

**REGULAR MEETING
MARCH 17, 2015**

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 7:30 P.M.

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

PRESENT: Mayor Paul N. Mirabelli, Councilman Dierkes, Councilman Messler, Councilman Mortimer, Council President Turner, and Attorney Post. Also present were Police Chief Allan Attanasio and Public Works Manager Ronald Romak. Councilwoman Andre, Councilman Lane and Administrator Debbie were absent.

APPROVAL OF MINUTES:

Upon motion by Councilman Turner and a second by Councilman Messler, the minutes of the Regular Session Meeting held on February 17, 2015 was approved. Roll Call: Ayes: Dierkes, Messler, Turner. Nays: 0. Abstained: Mortimer.

Upon motion by Councilman Dierkes and a second by Councilman Turner, the minutes of the Work & Executive Session Meetings held on March 3, 2015 were approved. Roll Call: Ayes: Dierkes, Messler, Mortimer, Turner. Nays: 0.

RESOLUTIONS:

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

RESOLUTION 40-2015

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 2014 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 2014 Municipal Budget Reserves; and

<u>CURRENT ACCOUNT</u>	<u>FROM</u>	<u>TO</u>
Police S&W	80,000.00	
Recreation S&W	25,000.00	
Finance S&W	10,000.00	
Legal O/E	30,000.00	
Contribution to PFRS		25,000.00
Snow. O/E		70,000.00
Reserve for Tax Appeals		50,000.00
 TOTAL	 \$145,000.00	 \$145,000.00

Roll Call: Dierkes, Messler, Mortimer, Turner. Nays: 0

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

RESOLUTION 41-2015

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 2015:

<u>APPROPRIATIONS</u>	<u>TO</u>	<u>FROM</u>
Snow Expenses O/E	75,000.00	150,000.00
Rahway Valley Sewerage Auth	-0-	460,000.00

Roll Call: Dierkes, Messler, Mortimer, Turner. Nays: 0

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

**RESOLUTION 42-2015
 2014 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: Dierkes, Messler, Mortimer, Turner. Nays: 0

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

RESOLUTION 43-2015

WHEREAS, James Debbie Jr. was custodian of the Police Petty Cash Fund; and

WHEREAS, in accordance with N.J.S.A. 40:5-21, the Mayor and Council of Mountainside is changing custodians to Allan Attanasio; and

WHEREAS, Allan Attanasio is bonded in the amount of \$1,000,000 by virtue of a surety bond.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside, County of Union hereby authorizes such action and two copies of this resolution be filed with the Division of Local Government Services, New Jersey Department of Community Affairs for approval.

Roll Call: Dierkes, Messler, Mortimer, Turner. Nays: 0

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

RESOLUTION 44-2015

WHEREAS, there exists a need for a Pool Manager and Assistant Managers at the Community Pool for the 2015 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	\$11,151.90
Scott Laudati, Assistant Manager	\$ 7,246.89
Pat Mamrak, Assistant Manager	\$ 6,897.85

WHEREAS, each of the above individuals shall be appointed as temporary employees for the 2015 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: Dierkes, Messler, Mortimer, Turner. Nays: 0

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

RESOLUTION 45-2015

BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the following are the 2015 Base Salaries for the office and positions indicated:

A&E	
Borough Administrator	\$40,800.00
Borough Clerk	\$71,211.81
Deputy Borough Clerk	\$35,179.05
Board of Health Secretary	\$ 1,522.75
Mayor	\$ 3,131.91
Councilman	\$ 1,565.96
OEM Director	\$ 5,306.04
OEM Deputy	\$ 2,653.02

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FINANCE

Finance Assistance	\$17.85
Chief Financial Officer	\$76,157.79
Tax Collector (P/T)	\$19,321.41
Assistant Tax Collector (P/T)	\$21.75

POLICE

Administrative Assistant	\$41,835.86
Records Clerk	\$19.07
Communications Officers:	
Walter Kutsop	\$54,007.47
Lewis Giordano	\$54,007.47
Michael Scuderi	\$40,421.06
Kenneth Mirabelli	\$37,571.83
Police Matron	\$26.83
Crossing Guards:	
Joan Laurent	\$23.33
Patricia Salvato	\$18.87
Robert Vargo	\$18.50
Carmen Rotella	\$17.77

