

**REGULAR MEETING  
JULY 21, 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 7:36 P.M.

**INVOCATION: Councilman President Turner  
SALUTE TO THE FLAG  
ROLL CALL**

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

**APPROVAL OF MINUTES:**

Upon motion by Councilman Dierkes and a second by Councilman Turner, the minutes of the Regular & Executive Session Meetings held on June 16, 2015 was approved. Roll Call: Ayes: Andre, Dierkes, Mortimer, Turner. Nays: 0.

Upon motion by Councilman Turner and a second by Councilman Mortimer, the minutes of the Work & Executive Session Meetings held on July 7, 2015 were approved. Roll Call: Ayes: Andre, Mortimer, Turner. Nays: 0. Abstained: Dierkes.

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**RESOLUTIONS OF COMMENDATION:**

WHEREAS, the Governor Livingston High School Varsity Baseball Team played the state championship game on June 6, 2015 bringing home its third state crown; and

WHEREAS, the GLHS Varsity Baseball Team defeated the Bernards Mountaineers 10-4 during the NJSIAA Group 2 Finals in Toms River; and

WHEREAS, the GLHS Varsity Baseball Team had the most wins in Governor Livingston's school history with a record of 28-6; and

WHEREAS, the GLHS Varsity Baseball Team's winning streak included Central/South Jersey Championship, Central Jersey Group 2 Sectional Championship, Union County Conference – Watchung Division Champions, Union County Tournament Finalist, and Highlander Classic Tournament Champions; and

WHEREAS, the GLHS Varsity Baseball Team became the third Union County baseball team to win a state championship this century; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the Governor Livingston High School Varsity Baseball Team and Coaching Staff are hereby commended for their outstanding athletic achievements during the 2015 baseball season.

Thomas Barbera	Vinny Doren	Mike Policastro
Frank Barone	Greg Ellenberger	Vinny Polimeni
Dan Belfer	Mike Falk	Sean Savage
Matt Bruno	Ethan Frohman	Cole Schneider
Nick Cocchia	Tim Hardina	Danny Serretti
John Colendenski	Will Jennings	John Tedesco
Brian Cranston	Josh Katz	John Wills
Mark Cranston	Ian Lynch	Ryan Zucker
Rob Dilly	Kevin Morgan	

Head Coach: Chris Roof

Assistants: Ralph Yezza, Dan Mondelli, Bryan Young, Matt Rago, Terry Hanratty, John Mahon, Sam Politan

Managers: Missy Mirabelli, Juliet Sabella, Katie Pedini, Lara Romano, Nicole Parisi, Sarah Biegel, Kyle Kramer

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WHEREAS, the Governor Livingston High School Varsity Girls Softball Team provides young women with the opportunity to improve their skills and performances in interscholastic competition; and

WHEREAS, during the 2015 spring season the team competed in conference and county games; and

WHEREAS, the Varsity Girls Softball Team achieved a record of 22-5, winning their first 5 games of the season, then ending strong with a record of 9-1; and

WHEREAS, the Varsity Girls Softball Team finished the season as Co-Conference Champions and Union County Tournament Champions; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the Governor Livingston High School Varsity Girls Softball Team and Coaching Staff are hereby commended for their athletic achievements during the 2015 softball season.

Steph Bade	Olivia Hendrzak
Jaime Belfer	Taylor Hendrzak
Haley Berliner	Caleigh Lawrence
Katie Debbie	Alanna Namit
Karly Deland	Catherine Patterson
Alex Foley	Madison Phillips
Jackie Goldbeck	Nicole Trezza
Head Coach: Mike Roof	Varsity Assistant: Steve Petruzzelli

Councilman Mortimer presented the teams with a proclamation on behalf of Senator Kean, Assemblyman Bramnick and Assemblywoman Munoz.

VFW Post Commander Timothy McLaughlin presented the Council with their plans to redesign the Veterans Memorial site at Constitution Plaza. The project entails a redesign to expand, create a meeting place, provide permanent seating, incorporate a new monument design, erect (5) military flags, with new landscaping and a sidewalk. In the future, they plan to incorporate service memorial plaques. A grant application was submitted to the Watts Foundation to fund the \$30,000 project. The Watts Foundation asked the VFW to attend the next meeting and were later advised about providing other location options. The VFW Post is soliciting donations and grants from the community.

**RESOLUTIONS:**

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

**RESOLUTION 76-2015**

WHEREAS, receivable balance exist in the records of the Borough; and

WHEREAS, the balance is as follows:

NJ Hazard Mitigation Grant	\$ 142,080.00
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NOW, THEREFORE, BE IT RESOLVED that the Chief Finance Officer cancel this balance from the records of the Borough.

