

**REGULAR MEETING  
MARCH 19, 2019**

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, Councilwoman Andre, Councilman Dierkes, Councilman Messler, Councilman Mortimer, Councilwoman Pater, Council President Turner, Administrator Debbie and Attorney Post. Also present were Lt. Joseph Giannuzzi, Recreation Director Frank Masella, Senior Coordinator Kim Moriak and Public Works Manager Ronald Romak.

**APPROVAL OF MINUTES:**

Upon motion by Councilman Mortimer a second by Councilwoman Andre, the minutes of the Regular Session Meeting held on February 19, 2019 were approved. Roll Call: Ayes: Andre, Dierkes, Messler, Mortimer Pater, Turner. Nays: 0.

Upon motion by Councilman Turner a second by Councilman Mortimer, the minutes of the Work & Executive Session Meetings held on March 5, 2019 were approved. Roll Call: Ayes: Andre, Dierkes, Messler, Mortimer, Pater, Turner. Nays: 0.

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**RESOLUTIONS:**

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

**RESOLUTION 36-2019**

WHEREAS, NJSA 40A:4-19 of the Local Budget Act provides that temporary appropriations shall be made for the purposes and amounts required in the manner and time therein provided.

NOW, THEREFORE, BE IT RESOLVED that the following additional temporary appropriations shall be made for the year 2019:

<u>APPROPRIATIONS</u>	<u>FROM</u>	<u>TO</u>
Rahway Valley Sewerage Auth	-0-	490,000.00
Contribution to PERS	-0-	232,745.00
Contribution to PFRS	-0-	772,920.00
Other Insurance	80,000.00	90,000.00
PW Road Repair & Maintenance, O/E	30,000.00	40,000.00
Municipal Court, O/E	2,000.00	3,000.00
Legal, O/E	150,000.00	200,000.00
Police Dispatch, O/E	2,000.00	30,000.00

Roll Call: Andre, Dierkes, Messler, Mortimer, Pater, Turner. Nays: 0.

The following resolution was introduced by Councilman Turner and seconded by Councilman Mortimer.

### **RESOLUTION 37-2019**

WHEREAS, the Borough of Mountainside desires to constitute the 2019 Temporary Capital Budget of said municipality by inserting therein various infrastructure improvements consisting of: bank stabilization at various locations, sanitary and storm sewer improvements at various locations and reconstruction or resurfacing of various roads, including drainage improvements and curb construction or reconstruction; resurface of tennis courts; acquisition of new information technology and telecommunications equipment consisting of a computer system upgrade; and various interior renovations including but not limited to recording, sound and video systems in the Municipal Court and replacement of carpeting and flooring at various locations..

NOW, THEREFORE BE IT RESOLVED that the 2019 Temporary Capital Budget of the Borough of Mountainside is hereby constituted by the adoption of a schedule to read as follows:

#### PROJECT

- Various Infrastructure improvements consisting of bank stabilization at various locations, sanitary and storm sewer improvements at various locations and reconstruction or resurfacing of various roads, including drainage improvements and curb construction or reconstruction and resurface of tennis courts
- Acquisition of new information technology and telecommunications equipment consisting of a computer system upgrade for use of various Borough Departments
- Undertaking various interior renovations and improvements to the Municipal Building including but not limited to installation of new recording, sound and video systems in the Municipal Court and replacement of carpeting and flooring at various locations.

#### METHOD OF FINANCING

Estimated Costs: \$625,000  
Capital Improvement Fund: \$31,250  
Bond Anticipation Note: \$593,750

The clerk be and is authorized and directed to file a certified copy of this resolution with the Division of Local Government Services within three days after the adoption of these projects for the 2019 temporary capital budget , to be included in the 2019 permanent capital budget as adopted.

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

### **RESOLUTION 38-2019**

WHEREAS, there exists a need for a Pool Manager and Assistant Managers at the Community Pool for the 2019 season; and

WHEREAS, Recreation Director Frank Masella and the Recreation Committee has recommended that the following individuals be appointed to said positions:

John Tosato, Manager	\$12,071.18
Scott Laudati, Assistant Manager	\$ 7,844.27
Pat Mamrak, Assistant Manager	\$ 7,466.46

WHEREAS, each of the above individuals shall be appointed as temporary employees for the 2019 season; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the recommendation of Recreation Director Frank Masella and the Recreation Committee be and hereby is accepted and approved pending completion of background checks.

BE IT FURTHER RESOLVED that the salaries for the above positions shall be set forth in the boroughs annual salary resolution.

