

**REGULAR MEETING  
MARCH 18, 2014**

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 8:04 P.M.

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

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

**APPROVAL OF MINUTES:**

Upon motion by Councilman Mortimer and a second by Councilman Messler, the minutes of the Regular & Executive Session Meetings held on March 18, 2014 were approved. Roll Call: Ayes: Andre, Dierkes, Messler, Mortimer, Turner. Nays: 0. Abstained: Lane.

Upon motion by Councilman Lane and a second by Councilman Dierkes, the minutes of the Work & Executive Session Meetings held on April April 1, 2014 were approved. Roll Call: Ayes: Andre, Dierkes, Lane, Messler, Mortimer, Turner. Nays: 0.

-----

**RESOLUTIONS:**

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

**RESOLUTION 38-2014**

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 2013 Municipal Budget exists; and

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

NOW, THEREFORE, BE IT RESOLVED that the following budget transfers be made in the 2013 Municipal Budget Reserves; and

<u>CURRENT ACCOUNT</u>	<u>FROM</u>	<u>TO</u>
Tax Assessor O/E	10,000.00	
Cont. to Social Security	10,000.00	
Snow O/E		20,000.00
TOTAL	\$20,000.00	\$20,000.00

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

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

#### **RESOLUTION 39-2014**

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](http://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:

**1981 PEMFAB FIRE PUMPER**  
**VIN# P8504**  
**MILEAGE: 26,444**

**1978 DODGE 4X4 PUMPER**  
**VIN# W41CD8S258772**  
**MILEAGE: 13,216**

**ELEPHANT-VAC INDUSTRIAL VACUUM**

**PITNEY BOWES DM400 DIGITAL MAILING SYSTEM (INOPERABLE)**

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](http://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](http://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, Dierkes, Lane, Messler, Mortimer, Turner. Nays: 0  
-----

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

**RESOLUTION 40-2014**  
**2013 TONNAGE GRANT PROGRAM**

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling program; and

WHEREAS, it is the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection is promulgating recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including, but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and indicate the assent of the Borough of Mountainside to the effort undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such resolution should designate the individual authorized to ensure that the application is properly completed and timely filed;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that Mountainside hereby endorses the submission of a

Municipal Recycling Tonnage Grant Application to the New Jersey Department of Environmental Protection, Office of Recycling and designates Ronald Romak, Public Works Manager, to ensure that the said application is properly filed.

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

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

**RESOLUTION 41-2014**

WHEREAS, there exists a need for a Pool Manager and Assistant Managers at the Community Pool for the 2014 season; and

WHEREAS, Recreation Director Frank Masella and the Recreation Committee has recommended that the following individuals be appointed to said positions:

John Tosato, Manager	\$10,933.24
Scott Laudati, Assistant Manager	\$ 7,104.79
Pat Mamrak, Assistant Manager	\$ 6,762.60

WHEREAS, each of the above individuals shall be appointed as temporary employees for the 2014 season;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the recommendation of Recreation Director Frank Masella and the Recreation Committee be and hereby is accepted and approved pending completion of background checks;

BE IT FURTHER RESOLVED that the salaries for the above positions shall be set forth in the Borough's annual salary Resolution.

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

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

**RESOLUTION 42-2014**

WHEREAS, an ad was placed in the newspaper for the Community Pool Snack Bar Contract; and

WHEREAS, one proposal was submitted and Recreation Director, Frank Masella recommends awarding to B&K Concession in the sum of \$10,750.00; and

WHEREAS, the owner, William Malhosky, has extensive experience in the food industry and has worked as the concession operator for the past three years;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the Community Pool Snack Bar contract for the year 2014 be awarded to B&K Concession, 29 Wall Street, Cranford, NJ 07016 in the amount of \$10,750.00;

BE IT FURTHER RESOLVED that payment to the Borough shall be as follows:

- June 1, 2014 - 50% of total or \$5,375.00
- July 1, 2014 - 50% of total or \$5,375.00
- \$500 security deposit on equipment by June 1, 2014
- \$300 refundable cleaning fee by June 1, 2014
- \$5,375.00 performance security

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

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

**RESOLUTION 43-2014**

WHEREAS, NJSA 40A:4-19 of the Local Budget Act provides that temporary appropriations shall be made for the purposes and amounts required in the manner and time therein provided;

