

**REGULAR MEETING
AUGUST 18, 2020**

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 via Zoom.

INVOCATION: Councilman Dierkes
SALUTE TO THE FLAG
ROLL CALL

PRESENT: Mayor Mirabelli, Councilman Dierkes, Councilman Messler, Councilwoman Pacifico, Councilwoman Pater, Council President Turner, Administrator Atkins, Administrator Mortimer and Attorney Post. Also present were Public Works Director Matthew DeAnna, Recreation Director Frank Masella, CFO Jill Goode and Police Chief Joseph Giannuzzi. Councilwoman Andre was absent.

APPROVAL OF MINUTES:

Upon a motion by Councilman Dierkes a second by Councilman Turner, the minutes of the Regular & Executive Session Meetings held on July 21, 2020 were approved. Roll Call: Ayes: Dierkes, Messler, Pacifico, Pater, Turner. Nays: 0.

Upon a motion by Councilman Turner a second by Councilman Dierkes, the minutes of the Work & Executive Session Meetings held on August 11, 2020 were approved. Roll Call: Ayes: Dierkes, Messler, Pacifico, Pater, Turner. Nays: 0.

RESOLUTIONS:

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

RESOLUTION 92-2020

WHEREAS, the Recreation Director Frank Masella requested the following refunds; and

NOW, THEREFORE, BE IT RESOLVED that the Treasurer be authorized to issue the following refunds:

<u>Applicant</u>	<u>Program</u>	<u>Amount</u>
Cynthia Kane 1267 Virginia Avenue	Soccer Camp	\$70.00
Danielle Zieser 1203 Foothill Way	Camp	\$200.00
Kara Fleming 333 Short Drive	Camp	\$100.00
Denise Daley 15 Tanglewood Lane	Mini Camp	\$50.00

Cheryl Gallagher 56 Shady Lane Fanwood, NJ 07023	Pool Membership	\$241.50
Colum Keough 2317 Belvedere Drive Scotch Plains, NJ 07076	Pool Membership	\$480.00
Betty Irwin 1309 Stony Brook Road	Pool Membership	\$125.00
Marian Tumolo 342 Rolling Knolls Road Scotch Plains, NJ 07076	Pool Membership	\$542.00

Roll Call: Dierkes, Messler, Pacifico, Pater, Turner. Nays: 0.

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

RESOLUTION 93-2020

WHEREAS, there is a need for a permanent P/T Planning Board Secretary; and

WHEREAS, the Governing Body of the Borough of Mountainside is desirous of filling subject vacancy; and

WHEREAS, the Borough Administrator recommends that the Borough Council take action and hire Theresa Snyder.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that Theresa Snyder is hereby hired as P/T Planning Board Secretary at an hourly rate of \$26.00, not to exceed 20 hours, effective August 6, 2020 with a 90-day probationary period.

Roll Call: Dierkes, Messler, Pacifico, Pater, Turner. Nays: 0.

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

RESOLUTION 94-2020

WHEREAS, NJSA 40A:5-4 requires the Governing Body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2019 has been filed by a Registered Municipal Accountant with the Borough Clerk as per the requirements of NJSA 40A:5-6 and a copy has been received by each member of the Governing Body; and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

WHEREAS, the Local Finance Board has promulgated a regulation requirement that the Governing Body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the Governing Body have reviewed, as a minimum, the sections of the annual audit entitled:

GENERAL COMMENTS
RECOMMENDATIONS

and;

WHEREAS, the members of the Governing Body have personally reviewed as minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

GENERAL COMMENTS
RECOMMENDATIONS

as evidenced by the group affidavit form of the Governing Body; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board; and

WHEREAS, all members of the Governing Body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the Local Governing Body to the penalty provisions of R.S. 52:27BB-52 – to wit:

R.S. 52-27BB-52 – “A local officer or member of a local Governing Body who, after a date fixed for compliance fails or refuses to obey an order of the of the Director of Local Government Services, under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than One Thousand Dollars (\$1,000) or imprisoned for not more than one year, or both, in addition shall forfeit his office.”

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Mountainside, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Roll Call: Dierkes, Messler, Pacifico, Pater, Turner. Nays: 0.

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

RESOLUTON 95-2020

WHEREAS, the Chief Finance Officer is required to submit a Corrective Action Plan of the 2019 Municipal Audit Report to the Governing Body;

NOW, THEREFORE, BE IT RESOLVED that the following 2019 Audit Corrective Action Plan submitted by the Chief Finance Officer be and the same is hereby approved; and

BE IT FURTHER RESOLVED, that a certified copy of the 2019 Audit Corrective Action Plan be forwarded to the Division of Local Government Services.

2019 Audit- Corrective Action Plan
Recommendation: None
Corrective Action: None

Roll Call: Dierkes, Messler, Pacifico, Pater, Turner. Nays: 0.

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

RESOLUTION 96-2020

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 2020 for the below amount sums of which item is now available as a revenue from:

Public & Private Revenues off-set with Appropriations:
FY2020 Municipal Alliance Funding Extension-5th Q (\$720.00)

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"
FY2020 Municipal Alliance Funding Extension-5th Q (\$720.00)

Roll Call: Dierkes, Messler, Pacifico, Pater, Turner. Nays: 0.