BUILDING

Zoning Official/Construction Secretary	\$48,968.22
Secretary: Engineer/DPW/Shade Tree/Recycling	\$37,664.17
Plumbing Inspector (P/T)	\$42.65
Building Inspector (P/T)	\$38.64
Electrical Inspector (P/T)	\$42.65
Fire Prevention (P/T)	\$25.50
Construction Code Official	\$27,602.02
Receptionist/Secy Construction/DPW/Building	\$16.20

PUBLIC WORKS

Ronald Romak	\$84,153.05
Thomas Root	\$50,691.39
Richard Neri	\$47,458.27
Oscar Cardona	\$40,294.94
Horacio Colella	\$37,519.34
Jason Koscinski	\$35,373.60
Engineer (P/T)	\$48,212.10
Tax Assessor (P/T)	\$18,217.33
Assistant to Assessor	\$ 4,642.79
Certified Wastewater & Treatment Operator	\$ 3,180.32
Planning Board – Recording Secretary	\$ 2,654.12
Upstairs Supervisor	\$ 5,520.40

COURT

Court Administrator	\$56,860.16
Deputy Court Administrator	\$48,455.74
Municipal Judge (P/T)	\$28,709.10
Municipal Prosecutor (P/T)	\$24,905.47

MISCELLANEOUS

Cable TV Tech (M.Flynn)	\$10.61
Senior Citizen Coordinator	\$19,797.77
Senior Van Driver	\$15.92

RECREATION

Director/Pool Manager	\$79,624.65
Secretary/Pool Bookkeeper	\$37,664.15
Recreation Assistant	\$35,700.00

Pool Management (Returning)	2% increase
Pool Tech	\$ 8,072.30
Summer Playground Staff (Returning)	2% increase

THEREFORE, BE IT RESOLVED, that the salary paid each office or position for the calendar year 2015, as established by this Resolution of the Governing Body, shall be retroactive to January 1, 2015.

Roll Call: Dierkes, Messler, Mortimer, Turner. Nays: 0

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

46-2015
SELF EXAMINATION AND APPROVAL
OF 2015 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 2015 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: Dierkes, Messler, Mortimer, Turner. Nays: 0

ORDINANCE: First Reading (Introduction)

**ORDINANCE 1232-2015
CALENDAR YEAR 2015
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 1.50% 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 \$162,145.74 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.

It was moved by Councilman Mortimer and seconded by Councilman Turner that this ordinance be passed on first reading and advertised in full for a public hearing on April 21, 2015.

Roll Call: Dierkes, Messler, Mortimer, Turner. Nays: 0

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

**RESOLUTION 47-2015
MUNICIPAL BUDGET NOTICE**

Municipal Budget of the Borough of Mountainside, County of Union for the Calendar Year 2015;

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2015;

BE IT FURTHER RESOLVED, that said Budget Summaries be published in the Local Source in the issue of March 26, 2015;

The Governing Body of the Borough of Mountainside does hereby approve the following as the Budget for the year 2015;

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 17, 2015. A hearing on the Budget and Tax Resolution will be held at the Municipal Building on April 21, 2015 at 7:30 PM at which time and place objections to said Budget and Tax Resolution for the year 2015 may be presented by taxpayers or other interested persons.

Roll Call: Dierkes, Messler, Mortimer, Turner. Nays: 0

First Reading (Introduction)

ORDINANCE 1233-2015

**AN ORDINANCE ADOPTING AND AMENDING ORDINANCE # 91-001 OF THE
BOROUGH OF MOUNTAINSIDE BOARD OF HEALTH ENTITLED
“CAT LICENSING”**

WHEREAS, the Mayor and Council of the Borough of Mountainside, County of Union, and State of New Jersey have determined that there is a need to protect the health, safety, and welfare of the residents of the Borough; and

WHEREAS, by way of Ordinance 91-001, the Borough Board of Health adopted the policy and procedures for the licensing of cats in the Borough; and

WHEREAS, the Mayor and Council have determined it is in the interest of the public to codify the Board of Health ordinance in order to have all ordinances applicable to privately owned animals consolidated in one location; and

