

**REGULAR MEETING
MAY 17, 2016**

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 7:36 P.M.

**INVOCATION: Councilman Mortimer
SALUTE TO THE FLAG
ROLL CALL**

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

APPROVAL OF MINUTES:

Upon motion by Councilman Turner and a second by Councilman Mortimer, the minutes of the Regular Session Meeting held on April 19, 2016 was approved. Roll Call: Ayes: Dierkes, Fech-Caccamo, Messler, Mortimer, Turner. Nays: 0.

Upon motion by Councilman Turner a second by Councilman Mortimer, the minutes of the Work and Executive Session Meetings held on May 3, 2016 were approved. Roll Call: Ayes: Dierkes, Fech-Caccamo, Messler, Mortimer, Turner. Nays: 0.

PROCLAMATION:

WHEREAS, the Governor Livingston High School TREND Club consists of Governor Livingston High School students who are drug and alcohol free and are leaders and role models for their peers; and

WHEREAS, the TREND Executive Board creates annual drug and alcohol free activities for the high school; and

WHEREAS, the TREND Executive Board members made a written commitment to present the Days of Realization Program; and

WHEREAS, this program aims to show students the true risks that come from reckless activities when under the influence of drugs and alcohol so they can see how different life can be if they were to die; and

WHEREAS, for a day, Governor Livingston students were taken away from their daily routines with no chance to say goodbye and were not allowed any form of communications; and

WHEREAS, the TREND Executive Board worked diligently to arrange food and accommodations for the participating students, set up and later cleaned the stage for the wake/funeral, posted student photos, and at the assembly provided lunch for approximately sixty guests; and

WHEREAS, the TREND Executive Board should be recognized for the hundreds of hours they dedicated to this program, to remind their peers about the dangers of drugs and alcohol.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the following TREND Executive Board members and TREND Advisor are hereby commended for their participation in this very successful program:

Jenna Attanasio	Jonathan Longo
Jeremy Berlinski	Sama Manchanda
Kealy Cassidy	Alison Mathis
Megan Cranston	Shane Maurer
Kenedi Facey	Kilian Quinn
Madelyn Forrester	Meryl Schaffer
Alex Gonzalez	Nicole Trezza
Nick Grimes	Nick Zambrotta
Sean Hannaford	Robert Segear, Advisor

SRO Detective Shaun Bendik

RESOLUTIONS:

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

RESOLUTION 57-2016

WHEREAS, there exists a need for an additional Crossing Guard; and

WHEREAS, Borough Administrator James Debbie has recommended that the Borough Council take action to hire Mario Maglicano, to fill this position.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Mountainside that Mario Maglicano be and hereby is hired as a Crossing Guard at a rate of \$17.77 per hour, effective May 9, 2016.

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

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

RESOLUTION 58-2016

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 2016 for the below amount sums of which item is now available as a revenue from:

Public & Private Revenues off-set with Appropriations;
2016 Infrastructure and Municipal Aid Grant (\$50,000)
Mountainside 2015 Safe Corridor Grant (\$20,087.26)
Watts Mountainside Community Foundation (\$1,500)

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"
2016 Infrastructure and Municipal Aid Grant (\$50,000)
Mountainside 2015 Safe Corridor Grant (\$20,087.26)
Watts Mountainside Community Foundation (\$1,500)

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

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

RESOLUTION 59-2016

WHEREAS, there exists a need in the Recreation Department for 2016 Summer Playground Staff; and

WHEREAS, Recreation Director, Frank Masella and the Recreation Committee have recommended that the following individuals be appointed to said positions:

Luke Mirabelli	Supervisor	\$3,159.69
Andrew DiFrancesco	Assistant Supervisor	\$2,213.40
Matthew Doyle	Assistant Supervisor	\$2,213.40
Brandon Jackson	Assistant Supervisor	\$2,213.40
Courtney Osieja	Assistant Supervisor	\$2,213.40

and;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Mountainside that the recommendation of Recreation Director Frank Masella and the Recreation Committee be and hereby is accepted and approved pending completion of background checks.

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

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

RESOLUTION 60-2016

BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the Chief Finance Officer, Jill Goode, be hereby authorized to pay the following statutory bills through electronic funds transfer between the borough's scheduled meetings in order to comply with deadlines:

State of New Jersey Pension and Health Benefits Payments
Debt Service Payments
Board of Education Tax Payments
Union County Tax Payments
Payroll

BE IT FURTHER RESOLVED that a summary of each month's manual disbursements will be provided to Mayor and Council.