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

#### **RESOLUTION 39-2019**

WHEREAS, the Union County Board of Chosen Freeholders established the “2019 Infrastructure & Municipal Aid” Grant Program designed to stimulate the development of public projects to local municipalities; and

WHEREAS, the Borough of Mountainside wishes to apply to Union County for the 2019 Infrastructure & Municipal Aid Grant Program.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside, County of Union, State of New Jersey, that the proper Borough officials are hereby authorized to file an application with the County of Union for the 2019 “Infrastructure & Municipal Aid” Grant Program for the following projects:

ROAD WORK ON PARTRIDGE RUN  
RESCUE SQUAD BUILDING GENERATOR

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

#### **RESOLUTION 40-2019**

WHEREAS, there is a need to replace the position of Municipal Alliance Coordinator; and

WHEREAS, the Governing Body of the Borough of Mountainside is desirous of filling this position; and

WHEREAS, Kim Moriak is experienced in performing the duties of Municipal Alliance Coordinator; and

WHEREAS, the Mayor and Administrator, have recommended that the Borough Council take action and hire Kim Moriak.

NOW, THEREFORE, BE IT RESOLVED, by Mayor and Council of the Borough of Mountainside that Kim Moriak is hereby hired as a Municipal Alliance Coordinator at an annual salary of \$3,600.00, effective March 1, 2019.

Roll Call: Andre, Dierkes, Messler, Mortimer, Pater, Turner. Nays: 0.  
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Hearing no one wishing to speak, Councilman Turner closed the meeting to the public.

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

**RESOLUTION 42-2019**  
STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION  
GREEN ACRES ENABLING RESOLUTION

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program ("State"), provides grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

WHEREAS, the Borough of Mountainside desires to further the public interest by obtaining a grant of \$172,500 from the State to fund the following project: The Levi Cory Park, which will cost \$690,000.

NOW, THEREFORE, the governing body resolves that Paul N. Mirabelli or the successor to the office of Mayor is hereby authorized to:

- (a) make application for such a grant
- (b) provide additional application information and furnish such documents as may be required, and
- (c) act as the authorized correspondent of the above named applicant; and

WHEREAS, the State shall determine if the application is complete and in conformance with the scope and intent of the Green Acres Program, and notify the applicant of the amount of the funding award; and

WHEREAS, the applicant is willing to use the State's funds in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the State for the above named project;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Mountainside

1. That Mayor is hereby authorized to execute an agreement and any amendment thereto with the State known as the Levi Cory Park;

2. That the applicant has its matching share of the project, if a match is required, in the amount of \$517,500;
3. That, in the event the State's funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project;
4. The applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and
5. That this resolution shall take effect immediately.

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

**ORDINANCE 1273-2019**

**BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS EQUIPMENT IN, BY AND FOR THE BOROUGH OF MOUNTAINSIDE, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$625,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS**

BE IT ORDAINED by the Borough Council of the Borough of Mountainside, in the County of Union, State of New Jersey, as follows:

Section 1. The Borough of Mountainside, in the County of Union, State of New Jersey (the "Borough") is hereby authorized to make various public improvements and to acquire new information technology and telecommunications equipment in, by and for said Borough, as more particularly described in Section 4 hereof. The cost of the improvements includes all work, materials and appurtenances necessary and suitable therefor.

Section 2. There is hereby appropriated to the payment of the cost of making the improvements described in Sections 1 and 4 hereof (hereinafter referred to as "purposes"), the respective amounts of money hereinafter stated as the appropriation for said respective purposes. Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the down payment appropriated by this ordinance. Said improvements shall be made as general improvements and no part of the cost thereof shall be assessed against property specially benefited.

Section 3. It is hereby determined and stated that the making of such improvements is not a current expense of said Borough.

Section 4. The several purposes hereby authorized for the financing of which said obligations are to be issued are set forth in the following "Schedule of Improvements, Purposes and Amounts" which schedule also shows (1) the amount of the appropriation and the estimated cost of each such purpose, and (2) the amount of each sum which is to be provided by the down payment hereinafter appropriated to finance such purposes, and (3) the estimated maximum amount of bonds and notes to be issued for each such purpose, and (4) the period of usefulness of each such purpose, according to its reasonable life, computed from the date of said bonds:

SCHEDULE OF IMPROVEMENTS, PURPOSES AND AMOUNTS

A. Undertaking of the following infrastructure improvements: (i) bank stabilization at various locations, (ii) sanitary and storm sewer improvements at various locations, (iii) resurfacing of tennis courts at the Municipal Complex and (iv) reconstruction or resurfacing of various roads, including drainage improvements and curb construction or reconstruction, where necessary, as set forth on a list prepared by the Borough Engineer on file or to be placed on file with the Borough Clerk, and hereby approved as if set forth herein in full. Depending upon the contract price and other exigent circumstances, and upon approval by the Borough Council, there may be additions to or deletions from the list referred to in clause (iv) of the preceding sentence. It is hereby determined and stated that said roads to be improved are or will be of at least "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law").

Appropriation and Estimated Cost	\$300,000
Down Payment Appropriate	\$ 14,300
Bonds and Notes Authorized	\$285,700
Period of Usefulness	10 years

B. Acquisition of new information technology and telecommunications equipment consisting of a computer system upgrade for the use of various Borough departments, offices and agencies.

