

**REGULAR MEETING  
APRIL 19, 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.

**INVOCATION:** Councilman Messler  
**SALUTE TO THE FLAG**  
**ROLL CALL**

**PRESENT:** Mayor Mirabelli, Council President Andre, Councilman Dierkes, Councilman Messler, Councilman Matejek, Councilwoman Pacifico, Councilwoman Pater, Administrator Mortimer and Attorney Post. Also present were Public Works Director Matthew DeAnna, CFO Jill Goode and Captain Michael Jackson.

**APPROVAL OF MINUTES:**

Upon motion by Councilman Messler a second by Councilwoman Andre, the minutes of the Regular & Executive Session Meetings held on March 15, 2022 were approved. Roll Call: Ayes: Andre, Dierkes, Matejek, Messler, Pacifico, Pater. Nays: 0.

Upon motion by Councilwoman Pater a second by Councilwoman Pacifico, the minutes of the Work & Executive Session Meetings held on April 5, 2022 were approved. Roll Call: Ayes: Andre, Dierkes, Matejek, Pacifico, Pater. Nays: 0. Abstained: Messler.

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**PROCLAMATIONS:**

WHEREAS, Governor Livingston and New Providence joined together to provide an ice hockey program to high school students with the opportunity to improve their skills and performances in competition with other schools; and

WHEREAS, the Governor Livingston team, were in the Public C State Championship game during the winter season of 2022; and

WHEREAS, the team finished with a victory over Morris Knolls in the final round of the NJSIAA Tournament. Thus, bringing their season record to 18-6-1 and becoming the Public C State Champions for the 2021-2022 season.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the Governor Livingston/New Providence Ice Hockey team and its coaches are hereby commended for their achievements.

Michael Criscitello, Head Coach  
Matthew Altomare, Assistant Coach  
Travis Dilello, Volunteer Assistant Coach  
Ryan Daly, Volunteer Assistant Coach  
Princess Delano, Student Team Manager

Jordan Baum  
Theodore Baum

Philip Koutsaftes  
Brian Kramer

Jackson Benward  
Scott Capan  
Shane Cook  
Matthew Costa-Rodrigues  
Brandon Cuccaro  
Matthew Darata  
Colin DeCroix  
Daltry Ferrigno  
Brandon Fowlis  
Sebastian Gratson

Anthony Labisi  
Franklin Markel  
Alec Nasreddine  
Matthew Pettersen  
Jeremy Siksnius  
Jacob Wachtel  
Carter Wahlers  
Matthew Wallen  
Jimmy Whelan

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WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, Arbor Day is now observed throughout the nation and the world; and

WHEREAS, on April 29, 2022 the Department of Public Works will observe Arbor Day by planting two trees; and

WHEREAS, the Mayor & Council, along with Beautiful Mountainside Committee and the Arbor Day Foundation are working together to bring back the beauty of the tree line to the community by applying and being approved for 500 free tree seedlings to be handed out to the residents of Mountainside on Saturday, April 23, 2022 from 9am – 1pm in front of the DPW garage while supplies last.

WHEREAS, one of the qualifications for a municipality to be eligible to be designated as a Tree City U.S.A. is by having an Arbor Day Observance and Arbor Day Proclamation.

NOW, THEREFORE, BE IT PROCLAIMED, that the Mayor and Council of the Borough of Mountainside hereby recognize and commend Mountainside Department of Public Works along with Beautiful Mountainside Committee, for their observance of Arbor Day and for working toward making the Borough of Mountainside a more tree-lined municipality and a more attractive place in which to live and work.

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#### **RESOLUTIONS:**

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

#### **RESOLUTION 54-2022**

BE IT RESOLVED by the Governing Body of the Borough of Mountainside that the Chief Finance Officer be and she is hereby authorized to purchase two gift checks to be presented to the Valedictorian and Salutatorian from Deerfield School Graduating Class of 2022 in the Borough of Mountainside.

BE IT FURTHER RESOLVED that the gift checks will be in the amount of \$300.00 for the Valedictorian and \$200.00 for the Salutatorian.

Roll Call: Andre, Dierkes, Matejek, Messler, Pacifico, Pater. Nays: 0.  
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The following resolution was introduced by Councilwoman Andre and seconded by Councilwoman Pater.

**RESOLUTION 55-2022**

WHEREAS, Memorial Day symbolizes, and is a time for Americans to take a clear look, at both our past and our future. One day each year when we acknowledge the debt we owe to those men and women who have given their all, in service to their country; and

WHEREAS, we can show our appreciation for our Veterans and those brave individuals who have sacrificed their lives for our freedom and liberty; and

WHEREAS, the Governing Body of the Borough of Mountainside wishes to support this event.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Mountainside that \$500.00 shall be donated in order to support the Memorial Day Celebration.

