

**REGULAR MEETING  
SEPTEMBER 17, 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 7:32 P.M.

**INVOCATION:** Councilman Messler  
**SALUTE TO THE FLAG**  
**ROLL CALL**

**PRESENT:** Mayor Mirabelli, Councilman Dierkes, Councilman Messler, Councilman Mortimer, Councilwoman Pater, Council President Turner, Administrator Atkins and Attorney Post. Also present were Police Chief Joseph Giannuzzi, Recreation Director Frank Masella and Public Works Manager Matthew DeAnna. Councilwoman Andre was absent.

**APPROVAL OF MINUTES:**

Upon motion by Councilman Dierkes a second by Councilman Turner, the minutes of the Regular & Executive Session Meetings held on August 20, 2019 were approved. Roll Call: Ayes: Dierkes, Messler, Mortimer, Pater, Turner. Nays: 0.

Upon motion by Councilman Dierkes a second by Councilman Turner, the minutes of the Work & Executive Session Meetings held on September 3, 2019 were approved. Roll Call: Ayes: Dierkes, Messler, Mortimer, Pater, Turner.

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**RESOLUTIONS:**

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

**RESOLUTION 101-2019**

WHEREAS, the Governing body of the Borough of Mountainside is aware that Friday, September 20, 2019 has been declared as "POW/MIA Remembrance Day"; and

WHEREAS, all Americans everywhere owe a special debt of gratitude and a responsibility for remembering and honoring those who have given so much to make all of us free and secure in this, our national homeland, and a recognition day is a fitting testament and remembrance for all of us, for the sacrifices of our POW/MIA Veterans.

NOW, THEREFORE, BE IT RESOLVED the Mayor and Council of the Borough of Mountainside that it hereby declares, Friday, September 20, 2019 as:

**"POW/MIA REMEMBRANCE DAY"**

in the Borough of Mountainside and urges all citizens of the Borough of Mountainside to make a special effort to give thanks to and remember the sacrifices rendered to us by all these noble sons and daughters of America.

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

**RESOLUTION 102-2019**

WHEREAS, the Borough of Mountainside would like to participate in the leaf disposal program at the Union County Conservation Center; and

WHEREAS, it is necessary to enter into an Indemnification Agreement and Memorandum of Understanding with the County of Union to participate in the leaf disposal program; and

WHEREAS, the current 2019 rate is \$2.00 per yard – loose, \$4.00 per yard – compacted.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the Mayor and Borough Clerk are hereby authorized to sign the Indemnification Agreement and Memorandum of Understanding to participate in the leaf disposal program at the Union County Conservation Center.

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

**RESOLUTION 103-2019**

WHEREAS, the New Jersey Transportation Trust Fund Authority Act has provided funds for the improvement of municipal roads through the New Jersey Department of Transportation; and

WHEREAS, the Borough of Mountainside desires to apply for a grant for local aid funds for improvements of a municipal road; and

WHEREAS, the Borough Engineer will prepare the application for the grant for local aid for a section of roadway known as:

BRISTOL ROAD

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Mountainside formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Mountainside and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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

**RESOLUTION 104-2019**

WHEREAS, NJSA 40A:5-4 requires the Governing Body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2018 has been filed by a Registered Municipal Accountant with the Borough Clerk as per the requirements of NJSA 40A:5-6 and a copy has been received by each member of the Governing Body; and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

WHEREAS, the Local Finance Board has promulgated a regulation requirement that the Governing Body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the Governing Body has reviewed, as a minimum, the sections of the annual audit entitled:

GENERAL COMMENTS  
RECOMMENDATIONS  
and;

WHEREAS, the members of the Governing Body has personally reviewed as minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

GENERAL COMMENTS  
RECOMMENDATIONS

as evidenced by the group affidavit form of the Governing Body; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board; and

WHEREAS, all members of the Governing Body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the Local Governing Body to the penalty provisions of R.S. 52:27BB-52 – to wit:

R.S. 52-27BB-52 – “A local officer or member of a local Governing Body who, after a date fixed for compliance fails or refuses to obey an order of the of the Director of Local Government Services, under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than One Thousand Dollars (\$1,000) or imprisoned for not more than one year, or both, in addition shall forfeit his office.”

