

**REGULAR MEETING  
APRIL 23, 2019**

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:** Councilman Mortimer  
**MOMENT OF SILENCE:** Notre-Dame Cathedral Fire  
**SALUTE TO THE FLAG**  
**ROLL CALL**

**PRESENT:** Mayor Mirabelli, Councilwoman Andre, Councilman Dierkes, Councilman Messler, Councilman Mortimer, Councilwoman Pater, Council President Turner, Administrator Debbie and Attorney Post. Also present were CFO Jill Goode, Lt. Joseph Giannuzzi, Recreation Director Frank Masella and Public Works Manager Ronald Romak.

**APPROVAL OF MINUTES:**

Upon motion by Councilman Mortimer a second by Councilman Turner, the minutes of the Regular Session Meeting held on March 19, 2019 were approved. Roll Call: Ayes: Andre, Dierkes, Messler, Mortimer Pater, Turner. Nays: 0.

Upon motion by Councilman Mortimer a second by Councilwoman Andre, the minutes of the Work Session Meeting held on April 2, 2019 were approved. Roll Call: Ayes: Andre, Dierkes, Messler, Mortimer, Pater, Turner. Nays: 0.

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**PROCLAMATIONS:**

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 29, 2019 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.

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WHEREAS, scouting is a movement that challenges, inspires, and guides young people toward high achievements and high values as expressed in the Scout oath, law, motto, and slogan; and

WHEREAS, Eagle is the highest rank in the Boy Scouting, and requires mastery of difficult challenges in diverse areas; and

WHEREAS, to become an Eagle Scout requires demonstration of good character and community service; and

WHEREAS, only a minority of scouts ever achieves this distinguished accomplishment; and

WHEREAS, Domenico DeLuca has demonstrated a special commitment to the Boy Scouts, and has worked with great diligence to successfully complete the requirements for the rank of Eagle; and

WHEREAS, for his Eagle community service project, Domenico DeLuca made improvements and cleaned up the Mountainside Fire Department Firehouse; and

WHEREAS, Domenico along with volunteers, family and friends built shelving for neat equipment storage, replaced floor mats in the weight room and repainted lines in the parking bay to assist with safely backing the fire trucks into the firehouse.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside, that they do hereby congratulate Domenico DeLuca on attaining the rank of Eagle Scout.

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WHEREAS, scouting is a movement that challenges, inspires, and guides young people toward high achievements and high values as expressed in the Scout oath, law, motto, and slogan; and

WHEREAS, Eagle is the highest rank in the Boy Scouting, and requires mastery of difficult challenges in diverse areas; and

WHEREAS, to become an Eagle Scout requires demonstration of good character and community service; and

WHEREAS, only a minority of scouts ever achieves this distinguished accomplishment; and

WHEREAS, Jay Post has demonstrated a special commitment to the Boy Scouts, and has worked with great diligence to successfully complete the requirements for the rank of Eagle; and

WHEREAS, for his Eagle community service project, Jay Post constructed a gaga pit at the Deerfield School. Gaga is a kinder and gentler form of dodge ball; and

WHEREAS, Jay worked with members of the Board of Education and the custodial staff at the school. He applied for and received a grant from the Watts Foundation to fund the project; and

WHEREAS, Jay is proud to use his passion and love of sports to complete a project that provides a fun physical activity for the children of Mountainside.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside, that they do hereby congratulate Jay Post on attaining the rank of Eagle Scout.

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**PRESENTATION:** New Voting Machines for the June Primary  
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**ORDINANCE:**

**ORDINANCE 1274-2019  
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 \$92,497.10 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.

Mayor Mirabelli opened the meeting to the public for anyone wishing to speak on this ordinance and this ordinance only.

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

It was moved by Councilman Turner and seconded by Councilman Mortimer that this ordinance be passed on second and final reading and advertised by title only.

Roll Call: Andre, Dierkes, Messler, Mortimer, Pater, Turner. Nays: 0  
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**2019 MUNICIPAL HEARING**

Mayor Mirabelli gave a summary of the proposed municipal budget for 2019. The total increase on an average assessed home (\$163,388) is \$18.09.

Mayor Mirabelli opened the meeting to anyone wishing to discuss the 2019 Municipal Budget.

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

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

**RESOLUTION 44-2019**

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, Mortimer, Pater, Turner. Nays: 0.  
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The following resolution was introduced by Councilman Dierkes and seconded by Councilman Turner.

**RESOLUTION 45-2019**

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 \$8,924,481.32 for municipal purposes.

