

**REGULAR MEETING  
JUNE 20, 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 7:36 P.M.

**INVOCATION:** Mayor Mirabelli  
**SALUTE TO THE FLAG**  
**ROLL CALL**

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

**APPROVAL OF MINUTES:**

Upon motion by Councilman Dierkes a second by Councilwoman Pacifico, the minutes of the Regular Session Meeting held on May 16, 2023 were approved. Roll Call: Ayes: Andre, Dierkes, Pacifico. Nays: 0.

Upon motion by Councilwoman Pacifico a second by Councilwoman Andre, the minutes of the Work & Executive Session Meetings held on June 6, 2023 were approved. Roll Call: Ayes: Andre, Dierkes, Pacifico. Nays: 0.

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**RESOLUTIONS:**

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

**RESOLUTION 76-2023**

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 municipal roads; and

WHEREAS, the Borough Engineer will prepare the application for the grant for local aid for sections of roadways known as:

**FRIAR LANE, KINGS COURT, JUSTIN PLACE AND QUEENS LANE**

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: Ayes: Andre, Dierkes, Pacifico. Nays: 0.  
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The following resolution was introduced by Councilwoman Pacifico and seconded by Councilwoman Andre.

**RESOLUTION 77-2023**

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 establishments have been inspected by the Board of Health and Fire Prevention Official and license renewals will be issued upon their approval.

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, 2023 to June 30, 2024 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 Chrone's 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
2010-33-009-007	Famous Daves Ribs Inc. 1443 Route 22 East	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: Ayes: Andre, Dierkes, Pacifico. Nays: 0.  
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The following resolution was introduced by Councilman Dierkes and seconded by Councilwoman Pacifico.

**RESOLUTION 78-2023**

WHEREAS, there will be a vacancy in the position of Deputy Clerk/Deputy Registrar of Vital Statistics; and

WHEREAS, the Borough Administrator has recommended the appointment of Kiana Taveras to fill this position; and

WHEREAS, Kiana Taveras will receive a starting salary of \$45,000 and is entitled to five vacation days and five sick days in 2023; and

WHEREAS, Kiana Taveras shall complete CMR certification within the probationary period and upon completion shall be compensated an additional \$5,000.

WHEREAS, Kiana Taveras shall also complete RMC certification and upon completion shall receive additional compensation.

NOW, THEREFORE, BE IT RESOLVED, by Mayor and Council of the Borough of Mountainside that Kiana Taveras is hereby appointed to the position of Deputy Clerk/Deputy Registrar of Vital Statistics effective June 12, 2023 with a six-month probationary period in accordance with the Borough of Mountainside Personnel Policy & Procedures Manual.

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

**RESOLUTION 79-2023**

WHEREAS, there is a vacancy in the position of Communication Officer; and

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

WHEREAS, the Police Committee has recommended that the Borough Council take action to hire Kara Rector; and

WHEREAS, Kara Rector is entitled to 35 hours of sick time and 35 hours of vacation time for 2023 and eligible for 70 hours of sick time and 70 hours of vacation time in 2024.

NOW, THEREFORE, BE IT RESOLVED, by Mayor and Council of the Borough of Mountainside that Kara Rector is hereby appointed as Communication Officer at a starting annual salary of \$46,327.68, effective May 22, 2023; and

BE IT FURTHER RESOLVED, that Kara Rector be hired as a probationary employee with a six-month probationary period in accordance with the Borough of Mountainside Personnel Policy & Procedures Manual.

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

**RESOLUTION 80-2023**

WHEREAS, there is a need for a PT Planning Board Secretary; and

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

WHEREAS, the Borough Administrator recommends that the Borough Council take action and hire Paulette Beck and Kristine Moran.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that Paulette Beck is hereby hired as PT Planning Board Secretary at an annual stipend of \$9,000. Kristine Moran is hereby hired as Recording Secretary at an annual stipend of \$4,200, additional meetings will be compensated at \$350 per meeting and will not be pensionable. The appointments shall take effect immediately with a six-month probationary period.

