

**REGULAR MEETING  
APRIL 20, 2021**

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 PM via Zoom.

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

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

**APPROVAL OF MINUTES:**

Upon motion by Councilman Messler a second by Councilwoman Pacifico, the minutes of the Regular & Executive Session Meetings held on March 16, 2021 were approved. Roll Call: Ayes: Andre, Dierkes, Matejek, Messler, Pacifico, Pater. Nays: 0.

Upon motion by Councilman Messler a second by Councilwoman Andre, the minutes of the Work & Executive Session Meetings held on April 6, 2021 were approved. Roll Call: Ayes: Andre, Dierkes, Matejek, Pacifico, Pater. Nays: 0. Abstained: Messler.

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**PROCLAMATION:**

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 30, 2021 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 825 free trees to be handed out to the residents of Mountainside.

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 Matejek.

**RESOLUTION 40-2021**

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 2021 in the Borough of Mountainside.

BE IT FURTHER RESOVLED 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 Pacifico and seconded by Councilwoman Andre.

**RESOLUTION 41-2021**

WHEREAS the Mountainside PTO traditionally sponsors a party at the Mountainside Municipal Pool for the students graduating from the 8<sup>th</sup> Grade of the Mountainside School District; and

WHEREAS the Mountainside PTO has requested that the Borough waive the \$400 fee which would otherwise be charged in order to defray the expenses associated with keeping the pool open for the party; and

WHEREAS the Governing Body has, in the past, waived such fee in order to enable the organization to use those funds towards other expenses.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the pool fee of \$400, which would be payable by the Mountainside PTO for the use of the Mountainside Municipal Pool to hold their pool party, be and the same is hereby waived.

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 Councilwoman Andre.

**RESOLUTION 42-2021**

BE IT RESOLVED that the Chief Financial Officer Jill Goode is hereby authorized to accept bids for a \$5,854,000.00 Bond Anticipation Note.

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

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

**RESOLUTION 43-2021**

WHEREAS, the COVID 19 pandemic had an adverse effect on the anticipated municipal revenues in the 2020 Mountainside Pool Utility fund budget; and

WHEREAS, Section 1 of P.L. 2020, c.74 amended N.J.S.A 40A:4-26 authorized the Director of the Division of Local Government Services (“Division”) to promulgate new standards for the anticipation of COVID-19 affected revenues in the FY2021 budget, and, if necessary, in future years; and

WHEREAS, for FY 2021, the Director authorizes the use of a three-year average for the calculation of affected revenues; and

WHEREAS, the Chief Financial Officer of the Borough of Mountainside, certifies that the following revenues were affected in 2020 by the COVID 19 pandemic and that the 3-year average of the amounts realized in 2018-2020 be anticipated in the introduced budget for 2021;

<u>Revenue Category</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>Average</u>
Pool Membership	261,393.50	266,248.00	71,168.00	199,603.17
Pool Misc. Revenue	32,638.66	45,122.85	3,569.96	27,110.49

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Mountainside, County of Union, State of New Jersey that the above referenced revenues be anticipated using the 3-year average as permitted by the amendments to 40A: 4-26, adopted by the P.L. 2020, c. 74.

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 44-2021**

WHEREAS, the Borough of Mountainside, pursuant to N.J.S.A. 40A:11-11 may be resolution and without advertising for bids, purchase goods or services under a Cooperative Purchasing Program; and

WHEREAS, by utilizing the New Jersey State Cooperative Purchasing Program 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 Motorola Solutions, Inc., 153 Cooper Road, West Berlin, NJ pursuant to NJ State Contract # 83909 (T-0109) for the acquisition of portable and mobile radios for the Fire Department; and

WHEREAS, the cost for (18) eighteen portable/mobile radios under NJ State Contract #83909 is not to exceed \$120,000.00.

WHEREAS, the Chief Financial Officer has certified that the funds are available for this purchase.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that a contract for the acquisition of portable and mobile radios for the Fire Department is hereby awarded to Motorola Solutions, Inc. under NJ State Contract #83909.

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 45-2021**

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 Messler and seconded by Councilwoman Andre.

**RESOLUTION 46-2021**

BE IT RESOLVED that the Governing Body hereby authorize the appointment of Robert Herbert as a PT Zoning Enforcement Official at an hourly rate of \$57.00 retroactive to April 10, 2021 with a six-month probationary period.

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 Councilman Messler.

**RESOLUTION 47-2021**

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>
Laura Cohen 202 Chestnut Court Garwood, NJ 07027	Pool Membership	\$160.00

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 Councilwoman Andre.

