

**REGULAR MEETING
JULY 19, 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 7:35 P.M.

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

PRESENT: Mayor Paul N. Mirabelli, Councilwoman Andre, Councilman Dierkes, Councilwoman Fech-Caccamo, 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. Councilman Messler and Councilman Mortimer were absent.

APPROVAL OF MINUTES:

Upon motion by Councilman Dierkes and a second by Councilwoman Andre, the minutes of the Regular and Executive Session Meetings held on June 21, 2016 was approved. Roll Call: Ayes: Andre, Dierkes, Fech-Caccamo, Turner. Nays: 0.

Upon motion by Councilman Turner a second by Councilman Dierkes, the minutes of the Work and Executive Session Meetings held on July 5, 2016 were approved. Roll Call: Ayes: Dierkes, Fech-Caccamo, Turner. Abstained: Andre. Nays: 0.

PROCLAMATION:

WHEREAS, SAGE Eldercare began its Meals on Wheels in October 1966 with funding received from the Summit Junior League. Volunteers were recruited from various organizations such as the College Club, United Church Women, P.E.O., Red Cross, Women Pioneers of Bell Laboratories, and the Junior Fortnightly Club.

WHEREAS, Senior Nutrition Programs became part of the Older Americans Act when signed into law under President Nixon in 1972. SAGE is one of approximately 5,000 current programs in the United States and the oldest continuously run program in New Jersey.

WHEREAS, the core of the Meals on Wheels service is a nutritious meal, companionship and a watchful eye on the health and safety of our neighbors every weekday. SAGE Eldercare's Meals on Wheels program currently serves about 44,000 meals to nearly 250 clients annually via 15 routes in ten communities. Towns presently being served include Berkeley Heights, Chatham, Madison, Millburn, Mountainside, New Providence, Short Hills, South Orange, Springfield, and Summit.

WHEREAS, since 1954, SAGE Eldercare has been helping make this community an amazing place to age. Professional and highly trained staff provides a wide array of information, support, and services designed to help older adults lead the most independent and active lives possible. SAGE Eldercare continues to make a positive impact on the lives of the older adults in our community.

RESOLUTIONS:

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

RESOLUTION 72-2016

WHEREAS, it is the desire of the Governing Body of the Borough of Mountainside to appoint a Probationary Police Officer to the Borough of Mountainside Police Department; and

WHEREAS, the Police Committee interviewed several qualified candidates for the position of Probationary Police Officer for the Borough of Mountainside Police Department; and

WHEREAS, the Police Committee has recommended the appointment of Eric D. Pastore as Police Officer; and

WHEREAS, Eric D. Pastore shall enroll in a police training course, and shall be entitled to a leave of absence with pay during the period of the police training course; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that Eric D. Pastore be appointed as a Probationary Police Officer for the Borough of Mountainside Police Department; and

BE IT FURTHER RESOLVED, that said appointment shall be effective July 6, 2016 with the probationary period ending one-year following graduation from said academy at a probationary period salary of \$41,512.33.

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

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

RESOLUTION 73-2016

AUTHORIZING THE MAYOR AND MUNICIPAL CLERK OF THE MUNICIPALITY OF MOUNTAINSIDE TO EXECUTE AN AGREEMENT WITH THE COUNTY OF UNION TO MODIFY THE COOPERATIVE AGREEMENT DATED JUNE 2014

WHEREAS, certain Federal funds are potentially available to the County of Union under Title I of the Housing and Community Development Block Grant Act of 1974, as amended, commonly known as the Community Development Block Grant Program; and

WHEREAS, certain Federal funds are potentially available to the County of Union under Title II of the National Affordable Housing Act of 1990, commonly known as the HOME Investment Partnership program; and

WHEREAS, substantial Federal funds provided through subtitle B of Title IV of the McKinney-Vento Homeless Assistance Act commonly known as the Emergency Solutions Grants program (ESG) are allocated to prevent homelessness and to enable homeless individuals and families to move toward independent living; and

