

**REGULAR MEETING
JANUARY 17, 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 7:30 P.M.

INVOCATION: Councilwoman Andre
SALUTE TO THE FLAG
ROLL CALL

PRESENT: Mayor Mirabelli, Councilwoman Andre, Councilman Dierkes, Councilman Matejek, Councilwoman Pacifico, Councilwoman Pater, Administrator Mortimer and Attorney Post. Also present was Public Works Director Matthew DeAnna. Council President Messler was absent.

APPROVAL OF MINUTES:

Upon motion by Councilman Dierkes a second by Councilwoman Pacifico, the minutes of the Reorganization Meeting held on January 3, 2023 were approved. Roll Call: Ayes: Andre, Dierkes, Matejek, Pacifico, Pater. Nays: 0.

Upon motion by Councilman Dierkes a second by Councilwoman Pater, the minutes of the Work & Executive Session Meetings held on January 10, 2023 were approved. Roll Call: Ayes: Andre, Dierkes, Matejek, Pacifico, Pater. Nays: 0.

RESOLUTIONS:

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

RESOLUTION 24-2023

WHEREAS, on January 3, 2023 the Mayor and Council of the Borough of Mountainside adopted the Rules of Council of the Borough of Mountainside for the year 2023 with the exception of Rule 10.

WHEREAS, on January 10, 2023 the Mayor and Council amended Rule 10; and

NOW, THEREFORE, BE IT RESOLVED that Rule 10 shall read as follows:

When a question is stated and, by the Council, agreed to be put, any member shall be at liberty to withhold his/her vote without the consent of the Council.

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

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

RESOLUTION 25-2023

BE IT RESOLVED, that the Borough Administrator is hereby appointed as Fund Commissioner to the Suburban Municipal Joint Insurance Fund for a term of one (1) year expiring December 31, 2023 at no additional salary.

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

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

RESOLUTION 26-2023

WHEREAS, the Union County Transportation Advisory Board has requested that the Borough of Mountainside appoint a representative and an alternate to serve on the Board for a one-year term; and

WHEREAS, the Governing Body is desirous of appointing a representative and alternate from the Borough of Mountainside;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that Councilman Robert W. Messler be appointed as representative and Michael Disko, Jr. be appointed as an alternate for a term to expire December 31, 2023.

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

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

RESOLUTION 27-2023

WHEREAS, there exists a vacancy in the position of Department of Public Works Employee; and

WHEREAS, Administrator Glenn Mortimer and DPW Director Matthew DeAnna recommend that the Borough Council take action to hire Kyle Edgar.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Mountainside that Kyle Edgar is hereby hired as a full-time employee with the Department of Public Works, at a salary of \$41,000, effective January 3, 2023.

BE IT FURTHER RESOLVED, that Kyle Edgar be hired as a probationary employee for a period of six months in accordance with the Borough of Mountainside Personnel Policy & Procedures Manual. Upon completion of the probationary period shall be compensated an additional \$1,000 to his annual salary.

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

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

RESOLUTION 28-2023

WHEREAS, a quote was received by the Borough of Mountainside for the July 4, 2023 Fireworks Celebration; and

WHEREAS, the quote was in the amount of \$18,500.00; and

WHEREAS, the Governing body has determined that Garden State Fireworks, Millington, New Jersey is the preferred vendor; and

WHEREAS, the Borough of Mountainside provides \$7,500.00, the Mountainside Volunteer Fire Company and Mountainside PAL each contribute \$3,750.00 and the Mountainside Rescue Squad may contribute \$3,500 for the payment of the July 4th fireworks.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the proper Borough Officials are hereby authorized to enter into an agreement with Garden State Fireworks in the amount of \$18,500.00 for the 2023 July 4th Fireworks Celebration.

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

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

RESOLUTION 29-2023

WHEREAS, N.J.S.A. 40A:4-58 provides for transfers within certain appropriations within the Municipal Budget during the last two months of the fiscal year; and whereas Resolution 148-2022 authorized the Chief Financial Officer to make any necessary transfers prior to year end and that these transfers be ratified at the first regularly scheduled Governing Body meeting of 2023; and

WHEREAS, the Chief Financial Officer has advised the Mayor and Council of the Borough of Mountainside that certain transfers were needed prior to year-end within the 2022 Municipal Budget; and

WHEREAS, it is recommended that these budget transfers be ratified;

NOW, THEREFORE, BE IT RESOLVED that the following budget transfers be ratified in the 2022 Municipal Budget.

<u>CURRENT ACCOUNT</u>	<u>FROM</u>	<u>TO</u>
Gasoline & Diesel Fuel		3,000.00
Water		2,000.00
Planning Board, S/W	5,000.00	

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

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

RESOLUTION 30-2023

WHEREAS, on December 15, 2022 the Borough of Mountainside received seventeen (17) sealed bids for a new DPW Garage; and

WHEREAS, upon review of the bids it was determined that the bids exceeded the budgeted amount for the project; and

WHEREAS, the Borough reserved in the Notice of Bid the right to reject any and all bids.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that all of the bids received on December 15, 2022 for the new DPW Garage be and the same are hereby rejected.

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

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

RESOLUTION 31-2023

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>
Cliff Florowitz 1454 Deer Path Mountainside, NJ 07092	Senior Fitness	\$120.00

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

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

RESOLUTION 32-2023

WHEREAS, N.J.S.A. 40A:5-21 authorizes the establishment of a Petty Cash Fund in any county or municipality by application and resolution; and

WHEREAS, it is the desire of the Mayor and Council of the Borough of Mountainside, County of Union to establish such a fund for the Senior Citizen Department in the amount of \$100; and

WHEREAS, the custodian for this fund is Kimberly Moriak, who is bonded for the amount of \$50,000; such custodian shall maintain records for this fund in a manner conducive to proper account and auditing procedures.

NOW, THEREFORE, BE IT RESOLVED 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: Andre, Dierkes, Matejek, Pacifico, Pater. Nays: 0.

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

RESOLUTION 33-2023

WHEREAS, N.J.S.A. 40A:5-21 authorizes the establishments of a Petty Cash Fund; and

WHEREAS, it is the desire of the Mayor and Council of the Borough of Mountainside, County of Union that the petty cash fund for the Construction Code/Building Department be increased from \$50.00 to \$100.00.

NOW, THEREFORE, BE IT RESOLVED 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: Andre, Dierkes, Matejek, Pacifico, Pater. Nays: 0.

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

RESOLUTION 34-2023

WHEREAS, the owners of the property designated as Lot 13, Block 3.05 on the Borough Tax Map took an appeal from the value assigned their property by the Borough Tax Assessor; and

WHEREAS, there were subsequent appraisals and negotiations between the property owners and the Borough; and

WHEREAS, as a result of such negotiations the property owners and the Borough reached an agreement regarding the matters under appeal; and

WHEREAS, the terms of the agreement are incorporated in the Stipulation of Settlement dated December 8, 2022 which is attached hereto.

NOW, THEREFORE, BE IT RESOLVED that the settlement of the appeal taken by the owners of property designated as Lot 13, Block 3.05 on the Borough Tax Map, as such settlement is set forth in the Stipulation of Settlement dated December 8, 2022 which is attached hereto, be and the same is hereby approved.

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

BILLS & CLAIMS:

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

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 17th day of January 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 \$403,251.30 (Copy of bill list attached).

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

COUNCIL COMMENTS: None

AUDIENCE PARTICIPATION:

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

Upon a motion by Councilwoman Pacifico and a second by Councilwoman Pater, the meeting was unanimously adjourned at 7:43 P.M.

Martha Lopez, RMC
Borough Clerk