REGULAR MEETING
JULY 21, 2020

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 7:34 P.M via Zoom.

INVOCATION: Councilwoman Andre
SALUTE TO THE FLAG
ROLL CALL

PRESENT: Mayor Mirabelli, Councilwoman Andre, Councilman Dierkes, Councilman Messler, Councilwoman Pacifico, Councilwoman Pater, Council President Turner, Administrator Atkins and Attorney Post. Also present were Public Works Director Matthew DeAnna, CFO Jill Goode, Recreation Director Frank Masella and Police Chief Joseph Giannuzzi.

APPROVAL OF MINUTES:

Upon a motion by Councilman Turner a second by Councilman Messler, the minutes of the Regular & Executive Session Meetings held on June 16, 2020 were approved. Roll Call: Ayes: Andre, Dierkes, Messler, Pacifico, Pater, Turner. Nays: 0.

Upon a motion by Councilman Turner a second by Councilman Messler, the minutes of the Work Session Meeting held on July 7, 2020 were approved. Roll Call: Ayes: Andre, Dierkes, Messler, Pacifico, Pater, Turner. Nays: 0.

RESOLUTIONS:

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

RESOLUTION 80-2020

AUTHORIZING THE MAYOR AND MUNICIPAL CLERK OF THE MUNICIPALITY OF MOUNTAINSIDE TO EXECUTE AN AGREEMENT WITH THE COUNTY OF UNION TO MODIFY THE COOPERATIVE AGREEMENT DATED JUNE 2014, AS AMENDED JULY 2017

WHEREAS, certain Federal funds are potentially available to the County of Union under Title I of the Housing and Community Development Block Grant Act of 1974, as amended, commonly known as the Community Development Block Grant Program; and

WHEREAS, certain Federal funds are potentially available to the County of Union under Title II of the National Affordable Housing Act of 1990, commonly known as the HOME Investment Partnership program; and

WHEREAS, substantial Federal funds provided through subtitle B of Title IV of the McKinney-Vento Homeless Assistance Act commonly known as the Emergency Solutions Grants program (ESG) are allocated to prevent homelessness and to enable homeless individuals and families to move toward independent living; and

WHEREAS, it is necessary to amend an existing Cooperative Agreement for the County of Union and its people to benefit from this program; and

WHEREAS, it is in the best interest of the Municipality of Mountainside and the County of Union in cooperation with each other to enter into a modification of the existing Cooperative Agreement pursuant to N.J.S.A. 40A:65-1 et seq;

NOW THEREFORE, BE IT RESOLVED by the Mayor and Governing Body of the Borough of Mountainside that the agreement entitled "COOPERATIVE AGREEMENT BETWEEN THE COUNTY OF UNION AND CERTAIN MUNICIPALITIES FOR CONDUCTING CERTAIN COMMUNITY DEVELOPMENT ACTIVITIES," dated June 2014, as amended July 2017 for the Purpose of Inserting a Description of Activities for Fiscal Year 2020-2021 of the Union County Community Development Block Grant program, the HOME Investment Partnership program, and the Emergency Shelter Grant program (ESG), a copy of which is attached hereto; be executed by the Mayor and Municipal Clerk in accordance with the provisions of law;

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon its adoption.

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

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

RESOLUTION 81-2020

WHEREAS, the Labor Attorney is required to perform services for the Borough beyond the scope of the services upon which his salary is based; and

WHEREAS, such services constitute professional services within the meaning of N.J.S.A.40A:11-2; and

WHEREAS, the nature of such legal services will not reasonably permit the drawing of specifications or the receipt of competitive bids;

WHEREAS, the Borough of Mountainside desires to appoint the Labor Attorney as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 and 20.5; and

WHEREAS, the appropriate Borough official has determined that the value of these services will exceed $17,500, but not to exceed $90,000 over the life of the contract. This maximum dollar value is based on a reasonable estimate of the services required over the contract term, and the Borough of Mountainside is not obligated to spend that amount; and

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

WHEREAS, Vincent J. Apruzzese, Esq. (a member of the firm of Apruzzese, McDermott, Mastro & Murphy PC) will complete and submit a Business Entity Disclosure Certification which certifies that it has not made any reportable contributions to a political candidate or candidate committee in the Borough of Mountainside in the previous year, and acknowledging that the contract will prohibit it from making any reportable contributions through the term of the contract; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Mountainside that Apruzzese, McDermott, Mastro & Murphy, PC be the Labor Attorney, be and is appointed to perform such legal services as may be required by the Governing Body and which are beyond the scope of the services upon which the Labor Attorney's salary is based; and