WHEREAS, it is necessary to amend an existing Cooperative Agreement for the County of Union and its people to benefit from this program; and

WHEREAS, it is in the best interest of the Municipality of Mountainside and the County of Union in cooperation with each other to enter into a modification of the existing Cooperative Agreement pursuant to N.J.S.A. 40A:65-1 et seq;

NOW THEREFORE, BE IT RESOLVED by the Mayor and Governing Body of the Borough of Mountainside that the agreement entitled "COOPERATIVE AGREEMENT BETWEEN THE COUNTY OF UNION AND CERTAIN MUNICIPALITIES FOR CONDUCTING CERTAIN COMMUNITY DEVELOPMENT ACTIVITIES," dated June 2014, for the Purpose of Inserting a Description of Activities for Fiscal Year 2016-2017 of the Union County Community Development Block Grant program, the HOME Investment Partnership program, and the Emergency Shelter Grant program (ESG), a copy of which is attached hereto; be executed by the Mayor and Municipal Clerk in accordance with the provisions of law;

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon its adoption.

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

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

RESOLUTION 74-2016

WHEREAS, the Borough Engineer has requested refunds to the following individuals; and

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

<u>Applicant</u>	<u>Permit</u>	<u>Amount</u>
Randy Shehady 373 Short Drive Mountainside, NJ 07092	Road Opening	\$1,500
Infiniti Fitness Group DBA NBD Training Zone 620 Blueberry Hill Freehold, NJ 07728	Temporary Sign (191 Glen Rd)	\$100
DCI Signs & Awnings, Inc. 110 Riverside Avenue Newark, NJ 07104	Temporary Sign (191 Glen Rd)	\$100
Thrilos Realty, LLC 57 Oliver Road Paramus, NJ 07652	Temporary Sign (1079 Route 22)	\$100
Echo Park Food, LLC 1079 Route 22 East Mountainside, NJ 07092	Temporary Sign	\$100

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

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

RESOLUTION 75-2016

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>
Edward Colville 412 Myrtle Ave Scotch Plains, NJ 07076	Pool Membership	\$598.00
Niels Batke 1421 Coles Ave	Total Sports Squirts	\$145.00
Susanna Klippel 257 Friar Lane	Pool Membership	\$317.00
Betty Chu 1377 W. Outlook Dr.	Pool Membership	\$115.00
Cheryl Isbirian 285 Bridle Path	Lacrosse Squirts	\$125.00
Angelique Shriky 548 Mountain Ave Springfield, NJ 07081	Fitness Class	\$69.00

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

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

RESOLUTION 76-2016

WHEREAS, Gary & Tracy Criscitiello are the owner of the property designated as 465 Bayberry Lane, Block 4.03, Lot 4, on the tax map of the Borough of Mountainside, and took an appeal from their 2015 real estate tax assessment; and

WHEREAS, Michael Frangella, the Borough's Tax Assessor, 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.

NOW, THEREFORE, BE IT RESOLVED, that the foregoing tax appeal be settled as follows:

- (a) The 2015 assessed valuation for Block 4.03, Lot 4, otherwise known as 465 Bayberry Lane, shall be reduced to \$214,800.
- (b) The provisions of N.J.S.A. 54:51A-8, the Freeze Act, shall apply to the assessment of Block 4.03, Lot 4, otherwise known as 1041 Prospect Avenue, for the Freeze Act years.

Upon receipt of the New Jersey State Tax Court Judgment reflecting the above referenced assessment values 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 \$2,149.20, for the 2015 tax year, to the taxpayer. Such refunds are to be paid as follows: \$2,149.20 in 2016, and are to be paid by way of check made payable to "Maria R. Cozzini, Esq., Attorney for GARY & TRACY CRISCITIELLO" and forwarded to Maria R. Cozzini, Esq., 1199 US Route 22 East, Mountainside, New Jersey, 07092.