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

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

**RESOLUTION 46-2019**

WHEREAS, Memorial Day symbolizes, and is a time for Americans to take a clear look, at both our past and our future. One day each year when we acknowledge the debt we owe to those men and woman who have given their all in service to their country; and

WHEREAS, the Borough of Mountainside is proud to take part in our 8<sup>th</sup> Annual Memorial Day Parade to be held on Monday, May 27, 2019; and

WHEREAS, we can show our appreciation for our Veterans and those brave individuals who have sacrificed their lives for our freedom and liberty; and

WHEREAS, the Governing Body of the Borough of Mountainside wishes to support this event.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Mountainside that \$500.00 shall be donated in order to support the Memorial Day Celebration.

Roll Call: Andre, Dierkes, Messler, Mortimer, Pater, Turner. Nays: 0.  
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The following resolution was introduced by Councilman Messler and seconded by Councilman Turner.

**RESOLUTION 47-2019**

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 2019 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, Mortimer, Pater, Turner. Nays: 0.  
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The following resolution was introduced by Councilwoman Pater and seconded by Councilman Messler.

**RESOLUTION 48-2019**

WHEREAS the Mountainside PTO traditionally sponsors a party at the Mountainside Municipal Pool for the students graduating from the 8<sup>th</sup> 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, Mortimer, Pater, Turner. Nays: 0.  
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The following resolution was introduced by Councilman Turner and seconded by Councilman Mortimer.

**RESOLUTION 49-2019**

WHEREAS, there exists a need in the Recreation Department for 2019 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
Melissa Mirabelli	Assistant Supervisor	\$2,257.67

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, Mortimer, Pater, Turner. Nays: 0.  
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The following resolution was introduced by Councilman Messler and seconded by Councilman Turner.

**RESOLUTION 50-2019**

WHEREAS, in accordance with applicable provisions of the Public Contracts Law, the Borough advertised for Bids for Contract 2019-1 for "Paving Improvements on Various Streets"; and

WHEREAS, on March 7, 2019 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>
Denbar Construction	\$281,080.00	\$19,550.00	\$16,000.00
Midwest Construction	\$299,268.00	\$15,812.50	\$13,400.00
AJM Contr., Inc.	\$315,983.00	\$13,800.00	\$12,000.00
Stilo Excavation	\$337,571.84	\$15,237.50	\$10,000.00
D&L Contracting	\$350,875.50	\$14,375.00	\$10,000.00
DLS Contracting	\$361,771.00	\$15,525.00	\$14,000.00

WHEREAS, the Borough Engineer recommends awarding the Base Bid, Alternate #1 and Alternate #2; and

WHEREAS, the lowest bidder is Denbar Construction Inc., and the Borough Engineer has recommended that Contract 2019-1 be awarded to Denbar Construction Inc., 625 B North Michigan Ave, 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 Various Streets be awarded to Denbar Construction Inc., 625 B North Michigan Ave, Kenilworth, NJ in the amount of \$316,630.00.

Roll Call: Andre, Dierkes, Messler, Mortimer, Pater, Turner. Nays: 0.  
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The following resolution was introduced by Councilman Dierkes and seconded by Councilman Turner.

**RESOLUTION 51-2019**

WHEREAS, Jerry Eger, Construction Official has recommended a refund for permits at 1506 Woodacres Drive, and

WHEREAS, this refund was for home improvements permits that were not needed since the homeowner decided not to proceed with the work, and

NOW, THEREFORE, BE IT RESOLVED that the Treasurer be authorized to issue the following refund:

<u>Applicant</u>	<u>Amount</u>
NB Home Improvement LLC P.O. Box 1544 Cranford, NJ 07016	\$2,017.00

Roll Call: Andre, Dierkes, Messler, Mortimer, Pater, Turner. Nays: 0.  
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The following resolution was introduced by Councilwoman Pater and seconded by Councilman Messler.

**RESOLUTION 52-2019**

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 Educational Services Commission of New Jersey (ESCNJ) Cooperative Pricing System 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 Beyer-Ford, Morristown, NJ pursuant to ESCNJ Cooperative Pricing Agreement Contract #65-MCESCCPS-ESCNJ 17/18-21 for the acquisition of a police vehicle; and

WHEREAS, the cost for (1) one 2019 Police Interceptor SUV under Contract #65-MCESCCPS-ESCNJ 17/18-21 is \$34,326.00; 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 Police Interceptor SUV under terms and provisions of ESCNJ Cooperative Pricing Agreement Contract #65-MCESCCPS-ESCNJ 17/18-21 be and hereby is approved.

