

**REGULAR MEETING  
JUNE 19, 2018**

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 7:29 P.M.

**INVOCATION: Councilman President Turner  
SALUTE TO THE FLAG  
ROLL CALL**

PRESENT: Mayor Mirabelli, Councilwoman Andre, Councilman Dierkes, Councilwoman Fech-Caccamo, Councilman Messler, Councilman Mortimer, Council President Turner and Attorney Post. Also present were CFO Jill Goode, Lt. Joseph Giannuzzi, Recreation Director Frank Masella and Borough Engineer Mike Disko.

**APPROVAL OF MINUTES:**

Upon motion by Councilman Turner and a second by Councilman Mortimer, the minutes of the Regular & Executive Session Meetings held on May 15, 2018 were approved. Roll Call: Ayes: Andre, Dierkes, Fech-Caccamo, Messler, Mortimer, Turner. Nays: 0.

Upon motion by Councilman Turner a second by Councilman Dierkes, the minutes of the Work Session Meeting held on June 5, 2018 were approved. Roll Call: Ayes: Andre, Dierkes, Fech-Caccamo, Messler, Mortimer, Turner. Nays: 0.

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**RSOLUTIONS OF CONGRATULATIONS:**

WHEREAS, the citizens of the Borough of Mountainside are continually striving to provide quality education for all of our children; and

WHEREAS, it is clearly recognized that such education will be a major contribution toward our young people being good citizens and successful in whatever endeavors they undertaken in life; and

WHEREAS, it is appropriate that those who excel should be recognized and encouraged to continue the success into further education and participation in their community; and

WHEREAS, Aaron Jiang, Co-Valedictorian has truly exemplified the finest in academic achievement at Deerfield School in Mountainside.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Mountainside recognize and congratulate Aaron Jiang for his fine achievement and success, and award Aaron Jiang a gift check of \$300.00.

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WHEREAS, the citizens of the Borough of Mountainside are continually striving to provide quality education for all of our children; and

WHEREAS, it is clearly recognized that such education will be a major contribution toward our young people being good citizens and successful in whatever endeavors they undertaken in life; and

WHEREAS, it is appropriate that those who excel should be recognized and encouraged to continue the success into further education and participation in their community; and

WHEREAS, Emily Radick, Co-Valedictorian has truly exemplified the finest in academic achievement at Deerfield School in Mountainside.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Mountainside recognize and congratulate Emily Radick for her fine achievement and success, and award Emily Radick a gift check of \$300.00.  
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WHEREAS, the citizens of the Borough of Mountainside are continually striving to provide quality education for all of our children; and

WHEREAS, it is clearly recognized that such education will be a major contribution toward our young people being good citizens and successful in whatever endeavors they undertaken in life; and

WHEREAS, it is appropriate that those who excel should be recognized and encouraged to continue the success into further education and participation in their community; and

WHEREAS, Ryan Wargaski, Salutatorian, has truly exemplified the finest in academic achievement at Deerfield School in Mountainside.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Mountainside recognize and congratulate Ryan Wargaski for his fine achievement and success, and award Ryan Wargaski a gift check of \$200.00.  
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**RESOLUTION OF COMMENDATION:**

WHEREAS, the Mountainside Softball Association (MSA) sponsors youth softball programs to provide girls with the opportunity to improve their skills and performances in competition with other communities; and

WHEREAS, the MSA U10 travel team, Mountainside Rebels, were in the Central Jersey Fast Pitch Softball League Championship game on May 30<sup>th</sup> during the spring season of 2018; and

WHEREAS, the team defeated the Berkeley Heights Heat with 9-6 victory in the last round of the Central Jersey Fast Pitch Softball League Championships.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the U10 softball team and its coach are hereby commended for their achievements.

Bill Dillon, Head Coach  
Don Steinmetz, Assistant Coach  
Chris Pipher, Assistant Coach  
Christine Pfeiffer, Assistant Coach  
Dennis McCabe, Assistant Coach

Liv Steinmetz  
Kate Pipher  
Ashley Santos  
Emma Wargaski  
Sierra Isbirian  
Addison Miller

Hannah Sandholm  
Lilly Sandholm  
Jonna McElroy  
Natalie Dillon  
Carly Pfeiffer  
Olivia Peris

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**RESOLUTIONS:**

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

**RESOLUTION 74-2018**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount;

SECTION 1

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Mountainside hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget for the year 2018 for the below amount sums of which item is now available as a revenue from:

Public & Private Revenues off-set with Appropriations:  
Union County History Grant (\$1,200)  
Watts Foundation Operation Blue Angel Grant (\$2,102.00)  
2018 Infrastructure & Municipal Aid Grant (\$50,000.00)

SECTION 2

BE IT FURTHER RESOLVED, that a like sum be and the same is hereby appropriated under the caption of:

Public & Private Programs Offset By Revenues Excluded from "CAPS"  
Union County History Grant (\$1,200)  
Watts Foundation Operation Blue Angel Grant (\$2,102.00)  
2018 Infrastructure & Municipal Aid Grant (\$50,000.00)

