

**REGULAR MEETING  
AUGUST 21, 2018**

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 Dierkes  
SALUTE TO THE FLAG  
ROLL CALL**

PRESENT: Mayor Mirabelli, Councilwoman Andre, Councilman Dierkes, Councilman Messler, Councilman Mortimer, Council President Turner, Administrator Debbie and Attorney Post. Also present were Lt. Joseph Giannuzzi and Recreation Director Frank Masella. Councilwoman Fecch-  
Caccamo was absent.

**APPROVAL OF MINUTES:**

Upon motion by Councilman Turner and a second by Councilman Mortimer, the minutes of the Regular Session Meeting held on July 23, 2018 were approved. Roll Call: Ayes: Andre, Dierkes, Messler, Mortimer, Turner. Nays: 0.

Upon motion by Councilman Turner a second by Councilwoman Andre, the minutes of the Work & Executive Session (2) Meetings held on August 7, 2018 were approved. Roll Call: Ayes: Andre, Dierkes, Mortimer, Turner. Nays: 0. Abstained: Messler.

**PROCLAMATION:**

WHEREAS, Jensen Butler, hometown resident recently graduated from Florida State University with a goal to help fund research for patients suffering from rare cancers; and

WHEREAS, Jensen Butler planned to raise money for rare cancer research in partnership with the organization Cycle for Survival; and

WHEREAS, Butler launched a fundraiser to raise \$10,000 by embarking on a 4,200-mile solo cycling journey from Santa Monica, California to Montauk, New York; and

WHEREAS, Butler's trek took him through Arizona and the southern portion of the United States, through Texas, up through Louisiana, Tennessee, New Jersey and finally to New York; and

WHEREAS, as of July 11, Jensen Butler surpassed his fundraising goal of \$10,000.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Mountainside recognize and commend Jensen Butler for his contribution to rare cancer research led by Memorial Sloan Kettering Cancer Center.

**RESOLUTIONS:**

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

**RESOLUTION 97-2018**

WHEREAS, the Recreation Director Frank Masella requested the following refund; and  
NOW, THEREFORE, BE IT RESOLVED that the Treasurer be authorized to issue the following refund:

<u>Applicant</u>	<u>Program</u>	<u>Amount</u>
Lisa Gillo 1102 Sawmill Road Mountainside, NJ	Tennis Camp	\$70.00

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

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

**RESOLUTION 98-2018**

WHEREAS, N.J.A.C. 5:30-9A.6 and 5:31-4.1 allows for greater flexibility for local units when implementing requirements for claimant certifications set forth in N.J.S.A. 40A:5-16(a); and

WHEREAS, the local units are now given discretion to require a claimant certification as it deems necessary and appropriate; and

WHEREAS, the Chief Financial Officer of the Borough of Mountainside recommends a claimant signature be required for all purchase orders with the exception of the below list; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Mountainside that the below list will be exceptions to the claimant certification requirements:

- Federal Express
- Home Depot
- Pitney Bowes
- Exxon
- Thomson Reuters/West
- Canon
- Staples
- WB Mason
- Harbortouch
- Verdin Company, Inc.
- Premium/Installment payment to Insurance Co. for Borough of Mountainside Policies
- Payments to local newspapers for advertising
- Payments to Government Agencies - Federal, State, County, Local, BOE, Post Office
- Payments to Utility Companies
- Purchases/Contracts Authorized by Resolution
- Prof. Ed. courses including but not limited to where continuing education credits are awarded

Professional Membership Association Dues  
Hotel and registration fees for professional conference or convention  
Website hosting, including registration and maintenance of a domain name

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

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

### RESOLUTION 99-2018

WHEREAS, the Borough of Mountainside needs to refund monies to interested parties for overpayment of current year taxes,

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

#### Overpayments Due to Lot Elimination in 2018

Pombal Builders, LLC			
P. O. Box 274			
Hillside, NJ 07205			
16.10	1	311 Central Avenue	\$4,614.58
MBC Development LLC			
41 Stonehouse Road			
Basking Ridge, NJ 07921			
15.09	48.02	1360 Route 22	\$37,133.34

#### Overpayments Due to County Tax Appeals

Renars LLC			
15 Nottingham Drive			
Watchung, NJ 07069			
5.20	35	1148 Route 22	\$2,714.86
Lindabury, McCormick, Et Al, and Delaney Real Estate Holdings LP			
53 Cardinal Drive, P. O. Box 2369			
Westfield, NJ 07091			
5.20	24.03	1135 Spruce Drive	\$17,253.01
5.20	24.04	213 Summit Road	\$20,421.63

#### Corelogic Centralized Refunds

P. O. Box 9202			
Coppell, TX 75019-9760			
16	55	243 Central Avenue	\$700.52
5.20	24.05	1132 Spruce Drive	\$10,300.45

#### Overpayments Due to Sale

Lereta, LLC			
1123 Parkview Drive, Refunds Dept.			
Covina, CA 91724			
3.09	29	1445 Deer Path	\$2,226.92

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

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

**RESOLUTION 100-2018**

WHEREAS, there is a vacancy in the position of P/T Secretary/Technical Assistant in the Construction Department; and

WHEREAS, the Governing Body of the Borough of Mountainside is desirous of filling subject vacancy; and

WHEREAS, Laura Spallone is experienced to perform the duties of P/T Secretary/Technical Assistant in the Construction Department; and

WHEREAS, Administrator James J. Debbie, Jr. has recommended that the Borough Council take action and hire Laura Spallone.

NOW, THEREFORE, BE IT RESOLVED, by Mayor and Council of the Borough of Mountainside that Laura Spallone is hereby hired as P/T Secretary/Technical Assistant in the Construction Department at an hourly salary of \$20.00, not to exceed 25 hours, effective August 1, 2018 with a 90 day probationary period.