Appropriation and Estimated Cost	\$240,000
Down Payment Appropriated	\$ 12,900
Bond and Notes Authorized	\$227,100
Period of Usefulness	7 years

C. Undertaking of various interior renovations and improvements to the Municipal Building, including, but not limited to, installation of new recording, sound and video systems in the Municipal Court and replacement of carpeting and flooring at various locations.

Appropriation and Estimated Cost	\$ 85,000
Down Payment Appropriated	\$ 4,050
Bonds and Notes Authorized	\$ 80,950
Period of Usefulness	10 years

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Aggregate Appropriation and Estimated Cost	\$625,000
Aggregate Down Payment Appropriated	\$ 31,250
Aggregate Amount of Bonds and Notes Authorized	\$593,750

Section 5. The cost of such purposes, as hereinbefore stated, includes the aggregate amount of \$30,000 which is estimated to be necessary to finance the cost of such purposes, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 6. It is hereby determined and stated that moneys exceeding \$31,250, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for said Borough, are now available to finance said purposes. The sum of \$31,250 is hereby appropriated from such moneys to the payment of the cost of said purposes.

Section 7. To finance said purposes, bonds of said Borough of an aggregate principal amount not exceeding \$593,750 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 8. To finance said purposes, bond anticipation notes of said Borough of an aggregate principal amount not exceeding \$593,750 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 9. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said Borough and attested by the Borough Clerk or Deputy Borough Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 10. It is hereby determined and declared that the average period of usefulness of said purposes, according to their reasonable lives, taking into consideration the respective amounts of bonds or notes authorized for said purposes, is a period of 8.85 years computed from the date of said bonds.

Section 11. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk of said Borough, and that such statement so filed shows that the gross debt of said Borough, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$593,750 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 12. Any funds received from private parties, the County of Union, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purposes, shall be applied to the payment of the cost of such purposes, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purposes shall be reduced accordingly.

Section 13. The Borough intends to issue the bonds or notes to finance the cost of the improvements described in Sections 1 and 4 of this bond ordinance. If the Borough incurs such costs prior to the issuance of the bonds or notes, the Borough hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 14. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Borough, and the Borough shall levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 15. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Borough Clerk and is available for public inspection.

Section 16. This ordinance shall take effect twenty days after the first publication thereof after final passage.

Hearing no one wishing to speak, Councilman Turner closed the meeting to the public.

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

Roll Call: Andre, Dierkes, Messler, Mortimer, Pater, Turner. Nays: 0  
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First Reading (Introduction)

**ORDINANCE 1274-2019  
CALENDAR YEAR 2019  
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 \$92,497.10 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 Turner that this ordinance be passed on first reading and advertised in full for a public hearing on April 23, 2019.

Roll Call: Andre, Dierkes, Messler, Mortimer, Pater, Turner. Nays: 0.  
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Mayor Mirabelli provided a summary of the proposed budget.

The following resolution was introduced by Councilman Mortimer and seconded by Councilman Turner.

**RESOLUTION 41-2019**

Municipal Budget of the Borough of Mountainside, County of Union for the Calendar Year 2019;

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2019;

BE IT FURTHER RESOLVED, that said Budget Summaries be published in the Local Source in the issue of March 28, 2019;

The Governing Body of the Borough of Mountainside does hereby approve the following as the Budget for the year 2019;

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 March 19, 2019. A hearing on the Budget and Tax Resolution will be held at the Municipal Building on April 23, 2019 at 7:30 PM at which time and place objections to said Budget and Tax Resolution for the year 2019 may be presented by taxpayers or other interested persons.

Roll Call: Andre, Dierkes, Messler, Mortimer, Pater, Turner. Nays: 0.  
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**MOTION:**

The following motion was unanimously approved:

1. Approve raffle application from the Mountainside Restoration Committee for an off premise draw raffle  
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**BILLS & CLAIMS:**

The following resolution was introduced by Councilman Mortimer and seconded by Councilman Turner:

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 March 2019, 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 \$737,476.16  
(Copy of bill list attached).

Roll Call: Andre, Dierkes, Messler, Mortimer, Pater, Turner. Nays: 0  
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**COUNCIL COMMENTS:**

Councilman Mortimer highlighted the upcoming library book sale.

Mayor Mirabelli announced Grant Garcia's Eagle Scout Project.

Councilman Messler announced the Mountainside Youth Baseball Parade and the distribution of free tree seedlings.  
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**AUDIENCE PARTICIPATION:**

Hearing no one else wishing to speak, Mayor Mirabelli closed the meeting to the public.  
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The following resolution was introduced by Councilman Mortimer and seconded by Councilwoman Andre.

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 litigation and personnel 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 7:55 P.M.  
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The meeting was recalled to public session at 8:34 P.M.

The Rescue Squad is fundraising for a new ambulance and plan to erect a thermometer sign.

A request was made for monthly reports of all certificates of continued occupancy.

Upon a motion by Councilman Dierkes and a second by Councilman Mortimer, the meeting was unanimously adjourned at 8:41 P.M.  
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Martha Lopez, RMC  
Borough Clerk