

**REGULAR MEETING  
JUNE 18, 2019**

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:** Councilwoman Pater  
**SALUTE TO THE FLAG**  
**ROLL CALL**

**PRESENT:** Mayor Mirabelli, Councilwoman Andre, Councilman Dierkes, Councilman Mortimer, Councilwoman Pater, Administrator Debbie and Attorney Post. Also present were Lt. Joseph Giannuzzi, Zoning Official Ronald Romak and Public Works Manager Matthew DeAnna. Councilman Messler and Council President Turner were absent.

**MOMENT OF SILENCE:** Rita D'Anna

**APPROVAL OF MINUTES:**

Upon motion by Councilman Dierkes a second by Councilwoman Andre, the minutes of the Regular & Executive Session Meetings held on May 21, 2019 were approved. Roll Call: Ayes: Andre, Dierkes, Pater. Nays: 0. Abstained: Mortimer.

Upon motion by Councilman Mortimer a second by Councilwoman Pater, the minutes of the Work Session Meeting held on June 4, 2019 were approved. Roll Call: Ayes: Andre, Dierkes, Mortimer, Pater. Nays: 0.

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**RESOLUTIONS OF CONGRATULATIONS:**

WHEREAS, the citizens of the Borough of Mountainside are continually striving to provide quality education for all of our children; and

WHEREAS, it is clearly recognized that such education will be a major contribution toward our young people being good citizens and successful in whatever endeavors they undertaken in life; and

WHEREAS, it is appropriate that those who excel should be recognized and encouraged to continue the success into further education and participation in their community; and

WHEREAS, Hannah Tao, Valedictorian, has truly exemplified the finest in academic achievement at Deerfield School in Mountainside.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Mountainside recognize and congratulate Hannah Tao for her fine achievement and success, and award Hannah Tao a gift check of \$300.00.

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WHEREAS, the citizens of the Borough of Mountainside are continually striving to provide quality education for all of our children; and

WHEREAS, it is clearly recognized that such education will be a major contribution toward our young people being good citizens and successful in whatever endeavors they undertaken in life; and

WHEREAS, it is appropriate that those who excel should be recognized and encouraged to continue the success into further education and participation in their community; and

WHEREAS, Laine Rittman, Salutatorian, has truly exemplified the finest in academic achievement at Deerfield School in Mountainside.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Mountainside recognize and congratulate Laine Rittman for his fine achievement and success, and award Laine Rittman a gift check of \$200.00.

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**PROCLAMATION:**

WHEREAS, the BOROUGH of MOUNTAINSIDE recognizes and proclaims the month of June 2019 as Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) “Pride Month” throughout MOUNTAINSIDE; and

WHEREAS, MOUNTAINSIDE joins the County of Union to observe Pride Month with a Pride flag raising ceremony to honor the history of the LGBTQ liberation movement and to support the rights of all citizens to experience equality and freedom from discrimination; and

WHEREAS, the rainbow flag is widely recognized as a symbol of pride, inclusion, and support for social movements that advocate for LGBTQ people in society; and

WHEREAS, all human beings are born free and equal in dignity and rights. LGBTQ individuals have had immeasurable impact to the cultural, civic and economic successes of our country; and

WHEREAS, the BOROUGH of MOUNTAINSIDE is committed to supporting visibility, dignity and equality for LGBTQ people in our diverse community; and

WHEREAS, while society at large increasingly supports LGBTQ equality, it is essential to acknowledge that the need for education and awareness remains vital to end discrimination and prejudice; and

WHEREAS, this nation was founded on the principle that every individual has infinite dignity and worth, and the BOROUGH of MOUNTAINSIDE calls upon the people of this municipality to embrace this principle and work to eliminate prejudice everywhere it exists; and

WHEREAS, celebrating Pride Month influences awareness and provides support and advocacy for Union County’s LGBTQ community, and is an opportunity to take action and engage in dialogue to strengthen alliances, build acceptance and advance equal rights.