Roll Call: Andre, Dierkes, Matejek, Messler, Pacifico, Pater. Nays: 0.  
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The following resolution was introduced by Councilman Matejek and seconded by Councilman Messler.

**RESOLUTION 56-2022**

WHEREAS, there exists a need for a P/T Alternate Plumbing Inspector; and

WHEREAS, Borough Administrator Glenn Mortimer has recommended that the Borough Council take action to hire Matthew Devaney to fill this position.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Mountainside that Matthew Devaney be appointed as a P/T Alternate Plumbing Inspector at a rate of \$35.00 per hour, not to exceed 15 hours a week, effective March 31, 2022.

Roll Call: Andre, Dierkes, Matejek, Messler, Pacifico, Pater. Nays: 0.  
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The following resolution was introduced by Councilman Dierkes and seconded by Councilman Matejek.

**RESOLUTION 57-2022**

WHEREAS, there is a need for a P/T Assistant Tax Collector in the Finance Department; and

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

WHEREAS, Brittney Steitz is qualified to perform the duties of P/T Assistant Tax Collector; and

WHEREAS, the Borough Administrator recommends that the Borough Council take action and hire Brittney Steitz.

NOW, THEREFORE, BE IT RESOLVED, by Mayor and Council of the Borough of Mountainside that Brittney Steitz is hereby hired as P/T Assistant Tax Collector in the Finance Department at an hourly rate of \$25.00, not to exceed 24 hours per week unless approved in advance, effective March 4, 2022 with a six-month probationary period. Upon completion of the probationary period the hourly rate shall increase to \$28.75.

Roll Call: Dierkes, Matejek, Messler, Mirabelli. Nays: Andre, Pacifico, Pater.  
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The following resolution was introduced by Councilman Messler and seconded by Councilman Matejek.

**RESOLUTION 58-2022**

WHEREAS, Kristine Moran was appointed as P/T Administrative Assistant in the Police Department on October 19, 2021; and

WHEREAS, there exist a vacancy in the Finance Office for a Payroll Clerk; and

WHEREAS, the Borough Administrator recommends that the Borough Council take action to change her employment status to F/T with the added duties of a Payroll Clerk; and

WHEREAS, the Governing Body of the Borough of Mountainside has agreed to change her employment status to F/T Administrative Assistant/Payroll Clerk.

NOW, THEREFORE, BE IT RESOLVED, by Mayor and Council of the Borough of Mountainside that Kristine Moran is hereby appointed as a F/T Administrative Assistant/Payroll Clerk an annual salary of \$47,320, effective on March 7, 2022 with a six-month probationary period. Upon completion of the probationary period shall be compensated an additional \$5,000 to her annual salary.

Roll Call: Dierkes, Matejek, Messler, Mirabelli. Nays: Andre, Pacifico, Pater.  
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The following resolution was introduced by Councilman Matejek and seconded by Councilwoman Pacifico.

**RESOLUTION 59-2022**

WHEREAS the Borough periodically reviews the salaries being paid to Borough employees to ensure that such salaries are fair and commensurate with what other communities are paying employees who perform the same or similar functions; and

WHEREAS such a review was conducted during 2022 with regard to the salaries being paid to the employees whose salaries are the subject of this Resolution; and

WHEREAS the Department Heads and the Borough Administrator recommended to the A&E Committee that the salary adjustment set forth in this Resolution be made; and

WHEREAS the A&E Committee has recommended to the Governing Body that the salary adjustment set forth in this Resolution be made.

NOW THEREFORE BE IT RESOLVED that:

The annual salary of the following Borough Employee be changed, effective September 5, 2022, to the amount indicated next to their name:

Majlinda Kacifa	\$52,320.00
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Roll Call: Andre, Dierkes, Matejek, Messler, Pacifico, Pater. Nays: 0.  
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The following resolution was introduced by Councilwoman Andre and seconded by Councilman Messler.

