

**REGULAR MEETING  
OCTOBER 16, 2018**

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 7:32 P.M.

**INVOCATION: Councilman Mortimer  
SALUTE TO THE FLAG  
ROLL CALL**

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

**APPROVAL OF MINUTES:**

Upon motion by Councilman Mortimer and a second by Councilman Turner, the minutes of the Regular & Executive Session Meetings held on September 18, 2018 were approved. Roll Call: Ayes: Dierkes, Mortimer, Pater, Turner. Nays: 0.

Upon motion by Councilman Mortimer a second by Councilman Turner, the minutes of the Work & Executive Session Meetings held on October 2, 2018 were approved. Roll Call: Ayes: Dierkes, Mortimer, Pater, Turner. Nays: 0.

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**PROCLAMATIONS:**

WHEREAS, Mountainside Youth Baseball (MYB) sponsors youth baseball programs to provide boys with the opportunity to improve their skills and performances in competition with other communities; and

WHEREAS, the MYB U8 travel team, Mountainside Green Machine, were in the District 12 Tournament, Northern New Jersey State Tournament and Mid Atlantic Regional Tournament to capture the District, State and Regional Championship titles; and

WHEREAS, the team finished with an undefeated record of 17-0, including defeating teams from New York, New Jersey and Pennsylvania.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the U8 baseball team and its coaches are hereby commended for their achievements.

Andrew Adornato, Coach  
Eric Cantagallo, Coach  
Vinnie Donahue, Coach  
Terry Hanratty, Coach  
Geoff Hunter, Coach  
Mike Liloia, Coach  
Steve Filiaci, Manager

Addison Adornato  
CJ Cantagallo  
Greg Dardanello  
Michael Donahue  
Matthew Filiaci  
Tyce Hanratty

Noah Hunter  
Mateo Liloia  
Jacob Minnefor  
Alex Pater  
Drew Peris  
Bobby Poth

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WHEREAS, October 23 through October 31, 2018 has been designated Red Ribbon Week,  
and

WHEREAS, Red Ribbon Week started in 1985 with a group of parents wearing red satin  
badges as a memorial to Enrique Camarena, a Federal Drug Enforcement Administration Agent who  
was killed while on duty, and

WHEREAS, as a result, in 1989 the red ribbon became a united symbol of commitment to  
create a drug-free America, showing a nation's intolerance to alcohol and drug abuse, and

WHEREAS, the Municipal Alliance of the Borough of Mountainside, whose mandate includes  
spreading the message of drug and alcohol abuse prevention, has coordinated borough and county  
participation by sponsoring Red Ribbon Week; and

THEREFORE, I, Paul N. Mirabelli, Mayor of the Borough of Mountainside do hereby proclaim  
October 23 through October 31, 2018 as

#### RED RIBBON WEEK

in the Borough of Mountainside and ask all residents to join in a personal commitment to a drug-free  
America by wearing and displaying red ribbons during Red Ribbon Week.  
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WHEREAS, on behalf of the Governor Livingston Band Parents Organization, we wish to  
acknowledge the musical accomplishments of the Governor Livingston Highlander Band; and

WHEREAS, these musical accomplishments have been a great asset to the students of  
Governor Livingston High School and all others who have supported the Highlander Band; and

WHEREAS, all citizens are urged to take interest in and give full support to the Governor  
Livingston Highlander Band in their annual programs.

NOW, THEREFORE, BE IT RESOLVED, that I, Paul N. Mirabelli, Mayor of the Borough of  
Mountainside, hereby proclaim the week of November 11, 2018 as Band Appreciation Week.  
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WHEREAS, Rotary International, founded on February 23, 1905 in Chicago, Illinois USA, is  
the world's first and one of the largest non-profit service organizations; and

WHEREAS, there are over 1.2 million Rotary club members comprised of professional and  
business leaders in over 35,000 clubs in 200 countries and geographic areas; and

WHEREAS, the Rotary motto "Service Above Self" inspires members to provide humanitarian  
service, encourage high ethical standards, and promote good will and peace in the world; and