NOW, THEREFORE BE IT RESOLVED that the BOROUGH of MOUNTAINSIDE hereby proclaims the month of June 2019 as Pride Month in support of the LGBTQ community.

BE IT FURTHER RESOLVED that the rainbow flag will be raised at noon on this day, June 28, 2019 recognizing all LGBTQ residents whose influential and lasting contributions to our neighborhoods make MOUNTAINSIDE a vibrant community in which to live, work and visit.

**RESOLUTIONS:**

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

**RESOLUTION 67-2019**

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 2019 for the below amount sums of which item is now available as a revenue from:

Public & Private Revenues off-set with Appropriations:  
Watts Mountainside Community Foundation (650.00)  
Clean Community Grant (16,033.03)  
Alcohol Ed Rehab Enforcement (241.12)

SECTION 2

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

Public & Private Programs Offset By Revenues Excluded from "CAPS"  
Watts Mountainside Community Foundation (650.00)  
Clean Community Grant (16,033.03)  
Alcohol Ed Rehab Enforcement (241.12)

Roll Call: Andre, Dierkes, Mortimer, Pater. Nays: 0.

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

**RESOLUTION 68-2019**

WHEREAS, the following applicants for Plenary Retail Consumption, Plenary Retail Distribution and Club License have complied with the provisions of R.S. Title 33, Intoxicating Liquors, c.1 Alcoholic Beverage Law; and

WHEREAS, these applications have been inspected and approved by the Board of Health and Fire Prevention Official.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside, County of Union, State of New Jersey, that pursuant to the statute in such case

made and provided that the following Plenary Retail, Plenary Distribution and Club Licenses for the period of July 1, 2019 to June 30, 2020 be and the same are hereby granted:

2010-31-011-001	Mountainside Lodge BPO ELKS #1585 1193 Route 22	\$188
2010-32-002-003	Breezy Point Inc., t/a Chrones Tavern 906 Mountain Ave	2,500
2010-33-004-006	Las Medulas LLC, t/a Spanish Tavern 1239 Route 22	2,500
2010-33-005-006	Stage House Tavern 3, LLC 1099 Route 22	2,500
2010-33-007-004	1230 Rt 22 Restaurant, LLC t/a Arirang Hibachi Steakhouse and Sushi Bar, 1230 Route 22	2,500
2010-33-008-005	Mosaico Café Inc. 1072 Route 22	2,500
2010-33-009-006	Famous Daves Ribs Inc. 1443 Route 22 East	2,500
2010-33-010-006	Ciro 56 Inc. t/a Publick House 899 Mountain Ave	2,500
2010-33-012-007	Echo Park Food, LLC t/a Echo Tap & Grille 1079 Route 22	2,500
2010-44-001-004	Minio Group Inc. t/a Vine Republic 1267 Route 22	2,500

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

**RESOLUTION 69-2019**

WHEREAS, the Governing Body of the Borough of Mountainside desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of \$3,280.00 to fund the following project:

Volunteer Fire Assistance Grant  
Grant Identifier: FS18-093

THEREFORE, the Governing Body resolves that Fire Chief Anthony Pecorelli is authorized to make application for such a grant if awarded, to execute a grant agreement with the State for a grant in an amount not less than \$0.00 and not more than \$3,280.00 and any amendments thereto which do not increase the Grantee's obligations.

\*The Borough of Mountainside Mayor & Council authorizes and hereby agrees to match 50% of the Total Project Amount, in compliance with the match requirements of the agreement. The availability

of the match for such purposes, whether cash, services, or property, is hereby certified. Zero % of the match will be made up of in-kind services (if allowed by the grant program requirements and the agreement).\*

The Grantee agrees to comply with all federal, state and municipal laws, rules, and regulations in its performance pursuant to the agreement.