WHEREAS, the Mayor and Council have determined to add additional terms and prohibitions to Ordinance 91-001; and

NOW THEREFORE BE IT ORDAINED by the Mayor and Council as follows: Board of Health Ordinance 91-001 “Cat Licensing,” is hereby adopted and amended as follows:

Section 1. DEFINITIONS

- a) CAT - Any member of the domestic feline species; male, female or neutered.
- b) CAT OF LICENSING AGE – Any cat which has attained the age of six months.
- c) ANIMAL CONTROL AUTHORITY – Any person or agency designated or certified by the State of New Jersey to enforce the provisions of this ordinance.
- d) OWNER - When applied to the proprietorship of a cat, shall include every person having a right or property (or custody) in such cat and every person who has such cat in his or her keeping, or who harbors or maintains a cat or knowingly premises occupied by that person.
- e) CATTERY – Shall mean any room or group of rooms, cage or exhibition pen, not part of a kennel, wherein cat for sale are kept or displayed.
- f) PERSON – Any individual, corporation, partnership, organization, or institution commonly recognized by law as a unit.

- g) LICENSING AUTHORITY – The licensing authority is hereby designated as the office of the Borough Clerk.
- h) NEUTERED – Rendered permanently incapable of reproduction as certified by a licensed veterinarian.

Section 2. PROVISIONS RELATING TO RABIES VACCINATION OF CATS

- a) VACCINATION AND LICENSE REQUIREMENTS- No person shall own, keep, harbor or maintain any cat over six months of age within the Borough of Mountainside, unless such cat is vaccinated and licensed. The provisions of this section do not apply to cats held in a cattery, or those held by a State or Federal Research Facility, or a veterinary establishment where cats are received or kept for diagnostic, medical, surgical or other treatments, or licensed animal shelter, pounds, kennels or pet shops.
- b) VACCINATION – All cats shall be vaccinated against rabies by licensed veterinarian in accordance with latest “Compendium of Animal Rabies Vaccines and Recommendations for Immunization” published by the National Association of State Public Health Veterinarians, except as provided for in Section (d).
- c) VACCINATION CERTIFICATE – A certificate of vaccination shall be issued to the owner of each animal vaccinated on a form recommended by the State.
- d) EXEMPTIONS – Any cat may be exempted from the requirements of such vaccination for a specified period of time by the Board of Health, upon presentation of a veterinarian’s certificate stating that because of any infirmity or other physical shall be deemed inadvisable.

Section 3. LICENSING REQUIREMENTS

- a) CATS MUST HAVE LICENSE NUMBER DISPLAYED - Any person who shall own, keep or harbor a cat of licensing age shall annually apply for and procure from the licensing authority a license and official registration tag with the license number, or a registration sleeve for each cat so owned, kept or harbored, and shall place upon such cat a collar, or other device with a license number securely fastened or displayed thereto. Acceptable methods of displaying license number shall include, but are not limited to, break-away or electric collars. License tags or sleeves are not transferable. As an alternative to displaying the license number by collar or similar device, an Owner may utilize microchip technology as a form of identification of the animal. If microchip technology is employed then the owner shall provide this information to the Borough Clerk when the license for the cat is renewed each year.
- b) TIME FOR APPLYING FOR LICENSE – The owner of any newly acquired cat of licensing age, or of any cat which attains licensing age, shall make application of license tag or sleeve for such cat within ten (10) days after such

acquisition or age attainment. This requirement will not apply to a non-resident keeping a cat within the Borough of Mountainside for no longer than (90) days.

c) CATS BROUGHT INTO JURISDICTION – any person who shall bring, or cause to be brought into the Borough of Mountainside any cat licensed in another State for the current year, and bearing registration tag or sleeve and shall keep the same or permit the same to be kept within the Borough of Mountainside for a period of more than (90) days, shall immediately apply for a license and registration tag or sleeve for each such cat.

d) APPLICATION, CONTENTS, PRESERVATION OF INFORMATION - The application shall state the breed, sex, age, color and markings of the cat for which license and registration are sought, and whether it is of long- or short-haired variety, and shall include a color photograph of the cat, to be provided in hard copy or electronically as such technology shall become available. The application shall also state whether the cat has a microchip or similar identification technology, and also the name, street and post office address of the owner, and the person who shall keep or harbor such cat.

