

**REGULAR MEETING  
JUNE 18, 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 8:05 P.M.

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

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

**APPROVAL OF MINUTES:**

Upon motion by Councilman Lane and a second by Councilwoman Andre, the minutes of the Regular Meeting held on May 21, 2013 were approved. Roll Call: Ayes: Andre, Lane, Messler, Turner. Nays: 0.

Upon motion by Councilman Lane and a second by Councilman Messler, the minutes of the Work & Executive Session Meetings held on June 4, 2013 were approved. Roll Call: Ayes: Andre, Lane, Messler, Turner. Nays: 0.

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**PRESENTATION: Memorial Day Poster & Essay Contest Winners**

Leo Corradi, Post Quartermaster presented checks to poster winner Melina Colonias and essay winner Jenna Brancatella.

Amanda Radick, Giulia Goggi and Joe D'Angelo were also recognized for their participation.

**RESOLUTIONS:**

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

**RESOLUTION 77-2013**

WHEREAS, the following applicants for Plenary Retail Consumption, Plenary Retail Distribution and Club License have complied with the provisions of R.S. Title 33, Intoxicating Liquors, c.1 Alcoholic Beverage Law; and

WHEREAS, these applications have been investigated by the Board of Health and Fire Prevention Official and approved by all.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside, County of Union, State of New Jersey, that pursuant to the statute in such case made and provided that the following Plenary Retail, Plenary Distribution and Club Licenses for the period of July 1, 2013 to June 30, 2014 be and the same are hereby granted:

2010-31-011-001	Mountainside Lodge BPO ELKS #1585 1193 Route 22	\$188
2010-32-002-002	Breezy Point Inc., t/a Chrones Tavern 896 Mountain Ave	2,500
2010-33-004-004	Spanish Tavern III Inc., t/a Spanish Tavern 1239 Route 22	2,500
2010-33-005-004	L’Affaire 22 Inc., 1099 Route 22	2,500
2010-33-007-004	1230 Rt 22 Restaurant, LLC t/a Arirang Hibachi Steakhouse and Sushi Bar, 1230 Route 22	2,500
2010-33-008-004	Mosaico Café Inc., 1072 Route 22	2,500
2010-33-009-006	Famous Daves Ribs Inc., 1443 Route 22	2,500
2010-33-010-006	Ciro 56 Inc. t/a Dillon’s Publick House 899 Mountain Ave	2,500
2010-33-012-006	ZLW Enterprises Inc., t/a Raagini Restaurant 1085 Route 22 (Pocket License)	2,500
2010-44-001-003	Bliwise Inc. t/a Vine Republic 1267 Route 22	2,500

Roll Call: Andre, Lane, Messler, Turner. Nays: 0  
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The following resolution was introduced by Councilman Messler and seconded by Councilman Turner.

### **RESOLUTION 78-2013**

WHEREAS, Jacek Zmuda deposited funds in escrow in the amount of \$250.00 for a road opening permit at 1253 Wood Valley Road; and

WHEREAS, there remained a balance due to Jacek Zmuda for \$250.00; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the Finance Officer is hereby authorized to refund the amount of \$250.00 to Jacek Zmuda, 1253 Wood Valley Road, Mountainside, NJ as recommended by the Borough Engineer.

Roll Call: Andre, Lane, Messler, Turner. Nays: 0  
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The following resolution was introduced by Councilwoman Andre and seconded by Councilman Lane.

**RESOLUTION 79-2013**

WHEREAS, the Borough of Mountainside needs to refund monies to interested parties for overpayment of current year taxes,

NOW, THEREFORE, BE IT RESOLVED that the Treasurer be authorized to issue the following refund, for the following reason:

Duplicate payments due to bank

Industry Consulting Group, Inc  
2777 Stemmons Place, Suite 940  
Dallas, TX 75207

<u>Block</u>	<u>Lot</u>	<u>Amount</u>
4.C	25.A	\$3,592.83

Roll Call: Andre, Lane, Messler, Turner. Nays: 0  
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The following resolution was introduced by Councilman Turner and seconded by Councilwoman Andre.