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

**RESOLUTION 70-2019**

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 property:

1999 FORD CROWN VICTORIA  
VIN# 2FAFP71W1XX208066  
MILEAGE: 96,535

2009 FORD CROWN VICTORIA  
VIN# 2FAHP71V39X104102  
MILEAGE: 62,000

2010 CHEVY TAHOE  
VIN# 1GNUKAE00AR177663  
MILEAGE: 142,979

2011 FORD CROWN VICTORIA  
VIN# 2FABP7BV4BX107987  
MILEAGE: UNKNOWN

2016 FORD EXPLORER  
VIN# 1FM5K8ARXGGA72235  
MILEAGE: 91,754

MARTIN YALE PAPER FOLDER  
MODEL # 959

HERMAN MILLER EAMES ORIGINAL VINTAGE CHAIRS (4)  
STYLE: MID-CENTURY MODERN  
TYPE: SHELL CHAIR  
MATERIAL: FIBERGLASS

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, Mortimer, Pater. Nays: 0.  
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The following resolution was introduced by Councilwoman Pater and seconded by Councilman Mortimer.

**RESOLUTION 71-2019**

WHEREAS, the Recreation Director Frank Masella requested the following refunds; and

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

<u>Applicant</u>	<u>Program</u>	<u>Amount</u>
Sue Chichin 1088 Schneider Ave Union, NJ 07083	U15 Boys Soccer	\$139.00
Rica Pine 1381 Outlook Drive, West Mountainside, NJ 07092	Tennis – PEAK	\$84.00
Kimberly O'Donnell 1329 Birch Hill Road Mountainside, NJ 07092	Tennis – PEAK	\$84.00
Jamie Pereira 1260 Virginia Ave Mountainside, NJ 07092	Lacrosse	\$139.00

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

**RESOLUTION 72-2019**

WHEREAS, the Borough Engineer has requested a refund to the following individual; and

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

<u>Applicant</u>	<u>Permit</u>	<u>Amount</u>
Pombal Builders, LLC P. O. Box 274 Hillside, NJ 07205	Road Opening	\$5,000.00

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

**RESOLUTION 73-2019**

WHEREAS, the New Jersey Transportation Trust Fund Authority Act has provided funds for the improvement of municipal roads through the New Jersey Department of Transportation; and

WHEREAS, the Borough of Mountainside desires to apply for a grant for local aid funds for improvements of a municipal road; and

WHEREAS, the Borough Engineer will prepare the application for the grant for local aid for a section of roadway known as:

**LONG MEADOW AND BEECHWOOD COURT**

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Mountainside formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Mountainside and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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

**RESOLUTION 74-2019**

**RESOLUTION PROCLAIMING TO LOCAL RESIDENTS AND BUSINESSES THAT THE MUNICIPALITY WILL NOT COLLECT NEW STORMWATER MANAGEMENT OR RAIN TAXES**

WHEREAS, bill S1073/A2694 authorizing municipalities and counties to establish stormwater utilities was signed into law by Governor Phil Murphy; and

WHEREAS, municipalities or counties that choose to establish a stormwater utility will be allowed to apply an undetermined tax on property and business owners based on the amount of impervious surface they have, often referred to as a rain tax; and

WHEREAS, there is no limit to the amount property owners and local businesses can be taxed as long as it can be justified as going towards improving stormwater management, however, 5 percent or \$50,000 of the revenue is required to be paid to the state and another 5 percent can be used for a locality's general fund; and

WHEREAS, sewage authorities must adhere to a two-percent cap on annual increases to property owners and businesses, but stormwater utilities will not have to adhere to the cap; and

WHEREAS, municipalities and counties already have stormwater systems in place that manage stormwater without the need of creating another level of bureaucracy; and

WHEREAS, New Jersey property taxpayers already pay the highest taxes in the nation, and the creation of any new tax is an impossible burden to put on their backs; and

