

WORK SESSION
JUNE 2, 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 7:32 P.M.

PRESENT: Mayor Mirabelli, Councilwoman Andre, Councilman Dierkes, Councilman Lane, Councilman Mortimer, Council President Turner, Attorney John Post and Administrator Debbie. Also present were Police Chief Allan Attanasio, Public Works Manager Ronald Romak, Recreation Director Frank Masella, and CFO Jill Goode. Councilman Messler was absent.

Jersey Central Power & Light Area Manager Robert Walton introduced himself as the Mountainside Liaison and provided his contact information for any inquiries.

Discussion was held regarding the proposed cat ordinances that were tabled at the April 21st meeting. TNR Policy Specialist Michelle Lerner, Esq. gave a presentation explaining the Trap-Neuter-Return program. Key points discussed were traditional animal control approaches to feral cat control and why they don't work, the borough's current/proposed approach, how this program helps, and recommendations for Mountainside. Some recommendations were to exempt TNR'd cats from feeding ban, exempt from individual licensing, TNR ordinance and borough oversight. Discussion was held regarding ongoing cat nuisance issues on Timberline Road. If a resident cares for a cat colony, would a TNR program rectify roaming and marking issues? Usually, when feral cats are neutered nuisance complaints end. Regulated TNR ordinance have provisions that address nuisance complaints allowing cat owners time to rectify the situation with some type of deterrent. Ms. Lerner explained that from the chronology received this particular case probably is not a feral cat colony issue. Ms. Lerner surmised that the cats were probably not the owners and instead unneutered domestic cats belonging to other neighbors. Concerns were addressed regarding roaming domestic cats being trapped during the program. Ideally, the neighborhood should be notified prior to trapping. The location of colonies should be kept discreet for safety and abandonment concerns. Generally, when a cat is impounded and someone comes to reclaim them, proof of ownership and rabies certification is required. The cat would not be released until this documentation is provided. Delia Collins, representing Union County Lost Pets discussed the importance of having a TNR program in place. Mountainside business owner and trapper Cheryl Spatts explained how and when cats are trapped. Attorney Post is concerned about the trappers and care givers violating borough ordinances by feeding feral cats. Councilman Lane questioned Ms. Lerner's conclusion regarding the ineffectiveness of the borough's cat ordinances when there seems to be one colony in question and not an overall municipal problem. Board of Health President

Dr. Calderone expressed his concerns regarding the complaints on Timberline Road and whether the cats are domestic or feral and why there seems to be so many issues and concerns. Cat Adoption & Pet Information Center (C.A.P.I.C.) President Rhonda Baginski specializes in administering TNR programs and discussed her involvement in minimizing cat colonies. Mr. Debellis, owner of the nine licensed cats who received complaints on Timberline Road spoke about the summonses issued to him and his compliance in rectifying the situation. Environmental Specialist Tanya Moon informed the Council that Mr. Debellis has made concessions to alleviate the problem and is concerned that the issue still has not been resolved. There are five neighbors with ongoing complaints about cat feces on their property. Rhonda Baginski from C.A.P.I.C. offered to assist Mountainside with the TNR program and spoke of other organizations and agencies that provide such services. The public was informed that the Associated Humane Society provides Mountainside with two annual mobile pet clinics in January and June for low cost spay/neuter services. The Mayor closed the public portion to continue with the agenda.

Discussion was held regarding authorization to issue estimated tax bills. The Borough is awaiting the County's tax rate which is delayed due to the state. If the rate is determined early enough, we will not need to issue estimated tax bills. The Tax Collector recommends early issuance in order to meet our financial obligations. Councilman Mortimer inquired about the estimated bill costs and recouping those costs. The Council agreed and the proper resolution will be prepared for the meeting of June 16, 2015.

Discussion was held regarding authorization to join the Middlesex Regional Educational Services Commission's (MRESC) Co-op Pricing System. The MRESC's Co-op Pricing System is the largest state approved cooperative. Municipalities are increasingly realizing that with free membership and no obligation to purchase, there is no downside to joining the Co-op and potentially reducing expenditures and saving money for taxpayers. The Council agreed and the proper resolution will be prepared for the June 16, 2015 meeting.

Discussion was held regarding the request from the Finance Officer for a Chapter 159 resolution to include special items of revenue into the 2015 municipal budget for Safe Corridor Grant \$23,849.75 and Clean Communities Grant \$15,505.02. The proper resolution will be prepared for the June 16, 2015 meeting.

