

**WORK SESSION  
NOVEMBER 8, 2023**

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 7:31 P.M.

PRESENT: Mayor Mirabelli, Councilwoman Andre, Councilman Dierkes, Councilman Matejek, Councilwoman Pacifico, Attorney Post and Administrator Mortimer. Also present were Recreation Director Frank Masella, CFO Jill Goode, DPW Director Matthew DeAnna, Senior Coordinator Kim Moriak and Captain Michael Jackson. Council President Messler and Councilwoman Pater were absent.

Discussion was held regarding a presentation from Mr. Hewitt to modify a borough ordinance to allow three unrelated people to rent rooms in a house rather than two as is currently allowed. The council will discuss his request and come to a decision by the next work session meeting.

-----

Discussion regarding the 2024 reorganization board appointments was tabled.

-----

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 November 21, 2023 meeting.

-----

Discussion was held regarding amending the capital budget. The DPW garage project was mistakenly not included in the budget and therefore needs to be amended to reflect this appropriation. The proper resolution will be prepared for the meeting of November 21, 2023.

-----

Discussion was held regarding a request from the Finance Officer for year-end budget transfers. In accordance with state statute, transfers can be made within certain budget appropriations during the last two months of the fiscal year. The proper budget transfer resolution will be prepared for the meeting of November 21, 2023 meeting.

-----

Discussion was held regarding the Governor's best practices inventory questionnaire. The inventory is designed to provide standards by which local government officials can assess how we are conducting business as compared to other towns to find cost effective ways of providing services. Municipalities need to meet an established percentage of the checklist items to receive some or all of their state aid payment. The borough scored 5 "no" answers, entitling Mountainside to 100% of the allotted aid. Some of the "no" answered questions discussed pertaining to charging stations, electric vehicles, ethics, overtime and pay to play.

-----

Discussion was held regarding the appointment of a crossing guard. The Police Chief recommends the appointment of Alan Kennedy as a crossing guard at an hourly rate of \$21.01. The proper resolution will be prepared for the meeting of November 21, 2023.

-----

Discussion was held regarding renewal of a shared services agreement with the Board of Education for Class II SLEOs. The agreement provides for Special Law Enforcement Officers Class II at Mountainside schools during the day and for special events. The proper resolution will be prepared for the November 21, 2023 meeting.

-----

Discussion was held regarding the approval to appoint Montana Bottino and Kelvin Navarro as new Volunteer Firefighters. Fire Chief Peter Esemplare recommends these appointments and the background checks have been cleared. A motion for approval will take place at the meeting of November 21, 2023.

-----

Discussion was held regarding department refunds. A request was made from the Borough Engineer for a road opening permit and from Recreation for cancelled programs. The proper resolution will be prepared for the November 21, 2023 meeting.

-----

Discussion was held regarding canceling out a capital reserve balance that exist in the records of the Borough. The appropriation balance comes from a traffic study in the amount of \$5,677.32. The proper resolution will be prepared for the meeting of November 21, 2023.

-----

Discussion was held to discuss authorization to accept a subgrant award of the Emergency Management Performance Grant and Emergency Management Agency Assistance. The Office of Emergency Management applied and was granted \$10,000 to enhance the borough's ability to prevent, protect against, respond to and recover from emergencies and disasters. The proper resolution will be prepared for the November 21, 2023 meeting.

-----

Discussion was held regarding the sale of old street signs. Residents are interested in purchasing their old street signs and the borough would like to sell them for \$25 on a specific day on a first come first serve basis. The proper resolution will be prepared for the meeting of November 21, 2023.

-----

Discussion was held regarding amending the Tax Assessor's appointment resolution. The state indicated that the terms were not clearly stated and there is no provision in the law for a probationary period. A revised resolution will be prepared for the November 21, 2023 meeting.

-----

Discussion was held regarding conveyance of Gold Star Way to the Borough of Mountainside. The builder Pombal stated that the subdivision requirements for the public road have been met and the HOA will be addressing some of the issues including trees and stormwater.

-----

Discussion was held regarding a freeze on the commuter parking fees. By ordinance, the fees increase annually by 5%. A freeze could bring in more commuters. There is also a concern that the increase may result in fewer permits. The proper resolution will be prepared for the meeting of November 21, 2023.