WHEREAS, New Jersey's Business Tax Climate was named last in the nation by the nonpartisan Tax Foundation, and any new taxes to our business owners are not feasible; and

WHEREAS, Assemblyman Ryan Peters is calling on municipalities and counties to come together and signal to their tax-paying residents and businesses that they're aware that New Jersey's tax burden is already too high by making their intentions known through this resolution; and now be it

RESOLVED, that the Mayor and Council already has a system in place to manage stormwater and will not create a stormwater utility that would impose new taxes on its residents; and be it further

RESOLVED, that the Mayor and Council understands and sympathizes with the heavy tax burden already placed on New Jersey residents and businesses and, therefore, will not charge them an extra tax for having driveways, parking lots and other impervious surface.

RESOLVED, that certified copies of this Resolution be forwarded to Governor Phil Murphy, Lieutenant Governor Sheila Oliver, New Jersey Senate President Steve Sweeney, New Jersey Senate Republican Leader Thomas Kean, Jr., New Jersey Assembly Speaker Craig Coughlin, New Jersey Assembly Republican Leader Jon Bramnick.

Roll Call: Andre, Dierkes, Mortimer, Pater. Nays: 0.

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

**RESOLUTION 75-2019**

BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the following are the 2019 Base Salaries for the office and positions indicated:

<b>A&amp;E</b>	
Borough Administrator	\$55,122.33
Borough Clerk	\$80,526.14
Deputy Borough Clerk	\$45,994.39
Board of Health Secretary	\$3,822.49
Mayor	\$3,398.39
Councilman	\$1,699.20
OEM Director	\$9,012.76
OEM Deputy	\$8,304.18

**FINANCE**

Finance Assistant (P/T)	\$22.94
Finance Assistant	\$38,739.13
Chief Financial Officer	\$100,494.24
Tax Collector (P/T)	\$37,736.85

**POLICE**

Administrative Assistant	\$48,002.85
Records Clerk	\$20.70
Communications Officers:	
Walter Kutsop	\$58,602.71
Lewis Giordano	\$58,602.71
Michael Scuderi	\$55,812.06
Anthony DeLuca	\$50,057.83
Police Matron	\$29.12
Crossing Guards:	
Joan Laurent	\$25.32
Mario Magliacano	\$18.91
Patricia Salvato	\$20.48
Robert Vargo	\$20.07

**BUILDING**

Construction Secretary	\$53,134.68
Secretary: Engineer/DPW/Shade Tree/Recycling	\$43,476.20
Plumbing Inspector (P/T)	\$37.98
Electrical Inspector (P/T)	\$46.28
Fire Code/Fire Prevention (P/T)	\$32.56
Construction Code Official	\$29,950.54
Receptionist/Secy Construction/DPW/Building	\$22.50

**PUBLIC WORKS**

Ronald Romak	\$93,483.39
Thomas Root	\$55,004.48
Richard Neri	\$51,496.27
Oscar Cardona	\$45,351.08
Horacio Colella	\$42,339.31
Ed Parin	\$38,173.30
Matthew DeAnna	\$48,060.25
Engineer (P/T)	\$52,314.23
Tax Assessor (P/T)	\$19,767.36
Assistant to Assessor	\$5,037.83
Certified Wastewater & Treatment Operator	\$3,450.92
Planning Board – Recording Secretary	\$2,879.94
Upstairs Supervisor	\$5,990.10

**COURT**

Court Administrator	\$67,017.16
Deputy Court Administrator	\$48,057.50
Municipal Judge (P/T)	\$31,151.81
Municipal Prosecutor (P/T)	\$27,024.55

**MISCELLANEOUS**

Cable TV Tech (M.Flynn)	\$11.51
Senior Citizen Coordinator	\$21,482.28
Senior Citizen Van Driver	\$17.28

**RECREATION**

Director/Pool Manager	\$89,654.79
Secretary/Pool Bookkeeper	\$43,476.19
Recreation Assistant (S. Grindlinger)	\$40,675.05
Pool Management (Returning)	2.25% increase
Pool Tech	\$8,759.13

THEREFORE, BE IT RESOLVED, that the salary paid each office or position for the calendar year 2019, as established by this Resolution of the Governing Body, shall be retroactive to January 1, 2019.