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

**RESOLUTION 77-2015**

**AUTHORIZING THE MAYOR AND MUNICIPAL CLERK OF THE MUNICIPALITY OF MOUNTAINSIDE TO EXECUTE AN AGREEMENT WITH THE COUNTY OF UNION TO MODIFY THE COOPERATIVE AGREEMENT DATED JUNE 2011**

WHEREAS, certain Federal funds are potentially available to the County of Union under Title I of the Housing and Community Development Block Grant Act of 1974, as amended, commonly known as the Community Development Block Grant Program; and

WHEREAS, certain Federal funds are potentially available to the County of Union under Title II of the National Affordable Housing Act of 1990, commonly known as the HOME Investment Partnership program; and

WHEREAS, substantial Federal funds provided through subtitle B of Title IV of the McKinney-Vento Homeless Assistance Act commonly known as the Emergency Solutions Grants program (ESG) are allocated to prevent homelessness and to enable homeless individuals and families to move toward independent living; and

WHEREAS, it is necessary to amend an existing Cooperative Agreement for the County of Union and its people to benefit from this program; and

WHEREAS, it is in the best interest of the Municipality of Mountainside and the County of Union in cooperation with each other to enter into a modification of the existing Cooperative Agreement pursuant to N.J.S.A. 40A:65-1 et seq;

NOW THEREFORE, BE IT RESOLVED by the Mayor and Governing Body of the Borough of Mountainside that the agreement entitled "COOPERATIVE AGREEMENT BETWEEN THE COUNTY OF UNION AND CERTAIN MUNICIPALITIES FOR CONDUCTING CERTAIN COMMUNITY DEVELOPMENT ACTIVITIES," dated June 2011, for the Purpose of Inserting a Description of Activities for Fiscal Year 2015-2016 of the Union County Community Development Block Grant program, the HOME Investment Partnership program, and the Emergency Shelter Grant program (ESG), a copy of which is attached hereto; be executed by the Mayor and Municipal Clerk in accordance with the provisions of law;

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon its adoption.

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

**RESOLUTION 78-2015**

WHEREAS, the Borough Engineer Mike Disko has requested a refund to the following contractor who applied for a zoning permit instead of a building permit for a fence installation around a pool located at 469 Bayberry Lane; and

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

<u>Contractor</u>	<u>Amount</u>
Artistic Fence 757 River Drive Passaic, NJ 07055	\$50.00

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

**RESOLUTION 79-2015**

WHEREAS, the Recreation Director Frank Masella has requested refunds to the following individuals due to cancellations; and

NOW, THEREFORE, BE IT RESOLVED that the Treasurer be authorized to issue the following refunds:

<u>Recipient</u>	<u>Program</u>	<u>Amount</u>
Bob Fiocco 83 Vanderveer Drive Basking Ridge, NJ 07920	Tai Chi	\$63.00
Meredith Gibney 372 Stout Avenue Scotch Plains, NJ 07076	Pool Membership	\$585.00
Jacynthe Maily 1375 Oak Tree Court	Pool Membership	\$273.00
Danielle Caminiti 273 Apple Tree Lane	Lacrosse Camp	\$99.00
Christine Celenza 269 Birch Lane	Lacrosse Camp	\$99.00
Jean Wenz 1108 Maple Court	Lacrosse Camp	\$99.00
Martiza Raimi 1447 Orchard Street	Soccer (2 enrolled)	\$226.00
Stacy Nick-Casey 268 Central Avenue	Swim Team	\$45.00

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

**RESOLUTION 80-2015**

WHEREAS, the Union County Board of Chosen Freeholders established the “Kids Recreation Trust Fund” Grant Program designed to fund Recreational opportunities for our County’s children; and

WHEREAS, the Borough of Mountainside wishes to apply to Union County Trust Fund through the “Kids Recreation Trust Fund” Grant Program;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside, County of Union, State of New Jersey, that the proper Borough officials are hereby authorized to file an application with the County of Union for the 2015 “Kids Recreation Trust Fund” Grant Program for the following projects:

Field Improvements	\$29,500.00
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BE IT FURTHER RESOLVED, that matching funds in the amount of \$14,750.00 have been appropriated in accordance with the grant requirements.

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

**RESOLUTION 81-2015**

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 an item of revenue in the budget for the year 2015 in the sum of \$45,000.00 which item is now available as a revenue from:

Public & Private Revenues off-set with Appropriations;  
2015 Infrastructure and Municipal Aid Grant Program

SECTION 2

BE IT FURTHER RESOLVED, that a like sum of \$45,000.00 be and the same is hereby appropriated under the caption of:

Public & Private Programs Offset By Revenues Excluded from "CAPS"  
2015 Infrastructure and Municipal Aid Grant Program

Roll Call: Andre, Dierkes, Mortimer, Turner. Nays: 0  
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**ORDINANCE:** First Reading (Introduction)

**ORDINANCE 1239-2015**

**BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF VARIOUS INFRASTRUCTURE IMPROVEMENTS IN, BY AND FOR THE BOROUGH OF MOUNTAINSIDE, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$550,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.**