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

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

**RESOLUTION 101-2018**

WHEREAS, the Borough of Mountainside, pursuant to N.J.S.A.40A:11-11 may by resolution and without advertising for bids, purchase goods or services under a Cooperative Purchasing Program; and

WHEREAS, the Borough of Mountainside Police Department has established a regular schedule for updating its police vehicles and that schedule requires two and 1/3 new squad cars each year and by utilizing the Cranford Police Cooperative Pricing System the Borough can receive competitive pricing, on a timely basis, without the expense and time involved in undertaking independent competitive bidding; and

WHEREAS, the Borough of Mountainside intends to enter into a purchase contract with Beyer-Ford, Morristown, NJ pursuant to Cranford Cooperative Pricing Agreement Contract #47-CPCPS, Item #2 for the acquisition of police vehicles; and

WHEREAS, the cost for (1) one 2018 Police Interceptor SUV under Contract #47-CPCPS, Item #2 is \$27,553.00 and (1) one 2019 Police Interceptor SUV is \$28,113.00; and

WHEREAS, the Borough's Financial Officer has certified that the funds are available for this purchase.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Mountainside, County of Union State of New Jersey that the purchase of (2) two Police Interceptor SUV's under terms and provisions of Cranford Cooperative Pricing Agreement Contract #47-CPCPS, Item #2 be and hereby is approved.

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

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

**RESOLUTION 102-2018**

**RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE BOROUGH OF MOUNTAINSIDE AND THE STATE OF NEW JERSEY**

WHEREAS, the New Jersey Department of Transportation (NJDOT) is about to undertake the Route 22 Bridge over Echo Lake located in the Borough of Mountainside in Union County; and

WHEREAS, the project may require the construction of new and or the protection, relocation and/or adjustment of facilities of the existing Sewer System and Water System which is owned and operated by the Borough of Mountainside; and

WHEREAS, the Borough of Mountainside is not obligated by State law or agreement to relocate its own facilities at its own expense for this type of project; and

WHEREAS, the State of New Jersey Department of Transportation and the Borough of Mountainside wish to enter a Utility Engineering and Construction Agreement UECA-5-Rt 22 Echo Lake – 143300 covering the understandings for the verification, design, protection and/or relocation of certain public works facilities in connection with the design and construction of the project.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Mountainside, County of Union, in the State of New Jersey, that the Mayor and Clerk are authorized to enter into an agreement with the NJDOT for the UECA-5-Rt 22 Echo Lake – 143300.

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

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

**RESOLUTION 103-2018**

WHEREAS, the Borough of Mountainside is required pursuant to mandate through the Union County Taxation Board and State Division of Local Government Services to have and conduct a revaluation of all real property in the Borough for tax assessment purposes during 2019; and

WHEREAS, the Borough of requires licensed appraisal services to conduct the ordered revaluation of all properties in the Borough and estimates that the cost to complete the revaluation will have an anticipated aggregate value in excess of the required bid threshold; and

WHEREAS, the proposed contract is for “Professional Services”, a service performed by a person in a recognized profession that is regulated by law, and may be awarded without competitive bidding in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11 et seq.; and

WHEREAS, the Borough desires to pursue such services through a fair and open process.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Mountainside, County of Union, and State of New Jersey that the advertisement of “Request for Proposals”, for the revaluation of all real property in the Borough of Mountainside be authorized.

BE IT FURTHER RESOLVED, that the Borough Clerk is directed to advertise for Request for Proposals for Revaluation Services.

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

**ORDINANCE:**

**ORDINANCE 1268-2018  
AN ORDINANCE AMENDING ARTICLE 10, SECTION 1006(a) OF THE LAND USE ORDINANCE  
OF THE BOROUGH OF MOUNTAINSIDE**

WHEREAS, Article 10, Section 1006(a) of the Land Use Ordinance of the Borough of Mountainside was amended by way of Ord. 1230-2014 with respect to, in particular, the construction of sheds and similar structures, and

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 amend this section of the Land Use Ordinance to address certain circumstances for when a zoning permit is necessary in the Borough; and

NOW THEREFORE BE IT ORDAINED by the Mayor and Council as follows: Article 10, Subsection 1006(a) of the Borough Code be and the same is hereby amended as follows:

- (a) For the construction of sheds or similar structures totaling 200 square feet or less in size and 10 feet or less in height, a zoning permit shall be required in a form approved by the Zoning Official.

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 Mortimer that this ordinance be passed on first reading and advertised in full for a public hearing on September 18, 2018.

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

**MOTION:** The following motion was unanimously approved.

- 1. Authorization to appoint Aly Mohamed as 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 August 2018, 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 \$365,988.85 (Copy of bill list attached).

**COUNCIL COMMENTS:**

No comments.  
-----

**AUDIENCE PARTICIPATION:**

Daniela Faibes, 9 Mountainview Drive, questioned the status of the lawsuit.

Margaret Hanlon, 240 Beechwood Court, asked about the investigation of the officers and management team and how the revaluation would affect property taxes.

Ileana Montes, 220 Kings Court, asked for clarification regarding the investigation of the officers.

Liz Truman, 355 Cherry Hill Road, expressed her frustration about how the governing body has addressed the allegations and lawsuit.

Carmen Mendiola, would not state her address.

Gary Whyte, 289 Old Tote Road, commented that the normal protocol to speak at a public meeting is to state your name and address.

Hearing no one else wishing to speak, Mayor Mirabelli closed the meeting to the public.  
-----

Upon motion by Councilman Mortimer and a second by Councilman Messler, 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 and personnel 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 8:03 P.M.  
-----

The meeting was recalled to public session at 8:38 P.M.

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

---

Martha Lopez, RMC  
Borough Clerk