

**REGULAR MEETING
JANUARY 22, 2013**

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 8:06 P.M.

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

PRESENT: Mayor Paul N. Mirabelli, Councilwoman Andre, Councilman Messler, Councilman Mortimer, Council President Turner, Councilman Wass, Administrator Debbie and Attorney Post. Also present were Recreation Director Frank Masella and Public Works Manager Ronald Romak. Councilman Lane was absent.

APPROVAL OF MINUTES:

Upon motion by Councilman Mortimer and a second by Councilman Turner, the minutes of the Reorganization Meeting held on January 8, 2013 were approved. Roll Call: Ayes: Andre, Messler, Mortimer, Turner, Wass. Nays: 0.

Upon motion by Councilman Mortimer and a second by Councilman Turner, the minutes of the Work & Executive Session Meetings held on January 15, 2013 were approved. Roll Call: Ayes: Andre, Messler, Mortimer, Turner, Wass. Nays: 0.

RESOLUTIONS:

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

RESOLUTION 25-2013

WHEREAS, the Union County Transportation Advisory Board has requested that the Borough of Mountainside appoint a representative and an alternate to serve on the Board for a one year term; and

WHEREAS, the Governing Body is desirous of appointing a representative and alternate from the Borough of Mountainside;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that Councilman Robert W. Messler be appointed as representative and Michael Disko, Jr. be appointed as an alternate representative for a term to expire December 31, 2013.

Roll Call: Andre, Messler, Mortimer, Turner, Wass. Nays: 0

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

RESOLUTION 26-2013

WHEREAS, Union County has established an Air Traffic & Noise Advisory Board; and

WHEREAS, increased air traffic and new routes from the local airports threaten the high quality of life currently enjoyed by the residents of Mountainside; and

WHEREAS, it is the desire of the Borough Council to appoint a member of the community to the aforementioned advisory board; and

WHEREAS, Mr. Zenon Moriak, of 1534 Deer Path, Mountainside, New Jersey has expressed an interest before the Borough Council on this most important issue.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Mountainside that Mr. Zenon Moriak is hereby appointed as the municipal representative to the Union County Air Traffic & Noise Advisory Board, term to expire December 31, 2014.

Roll Call: Andre, Messler, Mortimer, Turner, Wass. Nays: 0

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

RESOLUTION 27-2013

WHEREAS, one (1) bid was received by the Borough Engineer for Pothole Repairs, Contract 2012-6: and

WHEREAS, Denbar Construction, Inc., Kenilworth, NJ appears to be the only and lowest base bid of \$16.90 per square foot; and

WHEREAS, the Borough Engineer has recommended that the contract for Pothole Repairs be awarded to Denbar Construction, Inc., 711 Monmouth Avenue, Kenilworth, NJ 07033;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the one year contract for Pothole Repairs be awarded to Denbar Construction, Inc., 711 Monmouth Avenue, Kenilworth, NJ 07033 in the amount of \$16.90 per square foot, not to exceed a total of \$25,000.

Roll Call: Andre, Messler, Mortimer, Turner, Wass. Nays: 0

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

RESOLUTION 28-2013

WHEREAS, there is a need to restructure the first floor finance office; and

WHEREAS, Catherine Cook has been assigned additional duties of Payroll Clerk; and

WHEREAS, Administrator James J. Debbie, Jr. has recommended that the Borough Council take this action; and

NOW, THEREFORE, BE IT RESOLVED, by Mayor and Council of the Borough of Mountainside that Catherine Cook is hereby assigned additional payroll duties effective January 1, 2013 and will receive an increase to her salary in the amount of \$3,000.00 per year.

Roll Call: Andre, Messler, Mortimer, Turner, Wass. Nays: 0

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

RESOLUTION 29-2013

WHEREAS, the A&E Committee has recommended increasing the hourly compensation of the P/T Receptionist/Secretary to the Construction, Public Works and Building Department due to its increased responsibilities; and

WHEREAS, the Mayor and Council agree to increase this position's hourly salary by \$2.00 per hour; and

NOW, THEREFORE, BE IT RESOLVED, that this compensation is effective retroactive to January 1, 2013.