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

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

RESOLUTION 61-2016

WHEREAS, the Recreation Director Frank Masella has requested refunds to the following participants due to a program cancellations; and

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

<u>Recipient</u>	<u>Program</u>	<u>Amount</u>
Jamie Quinn 2 Highpoint Drive	Total Sports Squirts	\$145.00
Nancy Whelan 305 Old Tote Road	Tennis	\$135.00

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

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

RESOLUTION 62-2016

WHEREAS, in accordance with applicable provisions of the Public Contracts Law, the Borough advertised for Bids for Contract 2016-3 for "Resurfacing of Wood Valley Road"; and

WHEREAS, on May 5, 2016 the return date for the bids, six bids were received as follows:

Bidders:	Base Bid	Alt. #2	Total
Denbar Construction	\$258,528.50	\$67,131.25	\$325,659.75
Topline Construction	\$261,749.99	\$78,617.83	\$340,367.82
AJM Construction	\$269,072.50	\$76,265.00	\$345,337.50
Rockborn Trucking	\$272,014.75	\$101,699.10	\$373,713.85
DLS Construction	\$274,752.50	\$112,042.00	\$386,794.50
Midwest Construction	\$317,095.50	\$97,500.00	\$414,595.50

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

WHEREAS, the lowest bidder is Denbar Construction Inc. and the Borough Engineer has recommended that Contract 2016-3 be awarded to Denbar Construction Inc., 726 Boulevard, Suite 16, 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 Wood Valley Road is awarded to Denbar Construction Inc., 726 Boulevard, Suite #16, Kenilworth, New Jersey 07033 in the amount of \$325,659.75. The bid award is effective on May 19, 2016, after the bond ordinance 20-day estoppel period ends and upon attorney review.

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

ORDINANCES: Second Reading (Public Hearing)

ORDINANCE 1247-2016
AN ORDINANCE AMENDING CHAPTER VII SECTION 7-14 OF THE REVISED GENERAL
ORDINANCES OF THE BOROUGH OF MOUNTAINSIDE TO PROHIBIT PARKING
ON AN ADDITIONAL PORTION OF THE WEST SIDE OF MILL LANE

WHEREAS, N.J.S.A. 39:4-8 authorizes the Borough to restrict general parking on any street under its jurisdiction; and

WHEREAS, Chapter VII, Section 7-14 of the Revised General Ordinances of the Borough of Mountainside prohibits parking along the entire length of the east side of Mill Lane and further prohibits parking along the 75 feet of the west side of Mill Lane that runs north of Echo Lake Park Drive; and

WHEREAS, the Mountainside Police Department has been monitoring the traffic and parking conditions on Mill Lane since the opening of the Echo Tap Grill, located at 1079 Route 22 East; and

WHEREAS, the Department has determined that a dangerous condition exists due to both the queuing of vehicles that turn off of Route 22 and stop in the southbound roadway of Mill Lane, to await entry into the 1079 Route 22 East parking lot, and also due to the parking of vehicles along a two hundred seventy four foot (274 ft.) stretch of the curb line on the west side of Mill Lane that runs south from Route 22; and

WHEREAS, the Police Chief has recommended eliminating this dangerous condition by amending the parking ordinance to prohibit parking along this two hundred seventy four foot (274 ft.) stretch of Mill Lane; and

WHEREAS, the Police Chief has confirmed with the Department of Public Works that all necessary resources and signage are available to execute the Department's recommendation; and

WHEREAS the Mayor and Council are in agreement with the Police Chief and have therefore decided to eliminate all parking along the two hundred seventy four foot (274 ft.) stretch of the west side of Mill Lane that runs south from Route 22 East.

NOW THEREFORE BE IT ORDAINED by the Mayor and Council as follows: The portion of the far right column of the chart found in Chapter VII, Section 7-14, of the Revised General Ordinances of the Borough, that addresses the segments of the west side of Mill Lane upon which parking is prohibited, is hereby supplemented and amended to read as follows:

For a distance of 75 feet north of the Echo Lake Park Drive and for a distance of 274 feet south of the intersection of Mill Lane and Route 22 East.

BE IT FURTHER ORDAINED THAT all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

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

Erica Martinez, 159 Sunrise Parkway, had concerns regarding insufficient parking spaces and the safety of the children on her street.

Angela Gyftopoulos, 190 Mill Lane, also expressed her concerns regarding lack of parking and the safety of the children on her street.

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

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

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

First Reading (Introduction)

ORDINANCE 1248-2016

AN ORDINANCE TO APPROPRIATE THE SUM OF ONE HUNDRED EIGHTY FIVE THOUSAND (\$185,000.00) FOR THE RESURFACING OF FOREST HILL WAY

WHEREAS, the Governing Body of the Borough of Mountainside have decided to resurface Forest Hill Way; and

WHEREAS, a grant award is now available from NJDOT in the amount of \$185,000.00; and

WHEREAS, the Governing Body of the Borough of Mountainside concurs that this resurfacing is necessary;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Mountainside that the sum of \$185,000.00 be and is hereby appropriated for the resurfacing of Forest Hill Way;

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 \$185,000.00.

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 June 21, 2016.

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

MOTION:

The following motion was unanimously approved:

1. Approve appointment of Alexander Bishop as a Volunteer Firefighter
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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 17th day of May, 2016, 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 \$482,560.84 (Copy of bill list attached).

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

COUNCIL COMMENTS:

The Mayor urged residents to participate in the Memorial Day ceremonies and the PAL Charity Car and Bike Show.

AUDIENCE PARTICIPATION:

Stewart Jurczak, 179 Sunrise Parkway, thanked the Council for addressing his concerns regarding the lack of parking in his neighborhood.

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

Upon 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 personnel 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 8:14 P.M.

The meeting was recalled to public session at 8:33 P.M.

Upon motion by Councilman Mortimer and a second by Councilman Turner, the meeting was unanimously adjourned.

Martha Lopez, RMC
Borough Clerk