

**WORK SESSION  
JUNE 1, 2021**

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.

PRESENT: Mayor Mirabelli, Council President Andre, Councilman Dierkes, Councilman Matejek, Councilman Messler, Councilwoman Pacifico, Councilwoman Pater, Attorney Post and Administrator Mortimer. Also present were Assistant Recreation Director Samantha Grindlinger, Senior Director Kim Moriak, Police Chief Joseph Giannuzzi, Borough Engineer Mike Disko and DPW Director Matthew DeAnna.

Discussion was held regarding a request from the Borough Engineer to determine which streets to apply for the NJDOT grant application. The Council approved the Engineer's recommendation to apply for funds to repave the Library Parking Lot, Watchung Plaza, Birch Hill Road and Rolling Rock Road. The proper resolution will be prepared for the meeting of June 15, 2021.

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

**RESOLUTION 63-2021**

WHEREAS, in accordance with applicable provisions of the Public Contracts Law, the Borough advertised for Bids for Contract 2021-2 for "Paving Improvements on Various Streets"; and

WHEREAS, on May 27, 2021 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>	<u>Alt. #3</u>	<u>Alt. #4</u>
Denbar Construction	\$441,250.50	\$55,300.00	\$28,950.00	\$43,500.00	\$80,091.16
Midwest Construction	\$493,096.26	\$77,025.00	\$34,300.00	\$54,605.00	\$82,720.61
AJM Contractors	\$496,917.50	\$71,890.00	\$28,240.00	\$46,170.00	\$107,921.11
DLS Contracting	\$518,906.50	\$72,087.50	\$35,725.00	\$51,109.50	\$110,491.16
Topline Construction	\$524,991.39	\$72,601.00	\$25,598.77	\$49,657.97	\$120,800.53

WHEREAS, the Borough Engineer recommends awarding the Base Bid, Alternate #2, Alternate #3; and Alternate #4; and

WHEREAS, the lowest bidder is Denbar Construction Inc., and the Borough Engineer has recommended that Contract 2021-2 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 \$593,791.66 pending Attorney review.

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

Discussion was held regarding a FAR recommendation from the Borough Engineer. Mike Disko provided an analysis of the existing Land Use Ordinance with respect to current Floor Area Ratio (FRA) requirements and current subdivision lot area requirements. The possible revisions to the FAR standards include increasing the current 22.5%/24% standards for properties with lot sizes under 15,000 sq. ft. An effective way to minimize overdevelopment potential is to increase the required lot area and lot width of properties subject to subdivision, specifically for all subdivisions which increase the number of buildable lots. The council may consider new subdivisions be required to contain conservation or tree-save easements. Attorney Post will draft and submit the proposed changes to the Planning Board for approval.

-----

Discussion was held regarding the release of two performance bonds. The Borough Engineer recommends the release and termination of the performance guarantees provided by Peak Sports Academy and Alpine at Mountainside, LLC. All site improvements have been completed and approved. Mayor Mirabelli tabled the Peak Sports Academy release until the redevelopment fees are resolved. Alpine at Mountainside, LLC will be released with the condition of a two-year landscaping maintenance bond. The proper resolution will be prepared for the June 15, 2021 meeting.

-----

Discussion was held regarding a request from the Tax Collector to authorize tax overpayment refunds due to duplicate payments. The proper resolution will be prepared for the meeting of June 15, 2021.

-----

Discussion was held regarding renewing the cooperative pricing agreement with Morris County Cooperative Pricing Council. It will allow the Borough to enter into a five-year cooperative pricing agreement for the purchase of vehicles, services, materials and supplies at a lower cost to the Borough. The proper resolution will be prepared for the June 15, 2021 meeting.

-----

Discussion was held regarding a department refund. The CFO Jill Goode recommends a refund to the Suburban Municipal JIF for an overpayment on a workman's compensation claim in the amount of \$568.11. The proper resolution will be prepared for the meeting of June 15, 2021.

-----

Discussion was held regarding the appointment of Casey Olohan as the Senior Citizen Handyman. Casey Olohan would replace Anthony Pecorelli at an hourly rate of \$20.00. The proper resolution will be prepared for the June 15, 2021 meeting.

-----

Discussion was held regarding a request from the Finance Officer for a Chapter 159 resolution to include special items of revenue into the 2021 municipal budget for the Infrastructure & Municipal Aid Grant in the amount of \$40,000.00. The proper resolution will be prepared for the meeting of June 15, 2021.

