

**REGULAR MEETING
SEPTEMBER 21, 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 7:33 PM.

INVOCATION: Councilman Matejek
SALUTE TO THE FLAG
ROLL CALL

PRESENT: Mayor Mirabelli, Council President Deanna Andre, Councilman Dierkes, Councilman Matejek, Councilman Messler, Councilwoman Pacifico, Councilwoman Pater, Attorney Epstein and Administrator Mortimer. Also present were Public Works Director Matthew DeAnna, Recreation Director Frank Masella, Senior Coordinator Kim Moriak and Police Chief Joseph Giannuzzi.

APPROVAL OF MINUTES:

Upon motion by Councilman Dierkes a second by Councilwoman Pater, the minutes of the Regular & Executive Session Meetings held on August 17, 2021 were approved. Roll Call: Ayes: Dierkes, Matejek, Messler, Pacifico, Pater. Nays: 0. Abstained: Andre.

Upon motion by Councilwoman Pater a second by Councilwoman Pacifico, the minutes of the Work & Executive Session Meetings held on September 7, 2021 were approved. Roll Call: Ayes: Andre, Dierkes, Matejek, Messler, Pacifico, Pater. Nays: 0.

RESOLUTIONS:

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

RESOLUTION 102-2021

WHEREAS, the Governing body of the Borough of Mountainside is aware that Friday, September 17, 2021 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 17, 2021 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: Andre, Dierkes, Matejek, Messler, Pacifico, Pater. Nays: 0.

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

RESOLUTION 103-2021

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 2021 rate is \$4.00 per yard – loose, \$6.00 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: Andre, Dierkes, Matejek, Messler, Pacifico, Pater. Nays: 0.

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

RESOLUTION 104-2021

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 or overpayments Due to Banks

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

<u>Block</u>	<u>Lot</u>	<u>Amount</u>	
3.14	29	\$ 2,980.75	1599 Grouse Lane
9	5	\$ 173.13	1200 Lawrence Avenue
9	6	\$ 263.12	324 Woods End Road
9	9	\$ 268.62	318 Woods End Road
15.09	48.10	\$ 3,181.17	208 Echo Ridge Way
22.01	31	\$ 230.01	10 Rodman Lane
24.06	24	\$ 2,608.30	208 Glen Road

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

<u>Block</u>	<u>Lot</u>	<u>Amount</u>	
9	10	\$ 421.68	316 Woods End Road
22.02	39	\$ 187.07	1160 Wychwood Road

OceanFirst
975 Hopper Avenue
Attn: Escrow
Toms River, NJ 08753

<u>Block</u>	<u>Lot</u>	<u>Amount</u>	
22.03	1	\$ 54.72	1120 Wychwood Road (Wojcik)

Overpayments Due to County Tax Appeals

Mountain Spruce LLC
38 Watchung Crest Drive
Watchung, NJ 07069

<u>Block</u>	<u>Lot</u>	<u>Amount</u>	
5.20	24.03	\$ 5,236.31	1135 Spruce Drive

Overpayments Due to Homeowner

<u>Block</u>	<u>Lot</u>	<u>Amount</u>	
22.03	4	\$ 40.72	1150 Wychwood Road
19	4	\$ 594.98	854 Mountain Avenue
9	7	\$ 268.62	322 Woods End Road

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

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

RESOLUTION 105-2021

WHEREAS the Borough's contract with F. Basso Jr. Rubbish Removal, Inc. for Recycling Services expires on January 25, 2022; and

WHEREAS, under the terms of such contract the Borough has an option to renew the contract; and

WHEREAS, the Recycling Contractor has agreed to a one-year extension at an annual sum of \$180,000; and

WHEREAS the Governing Body has determined that it would be in the best interests of the Borough to renew the term of the Agreement as it is entitled to do under the terms of the Agreement.

NOW THEREFORE BE IT RESOLVED that the Governing Body of the Borough of Mountainside does hereby authorize the appropriate Borough Officials to advise F. Basso Jr. Rubbish Removal, Inc. that the Borough is exercising the option to renew the contract for a one-year term, from the period of January 26, 2022 to January 25, 2023.

