

**REGULAR MEETING
JULY 18, 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.

Acting Mayor Dierkes called the meeting to order at 7:30 P.M.

INVOCATION: Councilman Dierkes
SALUTE TO THE FLAG
ROLL CALL

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

APPROVAL OF MINUTES:

Upon motion by Councilman Matejek a second by Councilwoman Pacifico, the minutes of the Regular Session Meeting held on June 20, 2023 were approved. Roll Call: Ayes: Dierkes, Matejek, Pacifico. Nays: 0.

Upon motion by Councilwoman Pacifico a second by Councilman Matejek, the minutes of the Work & Executive Session Meetings held on July 11, 2023 were approved. Roll Call: Ayes: Dierkes, Matejek, Pacifico. Nays: 0.

RESOLUTIONS OF COMMENDATION:

WHEREAS, the Mountainside Recreation Department sponsors a youth soccer programs to provide kids with the opportunity to improve their skills and performances in competition with other communities; and

WHEREAS, the U11 travel team, Mountainside Revolution, were in the Suburban Youth Soccer league during the spring season of 2023; and

WHEREAS, the team had an undefeated season and a record of 7-0 in their division of the Suburban Youth Soccer League of New Jersey. This team beat out teams from Cranford, Westfield, Bound Brook, Clark and Springfield to achieve this.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the U11 soccer team and its coach are hereby commended for their achievements.

Jordan Gonzalez, Coach
Joe Altavilla, Coach
Samantha Grindlinger, Coach

Joseph Altavilla
Lucas Alves
Luca Barone
Luca Diiusto
Nico Diiusto
Scott Krempecke
Frank Mammaro

Noah Riggs
Mateo Sciortino
Tristan Van Deusen
Bruno Venturelli
Luc Vieira
Kacper Zmunda

WHEREAS, the Mountainside Recreation Department sponsors a youth soccer programs to provide kids with the opportunity to improve their skills and performances in competition with other communities; and

WHEREAS, the U11 travel team, Mountainside United, were in the Suburban Youth Soccer league during the spring season of 2023; and

WHEREAS, the team had a successful season with a record of 5-1-1 in their division of the Suburban Youth Soccer League of New Jersey, only losing to their rivals, Springfield FC Juniors.

WHEREAS, the team then competed in the U11 tournament and beat Springfield FC Juniors to win first place.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the U11 soccer team and its coach are hereby commended for their achievements.

Robert Barletta, Coach
Shaun Daley, Coach

Kiros Balan	Brian Daley
Luca Barletta	Eduardo Figueroa
Matteo Barletta	Aiden Madeira
Marshall Bronfman	Ashtom McQuilkin
Eli Cadet	Rohan Pandya
Christopher Cirillo	Jerimiah Toma
Season Cirillo	Damian Villa

RESOLUTIONS:

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

RESOLUTION 89-2023

AUTHORIZING THE MAYOR AND MUNICIPAL CLERK OF THE MUNICIPALITY OF MOUNTAINSIDE TO EXECUTE AN AGREEMENT WITH THE COUNTY OF UNION TO MODIFY THE COOPERATIVE AGREEMENT DATED JUNE 2014, AS AMENDED JULY 2017

WHEREAS, certain Federal funds are potentially available to the County of Union under Title I of the Housing and Community Development Block Grant Act of 1974, as amended, commonly known as the Community Development Block Grant Program; and

WHEREAS, certain Federal funds are potentially available to the County of Union under Title II of the National Affordable Housing Act of 1990, commonly known as the HOME Investment Partnership program; and

WHEREAS, substantial Federal funds provided through subtitle B of Title IV of the McKinney-Vento Homeless Assistance Act commonly known as the Emergency Solutions Grants program (ESG) are allocated to prevent homelessness and to enable homeless individuals and families to move toward independent living; and

WHEREAS, it is necessary to amend an existing Cooperative Agreement for the County of Union and its people to benefit from this program; and

WHEREAS, it is in the best interest of the Municipality of Mountainside and the County of Union in cooperation with each other to enter into a modification of the existing Cooperative Agreement pursuant to N.J.S.A. 40A:65-1 et seq.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Governing Body of the Borough of Mountainside that the agreement entitled “COOPERATIVE AGREEMENT BETWEEN THE COUNTY OF UNION AND CERTAIN MUNICIPALITIES FOR CONDUCTING CERTAIN COMMUNITY DEVELOPMENT ACTIVITIES,” dated June 2014, as amended July 2017 for the Purpose of Inserting a Description of Activities for Fiscal Year 2023-2024 of the Union County Community Development Block Grant program, the HOME Investment Partnership program, and the Emergency Shelter Grant program (ESG), a copy of which is attached hereto; be executed by the Mayor and Municipal Clerk in accordance with the provisions of law; and

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon its adoption.

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

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

RESOLUTION 90-2023

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>
Suraj Gupta 2407 Hill Road Scotch Plains, NJ 07076	Pool Membership	\$744.00

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

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

RESOLUTION 91-2023

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 2022 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:

GENERAL COMMENTS
RECOMMENDATIONS

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, Pacifico. Nays: 0.

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

RESOLUTON 92-2023

WHEREAS, the Chief Finance Officer is required to submit a Corrective Action Plan of the 2022 Municipal Audit Report to the Governing Body;

NOW, THEREFORE, BE IT RESOLVED that the following 2022 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 2022 Audit Corrective Action Plan be forwarded to the Division of Local Government Services.

