

**REGULAR MEETING  
JUNE 21, 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 7:34 P.M.

**INVOCATION:** Mayor Mirabelli  
**SALUTE TO THE FLAG**  
**ROLL CALL**

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

**APPROVAL OF MINUTES:**

Upon motion by Councilwoman Pacifico a second by Councilman Matejek, the minutes of the Regular & Executive Session Meetings held on May 17, 2022 were approved. Roll Call: Ayes: Matejek, Messler, Pacifico. Nays: 0. Abstain: Dierkes.

Upon motion by Councilman Matejek a second by Councilwoman Pacifico, the minutes of the Work & Executive Session Meetings held on June 7, 2022 were approved. Roll Call: Ayes: Dierkes, Matejek, Messler, Pacifico. Nays: 0.

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**RESOLUTIONS:**

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

**RESOLUTION 80-2022**

WHEREAS, it is the desire of the Governing Body of the Borough of Mountainside to appoint a Probationary Police Officer to the Borough of Mountainside Police Department; and

WHEREAS, the Police Committee interviewed several qualified candidates for the position of Probationary Police Officer for the Borough of Mountainside Police Department; and

WHEREAS, the Police Committee has recommended the appointment of Dan Cosentino as Police Officer; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that Dan Cosentino be appointed as a Probationary Police Officer for the Borough of Mountainside Police Department.

BE IT FURTHER RESOLVED, that said appointment shall be effective June 1, 2022 with the probationary period ending one-year from the appointment date at a probationary period salary of \$50,500.

Roll Call: Ayes: Dierkes, Matejek, Messler, Pacifico. Nays: 0.  
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The following resolution was introduced by Councilman Dierkes and seconded by Councilwoman Pacifico.

**RESOLUTION 81-2022**

WHEREAS, the New Jersey Transportation Trust Fund Authority Act has provided funds for the improvement of municipal roads through the New Jersey Department of Transportation; and

WHEREAS, the Borough of Mountainside desires to apply for a grant for local aid funds for improvements of municipal roads; and

WHEREAS, the Borough Engineer will prepare the application for the grant for local aid for sections of roadways known as:

SHORT DRIVE

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Mountainside formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Mountainside and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Roll Call: Ayes: Dierkes, Matejek, Messler, Pacifico. Nays: 0.  
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The following resolution was introduced by Councilman Matejek and seconded by Councilwoman Pacifico.

**RESOLUTION 82-2022**

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse (GCADA) established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey. In coordination with GCADA, the New Jersey Department of Human Services/Division on Mental Health and Addiction Services (DMHAS) has awarded a Youth Leadership Grant to the GCADA Municipal Alliance Program.

WHEREAS, The Borough Council of the Borough of Mountainside, County of Union, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and

WHEREAS, the Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Borough Council has applied for DMHAS Youth Leadership funding through the Governor's Council on Alcoholism and Drug Abuse through the County of Union;

NOW, THEREFORE, BE IT RESOLVED by the Borough of Mountainside, County of Union, State of New Jersey hereby recognizes the following:

1. The Borough Council does hereby authorize submission of an application for DMHAS Grant funding for the Mountainside Municipal Alliance for Year One Grant Term 7/1/22 – 3/14/23 in the amount of:

DMHAS Grant Funding     \$ 3,646.00

2. The Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

**CERTIFICATION**

I, Martha Lopez, Municipal Clerk of the Borough of Mountainside, County of Union, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Borough Council on this 21<sup>st</sup> day of June, 2022.

Roll Call: Ayes: Dierkes, Matejek, Messler, Pacifico. Nays: 0.  
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The following resolution was introduced by Councilwoman Pacifico and seconded by Councilman Dierkes.

**RESOLUTION 83-2022**

WHEREAS, the following applicants for Plenary Retail Consumption, Plenary Retail Distribution and Club License have complied with the provisions of R.S. Title 33, Intoxicating Liquors, c.1 Alcoholic Beverage Law; and

WHEREAS, these establishments have been inspected by the Board of Health and Fire Prevention Official and license renewals will be issued upon their approval.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside, County of Union, State of New Jersey, that pursuant to the statute in such case made and provided that the following Plenary Retail, Plenary Distribution and Club Licenses for the period of July 1, 2022 to June 30, 2023 be and the same are hereby granted:

2010-31-011-001	Mountainside Lodge BPO ELKS #1585 1193 Route 22	\$ 188
2010-32-002-003	Breezy Point Inc., t/a Chrone's Tavern 906 Mountain Ave	2,500
2010-33-004-006	Las Medulas LLC, t/a Spanish Tavern 1239 Route 22	2,500
2010-33-005-006	Stage House Tavern 3, LLC 1099 Route 22	2,500
2010-33-007-004	1230 Rt 22 Restaurant, LLC t/a Arirang Hibachi Steakhouse and Sushi Bar, 1230 Route 22	2,500