**RESOLUTION 80-2013**

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 two items of revenue in the budget for the year 2013 in the sum of \$ 36,744.20 which items are now available as a revenue from:

Public & Private Revenues off-set with Appropriations;  
NJDOT Highway Safety Fund Grant (\$23,150.76)  
Clean Communities Grant (\$13,593.44)

SECTION 2

BE IT FURTHER RESOLVED, that a like sum of \$ 36,744.20 be and the same is hereby appropriated under the caption of:

Public & Private Programs Offset By Revenues Excluded from "CAPS"  
NJDOT Highway Safety Fund Grant (\$23,150.76)  
Clean Communities Grant (\$13,593.44)

Roll Call: Andre, Lane, Messler, Turner. Nays: 0  
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The following resolution was introduced by Councilman Messler and seconded by Councilman Turner.

**RESOLUTION 81-2013**

WHEREAS, Mr. & Mrs. Matarredona deposited funds in escrow in the amount of \$1,000.00 for a soil moving permit at 1325 Summit Lane; and

WHEREAS, there remained a balance due to Mr. & Mrs. Matarredona for \$1,000.00; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the Finance Officer is hereby authorized to refund the amount of \$1,000.00 to Mr. & Mrs. Matarredona, 1325 Summit Lane, Mountainside, NJ as recommended by the Borough Engineer.

Roll Call: Andre, Lane, Messler, Turner. Nays: 0  
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The following resolution was introduced by Councilman Turner and seconded by Councilman Messler.

**RESOLUTION 82-2013**

WHEREAS, the Mayor and Council of the Borough of Mountainside desires the appointment and compensation of OEM Director and OEM Deputy; and

WHEREAS, the Mayor and Council recommended that the following individuals be appointed to said positions:

James Debbie Jr.	OEM Director	\$5,000.00
Ronald Romak	OEM Deputy	\$2,500.00

and;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Mountainside that this recommendation be and hereby is accepted and approved retroactive to January 1, 2013.

Roll Call: Andre, Lane, Messler, Turner. Nays: 0  
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The following resolution was introduced by Councilman Lane and seconded by Councilwoman Andre.

**RESOLUTION 83-2013**

WHEREAS, the Borough Purchasing Agent Martha Lopez has successfully completed all the QPA requirements and has obtained her QPA certification; and

WHEREAS, the Borough of Mountainside desires to appoint Martha Lopez to the position of Qualified Purchasing Agent; and

WHEREAS, pursuant to Local Finance 2010-13 and N.J.A.C.5:34-5.2 contracting units who appoint a QPA can set a higher bid threshold; and

WHEREAS, the higher threshold is currently \$36,000.00 and is adjusted every five years by the Governor of the State of New Jersey; and

WHEREAS, the Mayor and Council of the Borough of Mountainside approves setting the higher bid threshold;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Mountainside appoints Martha Lopez to the position of Qualified Purchasing Agent at a salary increase of \$5,000 to be distributed at follows: \$2,500 retroactive to January 1, 2013 and \$2,500 effective January 1, 2014.

BE IT FUTHER RESOLVED, that the bid threshold for the Borough of Mountainside be set at \$36,000.00.

Roll Call: Andre, Lane, Messler, Turner. Nays: 0  
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The following resolution was introduced by Councilwoman Andre and seconded by Councilman Lane.

**RESOLUTION 84-2013**

WHEREAS, the Mountainside Board of Health approved on June 10, 2013, a waiver request from the Mountainside Softball Association for a temporary food handler's permit; and

NOW, THEREFORE, BE IT RESOLVED that the Treasurer be authorized to issue the Mountainside Softball Association \$75.00 for a temporary food handler's permit issued in May.

Roll Call: Andre, Lane, Messler, Turner. Nays: 0  
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The following resolution was introduced by Councilman Turner and seconded by Councilman Messler.

**RESOLUTION 85-2013**

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 James Debbie III as Police Officer; and

WHEREAS, James Debbie III 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 James Debbie III 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 June 18, 2013 with the probationary period ending one-year following graduation from said academy at a probationary period salary of \$39,118.00.

Roll Call: Andre, Lane, Messler, Turner. Nays: 0  
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The following resolution was introduced by Councilman Messler and seconded by Councilman Turner.