WHEREAS, Rotary in 1985 launched PolioPlus and spearheaded the Global Polio Eradication Initiative, which today includes the World Health Organization, U.S. Centers for Disease Control and Prevention, UNICEF and the Bill & Melinda Gates Foundation to immunize the children of the world against polio; and

WHEREAS, polio cases have dropped by 99.9 percent since 1988 and the world stands on the threshold of eradicating the disease; and

WHEREAS, to date, Rotary has contributed more than US \$1.8 billion and countless volunteer hours to the protection of more than two and a half billion children in 122 countries; and

WHEREAS, Rotary is currently working to raise an additional \$50 million per year, which would be further leveraged for maximum impact by an additional \$100 million annually from the Bill & Melinda Gates Foundation.

WHEREAS, these efforts are providing much needed operational support, medical personnel, laboratory equipment and educational materials for health workers and parents; and

WHEREAS, in addition, Rotary has played a major role in decisions by donor governments to contribute more than \$8 billion to the effort; and

WHEREAS, there are Rotary clubs sponsoring service projects to address such critical issues as poverty, health, hunger, illiteracy, and the environment in their local communities, and abroad.

Therefore, I Paul N. Mirabelli, Mayor of the Borough of Mountainside, do hereby proclaim October 24, 2018 as World Polio Day in Mountainside.

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**RESOLUTIONS:**

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

**RESOLUTION 115-2018**

BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that authorization is granted for the Finance Officer to issue a check in the amount of \$500 to the Deerfield School PTO as a donation in support of the PTO Fall Festival to be held on October 13, 2018 at Deerfield School.

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

**RESOLUTION 116-2018**

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>
Jacqueline Duskin 1155 Blazo Terrace Mountainside, NJ 07092	Pool Membership	\$108.00

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

#### **RESOLUTION 117-2018**

WHEREAS, on September 27, 2018 the Borough of Mountainside received sealed bids for Contract 2018-10 Tennis Court Repaving at Mountainside Municipal Building; and

WHEREAS, the Borough has determined to reject the bids because they exceed our cost estimates 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 September 27, 2018 for Contract 2018-10 Tennis Court Repaving at Mountainside Municipal Building be and the same are hereby rejected.

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

#### **RESOLUTION 118-2018**

#### **SUPPORTING THE SUBMISSION OF APPLICATIONS TO THE COUNTY OF UNION FOR THE YEAR 45 COMMUNITY DEVELOPMENT BLOCK GRANT (“CDBG”) PROGRAM**

WHEREAS, the Borough of Mountainside advertised a public notice for and will conduct a public hearing on, October 16, 2018, to consider proposals for the Union County Year 45 Community Block Development Grant Program (“CDBG”); and

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Mountainside hereby expresses its support of the Union County Year 45 CDBG Program submissions presented to the Borough Council as set forth in the grant applications received, for the following programs:

1. Senior Citizens Social Services Program

BE IT FURTHER RESOLVED that a copy of this Resolution be furnished to the County of Union along with all applications required for CDBG program submission; and

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

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

**RESOLUTION 119-2018**

WHEREAS, there exists a need in the Borough of Mountainside for private persons or entities to employ members of the Borough Police Department during their off-duty hours for police related activities, and

WHEREAS, the Governing Body of the Borough of Mountainside deems it appropriate to raise the rate of compensation to Police Officers for secondary employment; and

WHEREAS, this resolution will amend Resolution 139-2008.

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

1. The secondary employment rate for all jobs will be based on the top paid Patrolman's overtime rate without longevity.

BE IT FURTHER RESOLVED, that this resolution shall take effect upon the final passage and publication of the Collective Bargaining Agreement Ordinance 1269-2018.

