REGULAR MEETING
AUGUST 15, 2023

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: Councilman Matejek
SALUTE TO THE FLAG
ROLL CALL

PRESENT: Mayor Mirabelli, Councilman Dierkes, Councilman Matejek, Council President Messler, Councilwoman Pacifico, Councilwoman Pate, Administrator Mortimer and Attorney Post. Also present were Public Works Director Matthew DeAnna, Senior Coordinator Kim Moriak and Captain Michael Jackson. Councilwoman Andre was absent.

APPROVAL OF MINUTES:

Upon motion by Councilman Dierkes a second by Councilwoman Pacifico, the minutes of the Regular Session Meeting held on July 18, 2023 were approved. Roll Call: Ayes: Dierkes, Matejek, Messler, Pacifico, Pater. Nays: 0.

Upon motion by Councilman Dierkes a second by Councilwoman Pater, the minutes of the Work & Executive Session Meetings held on August 1, 2023 were approved. Roll Call: Ayes: Dierkes, Matejek, Messler, Pacifico, Pater. Nays: 0.

PROCLAMATION:

Proclaiming the month of September 2023 as Prostate Cancer Awareness Month

WHEREAS, this year, approximately 288,300 men will be diagnosed with prostate cancer in the United States alone – one man every 2 minutes, and roughly 34,700 will die this year from the disease, about 3,500 more than 2020 – which is one man every 15 minutes; and

WHEREAS, in New Jersey, an estimated 9,460 new cases of prostate cancer will be diagnosed and an estimated 730 deaths will occur in 2023; and

WHEREAS, men with relatives – father, brother, son – with a history of prostate cancer are twice as likely to develop the disease; and

WHEREAS, prostate cancer is the most commonly diagnosed cancer in American Men and the third leading cause of cancer death behind lung and colon cancer; and

WHEREAS, 1 in 8 men are diagnosed with prostate cancer in their lifetime and 1 in 6 African American men will develop prostate cancer in their lifetime. Overall, African American men are 1.7 times more likely to be diagnosed with - and 2.1 times more likely to die from - prostate cancer than white men; and

WHEREAS, veterans who were exposed to herbicides like Agent Orange are at increased risk for developing prostate cancer, and are more likely to have an aggressive form of the disease; and

WHEREAS, education regarding prostate cancer and early detection strategies is critical to saving lives, preserving, and protecting our families. As well as the economic and social burden of prostate cancer is huge on families; and

WHEREAS, if caught early prostate cancer has a five-year survival rate of nearly 100%. However, for late stage prostate cancer the five-year survival rate is 31%; and

WHEREAS, many more men will be diagnosed in 2023 at a later stage because of delayed screenings and treatment due to Covid-19; and

WHEREAS, all men are at risk for prostate cancer and we encourage the citizens of the Borough of Mountainside to increase the importance of prostate awareness and screenings.

NOW, THEREFORE, BE IT RESOLVED; I, Paul N. Mirabelli, do hereby proclaim the month of September 2023 to be PROSTATE CANCER AWARENESS MONTH in the Borough of Mountainside.

PRESENTATION:

Todd Evans and Jessica McSulla presented a preliminary park design on Mountain Avenue for community input.

RESOLUTIONS:

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

RESOLUTION 100-2023

WHEREAS, the Borough of Mountainside, pursuant to N.J.S.A. 40A:11-12, may by resolution and without advertising for bids, purchase any goods or services under state contract; and

WHEREAS, the Mountainside Police Department is in need of pursuit vehicles and by utilizing state contracts 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 Nielsen of Morristown, Morristown, NJ pursuant to state contract #23-FLEET-34933 for the acquisition of these vehicles; and

WHEREAS, the costs for each 2023 Dodge Durango Pursuit AWD with options are $39,600.75; 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 two (2) 2023 Dodge Durango with options in the amount of $79,201.50 under terms and provisions of state contract #23-FLEET-34933 be and hereby is approved.

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

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

RESOLUTION 101-2023

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 2023 “Kids Recreation Trust Fund” Grant Program for the following projects:

Recreation Facility Improvements $210,500

BE IT FURTHER RESOLVED, that matching funds in the amount of $105,250 (Both MSBL & Borough) have been appropriated in accordance with the grant requirements.

