

REGULAR MEETING

MAY 21, 2024

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 7:31 P.M.

INVOCATION: Council President Donna Pacifico

SALUTE TO THE FLAG

ROLL CALL

PRESENT: Mayor Mirabelli, Councilman Dierkes, Councilman Matejek, Council President Pacifico (by phone), Councilman Rinaldo, Councilwoman Wass, Administrator Mortimer and Attorney Post. Also present were Public Works Director Matthew DeAnna and Police Chief Joseph Giannuzzi. Councilman Messler was absent.

OATH OF OFFICE: Councilwoman Valerie Wass

APPROVAL OF MINUTES:

Upon motion by Councilman Dierkes a second by Councilman Matejek, the minutes of the Regular & Executive Session Meetings held on April 21, 2024 were approved. Roll Call: Ayes: Dierkes, Pacifico, Rinaldo, Wass. Nays: 0. Abstained: Matejek.

Upon motion by Councilman Dierkes a second by Councilman Rinaldo, the minutes of the Work Session Meeting held on May 7, 2024 were approved. Roll Call: Ayes: Dierkes, Matejek, Pacifico, Rinaldo, Wass. Nays: 0.

PROCLAMATION:

WHEREAS, in honor of Memorial Day and the valorous service of our veterans, we proudly announce this year's Grand Marshal: CPL. Kevin Murphy; and

WHEREAS, born and raised in Brooklyn, CPL. Kevin Murphy epitomizes the spirit of sacrifice and dedication to duty. At the tender age of 18, fresh out of high school, fate intervened when his lottery number was called in the summer of 1966. Rather than merely accepting his induction into the US Army, CPL. Murphy made a resolute decision to enlist in the US Marines; and

WHEREAS, on July 7, 1966, he embarked on a journey that would shape the course of his life, beginning his training at the Marine Corps Recruit Depot in Parris Island, South Carolina. With determination and fortitude, CPL. Murphy underwent rigorous training, honing his skills as a Marine; and

WHEREAS, following his training, CPL. Murphy was assigned to the 5th Marine Division at Camp Pendleton, California. Despite his initial aspirations for special operations in North Korea, CPL. Murphy's orders were redirected, leading him to Da Nang, Vietnam, where he served with the 1st Marine Division during the harrowing 1968 TET Offensive; and

WHEREAS, in July of 1968, CPL. Murphy's tour of duty concluded, and he returned home, his commitment to service undiminished. Transitioning to civilian life, CPL. Murphy embarked on a

distinguished 40-year career with the Bell System, PSE&G International, and as a consultant to numerous small and midsize companies in New Jersey; and

WHEREAS, throughout his life, CPL. Murphy has remained steadfast in his devotion to his community, residing in Westfield with his wife and family for four decades before settling in Mountainside for the past eight years.

NOW, THEREFORE, BE IT RESOLVED, that we salute CPL. Kevin Murphy not only for his remarkable service to our nation but also for his unwavering commitment to excellence in all endeavors. As our Grand Marshal, he stands as a beacon of honor and inspiration, embodying the values of courage, integrity, and selflessness that define the essence of Memorial Day. Join us in honoring CPL. Kevin Murphy as we pay tribute to all those who have served and sacrificed in defense of our freedom.

RESOLUTIONS:

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

RESOLUTION 70-2024

WHEREAS, there exists vacancies in the position of Sergeant and Corporal in the Mountainside Police Department; and

WHEREAS, it is the desire of the Mayor and Council of the Borough of Mountainside to fill such vacancies with highly qualified individuals; and

WHEREAS, a number of eligible officers in the Mountainside Police Department have undergone extensive testing and evaluation as candidates for the position of Sergeant and Corporal; and

WHEREAS, all candidates during the selection process exemplified the high qualities and standards expected of the police personnel in this community; and

WHEREAS, the Police Committee and Police Chief have recommended the promotion of two candidates whose credentials and experience were found best to suit the needs of the Borough in filling these positions.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the following individuals be promoted to the position of Sergeant and Corporal in the Borough of Mountainside with all the rights, responsibilities and obligations attendant upon those positions:

1. Effective May 22, 2024, Corporal James Urban is promoted to the position of Sergeant in the Mountainside Police Department
2. Effective May 22, 2024, Patrolman Ryan Carr is promoted to the position of Corporal in the Mountainside Police Department.

