

**REGULAR MEETING
AUGUST 16, 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.

Acting Mayor Rachel Pater called the meeting to order at 7:28 P.M.

INVOCATION: Councilman Dierkes
SALUTE TO THE FLAG
ROLL CALL

PRESENT: Councilman Dierkes, Councilman Matejek, Councilman Messler, Councilwoman Pacifico, Councilwoman Pater and Attorney Post. Also present was Public Works Director Matthew DeAnna. Mayor Mirabelli, Council President Andre and Administrator Mortimer were absent.

APPROVAL OF MINUTES:

Upon motion by Councilman Messler a second by Councilwoman Pacifico, the minutes of the Regular & Executive Session Meetings held on July 19, 2022 were approved. Roll Call: Ayes: Dierkes, Matejek, Messler, Pacifico, Pater. Nays: 0.

Upon motion by Councilwoman Pacifico a second by Councilman Messler, the minutes of the Work & Executive Session Meetings held on August 2, 2022 were approved. Roll Call: Ayes: Dierkes, Matejek, Messler, Pacifico, Pater. Nays: 0.

MEMORIAL RESOLUTION:

WHEREAS, Arthur "Artie" Brahm passed away on May 24, 2022 at age 87; and

WHEREAS, Arthur cherished Mountainside with all his heart and was a founding member and chairman of the Mountainside Historic Committee, helping to preserve historical landmarks in town. He was particularly proud of being part of the team that saved the Deacon Andrew Hetfield house from demolition; and

WHEREAS, He was a recipient of the Mabel Young Good Neighbor Award in 1994 for his outstanding leadership and volunteerism in Mountainside. In addition, an annual scholarship is awarded in his name to a deserving 8th grade student. On May 16, 2000, he was bestowed a joint legislative resolution from the State of New Jersey for "demonstrating exemplary dedication and steadfast commitment to preserving Mountainside's historical past."; and

WHEREAS, Arthur received a degree in business management at Union county college, and served proudly in the United States army from 1958 to 1960. His post service career was spent working at Bliwise liquor store in Mountainside, where he worked for 40 years while raising his family.

NOW, THEREFORE, BE IT RESOLVED that we, the current members of the Governing Body of the Borough of Mountainside, recognize Arthur "Artie" Brahm and we extend our condolences to his wife Peggy Chatten Brahm and their beloved family.

PROCLAMATIONS:

WHEREAS, scouting is a movement that challenges, inspires, and guides young people toward high achievements and high values as expressed in the Scout oath, law, motto, and slogan; and

WHEREAS, Eagle is the highest rank in the Boy Scouting, and requires mastery of difficult challenges in diverse areas; and

WHEREAS, to become an Eagle Scout requires demonstration of good character and community service; and

WHEREAS, only a minority of scouts ever achieves this distinguished accomplishment; and

WHEREAS, Alex Beke has demonstrated a special commitment to the Boy Scouts, and has worked with great diligence to successfully complete the requirements for the rank of Eagle; and

WHEREAS, for his Eagle community service project, Alex Beke lead a team that built and installed three kiosks, located at Watchung Reservation's Rhododendron Garden and Warinanco Park's Chatfield and Azalea Gardens; and

WHEREAS, Union County Department of Parks and Recreation (UCDPR) wished to establish a Memorial Board system to honor its donors and contributors. On these boards, UCDPR will arrange plaques of donor names and provide a brief history of the garden. It is hoped that the display will encourage more donations to help maintain the memorial gardens.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside, that they do hereby congratulate Alex Beke on attaining the rank of Eagle Scout.