2010-33-008-005	Mosaico Café Inc. 1072 Route 22	2,500
2010-33-009-007	Famous Daves Ribs Inc. 1443 Route 22 East	2,500
2010-33-012-007	Echo Park Food, LLC t/a Echo Tap & Grille 1079 Route 22	2,500
2010-44-001-004	Minio Group Inc. t/a Vine Republic 1267 Route 22	2,500

Roll Call: Ayes: Dierkes, Messler, Pacifico. Abstain: Matejek.  
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The following resolution was introduced by Councilman Dierkes and seconded by Councilwoman Pacifico.

**RESOLUTION 84-2022**

BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the following are the 2022 Base Salaries for the office and positions indicated:

<b>A&amp;E</b>	
Borough Administrator	\$75,686.00
Borough Clerk/Registrar	\$103,610.62
QPA	\$6,229.26
Board of Health Secretary	\$4,176.64
Mayor	\$3,713.25
Councilman	\$1,856.63
OEM Coord.	\$10,127.00
<b>FINANCE</b>	
Finance Assistant (M. Kacifa)	\$45,838.00
Chief Financial Officer	\$109,805.04
Tax Collector (P/T)	\$41,233.17
<b>POLICE</b>	
Police Chief/Deputy OEM	\$168,964.24
Administrative Assistant	\$26.00
Records Clerk	\$22.62
Communications Officers	\$64,032.25
<b>Crossing Guards:</b>	
Janice Sileo	\$20.20
Mario Magliacano	\$20.65
Patricia Salvato	\$22.37
Robert Vargo	\$21.92
<b>BUILDING</b>	
Construction Secretary	\$55,120.00
Plumbing Inspector (P/T)	\$41.50
Fire Subcode (P/T)	\$46.80
Electrical Inspector (P/T)	\$41.60
Construction Code Official	\$32,725.45
Zoning Enf. Officer (P/T)	\$59.28

PUBLIC WORKS	
Thomas Root	\$60,100.64
Richard Neri	\$56,267.40
Oscar Cardona	\$51,738.16
Horacio Colella	\$48,447.34
Wayne Jennings	\$43,680.00
DPW Manager	\$88,371.40
Deputy OEM (M.Deanna)	\$9,833.86
Engineer (P/T)	\$74,308.76
Tax Assessor (P/T)	\$21,598.80
Certified Wastewater & Treatment Operator	\$3,770.64
COURT	
Acting Deputy Court Administrator	\$43,680.00
Municipal Judge (P/T)	\$34,038.04
Municipal Prosecutor (P/T)	\$29,528.37
Court P/T (G. Mack)	\$15.60
MISCELLANEOUS	
Cable TV Tech (M.Flynn)	\$21.85
Senior Citizen Coordinator	\$48,503.00
Senior Citizen Van Drivers	\$18.88
Planning Board	\$27.72
RECREATION	
Director/Pool Manager	\$100,093.30
Secretary/Pool Bookkeeper	\$47,504.25
Pool Manager	\$13,486.34
Asst. Pool Mgr. (Laudati)	\$8,763.89

THEREFORE, BE IT RESOLVED, that the salary paid each office or position for the calendar year 2022, as established by this Resolution of the Governing Body, shall be retroactive to January 1, 2022.

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

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

#### **RESOLUTION 85-2022**

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:  
2022 Infrastructure & Municipal Aid Grant Program (\$40,000)  
DMHAS Youth Leadership Grant (\$3,646.00)  
NJDOT Highway Safety Fund Grant (\$15,217.00)  
Watts Mountainside Community Foundation (\$867.00)  
Additional-Municipal Alliance on Alcoholism & Drug Abuse (\$1,884.00)  
Clean Communities (\$15,488.05)  
Alcohol Ed Rehab (\$3,000.71)

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"  
2022 Infrastructure & Municipal Aid Grant Program (\$40,000)  
DMHAS Youth Leadership Grant (\$3,646.00)  
NJDOT Highway Safety Fund Grant (\$15,217.00)  
Watts Mountainside Community Foundation (\$867.00)  
Additional-Municipal Alliance on Alcoholism & Drug Abuse (\$1,884.00)  
Clean Communities (\$15,488.05)  
Alcohol Ed Rehab (\$3,000.71)

Roll Call: Ayes: Dierkes, Matejek, Messler, Pacifico. Nays: 0.  
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The following resolution was introduced by Councilman Matejek and seconded by Councilwoman Pacifico.

