

**REGULAR MEETING
NOVEMBER 22, 2022**

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 Pacifico
SALUTE TO THE FLAG
ROLL CALL

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

APPROVAL OF MINUTES:

Upon motion by Councilman Messler a second by Councilman Matejek, the minutes of the Regular Session Meeting held on October 18, 2022 were approved. Roll Call: Ayes: Dierkes, Matejek, Messler, Pacifico, Pater. Nays: 0.

Upon motion by Councilman Messler a second by Councilwoman Pater, the minutes of the Work & Executive Session Meetings held on November 1, 2022 were approved. Roll Call: Ayes: Dierkes, Matejek, Messler, Pacifico, Pater. Nays: 0.

PROCLAMATION:

WHEREAS, we take great pleasure in honoring those members of the United States military who, throughout their distinguished careers, have served with honor, bravery and an unswerving commitment to duty; and

WHEREAS, one such individual is Brigadier General Timothy S. McLaughlin of the Army National Guard, who, having completed an exemplary tenure of proud service to our nation, has officially retired; and

WHEREAS, throughout his long military career, this dedicated veteran exhibited extraordinary devotion to duty, outstanding loyalty, fine leadership and meticulous attention to detail in all of his duties; and

WHEREAS, Tim McLaughlin was born and raised in Morristown, NJ. He graduated from Rutgers University with a degree in Political Science and received commission as a 2nd Lieutenant via the Rutgers ROTC; and

WHEREAS, as his military career progressed he held numerous leadership positions within the 50th Main Support Battallion, 42nd Division. Tim was deployed to Iraq with the 42nd Infantry Division in support of Operation Iraqi Freedom and upon his return to New Jersey was assigned even more prestigious command positions; and

WHEREAS, over Tim's career he received many decorations and badges that include the Legion of Merit, Bronze Star, Meritorious Service Medal, Army Commendation Medal, Army

Achievement Medal, Army Meritorious Unit Commendation, Army Reserve Components Achievement Medal, National Defense Service Medal, Iraq Campaign Medal, Global War on Terrorism Service Medal, Humanitarian Service Medal, Armed Forces Reserve Medal, Army Service Ribbon, and Overseas Service Ribbon; and

WHEREAS, Tim attained the rank of Brigadier General of the Army National Guard on July 2, 2019 and was most recently the Assistant Adjutant General-Army where he was the principal advisor to the Adjutant General (NJ) for Soldier and unit readiness of approximately 6,000 soldiers and 7 major subordinate commands across New Jersey; and

WHEREAS, Tim has been the Commander of the Mountainside VFW Post 10136 for the past 10 years. During that time, he has been a tireless advocate for Mountainside's Veterans. His leadership has also helped to make the Mountainside Memorial Day and Veterans Day events what they are today. Tim was an integral part of the Veterans Memorial and an asset during the production of the Veteran Banners; and

WHEREAS, Tim and his wife Dorothy have lived in Mountainside for 31 years. Here they have raised their 4 children: Emily, Christopher, Jonathan and Abigail.

NOW, THEREFORE, BE IT RESOLVED that we, the Governing Body of the Borough of Mountainside, honor and commend Brigadier General Timothy S. McLaughlin upon his retirement, as we extend our gratitude for his many years of selfless service and our best wishes for his every future happiness and success.

RESOLUTIONS:

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

RESOLUTION 140-2022

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, the Chief Financial Officer has advised the Mayor and Council of the Borough of Mountainside that the need for certain transfers within the 2022 Municipal Budget exists, and

WHEREAS, this resolution authorizes the Chief Financial Officer to make these transfers.

NOW, THEREFORE, BE IT RESOLVED that the following budget transfers be ratified.

