

**REGULAR MEETING
JULY 16, 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 7:33 P.M.

INVOCATION: Councilwoman Andre
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 Lt. Joseph Giannuzzi, Zoning Official Ronald Romak, Recreation Director Frank Masella and Public Works Manager Matthew DeAnna.

APPROVAL OF MINUTES:

Upon motion by Councilman Mortimer a second by Councilman Messler, the minutes of the Regular Session Meeting held on June 18, 2019 were approved. Roll Call: Ayes: Andre, Dierkes, Messler, Mortimer, Pater, Turner. Nays: 0.

Upon motion by Councilman Turner a second by Councilman Messler, the minutes of the Work & Executive Session Meetings held on July 2, 2019 were approved. Roll Call: Ayes: Andre, Messler, Pater, Turner. Nays: 0. Abstained: Dierkes, Mortimer.

RESOLUTIONS:

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

RESOLUTION 79-2019

WHEREAS, the Union County Board of Chosen Freeholders established the "Kids Recreation Trust Fund" Grant Program designed to fund Recreational opportunities for our County's children; and

WHEREAS, the Borough of Mountainside wishes to apply to Union County Trust Fund through the "Kids Recreation Trust Fund" Grant Program;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside, County of Union, State of New Jersey, that the proper Borough officials are hereby authorized to file an application with the County of Union for the 2019 "Kids Recreation Trust Fund" Grant Program for the following projects:

Recreation Facility Improvements	\$62,000.00
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BE IT FURTHER RESOLVED, that matching funds in the amount of \$31,000.00 have been appropriated in accordance with the grant requirements.

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

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

RESOLUTION 80-2019

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 2019-2020 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, Mortimer, Pater, Turner. Nays: 0.

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

RESOLUTION 81-2019

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, Mortimer, Pater, Turner. Nays: 0.

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

RESOLUTION 82-2019

WHEREAS, Pombal Builders, LLC has applied to the Borough for a Road Opening Permit at premises known as 1234 Cedar Avenue, Mountainside, N.J.; and

WHEREAS, such permit may be necessary in order to provide adequate water service to such premises; and

WHEREAS, the applicant appeared before the Governing Body at its July 2, 2019 work meeting and made a presentation that satisfied the Governing Body that such permit should be granted so long as the extent of the road opening and the restoration measures were conducted under the supervision of the Borough Engineer; and

NOW THEREFORE BE IT RESOLVED, that Pombal Builders, LLC is hereby granted a Road Opening Permit for premises known as 1234 Cedar Avenue, Mountainside, N.J. in order to ensure that there is an adequate supply of water to such premises, provided that the extent of the road opening and the restoration measures are to be conducted under the supervision of the Borough Engineer.

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

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

RESOLUTION 83-2019

WHEREAS, LKM Real Estate Holdings, LLC is the owner of the property designated as 1139 Spruce Drive, Block 5.20, Lot 24.02, on the current tax map of the Borough of Mountainside, and took an appeal from the 2018 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 2018 assessed valuation for Block 5.20, Lot 24.02, otherwise known as 1139 Spruce Drive, shall be reduced from \$1,238,000 to \$700,000.

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

(d) The 2019 assessed valuation for Block 5.20, Lot 24.02, otherwise known as 1139 Spruce Drive, shall be set to \$650,000.

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 \$40,500.64, for the 2018 tax year. Such refund is to be paid by way of check made payable to "Doni R. Landy, Esq., Attorney for LKM Real Estate Holdings, LLC" and forwarded to Doni R. Landy, Esq., Landy Law Group, LLC, 23 Pine Valley Road, Livingston, NJ 07039.

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

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

RESOLUTION 84-2019

WHEREAS, Jim Debbie is retiring, effective July 31, 2019, after a lifetime of service to the Borough of Mountainside; and

WHEREAS, by reason of such resignation the position of Borough Administrator will be vacant; and

WHEREAS, the Governing Body has determined to employ an Interim Business Administrator to perform the Administrator's duties and who will also assist the Governing Body in finding a person to fill the Administrator's position on a permanent basis; and

WHEREAS, Thomas Earl Atkins is very well qualified to perform both such function; and

NOW THEREFORE BE IT RESOLVED, that Thomas Earl Atkins be and he hereby is appointed as Interim Business Administrator/Hiring Consultant, Risk Manager at a salary of \$9,360 per month, which appointment shall be effective August 1, 2019.

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

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

RESOLUTION 85-2019

WHEREAS, the Recreation Committee has recommended Samantha Grindlinger be promoted to the position of Assistant Recreation Director effective May 1, 2019 which would result in the compensation adjustments set forth below:

\$3,000	effective May 1, 2019
\$1,500	effective January 1, 2020
\$1,500	effective January 1, 2021

NOW, THEREFORE, BE IT RESOLVED that the foregoing compensation adjustments be implemented as of the dates indicated.

Roll Call: Andre, Dierkes, Messler, Mortimer, 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. Approve raffle applications from the Arc of Union County for two on premise draw raffles and a 50/50 off premise draw raffle
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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 16th day of July 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 \$232,268.15 (Copy of bill list attached).

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

COUNCIL COMMENTS:

Councilman Dierkes introduced a family friend from China present to witness our democracy.

Mayor and Council thanked Administrator James Debbie for his 48 years of service to the borough. Retirees Ronald Romak, Ruth Rees and Kevin Betyeman were also acknowledged.

Councilman Mortimer announced the Borough of Kenilworth won the inter-town Foodstock Challenge and overall the drive collected 50,000 pounds of food.

Councilwoman Pater announced senior news.

Councilman Messler thanked everyone who participated in and supported the 4th of July Fireworks display.

The Mayor congratulated the Mountainside Cal Ripken 9U baseball team for winning the state championship.

AUDIENCE PARTICIPATION:

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

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

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 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 7:52 P.M.

The meeting was recalled to public session.

Upon a motion by Councilman Mortimer and a second by Councilman Turner, the meeting was unanimously adjourned at 9:06 P.M.