**RESOLUTION 86-2022**

WHEREAS, the Director of the Division of Local Government Services had previously approved a dedication by rider for Board of Recreation Commission (NJSA 40:12-1 et seq.) and this approved rider appears on Mountainside's Budget Rider Report; and

WHEREAS, Mountainside adopted Ordinance 986-98 abolishing the Board of Recreation Commissioners and created a Department of Recreation.

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Mountainside requests the rescinding of the previously approved dedication by rider for Board of Recreation Commission (NJSA 40:12-1 et seq.) and that the Municipal Clerk is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

Roll Call: Ayes: Dierkes, Matejek, Messler, Pacifico. Nays: 0.  
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The following resolution was introduced by Councilman Dierkes and seconded by Councilman Matejek.

**RESOLUTION 87-2022**

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, the below statutory authority provides for receipts of the below named source of funds by the municipality to provide for the operating costs to administer this act:

- Abandoned & Vacant Property Code Enf. (NJS 40:48-2.12s)
- Affordable Housing Trust Fund (NJS 40A: 12A-3 et seq.)
- Animal Control Fees
- Developer's Escrow Fund (NJS 40:55D-53.1)
- Joint Insurance Refunds (PL 1996, C. 113 and NJS 40A:10-36-2)
- Outside Employment of Off-Duty Municipal Officers (LFN 2000-14)
- Recreation Trust-Fee Programs (PL 1999, C. 292 & NJS 40:48-2.56)
- Recreation Donations-Acceptance of Bequests & Gifts (NJS 40A:5-29)
- Recycling Program (PL 1981 C. 278 amended by PL 1987, C. 102)
- Unemployment Compensation Insurance

WHEREAS, NJS 40A:4-39 provides the dedicated revenues anticipated from the above source of funds are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirements:

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Mountainside as follows:

1. The Borough Council does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of the above trust funds and statutory authority.
2. The Municipal Clerk is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

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

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

**RESOLUTION 88-2022**

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>
Joyce Matejek 336 Creek Bed Road Mountainside, NJ 07092	Pool Membership	\$130.00

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

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

**RESOLUTION 89-2022**

**RESOLUTION INCREASING SALARIES FOR SPECIFIC BOROUGH EMPLOYEES**

WHEREAS the Borough periodically reviews the salaries being paid to Borough employees to ensure that such salaries are fair and commensurate with what other communities are paying employees who perform the same or similar functions; and

WHEREAS such a review was conducted during 2022 with regard to the salaries being paid to the employees whose salaries are the subject of this Resolution; and

WHEREAS the A&E Committee has recommended to the Governing Body that the salary adjustment set forth in this Resolution be made.

NOW THEREFORE BE IT RESOLVED that:

1. The salary of the following Borough Employee be increased, effective January 1, 2022, in the amount indicated next to their name:

Glenn Mortimer	\$10,000.00
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2. This employee will be eligible for the 2022 increase prior to receiving this adjustment but this adjustment in the amount of \$10,000 will not be eligible for the 2022 increase.

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

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

**RESOLUTION 90-2022**

WHEREAS, there is a need for a Foreman in the Department of Public Works; and

WHEREAS, Wayne Jennings has been identified by Public Works Director Matthew DeAnna as the individual with the requisite skills and experience to perform the duties of a Foreman; and

WHEREAS, Administrator Glenn Mortimer. has recommended that the Borough Council take action to promote Wayne Jennings.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Mountainside that Wayne Jennings is hereby promoted to Foreman in the Department of Public Works, at an annual salary of \$52,000, effective July 1, 2022.

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

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

**RESOLUTION 91-2022**



DEDR	\$ 1,884.00
Cash Match	\$ 470.00
In-Kind	\$ 1,414.00

2. The Mountainside Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

Roll Call: Ayes: Dierkes, Matejek, Messler, Pacifico. Nays: 0.  
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**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 21<sup>st</sup> day of June 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 \$748,523.54 (Copy of bill list attached).

Roll Call: Ayes: Dierkes, Matejek, Messler, Pacifico. Nays: 0  
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**COUNCIL COMMENTS:**

Mayor Mirabelli invited the community to attend the July 4<sup>th</sup> fireworks.  
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**AUDIENCE PARTICIPATION:** None  
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Upon a motion by Councilman Dierkes and a second by Councilwoman Pacifico, the meeting was unanimously adjourned at 7:58 P.M.  
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Martha Lopez, RMC  
Borough Clerk