

**REGULAR MEETING
DECEMBER 19, 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 7:34 P.M.

INVOCATION: Councilwoman Andre
SALUTE TO THE FLAG
ROLL CALL

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

APPROVAL OF MINUTES:

Upon motion by Councilman Dierkes a second by Councilman Matejek, the minutes of the Regular Session Meeting held on November 21, 2023 were approved. Roll Call: Ayes: Andre, Dierkes, Matejek, Messler, Pacifico. Nays: 0.

Upon motion by Councilman Dierkes a second by Councilwoman Andre, the minutes of the Work & Executive Session Meetings held on December 5, 2023 were approved. Roll Call: Ayes: Andre, Dierkes, Matejek, Messler, Pacifico. Nays: 0.

RESOLUTIONS:

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

RESOLUTION 138-2023

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 Cesar Reyesperez as Police Officer; and

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

BE IT FURTHER RESOLVED, that said appointment shall be effective November 13, 2023 with the probationary period ending one-year from the appointment date at a probationary period salary of \$50,500.

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

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

RESOLUTION 139-2023

WHEREAS, the owners of real estate in the Borough of Mountainside paid their real estate and sewer taxes by way of a check in an incorrect amount; and

WHEREAS, in many of such instances the error involved amounts of \$5.00 and under.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the proper Borough Officials be and they hereby are authorized to cancel all such amounts on tax and sewer accounts, whether owed to the Borough or owed by the Borough, of \$5.00 and under for the year 2023.

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

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

RESOLUTION 140-2023

WHEREAS, N.J.S.A. 40A:4-58 provides for transfers within certain appropriations within the Municipal Budget during the last two 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 2023 Municipal Budget exists, and

WHEREAS, this resolution authorizes the Chief Financial Officer to make these transfers,

NOW, THEREFORE, BE IT RESOLVED that the following budget transfers be ratified.

BE IT FURTHER RESOLVED that the Chief Financial Officer be and is hereby authorized to make any necessary transfers prior to year end and that these be ratified at the first regularly scheduled Governing Body meeting of 2024.

<u>CURRENT ACCOUNT</u>	<u>TO</u>	<u>FROM</u>
Recreation, S/W	10,000.00	
A&E, O/E	5,000.00	
Municipal Alliance Match	305.00	
Assessor, S/W	2,000.00	
Finance, S/W	9,000.00	
Police, S/W	50,000.00	
Social Security	7,000.00	
Planning Board O/E		25,000.00
Tax Assessing, O/E		10,000.00
Construction, S/W		30,000.00
Gasoline		15,000.00
Planning Board, S/W		3,305.00

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

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

RESOLUTION 141-2023

BE IT RESOLVED by the Governing Body of the Borough of Mountainside that the following person recommended by the Borough Administrator, be and hereby is appointed as such:

Thomas Cassidy	PT Senior Driver	\$20.00/hour
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Roll Call: Ayes: Andre, Dierkes, Matejek, Messler, Pacifico. Nays: 0.

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

RESOLUTION 142-2023

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>
Meghan Szelag 1379 Chapel Hill Road Mountainside, NJ 07092	Fall Soccer	\$134.03

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

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

RESOLUTION 143-2023

WHEREAS, the Borough of Mountainside, pursuant to N.J.S.A. 40A:11-11(5), may, by resolution and without advertisement for bids, award contracts for the purchase of any goods or services and that were procured through a cooperative purchasing agreement, including State Contracts; and

WHEREAS, the Mountainside Borough's current phone system needs to be replaced; and

WHEREAS, the Borough of Mountainside wishes to purchase a new phone system and equipment through State Contract #T1316/A80802, Union County Contracts 8-UCCP 24-2021 and 8-UCCP 8-2022, which exceeds the prevailing bid threshold:

VENDOR:	JCT Solutions, Springfield, NJ
COST:	Equipment and Installation Not to exceed \$28,000
	Yearly Service (36 Months) Not to exceed \$10,000

Yearly Maintenance (Subject to change after 1st year)
\$3,632 – 1st year

WHEREAS, the contract with JCT Solutions will provide cost savings to the Borough by eliminating several of the current phone lines and replacing them with Avaya IP Office; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds pursuant to N.J.A.C. 5:30-5.4, said funds to be encumbered and will be appropriated in future years' budgets.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Mountainside authorizes Borough Officials to enter into a contract with JCT Solutions of Springfield, New Jersey, for the purchase and management of a new phone system.

