

**REGULAR MEETING
AUGUST 16, 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.

Acting Mayor Keith C. Turner called the meeting to order at 7:29 P.M.

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

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

APPROVAL OF MINUTES:

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

Upon motion by Councilman Dierkes a second by Councilman Mortimer, the minutes of the Work and Executive Session Meetings held on August 2, 2016 were approved. Roll Call: Ayes: Dierkes, Fech-Caccamo, Mortimer. Nays: 0. Abstained: Andre, Messler.

PROCLAMATION:

WHEREAS, the Congressional Award was established by Congress to recognize America's youth for volunteerism and goal setting. Recipients are announced annually and invited to Washington for an awards ceremony; and

WHEREAS, this year Mountainside resident Mary Cate Greeley earned this award by setting achieving goals in public service, personal development and physical fitness; and

WHEREAS, Mary Cate's service project was working on a New Jersey sand museum which represented iconic locations of the Jersey Shore. She handled publicity, assisted with the sand packing, gave tours and helped with fundraising. Those donations were used to help victims of Superstorm Sandy; and

WHEREAS, Mary Cate Greeley is a graduating senior at Governor Livingston high school in Berkeley Heights and will be attending Marist College in the fall.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside, that they do hereby congratulate Mary Cate Greeley for receiving the Congressional Gold Medal Award.

RESOLUTIONS:

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

RESOLUTION 80-2016

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>
Maritza Raimi 1447 Orchard Road	Soccer	\$118
John Huss 1291 Knollwood Road	Soccer	\$118
Dana Tietsworth 1532 Long Meadow	Tennis	\$120
Darlene Garran 278 Old Tote Road	Tennis	\$250
Linda Minnefor 316 New Providence Road	Tennis	\$205
Brooke Kutner 590 Woodland Avenue	Tennis	\$205
Stephanie Phillipon 356 Longview Drive	Lacrosse	\$105
Patricia Feeley 2446 Allwood Road Scotch Plains, NJ 07076	Pool Membership	\$128.50

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

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

RESOLUTION 81-2016

WHEREAS, the Borough of Mountainside is a member of the Suburban Municipal Joint Insurance Fund; and

WHEREAS, said renewed membership terminates as of December 31, 2016 unless earlier renewed by agreement between the Municipality and the Fund; and

WHEREAS, the Municipality desires to renew said membership;

NOW THEREFORE, be it resolved as follows:

1. The Borough of Mountainside agrees to renew its membership in the Suburban Municipal Joint Insurance Fund and to be subject to the Bylaws, Rules and Regulations, coverages, and operating procedures thereof as presently existing or as modified from time to time by lawful act of the Fund.
2. The Mayor and Clerk shall be and hereby are authorized to execute the agreement to renew membership annexed hereto and made a part hereof and to deliver same to the Suburban Municipal Joint Insurance Fund evidencing the Municipality's intention to renew its membership.

**AGREEMENT TO RENEW MEMBERSHIP IN THE
SUBURBAN MUNICIPAL JOINT INSURANCE FUND**

WHEREAS, the Suburban Municipal Joint Insurance Fund (hereinafter the Fund), is a duly chartered Municipal Insurance Fund as authorized by NJSA 40A:10-36 et seq., and;

WHEREAS, the Borough of Mountainside is currently a member of the said Fund, and:

WHEREAS, effective December 31, 2016, said membership will expire unless earlier renewed, and;

WHEREAS, the Mayor and Council of the Borough of Mountainside has resolved to renew said membership;

NOW THEREFORE, it is agreed as follows:

1. The Borough of Mountainside hereby renews its membership in the Suburban Municipal Joint Insurance Fund for a three (3) year period, beginning January 1, 2017 and ending January 1, 2020*.
2. The Borough of Mountainside hereby ratifies and reaffirms the Indemnity and Trust Agreement Bylaws and other organizational and operational documents of the Suburban Municipal Joint Insurance Fund as from time to time amended and altered by the Department of Insurance in accordance with the Applicable Statutes and administrative regulations as if each and every one of said documents were re-executed contemporaneously herewith.
3. The Borough of Mountainside agrees to be a participating member of the Fund for the period herein provided for and to comply with all of the rules and regulations and obligations associated with said membership.
4. In consideration of the continuing membership of the Borough of Mountainside in the Suburban Municipal Joint Insurance Fund, the Fund agrees, subject to the continuing approval of the Commissioner of Insurance, to accept the renewal application of the Borough of Mountainside.

5. Executed the 16th day of August, 2016 as the lawful and binding act and deed of the Borough of Mountainside, which execution has been duly authorized by public vote of the governing body.

*12:01 am

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

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

RESOLUTION 82-2016

WHEREAS, by Resolution 137-2013, the Borough of Mountainside awarded a contract for recycling services (the "Contract") to F. Basso Jr. Rubbish Removal Services, Inc., (the "Contractor"), which Contract was subsequently executed by the parties; and

WHEREAS, as set forth in Section 2 of the Contract, the initial term of the contract was for a three-year period, ending on January 25, 2017. The Contract may be renewed for an additional two years, for the period of January 26, 2017 up to and including January 25, 2019; and

WHEREAS, the Borough had determined that it is in the Borough's best interest to renew the Contract as set forth in Section 2 therein, and therefore wishes to extend the Contract for the two-year period from January 26, 2017 up to and including January 25, 2019.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Mountainside, County of Union, State of New Jersey, that the Contract for recycling services as between the Borough and F. Basso Jr. Rubbish Removal Services, Inc. is hereby extended through January 25, 2019 according to the Contract terms.

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

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

RESOLUTION 83-2016

WHEREAS, the Union County Board of Chosen Freeholders established the "Kids Recreation Trust Fund" Grant Program designed to fund Recreational opportunities for our County's children; and

WHEREAS, the Borough of Mountainside wishes to apply to Union County Trust Fund through the "Kids Recreation Trust Fund" Grant Program;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside, County of Union, State of New Jersey, that the proper Borough officials are hereby authorized to file an application with the County of Union for the 2016 "Kids Recreation Trust Fund" Grant Program for the following projects:

Field Improvements \$314,000.00

BE IT FURTHER RESOLVED, that matching funds in the amount of \$157,000.00 have been appropriated in accordance with the grant requirements.

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

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

RESOLUTION 84-2016

WHEREAS, Adam Foti has submitted his notice of resignation as Patrolman for the Borough of Mountainside effective August 11, 2016; and

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Mountainside, that we hereby accept the resignation of Patrolman Adam Foti effective August 11, 2016.

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

MOTIONS:

The following motions were approved, Councilwoman Fech-Caccamo abstained.

1. Approve raffle applications from Mountainside Education Foundation for a 50/50 on premise draw raffle, on premise draw raffle and casino night
 2. Approve raffle application from Mountainside PTA for an on premise draw raffle
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BILLS & CLAIMS:

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

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 16th day of August 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 \$172,934.10 (Copy of bill list attached).

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

COUNCIL COMMENTS:

Attorney Post announced the postponement of the resurfacing on Wood Valley Road due to the Governor's Executive Order.

AUDIENCE PARTICIPATION:

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

Upon motion by Councilman Mortimer and a second by Councilman Dierkes, 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 contracts, litigation, 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 7:41 P.M.

The meeting was recalled to public session at 8:47 P.M.

Upon motion by Councilman Mortimer and a second by Councilman Dierkes, the meeting was unanimously adjourned at 8:47 P.M.

Martha Lopez, RMC
Borough Clerk