

**REGULAR MEETING  
JANUARY 22, 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 7:33 P.M.

**INVOCATION:** Councilwoman Andre  
**SALUTE TO THE FLAG**  
**ROLL CALL**

**PRESENT:** Mayor Mirabelli, Councilwoman Andre, Councilman Dierkes, Councilman Mortimer, Councilwoman Pater, Council President Turner, Administrator Debbie and Attorney Post. Also present were Lt. Joseph Giannuzzi, Public Works Manager Ronald Romak and Recreation Director Frank Masella. Councilman Messler was absent

**APPROVAL OF MINUTES:**

Upon motion by Councilman Turner and a second by Councilman Mortimer, the minutes of the Reorganization Meeting held on January 8, 2019 were approved. Roll Call: Ayes: Andre, Dierkes, Mortimer, Pater, Turner. Nays: 0.

Upon motion by Councilman Turner a second by Councilman Mortimer, the minutes of the Work Session Meeting held on January 15, 2019 were approved. Roll Call: Ayes: Andre, Dierkes, Mortimer Pater, Turner. Nays: 0.

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**PROCLAMATION:**

WHEREAS, the Governor Livingston Highlander Marching Band provides young men and women with the opportunity to improve their skills and performances in interscholastic competition; and

WHEREAS, the Highlander Band under the direction of Mr. Nicholas O'Sullivan competed against the top bands in their class at the Atlantic Coast, Regional and State Championships; and

WHEREAS, the Highlander Band received a score of 95.95 and won a gold medal along with special caption awards for Best Brass and Best Drum Major in the Atlantic Coast Championship; and

WHEREAS, the Highlander Band was awarded all of the special caption awards with a score of 95.65 to win this year's Group II Open Regional Championship; and

WHEREAS, the Highlander Band were on top of the charts in all group sizes in the Tournament of Band Circuit earning them the title of New Jersey State Champion in Group II.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the Governor Livingston Highlander Marching Band and Band Director are hereby commended for their achievements.

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**RESOLUTIONS:**

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

**RESOLUTION 25-2019**

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 July 1, 2019 – June 30, 2020 in the amount of:

DEDR	\$ 15,743
Cash Match	\$ 3,936
In-Kind	\$ 11,807

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, Mortimer, Pater, Turner. Nays: 0.

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

**RESOLUTION 26-2019**

WHEREAS, the Union County Transportation Advisory Board has requested that the Borough of Mountainside appoint a representative and an alternate to serve on the Board for a one year term; and

WHEREAS, the Governing Body is desirous of appointing a representative and alternate from the Borough of Mountainside;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that Councilman Robert W. Messler be appointed as representative and Michael Disko, Jr. be appointed as an alternate for a term to expire December 31, 2019.

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

**RESOLUTION 27-2019**

BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside, County of Union, State of New Jersey, that John Tomaine is hereby appointed as the Borough's representative to the Rahway Valley Sewerage Authority effective February 1, 2019, term to expire February 1, 2024.

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

**RESOLUTION 28-2019**

WHEREAS, N.J.S.A. 40A:4-58 provides for transfers within certain appropriations within the Municipal Budget during the last two months of the fiscal year; and whereas Resolution 138-2018 authorized the Chief Financial Officer to make any necessary transfers prior to year end and that these transfers be ratified at the first regularly scheduled Governing Body meeting of 2019; and

WHEREAS, the Chief Financial Officer has advised the Mayor and Council of the Borough of Mountainside that certain transfers were needed prior to year end within the 2018 Municipal Budget; and

WHEREAS, it is recommended that these budget transfers be ratified;

NOW, THEREFORE, BE IT RESOLVED that the following budget transfers be ratified in the 2018 Municipal Budget.

