

**REGULAR MEETING  
JULY 19, 2022**

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 7:26 P.M.

**INVOCATION:** Council President Andre  
**SALUTE TO THE FLAG**  
**ROLL CALL**

**PRESENT:** Mayor Mirabelli, Council President Andre, Councilman Matejek, Councilwoman Pacifico, Councilwoman Pater, Administrator Mortimer and Attorney Post. Also present were Senior Coordinator Kim Moriak, Public Works Director Matthew DeAnna, Recreation Director Frank Masella and Police Chief Joseph Giannuzzi. Councilman Dierkes and Councilman Messler were absent.

**APPROVAL OF MINUTES:**

Upon motion by Councilman Matejek a second by Councilwoman Andre, the minutes of the Regular Session Meeting held on June 21, 2022 were approved. Roll Call: Ayes: Andre, Matejek, Pacifico. Nays: 0. Abstain: Pater.

Upon motion by Councilman Matejek a second by Councilwoman Andre, the minutes of the Work Session Meeting held on July 5, 2022 were approved. Roll Call: Ayes: Matejek, Pacifico, Pater. Nays: 0. Abstain: Andre.

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**PROCLAMATIONS:** Eagle Scouts tabled until next month.

**RESOLUTIONS:**

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

**RESOLUTION 94-2022**

WHEREAS, it is the desire of the Governing Body of the Borough of Mountainside to appoint a Probationary Police Officer to the Borough of Mountainside Police Department; and

WHEREAS, the Police Committee interviewed several qualified candidates for the position of Probationary Police Officer for the Borough of Mountainside Police Department; and

WHEREAS, the Police Committee has recommended the appointment of Melissa Hernandez as Police Officer; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that Melissa Hernandez be appointed as a Probationary Police Officer for the Borough of Mountainside Police Department.

BE IT FURTHER RESOLVED, that said appointment shall be effective July 6, 2022 with the probationary period ending one-year from the appointment date at a probationary period salary of \$50,500.

Roll Call: Ayes: Andre, Matejek, Pacifico, Pater. Nays: 0.  
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The Mayor read a letter from parents whose child attended the Police Camp which praised the program especially Officers Hagan and Melville.  
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The following resolution was introduced by Councilwoman Pater and seconded by Councilwoman Pacifico.

**RESOLUTION 95-2022**

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 2014, AS AMENDED JULY 2017

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 2014, as amended July 2017 for the Purpose of Inserting a Description of Activities for Fiscal Year 2022-2023 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: Ayes: Andre, Matejek, Pacifico, Pater. Nays: 0.  
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The following resolution was introduced by Councilwoman Pacifico and seconded by Councilwoman Andre.

**RESOLUTION 96-2022**

WHEREAS, the Labor Attorney is required to perform services for the Borough beyond the scope of the services upon which his salary is based; and

WHEREAS, such services constitute professional services within the meaning of N.J.S.A.40A:11-2; and

WHEREAS, the nature of such legal services will not reasonably permit the drawing of specifications or the receipt of competitive bids; and

WHEREAS, the Borough of Mountainside desires to appoint the Labor Attorney as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 and 20.5; and

WHEREAS, the appropriate Borough official has determined that the value of these services will exceed \$17,500, but not to exceed \$45,000 over the life of the contract. This maximum dollar value is based on a reasonable estimate of the services required over the contract term, and the Borough of Mountainside is not obligated to spend that amount; and

WHEREAS, the anticipated term of the contract is one year; and

WHEREAS, Vincent J. Apruzzese, Esq. (a member of the firm of Apruzzese, McDermott, Mastro & Murphy PC) will complete and submit a Business Entity Disclosure Certification which certifies that it has not made any reportable contributions to a political candidate or candidate committee in the Borough of Mountainside in the previous year, and acknowledging that the contract will prohibit it from making any reportable contributions through the term of the contract; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Mountainside that Apruzzese, McDermott, Mastro & Murphy, PC be the Labor Attorney, be and is appointed to perform such legal services as may be required by the Governing Body and which are beyond the scope of the services upon which the Labor Attorney's salary is based; and

BE IT FURTHER RESOLVED that award of this contract will be published in the appropriate newspaper within ten days hereof.

Roll Call: Ayes: Andre, Matejek, Pacifico, Pater. Nays: 0.

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

**RESOLUTION 97-2022**

WHEREAS, there exists a vacancy in the position of P/T Senior Bus Driver; and

WHEREAS, Borough Administrator Glenn Mortimer has recommended that the Borough Council take action to hire Al Bandics, to fill this position.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Mountainside that Al Bandics be appointed as a P/T Senior Bus Driver at a rate of \$18.88 per hour.

Roll Call: Ayes: Andre, Matejek, Pacifico, Pater. Nays: 0.

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

**RESOLUTION 98-2022**

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>
Ricardo Costa 1266 Knollwood Rd Mountainside, NJ 07092	Pool Membership	\$352.00
Natalia Yuvacheva 8 Riga Court Scotch Plains, NJ 07076	Pool Membership	\$709.00
Erin Heyert 274 Friar Lane Mountainside, NJ 07092	Swim Lessons	\$55.00

Roll Call: Ayes: Andre, Matejek, Pacifico, Pater. Nays: 0.  
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The following resolution was introduced by Councilman Matejek and seconded by Councilwoman Pater.