<u>CURRENT ACCOUNT</u>	<u>TO</u>	<u>FROM</u>
Payment of BANS and Capital Notes	927.51	
Tax Assessor, O/E		927.51

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

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

RESOLUTION 141-2022

WHEREAS, the Borough of Mountainside needs to refund monies to interested parties for overpayment of current year taxes,

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

Duplicate payments Due to Banks

CoreLogic
Centralized Refunds
P. O. Box 9202
Coppell, TX 75019-9978

<u>Block</u>	<u>Lot</u>	<u>Amount</u>	
3.16	127	\$3,004.48	281 Friar Road
5.20	34	\$2,019.38	1140 Route 22
7.06	14	<u>\$2,923.86</u>	1091 Sunny View Road
		\$7,947.72	

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

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

RESOLUTION 142-2022

RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF MOUNTAINSIDE, IN THE COUNTY OF UNION, NEW JERSEY, DESIGNATING A \$5,968,000 BOND ANTICIPATION NOTE, DATED OCTOBER 21, 2022, PAYABLE JULY 20, 2023, AS A "QUALIFIED TAX-EXEMPT OBLIGATION" PURSUANT TO SECTION 265(b)(3) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED

WHEREAS, the Borough of Mountainside, in the County of Union, New Jersey (the "Borough"), intends to issue a \$5,968,000 Bond Anticipation Note, dated October 21, 2022 and payable July 20, 2023 (the "Note"); and

WHEREAS, the Borough desires to designate the Note as a "qualified tax-exempt obligation" pursuant to Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (the "Code");

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Mountainside, in the County of Union, New Jersey, as follows:

SECTION 1. The Note is hereby designated as a "qualified tax-exempt obligation" for the purpose of Section 265(b)(3) of the Code.

SECTION 2. It is hereby determined and stated that (1) said Note is not a "private activity bond" as defined in the Code and (2) the Borough and its subordinate entities, if any, do not

reasonably anticipate issuing in excess of \$10 million of new money tax-exempt obligations (other than private activity bonds) during the calendar year 2022.

SECTION 3. It is further determined and stated that the Borough has, as of the date hereof, issued the following tax-exempt obligations (other than the Note) during the calendar year 2022:

<u>Amount</u>	<u>Dated – Due</u>
\$5,085,000 BAN	4/21/22 – 10/21/22

SECTION 4. The Borough will, to the best of its ability, attempt to comply with respect to the limitations on issuance of tax-exempt obligations pursuant to Section 265(b)(3) of the Code; however, said Borough does not covenant to do so, and hereby expressly states that a covenant is not made hereby.

SECTION 5. The issuing officers of the Borough are hereby authorized to deliver a certified copy of this resolution to the original purchaser of the Note and to further provide such original purchaser with a certificate of obligations issued during the calendar year 2022 dated as of the date of delivery of the Note.

SECTION 6. This resolution shall take effect immediately upon its adoption.

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

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

RESOLUTION 143-2022

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount;

SECTION 1

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Mountainside hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget for the year 2022 for the below amount sums of which item is now available as a revenue from:

Public & Private Revenues off-set with Appropriations:

- Watts Mountainside Community Foundation (\$4,370.00)
(Chairs, backpacks-sensory kits, carbon monoxide detectors)
- Watts Mountainside Community Foundation (\$7,055.60)
(PD Break Room Overhaul)

SECTION 2

BE IT FURTHER RESOLVED, that a like sum be and the same is hereby appropriated under the caption of:

Public & Private Programs Offset By Revenues Excluded from "CAPS"

Watts Mountainside Community Foundation (\$4,370.00)
(Chairs, backpacks-sensory kits, carbon monoxide detectors)
Watts Mountainside Community Foundation (\$7,055.60)
(PD Break Room Overhaul)

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

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

RESOLUTION 144-2022

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>
Denise Joachim 720 Irving Place Plainfield, NJ 07060	Tennis Badges	\$80.00

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

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

RESOLUTION 145-2022

RESOLUTION AUTHORIZING THE BOROUGH OF MOUNTAINSIDE TO ACCEPT A SUBGRANT AWARD OF THE FEDERAL FISCAL YEAR 2022 OF EMERGENCY MANAGEMENT PERFORMANCE GRANT AND EMERGENCY MANAGEMENT AGENCY ASSISTANCE