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

**RESOLUTION 75-2018**

WHEREAS, in accordance with applicable provisions of the Public Contracts Law, the Borough advertised for Bids for Contract 2018-3 for “Manhole Rehabilitation at Various Locations”; and

WHEREAS, on May 10, 2018 the return date for the bids, six bids were received as follows:

Bidders:	Base Bid	Alt. #1	Base+Alt#1
Denbar Construction	\$48,012.40	\$8,640.	\$56,652.40
PIM Corporation	\$51,482.40	\$3,900.	\$55,382.40
Diversified Infrastructure	\$62,569.40	\$8,340.	\$70,909.40
National Water Main Cleaning	\$69,377.40	\$10,980.	\$80,357.40
North American Pipeline	\$85,261.40	\$6,000.	\$91,261.40
Reivax Contracting Corp.	\$279,932.40	\$26,400.	\$306,332.40

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 2018-3 be awarded to Denbar Construction Inc., 625 B North Michigan Ave, Kenilworth, NJ 07033.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the contract for Manhole Rehabilitation at Various Locations be awarded to Denbar Construction Inc., 625 B North Michigan Ave, Kenilworth, NJ in the amount of \$48,012.40.

BE IT RESOLVED, by the Mayor and Council of the Borough of Mountainside, County of Union, that the budget herein before set forth is hereby adopted and shall constitute an appropriation for the purposes of the sums therein as set forth as appropriations, and authorization of the amount of \$8,775,292.95 for municipal purposes.

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

#### **RESOLUTION 76-2018**

WHEREAS, on May 17, 2018 the Borough of Mountainside received sealed bids for Contract 2018-4 for “Television Inspections of Various Sanitary Sewers; and

WHEREAS, the Borough has determined to reject the bids because the lowest bid substantially exceeds the contracting unit’s appropriation for the project; and

WHEREAS, the Borough reserved in the Notice of Bid the right to reject any and all bids;

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that all of the bids received on May 17, 2018 for Contract 2018-4 for “Television Inspections of Various Sanitary Sewers” be and the same are hereby rejected.

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

**RESOLUTION 77-2018**

WHEREAS, the Borough of Mountainside needs to refund monies to interested parties for Police Outside Pay overages.

NOW, THEREFORE, BE IT RESOLVED that the Treasurer be authorized to issue the following refund, for the following reason:

Police Outside Pay Overages:

Atlantic Infrastructure	\$ 10,544.09
5042 Industrial Road, Unit A	
Attn: Terry	
Wall Township, NJ 07727	

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

**RESOLUTION 78-2018**

WHEREAS, from time to time the Municipal Clerk's Office is required to make change for cash payments received and there exists a need to maintain such a fund for use of operation in the Municipal Clerk's Office; and

WHEREAS, New Jersey State regulations allow change funds to be established or increased by a resolution and to continue from year to year without additional governing body action until such time as they take action to have funds returned; and

NOW, THEREFORE, BE IT RESOLVED the Borough of Mountainside, County of Union, hereby authorizes that the Municipal Clerk's Office increase their change fund to an amount not to exceed seventy-five dollars (\$75.00) for the purpose of making change to insure the proper exact payment due is paid.

BE IT FURTHER RESOLVED that said change fund be safely secured and said change fund be used to make change only and shall not be used to purchase goods and/or services of any kind.

BE IT FINALLY RESOLVED that the Borough of Mountainside Treasurer is hereby authorized to increase the Municipal Clerk's Office change fund in the amount not to exceed seventy-five dollars (\$75.00) for use as set forth in the resolution.

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

**RESOLUTION 79-2018**

WHEREAS, the following applicants for Plenary Retail Consumption, Plenary Retail Distribution and Club License have complied with the provisions of R.S. Title 33, Intoxicating Liquors, c.1 Alcoholic Beverage Law; and

WHEREAS, these applications have been inspected and approved by the Board of Health and Fire Prevention Official.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside, County of Union, State of New Jersey, that pursuant to the statute in such case made and provided that the following Plenary Retail, Plenary Distribution and Club Licenses for the period of July 1, 2018 to June 30, 2019 be and the same are hereby granted:

2010-31-011-001	Mountainside Lodge BPO ELKS #1585 1193 Route 22	\$188
2010-32-002-003	Breezy Point Inc., t/a Chrones Tavern 906 Mountain Ave	2,500
2010-33-004-005	Spanish Tavern III Inc., t/a Spanish Tavern 1239 Route 22	2,500
2010-33-005-006	Stage House Tavern 3, LLC 1099 Route 22	2,500
2010-33-007-004	1230 Rt 22 Restaurant, LLC t/a Arirang Hibachi Steakhouse and Sushi Bar, 1230 Route 22	2,500
2010-33-008-005	Mosaico Café Inc. 1072 Route 22	2,500
2010-33-009-006	Famous Daves Ribs Inc. 1443 Route 22 East	2,500
2010-33-010-006	Ciro 56 Inc. t/a Publick House 899 Mountain Ave	2,500
2010-33-012-007	Echo Park Food, LLC t/a Echo Tap & Grille 1079 Route 22	2,500
2010-44-001-004	Bliwise Inc. t/a Vine Republic 1267 Route 22	2,500

