

**REGULAR MEETING
FEBRUARY 19, 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.

Acting Mayor Keith C. Turner called the meeting to order at 8:07 P.M.

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

PRESENT: Councilwoman Andre, Councilman Lane, 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. Mayor Paul N. Mirabelli arrived at 8:20 P.M.

APPROVAL OF MINUTES:

Upon motion by Councilman Mortimer and a second by Councilman Messler, the minutes of the Regular & Executive Session Meetings on January 22, 2013 were approved. Roll Call: Ayes: Andre, Messler, Mortimer, Turner, Wass. Abstain: Lane. Nays: 0.

Upon motion by Councilman Lane and a second by Councilwoman Andre, the minutes of the Work & Executive Session Meetings held on February 5, 2013 were approved. Roll Call: Ayes: Andre, Lane, Messler, Turner, Wass. Abstain: Mortimer. Nays: 0.

RESOLUTIONS:

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

RESOLUTION 37-2013

WHEREAS, the students of the 2013 Graduating Class of Governor Livingston High School have determined to have an Alcohol and Drug Free Graduation Party during the hours immediately following graduation until the following morning to be held at Rutgers; and

WHEREAS, the Governing Body of the Borough of Mountainside wishes to support this decision to have a graduation celebration free from the serving of alcohol and thereby assuring that there will be no students who have attended this graduation party driving under the influence of liquor or drugs; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Mountainside that \$300.00 shall be given to the Fund Raising Committee of "PROJECT GRADUATION" toward the expenses incurred for the 2013 Alcohol Free Graduation Party of Governor Livingston High School.

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

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

RESOLUTION 38-2013

WHEREAS, Associated Humane Societies, Inc., a non-profit corporation incorporated under the laws of the State of New Jersey and located at 124 Evergreen Avenue, Newark, New Jersey 07114 has offered to provide Animal Control Services from January 1, 2013 to December 31, 2013 for an annual sum of \$15,989.81.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Mountainside that the Mayor and Borough Clerk are hereby authorized to execute a contract with Associated Humane Societies, Inc. which contract shall include a 30 day termination clause.

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

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

RESOLUTION 39-2013

WHEREAS, the Borough of Mountainside has determined that the items listed herein are property no longer needed for public use; and

WHEREAS, the Local Unit Technology Pilot Program and Study Act (P.L. 2001, c. 30) authorizes the sale of surplus personal property no longer needed for public use through the use of an online auction service; and

WHEREAS, the Borough of Mountainside intends to utilize the online auction services of Municibid located at www.Municibid.com; and

WHEREAS, the sales are being conducted pursuant to the Division of Local Government Services' Local Finance Notice 2008-9; and

WHEREAS, the Borough of Mountainside desires to sell the following surplus vehicles:

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

1998 CHEVY BLAZER
VIN# 1GNDT13W5W2232161
MILEAGE: 256,266

1994 MORBARK MODEL 17 EZ BEEVER CHIPPER
VIN# T04039D463883

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside in the County of Union, State of New Jersey, that the Borough is hereby authorized to sell the surplus property as indicated above on an online auction website entitled www.Municibid.com; and

BE IT RESOLVED, that the terms and conditions of the agreement entered into between Municibid and the Borough of Mountainside are available at www.Municibid.com and in the Borough Clerk's office; and

BE IT FURTHER RESOLVED, that a certified copy of the within resolution be forwarded to the Division of Local Government Services.

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

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

RESOLUTION 40-2013

WHEREAS, the Mountainside Municipal Alliance is hosting "Prevention Night" at the Community Pool in July; and

WHEREAS, this program is designed to give families within Mountainside the opportunity to spend quality time together in a substance free environment; and

WHEREAS, the Mountainside Municipal Alliance has requested that the Borough waive the entrance fees for "Prevention Night" to the first 100 Non-Member Residents; and

WHEREAS, the Governing Body also encourages family oriented programs within the community that emphasize substance prevention topics and materials.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Mountainside that the entrance fees for first 100 Non-Member Residents who attend "Prevention Night", be and the same is hereby waived.