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

**RESOLUTION 120-2018**

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 2018 for the below amount sums of which item is now available as a revenue from:

Public & Private Revenues off-set with Appropriations:  
2016 Volunteer Fire Assistance Grant (\$3,171.60)

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"  
 2016 Volunteer Fire Assistance Grant (\$3,171.60)

Roll Call: Dierkes, Mortimer, Pater, Turner. Nays: 0  
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**ORDINANCE:** Second Reading (Public Hearing)

**ORDINANCE 1269-2018**

**AN ORDINANCE IMPLEMENTING THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE BOROUGH OF MOUNTAINSIDE AND THE MOUNTAINSIDE P.B.A. LOCAL 126 FOR THE PERIOD OF JANUARY 1, 2018 THROUGH DECEMBER 31, 2021**

WHEREAS, the Borough of Mountainside is desirous of entering into a Collective Bargaining Agreement with the P.B.A. Local 126 ("PBA") for the purpose of establishing salary and benefits for the period of January 1, 2018 through December 31, 2021; and

WHEREAS, the parties have determined to enter into a Collective Bargaining Agreement ("CBA"); and

WHEREAS, the Borough Finance Officer has certified that sufficient funds are available for this contract for the current fiscal year.

BE IT ORDAINED by the Mayor and Council of the Borough of Mountainside, County of Union, State of New Jersey, that the appropriate Borough officials are hereby authorized to execute the Collective Bargaining Agreement between the Borough of Mountainside and the Mountainside P.B.A. Local 126, for the period of January 1, 2018 through December 31, 2021 as follows:

Section I: The annual salaries fixed for the several ranks and officers of the Police Department of the Borough of Mountainside shall be as follows:

**SCHEDULE "A"**  
**SALARIES**  
 (Officers hired prior to January 1, 2012)

Rank	2018	2019	2020	2021
CAPTAIN	\$135,797.52	\$138,852.97	\$142,324.29	\$145,882.40
LIEUTENANT	\$132,211.47	\$135,186.23	\$138,565.88	\$142,030.03
DETECTIVE SERGEANT	\$128,676.20	\$131,571.42	\$134,860.70	\$138,232.22
SERGEANT	\$125,480.99	\$128,304.31	\$131,511.92	\$134,799.72
CORPORAL	\$119,396.40	\$122,082.82	\$125,134.89	\$128,263.26
DETECTIVE <sup>1</sup>	\$119,208.71	\$121,890.90	\$124,938.18	\$128,061.63
7th YEAR	\$114,707.37	\$117,288.29	\$120,220.49	\$123,226.01
6th YEAR	\$103,619.09	\$105,950.52	\$108,599.28	\$111,314.26
5th YEAR	\$92,537.43	\$94,619.52	\$96,985.01	\$99,409.63

4th YEAR	\$81,456.87	\$83,289.65	\$85,371.89	\$87,506.19
3rd YEAR	\$70,374.11	\$71,957.53	\$73,756.47	\$75,600.38
2nd YEAR	\$59,294.66	\$60,628.79	\$62,144.51	\$63,698.12
PROBATION	\$46,492.84	\$47,538.93	\$48,727.40	\$49,945.59

*\* Indicates RANKS made by PROMOTION, not temporary assignment to Detective Bureau, as mention in Article XIV(D).*

### SCHEDULE "B"

(Officers hired after January 1, 2012)

Rank	2018	2019	2020	2021
CAPTAIN	\$135,797.52	\$138,852.97	\$142,324.29	\$145,882.40
LIEUTENANT	\$132,211.47	\$135,186.23	\$138,565.88	\$142,030.03
DETECTIVE SERGEANT*	\$128,676.20	\$131,571.42	\$134,860.70	\$138,232.22
SERGEANT	\$125,480.99	\$128,304.31	\$131,511.92	\$134,799.72
CORPORAL	\$119,396.40	\$122,082.82	\$125,134.89	\$128,263.26
DETECTIVE*	\$119,208.71	\$121,890.90	\$124,938.18	\$128,061.63
After 10TH YEAR	\$114,707.37	\$117,288.29	\$120,220.49	\$123,226.01
10TH YEAR	\$105,532.46	\$107,906.94	\$110,604.61	\$113,369.73
9TH YEAR	\$98,605.46	\$100,824.08	\$103,344.68	\$105,928.30
8TH YEAR	\$91,678.45	\$93,741.22	\$96,084.75	\$98,486.87
7TH YEAR	\$84,751.45	\$86,658.36	\$88,824.82	\$91,045.44
6TH YEAR	\$77,824.45	\$79,575.50	\$81,564.89	\$83,604.01
5TH YEAR	\$70,897.44	\$72,492.64	\$74,304.95	\$76,162.58
4TH YEAR	\$63,970.44	\$65,409.78	\$67,045.02	\$68,721.15
3RD YEAR	\$57,043.44	\$58,326.92	\$59,785.09	\$61,279.72
2ND YEAR	\$50,116.44	\$51,244.06	\$52,525.16	\$53,838.29
PROBATION	\$43,189.43	\$44,161.20	\$45,265.22	\$46,396.86