e) LICENSE FORMS AND TAGS – License forms and official tags or sleeves shall be furnished by the licensing authority and shall be numbered serially, and shall bear the year of issuance and name of the Municipality.

f) EVIDENCE OF INNOCULATION WITH RABIES VACCINE OF CERTIFICATION OF EXEMPTION; REQUIREMENT FOR LICENSE - No licensing authority shall grant such license and official registration tag or sleeve for any cat, unless the owner thereof provides evidence that the cat to be licensed and registered has been inoculated with a rabies vaccine of a type approved by and administered in accordance with the recommendations of the United States Dept., of Agriculture and the United States Dept. of Human Services, or has been certified exempt as provided by this ordinance. The rabies inoculation shall be administered by a duly licensed veterinarian permitted by law to do same.

g) LICENSE FEE SCHEDULE – A license shall be issued after payment of a fee of \$13.00 for each unneutered cat, and \$10.00 for each neutered cat. Persons who fail to obtain a license as required within 30 days of the annual renewal date (January 31st, annually) shall be subject to a delinquent fee of \$10.00 for each license purchased.

h) FEES, RENEWALS, EXPIRATION DATE OF LICENSE – Licenses from another Municipality shall be accepted. The person applying for the license and registration tag or sleeve shall be the same as for the original. All licenses should expire as of December 31st annually.

Only one license and registration tag or sleeve shall be required in the licensing year for any cat in the Borough of Mountainside. Any valid New Jersey license tag or sleeve issued by a New Jersey Municipality shall be accepted by this Municipality as evidence of compliance.

i) LOSS OF LICENSE – If a license tag or sleeve has been misplaced or lost, the licensing authority may issue a duplicate license and/or registration tag or sleeve for that particular cat at a fee of \$1.00.

j) PROOF OF LICENSE – Proof of licensing shall be produced by any person owning, keeping, maintaining, or harboring a cat, upon the request of any health official, police officer, animal control officer or other authorized person.

k) INTERFERING WITH PERSONS PERFORMING DUTIES UNDER THIS ORDINANCE– No person shall hinder, molest or interfere with anyone authorized or empowered to perform any duty under this ordinance.

l) DISPOSITION OF FEES COLLECTED – License fees and other monies collected or received under the provisions of this ordinance, shall be forwarded to the Treasurer of the Borough of Mountainside, and shall be placed in a special account separate from any of the other accounts of the Borough of Mountainside, and shall be used for the following purposes only: collecting, keeping and disposing of cats liable to seizure, for local prevention and control of rabies, providing anti-rabies treatment under the direction of the Board of Health for any person, own, or suspected to have been exposed to rabies, and for administering any provision of this ordinance. Any unexpected balance remaining in such special account shall be retained until the end of the third fiscal year following, and may be used for any of the purposes set forth in this section. At the end of the said third fiscal year thereafter, there shall be transferred from such special account to the general funds of the Municipality any amount then in such account which is in excess of the total amount paid into the special account during the last two fiscal years next preceding.

Section 4. PENALTY - ANY PERSON WHO VIOLATES, OR WHO FAILS, OR REFUSES TO COMPLY WITH THIS ORDINANCE, SHALL BE LIABLE TO A PENALTY OF \$100.00 to \$500.00.

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.

It was moved by Councilman Turner and seconded by Councilman Dierkes that this ordinance be passed on first reading and advertised in full for a public hearing on April 21, 2015.

Roll Call: Dierkes, Messler, Mortimer, Turner. Nays: 0

ORDINANCE 1234-2015

**AN ORDINANCE ADOPTING AND AMENDING ORDINANCE # BOH 2-2011 OF
THE BOROUGH OF MOUNTAINSIDE BOARD OF HEALTH**

WHEREAS, the Mayor and Council of the Borough of Mountainside, County of Union, and State of New Jersey have determined that there is a need to protect the health, safety, and welfare of the residents of the Borough; and

WHEREAS, by way of Ordinance #BOH 2-2011, the Borough Board of Health adopted an ordinance prohibiting the unsanitary feeding of pets and requiring the removal of cat feces; and

WHEREAS, the Mayor and Council have determined it is in the interest of the public to codify the Board of Health ordinance in order to have all ordinances applicable to privately owned animals consolidated in one location; and

WHEREAS, the Mayor and Council have determined to add additional terms and prohibitions to #BOH 2-2011; and

WHEREAS, the outdoor feeding of domesticated animals, including cats, within the Borough, attracts raccoons and other wild animals and encourages the establishment of feral and stray cats; and

WHEREAS, the Mayor and Council have determined to prohibit the outdoor feeding of domesticated animals along with additional identification requirements for domesticated animals.