WHEREAS, the Borough of Mountainside Office of Emergency Management has been awarded State Homeland Security Grant Program Sub-grant AFN #97.042, Subgrant Award #FY22-EMPG-EMAA-2010 from the New Jersey Department of Law and Public Safety, Office of the Attorney General. The subgrant, consisting of \$10,000.00 Federal Award is for the purpose of enhancing the borough's ability to prevent, protect against, respond to and recover from acts of terrorism, natural disasters and other catastrophic events and emergencies; and

WHEREAS, the Borough of Mountainside will use these funds to enhance your Emergency Management Program and that the funds will be used for Emergency Management purposes; and

WHEREAS, the award period is from July 1, 2022 to June 30, 2023; and

WHEREAS, the subgrant award incorporates all conditions and representations contained or made in application and notice of award; and

WHEREAS, the Borough of Mountainside Office Emergency Management, designated by the New Jersey State Police, Office of Emergency Management, has submitted an application for Subgrant Award that has been required by the said New Jersey State Office of Emergency Management.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Mountainside, in the County of Union, State of New Jersey:

1. That the Council accepts the award of the FFY22 Emergency Management Performance Grant Program (EMPG), Emergency Management Agency Assistance Subgrant (EMAA) in the amount of up to \$10,000.00 Federal Funds from the New Jersey State Police, Office of Emergency Management.
2. That the Chief Financial Officer and Director of Emergency Management are authorized to sign the appropriate subgrant award documents.
3. That copies of this resolutions shall be forwarded to the New Jersey State Police, Office of Emergency Management, the Business Administrator, the Chief Financial Officer and the County Division of Emergency Management and Office of Treasury.

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

ORDINANCES: Second Reading (TABLED)

ORDINANCE 1315-2022

AN ORDINANCE AMENDING CHAPTER XIII OF THE CODE OF THE BOROUGH OF MOUNTAINSIDE TO AMEND THE SECTION ENTITLED "FIRE PREVENTION AND PROTECTION" TO AUTHORIZE RECOVERY OF COSTS AND EXPENSES ASSOCIATED WITH PROVISION OF FIRE SERVICES

Second Reading (Public Hearing)

ORDINANCE 1316-2022

AN ORDINANCE AMENDING CHAPTER XXIII OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MOUNTAINSIDE BY SETTING THE RANGE FOR MEMBERSHIP FEES FOR USE OF THE MOUNTAINSIDE COMMUNITY POOL

BE IT ORDAINED by the Mayor and Council of the Borough of Mountainside, County of Union, State of New Jersey, that Chapter XXIII of the Borough Code be, and the same is amended and restated as follows:

<u>Pool Membership – Resident Fees</u>	<u>NOT TO EXCEED</u>
Pool Membership Card replacement fee	\$10.00
Family Membership	
(a) Family Membership	\$462.00
(b) Each unmarried child over 21 living at home or parent living with the family	\$180.00

Regular Meeting
November 22, 2022 – Page 7

Single Membership 16 years of age or older	\$237.00
A Two Adult Membership: 18 years or older living in the same Mountainside Address	\$445.00
Senior Citizen Membership: 62 years of age or older	\$180.00
A child under the age of 16 joining as part of a family, single or senior citizen membership of a relative, if both the child and the membership are resident	\$237.00
A resident person age 14 or 15 employed by a family as a parent's helper joining that family's membership	\$237.00
Single Parent/Child	\$409.00
Au Pair/Nanny	\$180.00

Guest daily Fee	<u>Weekends/Holidays</u>	<u>Weekdays</u>
(a) Adult	\$25	\$25
(b) Under 18 years of age	\$25	\$25

Regular Meeting
October 18, 2022 – Page 10

House guest weekly fee (non-resident) eating and sleeping in member's home:	(a) \$50
(a) 18 years of age or younger	(b) \$50
(b) Over 18 years of age	
Individuals on active military duty who are residents	Free

A family membership composed of only two (2) persons shall be entitled to ten (10) complimentary guests.