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

**RESOLUTION 81-2023**

**AUTHORIZING THE PURCHASE OF A CATERPILLAR MULTI-PURPOSE BUCKET FOR THE DEPARTMENT OF PUBLIC WORKS UNDER THE SOURCEWELL COOPERATIVE PURCHASING AGREEMENT (CO-OP #032119-CAT) IN THE AMOUNT NOT TO EXCEED \$20,380**

WHEREAS, pursuant to N.J.S.A 52:34-6.2(b)(3), the Governing Body of the Borough of Mountainside has authorized the use of Sourcewell Co-Op, to contract with various vendors for goods and services; and

WHEREAS, N.J.S.A. 52:34-6.2(b)(3) permits the award of a contract without the necessity of competitive bidding; and

WHEREAS, the Department of Public Works is in need of a Caterpillar Multi-Purpose Bucket for the CAT Front End Loader; and

WHEREAS, Foley Inc. is an authorized vendor under Sourcewell Co-Op #032119-CAT; and

WHEREAS, the Director of Public Works recommends award of this contract to Foley Inc. in the amount not to exceed \$20,380; and

WHEREAS, the Chief Financial Officer has certified funds in the amount of \$20,380.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside, that a contract for the purchase of a Caterpillar Multi-Purpose Bucket is hereby awarded to Foley Inc., 855 Centennial Avenue, Piscataway, NJ under Sourcewell Co-Op #032119-CAT.

Roll Call: Ayes: Andre, Dierkes, Pacifico. Nays: 0.

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

**RESOLUTION 82-2023**

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 2023 for the below amount sums of which item is now available as a revenue from:

- Public & Private Revenues off-set with Appropriations:
  - 2023 Infrastructure & Municipal Aid Grant Program (\$40,000)
  - Clean Communities (\$17,371.65)
  - Watts Mountainside Community Foundation Grant (\$900.00)
  - Alcohol Ed Rehab (\$2,985.27)

**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"
  - 2023 Infrastructure & Municipal Aid Grant Program (\$40,000)
  - Clean Communities (\$17,371.65)
  - Watts Mountainside Community Foundation Grant (\$900.00)
  - Alcohol Ed Rehab (\$2,985.27)

Roll Call: Ayes: Andre, Dierkes, Pacifico. Nays: 0.

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

**RESOLUTION 83-2023**

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:

- Duplicate payments Due to Banks
- CoreLogic
- Centralized Refunds

P. O. Box 9202  
Coppell, TX 75019-9978

<u>Block</u>	<u>Lot</u>	<u>Amount</u>	
5.07	11	\$2,719.91	1176 WYOMING DRIVE

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

**RESOLUTION 84-2023**

BE IT RESOLVED that the Borough Clerk be and she hereby is authorized to advertise for bids for the new DPW Garage which bids are to conform to the specifications and requirements of the bid package as prepared by Heintz & Fiore, AIA.

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

**RESOLUTION 85-2023**

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 Infrastructure funds for improvements of municipal roads; and

WHEREAS, the Borough Engineer will prepare the application for the grant for Local Aid Infrastructure for sections of roadways known as:

**BAYBERRY LANE, CHAPEL HILL AND LAUREL 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: Ayes: Andre, Dierkes, Pacifico. Nays: 0  
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The following resolution was introduced by Councilwoman Pacifico and seconded by Councilman Dierkes.

**RESOLUTION 86-2023**

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 funds for improvements of municipal roads; and

WHEREAS, the Borough Engineer will prepare the application for the grant for Local Transportation Project funds for roadways known as:

**BRISTOL ROAD**

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: Ayes: Andre, Dierkes, Pacifico. Nays: 0  
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The following resolution was introduced by Councilwoman Pacifico and seconded by Councilwoman Andre.

**RESOLUTION 87-2023**

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 funds for improvements of municipal roads; and

WHEREAS, the Borough Engineer will prepare the application for the grant for Local Transportation Project funds for roadways known as:

**OUTLOOK DRIVE WEST**

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: Ayes: Andre, Dierkes, Pacifico. Nays: 0  
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**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 20<sup>th</sup> day of June 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 \$743,684.23 (Copy of bill list attached).

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

Councilman Dierkes highlighted the significance of July 4<sup>th</sup> and Juneteenth which both celebrate our liberties.

Administrator Mortimer thanked the Rotary Club for funding the flag pole restoration in front of the municipal building.

Mayor Mirabelli invited residents to attend the 4<sup>th</sup> of July Celebration.  
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**AUDIENCE PARTICIPATION:**       None  
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Upon a motion by Councilman Dierkes and a second by Councilwoman Pacifico, the meeting was unanimously adjourned at 7:56 P.M.  
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Martha Lopez, RMC  
Borough Clerk