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

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

RESOLUTION 102-2023

RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF MOUNTAINSIDE, IN THE COUNTY OF UNION, NEW JERSEY, CONVENANTING TO COMPLY WITH THE PROVISIONS OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, APPLICABLE TO THE EXCLUSION FROM GROSS INCOME FOR FEDERAL INCOME TAX PURPOSES OF INTEREST ON OBLIGATIONS ISSUED BY THE BOROUGH OF MOUNTAINSIDE, AUTHORIZING THE MAYOR, BOROUGH CLERK, CHIEF FINANCIAL OFFICER AND OTHER BOROUGH OFFICIALS TO TAKE SUCH ACTION AS THEY MAY DEEM NECESSARY OR ADVISABLE TO EFFECT SUCH COMPLIANCE AND DESIGNATING A $6,168,000 BOND ANTICIPATION NOTE, DATED JULY 20, 2023, PAYABLE JULY 19, 2024, 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"), from time to time issues bonds, notes and other obligations, the interest on which is excluded from gross income for Federal income tax purposes, and desires to take action as may be necessary or advisable to establish and maintain such exclusion; and

WHEREAS, the Internal Revenue Code of 1986, as amended (the “Code”), contains provisions with respect to the exclusion from gross income for Federal income tax purposes of interest on obligations, including provisions, among others, that require issuers of tax-exempt obligations, such as the Borough, to account for and rebate certain arbitrage earnings to the United States Treasury and to take such other action to establish and maintain such Federal tax exclusion; and

WHEREAS, the Borough intends to issue a $6,168,000 bond anticipation note, dated July 20, 2023 and payable July 19, 2024 (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 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 Borough Council hereby covenants on behalf of the Borough, to the extent permitted by the Constitution and the laws of the State of New Jersey, to do and perform all acts and things permitted by law and necessary to assure that interest paid on bonds, notes or other obligations of the Borough (including the Note) be and remain excluded from gross income of the owners thereof for Federal income tax purposes pursuant to Section 103 of the Code.

SECTION 2. The Mayor, Borough Clerk, Chief Financial Officer and other officials of the Borough are hereby authorized and directed to take such action, make such representations and give such assurances as they may deem necessary or advisable to effect compliance with the Code.

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

SECTION 4. It is hereby determined and stated that (1) the 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 2023.

SECTION 5. It is further determined and stated that the Borough has not, as of the date hereof, issued any tax-exempt obligations (other than the Note) during the calendar year 2023.

SECTION 6. 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, the Borough does not covenant to do so, and hereby expressly states that a covenant is not made hereby.

SECTION 7. 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 2023 dated as of the date of delivery of the Note.

SECTION 8. 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 Councilwoman Pater.

RESOLUTION 103-2023

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 2023 for the below amount sums of which item is now available as a revenue from:

Public & Private Revenues off-set with Appropriations:
Stormwater Assistance Grant ($15,000.00)
Watts Mountainside Community Grant ($2,000.00)
(National Night Out)
Watts Mountainside Senior Buddy Meal Program ($440)

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"
Stormwater Assistance Grant ($15,000.00)
Watts Mountainside Community Grant ($2,000.00)
(National Night Out)
Watts Mountainside Senior Buddy Meal Program ($440)

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

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

RESOLUTION 104-2023

WHEREAS, the Governing body of the Borough of Mountainside is aware that Friday, September 15, 2023 has been declared as “POW/MIA Remembrance Day”; and

WHEREAS, all Americans everywhere owe a special debt of gratitude and a responsibility for remembering and honoring those who have given so much to make all of us free and secure in this, our national homeland, and a recognition day is a fitting testament and remembrance for all of us, for the sacrifices of our POW/MIA Veterans.

NOW, THEREFORE, BE IT RESOLVED the Mayor and Council of the Borough of Mountainside that it hereby declares, Friday, September 15, 2023 as:

"POW/MIA REMEMBRANCE DAY"

in the Borough of Mountainside and urges all citizens of the Borough of Mountainside to make a special effort to give thanks to and remember the sacrifices rendered to us by all these noble sons and daughters of America.

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

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

RESOLUTION 105-2023

WHEREAS, the State of New Jersey Department of Military and Veterans Affairs has confirmed that Mr. John Trupchak, a resident of Mountainside was granted a determination of 100% total disability by the United States Department of Veterans Affairs on January 9, 2023; and

WHEREAS, Mr. Trupchak has made an application to the Tax Assessor on January 17, 2023, 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. Trupchak be granted complete exemption from property taxes from the application date to the assessor and any overpayment of taxes paid on Mr. Trupchak's behalf 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. John Trupchak be granted complete exemption from property taxes from the application date to the assessor of January 17, 2023, and Mr. Trupchak be issued a refund of $5,060.65 which is the overpayment of taxes paid in 2023.

Refund	Address	Block and Lot
John Trupchak 295 Bridal Path Mountainside, NJ 07092	295 Bridle Path	Block 15.06, Lot 6

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

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 15th day of August 2023, 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 $186,246.50 (Copy of bill list attached).

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

COUNCIL COMMENTS:

Councilman Matejek and Councilwoman Pater reminded residents to drive safely and follow the speed limits.

Mayor Mirabelli announced National Night Out was a great success and mentioned the proposed park design will be discussed again at the September meeting.

AUDIENCE PARTICIPATION: None

Upon a motion by Councilwoman Pater and a second by Councilwoman Pacifico, the meeting was unanimously adjourned at 7:57 P.M.

_____
Martha Lopez, RMC
Borough Clerk