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

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

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

RESOLUTION 82-2020

WHEREAS, Ordinance 1279-2020 established the membership fee schedule for the 2020 municipal pool season; and

WHEREAS, due to the COVID-19 Pandemic the Mountainside Community Pool had a delayed opening; and

WHEREAS, the Mayor and Council of the Borough of Mountainside recommends that the full season memberships be discounted at 25% for the 2020 season and members who previously paid the non-discounted full season membership fees for 2020 would receive a partial refund or receive a credit towards their 2021 pool season membership for the excess paid.

NOW, THEREFORE, BE IT RESOLVED that the Treasurer be authorized to issue partial refunds for the excess to any member who paid the non-discounted full season fees.

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

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

RESOLUTION 83-2020

WHEREAS, the State of New Jersey Department of Military and Veterans Affairs, by letter dated April 1, 2020 has confirmed that Mr. Salvatore Caruvana, a resident of Mountainside was granted a determination of 100% total disability by the United States Department of Veterans Affairs, effective February 24, 2020; and

WHEREAS, Mr. Caruvana has made an application to the Tax Assessor for an exemption from property taxes based on his disabled veteran's status under N.J.S.A. 54:4-3.30; and

WHEREAS, it is recommended by the tax assessor that Mr. Caruvana be granted complete exemption from billed property taxes of April 1, 2020, and any overpayment of taxes paid on behalf of Mr. Caruvana be refunded.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Mountainside, County of Union, State of New Jersey that Mr. Salvatore Caruvana be granted complete exemption from taxes billed as of April 1, 2020 and Corelogic be issued a refund of $3,831.11 which is the overpayment of taxes paid in 2020.

Property Owner	Address	Block and Lot
Salvatore Caruvana	1143 Maple Court	Block 5.17, Lot 12

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

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

RESOLUTION 84-2020

WHEREAS, the Recreation Director Frank Masella requested the following refunds; and

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

Applicant	Program	Amount
Natalie Phipps 1330 Hidden Circle	Pool Membership	$348.00
Staci Hutchison 206 Mountainview Avenue Scotch Plains, NJ 07076	Pool Membership	$640.00
William & Ellen Gottdenker 9 Little Court	Pool Membership	$248.00
Alexey Edwards 222 Pembrook Road	Pool Membership	$348.00
Regina Read 2228 Lyde Place Scotch Plains, NJ 07076	Pool Membership	$640.00
Tara Moore 236 Beechwood Court	Pool Membership	$348.00
Michele Cerciello 127 Lyons Place Springfield, NJ 07081	Pool Membership	$348.00
Sandra Saraiva 318 Rolling Rock Road	Pool Membership	$348.00
Patrick Genova 370 Old Tote Road	Pool Membership	$248.00
Laura Cognetti 303 Partridge Run	Pool Membership	$348.00
Cliff Florowitz 1454 Deer Path	Pool Membership	$248.00
Patricia Feeley 2446 Allwood Road Scotch Plains, NJ 07076	Pool Membership	$271.00
Becky Novorro 213 Evergreen Court	Pool Membership	$348.00
Christine Pfeiffer 339 Central Avenue	Basketball	$ 87.00

Michelle Blum 1324 Outlook Drive East	Pool Membership	$348.00
Alicia Williams 999 Chimney Ridge Drive	Pool Membership	$348.00
James Wood 1325 Outlook Drive E	Pool Membership	$348.00
Kate Diskin 364 Dogwood Way	Pool Membership	$348.00
Marianne Herrighty 356 Darby Lane	Pool Membership	$348.00
Theresa Lada 1020 Mary Allen Lane	Pool Membership	$410.00
Betty Kretkowski 3 Woodbrook Circle Westfield, NJ 07090	Pool Membership	$271.00
Dawn Zambrano 3 Woodbrook Circle Westfield, NJ 07090	Pool Membership	$640.00
Beth Dinicola 347 Acacia Road Scotch Plains, NJ 07076	Pool Membership	$640.00
Bob & Cheryle Wellinger 440 Jerusalem Road Scotch Plains, NJ 07076	Pool Membership	$542.00
Angela McFarlane 133 Berkeley Terr. Plainfield, NJ 07060	Pool Membership	$640.00
John Huss 1291 Knollwood Road	Pool Membership	$348.00
Randy Shehady 373 Short Drive	Pool Membership	$348.00
Diane Gruszecki 1098 Prospect Avenue	Pool Membership	$348.00
Jenny Mulcahy & Jose Gonzalez 1329 Stony Brook Lane	Pool Membership	$348.00
Olga Kushpit 1500 Route 22 W	Pool Membership	$348.00
Arlene McPherson 280 Partridge Run	Pool Membership	$129.00