**RESOLUTION 99-2022**

WHEREAS, in accordance with applicable provisions of the Public Contracts Law, the Borough advertised for Bids for Contract 2022-5 for "Paving Improvements on Fernwood Road and Fox Trail"; and

WHEREAS, on June 14, 2022 the return date for the bids, six bids were received as follows:

<u>Bidders:</u>	<u>Base Bid</u>	<u>Alt. #1</u>	<u>Alt. #2</u>	<u>Alt. #3</u>
Denbar Construction	\$276,185.50	\$19,000.00	\$14,800.00	\$3,500.00
AJM Contractors	\$311,917.50*	\$33,250.00	\$15,600.00	\$10,500.00
Midwest Construction	\$312,872.42	\$30,400.00	\$21,400.00	\$9,450.00
Topline Construction	\$359,394.82	\$29,127.00	\$22,085.18	\$9,331.00
Reivax Construction	\$362,998.44	\$30,533.00	\$24,720.00	\$9,800.00
DLS Construction	\$394,083.50	\$30,685.00	\$21,500.00	\$9,800.00

\*= corrected

WHEREAS, the Borough Engineer recommends awarding the Base Bid, Alternates #2 and #3; and

WHEREAS, the lowest bidder is Denbar Construction Inc., and the Borough Engineer has recommended that Contract 2022-5 be awarded to Denbar Construction Inc., 625 B North Michigan Avenue, Kenilworth, NJ 07033.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the contract for “Paving Improvements on Fernwood Road and Fox Trail” be awarded to Denbar Construction Inc., 625 North Michigan Avenue, Kenilworth, NJ 07033 in the amount of \$294,485.50, subject to Borough Attorney review.

Roll Call: Ayes: Andre, Matejek, Pacifico, Pater. Nays: 0.  
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The following resolution was introduced by Councilwoman Pater and seconded by Councilman Matejek.

**RESOLUTION 100-2022**

WHEREAS, in accordance with applicable provisions of the Public Contracts Law, the Borough advertised for Bids for Contract 2022-6 for “TV Inspections of Various Sanitary Sewers”; and

WHEREAS, on June 30, 2022 the return date for the bids, five bids were received as follows:

<u>Bidders:</u>	<u>Base Bid</u>	<u>Alt. #1</u>	<u>Alt. #2</u>
Oswald Enterprises, Inc	\$49,197.20	\$10,101.72	\$20,706.44
Messercola Excavating	\$51,262.70	\$6,447.72	\$13,490.44
National Water Main Cleaning	\$74,665.20	\$13,482.72	\$20,870.44
Vortex Services	\$129,500.20	\$14,427.72	\$28,660.44
Wind River Environmental	\$171,159.70	\$15,372.72	\$30,095.44

WHEREAS, the Borough Engineer recommends awarding the Base Bid; and

WHEREAS, the lowest bidder is Oswald Enterprises, Inc., and the Borough Engineer has recommended that Contract 2022-6 be awarded to Oswald Enterprises Inc., 161 East Road, Belford, NJ 07718.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the contract for “TV Inspection of Various Sanitary Sewers” be awarded to Oswald Enterprises Inc., in the amount of \$49,197.20.

Roll Call: Ayes: Andre, Matejek, Pacifico, Pater. Nays: 0.  
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The following resolution was introduced by Councilwoman Andre and seconded by Councilwoman Pater.

**RESOLUTION 101-2022**

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 2022 “Kids Recreation Trust Fund” Grant Program for the following projects:

Recreation Facility Improvements	\$115,500
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BE IT FURTHER RESOLVED, that matching funds in the amount of \$57,750 (Both MSBL & Borough) have been appropriated in accordance with the grant requirements.

Roll Call: Andre, Matejek, Pacifico, Pater. Nays: 0.  
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**MOTION:**

The following motion was unanimously approved:

1. Approve raffle application from Mountainside PTO for an on premise draw raffle
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**BILLS & CLAIMS:**

The following resolution was introduced by Councilwoman Andre 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 19<sup>th</sup> day of July 2022, 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 \$301,961.18 (Copy of bill list attached).

Roll Call: Ayes: Andre, Matejek, Pacifico, Pater. Nays: 0  
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**COUNCIL COMMENTS:**

Councilwoman Andre invited residents to attend National Night Out.

Mayor Mirabelli praised the July 4<sup>th</sup> fireworks.  
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**AUDIENCE PARTICIPATION:** None  
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The following resolution was introduced by Councilwoman Andre and seconded by Councilman Matejek.

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 personnel 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 7:50 P.M.  
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The meeting was recalled to public session.

Upon a motion by Councilwoman Pacifico and a second by Councilman Matejek, the meeting was unanimously adjourned at 8:07 P.M.  
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Martha Lopez, RMC  
Borough Clerk