REGULAR MEETING
SEPTEMBER 17, 2024

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: Council President Pacifico
SALUTE TO THE FLAG
ROLL CALL

PRESENT: Mayor Mirabelli, Councilman Dierkes, Councilman Matejek, Council President Pacifico, Councilman Rinaldo, Councilman Van Deusen, Councilwoman Wass, Administrator Mortimer and Attorney Post. Also present were Public Works Director Matthew DeAnna, Senior Coordinator Kim Moriak and 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 August 20, 2024 were approved. Roll Call: Ayes: Dierkes, Matejek, Pacifico, Rinaldo, Van Deusen, Wass. Nays: 0.

Upon motion by Councilman Dierkes a second by Councilman Rinaldo, the minutes of the Work & Executive Session Meetings held on September 3, 2024 were approved. Roll Call: Ayes: Dierkes, Matejek, Rinaldo, Van Deusen, Wass. Nays: 0. Abstained: Pacifico.

PROCLAMATION:

WHEREAS, in 1949, a group of visionary parents united to establish The Arc of Union County, driven by their unwavering commitment to securing a better future for their children with disabilities; and

WHEREAS, for 75 years, The Arc of Union County has stood as a beacon of hope, compassion, and advocacy, enriching the lives of countless individuals and families across Union and surrounding counties; and

WHEREAS, The Arc of Union County, Inc., a distinguished non-profit organization, has diligently served over 1,000 adults and children, fostering inclusivity, empowerment, and support for those with intellectual and developmental disabilities; and

WHEREAS, guided by a steadfast mission to empower individuals and families, The Arc of Union County tirelessly engages with public and private entities to ensure every person associated with the organization realizes a life of fulfillment, productivity, and dignity; and

WHEREAS, The Arc of Union County envisions a society that champions social justice, accessibility, and inclusivity, valuing the diverse achievements and contributions of all individuals with disabilities; and

WHEREAS, The Arc of Union County embodies a set of enduring values including accountability, competence, affection, courtesy, flexibility, service, transparency, and professionalism, epitomizing the highest standards of integrity and compassion in its service to the community.

NOW, THEREFORE, the Governing Body of the Borough of Mountainside, do hereby proclaim: That the people of Mountainside, in recognition of the remarkable legacy and ongoing dedication of The Arc of Union County, join together in celebrating its 75 years of unwavering service, advocacy, and impact on our community.

We commend The Arc of Union County for its tireless efforts to empower individuals with intellectual and developmental disabilities and their families, embodying the principles of compassion, inclusion, and respect for all.

We extend our deepest gratitude to The Arc of Union County's dedicated staff, volunteers, and supporters for their invaluable contributions to enriching the lives of individuals and families throughout our region.

We affirm our commitment to standing alongside The Arc of Union County in creating a more just, accessible, and inclusive society where every individual is valued, respected, and celebrated for their unique abilities and contributions.

RESOLUTIONS:

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

RESOLUTION 112-2024

WHEREAS, the Borough of Mountainside needs to refund monies to interested parties for overpayment of current year taxes,

NOW, THEREFORE, BE IT RESOLVED that the Treasurer be authorized to issue the following refund, for the following reason:

Duplicate payments Due to Banks
CoreLogic
Centralized Refunds
P. O. Box 9202
Coppell, TX 75019-9978

Block	Lot	Qualifier	Amount	Property Address
3	18.03	C0630	$587.69	1494 Alpine Ridge Way #30
8.02	15		$2,889.99	1571 Brookside Rd

Roll Call: Ayes: Dierkes, Matejek, Pacifico, Rinaldo, Van Deusen, Wass. Nays: 0.

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

RESOLUTION 113-2024

WHEREAS, in accordance with applicable provisions of the Public Contracts Law, the Borough advertised for Bids for Contract 2024-4 for “Paving Improvements on Bayberry Lane”; and

WHEREAS, on September 12, 2024 the return date for the bids, one bid was received as follows:

Bidder:	Base Bid	Alt. #1	Alt. #2	Alt. #3
Denbar Construction	$158,469.04	$18,395.00	$6,525.00	$13,800.00

WHEREAS, the Borough Engineer recommends awarding the Base Bid, Alternate #1, Alternate #2, and Alternate #3; and

WHEREAS, the lowest bidder is Denbar Construction Inc., and the Borough Engineer has recommended that Contract 2024-4 be awarded to Denbar Construction, 625B 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 "Paving Improvements on Bayberry Lane" be awarded to Denbar Construction Inc., Kenilworth, NJ in the amount of $197,189.04 subject to Borough Attorney review.

Roll Call: Ayes: Dierkes, Matejek, Pacifico, Rinaldo, Van Deusen, Wass. Nays: 0.

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

RESOLUTION 114-2024

WHEREAS, the Governing body of the Borough of Mountainside is aware that Friday, September 20, 2024 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 20, 2024 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, Pacifico, Rinaldo, Van Deusen, Wass. Nays: 0.

