

**REGULAR MEETING
AUGUST 20, 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 7:29 P.M.

INVOCATION: Councilman Dierkes
SALUTE TO THE FLAG
ROLL CALL

PRESENT: Mayor Mirabelli, Councilwoman Andre, Councilman Dierkes, Councilman Messler, Councilman Mortimer, Councilwoman Pater, Council President Turner, Administrator Atkins and Attorney Post. Also present were Lt. Joseph Giannuzzi, Recreation Director Frank Masella, Borough Engineer Mike Disko and Public Works Manager Matthew DeAnna.

APPROVAL OF MINUTES:

Upon motion by Councilman Turner a second by Councilman Mortimer, the minutes of the Regular & Executive Session Meetings held on July 16, 2019 were approved. Roll Call: Ayes: Andre, Dierkes, Messler, Mortimer, Pater, Turner. Nays: 0.

Upon motion by Councilman Turner a second by Councilman Dierkes, the minutes of the Work & Executive Session Meetings held on August 6, 2019 were approved. Roll Call: Ayes: Dierkes, Messler, Mortimer, Turner. Abstained: Andre, Pater.

RESOLUTIONS:

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

RESOLUTION 88-2019

WHEREAS, Capital Seniors Housing Mountainside, LLC provided a performance guarantee for the construction of an assisted living facility on the property at 1050 Springfield Avenue; and

WHEREAS, all site improvements have been completed and outstanding conditions have been complied with; and

WHEREAS, the Borough Engineer Mike Disko, Jr. has recommended that the performance guarantee escrows should be fully released.

NOW, THEREFORE, BE IT RESOLVED that the Irrevocable Standby Letter of Credit dated March 16, 2017 in the amount of \$240,202.00 issued by Wells Fargo Bank, N.A., previously reduced by Borough resolution in principal amount to \$40,033.80, shall be released.

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

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

RESOLUTION 89-2019

WHEREAS, the Recreation Director Frank Masella requested the following refunds; and

NOW, THEREFORE, BE IT RESOLVED that the Treasurer be authorized to issue the following refunds:

<u>Applicant</u>	<u>Program</u>	<u>Amount</u>
Kate Francolino 320 Timberline Road Mountainside, NJ 07092	Flag Football	\$70.00
Rajen Pandya 163 Sunrise Parkway Mountainside, NJ 07092	All-Sports Camp	\$170.00
Rachel Woliansky 964 Townley Avenue Union, NJ 07083	Pool Membership	\$268.00
Catia Salerno 1592 Deer Path Mountainside, NJ 07092	Pool Membership	\$462.00

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

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

RESOLUTION 90-2019

WHEREAS, the Borough of Mountainside, pursuant to N.J.S.A.40A:11-11 may by resolution and without advertising for bids, purchase goods or services under a Cooperative Purchasing Program; and

WHEREAS, the Borough of Mountainside Police Department has established a regular schedule for updating its police vehicles and that schedule requires two and 1/3 new squad cars each year and by utilizing the New Jersey State Cooperative Purchasing Program the Borough can receive competitive pricing, on a timely basis, without the expense and time involved in undertaking independent competitive bidding; and

WHEREAS, the Borough of Mountainside intends to enter into a purchase contract with Winner Ford, Cherry Hill, NJ pursuant to NJ State Contract #88728 for the acquisition of a police vehicle; and

WHEREAS, the cost for (1) one 2020 Ford Utility Interceptor under NJ State Contract #88728 for \$32,087.00; and

WHEREAS, the Borough's Financial Officer has certified that the funds are available for this purchase.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Mountainside, County of Union State of New Jersey that the purchase of (1) one Ford Utility Interceptor under the terms and provisions of NJ State Contract #88728 be and hereby are approved.

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

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

RESOLUTION 91-2019

WHEREAS, the Borough of Mountainside, pursuant to N.J.A.C. 5:34-7.21 may by resolution and without advertising for bids, purchase any goods or services under Cooperative Contract Purchasing; and

WHEREAS, the municipal building is in need of computer upgrades and by utilizing the New Jersey State Cooperative Pricing System the Borough can receive competitive pricing, on a timely basis, without the expense and time involved in undertaking independent competitive bidding; and

WHEREAS, the Borough of Mountainside intends to enter into a purchase contract with Gold Type Business Machines, Inc. (GTBM), East Rutherford, NJ pursuant to NJ State Contract #89980 for the installation of computer upgrades in the municipal building; and

WHEREAS, the computer upgrades under NJ State Contract #89980 will not exceed \$240,000.00; and

WHEREAS, the Borough's Chief Financial Officer has certified that the funds are available for this purchase.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Mountainside, County of Union State of New Jersey that the installation of computer upgrades in the municipal building under terms and provisions of NJ State Contract #89980 be and hereby are approved.

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

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

RESOLUTION 92-2019

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 2019 for the below amount sums of which item is now available as a revenue from:

Public & Private Revenues off-set with Appropriations:
2019 Infrastructure & Municipal Aid Grant Program (\$50,000)

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"
2019 Infrastructure & Municipal Aid Grant Program (\$50,000)

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

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

RESOLUTION 93-2019

WHEREAS, there is a vacancy in the position of F/T Construction/Fire Prevention Secretary in the Building Department; and

WHEREAS, the Governing Body of the Borough of Mountainside is desirous of filling subject vacancy; and

WHEREAS, Gina M. Tomas is experienced to perform the duties of F/T Construction/Fire Prevention Secretary in the Building Department; and

WHEREAS, the A&E Committee recommends that the Borough Council take action and hire Gina M. Tomas.