**RESOLUTION 60-2022**

WHEREAS, P.L.202, c.117, signed into law on November 4, 2020 is the most progressive disposable bag law in the country, with the goal of phasing out single-use plastic and paper bags and encouraging the use of reusable bags throughout New Jersey; and

WHEREAS, New Jersey is working to reduce reliance on single-use products to ensure that future generations have a clean and healthy environment to live, work, and recreate in; and

WHEREAS, banning or limiting the use of single-use plastic and paper carryout bags is a significant step in this effort; and

WHEREAS, the New Jersey Clean Communities Council, the New Jersey Department of Environmental Protection, the New Jersey Department of State, policymakers, environmental and business groups, as well as other stakeholders, are working together to educate consumers, businesses, and communities about the new law and encouraging residents to "Bag Up" before the ban on single-use plastic bags goes into effect on May 4, 2022; and

WHEREAS, the comprehensive "Bag Up NJ" campaign will include educational programs, public and media engagement and reusable bag distribution programs throughout the state, with an emphasis on underserved communities; and

WHEREAS, this statewide public education campaign will provide residents, businesses and visitors with information about the types of reusable and sustainable bags and containers that they may use and where to access these products.

NOW, THEREFORE, BE IT RESOLVED, by the Borough of Mountainside that it is critical to begin educating the public about this new law; and

BE IT FURTHER RESOLVED, that one way to gain important recognition is to deem the month of May each year as "Bag Up NJ" month in the Borough of Mountainside, as a further reminder that all residents should bring their own reusable bags to the store; and

BE IT FURTHER RESOLVED, that a copy of this resolution shall be transmitted to the NJ Clean Communities Council, and the New

Roll Call: Andre, Dierkes, Matejek, Messler, Pacifico, Pater. Nays: 0.  
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The following resolution was introduced by Councilwoman Pacifico and seconded by Councilwoman Andre.

**RESOLUTION 61-2022**

WHEREAS, two proposals were submitted and Recreation Director, Frank Masella recommends awarding to Clark Concession Operations, LLC in the sum of \$4,400; and

WHEREAS, Christopher Pandolfo, have extensive experience in the food industry for the past twenty years.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the Pool Concession contract for the year 2022 be awarded to Clark Concession Operations, LLC, 75 Victoria Drive, Clark, NJ in the amount of \$4,400.

Roll Call: Andre, Dierkes, Matejek, Messler, Pacifico, Pater. Nays: 0.  
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The following resolution was introduced by Councilman Dierkes and seconded by Councilwoman Andre.

**RESOLUTION 62-2022**

WHEREAS, at the Borough Tax Sale held on December 7, 2021, a lien was sold on 1203 Wyoming Drive, also known as Block 5.11, Lot 11, owned by Grace Apostolic Church of Christ; and

WHEREAS, this lien known as Tax Sale Certificate #21-00001 was sold to GTECH Capital, for a premium of \$81,000.00; and

WHEREAS, Mega Title, LLC. closing company for the sale of the property, has requested redemption of this tax title lien 21-00001 and has paid the Borough of Mountainside all monies due including filed affidavits in amount of \$32,374.30; and

NOW, THEREFORE, BE IT RESOLVED that the Treasurer be authorized to issue a check to GTECH Capital, LLC, 474 Mary Allen Way, Mountainside, NJ 07092, in the amount of \$32,374.30 plus a premium of \$81,000.00, for the redemption and cancellation of Tax Title Lien Certificate #21-00001.

Roll Call: Andre, Dierkes, Matejek, Messler, Pacifico, Pater. Nays: 0.  
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The following resolution was introduced by Councilman Messler and seconded by Councilwoman Andre.

**RESOLUTION 63-2022**

RESOLUTION AUTHORIZING THE EXECUTION OF A LICENSE AGREEMENT REGARDING  
BLOCK 14, LOTS 1501 AND 1503

WHEREAS, the Borough of Mountainside has contracted to purchase Lots 1501 and 1503, Block 14 as shown on the Borough Tax Map, and

WHEREAS all contingencies contained in such contract have now been satisfied, and

WHEREAS the Borough has negotiated a License Agreement that would give the Borough access to the property for the purpose of improving its appearance without having to wait for the title closing.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Mountainside that the Mayor and Borough Clerk are authorized to sign the aforesaid License Agreement on behalf of the Borough.

Roll Call: Andre, Dierkes, Matejek, Messler, Pacifico, Pater. Nays: 0.  
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The following resolution was introduced by Councilwoman Pacifico and seconded by Councilwoman Andre.

**RESOLUTION 64-2022**

WHEREAS, the Borough of Mountainside, pursuant to N.J.A.C. 5:34-7.21 may by resolution and without advertising for bids, purchase any goods or services under Cooperative Contract Purchasing; and

WHEREAS, the Borough of Mountainside Police Department has established a regular schedule for updating its police vehicles and that schedule requires two new vehicles each year and by utilizing the Morris County Cooperative Pricing Council (MCCPC) 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 Maplecrest-Ford Inc., Mendham, NJ pursuant to MCCPC Contract #15-A for the acquisition of one (1) police vehicle; and

WHEREAS, the cost for one 2022 Police Interceptor SUV under Contract #15-A with options is \$34,232.00; and

WHEREAS, the Borough's Chief 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 2022 Police Interceptor SUV under terms and provisions of MCCPC Contract #15-A be and hereby are approved.