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

RESOLUTION 115-2024

BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that authorization is granted for the Finance Officer to issue a check in the amount of $500 to the Mountainside PTO as a donation in support of the PTO Fall Festival to be held at Deerfield School.

Roll Call: Ayes: Dierkes, Matejek, Pacifico, Rinaldo, Van Deusen, Wass. Nays: 0.

The following resolution was introduced by Councilwoman Wass and seconded by Councilman Van Deusen.

RESOLUTION 116-2024

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 2024 for the below amount sums of which item is now available as a revenue from:

Public & Private Revenues off-set with Appropriations:
Watts Mountainside Community Foundation Grant ($4,323.00)

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"
Watts Mountainside Community Foundation Grant ($4,323.00)

Roll Call: Ayes: Dierkes, Matejek, Pacifico, Rinaldo, Van Deusen, Wass. Nays: 0.

The following resolution was introduced by Councilman Van Deusen and seconded by Councilwoman Wass.

RESOLUTION 117-2024

WHEREAS, receivable balance exists in the records of the Borough; and

WHEREAS, the balance is as follows:

Municipal Alliance Grant $439.63

NOW, THEREFORE, BE IT RESOLVED, that the Chief Financial Officer cancel this balance from the records of the Borough.

Roll Call: Ayes: Dierkes, Matejek, Pacifico, Rinaldo, Van Deusen, Wass. Nays: 0.

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

RESOLUTION 118-2024

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 a pursuit vehicle 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 this vehicle; and

WHEREAS, the cost for a 2024 Dodge Durango Pursuit AWD with options is $41,654.00; 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 a 2024 Dodge Durango with options in the amount of $41,654.00 under terms and provisions of state contract #23-FLEET-34933 be and hereby is approved.

Roll Call: Ayes: Dierkes, Matejek, Pacifico, Rinaldo, Van Deusen, Wass. Nays: 0.

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

RESOLUTION 119-2024

BE IT RESOLVED, that the following individuals be appointed as Substitute Inspectors.

Dave Greenhill (*sub)
$50.00/hourly
Electrical Inspector

Matt Devaney (*sub)
$50.00/hourly
Plumbing Inspector

Roll Call: Ayes: Dierkes, Matejek, Pacifico, Rinaldo, Van Deusen, Wass. Nays: 0.

The following resolution was introduced by Councilman Rinaldo and seconded by Councilman Van Deusen.

RESOLUTION 120-2024

WHEREAS, pursuant to N.J.S.A 52:34-6.2(b)(3), the Governing Body of the Borough of Mountainside has authorized the use of Sourcewell Co-Op, to contract with various vendors for goods and services; and

WHEREAS, N.J.S.A. 52:34-6.2(b)(3) permits the award of a contract without the necessity of competitive bidding; and

WHEREAS, the field light pole at Deerfield was damaged during a storm and needs to be replaced; and

WHEREAS, Musco Sports Lighting, LLC is an authorized vendor under Sourcewell Co-Op #041123-MSL; and

WHEREAS, the Recreation Director recommends award of this contract to Musco Sports Lighting, LLC in the amount not to exceed $77,990; and

WHEREAS, the Chief Financial Officer has certified funds in the amount of $77,990.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside, that a contract for the purchase of field lighting is hereby awarded to Musco Sports Lighting, LLC, 101 1st Ave West, Oskaloosa, IA under Sourcewell Co-Op #041123-MSL.

Roll Call: Ayes: Dierkes, Matejek, Pacifico, Rinaldo, Van Deusen, Wass. Nays: 0.

ORDINANCES: First Reading (Introduction)

ORDINANCE 1333-2024
AN ORDINANCE TO AMEND THE TREE PROTECTION PROVISIONS OF THE BOROUGH CODE

BE IT ORDAINED, by the Governing Body of the Borough of Mountainside, County of Union, State of New Jersey, that the Borough Code of the Borough of Mountainside is amended as follows:

Chapter 22, Article 13 is amended as follows:

Article 1304 (b) (6) is amended to read as follows:

(6) Proposals for replacing any destroyed or removed trees which shall include one or more of the following measures: replacement of such trees on the property where they were destroyed or removed or on another property in the Borough or, if such replacement is not possible then the payment of a fee determined by the Enforcement Officer to the Borough Tree Fund.

Article 1304 (d) is amended by the addition of the following new subparagraph:

(3) Decide which of the replacement options set forth in the application are to be implemented.

Article 1304 (d) (3) is amended by changing the number to (4).

Article 1304 (d) is amended by the deletion of subparagraph (a) and by re-designating the remaining subparagraphs (a) through (d).

This ordinance shall take effect immediately upon final passage and publication as provided by law.

It was moved by Councilman Dierkes and seconded by Councilwoman Wass that this ordinance be passed on first reading and advertised in full for a public hearing on October 15, 2024.