NOW, THEREFORE, BE IT RESOLVED that the following additional temporary appropriations shall be made for the year 2014:

<u>APPROPRIATIONS</u>	<u>TO</u>	<u>FROM</u>
Snow Expenses O/E	75,000.00	280,000.00
Rahway Valley Sewerage Auth	-0-	470,000.00

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

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

**44-2014**  
**SELF EXAMINATION AND APPROVAL**  
**OF 2014 MUNICIPAL BUDGET**

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C 5:30-7.2 through 7.5 the Borough of Mountainside has been declared eligible to participate in the program by the Division of Local Government Service, and the Chief Financial Officer has determined that the Borough meets the necessary conditions to participate in the program for the 2014 budget year;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that, in accordance with N.J.A.C 5:30-7.6a & b and based upon the Chief Financial Officer's certification, the Governing Body has found the municipal budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
  - a. Payment of interest and debt redemption charges
  - b. Deferred charges and statutory expenditures
  - c. Cash deficit of preceding year
  - d. Reserve for uncollected taxes
  - e. Other reserves and non-disbursement items
  - f. Any inclusions of amounts required for school purposes
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met. (Complies with the "CAP" law.)
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
  - a. All estimates of revenue are reasonable, accurate, and correctly stated
  - b. Items of appropriation are properly set forth

c. In itemization, form, arrangement, and content the budget will permit the exercise of the comptroller function within the municipality.

5. The budget and associated amendments have been introduced, publicly advertised, and adopted in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.

6. That all other applicable statutory requirements have been fulfilled.

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

### **CERTIFICATION OF APPROVED BUDGET**

It is hereby certified that the Approved Budget complies with the requirements of law and approval is given pursuant to N.J.S.A. 40A:4-78(b) and NJAC 5:30-7.

It is further certified that the municipality has met the eligibility requirements of NJAC 5:30-7.4 and 7.5, and that I Chief Financial Officer of the Borough of Mountainside, have completed the local examination in compliance with NJAC 5:30-7.6.

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

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

### **RESOLUTION 46-2014**

WHEREAS, there is a vacancy in the position of Court Administrator; and

WHEREAS, the Governing Body of the Borough of Mountainside is desirous of filling subject vacancy; and

WHEREAS, Cynthia West is experienced in perform the duties of Court Administrator; and

WHEREAS, the Mountainside Court Interview Panel and Assignment Judge Cassidy have recommended that the Borough Council take action and hire Cynthia West;

NOW, THEREFORE, BE IT RESOLVED, by Mayor and Council of the Borough of Mountainside that Cynthia West is hereby hired as Court Administrator at an annual salary of \$55,745.25, effective March 5, 2014.

BE IT FURTHER RESOLVED, that Cynthia West be hired as a probationary employee for a period of ninety (90) days in accordance with the Borough of Mountainside Personnel Policy & Procedures Manual.

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

**ORDINANCES:** First Reading (Introduction)

**ORDINANCE 1214-2014**

**CALENDAR YEAR 2014  
ORDINANCE TO ESTABLISH A CAP BANK  
(N.J.S.A. 40A:4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A:4-45.1 et.seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said final budget appropriations to 0.50% unless authorized by ordinance to increase it to 3.5% over the previous years final appropriations; and,

WHEREAS, a municipality may, by ordinance, bank the difference between its final budget appropriations and the 3.5% increase authorized by this ordinance when said difference is not appropriated as part of the final budget; and,

WHEREAS, the Borough Council of the Borough of Mountainside, County of Union, hereby determines that this difference in the amount of \$237,927.51 that is not appropriated as part of the final budget shall be retained as an exception to the final appropriations in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, that any amount authorized herein above that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Regular Meeting  
March 18, 2014 – Page 9

It was moved by Councilman Mortimer and seconded by Councilman Dierkes that this ordinance be passed on first reading and advertised in full for a public hearing on April 22, 2014.

