REGULAR MEETING
JANUARY 18, 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 7:31 P.M. via Zoom.

INVOCATION: Council President Andre
SALUTE TO THE FLAG
ROLL CALL

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

APPROVAL OF MINUTES:

Upon motion by Councilwoman Pacifico a second by Councilman Messler, the minutes of the Reorganization Meeting held on January 4, 2022 were approved. Roll Call: Ayes: Andre, Dierkes, Matejek, Messler, Pacifico, Pater. Nays: 0.

Upon motion by Councilwoman Pacifico a second by Councilwoman Andre, the minutes of the Work & Executive Session Meetings held on January 11, 2022 were approved. Roll Call: Ayes: Andre, Dierkes, Matejek, Messler, Pacifico, Pater. Nays: 0.

RESOLUTIONS:

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

RESOLUTION 25-2022

BE IT RESOLVED, that the Borough Administrator is hereby appointed as Fund Commissioner to the Suburban Municipal Joint Insurance Fund for a term of one (1) year expiring December 31, 2022 at no additional salary.

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

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

RESOLUTION 26-2022

WHEREAS, the Union County Transportation Advisory Board has requested that the Borough of Mountainside appoint a representative and an alternate to serve on the Board for a one-year term; and

WHEREAS, the Governing Body is desirous of appointing a representative and alternate from the Borough of Mountainside;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that Councilman Robert W. Messler be appointed as representative and Michael Disko, Jr. be appointed as an alternate for a term to expire December 31, 2022.

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

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

RESOLUTION 27-2022

WHEREAS, there exists a vacancy in the position of Department of Public Works Employee; and

WHEREAS, Administrator Glenn Mortimer and DPW Director Matthew DeAnna recommend that the Borough Council take action to hire Gabriel Baumgarten.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Mountainside that Gabriel Baumgarten is hereby hired as a full-time employee with the Department of Public Works, at a salary of $40,000, effective January 3, 2022.

BE IT FURTHER RESOLVED, that Gabriel Baumgarten be hired as a probationary employee for a period of six months in accordance with the Borough of Mountainside Personnel Policy & Procedures Manual. Upon completion of the probationary period shall be compensated an additional $1,000 to his annual salary.

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

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

RESOLUTION 28-2022

WHEREAS, the Elks Club is a non-profit organization consisting of mainly Mountainside residents; and

WHEREAS, the Elks Club has requested that the Borough waive the $275 annual license fees for Music/Non-Food, Signs and Food Handler; and

WHEREAS, the Governing Body has, in the past, waived such fees in order to enable the organization to use those funds towards community events.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the annual license fees of $275, be and the same is hereby waived.

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

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

RESOLUTION 29-2022

BE IT RESOLVED by the Governing Body that the Members of the Council be assigned to the following Committees for the year 2022:

COMMITTEE	CHAIRPERSON	MEMBERS
Fire	Councilman Rene Dierkes	Councilwoman Rachel Pater Councilman Steven Matejek
Administrative and Executive	Councilman Robert W. Messler	Councilman Steven Matejek Councilman Rene Dierkes
Public Works and Facilities	Councilman Robert W. Messler	Councilman Steven Matejek Councilwoman Donna Pacifico
Police	Councilman Robert W. Messler	Councilwoman Donna Pacifico Mayor Paul N. Mirabelli
Solid Waste and Recycling	Councilman Robert W. Messler	Councilwoman Deanna Andre Councilman Steven Matejek
Recreation	Councilwoman Deanna Andre	Councilwoman Donna Pacifico Councilman Rene Dierkes
Media and Information	Councilwoman Deanna Andre	Councilwoman Rachel Pater Councilman Robert W. Messler

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

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

RESOLUTION 30-2022

BE IT RESOLVED by the Governing Body that the following appointments of Council Representatives to Civic Boards and Agencies, or as Liaisons, made by Mayor Paul N. Mirabelli of the Borough of Mountainside be and they hereby are confirmed for the year 20 22:

Planning Board	Steven Matejek
Board of Health	Donna Pacifico
Board of Education	Steven Matejek
Library	Donna Pacifico
Rescue Squad	Deanna Andre
Board of Tax Appeals	Deanna Andre
Emergency Management	Paul N. Mirabelli
Senior Citizen Services	Rachel Pater
Board of Tax Assessors	Rene Dierkes
Shade Tree	Rene Dierkes
Historic Preservation Committee	Rachel Pater
Children's Specialized Hospital	Deanna Andre

