligations issued during the calendar year 2018 dated as of the date of delivery of the Note.

SECTION 8. This resolution shall take effect immediately upon its adoption.

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 71-2018

BE IT RESOLVED that the Borough Clerk be and she hereby is authorized to advertise for bids for the Snow & Ice Removal Contract which bids are to conform to the specifications and requirements of the bid packages as prepared by the Public Works Manager and Borough Attorney.

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 72-2018

WHEREAS, the Recreation Director Frank Masella requested the following refund; and
NOW, THEREFORE, BE IT RESOLVED that the Treasurer be authorized to issue the following refund:

<u>Applicant</u>	<u>Program</u>	<u>Amount</u>
Shu Wang 30 Garrett Road Mountainside, NJ 07092	Multi-Sports	\$60.00

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

ORDINANCE: Second Reading (Public Hearing)

ORDINANCE 1267-2018
AN ORDINANCE TO APPROPRIATE THE SUM OF TWO HUNDRED FORTY THOUSAND
\$240,000.00) FOR THE RESURFACING OF PARTRIDGE RUN (SECTION 2)

WHEREAS, the Governing Body of the Borough of Mountainside have decided to resurface Partridge Run (Section 2); and

WHEREAS, a grant award is now available from NJDOT in the amount of \$240,000.00; 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 \$240,000.00 be and is hereby appropriated for the resurfacing of Partridge Run (Section 2).

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 \$240,000.00.

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 Fech-Caccamo and seconded by Councilman Mortimer 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

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 15th day of May 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 \$262,210.42 (Copy of bill list attached).

COUNCIL COMMENTS:

Councilman Messler advised vendors interested in bidding on the snow and ice removal contract to seek the required equipment list from Public Works.

Mayor Mirabelli informed the public about recent grant funds received.

AUDIENCE PARTICIPATION:

Genevieve Cooper from Knightsbridge Road had questions regarding the status of the traffic study and the application sent to the Department of Environmental Protection in reference to the Barnes Tract. Mayor Mirabelli stated that the traffic study was awarded and the DEP application was part of the development process and that the wetlands delineation by the DEP was required even though the area is not part of the development.

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 litigation, contracts and personnel 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 7:59 P.M.

The meeting was recalled to public session.

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

RESOLUTION 73-2018

BE IT RESOLVED, that the Mayor and Council of the Borough of Mountainside do hereby ratify the Mountainside PBA Collective Bargaining Agreement as per the Memorandum as recommended by the Police Committee for the term of January 1, 2018 through December 31, 2021.

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

Regular Meeting
May 15, 2018 – Page 9

Upon a motion by Councilman Mortimer and a second by Councilman Messler, the meeting was unanimously adjourned at 9.40 P.M.

Martha Lopez, RMC
Borough Clerk