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

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

**RESOLUTION 45-2014  
MUNICIPAL BUDGET NOTICE**

Municipal Budget of the Borough of Mountainside, County of Union for the Calendar Year 2014;

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2014;

BE IT FURTHER RESOLVED, that said Budget Summaries be published in the Local Source in the issue of March 27, 2014;

The Governing Body of the Borough of Mountainside does hereby approve the following as the Budget for the year 2014;

Notice is hereby given that the Budget and Tax Resolution was approved by the Mayor and Council of the Borough of Mountainside, County of Union, on March 18, 2014. A hearing on the Budget and Tax Resolution will be held at the Municipal Building on April 22, 2014 at 8:00 o'clock (PM) at which time and place objections to said Budget and Tax Resolution for the year 2014 may be presented by taxpayers or other interested persons.

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

First Reading (Introduction)

**ORDINANCE 1215-2014**

**AN ORDINANCE IMPLEMENTING THE COLLECTIVE BARGAINING AGREEMENT  
BETWEEN THE BOROUGH OF MOUNTAINSIDE AND THE MOUNTAINSIDE P.B.A.  
LOCAL 126 FOR THE PERIOD OF JANUARY 1, 2014 THROUGH DECEMBER 31, 2017**

WHEREAS, the Borough of Mountainside is desirous of entering into a Collective Bargaining Agreement with the P.B.A. Local 126 ("PBA") for the purpose

of establishing salary and benefits for the period of January 1, 2014 through December 31, 2017; and

WHEREAS, the parties have determined to enter into a Collective Bargaining Agreement (“CBA”); and

WHEREAS, the Borough Finance Officer has certified that sufficient funds are available for this contract for the current fiscal year.

BE IT ORDAINED by the Mayor and Council of the Borough of Mountainside, County of Union, State of New Jersey, that the appropriate Borough officials are hereby authorized to execute the Collective Bargaining Agreement between the Borough of Mountainside and the Mountainside P.B.A. Local 126, for the period of January 1, 2014 through December 31, 2017 as follows:

Section I: The annual salaries fixed for the several ranks and officers of the Police Department of the Borough of Mountainside shall be as follows:

SCHEDULE “A” SALARIES (Officers hired prior to January 1, 2012)				
RANK	2014	2015	2016	2017
CAPTAIN	\$125,455.92	\$127,965.04	\$130,524.34	\$133,134.83
LIEUTENANT	\$122,142.96	\$124,585.82	\$127,077.54	\$129,619.09
*DET. SERGEANT	\$118,876.92	\$121,254.46	\$123,679.55	\$126,153.14
SERGEANT	\$115,925.04	\$118,243.54	\$120,608.41	\$123,020.58
CORPORAL	\$110,303.82	\$112,509.90	\$114,760.09	\$117,055.30
*DETECTIVE	\$110,130.42	\$112,333.03	\$114,579.69	\$116,871.28
7th YEAR	\$105,971.88	\$108,091.32	\$110,253.14	\$112,458.21
6th YEAR	\$95,728.02	\$97,642.58	\$99,595.43	\$101,587.34
5th YEAR	\$85,490.28	\$87,200.09	\$88,944.09	\$90,722.97
4th YEAR	\$75,253.56	\$76,758.63	\$78,293.80	\$79,859.68
3rd YEAR	\$65,014.80	\$66,315.10	\$67,641.40	\$68,994.23
2nd YEAR	\$54,779.10	\$55,874.68	\$56,992.18	\$58,132.02
PROBATION	\$42,952.20	\$43,811.24	\$44,687.47	\$45,581.22

*\*Indicates RANKS made by PROMOTION, not temporary assignment to Detective Bureau, as mention in Article XV(D).*