Roll Call: Ayes: Dierkes, Matejek, Pacifico, Rinaldo, Wass. Nays: 0.

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

RESOLUTION 71-2024

WHEREAS, in accordance with Chapter 72, P.L. 1994, the Borough of Mountainside has the authority to prepare and issue estimated tax bills; and

WHEREAS, in order for the Borough of Mountainside to meet our financial obligations, maintain the tax collection rate, provide uniformity for tax payments and save the unnecessary cost of interest expenses on borrowing it would be in our best interest to do so; and

WHEREAS, the Tax Collector and the Chief Financial Officer have reviewed and computed an estimated levy in accordance with N.J.S.A. 54:4-66.3.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside on this 21st day of May, 2024, as follows:

1. The Borough of Mountainside Tax Collector is hereby authorized and directed to prepare and issue estimated bill for the Borough of Mountainside for the third quarter of 2024 taxes, in accordance with the provisions of N.J.S.A. 54:4-66.2 et seq. in the event a tax rate is not certified timely
2. The entire estimated tax levy for 2024 is hereby set at \$38,952,272.77.

Roll Call: Ayes: Dierkes, Matejek, Pacifico, Rinaldo, Wass. Nays: 0.

The following resolution was introduced by Councilwoman Wass and seconded by Councilman Rinaldo.

RESOLUTION 72-2024

WHEREAS, Jill Goode was custodian of the Finance Petty Cash Fund; and

WHEREAS, in accordance with N.J.S.A. 40:5-21, the Borough of Mountainside is changing custodians to Justyna Zagorska-Diaz; and

WHEREAS, Justyna Zagorska-Diaz is bonded in the amount of \$1,000,000 by virtue of a surety bond.

NOW, THEREFORE, BE IT RESOLVED that the Borough of Mountainside, County of Union hereby authorizes such action and two copies of this resolution be filed with the Division of Local Government Services, New Jersey Department of Community Affairs for approval.

Roll Call: Ayes: Dierkes, Matejek, Pacifico, Rinaldo, Wass.

The following resolution was introduced by Councilman Rinaldo and seconded by Councilwoman Wass.

RESOLUTION 73-2024

WHEREAS, the Borough of Mountainside has encountered an urgent and unforeseen need for a repair of sanitary sewer infrastructure on Summit Road; and

WHEREAS, a certification of an imminent hazard was received from the Borough Engineer; and

WHEREAS, an emergency purchase pursuant to N.J.S.A. 40A:11-6 may be awarded without advertisement for bids or bidding in that an emergency affecting the health and public safety requires the immediate performance of the service.

WHEREAS, there is the need for emergency sewer main repairs along Summit Road as stated by the Borough Engineer. Therefore, such contract may be awarded without competitive bidding as permitted by N.J.S.A. 40A:11-6; and

WHEREAS, The Borough Engineer has provided specification and has determined to engage J. Fletcher Creamer & Son, Inc., 101 East Broadway, Hackensack, NJ 07601, for the repair. The Contractor has the ability to commence the emergency work required with the Borough of Mountainside in the amount of \$200,000; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Mountainside, County of Union, State of New Jersey that the appropriate borough officials are authorized to proceed with the emergency repair with J. Fletcher Creamer & Son, Inc. in the amount of \$200,000.

Roll Call: Ayes: Dierkes, Matejek, Pacifico, Rinaldo, Wass. Nays: 0.