Section II: The various provisions of the Borough of Mountainside/P.B.A. Local 126 proposed agreement, arrived at as a result of negotiation, are enacted. The main headings are as follows:

Title Page	
Preamble	
Article I	- Recognition
Article II	- Management Rights and Responsibilities
Article III	- Grievance Procedure
Article IV	- P.B.A. Representatives
Article V	- Deductions from Salary
Article VI	- Maintenance of Operation
Article VII	- Hours of Work, Overtime, Compensatory Time, and Recall
Article VIII	- Vacation
Article IX	- Holiday Pay
Article X	- Sick Leave
Article XI	- Medical Insurance and Fringe Benefits
Article XII	- Military Leave

Article XIII	- Retirement
Article XIV	- Salaries
Article XV	- Longevity Pay
Article XVI	- Investigation of Police Officers
Article XVII	- Ceremonial Activities
Article XVIII	- Personnel Files
Article XIX	- Bulletin Board
Article XX	- Education
Article XXI	- Non-Discrimination
Article XXII	- Separability and Savings
Article XXIII	- Leave Time (Bereavement and Personal)
Article XXIV	- Terminal Leave
Article XXV	- Term and Renewal
Schedule A	-Salaries
Schedule B	-Salaries

Section III: Except as otherwise provided in the text of the Agreement the terms shall be effective as of January 1, 2018 and retroactive thereto.

Section IV: This ordinance shall take effect immediately upon final passage and publication as provided by law.

Section V: Ordinance 1215-2014 is hereby repealed.

This ordinance shall take effect immediately upon final adoption and publication and in the manner provided by law.

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 Dierkes that this ordinance be passed on second and final reading and advertised by title only.

Roll Call: Dierkes, 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 16<sup>th</sup> day of October 2018, 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 \$292,259.93 (Copy of bill list attached).

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

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**COUNCIL COMMENTS:**

Councilman Mortimer announced Clean Communities Day.

Mayor Mirabelli thanked the residents who attended recent community events.

Mayor Mirabelli made a statement regarding the police lawsuit.  
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**AUDIENCE PARTICIPATION:**

Genevieve Cooper, 125 Knightsbridge Road, had questions regarding the proposed plans for the Barnes Tract Redevelopment, timeline for re-bidding the tennis court project and the increase to the police secondary employment rate.

Grant Garcia, 579 Woodland Avenue, asked the Council to support his Eagle Scout Project to install flag retirement boxes at locations within the community.

Liz Truman, 355 Cherry Hill Road, noted that the borough's delay in painting numbers on the new commuter parking spaces accounted for a loss in revenue. A request was made for the lawsuit legal fees incurred to date.

Patty Bryden, 1036 Summit Lane, thanked the Council for their service to the borough and was proud to live in Mountainside.

Gary Whyte, 289 Old Tote Road, on behalf of the Cataldo Family, thanked the borough and PAL League for honoring John Cataldo at the annual Cop Trot.

Joshua McMahon, 123 South Avenue, East Westfield, repeatedly asked the Mayor and Council which of the allegations in the complaint do they deny, who supervises the attorney defending the case, the borough's litigation strategy and whether the lawsuit should be settled.

Liz Truman, 355 Cherry Hill Road, asked for assurance that at some point the public will know what actually happened in the police department and were those responsible held accountable.

Hearing no one else wishing to speak, Mayor Mirabelli closed the meeting to the public.  
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Upon motion by Councilman Dierkes and a second by Councilman Mortimer, the following resolution to adjourn to closed session was unanimously adopted:

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 8:26 P.M.  
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Closed session was cancelled at 8:35 P.M.

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Martha Lopez, RMC  
Borough Clerk