WHEREAS, scouting is a movement that challenges, inspires, and guides young people toward high achievements and high values as expressed in the Scout oath, law, motto, and slogan; and

WHEREAS, Eagle is the highest rank in the Boy Scouting, and requires mastery of difficult challenges in diverse areas; and

WHEREAS, to become an Eagle Scout requires demonstration of good character and community service; and

WHEREAS, only a minority of scouts ever achieves this distinguished accomplishment; and

WHEREAS, Coady Brown has demonstrated a special commitment to the Boy Scouts, and has worked with great diligence to successfully complete the requirements for the rank of Eagle; and

WHEREAS, for his Eagle community service project, Coady Brown made several improvements at the Veterans of Foreign Wars Post 6259 in Berkeley Heights; and

WHEREAS, Coady refurbished the frame for the sign in front of the VFW building and added a flower bed decorated with perennial plants. He moved a pre-existing fire pit to an area safer for use and more accessible to the members. Lastly, Coady added a new panel of white fencing to provide the fire pit area with some privacy.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside, that they do hereby congratulate Coady Brown on attaining the rank of Eagle Scout.

WHEREAS, scouting is a movement that challenges, inspires, and guides young people toward high achievements and high values as expressed in the Scout oath, law, motto, and slogan; and

WHEREAS, Eagle is the highest rank in the Boy Scouting, and requires mastery of difficult challenges in diverse areas; and

WHEREAS, to become an Eagle Scout requires demonstration of good character and community service; and

WHEREAS, only a minority of scouts ever achieves this distinguished accomplishment; and

WHEREAS, Connor Splaine has demonstrated a special commitment to the Boy Scouts, and has worked with great diligence to successfully complete the requirements for the rank of Eagle; and

WHEREAS, for his Eagle community service project, Connor Splaine renovated the benches and basketball court at the Free Acres Farmhouse. The project allowed the residents of Free Acres to socially distant while still being together as a community.

WHEREAS, due to years of abandonment, it took many hours to restore the bench bases. Using the original bases and pressure treated lumber, the benches were constructed on site as each bench weighed over seven hundred pounds. The backboards and benches were reinstalled right after a heavy snow storm. The interior of the Farmhouse was recently renovated and with the service project complete, the surrounding area welcomes the community and fellowship of Free Acres.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside, that they do hereby congratulate Connor Splaine on attaining the rank of Eagle Scout.

WHEREAS, scouting is a movement that challenges, inspires, and guides young people toward high achievements and high values as expressed in the Scout oath, law, motto, and slogan; and

WHEREAS, Eagle is the highest rank in the Boy Scouting, and requires mastery of difficult challenges in diverse areas; and

WHEREAS, to become an Eagle Scout requires demonstration of good character and community service; and

WHEREAS, only a minority of scouts ever achieves this distinguished accomplishment; and

WHEREAS, Jack Huss has demonstrated a special commitment to the Boy Scouts, and has worked with great diligence to successfully complete the requirements for the rank of Eagle; and

WHEREAS, for his Eagle community service project, Jack Huss rebuilt a deck at a retreat house for St. Benedict's; and

WHEREAS, the project involved the whole troop in a multitude of tasks from demolition to replacing the decking and stairs. The project will benefit hundreds of freshman students who use the building after their 50-mile Appalachian Trail hike

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside, that they do hereby congratulate Jack Huss on attaining the rank of Eagle Scout.

WHEREAS, scouting is a movement that challenges, inspires, and guides young people toward high achievements and high values as expressed in the Scout oath, law, motto, and slogan; and

WHEREAS, Eagle is the highest rank in the Boy Scouting, and requires mastery of difficult challenges in diverse areas; and

WHEREAS, to become an Eagle Scout requires demonstration of good character and community service; and

WHEREAS, only a minority of scouts ever achieves this distinguished accomplishment; and

WHEREAS, Pat Huss has demonstrated a special commitment to the Boy Scouts, and has worked with great diligence to successfully complete the requirements for the rank of Eagle; and

WHEREAS, for his Eagle community service project, Pat Huss refurbished the children's playground at Our Lady of Lourdes in Mountainside; and

WHEREAS, the rotting posts around the playground were replaced with new beams. Weeds were removed and the mulch was cleaned up. The fence along the driveway was replaced, greatly improving the look of the playground. Finally, the side of the rectory was power washed to improve its appearance. The whole town should benefit from a better-looking playground in a high traffic area.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside, that they do hereby congratulate Pat Huss on attaining the rank of Eagle Scout.