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

RESOLUTION 97-2020

WHEREAS, the tax collector has recommended that the balance of the unpaid 2020 taxes be cancelled on the following block and lot because the property has been purchased by the Borough of Mountainside and this block and lot is now considered tax exempt:

Block 14, Lot 1.02 1329 Route 22

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Mountainside, County of Union, State of New Jersey that the balance of the unpaid taxes for 2020 are hereby cancelled.

Roll Call: Dierkes, Messler, Pacifico, Pater, Turner. Nays: 0.

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

RESOLUTION 98-2020

WHEREAS, a need exists in the Police Department for the maintenance of Body Worn Cameras; and

WHEREAS, Axon Enterprise, 17800 N 85th Street, Scottsdale, AZ 85255 was awarded State Contract T0106, under the Department of Purchase and Property's NJ Start eProcurement Solution, PO # 17-FLEET-00738 for Police Body Worn Camera hardware, TAP, and licensing; and

WHEREAS, a 5-year maintenance agreement for Body Worn Cameras will be sufficient to meet the needs of the Department; and

WHEREAS, the Chief Financial Officer has certified to the availability of adequate funds for payment, at an annual cost of \$14,238.60 for a 5-year term.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that a contract for the maintenance of Police Body Worn Cameras is hereby awarded to Axon Enterprise under State Contract T0106 at an annual cost of \$14,238.60.

Roll Call: Dierkes, Messler, Pacifico, Pater, Turner. Nays: 0.

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

RESOLUTION 99-2020

WHEREAS, the Borough of Mountainside has determined that the items listed herein are property no longer needed for public use; and

WHEREAS, the Local Unit Technology Pilot Program and Study Act (P.L. 2001, c. 30) authorizes the sale of surplus personal property no longer needed for public use through the use of an online auction service; and

WHEREAS, the Borough of Mountainside intends to utilize the online auction services of Municibid located at www.Municibid.com; and

WHEREAS, the sales are being conducted pursuant to the Division of Local Government Services' Local Finance Notice 2008-9; and

WHEREAS, the Borough of Mountainside desires to sell the following surplus property:

1995 SPARTAN TRIPLE COMBO PUMPER
VIN# 4S7AT9D09SC017485
MILEAGE: 20,400

2003 DODGE RAM 1500 PICKUP
VIN# 1D7HU18N43J595727
MILEAGE: 38,910

SAVON DUPLICATOR
MODEL #3270DNP

HERMAN MILLER EAMES ORIGINAL VINTAGE CHAIRS (4)
STYLE: MID-CENTURY MODERN
TYPE: SHELL CHAIR
MATERIAL: FIBERGLASS

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside in the County of Union, State of New Jersey, that the Borough is hereby authorized to sell the surplus property as indicated above on an online auction website entitled www.Municibid.com; and

BE IT RESOLVED, that the terms and conditions of the agreement entered into between Municibid and the Borough of Mountainside are available at www.Municibid.com and in the Borough Clerk's office; and

BE IT FURTHER RESOLVED, that a certified copy of the within resolution be forwarded to the Division of Local Government Services.

Roll Call: Dierkes, Messler, Pacifico, Pater, Turner. Nays: 0.

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

RESOLUTION 100-2020

BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the following are the 2020 Base Salaries for the office and positions indicated:

A&E	
Borough Administrator	\$9,594 per month
Borough Clerk/Registrar/QPA	\$103,039.29
Deputy Borough Clerk/Deputy Registrar	\$47,144.25
Board of Health Secretary	\$3,918.05
Mayor	\$3,483.35
Councilman	\$1,741.68
OEM Deputy (A. Pecorelli)	\$5,125.00
FINANCE	
Finance Assistant	\$44,075.00
Chief Financial Officer	\$103,006.60
Tax Collector (P/T)	\$38,680.27

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POLICE	
Police Chief/Deputy OEM	\$148,625.00
Administrative Assistant	\$49,202.92
Records Clerk	\$21.22
Communications Officers:	
Walter Kutsop	\$60,067.78
Lewis Giordano	\$60,067.78
Michael Scuderi	\$60,067.78
Anthony DeLuca	\$54,483.16
Police Matron	\$29.84
Crossing Guards:	
Janice Sileo	\$18.95
Mario Magliacano	\$19.38
Patricia Salvato	\$20.99
Robert Vargo	\$20.57
BUILDING	
Construction Secretary	\$46,125.00
Secretary: Engineer/DPW/Shade Tree/Recycling	\$44,563.11
Plumbing Inspector (P/T)	\$38.93
Electrical Inspector (P/T)	\$47.44
Fire Code/Fire Prevention (P/T)	\$33.37
Construction Code Official	\$30,699.30
PUBLIC WORKS	
Thomas Root	\$56,379.59
Richard Neri	\$52,783.68
Oscar Cardona	\$48,534.86
Horacio Colella	\$45,447.79
Ed Parin	\$42,202.63
DPW Manager/Deputy OEM	\$87,125.00
Engineer (P/T)	\$69,708.03
Tax Assessor (P/T)	\$20,261.54
Assistant to Assessor	\$5,163.78
Certified Wastewater & Treatment Operator	\$3,537.19
COURT	
Court Administrator	\$68,692.59
Deputy Court Administrator	\$49,258.94
Municipal Judge (P/T)	\$31,930.61
Municipal Prosecutor (P/T)	\$27,700.16
MISCELLANEOUS	
Cable TV Tech (M.Flynn)	\$20.50
Senior Citizen Coordinator	\$27,524.17
Senior Citizen Van Driver	\$17.71
RECREATION	
Director/Pool Manager	\$91,896.16
Secretary/Pool Bookkeeper	\$44,563.09
Recreation Ass't Director	\$46,304.43
Pool Manager	\$12,651.35
Pool Tech	\$8,978.11

