

**REGULAR MEETING
AUGUST 17, 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 7:32 PM.

INVOCATION: Councilman Dierkes
SALUTE TO THE FLAG
ROLL CALL

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

APPROVAL OF MINUTES:

Upon motion by Councilman Messler a second by Councilwoman Pacifico, the minutes of the Regular & Executive Session Meetings held on July 20, 2021 were approved. Roll Call: Ayes: Dierkes, Matejek, Messler, Pacifico, Pater. Nays: 0.

Upon motion by Councilman Messler a second by Councilwoman Pater, the minutes of the Work & Executive Session Meetings held on August 3, 2021 were approved. Roll Call: Ayes: Matejek, Messler, Pacifico, Pater. Nays: 0. Abstained: Dierkes.

RESOLUTIONS:

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

RESOLUTION 92-2021

RESOLUTION AUTHORIZING THE ACCEPTANCE OF THE STATE OF NEW JERSEY DEPARTMENT OF LAW AND PUBLIC SAFETY, OFFICE OF THE ATTORNEY GENERAL SFY21 BODY-WORN CAMERA GRANT PROGRAM STATE FISCAL YEAR 2021

WHEREAS, the Borough of Mountainside desires to accept funding in the amount of \$50,950.00 with no match under the SFY21 Body-Worn Camera Grant Program, State Account No. BFY21-100-066-1020-495, Award Number 21-BWC-296, Period: January 1, 2021 – December 31, 2025; and

WHEREAS, the Borough of Mountainside has reviewed the accompanying application and has approved said requests; and

WHEREAS, this project is a joint effort between the Department of Law and Public Safety Office of the Attorney General and the Borough of Mountainside Police Department for the purpose described in the application.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Mountainside, County of Union, State of New Jersey, that:

1. As a matter of public policy, the Mountainside Police Department wishes to participate to the fullest extent possible with the Department of Law and Public Safety, Office of the Attorney General.
2. The Attorney General will receive funds on behalf of the applicant.
3. The Office of the Attorney General will be responsible for the receipt and review of the application for said funds.
4. The Office of the Attorney General will initiate allocations to each applicant as authorized.

I, Martha Lopez, Municipal Clerk hereby certify that the above Resolution was duly adopted by the Governing Body of the Borough of Mountainside, at its meeting held on August 17, 2021.

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

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

RESOLUTION 93-2021

WHEREAS, there exists a vacancy in the position of P/T Fire Sub-Code Official; and

WHEREAS, Borough Administrator Glenn Mortimer has recommended that the Borough Council take action to hire James Pisauro, to fill this position.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Mountainside that James Pisauro be appointed as a P/T Fire Sub-Code Official at a rate of \$45.00 per hour, not to exceed 6 hours a week, effective August 2, 2021.

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

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

RESOLUTION 94-2021

WHEREAS, it is the desire of the Governing Body of the Borough of Mountainside to appoint a Probationary Police Officer to the Borough of Mountainside Police Department; and

WHEREAS, the Police Committee interviewed several qualified candidates for the position of Probationary Police Officer for the Borough of Mountainside Police Department; and

WHEREAS, the Police Committee has recommended the appointment of Brendan Carlos as Police Officer; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that Brendan Carlos be appointed as a Probationary Police Officer for the Borough of Mountainside Police Department.

BE IT FURTHER RESOLVED, that said appointment shall be effective August 16, 2021 with the probationary period ending one-year from the appointment date at a probationary period salary of \$46,396.80.

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

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

RESOLUTION 95-2021

BE IT RESOLVED that Mayor Paul N. Mirabelli hereby authorizes the following appointments and terms to the Library Board of Trustees:

Patricia Keane	2023
Mauro Wolfe	2022

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

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

RESOLUTION 96-2021

WHEREAS, Zanny Lopez was appointed as Deputy Court Administrator on August 27, 2018; and

WHEREAS, Zanny Lopez has requested a change to her employment status; and

WHEREAS, the Governing Body of the Borough of Mountainside has agreed to change her employment status from F/T Deputy Court Administrator to P/T Violations Clerk.

NOW, THEREFORE, BE IT RESOLVED, by Mayor and Council of the Borough of Mountainside that Zanny Lopez is hereby hired as a P/T Violations Clerk in the Court Department at an hourly rate of \$22.00, not to exceed 20 hours, to become effective on August 1, 2021.

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

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

RESOLUTION 97-2021

WHEREAS, due to the Deputy Court Administrator's change of employment status, there exists a need for the appointment of a temporary Acting Deputy Municipal Court Administrator; and

WHEREAS, the Municipal Judge has recommended the appointment of the P/T Violations Clerk Rayanne Burns to fill this vacant position; and

WHEREAS, Rayanne Burns shall complete her Deputy Court Administrator Accreditation Levels 1-4 by February 17, 2023. Upon accreditation completion shall be compensated an additional \$6,000.