NOW THEREFORE BE IT ORDAINED by the Mayor and Council as follows: BOH #2-2011 is hereby adopted and amended as follows:

Section 1. Feeding Prohibited

The feeding of stray or feral cats is prohibited. The maintenance and/or feeding of privately owned cats in such a manner as to create unsanitary conditions, attract vermin, or be potentially detrimental to health or create a public health nuisance, including the feeding of cats outdoors, is hereby prohibited. All feeding of privately owned cats must occur indoors, and indoors is defined in this ordinance to mean all areas in a building enclosed by an exterior wall, excluding, however, attic and cellar areas, utility rooms, open porches, breezeways and garages.

Section 2. Animal Nuisances

- A. It shall be unlawful for any person to permit a cat within their ownership or control to excrete feces onto any private or public property, without immediately removing and, within a reasonable time, properly disposing of such feces.
- B. Section 2, paragraph A. of this Ordinance shall not apply where the owner or occupant of private property grants permission for a cat to excrete feces on that property, provided such feces does not accumulate to such a degree that it shall create an objectionable smell or other nuisance to the public or neighboring properties. This exception shall not exempt such owners or occupants from being subject to the public nuisance, property maintenance and public health regulations of the Borough.
- C. The sanitary manner for removal of feces shall be by the placement of the removed feces in a sealed plastic bag and then further placed in said owner's own garbage or waste removal container and shall not be by placement of the feces, whether in a sealed plastic bag or not, in any garbage or waste container owned or maintained by the Borough of Mountainside or any garbage or waste container of any other person or entity, or storm sewer.

Section 3. Remedies

Should the circumstances described in Section 2(A) occur, where a resident who has not given permission for a cat to excrete feces on property controlled by the resident, and such feces are not removed within a reasonable time, the resident may contact the Borough Animal Control officials or such other persons as the Borough may designate, and request the trapping of the cat responsible at no cost to the complaining resident. When such a cat is trapped, Borough representatives or assigns will inspect the animal for license tags or scan for an identification microchip, as required by Ord. 91-001, and return the cat to its owner. If there is no evidence of license or microchip, the cat shall be turned over the animal shelter currently under contract with the Borough to accept stray animals.

Section 4. Violations and Penalties.

Any person violating any provision of this Ordinance shall be punished by a fine not to exceed \$200.

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.

It was moved by Councilman Turner and seconded by Councilman Dierkes that this ordinance be passed on first reading and advertised in full for a public hearing on April 21, 2015.

Roll Call: Dierkes, Messler, Mortimer, Turner. Nays: 0

ORDINANCE 1235-2015

AN ORDINANCE ADOPTING AND AMENDING ORDINANCE # BOH 1-2012 OF THE BOROUGH OF MOUNTAINSIDE BOARD OF HEALTH

WHEREAS, the Mayor and Council of the Borough of Mountainside, County of Union, and State of New Jersey have determined that there is a need to protect the health, safety, and welfare of the residents of the Borough; and

WHEREAS, by way of Ordinance #BOH 1-2012, the Borough Board of Health adopted an ordinance limiting the number of dogs and cats that would be permitted to live in residences in the Borough; and

WHEREAS, the Mayor and Council have determined it is in the interest of the public to codify the Board of Health ordinance in order to have all ordinances applicable to privately owned animals consolidated in one location; and

NOW THEREFORE BE IT ORDAINED by the Mayor and Council as follows: BOH #1-2012 is hereby adopted and amended as follows:

Section 1. Definitions - for the purposes of this Ordinance:

- A. Foster Placement - Is defined as a temporary placement of less than six (6) months that a domestic animal lives in a residence while the person who possesses such animal is attempting to find a permanent placement for the animal
- B. Residence, Multi-Unit - A dwelling which is occupied, as a rule, for permanent residence purposes and which is either sold, rented, leased, let or hired out, to be occupied as a residence or home with two or more separate independent units, each of which generally contains sanitary, sleeping, kitchen and dining facilities, fixed or portable.
- C. Residence, Single Unit - One or more rooms comprising living accommodations designed and used for occupancy with one (1) single housekeeping unit and typically containing sanitary, sleeping, kitchen and dining facilities, fixed or portable, for one such unit.