<u>CURRENT ACCOUNT</u>	<u>FROM</u>	<u>TO</u>
A&E S/W	100.00	
Contribution to Social Security		100.00

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

**RESOLUTION 29-2019**

WHEREAS, a quote was received by the Borough of Mountainside for the July 4<sup>th</sup> 2019 Fireworks Celebration; and

WHEREAS, the quote was in the amount of \$15,000.00; and

WHEREAS, the Governing body has determined that Garden State Fireworks, Millington, New Jersey is the preferred vendor; and

WHEREAS, the Borough of Mountainside provides \$7,500.00, the Mountainside Volunteer Fire Company and Mountainside PAL provide \$3,750.00 each for the payment of the July 4<sup>th</sup> fireworks;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the proper Borough Officials are hereby authorized to enter into an agreement with Garden State Fireworks in the amount of \$15,000.00 for the 2019 July 4<sup>th</sup> Fireworks Celebration.

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

**RESOLUTION 30-2019**

WHEREAS, the Borough requires an Attorney to perform services for the Borough consisting of conducting the defense of the Borough in a lawsuit entitled Stinner et als. vs. the Borough of Mountainside, and

WHEREAS, such services constitute professional services within the meaning of N.J.S.A.40A:11-2; and

WHEREAS, the nature of such legal services will not reasonably permit the drawing of specifications or the receipt of competitive bids;

WHEREAS, the Borough of Mountainside desires to appoint such Attorney as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 and 20.5; and

WHEREAS, the appropriate Borough officials have determined that the value of these services will exceed \$17,500, but will not exceed \$275,000 over the term of the contract. This maximum dollar value is based on a reasonable estimate of the services required over the contract term, and the Borough of Mountainside is not obligated to spend that amount; and

WHEREAS, the anticipated term of the contract is for a one year; and

WHEREAS, Christine Amalfe, Esq. (a member of the firm of Gibbons, PC) will complete and submit a Business Entity Disclosure Certification which certifies that it has not made any reportable contributions to a political candidate or candidate committee in the Borough of Mountainside in the previous year, and acknowledging that the contract will prohibit it from making any reportable contributions through the term of the contract; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Mountainside that Christine Amalfe, Esq. be and she hereby is appointed to perform legal services consisting of conducting the defense of the Borough in a lawsuit entitled Stinner et als. vs. the Borough of Mountainside; and

BE IT FURTHER RESOLVED that the award of this contract will be published in the appropriate newspaper within ten days hereof.

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

**RESOLUTION 31-2019**

WHEREAS, there existed a petty cash fund for Allan Attanasio, Police Chief who is no longer an employee of the Borough of Mountainside; and

WHEREAS, there is a need to transfer the custodian of this petty cash fund.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Mountainside, County of Union, authorizes that the new custodian of this petty cash is hereby changed to Officer in Charge Joseph Giannuzzi.

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

**ORDINANCE 1272-2019**

**AN ORDINANCE AMENDING CHAPTER X, SECTION 1.14, SECTION a. AND b., OF THE CODE OF THE BOROUGH OF MOUNTAINSIDE, NEW JERSEY REGARDING MEMBERSHIP FEES FOR USE OF THE MOUNTAINSIDE COMMUNITY POOL**

BE IT ORDAINED by the Mayor and Council of the Borough of Mountainside, County of Union, State of New Jersey, that Chapter X, Section 1.14-a. and Section 1.14-b. of the Borough Code be, and the same is amended and restated as follows:

10-1.14 Fees Established:

- a. The resident and full time employee membership fees and guest fees shall be as follows:
  - 1. Family Membership:
    - (I) Family Membership \$341.00
    - (ii) Each unmarried child over 21 living at home or parent living with the family 121.00
  - 2. Single Membership 16 years of age or older 175.00
  - 3. Senior Citizen Membership: 62 years of age or older 121.00