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

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

RESOLUTION 31-2022

WHEREAS, a quote was received by the Borough of Mountainside for the July 4, 2022 Fireworks Celebration; and

WHEREAS, the quote was in the amount of $15,000.00; and

WHEREAS, the Governing body has determined that Garden State Fireworks, Millington, New Jersey is the preferred vendor; and

WHEREAS, the Borough of Mountainside provides $7,500.00, the Mountainside Volunteer Fire Company and Mountainside PAL provide $3,750.00 each for the payment of the July 4th fireworks;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the proper Borough Officials are hereby authorized to enter into an agreement with Garden State Fireworks in the amount of $15,000.00 for the 2022 July 4th Fireworks Celebration.

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

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

RESOLUTION 32-2022

WHEREAS, N.J.A.C. 5:30-9A.6 and 5:31-4.1 allows for greater flexibility for local units when implementing requirements for claimant certifications set forth in N.J.S.A. 40A:5-16(a); and

WHEREAS, the local units are now given discretion to require a claimant certification as it deems necessary and appropriate; and

WHEREAS, the Chief Financial Officer of the Borough of Mountainside recommends a claimant signature be required for all purchase orders with the exception of the below list; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Mountainside that the below list will be exceptions to the claimant certification requirements:

Federal Express, **UPS**
Home Depot
Pitney Bowes
Exxon
Thomson Reuters/West
Canon
Staples
WB Mason

Credit Card Merchant Companies
Verdin Company, Inc.
Premium/Installment payment to Insurance Co. for Borough of Mountainside Policies
Payments to local newspapers for advertising
Payments to Government Agencies - Federal, State, County, Local, BOE, Post Office
Payments to Utility Companies
Purchases/Contracts Authorized by Resolution
Prof. Ed. courses including but not limited to where continuing education credits are awarded
Professional Membership Association Dues
Hotel and registration fees for professional conference or convention
Website hosting, including registration and maintenance of a domain name
Language Line
Action Data Services
Edmunds Gov Tech
Amazon
MGL Printing Solutions
Memberships for Co-Ops
Westfield Lumber

Roll Call: Andre, Dierkes, Matejek, Pacifico, Pater. Nays: 0.

Resolution 33-2022, appointment of fire officials was tabled.

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

RESOLUTION 34-2022

WHEREAS, N.J.S.A. 40A:4-58 provides for transfers within certain appropriations within the Reserve Municipal Budget during the first three months of the fiscal year; and

WHEREAS, the Chief Financial Officer has advised the Mayor and Council of the Borough of Mountainside that the need for certain transfers within the 2021 Municipal Budget exists; and

WHEREAS, it is recommended that these budget transfers be made.

NOW, THEREFORE, BE IT RESOLVED that the following budget transfers be made in the 2021 Municipal Budget Reserves;

CURRENT ACCOUNT	FROM	TO
Water		1,000.00
Gasoline & Diesel Fuel	1,000.00	

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

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

RESOLUTION 35-2022

WHEREAS, there exists vacancies in the positions of Captain, Lieutenant and Sergeant in the Mountainside Police Department; and

WHEREAS, it is the desire of the Mayor and Council of the Borough of Mountainside to fill such vacancies with highly qualified individuals; and

WHEREAS, a number of eligible officers in the Mountainside Police Department have undergone extensive testing and evaluation as candidates for the positions of Lieutenant and Sergeant; and

WHEREAS, all candidates during the selection process exemplified the high qualities and standards expected of the police personnel in this community; and

WHEREAS, the Police Committee and Police Chief have recommended the promotion of four candidates whose credentials and experience were found best to suit the needs of the Borough in filling the positions of Captain, Lieutenant and Sergeant;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the following individuals be promoted to the positions of Captain, Lieutenant and Sergeant in the Borough of Mountainside with all the rights, responsibilities and obligations attendant upon those positions:

1. Effective January 18, 2022, Lieutenant Michael Jackson is promoted to the position of Captain in the Mountainside Police Department.

2. Effective January 18, 2022, Sergeant Shaun Bendik is promoted to the position of Lieutenant in the Mountainside Police Department.

3. Effective January 18, 2022, Sergeant William Stolting is promoted to the position of Lieutenant in the Mountainside Police Department.