Roll Call: Andre, Dierkes, Fech-Caccamo, Messler, Mortimer, Turner. Nays: 0

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

**RESOLUTION 80-2018**

WHEREAS, in accordance with Chapter 72, P.L. 1994, the Borough of Mountainside has the authority to prepare and issue estimated tax bills; and

WHEREAS, in order for the Borough of Mountainside to meet our financial obligations, maintain the tax collection rate, provide uniformity for tax payments and save the unnecessary cost of interest expenses on borrowing it would be in our best interest to do so; and

WHEREAS, the Tax Collector and the Chief Financial Officer have reviewed and computed an estimated levy in accordance with N.J.S.A. 54:4-66.3.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside on this 19<sup>th</sup> day of June, 2017, as follows:

1. The Borough of Mountainside Tax Collector is hereby authorized and directed to prepare and issue estimated bill for the Borough of Mountainside for the third quarter of 2018 taxes, in accordance with the provisions of N.J.S.A. 54:4-66.2et seq.
2. The entire estimated tax levy for 2018 is hereby set at \$36,010,251.28.

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

**RESOLUTION 81-2018**

WHEREAS, the Governing Body of the Borough of Mountainside desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of \$3,171.60 to fund the following project:

Volunteer Fire Assistance Grant  
Grant Identifier: FS18-093

THEREFORE, the Governing Body resolves that the Administrator James Debbie is authorized to make application for such a grant if awarded, to execute a grant agreement with the State for a grant in an amount not less than \$0.00 and not more than \$3,171.60 and any amendments thereto which do not increase the Grantee's obligations.

\*The Borough of Mountainside Mayor & Council authorizes and hereby agrees to match 50% of the Total Project Amount, in compliance with the match requirements of the agreement. The availability of the match for such purposes, whether cash, services, or property, is hereby certified. Zero % of the match will be made up of in-kind services (if allowed by the grant program requirements and the agreement).\*

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

**RESOLUTION 82-2018**

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>
Lexi Honohan 2087 Portland Avenue Scotch Plains, NJ 07076	Pool Memberships	\$729.00

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

**RESOLUTION 83-2018**

WHEREAS, an emergency has arisen with respect to litigation filed against the Borough of Mountainside that had not been anticipated; and

WHEREAS, N.J.S.A. 40A:4-46 provides for the creation of an emergency appropriation for the purpose of funding the expenses created by the above mentioned litigation; and

WHEREAS, the total amount of emergency appropriation created including the appropriation to be created by this resolution is \$200,000, which amount is well below the amount that is authorized by the aforesaid law, which is three percent of the total appropriation for operations in the budget for the year, or \$394,024.58.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Mountainside, County of Union, State of New Jersey (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with N.J.S.A. 40A:4-48:

1. An emergency appropriation be and the same is hereby made for in the amount of \$200,000.
2. That said emergency appropriation shall be provided for in full in the 2019 budget.
3. That the Chief Financial Officer has certified that the expenditures to be financed through this resolution are related to the aforementioned emergency.
4. That two certified copies of this resolution be filed with the Director of Local Government Services

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



**RESOLUTION 84-2018**

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 \$150,000 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 the balance of the current budgetary 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, Fech-Caccamo, Messler, Mortimer, Turner. Nays: 0  
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**MOTION:**

The following motion was unanimously approved.

1. Authorization to appoint Brian Garcia, Michael Perrotta and Richard Leonardis as Volunteer Firefighters  
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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 June 2018, 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 \$690,742.55 (Copy of bill list attached).

**COUNCIL COMMENTS:**

Councilwoman Andre highlighted recent events in the community.

Councilman Messler reported the addition of five commuter parking spots.

Mayor Mirabelli made a statement regarding the police lawsuit.

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**AUDIENCE PARTICIPATION:**

Daniela Faibes, 9 Mountainview Drive, questioned the costs of the police lawsuit, the impact on property taxes, insurance coverage, and the duties of the police committee and when the allegations became known.

Ileana Guadagnino, 220 Kings Court, asked why resolutions were approved to indemnify Hearing Officer Robert Verry and the Council, what were the recommendations made by the Prosecutor's Office, how would punitive damages be addressed and why the officers are on paid leave.

Anjali Mehrotra, 215 Queens Lane, was concerned about how the governing body would restore Mountainside's reputation.

Lisa Truman, 355 Cherry Hill Road, was concerned about the impact on property values, how would Mountainside's reputation be restored and the status of the police trading card program.

Scott Kline, 242 South Fork Road, asked Councilman Turner his role as the Police Commissioner.

Genevieve Cooper, 125 Knightsbridge Road, asked why the matter was not handled internally and who is accountable. Ms. Cooper also questioned about the Barnes Tract environmental survey and possible contamination, the status of the traffic study and when the site plans will be available.

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 Turner and seconded by Councilman Mortimer.

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 contracts 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 8:34 P.M.  
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The meeting was recalled to public session.

Upon a motion by Councilman Mortimer and a second by Councilman Messler, the meeting was unanimously adjourned at 9:25 P.M.  
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Martha Lopez, RMC  
Borough Clerk