Erica Tricarico-Detrolio 1022 Ledgewood Road	Pool Membership	$348.00
Shirley Lam 366 Creek Bed Road	Pool Membership	$297.00
Eric Marcolina 404 William Street Scotch Plains, NJ 07076	Pool Membership	$640.00
Mary L. Root 1209 Wyoming Drive	Pool Membership	$124.00
Lorene Connolly 315 Central Avenue	Pool Membership	$124.00
Dorota Zacieracha 1182 Puddingstone Road	Soccer	$140.00
Larry Juelis 134 Delacy Avenue North Plainfield, NJ 07060	Pool Membership	$542.00
Carol Fowler 333 Timberline Road	Pool Membership	$248.00
Lauren Klein 143 Knightsbridge Road	Pool Membership	$348.00
Robert Miller 1824 Mountain Avenue Scotch Plains, NJ 07076	Pool Membership	$640.00
Marina Rozyman 8 Little Court	Pool Membership	$472.00
Mary Kaiserman 540 William Street Scotch Plains, NJ 07076	Pool Membership	$322.00
Pat Esemplare 583 Woodland Avenue	Pool Membership	$124.00
Christine Juba 365 Summit Road	Pool Membership	$248.00
Holly Kempner 349 Ackerman Avenue	Pool Membership	$261.00
Erin Frasiolas 2236 Rhoda Place Scotch Plains, NJ 07076	Pool Membership	$640.00
Leanna Amorim 2419 Mountain Avenue Scotch Plains, NJ 07076	Pool Membership	$320.00

Carl Weiss 1009 Columbus Avenue Westfield, NJ 07090	Pool Membership	$640.00
Anne Marie Petriano 734 Belvidere Avenue Westfield, NJ 07090	Pool Membership	$271.00
Tom Foxton 228 Victor Street Scotch Plains, NJ 07076	Pool Membership	$640.00
Amy Beversluis 3 Azalea Court Scotch Plains, NJ 07076	Pool Membership	$640.00
Joshua Timari 825 O'Donnell Avenue Scotch Plains, NJ 07076	Pool Membership	$640.00
Robert Tranquilli 1120 Corinne Terrace	Soccer	$140.00

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

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

RESOLUTION 85-2020

WHEREAS, Mountainside Real Estate Associates, LLC is the owner of the property designated as 1191 Route 22, Block 23, Lot 4, on the current tax map of the Borough of Mountainside, and took an appeal from the 2016 real estate tax assessments; and

WHEREAS, Michael Frangella, the Borough's Tax Assessor, has recommended that such appeal be settled upon the terms set forth below; and

WHEREAS, the Borough Attorney concurs with such recommendations; and

WHEREAS, the Governing Body has concluded that such settlement is appropriate.

NOW, THEREFORE, BE IT RESOLVED, that the foregoing tax appeal be settled as follows:

(a) The 2016 assessed valuation for Block 23, Lot 4, otherwise known as 1191 Route 22, shall be reduced from $941,500 to $641,500.

(c) The provisions of N.J.S.A. 54:51A-8, the Freeze Act, shall apply to the settlement set forth herein.

Upon receipt of the New Jersey State Tax Court Judgment reflecting the above referenced assessment values and when the method for generating the refund payment has been fully and finally approved, the appropriate Borough officials are authorized and directed to refund approximately $21,909.00, for the 2016 tax year. Such refund is to be paid by way of check made payable to "Daniel

Kanoff, Esq., Attorney for Mountainside Real Estate Associates, LLC" and forwarded to Daniel Kanoff, Esq., Blau & Blau, 223-B Mountain Avenue, Springfield, New Jersey 07081

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

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

RESOLUTION 86-2020

WHEREAS, the Borough Clerk has requested the following refund due to an overpayment of a raffle application fee.