**SCHEDULE "B"**  
**(Officers hired after January 1, 2012)**

RANK	2014	2015	2016	2017
CAPTAIN	\$125,455.92	\$127,965.04	\$130,524.34	\$133,134.83
LIEUTENANT	\$122,142.96	\$124,585.82	\$127,077.54	\$129,619.09
*DET. SERGEANT	\$118,876.92	\$121,254.46	\$123,679.55	\$126,153.14
SERGEANT	\$115,925.04	\$118,243.54	\$120,608.41	\$123,020.58
CORPORAL	\$110,303.82	\$112,509.90	\$114,760.09	\$117,055.30
*DETECTIVE	\$110,130.42	\$112,333.03	\$114,579.69	\$116,871.28
AFTER 10th YEAR	\$105,971.88	\$108,091.32	\$110,253.14	\$112,458.21
10th YEAR	\$97,495.68	\$99,445.59	\$101,434.51	\$103,463.20
9th YEAR	\$91,096.20	\$92,918.12	\$94,776.49	\$96,672.02
8th YEAR	\$84,696.72	\$86,390.65	\$88,118.47	\$89,880.84
7th YEAR	\$78,297.24	\$79,863.18	\$81,460.45	\$83,089.66
6th YEAR	\$71,897.76	\$73,335.72	\$74,802.43	\$76,298.48
5th YEAR	\$65,498.28	\$66,808.25	\$68,144.41	\$69,507.30
4th YEAR	\$59,098.80	\$60,280.78	\$61,486.39	\$62,716.12
3rd YEAR	\$52,699.32	\$53,753.31	\$54,828.37	\$55,924.94
2nd YEAR	\$46,299.84	\$47,225.84	\$48,170.35	\$49,133.76
PROBATION	\$39,900.36	\$40,698.37	\$41,512.33	\$42,342.58

Section II: The various provisions of the Borough of Mountainside/P.B.A. Local 126 proposed agreement, arrived at as a result of negotiation, are enacted. The main headings are as follows:

Title Page	
Preamble	
Article I	- Recognition Clause
Article II	- Management Rights and Responsibilities
Article III	- Grievance Procedure
Article IV	- PBA Representatives
Article V	- Deductions from Salary
Article VI	- Maintenance of Operation
Article VII	- Hours of Work, Overtime, Comp Time, Recall
Article VIII	- Vacation
Article IX	- Holiday Pay
Article X	- Sick Leave
Article XI	- Medical Insurance and Fringe Benefits
Article XII	- (Article eliminated)
Article XIII	- Military Leave
Article XIV	- Retirement
Article XV	- Salaries
Article XVI	- Longevity Pay

Article XVII	- Investigation of Police Officers
Article XVIII	- Ceremonial Activities
Article XIX	- Personnel Files
Article XX	- Bulletin Board
Article XXI	- Education
Article XXII	- Non-Discrimination
Article XXIII	- Separability and Savings
Article XXIV	- Leave Time (Bereavement and Personal)
Article XXV	- Terminal Leave
Article XXVI	- Term and Renewal
Schedule A	-Salaries
Schedule B	-Salaries

Section III: Except as otherwise provided in the text of the Agreement the terms shall be effective as of January 1, 2014 and retroactive thereto.

Section IV: This ordinance shall take effect immediately upon final passage and publication as provided by law.

Section V: Ordinance 1202-2012 is hereby repealed.

It was moved by Councilman Turner and seconded by Councilman Mortimer that this ordinance be passed on first reading and advertised in full for a public hearing on April 22, 2014.

The Mayor and Council commended the PBA for the recent contract negotiations which were the smoothest in recent memory. The PBA and Police Committee took a constructive good faith approach to reach an agreement.

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

**MOTIONS:**

The following motions were unanimously approved:

1. Approve appointment of Troy Jalbert as a Volunteer Firefighter
2. Approve appointment of Andrew Meeks as a Volunteer Firefighter
3. Approve appointment of Casey Olohan as a Volunteer Firefighter
4. Approve appointment of Victor Pereira as a Volunteer Firefighter

**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 18<sup>th</sup> day of March 2014, 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 \$328,380.68 (Copy of bill list attached.)

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

**COUNCIL COMMENTS:**

Councilman Lane congratulated the newly appointed Firefighters.

Councilman Lane and Councilwoman Andre congratulated Cindy West on her appointment as Court Administrator.

Mayor Mirabelli thanked the Mountainside Board of Education for supporting the bond referendum that will fund repairs to the Deerfield and Beechwood schools.

Mayor Mirabelli invited everyone to attend the Mountainside Youth Baseball and Softball Association Opening Day Parade on April 5<sup>th</sup>. They also need antique cars and hot rods to attend.  
-----

**AUDIENCE PARTICIPATION:**

Michael Jackson, on behalf of the Mountainside PBA thanked the Mayor, Council and the community for their overwhelming support at Richard Osieja's Fundraiser.

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

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

Meeting adjourned at 8:23 PM.  
-----

Respectfully submitted,

\_\_\_\_\_  
Martha Lopez, Borough Clerk