THEREFORE, BE IT RESOLVED, that the salary paid each office or position for the calendar year 2020, as established by this Resolution of the Governing Body, shall be retroactive to January 1, 2020.

Roll Call: Dierkes, Messler, Pacifico, Pater, Turner. Nays: 0.

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

RESOLUTION 101-2020

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 2020 “Kids Recreation Trust Fund” Grant Program for the following projects:

Recreation Facility Improvements	\$118,000.00
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BE IT FURTHER RESOLVED, that matching funds in the amount of \$59,000.00 have been appropriated in accordance with the grant requirements.

Roll Call: Dierkes, Messler, Pacifico, Pater, Turner. Nays: 0.

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

RESOLUTION 102-2020

WHEREAS, in accordance with applicable provisions of the Public Contracts Law, the Borough advertised for Bids for Contract 2020-3 for “Resurfacing of Creek Bed Road”; and

WHEREAS, on August 11, 2020 the return date for the bids, three bids were received as follows:

Bidders:	Base Bid	Alt. #1	Alt. #2	Alt. #3
Denbar Construction	\$334,530.00	\$29,260.00	\$18,700.00	\$30,160.00
AJM Contractors	\$341,628.00	\$30,800.00	\$15,020.00	\$45,028.00
Midwest Construction	\$359,199.45	\$30,800.00	\$32,950.00	\$33,700.00

WHEREAS, the Borough Engineer recommends awarding the Base Bid and Alternate #3; and

WHEREAS, the lowest bidder is Denbar Construction Inc., and the Borough Engineer has recommended that Contract 2020-3 be awarded to Denbar Construction Inc., 625 B North Michigan Avenue, Kenilworth, NJ 07033.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the contract for Resurfacing of Creek Bed Road be awarded to Denbar Construction Inc., 625 B North Michigan Avenue, Kenilworth, NJ in the amount of \$364,690.00 pending Attorney review.

Roll Call: Dierkes, Messler, Pacifico, Pater, Turner. Nays: 0.

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

RESOLUTION 103-2020

WHEREAS, the Public Works Committee and OEM Coordinator have recommended the following compensation adjustments:

Matthew DeAnna	
DPW Director	\$5,000 Effective August 1, 2020
OEM Deputy Coordinator	\$5,000 Retroactive to January 1, 2020

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

Roll Call: Dierkes, Messler, Pacifico, Pater, Turner. Nays: 0.

ORDINANCE: First Reading (Introduction)

ORDINANCE 1286-2020
AN ORDINANCE AMENDING CHAPTER 8, SECTION 1.8 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MOUNTAINSIDE, 2020

BE IT ORDAINED, that Chapter 8, Section 1.8 of the Revised General Ordinances of the Borough of Mountainside, 2020 be and the same is hereby amended to provide as follows:

The Police Committee shall submit to the Borough Council its recommendations for the promotion of all members and officers within the Department. All promotions to ranks higher than patrolman shall be made in accordance with the procedures and policies regarding promotions that have been promulgated by General Orders of the Mountainside Police Department. Promotions shall be subject to confirmation by a majority of the members of the Borough Council present and voting at any meeting.

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

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

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

Roll Call: Dierkes, Messler, Pacifico, Pater, Turner. Nays: 0

BILLS & CLAIMS:

The following resolution was introduced by Councilman Dierkes and seconded by Councilwoman Pater:

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 18th day of August 2020, 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 \$260,247.57 (Copy of bill list attached).

Roll Call: Dierkes, Messler, Pacifico, Pater, Turner. Nays: 0

COUNCIL COMMENTS:

Mayor Mirabelli provided a storm report from Public Works.

The 125th Anniversary Fireworks display was cancelled.

Congratulations to the Mountainside/Berkeley Heights (MBH) 10U Green Machine for winning the Northern NJ state championship.

The Mayor thanked Interim Administrator Tom Atkins for his dedicated service.

AUDIENCE PARTICIPATION:

Hearing no one wishing to speak, this section was closed to the public.

Upon a motion by Councilman Dierkes and a second by Councilwoman Pacifico, the meeting was unanimously adjourned at 7:59 P.M.

Martha Lopez, RMC
Borough Clerk