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

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

RESOLUTION 144-2023

WHEREAS, the Borough of Mountainside desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for approximately \$50,000 to carry out a project to replace/purchase six (6) non-compliant and outdated turnout gear for the Mountainside Volunteer Fire Department.

BE IT THEREFORE RESOLVED, that the Borough of Mountainside does hereby authorize the application for such a grant and recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the NJ Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the Borough of Mountainside and the NJ Department of Community Affairs.

BE IT FURTHER RESOLVED, that the Borough Administrator is authorized to sign the application, agreement and any other documents necessary in connection therewith.

I, Martha Lopez, the Borough Clerk of the Borough of Mountainside hereby certify that at a meeting of the Governing Body held on December 19, 2023 the above resolution was duly adopted.

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

ORDINANCES: Second Reading (Public Hearing)

ORDINANCE 1324-2023

AN ORDINANCE TO APPROPRIATE THE SUM OF FOUR HUNDRED NINETY THOUSAND DOLLARS (\$490,000.00) FOR PHASE TWO OF THE CONSTRUCTION OF THE DEPARTMENT OF PUBLIC WORKS GARAGE AT 1329 ROUTE 22 IN THE BOROUGH OF MOUNTAINSIDE

WHEREAS, the Governing Body of the Borough of Mountainside is desirous to undertake phase two of the construction of the Department of Public Works Garage at 1329 Route 22 in the Borough of Mountainside, and

WHEREAS, funds in the amount of \$490,000.00 will be needed to undertake this project, and

WHEREAS, the Governing Body of the Borough of Mountainside concurs that the project to be necessary.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Mountainside that the sum of \$490,000.00 be and is hereby appropriated to undertake phase two of the construction of the Department of Public Works Garage at 1329 Route 22 in the Borough of Mountainside, as follows:

\$ 290,000.00 from the Capital Improvement Fund
\$ 200,000.00 from Misc. Reserves, Sale of Municipal Assets

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

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

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

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

Second Reading (Public Hearing)

ORDINANCE 1325-2023

AN ORDINANCE TO APPROPRIATE THE SUM OF ONE HUNDRED SIXTY-EIGHT THOUSAND FIVE HUNDRED (\$168,500.00) FOR THE RESURFACING OF SHORT DRIVE AND TWO HUNDRED SEVENTY-SEVEN THOUSAND THREE HUNDRED FIFTY-TWO (\$277,352.00) FOR THE RESURFACING OF FRIAR LANE, KINGS COURT, JUSTIN PLACE AND QUEENS LANE

WHEREAS, the Governing Body of the Borough of Mountainside have decided to resurface Short Drive, Friar Lane, Kings Court, Justin Place and Queens Lane; and

WHEREAS, two grant awards are now available from NJDOT in the amount of \$168,500.00 and \$277,352.00; and

WHEREAS, the Governing Body of the Borough of Mountainside concurs that this resurfacing is necessary; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Mountainside that the sum of \$168,500.00 and \$277,352.00 be and is hereby appropriated for the resurfacing of above mentioned roads.

BE IT FURTHER ORDAINED that the Borough of Mountainside shall be reimbursed by the State of New Jersey, Department of Transportation in the amount of \$168,500.00 and \$277,352.00. On passage this ordinance shall not be codified.

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

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

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

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

MOTIONS:

The following motions were unanimously approved:

1. Approve raffle application from Our Lady of Lourdes Church for an off premise 50/50 draw raffle
 2. Approve raffle applications from MEF for casino night, on premise 50/50 draw raffle, on premise draw raffle
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BILLS & CLAIMS:

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

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 19th day of December 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 \$394,775.68 (Copy of bill list attached).

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

COUNCIL COMMENTS:

Councilwoman Andre wished the public a Happy Holidays and a safe New Year.

Mayor Mirabelli announced the resignation of Councilwoman Pater and thanked her for her service on the Council.

Mayor Mirabelli shared the success of the tree and Menorah lighting, sharing that both events had a great turn-out. Mayor Mirabelli thanked the public for their participation.

Mayor Mirabelli addressed the concerns of speeding around town, sharing he has asked the Police Chief to develop a plan to address speeding issues. As a result, the town has implemented speed trailers, speed measurement devices, increase in directed patrols, and increased random patrols in efforts to aid the issue. Mayor Mirabelli also encouraged the public to follow local speed laws.

Mayor Mirrabelli wished the public a Happy Holidays.

AUDIENCE PARTICIPATION: None

Upon a motion by Councilman Messler and a second by Councilman Matejek, the meeting was unanimously adjourned at 7:57 P.M.

Martha Lopez, RMC
Borough Clerk