**RESOLUTION 48-2021**

WHEREAS, the Construction Official Jerry Eger requested the following refund; 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>
Meyer & Depew 309 Lafayette Avenue Kenilworth, NJ 07033	Generator Permit Denied	\$252.00

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 49-2021**

Governor's Council on Alcoholism and Drug Abuse  
Fiscal Grant Cycle October 2021-June 2022  
FORM 1B

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, The Mountainside Council of the Borough of Mountainside, County of Union, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and

WHEREAS, the Mountainside Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Mountainside Borough Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Union.

NOW, THEREFORE, BE IT RESOLVED by the Borough of Mountainside, County of Union, State of New Jersey hereby recognizes the following:

1. The Mountainside Borough Council does hereby authorize submission of a strategic plan for the Mountainside Municipal Alliance grant for fiscal year October 1, 2021 – June 30, 2022 in the amount of:

DEDR	\$ 7,562.25
Cash Match	\$ 1,890.56
In-Kind	\$ 5,671.69

2. The Mountainside Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

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 50-2021**

WHEREAS, N.J.S.A. 26:2 BB-1 provides that: there should be established within the Governor's Council on Alcoholism and Drug Abuse, an Alliance to Prevent Alcoholism and Drug Abuse, to unite the communities of this State in a coordinated and comprehensive effort; and that the full resources of this State including counties, municipalities and residents of the State must be mobilized in a persistent and sustained manner in order to achieve a response capable of meaningfully addressing not only the symptoms but the root causes of this pervasive problem; and

WHEREAS, the Governing Body of the Borough of Mountainside is committed to joining such mobilization; and

WHEREAS, a first step in such mobilization is meeting the need to up-date the By-Laws of the Borough Municipal Alliance Committee; and

WHEREAS, such By-Laws, a copy of which is attached hereto, have been updated and approved by the appropriate Borough Officials; and

NOW, THEREFORE BE IT RESOLVED, that the up-dated By-Laws of the Borough Municipal Alliance Committee are hereby approved.

Roll Call: Andre, Dierkes, Matejek, Messler, Pacifico, Pater. Nays: 0.  
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**ORDINANCE:** First Reading (Introduction)

**ORDINANCE 1295-2021  
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 1.00% 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 \$244,998.75 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 Messler that this ordinance be passed on first reading and advertised in full for a public hearing on May 18, 2021.

Roll Call: Andre, Dierkes, Matejek, Messler, Pacifico, Pater. Nays: 0.  
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Mayor Mirabelli highlighted the proposed budget.

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

**RESOLUTION 51-2021  
MUNICIPAL BUDGET NOTICE**

Municipal Budget of the Borough of Mountainside, County of Union for the Calendar Year 2021;

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2021;

BE IT FURTHER RESOLVED, that said Budget Summaries be published in the Local Source in the issue of April 29, 2021;

The Governing Body of the Borough of Mountainside does hereby approve the following as the Budget for the year 2021.

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 20, 2021. A hearing on the Budget and Tax Resolution will be held at the Municipal Building on May 18, 2021 at 7:30 PM at which time and place objections to said Budget and Tax Resolution for the year 2021 may be presented by taxpayers or other interested persons.

Roll Call: Andre, Dierkes, Matejek, Messler, Pacifico, Pater. Nays: 0.  
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**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 20<sup>th</sup> day of April 2021, 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 \$231,462.08 (Copy of bill list attached).

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

Councilwoman Andre announced the Memorial Day Celebration and postponement of the July 4<sup>th</sup> Celebration.

Administrator Mortimer reported the opening of two internships available at Borough Hall.

Councilwoman Pater discussed Local Government Week activities and upcoming Historical Restoration Committee events.

Councilwoman Pacifico provided upcoming library events and reported the library is open to the public.

Mayor Mirabelli read an article in which the Westfield Memorial Library thanked the Mountainside Library for providing services to their residents while their library was closed. The Mayor also provided updates on the homebound vaccination program and COVID 19.  
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**AUDIENCE PARTICIPATION:**

Sarfraz Lalani, 12 Mountainview Drive, brought to the Council's attention the poor condition of his street, he reported that utility work has caused further damage and requested feedback. The Administrator will follow up with Mr. Barone regarding pothole repairs and with the Borough Engineer for resurfacing status.

Hearing no one else wishing to speak, Councilwoman Andre closed the meeting to the public.  
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Upon a motion by Councilwoman Andre and a second by Councilwoman Pater, the meeting was unanimously adjourned at 8:15 P.M.  
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Martha Lopez, RMC  
Borough Clerk