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

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

RESOLUTION 106-2021

WHEREAS, the Borough Engineer and Fire Prevention Official have requested refunds to the following individuals; and

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

<u>Applicant</u>	<u>Permit</u>	<u>Amount</u>
Telly & Amanda Zachariades 436 Hillside Avenue Westfield, NJ 07090	Road Opening	\$5,000
Allen Blau 1451 Orchard Road Mountainside, NJ 07092	CCO Duplicate Payment	\$100

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

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

RESOLUTION 107-2021

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>
Jennifer Jones 1078 Ledgewood Road Mountainside, NJ	Pool Membership	\$329.00
Marie Smith 1208 Foothill Way Mountainside, NJ 07092	Pool Membership	\$117.00
Linda Ferry 325 Linda Drive Mountainside, NJ 07092	Yoga Cancellation	\$162.00

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

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

RESOLUTION 108-2021

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:
SFY21 Body-Worn Camera Grant (\$50,950)

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"
SFY21 Body-Worn Camera Grant (\$50,950)

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

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

RESOLUTION 109-20201

WHEREAS, the Borough of Mountainside through the Mountainside Police Department, has provided a Special Law Enforcement Officer Class II (SLEO II) Officer to the Mountainside School District; and

WHEREAS, the Borough of Mountainside and the Mountainside Board of Education recognize the benefit of a SLEO II program to the residents of the Borough and the students, staff and parents of the Mountainside School district in providing police protection to the students and staff through a collaborative approach between Law Enforcement and the School Board that focuses on education, prevention, communication and information sharing; and

WHEREAS, the Borough, through the Mountainside Police Department has agreed to assign a Special Law Enforcement Officer Class II at the Beechwood and Deerfield School; and

WHEREAS, N.J.S.A. 40A:65-1 et seq. specifically authorizes local government units, including counties and municipalities, to enter into shared services agreements; and

WHEREAS, the Shared Services Agreement has been approved by the parties and outlines the responsibilities of each Party to the Agreement to achieve goals as outlined above.

NOW, THEREFORE, BE IT RESOLVED that the Borough of Mountainside does hereby acknowledge and approve the renewal of the Shared Services Agreement between the Borough of Mountainside and the Mountainside Board of Education, pursuant to the terms of the Agreement.

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

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

RESOLUTION 110-2021

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

WHEREAS, the balance is as follows:

Municipal Alliance Grant	\$ 9,524.99
Union County Cares Act	\$ 229.70
UC Pres Hetfd 2009/2012 Elec/Water Heater	\$ 556.99

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

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

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

RESOLUTION 111-2021

WHEREAS, our former Sergeant Jacob “Jack” Yerich, passed away on August 28, 2021 at age 81; and

WHEREAS, Jack was a Mountainside Police Officer for 27 years, retiring as a Sergeant in October 1995; and

WHEREAS, after serving as an Airman 2nd Class in the US Air Force from 1958-1962, he returned to New Jersey and then settled in Mountainside with his wife Karen and raised their family; and

WHEREAS, Jack was an outdoors man who loved farming, hunting, fishing and cooking; and

WHEREAS, our borough has been so much the better in so many ways for Jack ’s presence in our midst.

NOW, THEREFORE, BE IT RESOLVED that we, the current members of the Governing Body of the Borough of Mountainside, recognize Jack Yerich’s service to our community and that we extend our condolences to Jack’s widow, Karen, and to the rest of his family.

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

ORDINANCES: Second Reading (Public Hearing)

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.

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

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

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

First Reading (Introduction)

ORDINANCE 1300-2021
ORDINANCE AUTHORIZING THE TERMINATION OF A CERTAIN SETTLEMENT AGREEMENT DATED AS OF SEPTEMBER 1, 1994, BETWEEN THE TOWNSHIP OF CLARK AND THE RAHWAY VALLEY SEWERAGE AUTHORITY, THE BOROUGHS OF GARWOOD, KENILWORTH AND ROSELLE PARK, THE CITY OF RAHWAY, THE TOWN OF WESTFIELD AND THE TOWNSHIPS OF CRANFORD, SPRINGFIELD AND WOODBRIDGE

BE IT ORDAINED by the Governing Body of the Borough of Mountainside, County of Union, State of New Jersey, as follows:

Section 1. The Mayor and Clerk of the Borough of Mountainside are hereby authorized to execute a certain amendment (“Amendment”) to the Settlement Agreement, dated September 1, 1994, between Clark Township, and the municipalities of Garwood, Kenilworth, Roselle Park, Rahway, Westfield, Cranford, Springfield, Scotch Plains and Woodbridge and the Rahway Valley Sewerage Authority (“Settlement Agreement”), for the purpose of terminating the Settlement Agreement.

Section 2. A copy of the Amendment is attached as Appendix A and the termination of the Settlement Agreement shall become effective upon adoption of this Ordinance or a comparable ordinance adopted by all eleven (11) of the current member municipalities of the Authority, i.e. Clark, Cranford, Garwood, Kenilworth, Mountainside, Rahway, Roselle Park, Scotch Plains, Springfield, Westfield and Woodbridge and the adoption of a resolution by the Authority authorizing execution of the Amendment.