BE IT FURTHER RESOLVED, that reimbursement for non-prescription sunglasses to be capped annually at \$50.00 per person.

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

**RESOLUTION 76-2019**

WHEREAS, the A&E Committee has recommended compensation adjustments to the following Municipal Employees:

DPW Director/OEM Deputy	\$74,000 annually May 1, 2019
DPW Employees:	
Oscar Cardona	\$2,000 effective May 1, 2019
Horacio Colella	\$2,000 effective May 1, 2019
Edward Parin	\$3,000 effective May 1, 2019
Senior Citizen Coordinator	\$26,852.85 effective upon adoption (Change of hours per week from 16 to 20)
Finance Assistant	\$41,000 salary effective May 1, 2019

NOW, THEREFORE, BE IT RESOLVED, that these compensations become effective as indicated above.

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

**RESOLUTION 77-2019**

WHEREAS, the A&E Committee has recommended a compensation adjustment for the Borough Clerk position which would result in the annual salary set forth below:

Borough Clerk	\$100,526.14 annual salary effective May 1, 2019
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NOW, THEREFORE, BE IT RESOLVED that the foregoing annual salary be implemented as of the date indicated subject to review and approval of the Chairman of the A&E Committee and the Borough Attorney.

Roll Call: Dierkes, Mortimer, Mirabelli. Nays: Andre, Pater.  
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**ORDINANCE:**            Second Reading (Public Hearing)

**ORDINANCE 1275-2019**  
**AN ORDINANCE TO APPROPRIATE THE SUM OF TWO HUNDRED EIGHTY THOUSAND**  
**(\$280,000.00) FOR THE RESURFACING OF CREEK BED ROAD**

WHEREAS, the Governing Body of the Borough of Mountainside have decided to resurface Creek Bed Road; and

WHEREAS, a grant award is now available from NJDOT in the amount of \$280,000.00; and

WHEREAS, the Governing Body of the Borough of Mountainside concurs that this resurfacing is necessary; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Mountainside that the sum of \$280,000.00 be and is hereby appropriated for the resurfacing of Creek Bed Road.

BE IT FURTHER ORDAINED that the Borough of Mountainside shall be reimbursed by the State of New Jersey, Department of Transportation in the amount of \$280,000.00.

Mayor Mirabelli opened the meeting to the public for anyone wishing to speak on this ordinance and this ordinance only.

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

It was moved by Councilwoman Andre and seconded by Councilman Mortimer that this ordinance be passed on second and final reading and advertised by title only.

Roll Call: Andre, Dierkes, Mortimer, Pater. Nays: 0.  
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**BILLS & CLAIMS:**

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

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 June 2019, 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 \$684,762.59 (Copy of bill list attached).

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

Councilman Mortimer provided upcoming programs at the library.

Councilwoman Pater announced senior events.

Councilman Dierkes pleaded with motorists to drive safely and obey the speed limit in light of the fatal death of a pedestrian crossing Summit Road. He also announced the Borough of Mountainside partnering with the Foodstock organization to hold a food drive for the week of July 7-13.

Mayor Mirabelli mentioned upcoming events.  
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**AUDIENCE PARTICIPATION:**

Joe Sarno, 524 Farley Avenue, Scotch Plains thanked the Council for pledging not to collect the new stormwater management or rain tax in Mountainside.

Hearing no one else wishing to speak, Mayor Mirabelli closed the meeting to the public.  
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Upon a motion by Councilman Mortimer and a second by Councilwoman Pater, the meeting was unanimously adjourned at 8:04 P.M.  
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Martha Lopez, RMC  
Borough Clerk