RESOLUTIONS:

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

RESOLUTION 104-2022

WHEREAS, the State Health Benefits Program (SHBP), governed by N.J.S.A. 52:14-17.25 et seq., offers medical, prescription drug, and dental coverage to qualified State and participating local government public employees, retirees, and eligible dependents; and

WHEREAS, all SHBP plans are self-funded meaning that the money paid out for benefits comes directly from a SHBP fund supplied by the State, participating local employers, and member premiums; and

WHEREAS, the Division of Pensions and Benefits is responsible for the daily administrative activities of the SHBP, the State Health Benefits Commission is the executive organization responsible for overseeing the SHBP; and

WHEREAS, the State Health Benefits Commission, comprised of state officials and union representatives, annually consider the calendar year premium levels for the Local Government Employer Group of the SHBP based on recommendations found in the Rate Setting Recommendation Analysis of the Local Government Employee Group; and

WHEREAS, the preliminary rate increase for the 2023 Local Government Employer Group is 22.8%, which includes a 21.6% increase for Active, a 13% increase in Early Retiree, and a 0.7% increase for Medicare Retiree; and

WHEREAS, subsequent news accounts has the Department of Treasury noting “rates for active members and early retirees would likely be increase between 12-20% across the various plans for the upcoming year”; and

WHEREAS, such proposed exorbitant rate increases will fall upon the local property taxpayer along with the local public employees at a time where there is record inflation, and

WHEREAS, the proposed premium increase for most active employees will take thousands more out of their paychecks annually and lead to huge costs for local governments that will translate into higher property tax bills for struggling families; and

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Mountainside in the County of Union call up the State Health Benefit Commission to reconsider the rate increase and strike a rate increase that is appropriate in the current economic conditions; and

BE IT FURTHER RESOVLED, that the governing body of the Borough of Mountainside in the County of Union urge the legislature to adopt legislation expanding the composition of the State Health Benefits Commission to include representatives from both municipal and county government management; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to Governor Murphy, State Treasurer Muoio, Senate President Scutari, Assembly Speaker Coughlin, Senator Bramnick, Assembly Representatives Matsikoudis and Munoz, and New Jersey State League of Municipalities.

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

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

RESOLUTION 105-2022

WHEREAS, the State of New Jersey Department of Military and Veterans Affairs, by letter dated May 25, 2022, has confirmed that Mr. Francis Mahon, a resident of Mountainside was granted a determination of 100% total disability by the United States Department of Veterans Affairs, effective February 28, 2018; and

WHEREAS, Mr. Mahon has made an application to the Tax Assessor on June 20, 2022, 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 office that Mr. Mahon be granted complete exemption from property taxes from the application date to the assessor and any overpayment of taxes paid by Mr. Mahon 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. Francis Mahon be granted complete exemption from property taxes from the application date to the assessor of June 20, 2022 and Mr. Mahon be issued a refund of \$265.44 which is the overpayment of taxes paid in 2022.

<u>Property Owner</u>	<u>Address</u>	<u>Block and Lot</u>
Francis Mahon	1172 Ridge Drive	Block 5.04, Lot 26

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

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

RESOLUTION 106-2022

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 2021 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:

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

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

RESOLUTON 107-2022

WHEREAS, the Chief Finance Officer is required to submit a Corrective Action Plan of the 2021 Municipal Audit Report to the Governing Body;

NOW, THEREFORE, BE IT RESOLVED that the following 2021 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 2021 Audit Corrective Action Plan be forwarded to the Division of Local Government Services.