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| 4. A child under the age of 16 joining as part of a family, single or senior citizen membership of a relative, if both the child and the membership are resident                 |                      | 175.00   |
| 5. A resident person age 14 or 15 employed by a family as a parent's helper joining that family's membership   |                      | 175.00   |
| 6. Single Parent/Child   |                      | 291.00   |
| 7. Au Pair/Nanny   |                      | 121.00   |
| 8. Guest daily fee:  | Weekend/<br>Holidays | Weekdays |
| (I) Adult  | 12.00                | 10.00    |
| (ii) Under 18 years of age   | 10.00                | 8.00     |
| 9. House guest weekly fee (non-resident eating and sleeping in member's home):   |                      |          |
| (I) 18 years of age or younger   |                      | 25.00    |
| (ii) Over 18 years of age  |                      | 30.00    |
| 10. Individuals on active military duty who are residents shall be admitted free.  |                      |          |
| 11. A family membership composed of only two persons shall be entitled to ten complimentary guests.  |                      |          |
| 12. A single membership shall be entitled to five complimentary guests.  |                      |          |
| 13. A senior citizen membership shall be entitled to two complimentary guests.   |                      |          |
| 14. A family, senior citizen or single membership shall receive two complimentary guest passes if the membership fees paid in full on or before April 15 of the membership year. |                      |          |
| b. Non resident membership fees and guest fees shall be as follows:  |                      |          |
| 1. Family Membership:  |                      |          |
| (I) Family membership  |                      | \$633.00 |
| (ii) Each unmarried child over 21 living at home parent living with family   |                      | 121.00   |
| 2. Single Membership: 16 years of age or older   |                      | 318.00   |
| 3. Senior Citizen membership: 62 years of age or older   |                      | 268.00   |
| 4. A child under the age of 16 joining as part of a family, single or senior citizen membership of a relative, if both the child and membership are non-resident                 |                      | 318.00   |

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| 5. A non-resident person age 14 or 15 employed by a family as a parent's helper joining that family's Membership   | 318.00               |
| 6. Guest daily fee:  | Weekend/<br>Holidays |
| (I) Adult  | 12.00                |
| (ii) Under 18 years of age   | 10.00                |
| 7. House guest weekly fee:   | Weekdays             |
| (I) 18 Years of age or younger   | 25.00                |
| (ii) over 18 years of age  | 30.00                |
| 8. Registration fee payable for first year membership only:  |                      |
| (I) Single Membership  | 35.00                |
| (ii) Family Membership   | 65.00                |
| 9. A family membership composed of only two persons shall be entitled to ten complimentary guests.   |                      |
| 10. A single membership shall be entitled to five complimentary guests.  |                      |
| 11. A senior citizen membership shall be entitled to two complimentary guests.   |                      |
| 12. A family, senior citizen or single membership shall receive two complimentary guest passes if the membership fees are paid in full on or before April 15 of the membership year. |                      |

BE IT FURTHER ORDAINED that if any fees set by this ordinance or otherwise collected by the Recreation Department are paid by credit card, an additional charge equal to the percentage of such fees charged the Borough by the credit card issuer shall be applied.

BE IT FURTHER ORDAINED, that all other sections of Chapter X shall remain unchanged.

This ordinance shall take effect twenty days after the first publication hereof after final passage.

It was moved by Councilwoman Andre and seconded by Councilman Dierkes that this ordinance be passed on first reading and advertised in full for a public hearing on February 19, 2019.

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

**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 22<sup>nd</sup> day of January 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 \$437,871.57  
(Copy of bill list attached).

Roll Call: Andre, Dierkes, Mortimer, Pater, Turner. Nays: 0  
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**COUNCIL COMMENTS:** None  
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**AUDIENCE PARTICIPATION:**

Liz Truman, Cherry Hill Road, inquired about the flooding behind the library and the need for new quarterly permit parking tags.

Hearing no one else wishing to speak, Mayor Mirabelli closed the meeting to the public.  
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Upon motion by Councilman Mortimer and a second by Councilman Turner, the meeting was unanimously adjourned at 7:51 P.M.  
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Martha Lopez, RMC  
Borough Clerk