NOW, THEREFORE, BE IT RESOLVED, by Mayor and Council of the Borough of Mountainside that Gina M. Tomas is hereby hired as F/T Construction/Fire Prevention Secretary in the Building Department at an annual salary of \$45,000, effective August 12, 2019 with a 90 day probationary period.

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

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

RESOLUTION 94-2019

BE IT RESOLVED that the Governing Body hereby authorize the appointment of Nancy Probst as an Interim Planning Board Secretary on a per diem basis at a cost of \$395.00 per meeting and \$39.50 per hour for administrative work effective August 1, 2019.

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

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

RESOLUTION 95-2019

BE IT RESOLVED that the Governing Body hereby authorize the appointment Keith Disko as an Interim Zoning Enforcement Official on a per diem basis at an hourly rate of \$50.00 effective August 20, 2019.

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

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

RESOLUTION 96-2019

WHEREAS, there exists a vacancy in the position of Chief of Police in the Mountainside Police Department; and

WHEREAS, it is the desire of the Mayor and Council of the Borough of Mountainside to fill this vacancy with a highly qualified individual; and

WHEREAS, the Police Committee has recommended the promotion of an officer whose credentials and experience were found best to suit the needs of the Borough in filling the position of Chief of Police.

THEREFORE, BE IT RESOLVED that effective this date Lieutenant Joseph Giannuzzi is hereby promoted to the position of Chief of Police in the Borough of Mountainside with all rights, responsibilities and obligations attendant upon that position, at an annual salary of \$142,500.00, with benefits in accordance with the PBA Contract/ Non-Union Employee Manual, effective August 20, 2019.

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

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

RESOLUTION 97-2019

WHEREAS, the borough council has recommended a compensation adjustment for the part-time engineer to properly adjust the salary for the hours being worked as set forth below:

P/T Engineer (whose hours per week are to increase from 10 to 13):	\$68,007.83 effective when increase in hours occurs
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Roll Call: Andre, Dierkes, Messler, Mortimer, Pater, Turner. Nays: 0.

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

RESOLUTION 98-2019

WHEREAS, from time to time there exists a need for hourly temporary help within the Borough of Mountainside;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Mountainside that the Borough Administrator is authorized to appoint hourly temporary help in accordance with the salary ordinance on an as needed basis.

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

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

RESOLUTION 99-2019

BE IT RESOLVED by the Governing Body of the Borough of Mountainside that the following appointments to the OEM Committee for the terms of office set forth herein, made by Paul N. Mirabelli, Mayor of the Borough of Mountainside, be and they hereby are confirmed:

EMERGENCY MANAGEMENT:	
Paul N. Mirabelli, Coordinator	2021
Keith C. Turner, Coordinator	2021
Matthew Deanna, Deputy Coordinator	2019
Joseph Giannuzzi, Deputy Coordinator	2019

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

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

RESOLUTION 100-2019

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:

Duplicate payments Due to Banks

CoreLogic
Centralized Refunds
P. O. Box 9202
Coppell, TX 75019-9978

<u>Block</u>	<u>Lot</u>	<u>Amount</u>	
4.03	18.21	\$ 3,454.71	1400 Outlook Drive
5.08	9	\$ 2,733.02	363 Cherry Hill Road
15.13	24	\$ 2,215.66	304 Garrett Road
23.02	17	\$ 2,063.82	154 Locust Avenue

Wells Fargo

Attn: Refunds/Financial Support
P. O. Box 14506
Des Moines, IA 50328

7.08 35 \$ 2,899.85 1033 Ledgewood Road

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

ORDINANCE: First Reading (Introduction)

ORDINANCE 1276-2019

**AN ORDINANCE TO APPROPRIATE THE SUM OF FORTY-EIGHT THOUSAND DOLLARS (\$48,000.00)
FROM THE CAPITAL IMPROVEMENT FUND FOR RENOVATION OF POLICE LOCKER ROOM AND
UPGRADE OF BOROUGH COMPUTER SYSTEM**

WHEREAS, the Governing Body of the Borough of Mountainside is desirous to renovate the police locker room and upgrade the borough computer system; and

WHEREAS, funds up to the amount of \$48,000.00 may be needed for these projects broken out as follows: \$13,000 for renovation of police locker room and \$35,000 for upgrade of Borough computer system; and

WHEREAS, the Governing Body of the Borough of Mountainside concurs that these projects to be necessary.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Mountainside that the sum of \$48,000.00 be and is hereby appropriated from the Capital Improvement Fund for the above projects.

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 September 17, 2019.

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

MOTION:

The following motion was unanimously approved:

1. Appointment of Jorge Aparicio, Joseph Fiorenza, Brandon Fontanes and Francis Quigley 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 20th day of August 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 \$473,184.06 (Copy of bill list attached).

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

COUNCIL COMMENTS:

Councilman Mortimer urged residents to participate in the Mountainside Public Library community survey.

Councilwoman Andre announced Mountainside's 125th Anniversary in 2020 and invited residents to volunteer in planning the event.

Councilwoman Pater announced upcoming events.

Mayor Mirabelli congratulated Keith Disko on his appointment. The Mayor provided an update on the bridge reconstruction at the reservation and announced a public meeting on September 12th to discuss the property-tax reassessment program.

AUDIENCE PARTICIPATION:

Gary Whyte, 289 Old Tote Road, thanked the Mayor for assisting him with his goal to have every municipality in New Jersey support and recognize a medical disorder known as Fibrodysplasia ossificans progressiva (FOP).

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

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 personnel and 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 8:04 P.M.

The meeting was recalled to public session.

Regular Meeting
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Upon a motion by Councilman Mortimer and a second by Councilman Dierkes, the meeting was unanimously adjourned at 8:29 P.M.

Martha Lopez, RMC
Borough Clerk