The taxpayer shall waive all interest on all tax overpayments.

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

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

RESOLUTION 77-2016

WHEREAS, Jay & Roseann Heirshberg are the owner of the property designated as 1358 Outlook Drive, Block 4.03, Lot 27.06, on the tax map of the Borough of Mountainside, and took an appeal from their 2015 real estate tax assessment; and

WHEREAS, Michael Frangella, the Borough's Tax Assessor, 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.

NOW, THEREFORE, BE IT RESOLVED, that the foregoing tax appeal be settled as follows:

- (a) The 2015 assessed valuation for Block 4.03, Lot 27.06, otherwise known as 1358 Outlook Drive, shall be reduced to \$233,700.
- (b) The provisions of N.J.S.A. 54:51A-8, the Freeze Act, shall apply to the assessment of Block 4.03, Lot 27.06, otherwise known as 1358 Outlook Drive, for the Freeze Act years.

Upon receipt of the New Jersey State Tax Court Judgment reflecting the above referenced assessment values 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 \$2,507.40, for the 2015 tax year, to the taxpayer. Such refunds are to be paid as follows: \$2,507.40 in 2016, and are to be paid by way of check made payable to "Maria R. Cozzini, Esq., Attorney for JAY &

ROSEANN HEIRSHBERG” and forwarded to Maria R. Cozzini, Esq., 1199 US Route 22 East, Mountainside, New Jersey, 07092.

The taxpayer shall waive all interest on all tax overpayments.

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

ORDINANCES: Second Reading (Public Hearing)

ORDINANCE 1249-2016

AMENDING ORDINANCE 1216-2014 EMPLOYMENT BENEFITS FOR FULL TIME EMPLOYEES OF THE BOROUGH OF MOUNTAINSIDE NOT COVERED BY A BARGAINING UNIT CONTRACT

BE IT ORDAINED by the Mayor and Council of the Borough of Mountainside, County of Union, State of New Jersey, that Ordinance 1216-2014 is hereby amending Section 8-3.1 of Chapter VIII of the Borough Code of the Borough of Mountainside:

The Borough shall provide each full time employee not covered by a bargaining unit contract, including his or her family, the following cost reimbursement for the dental/vision program: Family \$1,750 and Single \$813.

A one (1) time per dependent orthodontics benefit of \$1,200 by reimbursement shall be in effect as part of the self-insured program. For reimbursement, a purchase order with the bill attached must be submitted to the finance office.

This ordinance shall be effective upon final passage and publication in accordance with the law.

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

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

ORDINANCE 1250-2016

BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT AND NEW INFORMATION TECHNOLOGY EQUIPMENT IN, BY AND FOR THE BOROUGH OF MOUNTAINSIDE, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$975,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT OR PARTIALLY FUND AN APPROPRIATION FROM THE CAPITAL IMPROVEMENT FUND, TO APPROPRIATE CAPITAL SURPLUS, 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 make various public improvements and to acquire new communication and signal systems equipment and new information technology equipment in, by and for said Borough, as more particularly described in Section 4 hereof. The cost of the improvements includes all work, materials and appurtenances necessary and suitable therefor.

Section 2. There is hereby appropriated to the payment of the cost of making the improvements described in Sections 1 and 4 hereof (hereinafter referred to as "purposes"), the respective amounts of money hereinafter stated as the appropriation for said respective purposes. Said appropriation shall be met from the proceeds of the sale of the bonds authorized, and the Capital Improvement Fund moneys (either to make a down payment or to partially fund an appropriation) and Capital Surplus 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 the making of such improvements is not a current expense of said Borough.