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

RESOLUTION 74-2024

WHEREAS, N.J.S.A. 40A:5-4 requires the Governing Body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2023 has been filed by a Registered Municipal Accountant with the Borough Clerk as per the requirements of N.J.S.A. 40A:5-6 and a copy has been received by each member of the Governing Body; and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

WHEREAS, the Local Finance Board has promulgated a regulation requirement that the Governing Body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the Governing Body have reviewed, as a minimum, the sections of the annual audit entitled:

GENERAL COMMENTS
RECOMMENDATIONS

and;

WHEREAS, the members of the Governing Body have personally reviewed as minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

GENERAL COMMENTS
RECOMMENDATIONS

as evidenced by the group affidavit form of the Governing Body; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board; and

WHEREAS, all members of the Governing Body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the Local Governing Body to the penalty provisions of R.S. 52:27BB-52 – to wit:

R.S. 52-27BB-52 – “A local officer or member of a local Governing Body who, after a date fixed for compliance fails or refuses to obey an order of the of the Director of Local Government Services, under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than One Thousand Dollars (\$1,000) or imprisoned for not more than one year, or both, in addition shall forfeit his office.”

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Mountainside, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Roll Call: Ayes: Dierkes, Matejek, Pacifico, Rinaldo, Wass. Nays: 0.

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

RESOLUTON 75-2024

WHEREAS, the Chief Finance Officer is required to submit a Corrective Action Plan of the 2023 Municipal Audit Report to the Governing Body;

NOW, THEREFORE, BE IT RESOLVED that the following 2023 Audit Corrective Action Plan submitted by the Chief Finance Officer be and the same is hereby approved; and

BE IT FURTHER RESOLVED, that a certified copy of the 2023 Audit Corrective Action Plan be forwarded to the Division of Local Government Services.

2023 Audit- Corrective Action Plan
Recommendation: None
Corrective Action: None

Roll Call: Ayes: Dierkes, Matejek, Pacifico, Rinaldo, Wass. Nays: 0.

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

RESOLUTION 76-2024

WHEREAS, the Borough of Mountainside, pursuant to N.J.S.A. 40A:11-12, may by resolution and without advertising for bids, purchase any goods or services under state contract; and

WHEREAS, the Borough of Mountainside entered into a purchase contract with Zentron, Inc. pursuant to state contract #83924 for the acquisition of radio communication equipment on April 16, 2024; and

WHEREAS, the equipment will need an extended service plan for two workstation seats at a cost of \$16,112; 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 an extended service plan for the radio communication equipment in the amount of \$16,112 under terms and provisions of state contract #83924 are hereby approved.

Roll Call: Ayes: Dierkes, Matejek, Pacifico, Rinaldo, Wass. Nays: 0.

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

RESOLUTION 77-2024

RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL SERVICES

WHEREAS, the Borough of Mountainside has a need to acquire professional services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and,

WHEREAS, the QPA has determined and certified in writing that the value of the acquisition will not exceed \$17,500; and,

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

WHEREAS, CGP&H, LLC has submitted a proposal indicating they will provide Affordable Housing Administrative Agent Services for the Borough at a cost not to exceed \$12,100; and

WHEREAS, CGP&H, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that CGP&H, LLC has not made any reportable contributions to a candidate committee in the Borough of Mountainside in the previous one year, and that the contract will prohibit CGP&H, LLC from making any reportable contributions through the term of the contract; and

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

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Mountainside authorizes borough officials to enter into a contract with CGP&H, LLC as described herein; and

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

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

Roll Call: Ayes: Dierkes, Matejek, Pacifico, Rinaldo, Wass. Nays: 0.

BILLS & CLAIMS:

The following resolution was introduced by Councilman Dierkes and seconded by Councilman Rinaldo:

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 May 2024, 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 \$376,340.27 (Copy of bill list attached).

Roll Call: Ayes: Dierkes, Matejek, Pacifico, Rinaldo, Wass. Nays: 0

COUNCIL COMMENTS:

Councilman Matejek announced National Public Works Week and thanked our DPW for their service.

Councilman Rinaldo wished everyone a Happy Memorial Day.

Mayor Mirabelli mentioned EMS Week and thanked our EMS and Rescue Squad. He also invited the community to the Memorial Day Celebration.

AUDIENCE PARTICIPATION: None

The following resolution was introduced by Councilman Dierkes 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 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 8:02 P.M.

The meeting was recalled to public session at 8:22 P.M.

Upon a motion by Councilman Dierkes and a second by Councilman Matejek, the meeting was unanimously adjourned at 8:22 P.M.

Martha Lopez, RMC
Borough Clerk