**RESOLUTION 86-2013**

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 Adam Foti as Police Officer; and

WHEREAS, Adam Foti 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 Adam Foti 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 June 18, 2013 with the probationary period ending one-year following graduation from said academy at a probationary period salary of \$39,118.00.

Roll Call: Andre, Lane, Messler, Turner. Nays: 0  
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**ORDINANCES:** Second Reading (Public Hearing)

**ORDINANCE 1209-2013**

**AN ORDINANCE TO APPROPRIATE THE SUM OF ONE HUNDRED EIGHTY THOUSAND (\$180,000) FOR THE RESURFACING OF NEW PROVIDENCE ROAD & WOODLAND AVE., SEC. 2**

WHEREAS, the Governing Body of the Borough of Mountainside have decided to resurface New Providence Road & Woodland Avenue Section 2; and

WHEREAS, a grant award is now available from NJDOT in the amount of \$180,000.00; 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 \$180,000.00 be and is hereby appropriated for the resurfacing of New Providence Road and Woodland Avenue Section 2;

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 \$180,000.00.

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, Council President Turner closed the meeting to the public.

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

Roll Call: Andre, Lane, Messler, Turner. Nays: 0  
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First Reading (Introduction)

**ORDINANCE 1210-2013**

**AN ORDINANCE AMENDING SECTIONS 1008(c)(1), 1009(c)(1), AND 1010(c)(1) OF THE LAND USE ORDINANCE OF THE BOROUGH OF MOUNTAINSIDE**

WHEREAS, the Mayor and Council of the Borough of Mountainside, County of Union, and State of New Jersey have determined that upon recommendation by the Borough Engineer that there is a need to amend the residential zone building height standard for the residential zoning districts in the Borough.

WHEREAS, by Ordinance 1197-2012, the Borough previously amended such height restrictions in order to exercise more control over changes made to existing construction in the residential zoning districts.

NOW THEREFORE BE IT ORDAINED by the Mayor and Council as follows: Subsection 1008 (c) (1) of the Borough Code be and the same is hereby deleted and that there be substituted the following new Section 1008(c)(1):

(1) Height. No building shall exceed a maximum of two and one-half (2 1/2) stories or thirty-two (32) feet in height, whichever is the lesser.

AND BE IT FURTHER ORDAINED THAT Subsection 1009(c)(1) of the Borough Code be and the same is hereby deleted and that there be substituted the following new Section 1009(c)(1):

(1) Height. No building shall exceed a maximum of two and one-half (2 1/2) stories or thirty-two (32) feet in height, whichever is the lesser.

AND BE IT FURTHER ORDAINED THAT Subsection 1010. (c) (1) of the Borough Code be and the same is hereby deleted and that there be substituted the following new Section 1010(c)(1):

(1) Height. No building shall exceed a maximum of two and one-half (2 1/2) stories or thirty-two (32) feet in height, whichever is the lesser.

AND 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.

This ordinance shall take effect immediately upon final adoption and publication and in the manner provided by law.

\*\*This ordinance was amended prior to introduction. Councilman Turner increased the building height from 32 feet to 35 feet with the inclusion of a required floor ratio area of 2.25%.

It was moved by Councilman Turner and seconded by Councilman Messler that this ordinance be passed on first reading and advertised in full for a public hearing on July 16, 2013.

Roll Call: Andre, Lane, Messler, Turner. Nays: 0  
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**BILLS & CLAIMS:**

The following resolution was introduced by Councilman Lane 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 18<sup>th</sup> day of June 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 \$1,976,254.21 (Copy of bill list attached.)

Roll Call: Andre, Lane, Messler, Turner. Nays: 0  
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**COUNCIL COMMENTS:**

Mayor Mirabelli invited everyone to the July 4<sup>th</sup> fireworks celebration at Our Lady of Lourdes. The Mayor thanked those who attended the PAL Car Show on Sunday.

**AUDIENCE PARTICIPATION:**

Hearing no one desiring to speak, Mayor Mirabelli closed the meeting to the public.  
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Upon motion by Councilman Messler 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 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 8:30 P.M.  
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The meeting was recalled to public session at 9:10 P.M.

Upon motion by Councilman Lane and a second by Councilman Messler, the meeting was unanimously adjourned.

Respectfully submitted,

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Martha Lopez, Borough Clerk