Section 4. The several purposes hereby authorized for the financing of which said obligations are to be issued are set forth in the following "Schedule of Improvements, Purposes and Amounts" which schedule also shows (1) the amount of the appropriation and the estimated cost of each such purpose, and (2) the amount of each sum which is to be provided by the appropriation from the Capital Improvement Fund hereinafter made to either partially fund the appropriation or to provide a down payment, and (3) the amount of each sum which is to be provided by Capital Surplus of the Borough hereinafter appropriated, and (4) the estimated maximum amount of bonds and notes to be issued for each such purpose, and (5) the period of usefulness of each such purpose, according to its reasonable life, computed from the date of said bonds:

SCHEDULE OF IMPROVEMENTS, PURPOSES AND AMOUNTS

A. Undertaking of the following infrastructure improvements: (i) bank stabilization at various locations, (ii) sanitary and storm sewer improvements at various locations and (iii) 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 (iii) of the preceding sentence. 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").

Appropriation and Estimated Cost	\$ 550,000
Down Payment Appropriated	\$ 26,200
Bonds and Notes Authorized	\$ 523,800
Period of Usefulness	10 years

B. Reconstruction of the softball field at Beechwood School.

Appropriation and Estimated Cost	\$ 90,000
Down Payment Appropriated	\$ 4,300
Bonds and Notes Authorized	\$ 85,700
Period of Usefulness	15 years

C. Acquisition of new communication and signal systems equipment consisting of a Police Radio System, including a dispatch console and portable and mobile radios.

Appropriation and Estimated Cost	\$ 260,000
Down Payment Appropriated	\$ 14,500
Bonds and Notes Authorized	\$ 245,500
Period of Usefulness	10 years

D. Acquisition of new information technology equipment consisting of a computer system and related equipment for the use of various Borough departments, offices and agencies.

Appropriation and Estimated Cost	\$ 75,000
Capital Surplus Appropriated	\$ 30,000
Capital Improvement Fund Appropriated	\$ 45,000
Period of Usefulness	5 years

Aggregate Appropriation and Estimated Cost	\$ 975,000
Aggregate Capital Improvement Fund	
Appropriated either as a Down Payment or to Partially Fund an Appropriation	\$ 90,000
Capital Surplus Appropriated	\$ 30,000
Aggregate Amount of Bonds and Notes Authorized	\$ 855,000

Section 5. The cost of such purposes, as hereinbefore stated, includes the aggregate amount of \$55,000 which is estimated to be necessary to finance the cost of such purposes, 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 6. The sum of \$30,000 is hereby appropriated from Capital Surplus of the Borough to the payment of the cost of the computer system acquisition authorized in Section 4.D hereof.

Section 7. It is hereby determined and stated that moneys exceeding \$90,000, 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 purposes. The sum of \$90,000 is hereby appropriated from such moneys to the payment of the cost of said purposes.

Section 8. To finance said purposes, 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 9. To finance said purposes, 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 10. 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 who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 11. It is hereby determined and declared that the average period of usefulness of the purposes to be financed with bonds or notes, according to their reasonable lives, taking into consideration the respective amounts of bonds or notes authorized for said purposes, is a period of 10.50 years computed from the date of said bonds.

Section 12. 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 13. 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 purposes, shall be applied to the payment of the cost of such purposes, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purposes shall be reduced accordingly.

Section 14. The Borough intends to issue the bonds or notes to finance the cost of the improvements described in Section 4 of this bond ordinance (except for Section 4.D). 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 15. 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 16. 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 17. This ordinance shall take effect twenty days after the first publication thereof 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, Turner. Nays: 0

MOTION:

1. Approve the appointments of Christopher Rentoulis & Saverio Zipeto as Volunteer Firefighters

BILLS & CLAIMS:

The following resolution was introduced by Councilwoman Andre 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 19th day of July 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 \$249,818.40 (Copy of bill list attached).

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

COUNCIL COMMENTS:

No comments.

AUDIENCE PARTICIPATION:

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

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

Meeting adjourned at 7:53 PM.

Martha Lopez, RMC
Borough Clerk