-----

The following resolution was introduced by Councilman Dierkes and seconded by Councilwoman Pacifico.

**RESOLUTION 122-2023**

**RESOLUTION AUTHORIZING THE APPROPRIATE BOROUGH OFFICIALS TO SIGN AN AGREEMENT WITH FUSCON ENTERPRISES, INC. FOR THE CONSTRUCTION OF A PUBLIC WORKS BUILDING**

WHEREAS, the Governing Body of the Borough of Mountainside had determined that the Borough was in need of a building to house machines and equipment used by the Borough's Department of Public Works; and

WHEREAS, bids for the construction of such building were advertised pursuant to section 4 of N.J.S.A. 40A:11-4 on two occasions; and

WHEREAS, on both such occasions the Governing Body rejected the bids after determining that they were not reasonable as to price on the basis of cost estimates prepared for the Governing Body prior to advertising such bids; and

WHEREAS, N.J.S.A. 40A:11-5 authorizes the Governing Body to negotiate a contract for the construction of such building providing that the requirements set forth in N.J.S.A. 40A:11-5 are satisfied; and

WHEREAS, the Governing Body has succeeded in negotiating a contract with Fuscon Enterprises, Inc. for the construction of such building; and

WHEREAS, the Governing Body is satisfied that that the same or equivalent goods or services, are not available from an agency or authority of the United States, the State of New Jersey or of the county in which the contracting unit is located, or any municipality in close proximity to the contracting unit at a cost which is lower than the negotiated price; and

WHEREAS, the Governing Body is satisfied that the terms, conditions, restrictions, and specifications set forth in the negotiated contract are not substantially different from those which were the subject of competitive bidding pursuant to section 4 of N.J.S.A. 40A:11-4; and

WHEREAS, the only modifications in the negotiated contract of any of the terms, conditions, restrictions, and specifications, which were the subject of competitive bidding pursuant to section 4 of N.J.S.A. 40A:11-4 are that the asphalt paving and the compressed air were eliminated and fiberglass shingle roofing was substituted for metal roofing.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the appropriate Borough Officials be and they hereby are authorized to sign an agreement with Fuscon Enterprises, Inc. for the construction of a Public Works Building.

Roll call: Ayes: Andre, Dierkes, Matejek, Pacifico. Nays: 0.

-----

Discussion was held regarding the adoption of the updated Personnel Policies & Procedures and Employee Handbook. The Council will forward their questions and concerns to the Administrator. The proper resolution will be prepared for the November 21, 2023 meeting.

-----

Discussion was held regarding replacing the Verizon phone system. Quotes were obtained and the lowest price was from JCT Solutions at cost of \$7,680 which will save the borough \$2,474. The police recording system also needs an upgrade at a cost of \$16,646. The council requested the vendors attend the next work session meeting.

-----

Discussion was held regarding the appointment of a temporary recreation assistant. Nolister Montas will work as needed for portal training and tryouts to help alleviate overtime costs at an hourly rate of \$22.00. The appointing resolution will be prepared for the meeting of November 21, 2023.

-----

Discussion was held regarding a production company's request to use the municipal pool parking lot to store their equipment/vehicles for one day and they are willing to pay \$1,000. The council agreed to allow them to use our lot for \$2,500.

-----

**BILL & CLAIMS:**

The following resolution was introduced by Councilman Dierkes and seconded by Councilwoman Pacifico:

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 8<sup>th</sup> day of November 2023, 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 \$191,058.03 (Copy of bill list attached).

Roll call: Ayes: Andre, Dierkes, Matejek, Pacifico. Nays: 0.

-----

**AUDIENCE PARTICIPATION:**

Hearing no one wishing to speak, the public portion of the meeting was closed.

-----

Upon motion by Councilman Dierkes and a second by Councilwoman Pacifico, 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 8:11 P.M.  
-----

The meeting was recalled to public session at 8:20 P.M.  
-----

Upon motion by Councilman Dierkes and a second by Councilwoman Pacifico, the meeting was unanimously adjourned.

---

Martha Lopez, RMC  
Borough Clerk