REGULAR MEETING
APRIL 21, 2020

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 7:41 P.M via FB livestream.

INVOCATION: Councilwoman Pacifico
SALUTE TO THE FLAG
ROLL CALL

PRESENT: Mayor Mirabelli, Councilwoman Andre, Councilman Dierkes, Councilman Messler, Councilwoman Pacifico, Councilwoman Pater, Council President Turner, Administrator Atkins and Attorney Post. Also present was Public Works Director Matthew DeAnna, Recreation Director Frank Masella, CFO Jill Goode, and Police Chief Joseph Giannuzzi.

APPROVAL OF MINUTES:

Upon motion by Councilman Messler a second by Councilwoman Pater, the minutes of the Regular Meeting held on March 17, 2020 were approved. Roll Call: Ayes: Andre, Dierkes, Messler, Pacifico, Pater, Turner. Nays: 0.

Upon motion by Councilman Dierkes a second by Councilwoman Andre, the minutes of the Work & Executive Session Meetings held on April 14, 2020 were approved. Roll Call: Ayes: Andre, Dierkes, Messler, Pacifico, Pater, Turner. Nays: 0.

PROCLAMATION:

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, Arbor Day is now observed throughout the nation and the world; and

WHEREAS, on April 24, 2020 the Department of Public Works will observe Arbor Day by planting two trees; and

WHEREAS, the Mayor & Council, along with Beautiful Mountainside Committee and the Arbor Day Foundation are working together to bring back the beauty of the tree line to the community by applying and being approved for 825 free trees to be handed out to the residents of Mountainside.

WHEREAS, one of the qualifications for a municipality to be eligible to be designated as a Tree City U.S.A. is by having an Arbor Day Observance and Arbor Day Proclamation.

NOW, THEREFORE, BE IT PROCLAIMED, that the Mayor and Council of the Borough of Mountainside hereby recognize and commend Mountainside Department of Public Works along with Beautiful Mountainside Committee, for their observance of Arbor Day and for working toward making the Borough of Mountainside a more tree-lined municipality and a more attractive place in which to live and work.

ORDINANCE: Second Reading (Public Hearing)

ORDINANCE 1284-2020
ORDINANCE TO ESTABLISH A CAP BANK

WHEREAS, the Local Government Cap Law, N.J.S. 40A:4-45.1 et.seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said final budget appropriations to 2.50% unless authorized by ordinance to increase it to 3.5% over the previous years' final appropriations; and,

WHEREAS, a municipality may, by ordinance, bank the difference between its final budget appropriations and the 3.5% increase authorized by this ordinance when said difference is not appropriated as part of the final budget; and,

WHEREAS, the Borough Council of the Borough of Mountainside, County of Union, hereby determines that this difference in the amount of $97,278.76 that is not appropriated as part of the final budget shall be retained as an exception to the final appropriations in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, that any amount authorized herein above that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

This ordinance shall be effective upon final passage and publication in accordance with the law.

Hearing no one wishing to speak, Councilman Turner closed the meeting to the public.

It was moved by Councilman Turner and seconded by Councilwoman Andre that this ordinance be passed on second and final reading and advertised in summary.

Roll Call: Andre, Dierkes, Messler, Pacifico, Pater, Turner. Nays: 0.

2020 MUNICIPAL HEARING

Mayor Mirabelli gave a summary of the proposed municipal budget for 2020. The total increase on an average assessed home ($164,176) is $13.91.

Mayor Mirabelli opened the meeting to anyone wishing to discuss the 2020 Municipal Budget.

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

RESOLUTIONS:

RESOLUTION 55-2020

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

GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH THE
UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S
"Enforcement Guidance on the Consideration of Arrest and Conviction Records in
Employment Decisions Under Title VII of the Civil Rights Act of 1964"

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," as amended, 42 U.S.C. § 2000e et seq., (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE BE IT RESOLVED, That the Mayor and Council of the Borough of Mountainside, hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

Roll Call: Andre, Dierkes, Messler, Pacifico, Pater, Turner. Nays: 0.

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

RESOLUTION 56-2020

BE IT RESOLVED, by the Mayor and Council of the Borough of Mountainside, County of Union, that the budget herein before set forth is hereby adopted and shall constitute an appropriation for the purposes of the sums therein as set forth as appropriations, and authorization of the amount of $9,064,481.32 for municipal purposes.

Roll Call: Andre, Dierkes, Messler, Pacifico, Pater, Turner. Nays: 0.

The following resolution was introduced by Councilwoman Pater and seconded by Councilwoman Pacifico.

RESOLUTION 57-2020

BE IT RESOLVED by the Governing Body of the Borough of Mountainside that the Chief Finance Officer be and she is hereby authorized to purchase two gift checks to be presented to the Valedictorian and Salutatorian from Deerfield School Graduating Class of 2020 in the Borough of Mountainside.

BE IT FURTHER RESOVLED that the gift checks will be in the amount of $300.00 for the Valedictorian and $200.00 for the Salutatorian.