Section 3. This Ordinance shall take effect upon second reading and publication in accordance with New Jersey Law.

It was moved by Councilman Dierkes and seconded by Councilman Messler that this ordinance be passed on first reading and advertised in full for a public hearing on October 19, 2021.

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

**ORDINANCE 1301-2021
ORDINANCE ADOPTING A NEW AGREEMENT BETWEEN THE MEMBER MUNICIPALITIES OF THE
RAHWAY VALLEY SEWERAGE AUTHORITY**

BE IT ORDAINED, by the Governing Body of the Borough of Mountainside, County of Union, State of New Jersey, as follows:

Section 1.

The Borough of Mountainside hereby approves the revised Agreement for the continued establishment and operation of the Rahway Valley Sewerage Authority to replace the Agreement adopted in January, 1995 by the then nine (9) member municipalities of the Authority.

Section 2.

The revised Agreement approved by this Ordinance is attached as Appendix A (“2021 Agreement”) and shall become effective upon approval by comparable ordinances adopted by all eleven (11) current member municipalities of the Authority, i.e. Clark, Cranford, Garwood, Kenilworth, Mountainside, Rahway, Roselle Park, Scotch Plains, Springfield, Westfield and Woodbridge (“Member Municipalities”).

Section 3.

The 1995 Agreement, upon adoption of comparable ordinances by all of the Member Municipalities, shall be null and void and shall have no effect, having been replaced by the 2021 Agreement.

Section 4. Severability.

If any section, clause, paragraph, or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to that section, so adjudged, and the remainder of this Ordinance shall be deemed valid and effective.

Section 5. Inconsistency.

All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

It was moved by Councilwoman Pater and seconded by Councilman Messler that this ordinance be passed on first reading and advertised in full for a public hearing on October 19, 2021.

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

**ORDINANCE 1302-2021
AN ORDINANCE AMENDING CHAPTERS XIX AND XXIII OF THE MOUNTAINSIDE BOROUGH CODE
REGARDING THE IMPOSITION OF A SOIL REMOVAL PERMIT FEE**

WHEREAS, the Borough’s current procedure for processing soil removal permits results in time consuming and unnecessary work by the Borough Staff because they are required to escrow funds that are ultimately reimbursed to the Borough to cover engineering fees, and

WHEREAS, it is more efficient to simply treat such escrows as a permit fee, and

WHEREAS, the change from an escrowed amount to a fee will not affect applicants for soil removal permits,

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council, as follows:

Section 1. Amendments to Chapters XIX and XXIII of the Borough Code.

That CHAPTER 19-1.2 Application For Permit be amended by deletion of the period at the end of 19-1.2 and the addition of the following: “, and an application fee in the amount of \$250.00.”

That CHAPTER 19-1.3 Approval By Planning Board; Bond; Hearing be amended so that the first sentence of 19-1.3 is modified by insertion of a comma after the word “for” and addition of the word “if” before the word “such” and addition of the words “bond was determined to be necessary by the Borough Engineer,”

That CHAPTER 19-1.6 be amended so that the first sentence of 19-1.6 is modified by the deletion of the word “shall” and the insertion of the words “may, in the sole discretion of the Borough Engineer, be required to” where the word “shall” formerly appeared.

That CHAPTER XXIII FEES of the Borough Code be amended by the addition at the end of such Chapter of the following: Soil Removal Permit Fee -- \$250.00

Section 2.

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

It was moved by Councilman Messler and seconded by Councilwoman Andre that this ordinance be passed on first reading and advertised in full for a public hearing on October 19, 2021.

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

MOTION:

The following motion was unanimously approved:

1. Approve raffle application from Highlander Booster Club for a 50/50 on premise draw raffle
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BILLS & CLAIMS:

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

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 21st day of September 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 \$439,414.74 (Copy of bill list attached).

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

COUNCIL COMMENTS:

Councilwoman Andre announced a Rescue Squad event.

Councilwoman Pacifico reported Library events.

Councilwoman Pater spoke about upcoming Restoration Committee and Senior events.

Councilman Dierkes announced Light the Night for Fallen Firefighters.

Councilman Messler reported Clean Communities and Recycling events.

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 Andre.

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 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 7:55 P.M.

The meeting was recalled to public session.

A motion was made by Councilman Messler and seconded by Councilman Matejek to recommend a salary of \$54,000 to Gina Tomas in her current position.

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

Upon a motion by Councilman Messler and a second by Councilwoman Andre, the meeting was unanimously adjourned at 8:22 P.M.