NOW, THEREFORE, BE IT RESOLVED, by Mayor and Council of the Borough of Mountainside that Rayanne Burns is hereby appointed to the position of Acting Deputy Court Administrator effective on August 9, 2021 at a starting salary of \$42,000 with a 180-day probationary period.

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

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

RESOLUTION 98-2021

WHEREAS, the provisions of N.J.S.A. 2B:12-27, provide that the Governing Body of a municipality may employ an Attorney at Law as an Assistant Municipal Prosecutor; and

WHEREAS, Michael Cuellar, a New Jersey Attorney at Law, has agreed to serve as the Borough's Assistant Municipal Prosecutor.

NOW, THEREFORE, BE IT RESOLVED, by Mayor and Council of the Borough of Mountainside that Michael Cuellar is hereby appointed as the Assistant Municipal Prosecutor for the year 2021.

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

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

RESOLUTION 99-2021

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 2021 for the below amount sums of which item is now available as a revenue from:

Public & Private Revenues off-set with Appropriations:
Watts Mountainside Community Foundation Grant (\$2,000)

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"
Watts Mountainside Community Foundation Grant (\$2,000)

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

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

RESOLUTION 100-2021

WHEREAS, the Union County Board of Chosen Freeholders established the "Kids Recreation Trust Fund" Grant Program designed to fund Recreational opportunities for our County's children; and

WHEREAS, the Borough of Mountainside wishes to apply to Union County Trust Fund through the "Kids Recreation Trust Fund" 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 2021 "Kids Recreation Trust Fund" Grant Program for the following projects:

Recreation Facility Improvements	\$70,000
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BE IT FURTHER RESOLVED, that matching funds in the amount of \$35,000 (Both MSBL & Borough) have been appropriated in accordance with the grant requirements.

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

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

RESOLUTION 101-2021

WHEREAS, the Borough of Mountainside has received inquiries from wireless telecommunication service providers regarding the availability of a site for lease on the existing 130-foot communications tower behind the Borough's municipal building; and

WHEREAS, the 130-foot communications tower has space and carrying capacity for additional equipment in addition to the space leased by Verizon, T Mobile and Sprint; and

WHEREAS, the Governing Body recognizes the benefit to Borough residents of accommodating the needs of these additional wireless telecommunication service providers by providing lease space on the Borough's existing communications tower; and

WHEREAS, the Borough site, which is a large wooded area set back from Route 22 and partially concealed by Borough Hall, is uniquely appropriate for the location of towers to accommodate the needs of wireless telecommunication service providers; and

WHEREAS, the two existing towers have proven to be unobtrusive and have received little attention by the general public; and

WHEREAS, the addition of new equipment to the existing tower will have negligible visual impact and generate substantial income to help control taxes; and

WHEREAS, the Governing Body of Mountainside is desirous of advertising for bids for the leasing of a fourth co-location site on the existing 130-foot communications tower, which will be located at the vacant site on the tower, in accordance with specifications to be prepared by the Borough Engineer and the Borough Attorney; and

WHEREAS, the Governing Body is desirous that the fourth co-location site not interfere with the operations of the existing tenants and directs that the existing tenants be notified of this resolution and the bid specifications, and that indemnification of the Borough from any claims of interference to the existing co-tenants be a requirement of the bid; and

WHEREAS, The Governing Body recognizes that Planning Board approval may be required for this project, as it may be considered an expansion of a conditional use and may include the addition of a new equipment building and the relocation of the existing fence and the Governing Body desires that obtaining such approval be a condition of the bid; and

WHEREAS, the Governing Body has determined that the minimum bid price for the initial annual base rent for the fourth co-location site located at 95 feet on the 130-foot tower shall be three thousand (\$3,000) per month.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Mountainside, County of Union, State of New Jersey, that the Borough Clerk is hereby authorized to advertise for bids for the leasing of a fourth co-location site on the 130-foot communications tower and associated shelter buildings, in accordance with specifications prepared by the Borough Engineer and the Borough Attorney.