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Mountainside, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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

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

**RESOLUTON 105-2019**

WHEREAS, the Chief Finance Officer is required to submit a Corrective Action Plan of the 2018 Municipal Audit Report to the Governing Body;

NOW, THEREFORE, BE IT RESOLVED that the following 2018 Audit Corrective Action Plan submitted by the Chief Finance Officer be and the same is hereby approved; and

BE IT FURTHER RESOLVED, that a certified copy of the 2018 Audit Corrective Action Plan be forwarded to the Division of Local Government Services.

2018 Audit- Corrective Action Plan  
Recommendation: None  
Corrective Action: None

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

**RESOLUTION 106-2019**

BE IT RESOLVED by the Governing Body of the Borough of Mountainside that the following appointment 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:

Anthony Pecorelli, Deputy Coordinator 2019

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

**RESOLUTION 107-2019**

WHEREAS, there is a vacancy in the position of P/T Construction/Planning Board Secretary in the Construction/Public Works/Building Department; and

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

WHEREAS, Nicole Halleran is qualified to perform the duties of P/T Construction/Planning Board Secretary; and

WHEREAS, Administrator Thomas Atkins has recommended that the Borough Council take action and hire Nicole Halleran.

NOW, THEREFORE, BE IT RESOLVED, by Mayor and Council of the Borough of Mountainside that Nicole Halleran is hereby hired as P/T Construction/Planning Board Secretary in the Construction/Public Works/Building Department at an hourly salary of \$22.00, not to exceed 25 hours, effective September 23, 2019 with a 90 day probationary period.

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

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

**RESOLUTION 108-2019**

WHEREAS, receivable balance exist in the records of the Borough; and

WHEREAS, the balance is as follows:

Municipal Alliance Grant                      \$ 2,838.94

NOW, THEREFORE, BE IT RESOLVED that the Chief Finance Officer cancel this balance from the records of the Borough.

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

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

**RESOLUTION 109-2019**

WHEREAS, in accordance with applicable provisions of the Public Contracts Law, the Borough advertised for Bids for Contract 2019-7 for "Paving Improvements on Barton Drive"; and

WHEREAS, on September 5, 2019 the return date for the bids, six bids were received as follows:

Bidders:	Base Bid	Alt. #1	Alt. #2
Denbar Construction Inc.	\$105,280.00	\$4,615.00	\$880.00
Topline Construction Corp.	\$120,021.40	\$4,721.50	\$2,096.56
American Asphalt & Milling	\$113,810.50	\$21,300.00	\$1,800.00
Fischer Contracting Inc.	\$126,993.67	\$12,425.00	\$1,600.00
Midwest Construction Inc.	\$135,656.57	\$7,100.00	\$2,000.00
DLS Contracting Inc.	\$283,265.50	\$12,425.00	\$1,800.00

WHEREAS, the Borough Engineer recommends awarding the Base Bid, Alternate #1 and Alternate #2; and

WHEREAS, the lowest bidder is Denbar Construction Inc., and the Borough Engineer has recommended that Contract 2019-7 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 Paving Improvements on Barton Drive be awarded to Denbar Construction Inc., 625 B North Michigan Ave, Kenilworth, NJ in the amount of \$110,775.00.

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

**ORDINANCE:** Second Reading (Public Hearing)

**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.

Mayor Mirabelli opened the meeting to the public for anyone wishing to speak on this ordinance and this ordinance only.

Hearing no one wishing to speak, the public portion was closed.

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

The following motion was unanimously approved:

1. Approve raffle application from CSH 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 17<sup>th</sup> day of September 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 \$209,565.82 (Copy of bill list attached).

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

Councilman Dierkes announced the Mountainside Water Drive for Newark and asked residents to obey the speed limits.

Councilwoman Pater announced upcoming events and a job opening for a crossing guard.

Councilman Mortimer provided a Library report.

Mayor Mirabelli announced upcoming events.  
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**AUDIENCE PARTICIPATION:**

Joseph Herscu, 329 Linda Drive, inquired about a bulk garbage pickup. Mayor Mirabelli and Council President Turner explained the costs, options and the downside of providing this type of service. Mr. Herscu also asked when the revaluation inspections are expected to begin, no official date was provided.

Hearing no 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 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 7:58 P.M.  
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The meeting was recalled to public session.

Upon a motion by Councilman Turner and a second by Councilwoman Pater, the meeting was unanimously adjourned at 9:17 P.M.  
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Martha Lopez, RMC  
Borough Clerk