Roll Call: Andre, Dierkes, Matejek, Messler, Pacifico, Pater. Nays: 0.  
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**ORDINANCES:**            Second Reading (Public Hearing)

**ORDINANCE 1311-2022**

**AN ORDINANCE TO APPROPRIATE THE SUM OF FIFTY THOUSAND DOLLARS (\$50,000.00) FROM THE CAPITAL IMPROVEMENT FUND FOR THE DESKTOP REPLACEMENT PROGRAM, LEAF/CHIPPING BOX FOR MASON DUMP TRUCK, DOWNTOWN IMPROVEMENTS AND CONSTRUCTION DEPT ELECTRONIC PLAN EQUIPMENT**

WHEREAS, the Governing Body of the Borough of Mountainside is desirous to begin a desktop replacement program, purchase a leaf/chipping box for Mason Dump Truck, downtown improvements and construction department electronic plan equipment; and

WHEREAS, funds up to the amount of \$50,000.00 may be needed; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Mountainside that the sum of \$50,000.00 be and is hereby appropriated from the Capital Improvement Fund for the desktop replacement program, purchase a leaf/chipping box for Mason Dump Truck, downtown improvements and construction department electronic plan equipment.

Hearing no one wishing to speak, Councilwoman Andre closed the meeting to the public.

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

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

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First Reading (Introduction)

**ORDINANCE 1312-2022  
CALENDAR YEAR 2022  
ORDINANCE TO ESTABLISH A CAP BANK  
(N.J.S.A. 40A:4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A:4-45.1 et.seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said final budget appropriations to 2.50% unless authorized by ordinance to increase it to 3.5% over the previous years final appropriations; and

WHEREAS, a municipality may, by ordinance, bank the difference between its final budget appropriations and the 3.5% increase authorized by this ordinance when said difference is not appropriated as part of the final budget; and

WHEREAS, the Borough Council of the Borough of Mountainside, County of Union, hereby determines that this difference in the amount of \$95,227.79 that is not appropriated as part of the final budget shall be retained as an exception to the final appropriations in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, that any amount authorized herein above that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

It was moved by Councilman Dierkes and seconded by Councilman Matejek that this ordinance be passed on first reading and advertised in full for a public hearing on May 17, 2022.

Roll Call: Andre, Dierkes, Matejek, Messler, Pacifico, Pater. Nays: 0  
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The following resolution was introduced by Councilwoman Pater and seconded by Councilwoman Pacifico.

**RESOLUTION 65-2022**

Municipal Budget of the Borough of Mountainside, County of Union for the Calendar Year 2022;

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2022; and

BE IT FURTHER RESOLVED, that said Budget Summaries be published in the Local Source in the issue of April 28, 2022; and

The Governing Body of the Borough of Mountainside does hereby approve the following as the Budget for the year 2022.

Notice is hereby given that the Budget and Tax Resolution was approved by the Mayor and Council of the Borough of Mountainside, County of Union, on April 19, 2022. A hearing on the Budget and Tax Resolution will be held on May 17, 2022 at 7:30 PM at which time and place objections to said Budget and Tax Resolution for the year 2022 may be presented by taxpayers or other interested persons.

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

Mayor Mirabelli highlighted the proposed budget.  
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**MOTIONS:**

The following motions were unanimously approved:

1. Authorization to appoint Antonio Famigliette and Chanden Sandaha as Volunteer Firefighters
  2. Approve raffle application from Mountainside Restoration Committee for an off premise draw raffle
  3. Approve raffle application from Mountainside PTO for an on premise draw raffle
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**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 19<sup>th</sup> day of April 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 \$233,226.57 (Copy of bill list attached).

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

Councilwoman Andre invited residents to opening day, the Memorial Day parade, operas on film and to join the community pool.

Councilman Messler announced the electronic recycling and free seedling events.

Councilwoman Pater mentioned upcoming events including a plant sale, the village shop hours, and tea on the porch. The NJLOM magazine highlighted a nature picture of Surprise Lake.

Councilwoman Pacifico announced the library boutique sale.

Councilman Matejek spoke about the local government essay contest.  
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**AUDIENCE PARTICIPATION:** None  
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Upon a motion by Councilman Dierkes and a second by Councilwoman Andre, the meeting was unanimously adjourned at 8:18 P.M.  
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Martha Lopez, RMC  
Borough Clerk