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

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

RESOLUTION 41-2013

WHEREAS, N.J.S.A. 40A:4-58 provides for transfers within certain appropriations within the Reserve Municipal Budget during the first three months of the fiscal year; and

WHEREAS, the Chief Financial Officer has advised the Mayor and Council of the Borough of Mountainside that the need for certain transfers within the 2012 Municipal Budget exists; and

WHEREAS, it is recommended that these budget transfers be made; and

NOW, THEREFORE, BE IT RESOLVED that the following budget transfers be made in the 2012 Municipal Budget Reserves.

<u>CURRENT ACCOUNT</u>	<u>FROM</u>	<u>TO</u>
A&E S&W	1,000.00	
Fire, O/E		1,000.00
TOTAL	\$1,000.00	\$1,000.00

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

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

RESOLUTION 42-2013

WHEREAS, the Governing Body has determined that it is advisable for the Borough of Mountainside to retain the services of an engineer to design the Mountainside Library HVAC; and

WHEREAS, such services constitute professional services of such a qualitative nature as will not reasonably permit the drawing of specifications or the receipt of competitive bids; and

WHEREAS, the Borough of Mountainside desires to appoint these Engineering Services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 and 20.5; and

WHEREAS, the appropriate Borough official has determined that the value of these services will not exceed \$25,000 over the life of the contract; and

WHEREAS, the anticipated term of the contract is one year; and

WHEREAS, Strunk-Albert Engineering has completed and submitted a Business Entity Disclosure Certification which certifies that it has not made any reportable contributions to a political candidate or candidate committee in the Borough of Mountainside in the previous year, and acknowledging that the contract will prohibit it from making any reportable contributions through the term of the contract; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Mountainside that Strunk-Albert Engineering be appointed to be the HVAC Design Engineers for the term of one year.

BE IT FURTHER RESOLVED that an award notice be published in an appropriate newspaper within ten days hereof.

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

ORDINANCES: Second Reading (Public Hearing)

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.

Acting Mayor Turner 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 Wass closed the meeting to the public.

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

Roll Call: Andre, Lane, 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.

Acting Mayor Turner 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 Wass closed the meeting to the public.

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

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

MOTIONS:

The following motions were unanimously approved:

1. Approve raffle application from Lions Club NJ 16E Charitable Fdn for an off premise 50/50 draw raffle

2. Approve raffle applications from GLHS PTO for an on premise draw raffle and an on premise 50/50 draw raffle
3. Approve raffle applications from Mountainside Restoration Committee for an on premise draw raffle

BILLS & CLAIMS:

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

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 February 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 \$1,336,767.57 (Copy of bill list attached.)

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

COUNCIL COMMENTS:

Councilman Mortimer welcomed our new Library Director Lynn Favreau.

Mayor Mirabelli announced to the public preliminary plans to amend the Borough's Master Plan and moving forward with an Affordable Housing Plan requiring judicial certification. Borough Planner John Chadwick has made recommendations to design an Affordable Housing Plan based on three proposed development sites and making zoning use amendments to allow for redevelopment throughout the Borough. The sites include the Ponds along Route 22 West, behind Brighton Gardens and the Barnes Tract. These sites will be re-zoned for higher density to allow six units per acre with a 20% set aside. Other re-zoning plans include changing the overlay zone to allow residential use, expanding the downtown area by permitting mixed uses, creating bulk type requirements in restricted residential zones, preventing the building of oversized homes and expanding permitted uses in the L-1 zone. The process to review, amend and implement these proposed changes will take some time and numerous Planning Board and Council meetings will allow for public input.

Councilman Lane explained how the Borough's Master Plan was created long ago and changes are necessary. The Planner was hired to review and make those recommendations and it will be a while before they are implemented.

AUDIENCE PARTICIPATION:

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

Upon motion by Councilman Turner and a second by Councilwoman Andre, 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 and 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 8:37 P.M.

The meeting was recalled to public session at 9:20 P.M.

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

Respectfully submitted,

Martha Lopez, Borough Clerk