A single membership shall be entitled to five (5) complimentary guests.

A senior citizen membership shall be entitled to two (2) complimentary guests.

A family or single membership shall receive two (2) complimentary guest passes if the membership fees are paid in full on or before April 15 of the membership year.

A two adult membership shall be entitled to five (5) complimentary guests.

Pool Membership – Nonresident Fees

NOT TO EXCEED

(a) Family Membership	\$754.00
(b) Each unmarried child over 21 living at home or parent living with the family	\$180.00
Single Membership 16 years of age or older	\$430.00
Senior Citizen Membership: 62 years of age or older	\$327.00
A child under the age of 16 joining as part of a family, single or senior citizen membership of a relative, if both the child and the membership are nonresident	\$430.00
A nonresident person age 14 or 15 employed by a family as a parent’s helper joining that family’s membership	\$430.00

Guest daily Fee	<u>Weekends/Holidays</u>	<u>Weekdays</u>
(a) Adult	\$25	\$25
(b) Under 18 years of age	\$25	\$25
House guest weekly fee (non-resident eating and sleeping in member’s home):		
(a) 18 years of age or younger	(a) \$50	
(b) Over 18 years of age	(b) \$50	
Nonresident registration fee payable for first year membership only:		
(a) Single Membership	(a) \$50	
(b) Family Membership	(b) \$80	

A family membership composed of only two persons shall be entitled to ten (10) complimentary guests.

A single membership shall be entitled to five (5) complimentary guests.

A senior citizen membership shall be entitled to two (2) complimentary guests.

A family or single membership shall receive two (2) complimentary guest passes if the membership fees are paid in full on or before April 15 of the membership year.

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

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

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

First Reading (Introduction)

**ORDINANCE 1317-2022
AN ORDINANCE TO AMEND ORDINANCE 1304-2021 FIXING SALARY RANGES FOR CERTAIN MUNICIPAL EMPLOYEES**

BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that Ordinance 1304-2021 is hereby amended to include the following positions and/or fix the following salary ranges:

Assistant Tax Collector	\$15.00 - \$40.00
Administrative Assistant/Payroll Clerk	\$30,000 - \$65,000
Secretary: Engineering/DPW/Shade Tree/Recycling	\$30,000 - \$65,000
Fitness/Sports Instructor (per person, per class)	\$2 - \$60
Art/Crafts Instructor (per person, per class)	\$2 - \$40
Sports Supervisor (per session)	\$25 - \$90
Men's Softball Supervisor (per session)	\$500
Summer Playground Supervisor (per season)	\$20 - \$28
Summer Playground Assistant Supervisor (per season)	\$15 - \$22

This ordinance shall be effective upon final passage and publication in accordance with the law.

It was moved by Councilman Messler and seconded by Councilman Dierkes that this ordinance be passed on first reading and advertised in full for a public hearing on December 20, 2022.

Roll Call: Ayes: Dierkes, Matejek, Messler, 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 22nd day of November 2022, 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 \$203,567.18 (Copy of bill list attached).

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

COUNCIL COMMENTS:

Councilman Dierkes praised the Fire Department and DPW for their assistance during a recent garbage truck fire. He also invited the community to join the Volunteer Fire Department.

Councilman Matejek announced the Santa Express.

Councilwoman Pater informed residents of upcoming events at the Hetfield and Levi Cory House.

Mayor Mirabelli invited residents to the annual tree lighting ceremony.

AUDIENCE PARTICIPATION: None

Upon a motion by Councilwoman Pater and a second by Councilman Messler, the meeting was unanimously adjourned at 7:55 P.M.

Martha Lopez, RMC
Borough Clerk