Roll Call: Andre, Dierkes, Messler, Mortimer, Pater, Turner. Nays: 0.  
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The following resolution was introduced by Councilwoman Andre and seconded by Councilman Turner.

**RESOLUTION 53-2019**

BE IT RESOLVED that the Chief Financial Officer Jill Goode is hereby authorized to accept bids for a \$5,214,921.00 Bond Anticipation Note.

Roll Call: Andre, Dierkes, Messler, Mortimer, Pater, Turner. Nays: 0.  
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The following resolution was introduced by Councilman Messler and seconded by Councilman Turner.

**RESOLUTION 54-2019**

WHEREAS, the Borough of Mountainside, pursuant to N.J.A.C. 5:34-7.21 may by resolution and without advertising for bids, purchase any goods or services under Cooperative Contract Purchasing; and

WHEREAS, the Borough of Mountainside plans to replace carpeting and flooring at various areas in the municipal building and by utilizing the Morris County Educational Services Commission Cooperative Pricing System (MCESCCPS) 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 Direct Flooring, Flemington, NJ pursuant to #65MCESCCPS for the acquisition of commercial flooring; and

WHEREAS, the cost for the replacement of carpeting and flooring under contract #65MCESCCPS will be \$39,868.00; and

WHEREAS, the Borough's Chief 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 replacement of carpeting and flooring under terms and provisions of #65MCESCCPS be and hereby are approved.

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

The following resolution was introduced by Councilman Mortimer and seconded by Councilman Turner.

**RESOLUTION 55-2019**

WHEREAS, the Borough of Mountainside, pursuant to N.J.A.C. 5:34-7.21 may by resolution and without advertising for bids, purchase any goods or services under Cooperative Contract Purchasing; and

WHEREAS, the Borough of Mountainside plans to install new recording, sound and video systems in the municipal court and by utilizing the Morris County Educational Services Commission Cooperative Pricing System (MCESCCPS) 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 Gramco Business Communications, Clifton, NJ pursuant to #65MCESCCPS for the installation of new recording, sound and video systems in the municipal court; and

WHEREAS, the cost for the sound system upgrade under contract #65MCESCCPS will be \$29,292.00; and

WHEREAS, the Borough's Chief 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 installation of these new systems under terms and provisions of #65MCESCCPS be and hereby are approved.

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

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

**RESOLUTION 56-2019**

WHEREAS, an advertisement was placed in the newspaper for the Community Pool Snack Bar Contract; and

WHEREAS, three proposals were submitted and Recreation Director, Frank Masella recommends awarding to Darby Road Public House/Catering in the sum of \$11,000.00; and

WHEREAS, Joseph Mortarulo and Donna Miller, have extensive experience in the food industry for the past twenty years.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the Community Pool Snack Bar contract for the year 2019 be awarded to Darby Road Public House/Catering, 450 Park Avenue, Scotch Plains, NJ in the amount of \$11,000.00; and

BE IT FURTHER RESOLVED that payment to the Borough shall be as follows:

June 1, 2019 - 50% of total or \$5,500.00

July 1, 2019 - 50% of total or \$5,500.00

Also due by June 1, 2019  
\$500 security deposit on equipment  
\$300 refundable cleaning fee  
\$5,500.00 performance security

Roll Call: Andre, Dierkes, Messler, Mortimer, Pater, Turner. Nays: 0  
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**BILLS & CLAIMS:**

The following resolution was introduced by Councilman Mortimer and seconded by Councilman Turner:

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 23<sup>rd</sup> day of April 2019, 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 \$209,433.53 (Copy of bill list attached).

Roll Call: Andre, Dierkes, Messler, Mortimer, Pater, Turner. Nays: 0  
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**COUNCIL COMMENTS:**

Councilman Mortimer provided a library report.

Councilwoman Pater announced upcoming events and thanked the Snow Buddy Program volunteers.

Councilman Messler announced the distribution of free tree seedlings on April 27<sup>th</sup>.

Mayor Mirabelli announced free "Yoga with the Mayor" classes. The Mayor expressed his opposition to the plan being pitched by Senate President Sweeney to consolidate K-8 school districts in smaller municipalities.

**AUDIENCE PARTICIPATION:**

Gary Whyte, 289 Old Tote Road, gave an update on Fibrodysplasia Ossificans Progressiva (FOP) awareness.

Hearing no one else wishing to speak, Mayor Mirabelli closed the meeting to the public.  
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Upon a motion by Councilman Turner and a second by Councilwoman Andre, the meeting was unanimously adjourned at 8:20 P.M.  
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Martha Lopez, RMC  
Borough Clerk