Section 2. Limit on Number of Dogs and/or Cats.

No more than six (6) dogs and/or cats are permitted to be harbored or kept in any single family residence. No more than three (3) dogs and/or cats are permitted to be harbored or kept in an individual unit of a multi-unit residence. This Section shall not apply to cats or dogs that are in foster placement.

Section 3. Grandfathering.

If as of the effective date of #BOH 1-2012 a resident had obtained licenses as required by Ordinance 91-001 for more than the number of animals permitted by #BOH 1-2012, such resident shall be allowed to renew such licenses, provided however, that as the licensed animals die or otherwise are removed from the residence the resident shall not be permitted to replace same and instead will be limited to the number of animals permitted in Section 2.

Section 4. Violations and Penalties.

Any person violating any provision of this article shall be punished by a fine not to exceed \$200. Each day the violation continues shall constitute a separate and distinct offense.

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.

It was moved by Councilman Messler and seconded by Councilman Turner that this ordinance be passed on first reading and advertised in full for a public hearing on April 21, 2015.

Roll Call: Dierkes, Messler, Mortimer, Turner. Nays: 0

ORDINANCE 1236-2015

AN ORDINANCE AMENDING ORDINANCE #1087-2005 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 there is a need to protect the health, safety, and welfare of the residents of the Borough; and

WHEREAS, by way of Ordinance 1087-2005, the Mayor and Council prohibited the feeding of wild animals under the circumstances set forth in the Ordinance; and

WHEREAS, Ordinance 1087-2005 amended Chapter 5, Animal Regulations, of the Borough Code, to include a new Section 6 which prohibited the feeding of wild animals, the storage of pet food or animal feed in a manner that would attract any wild animal, and also requiring that persons take remedial action to secure or remove outdoor animal and pet feeders; and

WHEREAS, the Mayor and Council have determined that to further protect the health, safety, and welfare of the residents of the Borough a prohibition against the outdoor feeding of domesticated animals must be established by Ordinance.

NOW THEREFORE BE IT ORDAINED by the Mayor and Council as follows: Ordinance 1087-2005, and Chapter 5, Section 6 of the Borough Code as created thereby, the Subsection entitled “Prohibited Actions,” is hereby amended so that the third paragraph is replaced in its entirety as follows:

No person shall fail to take remedial action to avoid the attraction of, or contact with, wild animals. Such remedial action may include the securing or removal of outdoor trash and outdoor wild animal feeders.

AND BE IT FURTHER ORDAINED THAT Ordinance 1087-2005, and Chapter 5, Section 6 of the Borough Code as created thereby, the Subsection entitled, “Prohibited Actions,” is hereby amended to include a new fifth paragraph as follows:

No person shall feed or in any manner provide food outdoors to any domesticated animal, including cats, in the Borough.

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.

It was moved by Councilman Dierkes and seconded by Councilman Turner that this ordinance be passed on first reading and advertised in full for a public hearing on April 21, 2015.

Roll Call: Dierkes, Messler, Mortimer, Turner. Nays: 0

BILLS & CLAIMS:

The following resolution was introduced by Councilman Mortimer 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 17th day of March, 2015, 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 \$825,507.67 (Copy of bill list attached).

Roll Call: Dierkes, Messler, Mortimer, Turner. Nays: 0

COUNCIL COMMENTS:

On behalf of his wife Joanne and the Goldbeck Family, Councilman Mortimer thanked everyone for their support during the passing of his mother-in-law.

Councilman Dierkes wished the community a Happy St. Patrick's Day.

AUDIENCE PARTICIPATION:

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

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

Meeting adjourned at 7:41 PM.

Respectfully submitted,

Martha Lopez, Borough Clerk