-----

Discussion was held regarding a commendation to the finalists in the Your Song, Your Voice music competition. Margaret Smith and Lauren Gomez entered the competition conducted by the

Partnership for a Drug-Free New Jersey. They became finalists with the original song they wrote and performed, called “Bad Decisions/Bad Conditions”. The council wish to commend them for their accomplishments. A proclamation will be presented at the June 15, 2021 meeting.

-----

Discussion was held regarding the Fireworks Celebration. The 4<sup>th</sup> of July Fireworks will take place and adhere to the Governor’s executive orders with no social distancing or limits on attendees. The Mayor does encourage people to wear masks.

-----

Discussion was held regarding the conclusions of the Cannabis Committee meeting. The Committee has determined to opt-out of the operation of any one or more classes of cannabis establishments, distributors or delivery services anywhere in the Borough of Mountainside. The state still has to enact legislation to regulate cannabis businesses and it would be premature to participate without being fully informed. The borough may opt-in at a later time. An ordinance will be introduced at the meeting of June 15, 2021.

-----

Discussion was held regarding the pool renovation consultant. The main pool and baby pool are in need of some major renovations. The Recreation Committee recommended hiring a pool consultant to better determine the scope and costs of the renovations. The consultant will cost approximately \$3,000. The Council agreed to proceed with a pool consultant.

-----

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

**RESOLUTION 62-2021**

WHEREAS, since Memorial Day, 2020, five Veterans, all of whom were members of Mountainside Post 10136 of the Veterans of Foreign Wars, have passed away; and

WHEREAS, the Governing Body of the Borough of Mountainside wishes to extend condolences to the families, friends, and comrades-in-arms of these men; and

WHEREAS, beyond the usual condolences the Governing Body notes that this group of Veterans included men whose served in several branches of the armed forces that defend our country; and

WHEREAS, this group of Veterans included men whose service extended all over the world, and involved some of them in the most hard fought, bloody battles of the Second World War; and

WHEREAS, the quality, character and duration of their service to our country was aptly described by Tom Brokaw when he wrote a book about Veterans and named it “The Greatest Generation”; and

WHEREAS, after their military service these men came home, settled in Mountainside, and enriched the life of our community for the rest of their lives.

NOW, THEREFORE, We, the Members of the Governing Body of the Borough of Mountainside, in remembering Gene Bland, Frank Freer, Norman Hobbib, Bill Madden and Jerry Rice, call to mind what General George Patton said regarding men he had led:

” It is foolish and wrong to mourn the men who died.  
Rather, we should thank God that such men lived.”

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

Discussion was held regarding non-union employee compensation. The A&E Committee recommended a 2.5% increase. The proper resolution will be prepared for the meeting of June 15, 2021.  
-----

Discussion was held regarding addressing vicious dogs in the borough’s dog ordinance. After the tragic death of a dog attacked by another dog, Councilman Dierkes requested amendments to the borough’s dog ordinance to make vicious dog regulations more stringent. Attorney Post explained that NJ Statutes regulate vicious dogs and municipalities can not go beyond that law. The Mountainside Animal Control Officer has filed a complaint under the state statute and the case is pending in the Municipal Court.  
-----

Discussion was held regarding the appointment of William Bergner as the PT Fire Prevention Official. William Bergner would replace Joseph Popolo at an hourly rate of \$40.00. The proper resolution will be prepared for the June 15, 2021 meeting.  
-----

**BILLS & CLAIMS:**

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

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 1<sup>st</sup> day of June 2021, 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 \$112,631.62 (Copy of bill list attached).

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

**COUNCIL COMMENTS:**

Councilwoman Andre announced Borough events.

Councilwoman Pater reported Historical Restoration news.

DPW Director Matthew DeAnna mentioned upcoming Borough events.

Borough Engineer Mike Disko discussed a change order to the Long Meadow and Beechwood Court bid. NJDOT agreed to cover the costs of additional curbs and road reconstruction since the bid had a grant balance of \$68,000. The change order will be in the amount of \$50,800 with no costs to the borough. The proper resolution will be prepared for the June 15, 2021 meeting. The Engineer mentioned upcoming road projects.

-----

The Mayor thanked Matthew DeAnna, Glenn Mortimer, Frank Masella and Mike Disko for coordinating the DPW and Pool Facility projects.

-----

**AUDIENCE PARTICIPATION:**

Residents were encouraged to call in with public comments.

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

-----

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

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, 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 8:36 P.M.

-----

The meeting was recalled to public session.

Upon a motion by Councilwoman Andre and a second by Councilman Messler, the meeting was unanimously adjourned at 9:36 P.M.

-----

---

Martha Lopez, RMC  
Borough Clerk