4. Effective January 18, 2022, Patrolman Christopher Feighner is promoted to the position of Sergeant in the Mountainside Police Department

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

ORDINANCE: First Reading (Introduction)

ORDINANCE 1307-2022
AN ORDINANCE AMENDING CHAPTER XXIII OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MOUNTAINSIDE BY SETTING THE MEMBERSHIP FEES FOR USE OF THE MOUNTAINSIDE COMMUNITY POOL

BE IT ORDAINED by the Mayor and Council of the Borough of Mountainside, County of Union, State of New Jersey, that Chapter XXIII of the Borough Code be, and the same is amended and restated as follows:

Pool Membership Fees:
a. The resident and full-time employee membership fees and guest fees shall be as follows:

1. Family Membership:

(I) Family Membership	$362.00
(ii) Each unmarried child over 21 living at home or parent living with the family	130.00

2. Single Membership: 16 years of age or older 187.00

   a. A Two Adult Membership: 18 years or older living in the same Mountainside address 345.00

3. Senior Citizen Membership: 62 years of age or older 130.00

4. A child under the age of 16 joining as part of a family, single or senior citizen membership of a relative, if both the child and the membership are resident 187.00

5. A resident person age 14 or 15 employed by a family as a parent's helper joining that family's membership 187.00

6. Single Parent/Child 309.00

7. Au Pair/Nanny 130.00

8. Guest daily fee:	Weekend/ Holidays	Weekdays
(I) Adult	12.00	10.00
(ii) Under 18 years of age	10.00	8.00

9. House guest weekly fee (non-resident eating and sleeping in member's home:

(I) 18 years of age or younger	25.00
(ii) Over 18 years of age	30.00

10. Individuals on active military duty who are residents shall be admitted free.

11. A family membership composed of only two persons shall be entitled to ten complimentary guests.

12. A single membership shall be entitled to five complimentary guests.

13. A senior citizen membership shall be entitled to two complimentary guests.

14. A family, senior citizen or single membership shall receive two complimentary guest passes if the membership fees paid in full on or before April 15 of the membership year.

15. A two adult membership shall be entitled to five complimentary guests.

b. Non-resident membership fees and guest fees shall be as follows:

1. Family Membership:

(I) Family membership	654.00
(ii) Each unmarried child over 21 living at home parent living with family	130.00

2. Single Membership: 16 years of age or older 330.00

3. Senior Citizen membership: 62 years of age or older 227.00

4. A child under the age of 16 joining as part of a family, single or senior citizen membership of a relative, if both the child and membership are non-resident 330.00

5. A non-resident person age 14 or 15 employed by a family as a parent's helper joining that family's membership 330.00

6. Guest daily fee:	Weekend/ Holidays	Weekdays
(I) Adult	12.00	10.00
(ii) Under 18 years of age	10.00	8.00

7. House guest weekly fee:
   (I) 18 Years of age or younger 25.00
   (ii) over 18 years of age 30.00

8. Registration fee payable for first year membership only:
   (I) Single Membership 35.00
   (ii) Family Membership 65.00

9. A family membership composed of only two persons shall be entitled to ten complimentary guests.

10. A single membership shall be entitled to five complimentary guests.

11. A senior citizen membership shall be entitled to two complimentary guests.

12. A family, senior citizen or single membership shall receive two complimentary guest passes if the membership fees are paid in full on or before April 15 of the membership year.

BE IT FURTHER ORDAINED that if any fees set by this ordinance or otherwise collected by the Recreation Department are paid by credit card, an additional charge equal to the percentage of such fees charged the Borough by the credit card issuer shall be applied.

BE IT FURTHER ORDAINED, that all other sections of Chapter XXIII shall remain unchanged.

This ordinance shall take effect twenty days after the first publication hereof after final passage.

It was moved by Councilwoman Andre and seconded by Councilwoman Pacifico that this ordinance be passed on first reading and advertised in full for a public hearing on February 15, 2022.

BILLS & CLAIMS:

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

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 January 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 $290,803.49 (Copy of bill list attached).

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

COUNCIL COMMENTS:

Councilman Messler announced an upcoming Elks Club event.

Mayor Mirabelli read a letter from a resident who was extremely grateful to Kim Moriak for finding her after she fell in her home and was unable to call for help. The Mayor officially and personally thanked our Senior Coordinator Kim Moriak for her role in assisting the resident.

AUDIENCE PARTICIPATION:

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

Upon a motion by Councilman Messler 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