Roll Call: Ayes: Dierkes, Matejek, Pacifico, Rinaldo, Van Deusen, Wass. Nays: 0.

First Reading (Introduction)

ORDINANCE 1334-2024
AN ORDINANCE ADOPTING THE REDEVELOPMENT PLAN FOR THE BOROUGH OF MOUNTAINSIDE COMMUNITY POOL, BLOCK 14, LOT 1.03

WHEREAS, the Mayor and Council of the Borough of Mountainside adopted Resolution 97-2023 directing the Borough of Mountainside Planning Board ("Planning Board") to undertake a preliminary investigation to determine whether the Mountainside Municipal Pool, identified on the

Borough's tax map as Block 14, Lot 1.03 (hereinafter referred to as the "Project Area"), qualifies as an area in need of redevelopment pursuant to N.J.S.A. 40A:12A-5 and 40A:12A-6 of the Local Redevelopment and Housing Law; and

WHEREAS, the Planning Board held a hearing, with an investigation, a study, a discussion, and an analysis of the Project Area to determine if the Project Area meets the criteria for a designation as an "area in need of redevelopment;" and

WHEREAS, on January 23, 2024, the Planning Board adopted a Resolution concluding that the Project Area meets the criteria for a designation as an "area in need of redevelopment;" and

WHEREAS, on April, 16, 2024, following the Planning Board's conclusion, the Mayor and the Borough Council adopted Resolution 69-2024 designating the Project Area to be an "area in need of redevelopment"; and

WHEREAS, following the Borough Council's designation and at the request of the Administration, John T. Chadwick, IV, P.P. was asked to prepare a proposed redevelopment plan; and

WHEREAS, on or about June 7, 2024, John T. Chadwick, IV, P.P. prepared a redevelopment plan entitled "Redevelopment Plan for the Borough of Mountainside Community Pool, Block 14, Lot 1.03," (hereinafter referred to as "Redevelopment Plan); and

WHEREAS, the Redevelopment Plan was referred to the Planning Board, pursuant to N.J.S.A. 40A:12A-7(e), for a report and recommendation from the Planning Board concerning the Redevelopment Plan together with an identification of any provisions in the proposed plan that are inconsistent with the master plan, and if so, any recommendations concerning inconsistencies, and any other matters as the Planning Board may deem appropriate; and

WHEREAS, on August 27, 2024, the Planning Board held a hearing where the Redevelopment Plan was reviewed, discussed, and analyzed by its members and interested parties for the Planning Board's consideration; and

WHEREAS, after the conclusion of the hearing, the Planning Board concluded, by Resolution, that the Redevelopment Plan was appropriate and not inconsistent with the Borough Master Plan; and

WHEREAS, the Planning Board subsequently forwarded a copy of its Resolution to the Mayor and Borough Council for consideration; and

WHEREAS, the Borough Council desires to adopt the Redevelopment Plan in the form set forth herein.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council that:

Section 1

The Borough Council hereby adopts the attached Redevelopment Plan for the Borough of Mountainside Community Pool, Block 14, Lot 1.03, dated June 7, 2024 prepared by John T. Chadwick, IV, PP, in the form attached hereto.

Section 2

The attached Redevelopment Plan for the Borough of Mountainside Community Pool, Block 14, Lot 1.03 shall regulate development within the Project Area under Local Redevelopment and Housing Law.

Section 3

All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 4

This Ordinance shall take effect immediately upon final adoption and publication and in the manner provided by law.

This ordinance shall take effect immediately upon final passage and publication as provided by law.

It was moved by Councilman Matejek and seconded by Councilwoman Wass that this ordinance be passed on first reading and advertised in full for a public hearing on October 15, 2024.

Roll Call: Ayes: Dierkes, Matejek, Pacifico, Rinaldo, Van Deusen, Wass. Nays: 0.

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 17th day of September 2024, 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 $117,305.19 (Copy of bill list attached).

Roll Call: Ayes: Dierkes, Matejek, Pacifico, Rinaldo, Van Deusen, Wass. Nays: 0.

COUNCIL COMMENTS:

Councilman Matejek announced upcoming senior events and reminded residents to drive carefully as children are back to school.

Councilman Van Deusen praised the new soccer goal and field lining machine.

Mayor Mirabelli highlighted upcoming community events.

AUDIENCE PARTICIPATION:

Mary Lou La Scala, 1388 Outlook Drive West, inquired about when her street would be repaved. A portion of Outlook Drive is scheduled for paving next year through a NJDOT grant.

Domenico DeLuca, 1443 Orchard Road, announced National Heart Prevention Day and the Fire Department Open House.

Upon a motion by Councilwoman Pacifico and a second by Councilman Matejek, the meeting was unanimously adjourned at 8:04 PM.

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Martha Lopez, RMC
Borough Clerk