2022 Audit- Corrective Action Plan

Recommendation: None
Corrective Action: None

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

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

RESOLUTION 93-2023

WHEREAS, in accordance with applicable provisions of the Public Contracts Law, the Borough advertised for Bids for Contract 2023-6 for “Paving Improvements on Outlook Drive East”; and

WHEREAS, on July 6, 2023 the return date for the bids, five bids were received as follows:

Bidders:	Base Bid	Alt. #1	Alt. #2	Alt. #3
Denbar Construction	\$158,088.00	\$10,200.00	\$7,000.00	\$6,400.00
AJM Contractors	\$161,991.00	\$9,600.00	\$10,500.00	\$7,000.00
Topline Construction	\$185,320.72	\$8,820.00	\$10,102.60	\$9,449.84
Midwest Construction	\$200,354.67	\$9,600.00	\$10,000.00	\$10,000.00
DLS Construction	\$232,870.00	\$9,600.00	\$16,250.00	\$10,000.00

WHEREAS, the Borough Engineer recommends awarding the Base Bid; and

WHEREAS, the lowest bidder is Denbar Construction Inc., and the Borough Engineer has recommended that Contract 2023-6 be awarded to Denbar Construction Inc., 625 B 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 Outlook Drive East” be awarded to Denbar Construction Inc., 625 North Michigan Avenue, Kenilworth, NJ 07033 in the amount of \$158,088.00 subject to Borough Attorney review.

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

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

RESOLUTION 94-2023

WHEREAS, one bid was received on June 14, 2023 for Snow and Ice Removal Services for the 2023-2026 winter seasons; and

WHEREAS, LaFerrara Construction, 19 West Grover Street, Flanders, NJ submitted the only bid for Snow and Ice Removal Services; and

WHEREAS, it is recommended to award the contract to LaFerrara Construction to perform Snow and Ice Removal Services for the Borough of Mountainside.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the appropriate Borough Officials are hereby authorized to enter into a contract with LaFerrara Construction for Snow and Ice Removal Services for the 2023-2026 winter seasons.

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

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

RESOLUTION 95-2023

WHEREAS, on June 20, 2023 Communication Officer Kara Rector was appointed by Resolution 79-2023; and

WHEREAS, there was an error made on her allotted time off; and

WHEREAS, the Administrator requested the resolution be revised to reflect the accurate time off; and

WHEREAS, Kara Rector is entitled to 40 hours of sick time and 40 hours of vacation time for 2023 and eligible for 80 hours of sick time and 80 hours of vacation time in 2024.

THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Mountainside that Resolution 79-2023 is amended and shall be effective upon adoption of this resolution.

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

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

RESOLUTION 96-2023

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:

Overpayment Due to Homeowner due to Eliminated Lot
Fleet Mountainside LLC
237-A Milburn Avenue
Milburn, NJ 07041

<u>Block</u>	<u>Lot</u>	<u>Amount</u>	
14	14.01	52,820.65	937-961 Mountain Avenue

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

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

RESOLUTION 97-2023

RESOLUTION AUTHORIZING THE MOUNTAINSIDE LAND USE BOARD TO UNDERTAKE A PRELIMINARY INVESTIGATION INTO WHETHER THE MOUNTAINSIDE MUNICIPAL POOL IS IN NEED OF REDEVELOPMENT

WHEREAS the Borough of Mountainside Municipal Pool has been in use for many years; and

WHEREAS the Governing Body of the Borough has become concerned that the Municipal Pool building and facilities may be becoming obsolescent; and

WHEREAS N.J.S.A. 40A: 12-1 et seq., New Jersey’s Local Redevelopment and Housing Law (“LRHL”) provides a statutory procedure for arresting and reversing the deterioration of public buildings and facilities in the State of New Jersey; and

WHEREAS in municipalities like Mountainside that employ a Land Use Board that performs the functions of both the Planning Board and the Board of Adjustment, the Land Use Board has an integral role in determining whether an area is in need of redevelopment.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the Mountainside Land Use Board be and the same is hereby authorized to:

1. Undertake a preliminary investigation into whether the Mountainside Municipal Pool building and facilities are in need of redevelopment;
2. Hold a public hearing and, if appropriate, adopt a resolution recommending such redevelopment.

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

MOTIONS:

The following motions were unanimously approved:

1. Approve Otabek Khudaybergenov to join the Junior Firemen’s Auxiliary Program
2. Approve raffle application from Mountainside Restoration Committee for an off premise draw raffle
3. Approve raffle application from PTO Mountainside for an on premise draw raffle

BILLS & CLAIMS:

The following resolution was introduced by Councilman Matejek 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 18th day of July 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 \$281,190.60 (Copy of bill list attached).

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

COUNCIL COMMENTS:

Councilwoman Pacifico invited the community to National Night Out.

Councilman Matejek praised a clean audit for the fourteenth consecutive year. He also mentioned another successful July 4th fireworks presentation.

AUDIENCE PARTICIPATION: None

Upon a motion by Councilwoman Pacifico and a second by Councilman Matejek, the meeting was unanimously adjourned at 7:54 P.M.

Martha Lopez, RMC
Borough Clerk