Roll Call: Andre, Messler, Mortimer, Turner, Wass. Nays: 0

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

RESOLUTION 30-2013

WHEREAS, the Administrator of the Borough of Mountainside has recommended that three Borough vehicles used by the Police Department and DPW be sold at a public auction; and

WHEREAS, in order to implement such recommendation it is necessary that the Governing Body determine by resolution that such vehicles are not needed by the Borough for public purposes; and

WHEREAS, the Governing Body has so found;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Mountainside determines that the following Borough vehicles used by the Police Department and DPW are not needed for public purpose and that they be sold at public auction:

2009 CROWN VICTORIA
VIN# 2FAHP71V29X133672
MILEAGE: 64,611

1998 CHEVY BLAZER
VIN# 1GNDDT13W5W2232161
MILEAGE: 256,266

1994 MORBARK MODEL 17 EZ BEEVER CHIPPER
VIN# T04039D463883

and;

BE IT FURTHER RESOLVED that the appropriate Borough Officials prepare and cause to be published an appropriate Notice of Bid.

Roll Call: Andre, Messler, Mortimer, Turner, Wass. Nays: 0

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

RESOLUTION 31-2013

BE IT RESOLVED BY THE Mayor and Council of the Borough of Mountainside that the Finance Officer is hereby authorized to refund a bid bond in the amount of \$566.00 to Grace Quality Used Cars, Inc., 945 Lincoln Highway, Morrisville, PA 19067 that was submitted for the sale of a 2007 Girardin Bus.

Roll Call: Andre, Mortimer, Wass. Nays: Messler, Turner.

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

RESOLUTION 32-2013

WHEREAS, the Mountainside Softball Association (“MSA”) seeks a License upon certain portions of the Borough owned Right of Way on Field Drive, a paper street between Sawmill Road and Central Avenue, adjacent to the Deerfield School softball field and parking lot, for the purpose of constructing a shed, and

WHEREAS, Borough Engineer Michael Disko, Jr., appeared at the January 8, 2013 meeting of the Governing Body, and indicated to the Governing Body that the proposed shed presents no significant engineering issues and he takes no exception to the installation, and

WHEREAS, after reviewing the information provided by MSA and the Borough Engineer, the Governing Body determined to grant MSA a Revocable License to intrude upon certain portions of the Borough owned Right of Way adjacent to the Deerfield School softball field and parking lot, for the purpose of constructing a shed;

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Mountainside, County of Union, State of New Jersey, as follows:

1. The proper Borough officials hereby are authorized to grant MSA a Revocable License to construct a shed upon certain portions of the Borough owned Right of Way on Field Drive;
2. The License shall be revocable at will by the Governing Body of the Borough.
3. If the Borough revokes the license, the owner shall be obligated to remove the shed at its expense.

Roll Call: Andre, Messler, Mortimer, Turner, Wass. Nays: 0

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

RESOLUTION 33-2013

WHEREAS, the Mayor and Council of the Borough of Mountainside hereby acknowledges the requirement of preliminary costs to determine the scope and cost of a proposed undertaking. The purpose of these preliminary costs are the engineering and related design work to establish the feasibility of the replacement of the existing HVAC system and the addition of a back-up emergency generator at the Library and that the amount to be charged is for the purpose for which bonds may be issued under Chapter 2 of Title 40A.

NOW, THEREFORE, BE IT RESOLVED that the amount appropriated for preliminary costs shall not exceed \$25,000 and the Chief Financial Officer is authorized to set up a "Reserve for Preliminary Expenses" out of the Capital Improvement Fund of the General Capital Fund.

Roll Call: Andre, Messler, Mortimer, Turner, Wass. Nays: 0

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

RESOLUTION 34-2013

WHEREAS, by the Mayor and Council of the Borough of Mountainside would like to show their appreciation to those employees who went above and beyond their required work hours during Hurricane Sandy; and

WHEREAS, those employees will receive a one-time non-pensionable adjustment equal to an additional pay day or day of compensatory time; and

WHEREAS, the employees chosen to receive this additional day include all the DPW staff and all police dispatchers;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Mountainside agree to compensate these employees as a thank you for all their hard work.