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

ORDINANCES Second Reading (Public Hearing)

ORDINANCE 1297-2021

AN ORDINANCE TO APPROPRIATE THE SUM OF EIGHT HUNDRED TWENTY THOUSAND DOLLARS (\$820,000.00) FOR THE PURCHASE OF BLOCK 14, LOTS 15.01 AND 15.03, COMMONLY KNOWN AS 90 NEW PROVIDENCE ROAD AND 903 MOUNTAIN AVENUE, RESPECTIVELY, IN THE BOROUGH OF MOUNTAINSIDE

WHEREAS, the Governing Body of the Borough of Mountainside is desirous to purchase Block 14, Lots 15.01 and 15.03, commonly known as 90 New Providence Road and 903 Mountain Avenue, respectively, ("Properties") in the Borough of Mountainside, and

WHEREAS, funds in the amount of \$820,000 will be needed to purchase these lots, and

WHEREAS, the Borough has applied for and will receive a grant of \$56,250 toward the purchase of the Properties, and

WHEREAS, Beautiful Mountainside, has applied for and will receive a grant of \$250,000 toward the purchase of the Properties, and

WHEREAS, the Borough and Beautiful Mountainside have entered into an Agreement whereby Beautiful Mountainside will apply the grant it receives toward the purchase price and deed its interest in the Properties to the Borough.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Mountainside that the sum of \$820,000.00 be and is hereby appropriated to purchase Block 14, Lots 15.01 and 15.03, commonly known as 90 New Providence Road and 903 Mountain Avenue, respectively, in the Borough of Mountainside, as follows:

\$ 250,000.00 New Jersey Green Acres Grant from Beautiful Mountainside
\$ 56,250.00 New Jersey Green Acres Grant from Borough of Mountainside
\$ 513,750.00 from Misc. Reserves, Sale of Municipal Assets

This Ordinance shall take effect upon final passage and publication as required by law.

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

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

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

ORDINANCE 1298-2021
AN ORDINANCE TO AMEND CHAPTER VI, SECTION 6-4.2 OF THE BOROUGH CODE BY PERMITTING HOLDERS OF PLENARY DISTRIBUTION LICENSES TO OPEN FOR BUSINESS AT 11 A.M. ON SUNDAYS

WHEREAS, a holder of a plenary distribution license has requested that the Borough permits such licensees to open for business at 11 a.m. on Sundays, rather than at noon, and

WHEREAS, the Governing Body has determined that such request is reasonable.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Mountainside that Chapter VI, Section 6 – 4.2 of the Borough Code is hereby amended to provide:

Plenary Distribution- between the hours of 2:00 a.m. and 11:00 a.m.

This Ordinance shall take effect upon final passage and publication as required by law.

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

It was moved by Councilwoman Pacifico and seconded by Councilwoman Pater that this ordinance be passed on second and final reading and advertised by title only.

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

First Reading (Introduction)

ORDINANCE 1299-2021
AN ORDINANCE TO APPROPRIATE THE SUM OF SEVENTEEN THOUSAND FOUR HUNDRED FIFTEEN DOLLARS (\$17,415.00) FROM THE CAPITAL IMPROVEMENT FUND FOR PAGERS FOR THE FIRE DEPARTMENT

WHEREAS, the Governing Body of the Borough of Mountainside is desirous to purchase pagers for the Fire Department; and

WHEREAS, the quote for thirty-three pagers would cost \$17,415.00; and

WHEREAS, the Governing Body of the Borough of Mountainside concurs that this purchase is necessary.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Mountainside that the sum of \$17,415.00 be and is hereby appropriated from the Capital Improvement Fund for the purchase of pagers.

It was moved by Councilman Dierkes and seconded by Councilwoman Pater that this ordinance be passed on first reading and advertised in full for a public hearing on September 21, 2021.

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

MOTIONS:

The following motions were unanimously approved:

1. Authorization to appoint Robert DeNora and Edward Kweselait III as Volunteer Firefighters
 2. Approval for Rocco Menoni to join the Junior Firemen's Auxiliary Program
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BILLS & CLAIMS:

The following resolution was introduced by Councilman Dierkes and seconded by Councilman Matejek:

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 17th day of August 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 \$147,325.22 (Copy of bill list attached).

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

COUNCIL COMMENTS:

Councilman Dierkes provided a Recreation Department report and announced Light the Night for Fallen Firefighters.

Councilwoman Pater announced upcoming Senior and Restoration Committee events.

Councilman Messler invited the public to attend the Union County 9-11 Ceremony.

Mayor Mirabelli spoke about Volunteer Day and thanked all the Mountainside Volunteers and Employees.

AUDIENCE PARTICIPATION:

Hearing no one wishing to speak, Mayor Mirabelli closed the meeting to the public.

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

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 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 8:08 P.M.

The meeting was recalled to public session.

Upon a motion by Councilman Messler and a second by Councilman Dierkes, the meeting was unanimously adjourned at 8:27 P.M.

Martha Lopez, RMC
Borough Clerk