Roll Call: Andre, Dierkes, Messler, Pacifico, Pater, Turner. Nays: 0.

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

RESOLUTION 58-2020

WHEREAS the Mountainside PTO traditionally sponsors a party at the Mountainside Municipal Pool for the students graduating from the 8th Grade of the Mountainside School District; and

WHEREAS the Mountainside PTO has requested that the Borough waive the $400 fee which would otherwise be charged in order to defray the expenses associated with keeping the pool open for the party; and

WHEREAS the Governing Body has, in the past, waived such fee in order to enable the organization to use those funds towards other expenses.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the pool fee of $400, which would be payable by the Mountainside PTO for the use of the Mountainside Municipal Pool to hold their pool party, be and the same is hereby waived.

Roll Call: Andre, Dierkes, Messler, Pacifico, Pater, Turner. Nays: 0.

The following resolution was introduced by Councilwoman Andre and seconded by Councilwoman Pacifico.

RESOLUTION 59-2020

WHEREAS, there exists a need in the Recreation Department for 2020 Summer Playground Staff; and

WHEREAS, Recreation Director, Frank Masella and the Recreation Committee have recommended that the following individuals be appointed to said positions:

Jessica Perrotta	Supervisor	$3,287.34
Gavin Jakositz	Assistant Supervisor	$2,257.67
Manuel Melo	Assistant Supervisor	$2,257.67
Madison Phillips	Assistant Supervisor	$2,257.67
Alisabeth Fiamingo	Assistant Supervisor	$2,257.67

and;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Mountainside that the recommendation of Recreation Director Frank Masella and the Recreation Committee be and hereby is accepted and approved pending completion of background checks.

Roll Call: Andre, Dierkes, Messler, Pacifico, Pater, Turner. Nays: 0.

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

RESOLUTION 60-2020

BE IT RESOLVED that the Chief Financial Officer Jill Goode is hereby authorized to accept bids for a $5,386,072.00 Bond Anticipation Note.

Roll Call: Andre, Dierkes, Messler, Pacifico, Pater, Turner. Nays: 0.

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

RESOLUTION 61-2020

A RESOLUTION AUTHORIZING THE USE OF THE STORM RECOVERY TRUST FUND, PER P.L. 2013, Ch. 271 (N.J.S.A. 40A:4-62.1), FOR EXPENSES RELATED TO THE COVID-19 RESPONSE

WHEREAS, permission was granted by the Director of Local Government Services on November 20, 2012 for a Storm Recovery Trust Fund, per P.L. 2013, Ch. 271 (N.J.S.A. 40A:4-62.1).

WHEREAS, N.J.S.A. 40A:4-62.1 permits a municipality or county to adopt a resolution authorizing storm recovery reserve funds to be used for "any purpose necessary to protect the safety, security, health, and welfare, of its citizens from the damage caused by an emergency declared by the Governor or the President of the United States."

WHEREAS, Governor Philip D. Murphy declared a State of Emergency for the State of New Jersey with Executive Order No. 103 on March 9, 2020 in response to the novel coronavirus, COVID-19, outbreak.

WHEREAS, Local Finance Notice 2020-06 of the Division of Local Government Services also advised that municipalities with a Storm Recovery Trust Fund may use those funds for the coronavirus response; and, any reimbursement of these expenditures shall be deposited back into the reserve.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Mountainside in the County of Union, New Jersey as follows:

1. The Governing Body does hereby authorize the utilization of the Storm Recovery Reserve funds for expenses incurred in relation to the coronavirus, COVID-19, response.

2. The Clerk of the Borough of Mountainside, is hereby directed to forward a certified copy of this Resolution to be filed with the Director of the Division of Local Government Services.

Roll Call: Andre, Dierkes, Messler, Pacifico, Pater, Turner. Nays: 0.

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

RESOLUTION 62-2020

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 New Jersey State Cooperative Purchasing Program 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 Winner Ford, Cherry Hill, NJ pursuant to NJ State Contract #88726 for the acquisition of a police vehicle; and

WHEREAS, the cost for (1) one 2020 Ford F250 under NJ State Contract #88726 for $29,710.00; 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 (1) one Ford F250 under the terms and provisions of NJ State Contract #88726 be and hereby are approved.

Roll Call: Andre, Dierkes, Messler, Pacifico, Pater, Turner. Nays: 0.

BILLS & 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 21st day of April 2020, 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 $550,540.50 (Copy of bill list attached).

Roll Call: Andre, Dierkes, Messler, Pacifico, Pater, Turner. Nays: 0

COUNCIL COMMENTS:

Mayor Mirabelli highlighted COVID-19 resources and websites.

AUDIENCE PARTICIPATION:

Hearing no one wishing to speak, Councilwoman Andre closed the meeting to the public.

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

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 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 8:15 P.M.

The meeting was recalled to public session.

Upon a motion by Councilman Messler and a second by Councilman Dierkes, the meeting was unanimously adjourned at 9:38 P.M.

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Martha Lopez, RMC
Borough Clerk