BE IT ORDAINED by the Borough Council of the Borough of Mountainside, in the County of Union, State of New Jersey, as follows:

Section 1. The Borough of Mountainside, in the County of Union, State of New Jersey (the "Borough") is hereby authorized to undertake various infrastructure improvements in, by and for the Borough consisting of: (A) bank stabilization at various locations; (B) sanitary and storm sewer improvements at various locations; and (C) reconstruction or resurfacing of various roads, including drainage improvements and curb construction or reconstruction, where necessary, as set forth on a list prepared by the Borough Engineer on file or to be placed on file with the Borough Clerk, and hereby approved as if set forth herein in full. Depending upon the contract price and other exigent circumstances, and upon approval by the Borough Council, there may be additions to or deletions from the list referred to in clause (C) of the preceding sentence. Said improvements shall include all work, materials and appurtenances necessary and suitable therefor. It is hereby determined and stated that said roads to be improved are or will be of "Class A" or equivalent construction as defined in Section 22 of the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law").

Section 2. The sum of \$550,000 is hereby appropriated to the payment of the cost of making the improvements described in Section 1 hereof (hereinafter referred to as "purpose"). Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the down payment appropriated by this ordinance. Said improvements shall be made as general improvements and no part of the cost thereof shall be assessed against property specially benefited.

Section 3. It is hereby determined and stated that (1) said purpose is not a current expense of said Borough, and (2) it is necessary to finance said purpose by the issuance of obligations of said Borough pursuant to the Local Bond Law, and (3) the estimated cost of said purpose is \$550,000, and (4) \$27,500 of said sum is to be provided by the down payment hereinafter appropriated to finance said purpose, and (5) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$522,500, and (6) the cost of such purpose, as hereinbefore stated, includes the aggregate amount of \$50,000 which is estimated to be necessary to finance the cost of such purpose, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 4. It is hereby determined and stated that moneys exceeding \$27,500, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for said Borough, are now available to finance said purpose. The sum of \$27,500 is hereby appropriated from such moneys to the payment of the cost of said purpose.

Section 5. To finance said purpose, bonds of said Borough of an aggregate principal amount not exceeding \$522,500 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 6. To finance said purpose, bond anticipation notes of said Borough of an aggregate principal amount not exceeding \$522,500 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 7. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said Borough and attested by the Borough Clerk or Deputy Borough Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance and also the power to sell said notes, is

hereby delegated to the Chief Financial Officer of the Borough who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 8. It is hereby determined and declared that the period of usefulness of said purpose, according to its reasonable life, is a period of twenty years computed from the date of said bonds.

Section 9. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk of said Borough, and that such statement so filed shows that the gross debt of said Borough, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$522,500 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 10. Any funds received from private parties, the County of Union, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purpose, shall be applied to the payment of the cost of such purpose, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purpose shall be reduced accordingly.

Section 11. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Borough Clerk and is available for public inspection.

Section 12. The Borough intends to issue the bonds or notes to finance the cost of the improvements described in Section 1 of this bond ordinance. If the Borough incurs such costs prior to the issuance of the bonds or notes, the Borough hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 13. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Borough, and the Borough shall levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 14. This ordinance shall take effect twenty days after the first publication thereof after final passage.

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

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 August 18, 2015.

Roll Call: Andre, Dierkes, Mortimer, Turner. Nays: 0  
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**MOTION:**

The following motion was unanimously approved:

1. Approve appointment of Christopher Sileo as a Volunteer Firefighter

**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 21<sup>st</sup> day of July, 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 \$271,677.90 (Copy of bill list attached).

Roll Call: Andre, Dierkes, Mortimer, Turner. Nays: 0  
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**COUNCIL COMMENTS:**

Mayor Mirabelli discussed the status of the traffic issues on Route 22 and New Providence Road. The NJDOT is working on the 2<sup>nd</sup> phase of the project to electronically synchronize the traffic lights based on traffic flow that should alleviate the traffic backup. The Mayor thanked the NJDOT for paving Route 22.

The July 4<sup>th</sup> fireworks were a huge success and personally thanked the DPW for their assistance.  
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**AUDIENCE PARTICIPATION:**

Hearing no one desiring to speak, Mayor Mirabelli closed the meeting to the public.  
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Upon motion by Councilman Mortimer 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 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 8:17 P.M.

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The meeting was recalled to public session at 8:50 P.M.

Recreation Director Frank Masella advised the Council about an error in the 2015 Kids Recreation Trust Grant amount. The Council amended Resolution 80-2015 to reflect the correct total grant amount from \$29,500 to \$59,000 with a matching grant amount from \$14,750 to \$29,500.

Introduced by: Mortimer                      Seconded by: Turner  
Roll Call: Ayes: Andre, Dierkes, Mortimer, Turner.

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

Respectfully submitted,

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Martha Lopez, Borough Clerk