2021 Audit- Corrective Action Plan
Recommendation: None
Corrective Action: None

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

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

RESOLUTION 108-2022

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>
Laszlo Szeles 1275 Old Farm Rd Mountainside, NJ 07092	Pool Memberships	\$260.00
Masha Kupets Navarre 273 Appletree Lane Mountainside, NJ 07092	Micro Soccer	\$80.00
Matthew Sosnowski 214 Katherine Street Scotch Plains, NJ 07076	Lifeguard Course	\$250.00

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

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

RESOLUTION 109-2022

WHEREAS, the Construction Official has requested a refund to the following individual; and

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

<u>Applicant</u>	<u>Permit</u>	<u>Amount</u>
Frank Kelly 1160 Ridge Drive Mountainside, NJ 07092	Oil Tank	\$120.00

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

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

RESOLUTION 110-2022

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:

2008 BMW 3-SERIES
VIN# WBAVC93518K042540
MILEAGE: UNKNOWN

2011 FORD CROWN VICTORIA
VIN# 2FABP7BV9BX107953
MILEAGE: UNKNOWN

2014 FORD EXPLORER
VIN# 1FM5K8AR4EGC61217
MILEAGE: 94,182

2013 FORD FUSION
VIN# 3FA6P0HR9DR348612
MILEAGE: 118,556

2019 FORD EXPLORER
VIN# 1FM5K8ARXKGA13226
MILEAGE: 107,304

WESTIN PUSH PUMPERS (2) WITH LIGHTS AND SPEAKERS

HERMAN MILLER EAMES ORIGINAL VINTAGE CHAIRS
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: Ayes: Dierkes, Matejek, Messler, Pacifico, Pater. Nays: 0.

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

RESOLUTION 111-2022

RESOLUTION AUTHORIZING THE APPROPRIATE BOROUGH OFFICIALS TO SIGN A SETTLEMENT AGREEMENT AND RELEASE BETWEEN THOMAS ROOT AND THE BOROUGH REGARDING THE TERMINATION OF HIS EMPLOYMENT WITH THE BOROUGH

WHEREAS, Thomas Root is a long-term employee of the Borough of Mountainside in the Department of Public Works, and

WHEREAS, it has been determined that it would be in the best interests of both the Borough and of Thomas Root if his employment with the Borough were to terminate, effective September 1, 2022, and

WHEREAS, the Borough has engaged in extensive discussions and negotiations with Mr. Root regarding the terms and conditions upon which his employment with the Borough should terminate, and

WHEREAS, the Borough and Mr. Root have come to an agreement regarding those terms and conditions whereby the Borough will make certain payments to Mr. Root and Mr. Root will provide a Release of any claims against the Borough, and

WHEREAS, the Borough Attorney's office has been directed to prepare an agreement setting forth the terms and conditions that have been agreed upon for the termination of Mr. Root's employment with the Borough.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Mountainside that the appropriate Borough Officials be and they hereby are authorized to sign the Agreement prepared by the Borough Attorney's office regarding the agreed upon terms and conditions for the termination of Thomas Root's employment with the Borough of Mountainside, effective September 1, 2022.

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 16th day of August 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 \$310,181.79 (Copy of bill list attached).

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

COUNCIL COMMENTS:

Councilman Matejek congratulated the staff on another year with no audit comments or recommendations.

Councilwoman Pater announced the Village Shop hours and upcoming events.

AUDIENCE PARTICIPATION: None

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

WHEREAS, the Open Public Meetings Act of the State of New Jersey permits the public to be excluded from certain matters to be discussed by the Governing Body; and

WHEREAS, the Mayor and Council desire to discuss personnel and contracts which are matters where the exclusion of the public is permitted; and

WHEREAS, public disclosure of the results of this discussion will be made as soon as the matters discussed have been resolved by the Governing Body of the Borough of Mountainside;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the aforesaid matters shall be discussed in closed session upon adoption of this resolution.

Meeting adjourned to closed session at 7:58 P.M.

The meeting was recalled to public session.

Upon a motion by Councilman Messler and a second by Councilwoman Pacifico, the meeting was unanimously adjourned at 8:27 P.M.

Martha Lopez, RMC
Borough Clerk