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

Andrew P. Adornato $200.00
1094 Willow Road
Mountainside, NJ 07092

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

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

RESOLUTION 87-2020

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 New Jersey State Cooperative Purchasing Program 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 Winner Ford, Cherry Hill, NJ pursuant to NJ State Contract #88728 for the acquisition of a police vehicle; and

WHEREAS, the cost for (1) one 2020 Ford Utility Interceptor under NJ State Contract #88728 for $32,087.00; 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 Ford Utility Interceptor under the terms and provisions of NJ State Contract #88728 be and hereby are approved.

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

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

RESOLUTION 88-2020

WHEREAS, the Mayor and Council of the Borough of Mountainside hereby acknowledges the requirement of preliminary costs to determine the scope and cost of a proposed undertaking. The purpose of these preliminary costs are the engineering, appraisal and related costs to establish the feasibility of the acquisition of Levi Cory Park and that the amount to be charged is for the purpose for which bonds may be issued under Chapter 2 of Title 40A.

NOW, THEREFORE, BE IT RESOLVED that the amount appropriated for preliminary costs shall not exceed $25,000 and the Chief Financial Officer is authorized to set up a "Reserve for Preliminary Expenses" out of the Capital Improvement Fund of the General Capital Fund.

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

Resolution 89-2020 was tabled for executive session.

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

RESOLUTION 90-2020

WHEREAS, there is a need for a Full Time Finance Assistant; and

WHEREAS, the Governing Body of the Borough of Mountainside is desirous of hiring someone to assist in the Finance & Tax Department; and

WHEREAS, Majlinda Kacifa is experienced in performing the duties of Full Time Finance Assistant; and

WHEREAS, the Borough Administrator recommends that the Borough Council take action to hire Majlinda Kacifa.

NOW, THEREFORE, BE IT RESOLVED, by Mayor and Council of the Borough of Mountainside that Majlinda Kacifa is hereby hired as Full Time Finance Assistant in the Finance & Tax Department at an annual salary of $43,000 effective August 3, 2020 with a 90-day probationary period.

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

ORDINANCE: First Reading (Introduction)

ORDINANCE 1286-2020
AN ORDINANCE AMENDING CHAPTER 8, SECTION 1.8 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MOUNTAINSIDE, 2020

BE IT ORDAINED, that Chapter 8, Section 1.8 of the Revised General Ordinances of the Borough of Mountainside, 2020 be and the same is hereby amended to provide as follows:

The Police Committee shall submit to the Borough Council its recommendations for the promotion of all members and officers within the Department. All promotions to ranks higher than patrolman shall be made in accordance with the procedures and policies regarding promotions that have been promulgated by General Orders of the Mountainside Police Department. Promotions shall be subject to confirmation by a majority of the members of the Borough Council present and voting at any meeting.

It was moved by Councilman Messler and seconded by Councilman Turner that this ordinance be passed on first reading and advertised in full for a public hearing on August 18, 2020.

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

MOTIONS:

The following motions were unanimously approved:

1. Approve raffle application from the PTO Mountainside for an on premise draw raffle
2. Authorize the appointment of Ian Kaluzny as a Volunteer Firefighter

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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 21st day of July 2020, 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 $387,463.60 (Copy of bill list attached).

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

COUNCIL COMMENTS:

Mayor Mirabelli reminded the entire community that COVID-19 is still here and we need to remain diligent and adhere to Governor Murphy's executive order.

AUDIENCE PARTICIPATION:

Hearing no one wishing to speak, this section was closed to the public.

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

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 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 7:58 P.M.

The meeting was recalled to public session at 8:58 P.M.

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

RESOLUTION 89-2020

WHEREAS, there is a need for a P/T Violations Clerk in the Court Department; and

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

WHEREAS, Rayanne Burns is qualified to perform the duties of P/T Violations Clerk; and

WHEREAS, the Borough Administrator recommends that the Borough Council take action and hire Rayanne Burns.

NOW, THEREFORE, BE IT RESOLVED, by Mayor and Council of the Borough of Mountainside that Rayanne Burns is hereby hired as P/T Violations Clerk in the Court Department at an hourly rate of $15.00, not to exceed 20 hours unless approved in advance, effective August 1, 2020 with a 90-day probationary period.

Roll Call: Andre, Messler, Pacifico, Pater, Turner. Nays: Dierkes.

Upon a motion by Councilman Messler and a second by Councilman Dierkes, the meeting was unanimously adjourned at 9:03 P.M.

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Martha Lopez, RMC
Borough Clerk