Roll Call: Andre, Messler, Mortimer, Turner, Wass. Nays: 0

ORDINANCES: First Reading (Introduction)

ORDINANCE 1205-2013

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

10-1.14 Fees Established:

a. The resident and full time employee membership fees and guest fees shall be as follows:

- | | | |
|--|----------------------|----------|
| 1. Family Membership: | | |
| (I) Family Membership | | \$308.00 |
| (ii) Each unmarried child over 21 living at home or parent living with the family | | 108.00 |
| 2. Single Membership 16 years of age or older | | 157.00 |
| 3. Senior Citizen Membership: 62 years of age or older | | 108.00 |
| 4. A child under the age of 16 joining as part of a family, single or senior citizen membership of a relative, if both the child and the membership are resident | | 157.00 |
| 5. A resident person age 14 or 15 employed by a family as a parent's helper joining that family's membership | | 157.00 |
| 6. Single Parent/Child | | 263.00 |
| 7. Au Pair/Nanny | | 108.00 |
| 8. Guest daily fee: | Weekend/
Holidays | Weekdays |
| (I) Adult | 10.00 | 8.00 |
| (ii) Under 18 years of age | 8.00 | 7.00 |

9. House guest weekly fee (non-resident eating and sleeping in member's home:

(i) 18 years of age or younger	25.00
(ii) Over 18 years of age	30.00
10. Individuals on active military duty who are residents shall be submitted free.
11. A family membership composed of only two persons shall be entitled to ten complimentary guests.
12. A single membership shall be entitled to five complimentary guests.
13. A senior citizen membership shall be entitled to two complimentary guests.
14. 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.

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

1. Family Membership:

(i) Family membership	\$573.00
(ii) Each unmarried child over 21 living at home parent living with family	108.00
2. Single Membership: 16 years of age or older 285.00
3. Senior Citizen membership: 62 years of age or older 240.00
4. A child under the age of 16 joining as part of a family, single or senior citizen membership of a relative, if both the child and membership are non-resident 285.00
5. A non-resident person age 14 or 15 employed by a family as a parent's helper joining that family's membership 285.00
6. Guest daily fee:

	Weekend/ Holidays	Weekdays
(i) Adult	10.00	8.00
(ii) Under 18 years of age	8.00	7.00

- 7. House guest weekly fee:
 - (I) 18 Years of age or younger 25.00
 - (ii) over 18 years of age 30.00

- 8. Registration fee payable for first year membership only:
 - (I) Single Membership 30.00
 - (ii) Family Membership 60.00

- 9. A family membership composed of only two persons shall be entitled to ten complimentary guests.

- 10. A single membership shall be entitled to five complimentary guests.

- 11. A senior citizen membership shall be entitled to two complimentary guests.

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.

It was moved by Councilwoman Andre and seconded by Councilman Turner that this ordinance be passed on first reading and advertised in full for a public hearing on February 19, 2013.

Roll Call: Andre, Messler, Mortimer, Turner, Wass. Nays: 0

ORDINANCE 1206-2013

AN ORDINANCE TO AMEND ORDINANCE 1176-2010 FIXING SALARY RANGES FOR CERTAIN MUNICIPAL EMPLOYEES

BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that Ordinance 1176-2010 is hereby amended to include the following positions at the following salary ranges:

OEM	
Office of Emergency Management Director	\$5,000 - 15,000
Office of Emergency Management Deputy Director	\$2,500 - 5,000

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

It was moved by Councilman Turner and seconded by Councilman Wass that this ordinance be passed on first reading and advertised in full for a public hearing on February 19, 2013.

Roll Call: Andre, Messler, Mortimer, Turner, Wass. Nays: 0

MOTION:

The following motion was unanimously approved:

1. Approve a raffle application from the Westfield YMCA for an on premise draw raffle

BILLS & CLAIMS:

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

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 22nd day of January 2013, 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 \$1,595,647.20 (Copy of bill list attached.)

Roll Call: Andre, Messler, Mortimer, Turner, Wass. Nays: 0

COUNCIL COMMENTS:

No comments.

AUDIENCE PARTICIPATION:

Michael Jackson, Mountainside PBA announced a fundraiser for local plumber Craig Trano who was hospitalized due to a rare reaction to a medical treatment at the Elks on February 8th at 4:30 pm.

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

Upon motion by Councilman Turner and a second by Councilman Mortimer, 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 litigation 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 8:20 P.M.

The meeting was recalled to public session at 9:25 P.M.

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

Respectfully submitted,

Martha Lopez, Borough Clerk