Discussion was held regarding bond refunds for two (2) road opening permits and one (1) soil moving permit. The applicants provided bond payments that were deposited into an escrow account to have work done on their property. Upon final inspection, the Borough Engineer recommends refunding the deposits at this time. The proper resolution will be prepared for the June 16, 2015 meeting.

Discussion was held regarding authorizing an online auction of surplus property. The following items are no longer useful to the borough: 2001 Crown Victoria, 2007 Dodge Durango, police radios and fireproof safes. The Council approved the sale of this property and the resolution will be prepared for the June 16, 2015 meeting.

Discussion was held regarding raffle applications from Children’s Specialized Hospital. They are requesting four (4) off premise draw raffles. The applications are in order and the proper fees have been paid. Action to approve the raffle licenses will take place at the meeting of June 16, 2015.

Discussion was held regarding a request for additional handicap parking spaces at the Community Presbyterian Church. They are requesting two additional handicap spaces along Meeting House Lane for parishioners who would need direct access to the narthex level located at the front entrance of the church. The Administrator and Police Chief recommend the addition of two handicap spaces.

Discussion was held regarding a request from the Tax Collector to authorize refunds for tax overpayments due to duplicate payments. The proper resolution will be prepared for the meeting of June 16, 2015.

Discussion was held regarding authorization to enter into an AT&T Interim Lease Agreement. Both parties desire to enter into this interim agreement, to establish the terms under which the parties will be obligated until a formal extension of the agreement is agreed upon.

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

RESOLUTION 68-2015

WHEREAS, there is an existing wireless telecommunications tower (“the Tower”) behind the Borough of Mountainside municipal building located at 1385 Route 22 occupied by AT&T; and

WHEREAS, after several renewals, the lease for the Tower was due to expire February 28, 2015; and

WHEREAS, pursuant to N.J.S.A. 40A:11-15, “[a]ll contracts shall cease to have effect at the end of the contracted period and shall not be extended by any mechanism or provision, unless in conformance with the Local Public Contracts Law, except that a contract may be extended by mutual agreement of the parties to the contract when the contracting unit has commenced rebidding prior to the time

the contract expires or when awarding of a contract is pending at the time the contract expires”; and
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WHEREAS, the Governing Body recognizes the benefit to the residents of Mountainside by accommodating the needs of wireless telecommunication service providers by providing lease space on the Borough’s Tower; and

WHEREAS, by way of Resolution 33-2015, the Governing Body of Mountainside commenced rebidding prior to the expiration of the lease, and by mutual agreement the parties desire to extend the lease by entry into an Interim Extension to Existing Lease Agreement as prepared by the Borough Attorney.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Mountainside, County of Union, State of New Jersey, that it desires to enter into an Interim Extension to Existing Lease Agreement, and the Mayor is hereby authorized to execute same on behalf of the Borough; and

NOW, BE IT FURTHER RESOLVED, that the Borough Attorney is authorized to negotiate a new lease agreement with AT&T in extension of the original lease pursuant to N.J.S.A. 40A:11-15, and the Mayor is authorized to enter into same on behalf of the Borough upon a finding by the governing body that such agreement is acceptable to the Borough.

Roll Call: Andre, Dierkes, Lane, 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 2nd day of June 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 \$68,393.79 (Copy of bill list attached.)

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

AUDIENCE PARTICIPATION:

Manny Arango, Mary Ellen Way, thanked the Council for their assistance coordinating the paving of Mary Ellen Way. Mr. Arango requested a road opening permit on Pembroke Drive near Forest Drive for the purpose of connecting a gas line to his son's new home. Mr. Arango assured Council that he would comply with all the borough's road opening requirements. Council will seek the Engineer's recommendation and then consider the request.

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Upon motion by Councilman Mortimer and a second by Councilman Lane, the following resolution to adjourn to closed session was unanimously adopted:

WHEREAS, the Open Public Meetings Act of the State of New Jersey permits the public to be excluded from certain matters to be discussed by the Governing Body; and

WHEREAS, the Mayor and Council desire to discuss litigation which are matters where the exclusion of the public is permitted; and

WHEREAS, public disclosure of the results of this discussion will be made as soon as the matters discussed have been resolved by the Governing Body of the Borough of Mountainside;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the aforesaid matters shall be discussed in closed session upon adoption of this resolution.

Meeting adjourned to closed session at 9:31 P.M.

The meeting was recalled to public session at 9:40 P.M.

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

Respectfully submitted,

Martha Lopez, Borough Clerk